

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

January 2, 2003

CITY COUNCIL MEETING

CALL TO ORDER

6:00 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
Councilman Robert L. Eliason

STAFF PRESENT

City Manager Kurt Fritsch
Assistant City Manager Gregory Rose
Assistant City Manager Dan Tarwater
City Attorney Sean McGowan
City Clerk Eileen Sevigny
Finance Director Phil Stoeckinger
Administrative Services Director Eric Dabney
Planning Manager Steve Baxter

Community Development Director Jacque Risner
Deputy Fire Chief Jim Stubler
Acting Director Parks & Recreation Jim Stritchko
Human Resources Director Vince Zamora
Police Chief Mark Paresi
Assistant Director Public Works Ray Burke
Assistant to the City Manager Brenda Johnson
Assistant City Clerk Karen L. Storms

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Eileen M. Sevigny, CMC
City Clerk

INVOCATION

Pastor Dick Jorgensen
Canyon Ridge Christian Church

PLEDGE OF ALLEGIANCE

Councilwoman Stephanie Smith

AGENDA

1. APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF JANUARY 2, 2003.

ACTION: APPROVED AS AMENDED; ITEM NOS. 2 AND 3 CONTINUED TO FEBRUARY 5, 2003, ITEM NO. 51 CONTINUED TO JANUARY 15, 2003.

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

CONSENT AGENDA

8. APPROVAL OF THE SPECIAL JOINT MEETING OF NORTH LAS VEGAS CITY COUNCIL AND PARKS AND RECREATION ADVISORY BOARD MINUTES OF NOVEMBER 12, 2002.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

9. APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF NOVEMBER 20, 2002.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

10. APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 4, 2002.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

11. APPROVAL TO AMEND THE 2002-2003 STAFFING PATTERN AS FOLLOWS:

(All staffing pattern changes will be processed when administratively feasible)

PUBLIC WORKS

Land Development Services Division

Reclassify one (1) vacant Senior Project Construction Inspector TS 21 to one (1) Land Development Project Leader TS 21 and transfer from Construction Services Division to Land Development Services Division.

Reclassify one (1) vacant Construction Project Inspector TNS 20 to one (1) Engineering Technician III TNS 18 and transfer from Construction Services Division to Land Development Services Division.

Utilities Division

Reclassify five (5) Fiscal Specialist TNS 13 positions to five (5) Customer Service Specialist TNS 13 and transfer from Finance Department to Public Works, Utilities Division.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

12. CONTRACT WITH MIDWEST EMPLOYERS CASUALTY COMPANY FOR SPECIFIC EXCESS WORKERS' COMPENSATION INSURANCE (STOP LOSS INSURANCE) IN THE AMOUNT OF \$115,658 FOR THE PERIOD JANUARY 1, 2003 THROUGH DECEMBER 31, 2003. (CNLV CONTRACT NO. C-5271)

ACTION: APPROVED

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

13. APPROVAL TO AWARD BID B-1128 TO PURCHASE FIBER OPTIC CABLE IN THE AMOUNT OF \$52,990 TO MASTEC NORTH AMERICA INC. (CNLV CONTRACT NO. C-5272)

ACTION: APPROVED

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

14. APPROVAL TO ACCEPT A GRANT AWARD IN THE AMOUNT OF \$31,252 FROM THE NEVADA STATE JUVENILE JUSTICE COMMISSION FOR THE KOINS GRANT (KIDS ORGANIZED TO IMPROVE NEIGHBORHOOD STREETS) FOR THE POLICE DEPARTMENT'S CRIME PREVENTION DIVISION TO WORK WITH THE NORTH LAS VEGAS BOYS AND GIRLS CLUB AND THE NORTH LAS VEGAS POLICE DEPARTMENT'S EXPLORER POST #509.

ACTION: APPROVED

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

15. APPROVAL OF THE ADDITION OF THE SPECIAL NEEDS AND ALTERNATIVE PURCHASE PROGRAM (SNAPP) TO THE EXISTING FUNDING POOL USING HOME/LIHTF FUNDS FOR THE ADMINISTRATION OF DOWN PAYMENT ASSISTANCE TO NORTH LAS VEGAS LOW INCOME HOME BUYERS. (CNLV CONTRACT NO. C-5277)

ACTION: APPROVED

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

16. APPROVAL OF THE AMENDED LVACTS (LAS VEGAS AREA COMPUTER TRAFFIC SYSTEM) AGREEMENT TO INCLUDE THE CREATION OF THE FAST (FREEWAY AND ARTERIAL SYSTEM OF TRANSPORTATION) ORGANIZATION. (CNLV CONTRACT NO. C-1448)

ACTION: APPROVED

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

17. APPROVAL OF TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH SIMMONS PROPERTIES LLC FOR THEIR SHARE OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT ANN ROAD AND ALLEN LANE IN THE APPROXIMATE AMOUNT OF 5.1% OF THE TOTAL COST OR \$21,509, ANN ROAD AND SIMMONS STREET IN THE APPROXIMATE AMOUNT OF 1.8% OF THE TOTAL COST OR \$58,048, ANN ROAD AND CLAYTON STREET IN THE APPROXIMATE AMOUNT OF 5.7% OF THE TOTAL COST OR \$28,040, AND WASHBURN ROAD AND SIMMONS STREET IN THE APPROXIMATE AMOUNT OF 3.4% OF THE TOTAL COST OR \$16,726 FOR THE SIMMONS MARKETPLACE PROJECT LOCATED ON THE SOUTHWEST CORNER OF ANN ROAD AND SIMMONS STREET. (CNLV CONTRACT NO. C-5273)

ACTION: APPROVED

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

18. APPROVAL OF TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH ABF FREIGHT SYSTEM, INC. FOR THEIR SHARE OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT CRAIG ROAD AND LAMB BOULEVARD IN THE APPROXIMATE AMOUNT OF 1.0% OF THE TOTAL COST OR \$5,313 AND CRAIG ROAD AND LAMB BOULEVARD - WEST LEG, DUAL LEFT IN THE APPROXIMATE AMOUNT OF 3.0% OF THE TOTAL COST OR \$7,500 FOR THE ABF FREIGHT SYSTEM PROJECT LOCATED ON THE NORTHWEST CORNER OF CRAIG ROAD AND LAMB BOULEVARD. (CNLV CONTRACT NO. C-5274)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

19. APPROVAL OF CASH PAYMENT IN LIEU OF TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH REAL HOMES A DIVISION OF CENTEX HOMES FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT COMMERCE STREET AND REVERE STREET IN THE AMOUNT OF 1.0% OF THE TOTAL COST OR \$4,919, CENTENNIAL PARKWAY AND REVERE STREET IN THE AMOUNT OF 4.3% OF THE TOTAL COST OR \$22,870, CENTENNIAL PARKWAY AND COMMERCE STREET IN THE AMOUNT OF 1.8% OF THE TOTAL COST OR \$8,855 AND CENTENNIAL PARKWAY AND CAMINO ELDORADO IN THE AMOUNT OF 2.9% OF THE TOTAL COST OR \$12,230 FOR CENTURY ONE (CENTENNIAL/REVERE) RESIDENTIAL SUBDIVISION LOCATED ON THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND REVERE STREET.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

