

CITY OF NORTH LAS VEGAS REGULAR CITY COUNCIL MEETING MINUTES

September 17, 2003

Website - <http://www.cityofnorthlasvegas.com>

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

Acting City Manager Gregory Rose	Community Development Director Jacque Risner
Assistant City Manager Dan Tarwater	Public Works Director Jim Bell
City Attorney Sean McGowan	Fire Chief Jim Stubler
City Clerk Eileen M. Sevigny	Detention Center Chief Ken Ellingson
Human Resources Director Vince Zamora	Police Chief Mark Paresi
Acting Development Services Director Steve Baxter	Assistant to the City Manager Brenda Johnson
Strategic Planning Director Eric Dabney	Management Analyst Kimberly McDonald
Parks & Recreation Director Michael Henley	Assistant City Clerk Karen L. Storms

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Eileen M. Sevigny, CMC
City Clerk

INVOCATION

Jacqueline Fleekop
Congregation Ner Tamid

PLEDGE OF ALLEGIANCE

Councilman Shari Buck

PROCLAMATION

- ★ Proclaiming the week of September 15 - 21, 2003 as National Pollution Prevention Week.

ACTION: SEPTEMBER 15 - 21, 2003 PROCLAIMED NATIONAL POLLUTION PREVENTION WEEK

AGENDA

1. **APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF SEPTEMBER 17, 2003.**

ACTION: APPROVED AS AMENDED; ITEM NOS. 12 & 13 CONTINUED TO OCTOBER 15, 2003; ITEM NO. 20 PUBLIC HEARING SET FOR OCTOBER 15, 2003; ITEM NO. 24 WITHDRAWN; ITEM NO. 39, CHANGE PUBLIC HEARING DATE TO OCTOBER 15, 2003.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

15. **APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF AUGUST 20, 2003.**

ACTION: APPROVED

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

16. APPROVAL OF TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH PRATTE DEVELOPMENT COMPANY FOR THEIR SHARE OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNS AT CRAIG ROAD AND BERG STREET IN THE APPROXIMATE AMOUNT OF 1.0% OF THE TOTAL COST OR \$4,919, CRAIG ROAD AND LOSEE ROAD IN THE APPROXIMATE AMOUNT OF 1.6% OF THE TOTAL COST OR \$4,000, CRAIG ROAD AND I-15 NORTHBOUND RAMP IN THE APPROXIMATE AMOUNT OF 1.0% OF THE TOTAL COST OR \$2,504, AND LONE MOUNTAIN ROAD AND LOSEE ROAD IN THE APPROXIMATE AMOUNT OF 2.5% OF THE TOTAL COST OR \$14,345 FOR THE LONE MOUNTAIN/STATZ INDUSTRIAL PARK LOCATED ON THE NORTHWEST CORNER OF LONE MOUNTAIN ROAD AND STATZ STREET. (CNLV Contract No. C-5490)

ACTION: APPROVED

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

17. APPROVAL OF TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH MADISON SQUARE, LLC FOR THEIR SHARE OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNS AT ANN ROAD AND DECATUR BOULEVARD IN THE APPROXIMATE AMOUNT OF 1.8% OF THE TOTAL COST OR \$2,907, ANN ROAD AND ALLEN LANE IN THE APPROXIMATE AMOUNT OF 2.4% OF THE TOTAL COST OR \$10,122, ANN ROAD AND SIMMONS STREET IN THE APPROXIMATE AMOUNT OF 2.3% OF THE TOTAL COST OR \$11,314, AND ANN ROAD AND CLAYTON STREET IN THE APPROXIMATE AMOUNT OF 2.3% OF THE TOTAL COST OR \$11,314 FOR THE ANN/FERRELL COMMERCIAL CENTER LOCATED ON THE NORTHEAST CORNER OF ANN ROAD AND FERRELL STREET. (CNLV Contract No. C-5491)

ACTION: APPROVED

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

18. **AMP-32-03 (LONE MOUNTAIN AND LOSEE); AN APPLICATION, SUBMITTED BY CENTEX HOMES ON BEHALF OF UNLIMITED HOLDINGS, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO DELETE A PORTION OF LA MADRE WAY COMMENCING AT LAWRENCE STREET AND PROCEEDING EAST TO LOSEE ROAD. (SET PUBLIC HEARING FOR OCTOBER 1, 2003) (ASSOCIATED ITEM NO. 38, ORDINANCE NO. 1859, ZN-54-03)**