20. APPROVAL OF CASH PAYMENT IN LIEU OF TRAFFIC CONTROL

IMPROVEMENT COST PARTICIPATION AGREEMENT WITH REAL HOMES A DIVISION OF CENTEX HOMES FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT CENTENNIAL PARKWAY AND NORTH 5TH STREET IN THE AMOUNT OF 7.9% OF THE TOTAL COST OR \$42,017, CENTENNIAL PARKWAY AND COMMERCE STREET IN THE AMOUNT OF 1.3% OF THE TOTAL COST OR \$6,395 AND DEER SPRINGS WAY AND NORTH 5TH STREET IN THE AMOUNT OF 1.0% OF THE TOTAL COST OR \$6,197 FOR ROME 20 RESIDENTIAL SUBDIVISION LOCATED ON THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND GOLDFIELD STREET.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

21. **APPROVAL OF CASH PAYMENT IN LIEU OF TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH KB HOMES NEVADA INC. FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT TROPICAL PARKWAY AND PECOS ROAD IN THE AMOUNT OF 6.8% OF THE TOTAL COST OR \$30,973, CENTENNIAL PARKWAY AND LOSEE ROAD IN THE AMOUNT OF 5.5% OF THE TOTAL COST OR \$27,056 AND TROPICAL PARKWAY AND LOSEE ROAD IN THE AMOUNT OF 8.3% OF THE TOTAL COST OR \$47,624 FOR CENTENNIAL/PECOS (SHADOW SPRINGS) RESIDENTIAL SUBDIVISION LOCATED BETWEEN CENTENNIAL PARKWAY, PECOS ROAD, TROPICAL PARKWAY AND STATZ STREET.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

- 22. APPROVAL OF CASH PAYMENT IN LIEU OF TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH EMIL H. AND NETTIE MILLER LIVING TRUST FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT CRAIG ROAD AND BERG STREET IN THE AMOUNT OF 1.3% OF THE TOTAL COST OR \$2,570.43 AND CRAIG ROAD AND LOSEE ROAD IN THE AMOUNT OF 0.2% OF THE TOTAL COST OR \$200 FOR ASAP PAWN SHOP LOCATED ON THE NORTHEAST CORNER OF CRAIG ROAD AND BERG STREET.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

- 23. APPROVAL OF CASH PAYMENT IN LIEU OF TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH TEMPLE DEVELOPMENT CORPORATION FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT LONE MOUNTAIN ROAD AND SIMMONS STREET IN THE AMOUNT OF 2.0% OF THE TOTAL COST OR \$8,435 AND WASHBURN ROAD AND SIMMONS STREET IN THE AMOUNT OF 1.0% OF THE TOTAL COST OR \$4,919 FOR THE AUTUMN CHASE 3 RESIDENTIAL SUBDIVISION LOCATED ON THE SOUTHWEST CORNER OF LA MADRE WAY AND SIMMONS STREET.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

- 24. APPROVAL OF CASH PAYMENT IN LIEU OF TRAFFIC CONTROL**

IMPROVEMENT COST PARTICIPATION AGREEMENT WITH BHP INVESTORS, LLC FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT ANN ROAD AND CLAYTON STREET IN THE AMOUNT OF 1.0% OF THE TOTAL COST OR \$4,919, WASHBURN ROAD AND CLAYTON STREET IN THE AMOUNT OF 1.0% OF THE TOTAL COST OR \$4,218 AND ANN ROAD AND CAMINO AL NORTE IN THE AMOUNT OF 1.2% OF THE TOTAL COST OR \$3,542 FOR THE LAGUNA PARK II RESIDENTIAL SUBDIVISION LOCATED ON THE SOUTHEAST CORNER OF ANN ROAD AND ROARING SURF DRIVE.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

25. **APPROVAL OF CASH PAYMENT IN LIEU OF TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH REAL HOMES, A DIVISION OF CENTEX HOMES FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT ANN ROAD AND CAMINO ELDORADO IN THE AMOUNT OF 2.8% OF THE TOTAL COST OR \$7,000, ANN ROAD AND REVERE STREET IN THE AMOUNT OF 1.7% OF THE TOTAL COST OR \$8,363 AND ANN ROAD AND COMMERCE STREET IN THE AMOUNT OF 2.5% OF THE TOTAL COST OR \$12,298 FOR THE RANCHO MIRAGE, PHASE 4 (SANTA ROSA) RESIDENTIAL SUBDIVISION LOCATED ON THE NORTHEAST CORNER OF ANN ROAD AND REVERE STREET.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

26. **APPEAL, SUBMITTED BY DICK DIELMAN, MANAGER, LAND LUCKY, LLC, OF THE DECISION OF THE PLANNING COMMISSION TO DENY UN-31-01, AN APPLICATION SUBMITTED BY PBS & J ON BEHALF OF LAND LUCKY, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME TO A PREVIOUSLY APPROVED USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW THE OUTDOOR MANUFACTURE OF PRECAST CONCRETE STRUCTURES ON PROPERTY LOCATED AT 5390 DONOVAN WAY. (SET PUBLIC HEARING FOR JANUARY 15, 2003) (ASSOCIATED ITEM NO. 27, SPR-09-01)**

ACTION: PUBLIC HEARING SET FOR JANUARY 15, 2003

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

27. **APPEAL, SUBMITTED BY DICK DIELMAN, MANAGER, LAND LUCKY, LLC, OF THE DECISION OF THE PLANNING COMMISSION TO DENY SPR-09-01, AN APPLICATION SUBMITTED BY PBS & J ON BEHALF OF LAND LUCKY, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME TO A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW THE INSTALLATION OF A CHAIN-LINK FENCE IN PLACE OF A BLOCK WALL ON PROPERTY LOCATED AT 5390 DONOVAN WAY. (SET PUBLIC HEARING FOR JANUARY 15, 2003) (ASSOCIATED ITEM NO. 26, UN-31-01)**

ACTION: PUBLIC HEARING SET FOR JANUARY 15, 2003

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

28. **APPEAL, SUBMITTED BY BOB COMBS, PROPERTY OWNER OF 555 EAST EL**

CAMPO GRANDE, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE T-812 (RANCHO MIRAGE) WITH ONE CONDITION; AN APPLICATION SUBMITTED BY REAL HOMES ON BEHALF OF RANCHO MIRAGE, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A TENTATIVE MAP IN A PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 117 SINGLE-FAMILY DWELLINGS ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND COMMERCE STREET. (SET PUBLIC HEARING FOR JANUARY 15, 2003)

ACTION: PUBLIC HEARING SET FOR JANUARY 15, 2003

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

29. VAC-17-02 (COBBLESTONE MANOR WEST); AN APPLICATION SUBMITTED BY D. R. HORTON, INC., PROPERTY OWNER, FOR A VACATION OF A PORTION OF FISHER AVENUE COMMENCING AT DONNA STREET AND PROCEEDING EAST APPROXIMATELY 300 FEET. (SET PUBLIC HEARING FOR FEBRUARY 5, 2003)

ACTION: PUBLIC HEARING SET FOR FEBRUARY 5, 2003

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

30. VAC-35-02 (NORTH VALLEY COURT); AN APPLICATION SUBMITTED BY D. R. HORTON ON BEHALF OF NORTH VALLEY ENTERPRISES LLC, PROPERTY OWNER, FOR THE VACATION OF APPROXIMATELY 1,000 FEET OF 18" WATER EASEMENT COMMENCING APPROXIMATELY 1,350 FEET NORTHEAST OF ALLEN LANE AND SOUTH OF THE I-215 BELTWAY ALIGNMENT AND PROCEEDING SOUTHEASTERLY TO DEER SPRINGS WAY. (SET PUBLIC HEARING FOR FEBRUARY 5, 2003)

ACTION: PUBLIC HEARING SET FOR FEBRUARY 5, 2003

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

31. VAC-32-02 (JAMERSON PARK); AN APPLICATION SUBMITTED BY SHARON JAMERSON, PROPERTY OWNER, TO VACATE AN 18,200 SQUARE FOOT PORTION OF HYDE AVENUE BETWEEN TAMARIND STREET AND VISTA STREET. (SET PUBLIC HEARING FOR FEBRUARY 5, 2003)

ACTION: PUBLIC HEARING SET FOR FEBRUARY 5, 2003

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

32. VAC-34-02 (WASHBURN & BRUCE); AN APPLICATION SUBMITTED BY HELLER DEVELOPMENT ON BEHALF OF BRIARWOOD HOMES, LLC, PROPERTY OWNER, FOR THE VACATION OF A PORTION OF FISHER AVENUE COMMENCING APPROXIMATELY 328 FEET EAST OF DONNA STREET AND PROCEEDING EAST APPROXIMATELY 120 FEET. (SET PUBLIC HEARING FOR FEBRUARY 5, 2003)

ACTION: PUBLIC HEARING SET FOR FEBRUARY 5, 2003

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

BUSINESS

33. ACCEPTANCE OF THE AUDIT REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2002.

Finance Director Phil Stoeckinger introduced Richard Bowler who is a partner with the firm Piercy, Bowler, Taylor and Kern. Mr. Bowler pointed out to Council and Staff the two letter reports which began on page 177 of the Annual Financial Report. The first letter pertained to internal controls over the collection and recording of cash at the Detention Center. The second were discrepancies in recording and reconciling bank accounts; and findings and questioned costs for several Federal United States Justice Grants. He stated the document that followed the two letters was a Schedule of Findings and Questioned Costs which began on page 181. Mr. Bowler informed the Council that he felt he had satisfied the requirements to read the items into the record.

Director Stoeckinger added the findings were compliance issues relative to Internal Control. He stated he had put corrective actions in place.

ACTION: COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2002 ACCEPTED; AND RECOMMENDATIONS CONTAINED THEREIN TO BE IMPLEMENTED.

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

34. APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH LAS VEGAS AND THE STATE OF NEVADA DEPARTMENT OF HUMAN RESOURCES, HEALTH DIVISION, THE TERMS OF WHICH OBLIGATE THE CITY TO ACT AS THE STATE'S AGENT, AND COMMISSION A STUDY ON BEHALF OF THE STATE TO DETERMINE THE MARKET NEED AND FEASIBILITY OF THE OPERATION OF AN ACUTE CARE HOSPITAL FACILITY TO BE LOCATED IN NORTH LAS VEGAS. (CNLV CONTRACT NO. C-5275)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

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

35. **APPROVAL OF FUNDING AGREEMENT BETWEEN THE CITY OF NORTH LAS VEGAS AND THE MEADOWS HOSPITAL, LLC, TO CAPITALIZE A FUND TO BE HELD BY THE CITY FOR THE STATE OF NEVADA, DEPARTMENT OF HUMAN RESOURCES, HEALTH DIVISION TO PAY FOR A MARKET NEEDS AND FACILITY STUDY TO BE COMMISSIONED BY THE CITY OF NORTH LAS VEGAS AS AN AGENT FOR, AND ON BEHALF OF THE STATE OF NEVADA, DEPARTMENT OF HUMAN RESOURCES, HEALTH DIVISION. (CNLV CONTRACT NO. C-5276)**

ACTION: APPROVED

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

36. **RESOLUTION NO. 2252; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS DESIGNATING AN AREA FOR EVALUATION AS A REDEVELOPMENT AREA.**

Resolution No. 2252 as introduced by the City Manager:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NORTH LAS VEGAS DESIGNATING AN AREA FOR
EVALUATION AS A REDEVELOPMENT AREA.

City Manager Kurt Fritsch stated this item related to the presentation given by Community Development Director Risner to the Redevelopment Agency. Mayor Montandon asked how long the study would take. Director Risner stated the first draft was being worked on by the City Attorney and should be ready in a few weeks.

ACTION: PASSED & ADOPTED

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

ORDINANCES

INTRODUCTION ONLY

37. **ORDINANCE NO. 1730; AN ORDINANCE RELATING TO POLITICAL SIGNS; AMENDING 17.24.115 (B) OF THE NORTH LAS VEGAS MUNICIPAL CODE BEING ORDINANCE NO. 1203, TO REQUIRE A FEE OF TWENTY-FIVE DOLLARS (\$25.00) PER CANDIDATE, ISSUE OR BALLOT QUESTION FOR THE PLACEMENT OF CAMPAIGN SIGNS WITHIN THE NORTH LAS VEGAS CITY LIMITS, REGARDLESS OF THE NUMBER OF SIGNS PLACED; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 15, 2003)**

Ordinance No. 1730 as introduced by the City Manager:

AN ORDINANCE RELATING TO POLITICAL SIGNS; AMENDING 17.24.115 (B) OF THE NORTH LAS VEGAS MUNICIPAL CODE BEING ORDINANCE NO. 1203, TO REQUIRE A FEE OF TWENTY-FIVE DOLLARS (\$25.00) PER CANDIDATE, ISSUE OR BALLOT QUESTION FOR THE PLACEMENT OF CAMPAIGN SIGNS WITHIN THE NORTH LAS VEGAS CITY LIMITS, REGARDLESS OF THE NUMBER OF SIGNS PLACED; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 15, 2003

38. **ORDINANCE NO. 1731; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS,**

AMENDING ORDINANCE NO. 1182 BEING CHAPTER 2.44.020 OF THE NORTH LAS VEGAS MUNICIPAL CODE; CITY DOCUMENT INSPECTION AND REPRODUCTION FEE SCHEDULE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 15, 2003)

Ordinance No. 1731 as introduced by the City Manager:

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS, AMENDING ORDINANCE NO. 1182 BEING CHAPTER 2.44.020 OF THE NORTH LAS VEGAS MUNICIPAL CODE; CITY DOCUMENT INSPECTION AND REPRODUCTION FEE SCHEDULE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 15, 2003

39. **ORDINANCE NO. 1740; AN ORDINANCE TO AMEND TITLE 15, CHAPTER 15.40, OF THE NORTH LAS VEGAS MUNICIPAL CODE BY ADOPTING "CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT UNIFORM REGULATIONS FOR THE CONTROL OF DRAINAGE," DATED JANUARY 1, 2003; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 15, 2003)**

Ordinance No. 1740 as introduced by the City Manager:

AN ORDINANCE TO AMEND TITLE 15, CHAPTER 15.40, OF THE NORTH LAS VEGAS MUNICIPAL CODE BY ADOPTING "CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT UNIFORM REGULATIONS FOR THE CONTROL OF DRAINAGE," DATED JANUARY 1, 2003; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 15, 2003

40. **ORDINANCE NO. 1741; AN ORDINANCE TO CREATE TITLE 15, CHAPTER 15.42 FLOOD CONTROL MASTER PLAN OF THE NORTH LAS VEGAS MUNICIPAL CODE BY ADOPTING THE "LAS VEGAS VALLEY FLOOD CONTROL MASTER PLAN UPDATE," 2002 EDITION; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 15, 2003)**

Ordinance No. 1741 as introduced by the City Manager:

AN ORDINANCE TO CREATE TITLE 15, CHAPTER 15.42 FLOOD CONTROL MASTER PLAN OF THE NORTH LAS VEGAS MUNICIPAL CODE BY ADOPTING THE "LAS VEGAS VALLEY FLOOD CONTROL MASTER PLAN UPDATE," 2002 EDITION; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 15, 2003

41. **ORDINANCE NO. 1747; AN ORDINANCE RELATING TO BUSINESS LICENSING GENERALLY; REPEALING ORDINANCE NUMBERS 1250, 1350, AND 1365, BEING CHAPTER 2, TITLE 5 OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR CERTAIN DEFINITIONS; PROVIDING FOR THE ADMINISTRATION OF BUSINESS LICENSING BY THE DIRECTOR OF THE FINANCE DEPARTMENT; PROVIDING FOR THE PREPARATION OF LICENSES, LICENSING PROCEDURES, AND TYPES OF LICENSES; PROVIDING FOR SEMI-ANNUAL AND TEMPORARY LICENSES AND ACTION ON APPLICATIONS, INCLUDING GROUNDS FOR REFUSING LICENSES; PROVIDING FOR LICENSE FEE COMPUTATIONS INCLUDING GROSS MONTHLY INCOME AND SEMI-ANNUAL LICENSES, AS WELL AS OTHER PROVISIONS RELATING TO THE COLLECTION OF LICENSE FEES, LICENSE FEE NOTIFICATION, AND DELINQUENT PENALTIES; PROVIDING FOR BUSINESS OWNERSHIP TRANSFERS AND INSPECTION AND APPROVAL OF BUSINESS PREMISES, REVOCATION OF LICENSES, ENFORCEMENT OF THE BUSINESS LICENSE ORDINANCE AND PENALTIES FOR VIOLATION THEREOF; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 15, 2003)**

Ordinance No. 1747 as introduced by the City Manager:

AN ORDINANCE RELATING TO BUSINESS LICENSING GENERALLY; REPEALING ORDINANCE NUMBERS 1250, 1350, AND 1365, BEING CHAPTER 2, TITLE 5 OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR CERTAIN DEFINITIONS; PROVIDING FOR THE ADMINISTRATION OF BUSINESS LICENSING BY THE DIRECTOR OF THE FINANCE DEPARTMENT; PROVIDING FOR THE PREPARATION OF LICENSES, LICENSING PROCEDURES, AND TYPES OF LICENSES; PROVIDING FOR SEMI-ANNUAL AND TEMPORARY LICENSES AND ACTION ON APPLICATIONS, INCLUDING GROUNDS FOR REFUSING LICENSES; PROVIDING FOR LICENSE FEE COMPUTATIONS INCLUDING GROSS MONTHLY INCOME AND SEMI-ANNUAL LICENSES, AS WELL AS OTHER PROVISIONS RELATING TO THE COLLECTION OF LICENSE FEES, LICENSE FEE NOTIFICATION, AND DELINQUENT PENALTIES; PROVIDING FOR BUSINESS OWNERSHIP TRANSFERS AND INSPECTION AND APPROVAL OF BUSINESS PREMISES, REVOCATION OF LICENSES, ENFORCEMENT OF THE BUSINESS LICENSE ORDINANCE AND PENALTIES FOR VIOLATION THEREOF; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 15, 2003

42. ACCEPTANCE OF PETITION FOR ANNEXATION (ANNEXATION NO. 119) SUBMITTED BY R. N. SCOTT TO ANNEX APPROXIMATELY 20 NET ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF DONNA STREET SOUTH OF TROPICAL PARKWAY. (ASSOCIATED ITEM NO. 43; ORDINANCE NO. 1748)

ACTION: PETITION FOR ANNEXATION ACCEPTED

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

43. **ORDINANCE NO. 1748 (ANNEXATION NO. 119); 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 OR 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. (ASSOCIATED ITEM NO. 42) (SET FINAL ACTION FOR JANUARY 15, 2003)**

Ordinance No. 1748 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 OR 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 JANUARY 15, 2003

44. **ORDINANCE NO. 1749; AN ORDINANCE RELATING TO ZONING (ZOA-15-02); AMENDING SECTION 17.24.110, PARAGRAPH C AND SECTION 17.12.020 OF TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS TO ALLOW OFF-PREMISE SIGNS ADJACENT TO INTERSTATE-15 IN THE C-2 GENERAL COMMERCIAL DISTRICT, REMOVE THE AMORTIZATION PROVISIONS FROM VARIOUS SECTIONS OF THE TITLE, DEFINE "MATERIAL STRUCTURAL VALUE" AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR JANUARY 15, 2003)**

Ordinance No. 1749 as introduced by the City Manager:

AN ORDINANCE RELATING TO ZONING (ZOA-15-02); AMENDING SECTION 17.24.110, PARAGRAPH C AND SECTION 17.12.020 OF TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS TO ALLOW OFF-PREMISE SIGNS ADJACENT TO INTERSTATE-15 IN THE C-2 GENERAL COMMERCIAL DISTRICT, REMOVE THE AMORTIZATION PROVISIONS FROM VARIOUS SECTIONS OF THE TITLE, DEFINE "MATERIAL STRUCTURAL VALUE" AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 15, 2003

45. **ORDINANCE NO. 1750; 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 APPROXIMATELY 20.26 ACRES FROM RANCH ESTATES (R-E) TO SINGLE FAMILY RESIDENTIAL (R-1) GENERALLY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND LAWRENCE STREET (ZN-120-02, CENTEX HOMES) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 15, 2003)**

Ordinance No. 1750 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 APPROXIMATELY 20.26 ACRES FROM RANCH ESTATES (R-E) TO SINGLE FAMILY RESIDENTIAL (R-1) GENERALLY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND LAWRENCE STREET (ZN-120-02, CENTEX HOMES) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 15, 2003

46. **ORDINANCE NO. 1752; 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 APPROXIMATELY 46.07 ACRES THEREIN FROM RANCH ESTATES (R-E) TO SINGLE FAMILY RESIDENTIAL (R-1) ZONING GENERALLY LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND LAWRENCE STREET (ZN-123-02, DONNA & DEER SPRINGS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 15, 2003)**

Ordinance No. 1752 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 APPROXIMATELY 46.07 ACRES THEREIN FROM RANCH ESTATES (R-E) TO SINGLE FAMILY RESIDENTIAL (R-1) ZONING GENERALLY LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND LAWRENCE STREET (ZN-123-02, DONNA & DEER SPRINGS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 15, 2003

47. **ORDINANCE NO. 1754; 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 APPROXIMATELY 0.53± ACRES FROM A PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO A PLANNED UNIT DEVELOPMENT DISTRICT (ZN-58-02, LONE MOUNTAIN TAEKWONDO SCHOOL), FOR PROPERTY LOCATED AT 4324 DECATUR BOULEVARD; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 15, 2003)**

Ordinance No. 1754 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 APPROXIMATELY 0.53± ACRES FROM A PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO A PLANNED UNIT DEVELOPMENT DISTRICT (ZN-58-02, LONE MOUNTAIN TAEKWONDO SCHOOL), FOR PROPERTY LOCATED AT 4324 DECATUR BOULEVARD; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 15, 2003

ORDINANCES

FINAL ACTION

48. **ORDINANCE NO. 1742; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 1387 WHICH RECLASSIFIED CHEYENNE PROMENADE (ZN-08-97) TO A PUD PLANNED UNIT DEVELOPMENT, BY ADDING CONDITION NUMBERS ONE (1) THROUGH THREE (3); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (CONTINUED DECEMBER 18, 2002)**

Ordinance No. 1742 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 1387 WHICH RECLASSIFIED CHEYENNE PROMENADE (ZN-08-97) TO A PUD PLANNED UNIT DEVELOPMENT, BY ADDING CONDITION NUMBERS ONE (1) THROUGH THREE (3); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Planning Manager Steve Baxter stated the item had been continued so Staff and the applicant could work out some minor language differences in the conditions of approval:

1. That the sidewalk sections south of the office buildings (adjacent to Cheyenne Avenue) be separated from the back of curb by a minimum of five feet of landscaping.

2. That the applicant file FAA Form 7460-1 with the FAA Western Pacific Region and obtain a permit from the Clark County Department of Aviation prior to construction.
3. That the eastern portion of the 9.09± acre site (APN 139-08-401-003), consisting of approximately 6 acres, be developed with single-story buildings with the uses of such building restricted to the uses permitted in C-2 zones and that the total square footage of such buildings may not be increased above 64,000 square feet unless all applicable requirements for parking are satisfied. It is understood that the overall 9.09± acre site, when fully developed, has been designed for approximately 98,830 square feet of building space.

Mr. Baxter stated there were two portions in the development, a retail portion of approximately three acres and an office portion of approximately six acres. The change in the conditions would clarify the division. Staff recommended approval.

Mayor Montandon asked Mr. Baxter about the reference to the 64,000 square feet being particular to a portion of the property. Mr. Baxter stated yes and added the 64,000 square feet applied to the office portion and the other three acres would be retail.

Bill Curran, 300 South Fourth Street, Suite 1201, Las Vegas, stated an application had already been filed with the Department of Aviation and he was satisfied with condition two.

ACTION: PASSED & ADOPTED AS AMENDED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

49. **ORDINANCE NO. 1744; 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 A MASTER PLANNED COMMUNITY (MPC) DISTRICT TO A MASTER PLANNED COMMUNITY/SINGLE FAMILY RESIDENTIAL (R-1 MPC)DISTRICT FOR APPROXIMATELY 25.17± ACRES GENERALLY LOCATED NORTH OF ELKHORN ROAD AND EAST OF SIMMONS STREET, (ZN-119-02, ALIANTE UNIT 7A) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1744 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 A MASTER PLANNED COMMUNITY (MPC) DISTRICT TO A MASTER PLANNED COMMUNITY/SINGLE FAMILY RESIDENTIAL (R-1 MPC)DISTRICT FOR APPROXIMATELY 25.17± ACRES GENERALLY LOCATED NORTH OF ELKHORN ROAD AND EAST OF SIMMONS STREET, (ZN-119-02, ALIANTE UNIT 7A) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED & ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

50. ORDINANCE NO. 1745; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-13-02); AMENDING SECTION 17.12.020, TO ADD A DEFINITION OF PROJECTS OF REGIONAL SIGNIFICANCE AND ADDING SECTION 17.24.185 TO ADDRESS PROJECTS OF REGIONAL SIGNIFICANCE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Ordinance No. 1745 as introduced by the City Manager:

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-13-02); AMENDING SECTION 17.12.020, TO ADD A DEFINITION OF PROJECTS OF REGIONAL SIGNIFICANCE AND ADDING SECTION 17.24.185 TO ADDRESS PROJECTS OF REGIONAL SIGNIFICANCE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: PASSED & ADOPTED

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

51. ORDINANCE NO. 1746; AN ORDINANCE RELATING TO CITY MEETING PROCEDURES, AMENDING VARIOUS SECTIONS OF CHAPTER 2.04 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS TO CHANGE THE START TIME FROM 6 PM TO 7 PM, TO MANDATE TWO PUBLIC FORUM SESSIONS, ONE AT THE BEGINNING OF A MEETING, AND A SECOND AT THE END, AND TO ALLOW ANY PERSON TO PLACE SPECIFIC AGENDA ITEMS ON A CITY COUNCIL MEETING, AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

Ordinance No. 1746 as introduced by the City Manager:

AN ORDINANCE RELATING TO CITY MEETING PROCEDURES, AMENDING VARIOUS SECTIONS OF CHAPTER 2.04 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS TO CHANGE THE START TIME FROM 6 PM TO 7 PM, TO MANDATE TWO PUBLIC FORUM SESSIONS, ONE AT THE BEGINNING OF A MEETING, AND A SECOND AT THE END, AND TO ALLOW ANY PERSON TO PLACE SPECIFIC AGENDA ITEMS ON A CITY COUNCIL MEETING, AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

ACTION: CONTINUED TO JANUARY 15, 2003

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

Mayor Montandon recessed the meeting at 6:17 P.M. and reconvened the meeting at 6:30 P.M.

PUBLIC HEARINGS - 6:30 P.M.

2. **APPEAL, SUBMITTED BY JENNIFER LAZOVICH OF KUMMER, KAEMPFER, BONNER, & RENSHAW, OF THE DECISION OF THE PLANNING COMMISSION TO DENY AMP-53-02; AN APPLICATION SUBMITTED BY KEVIN THISTLE ON BEHALF OF EMIL AND MARIA FIORANTE, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF M-HDR MEDIUM - HIGH DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GOLDFIELD STREET AND CENTENNIAL PARKWAY. (CONTINUED NOVEMBER 6, 2002) (ASSOCIATED ITEM NO. 3, ZN-103-02)**

ACTION: CONTINUED TO FEBRUARY 5, 2003

MOTION: Mayor Montandon

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

3. **APPEAL, SUBMITTED BY JENNIFER LAZOVICH OF KUMMER, KAEMPFER, BONNER, & RENSHAW, OF THE DECISION OF THE PLANNING COMMISSION TO DENY ZN-103-02; AN APPLICATION SUBMITTED BY KEVIN THISTLE ON BEHALF OF EMIL AND MARIA FIORANTE, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GOLDFIELD STREET AND CENTENNIAL PARKWAY. (CONTINUED NOVEMBER 6, 2002) (ASSOCIATED ITEM NO. 2, AMP-53-02)**

ACTION: CONTINUED TO FEBRUARY 5, 2003

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

4. **APPEAL, SUBMITTED BY LINDA SEALE, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE UN-69-02 NOW! CAR SPA; AN APPLICATION SUBMITTED BY PHILIP AND PAM KONECNY ON BEHALF OF TEMPLE PROPERTIES, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A SELF-SERVICE/DRIVE-THROUGH AUTOMOBILE WASHING ESTABLISHMENT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND DECATUR BOULEVARD. (CONTINUED DECEMBER 18, 2002)**

Planning Manager Baxter stated the Planning Commission approved the application subject to 11 conditions. The Planning Commission felt the conditions would lessen the impact on the surrounding neighborhood. The conditions included hours of operation, extra landscaping, and the last bay of the car wash would be converted into a storage facility.

Mayor Montandon opened the Public Hearing.

Linda Seale, 4709 Palomino Estates, North Las Vegas, stated she was against the car wash in her neighborhood. She felt it would cause her quiet neighborhood to become dangerous for children. She expressed concern that individuals would jump her backyard fence since her fence borders the car wash site and felt the value of her property would decrease.

Mayor Montandon asked Ms. Seale what she would consider an appropriate use for the area. Ms. Seale answered an office building. She added the car wash sign would be close to her backyard.

Mayor Pro Tempore Robinson asked for the exact location of her house and if there was a pontoon boat in her yard. Ms. Seale gave the location of her home and stated yes it was the house with the pontoon boat in the yard.

Jean Heatherly, 4632 Charger Avenue, North Las Vegas, submitted a petition by approximately 54 home owners. She discussed the details required by a Special Use Permit. She felt the car wash did not meet any of those requirements. She felt the car wash would be an undesirable neighbor and asked the Council to deny the car wash.

The Reverend Dr. Mike Rodrigues, 4701 Tennessee Walker Avenue, North Las Vegas, stated he felt the car wash would negatively impact the quality of life in the area by the noise, safety of the school age children, increase in traffic and the car wash would attract vandals and fall into a state of disrepair. He asked the Council if they approved the car wash, the hours of operation be limited.

Brenda K. Hardesty, 4724 Charger Avenue, North Las Vegas, asked the Council to deny the proposed car wash. She stated there were nine car washes within a two mile radius of

the residential area. She felt the area did not need anymore car washes. She was concerned with the odor of recycled water. She stated the homeowners would accept a boutique, a coffee shop or some other small retail shop rather than a car wash.

Robert Gronauer, 3800 Howard Hughes Parkway, Las Vegas, introduced Mike Bradshaw, a zoning consultant who worked on the application. Mr. Gronauer stated the proposed car wash was located at the southeast corner of Lone Mountain Road and Decatur Boulevard. The vacant property was approximately one acre. He stated the property was important because it was infill property and added Council had approved a zone change amendment to the Master Plan on the property with knowledge a car wash would be proposed. Mr. Bradshaw had consulted with the neighbors but could not reach an agreement. Mr. Gronauer stated the proposed car wash would be next door to a 24 hour convenience store which operated on the corner.

Mr. Gronauer stated the Planning Commission's recommended conditions included 24 hour surveillance, an eight foot block wall and the tree size density would be increased from a 36 inch box Mesquite tree to a 48 inch box Mesquite tree along the east and south property line. The landscape would be increased five additional feet at the area closest to the nearest neighbor. The increase would create 25 feet of landscaping. The automatic car wash from the original plan would be converted to a storage area, and the vacuums would be moved to the farthest northern portion of the property away from the residences. The automatic car wash would be 75 feet from the 25 feet of landscaping. The car wash would not be open 24 hours. The hours of operation would be 7:00 A.M. to 10 P.M. The applicant also agreed to come before the Council in a year for a review on the Special Use Permit. Mr. Gronauer asked the Council to follow the Planning Commission's recommendation for approval.

Mayor Pro Tempore Robinson asked what the applicant planned to do about the noise from car stereos. Mr. Gronauer stated the self-serve bays would be moved north near the vacuums to cut down on the noise. He stated the noise would be minimal and Mr. Bradshaw had conducted noise experiments. Mayor Pro Tempore Robinson asked if there would be an on-site person there at all times. Mr. Bradshaw stated yes, an attendant would be on duty. Mr. Gronauer stated the attendant would also monitor the noise level.

Councilman Buck asked about the noise level from the automated machines. Mr. Bradshaw stated the vacuums would produce the same amount of noise as a whisper based on its location from the nearest resident. The on board dryers on the east end of the enclosure would be within accepted noise level. He added the dryers would not be running 24 hours. The dryers would only be running during operating hours and then only 1/3 of the time. Councilman Buck asked how many customers were expected to use the automatic washer and self serve bays daily. Mr. Bradshaw answered it would depend on the time of year. He added during the colder months there would be less people using the wand to wash their vehicles and more customers using the automatic car wash. Councilman Buck also questioned how much water used at the site would be recycled. Mr. Bradshaw replied the water would run through a filter system that would separate sand and oil. Councilman Buck

asked if the machines could be used in the middle of the night. He responded the system would be shut off by a timer. The applicant was also willing to run a chain across the driveway to prevent cars from entering after closing time. Councilman Buck asked Mr. Baxter about the eight foot wall; could it go any higher. Mr. Baxter stated the higher the wall the more protection it would provide. She asked if the City had ever required a wall higher than eight feet. Mr. Baxter stated not that he was aware of but there were some ten foot walls in various industrial areas. She asked about wrought iron being placed on top of the wall. Mr. Baxter answered that would be effective if the iron projected toward the street.

Councilwoman Smith asked what was the current height of the convenience store wall. Mr. Baxter answered six feet. Councilwoman Smith asked about the lighting of the site and how it would affect the homes to the south. Mr. Gronauer stated the agreement with the Planning Commission had been to have low level flash down. He stated if Council decided to add that as a condition subject to staff approval he would accept the condition.

City Attorney McGowan stated the use permit, if granted could be limited to a term of one year. The applicant would ask for a new Special Use Permit when the previous permit expired. Mayor Montandon asked City Attorney McGowan if the condition stated "Review" would the City hold a Show Cause Hearing if the applicant was not meeting the conditions. City Attorney McGowan replied the City would be required to send a formal notice indicating the use permit was at risk. The City would have the burden of proof to show the applicant had not complied with the conditions.

Mayor Montandon stated the Council would not be asking the applicant to raise the wall, install additional landscaping and provide 24 hour security if a boutique type business or a coffee shop wanted to locate on the property. The residents could receive far less extras if the proposed car wash was not accepted. Ms. Hardesty asked if Mr. Bradshaw's map could be placed on the podium as she expressed concern over persons entering the property when it was not in use. Mayor Montandon stated the site would have 24 hour security and the property would be blocked with a chain when the car wash was closed. Ms. Hardesty stated the car wash still would be very close to other homes besides Ms. Seale's home. She asked how many car washes would be on the property. Mayor Montandon answered two automatic car washes and six self service bays. She expressed her displeasure with the project and thought the site could be used for a different kind of business.

Councilwoman Smith stated all concerns had been addressed and she supported the project. She felt the argument would have been stronger had there not already been a convenience store on the corner and commercial properties located nearby. She stated the car wash would be a good neighbor and the Special Use Permit would be reviewed in a year. Mayor Pro Tempore Robinson stated the area had been designated as C-2 long ago.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION UPHeld; UN-69-02 APPROVED WITH THE ADDED CONDITION THAT THE LIGHTING PLAN BE SUBJECT TO STAFF APPROVAL.

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

5. **APPEAL, SUBMITTED BY ROBERT J. GRONAUER ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE T-960 (CENTENNIAL & STATZ); AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF VALERIE BROWN, JULIE BENARIO, PAUL BENARIO, STEVEN BENARIO, STACY SEFMAN LELAH, DANA SEFMAN, AND THE PREMIER TRUST OF NEVADA, SUCCESSOR TRUSTEE FOR THE JOY SEFMAN TRUST, PROPERTY OWNERS, FOR A TENTATIVE MAP REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 49 SINGLE-FAMILY DWELLINGS ON 10.16± ACRES.**

Planning Manager Baxter stated the amended condition should state the minimum lot size should be 4,500 square feet. The phrase; "45 foot width requirement" would be dropped. The Staff recommended approval.

Mayor Montandon opened the Public Hearing.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED AS AMENDED; CONDITION NO. 5 TO READ: "THE MINIMUM LOT SIZE SHALL BE 4,500 SQUARE FEET."

1. Standard Condition No. 5 - That approval of this application does not imply a commitment by the City for utility service to the subject property. A utility commitment will only be issued upon compliance with the requirements and conditions set forth in the Utility Service Commitment Policy Guidelines available from the Department of Public Works.

2. Standard Condition No. 7 - That the driveway location and parking plan shall be

subject to review and approval by the North Las Vegas Traffic Engineer.

3. Standard Condition No. 9 - That the final development plan for the site shall be subject to Planning Commission review and approval.
4. Standard Condition No. 15 - That development shall comply with all applicable requirements of Title 16 and N.R.S. 278.
5. Standard Condition No. 26 - That street construction must conform to current engineering standards and City ordinances.
6. Standard Condition No. 27 - That technical design comments will be made at the time development plans are submitted.
7. Standard Condition No. 32 - The owner/developer is responsible for extending public utilities to the site.
8. Development of the subject site shall not exceed 49 detached single-family dwelling units or a density of 4.82 dwelling units per acres.
9. This tentative map (T-960) shall become null and void if City Council approval is not granted for AMP-64-02 and ZN-116-02.
10. The development shall comply with all conditions of approval for ZN-116-02.
11. The minimum lot size shall be 4,500 square feet.
12. Approval of a traffic study is required prior to submittal of the civil improvement plans.
13. Approval of a drainage study is required prior to submittal of the civil improvement plans.
14. New street names must be submitted to the City of Las Vegas Central Fire Alarm Office and the U.S. Postal Service for review and approval prior to submittal of the conformed tentative map.
15. A water network analysis must be submitted with the civil improvement plans.
16. All known geologic hazards shall be shown on the Tentative Map and the Civil Improvement plans. Subsequent identification of additional hazards may substantially alter the original Tentative Map layout.
17. Conformance with North Las Vegas Municipal Code 16.12.030 requires the following corrections;

1. The names and approximate grades of all streets within the proposed subdivision need to be shown.
 2. The direction of flow of proposed sanitary sewers need to be shown.
 3. A statement regarding protective covenants and deed restrictions which the sub-divider intends to enforce.
18. The following right-of-way dedications are required:
1. 54 feet (54') radius at Centennial Parkway and Statz Street.
 2. Bus turnout on Centennial Parkway near Statz Street.
19. The installation of sprinklers for fire suppression in each residential unit, unless the applicant provides a suitable alternative acceptable to the City prior to recording the final map.
20. A minimum of two fire access gates shall be provided for emergency entrance into the subdivision. Maintenance of the fire access gates shall be the responsibility of the Homeowner's Association.
21. A minimum of two (2) remote means of paved access shall be provided to this site from existing streets.
22. Fire access lanes shall be designed and installed in accordance with the Fire Code.
23. The development shall comply with the single Family Design Standards, including, but not limited to:
1. Ten (10) feet of landscaping, which may include the sidewalk shall be provided adjacent to the corner side of all corner lots within the development.
 2. The sidewalk along Centennial Parkway shall be curvilinear and separated from the back of the street curb by a minimum of five feet, except in bus turn out areas.
24. That plastic, vinyl and similar materials not be permitted as part, or in whole, for the construction of any walls of fences within this development.
25. A final development plan shall be required for Planning Commission review and approval. The final development plan shall provide details of the park areas showing

landscaping and amenities. Prior to submittal of the final development plan, the applicant must schedule a meeting with the Parks and Recreation Director or designee to determine what amenities will be required of the private park areas.

26. The following amenities are to be included as a minimum;
- Circuitous lighted paths;
 - A minimum of 20 trees per acre;
 - At least two (2) differing age appropriate play structures for children with “rubber resilient tot turf” fall protection and accompanying shade ramada;
 - At least one large open space area for group/organized play;
One large group shade area/gazebo (30' diameter); and
27. That a minimum one bench be provided every 150 feet adjacent to the meandering sidewalk adjacent to Centennial Parkway.
28. Five copies of a conforming tentative map incorporating the conditions of approval shall be submitted for review to the Public Works Department and the Planning Division prior to submittal of the final map.

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

6. VAC-28-02 (DEAN FOODS); AN APPLICATION SUBMITTED BY E. A. BONELLI & ASSOCIATES ON BEHALF OF LAWRENCE G. FISHER, ET AL, PROPERTY OWNER, TO VACATE A PORTION OF MT. HOOD STREET COMMENCING AT CENTENNIAL PARKWAY AND PROCEEDING NORTH APPROXIMATELY 737 FEET AND TO VACATE A PORTION OF SHATZ STREET COMMENCING AT ROME BOULEVARD AND PROCEEDING SOUTH APPROXIMATELY 545 FEET.

Planning Manager Baxter stated the application had been revised to only include Mt. Hood Street. The Staff and the Planning Commission recommend approval.

Mayor Montandon opened the Public Hearing.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED AS AMENDED TO VACATE A PORTION OF MT. HOOD STREET COMMENCING AT CENTENNIAL PARKWAY AND PROCEEDING NORTH APPROXIMATELY 737 FEET.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

7. **APPEAL, SUBMITTED BY RICHARD JACOBS, OF THE DECISION OF THE PLANNING COMMISSION TO DENY UN-92-02 C & L PLAZA; AN APPLICATION SUBMITTED BY AUTO TITLE LOAN STORE & CASH ADVANCE NOW, ON BEHALF OF CONNORS FAMILY 1984 TRUST, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION (AUTO TITLE LOAN STORE) ON PROPERTY LOCATED AT 2040 EAST CRAIG ROAD.**

Planning Manager Baxter stated the proposed site was located at Lawrence Street and Craig Road across the street from The Cannery Casino. Mr. Baxter stated there was a restaurant and another loan store in the area. The Staff recommended approval and the Planning Commission recommended denial.

Mayor Montandon opened the Public Hearing.

Richard Moreno, 300 South Fourth Street 15th Floor, Las Vegas NV 89101, felt previous requests for a similar type of business had been denied due to lack of understanding of the business. He brought Mr. Jacobs and Mr. Virgiles to explain the title loan business in greater detail. Mr. Moreno stated the title loan business was highly regulated.

Mayor Montandon asked Mr. Jacobs if he would compare and contrast between the title loan business and the other financial business in the area.

Richard Jacobs, 1590 East Sahara Avenue, Las Vegas, stated he was the president and owner of the company, The Auto Title Loan Store, and owned another company called Cash Advance Now. He explained The Auto Title Loan Store was licensed by the State of Nevada which allowed them to act as a financial institution with the ability to provide installment lending. The Cash Advance Now Store operated under a different license which allowed deferred deposit lending and check cashing. Mr. Jacobs did not provide check cashing at any of The Cash Advance Now locations and would provide deferred deposit lending only.

He stated Budget Loans which was next to the property he intended to lease, provided installment loans or signature loans. They checked credit and provided loans from \$50 up to \$500 as opposed to a deferred deposit loan where the borrower's check was held until their next payday and the loan was paid or renewed. Mr. Jacobs informed the Council a change in the law had occurred pertaining to this procedure. He explained the financial institution could renew a deferred deposit loan only for ten weeks. The customer must pay the loan off within that time. The law also stated a customer could not borrow more than 1/3 of their gross monthly income which included Mr. Jacobs' company and all other deferred deposit lenders. He stated approximately 90% of the 200 licensees in Clark County subscribed to an organization called Tella-Trek. It was considered a type of credit reporting agency where all loans were reported. A Tella-Trek query would be prepared before Mr. Jacobs loaned money. Any previous loans would be verified by telephone. Mr. Jacobs' companies verified length of employment and residency. They both must be a minimum of three months. He also requested a 30 day bank statement. They reviewed the statements for excessive amounts of overdrafts and the amount of carried balance. The title loans would work the same way. The customer would provide the title of the vehicle, current registration, proof of insurance, income and residence. The title loan store would not loan to any person who did not have proof of liability insurance in the State of Nevada. He advised the Council he once had a business license in North Las Vegas at 1701 North Main Street.

Councilwoman Smith asked about interest rates. Mr. Jacobs replied on title loans, \$22 per \$100 for 30 days and added for every \$100 that he lent, he lost \$25. Councilwoman Smith asked about the annual percentage rate. He answered 264% APR. He stated the interest rate was high because of the risk involved.

Councilman Eliason asked if the existing store belonged to him; Mr. Jacobs replied no. Budget Loans was part of a chain. He added his title loan store was the fifth to open in Clark County and now there were over 150 stores. His payday store was ninetieth to open in Clark County and now there were over 200 stores. Mr. Jacobs stated the owner of Budget Loan had requested Mr. Jacobs' title loan store move in next door because they referred customers back and forth.

Councilman Buck asked City Attorney McGowan if the City could legally deny the application since the applicant met all legal requirements. City Attorney McGowan stated he had heard no reason to indicate the business did not meet legal requirements. Councilman Buck asked if there had been any Ordinances indicating the distance between the types of businesses. City Attorney McGowan answered no, not at that time.

Mayor Montandon stated Staff had been directed to come back with information with regards to the legality of these businesses, such as distance between establishments, and a definition of a financial institution.

Mr. Jacobs stated he had opened the business at the Main Street location because it was located north of a pawn shop and a different title store. He felt it would be a well trafficked area. The store had been opened with a required one year review. It was open for

approximately one year and a half and closed because it was not profitable.

John Virgiles, represented the former Nevada Independent Check Cashing Association now known as Nevada Financial Services Association. Mr. Virgiles stated the industry had been reviewed by the Legislature for approximately the last four sessions and continued by adding the questions Council asked were the same questions the Legislature asked. He stated the interest rate was related to the amount of loss and nonpayment of loans. The loan stores sought payments for those debts through the Justice Courts. He stated the customers who utilized the loan stores were middle income persons and not street people, or social security recipients. He felt the loan stores provided a need to the public at large who would not be able to borrow money from a bank.

Bob Borgersen, 4751 Possum Berry Lane, North Las Vegas, stated he felt the business would have a negative impact on the surrounding neighborhood.

Councilman Buck asked about the four conditions for the Special Use Permit to. City Attorney McGowan replied it was up to Council's discretion. Mr. Moreno stated The Title Loan Store gave options to the average working man who could be forced to bounce a check if he did not have an opportunity to seek a loan from a financial institution other than a bank. Mr. Moreno stated Mr. Jacobs' web site for The Auto Title Loan stores offered financial advice to would be borrowers and invited customers to use the business as a reference after a loan was repaid. Mr. Moreno stated Mr. Jacobs' intent was to provide a useful service to the community and Mr. Jacobs was willing to accept the year end review.

Councilwoman Smith stated there was already a loan store in the applicant's desired location and a casino across the street. She felt the close proximity would not enhance the community. Mr. Jacobs stated he owned other loan stores located near casinos and did not feel it would be detrimental. He stated the customer's bank statements would also be examined for ATM withdrawals. If a prospective customer had multiple withdrawals, especially casino withdrawals they would not loan the customer money. He stated the average size loan was under \$300 and the customer would not be encouraged to borrow more than they could afford to pay back. He stated customers who asked for large loans would be turned down.

Councilman Buck asked Mr. Baxter if there was a loan store at Craig Road and Martin Luther King Boulevard, and one at Craig Road and San Mateo Street. Mr. Baxter replied yes. Councilman Buck asked how many loan businesses were located between Decatur Boulevard and Losee Road on Craig Road. Mr. Baxter replied he thought approximately three. She stated the title loan store did not meet the first condition for a Special Use Permit because it would not be desirable or needed in the proposed area.

Mr. Jacobs replied the competition dictated the market and the customer would use the loan

store they felt gave them the best treatment, charged the least amount, and allowed the customer to obtain the desired loan. Mr. Jacobs welcomed the competition. City Attorney McGowan suggested to Council a two week continuance on the issue so the application could be studied further.

Mr. Jacobs stated the demand would make the proposed site profitable and wanted access to his share of the market. Councilwoman Smith stated the use already existed and the need was met. Mr. Jacobs stated he would not only accept a one year review, but would reapply for a new Special Use Permit after the first year expired.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION UPHELD; UN-92-02 DENIED.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: Mayor Montandon

ABSTAIN: None

COUNCIL ITEMS

Councilman Eliason asked for a review of payday check cashing facilities and distance requirements. Mayor Montandon requested very exact definitions of financial institutions.

CITY MANAGER'S REPORT

No report given.

PUBLIC FORUM

Mike Thomas spoke of the City's appeal of Joe Austin's arbitration settlement.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 8:00 P.M.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

APPROVED: February 5, 2003

Mayor Michael L. Montandon

Attest:

Eileen M. Sevigny, CMC, City Clerk