ACTION: PUBLIC HEARING SET FOR OCTOBER 1, 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

19. **AMP-39-03 (CHEYENNE VALLEY); AN APPLICATION, SUBMITTED BY INNOVATIVE RESORT COMMUNITIES ON BEHALF OF LOLLITO, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF BUSINESS, RESEARCH/DEVELOPMENT PARK TO MHDR MEDIUM HIGH DENSITY RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ALLEN LANE AND COLTON AVENUE. (SET PUBLIC HEARING FOR OCTOBER 1, 2003)**

ACTION: PUBLIC HEARING SET FOR OCTOBER 1, 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

20. **AMP-42-03 (ROSE LAKE); AN APPLICATION, SUBMITTED BY CENTEX HOMES ON BEHALF OF LAS VEGAS CONCRETE AND CHUCK BRYNER, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF OPEN SPACE TO LDR, LOW DENSITY RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND PECOS ROAD. (SET PUBLIC HEARING FOR OCTOBER 1, 2003) (ASSOCIATED ITEM NO. 39, ORDINANCE NO. 1860, ZN-55-03)**

ACTION: PUBLIC HEARING SET FOR OCTOBER 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

21. **APPEAL, SUBMITTED BY BRUCE A. FORTHUN ON BEHALF OF THE POTLATCH CORPORATION, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE UN-54-03; AN APPLICATION SUBMITTED BY LAS VEGAS PAVING CORPORATION, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW OUTDOOR MANUFACTURING ON PROPERTY GENERALLY LOCATED 585 FEET EAST OF NORTH FIFTH STREET ON THE SOUTH SIDE OF GOWAN ROAD. (SET PUBLIC HEARING FOR OCTOBER 1, 2003)**

ACTION: PUBLIC HEARING SET FOR OCTOBER 1, 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

22. **UN-62-03 (SHOW MEDIA); AN APPLICATION, SUBMITTED BY SHOW MEDIA ON BEHALF OF JIM DODGE, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW AN OFF-PREMISE SIGN (BILLBOARD) AND TO ALLOW 65 FEET IN HEIGHT WHERE 50 FEET IS THE MAXIMUM ON PROPERTY LOCATED AT 4611 MITCHELL STREET. (SET PUBLIC HEARING FOR OCTOBER 1, 2003)**

ACTION: PUBLIC HEARING SET FOR OCTOBER 1, 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

23. **VAC-15-03; AN APPLICATION, SUBMITTED BY LUIS O. PEREZ, PROPERTY OWNER, FOR A VACATION OF APPROXIMATELY 64 FEET OF THE WESTERLY 5.5 FEET OF LOYOLA STREET, COMMENCING AT MARDI GRAS LANE AND PROCEEDING NORTH APPROXIMATELY 64 FEET. (SET PUBLIC HEARING FOR OCTOBER 15, 2003)**

ACTION: PUBLIC HEARING SET FOR OCTOBER 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

BUSINESS

24. **CONSIDERATION TO RESCIND ACTION TAKEN AT THE SEPTEMBER 3, 2003 CITY COUNCIL MEETING REGARDING AMP-35-02 (ANN & COMMERCE), UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO DENY THE MASTER PLAN AMENDMENT OF LDR, LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND COMMERCE STREET.**

ACTION: WITHDRAWN

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

25. APPROVAL TO AMEND THE 2003-2004 STAFFING PATTERN AS FOLLOWS:
(All staffing pattern changes will be processed when administratively feasible)

COMMUNITY DEVELOPMENT DEPARTMENT

Economic Development Division

Delete one (1) Economic Development Coordinator TA 22 effective 01/01/2004

DEVELOPMENT SERVICES DEPARTMENT

Building Division

Delete one (1) Structural Plans Examiner TA 21 effective 10/01/2003

Delete one (1) Planner TA 20 effective 04/01/2004

FINANCE DEPARTMENT

Accounting Division

Delete one (1) Financial Accountant APT 18 effective 10/01/2003

Delete one half (0.5) FTE Temporary Office Clerk effective 10/01/2003

Reclassify one (1) Financial Accountant APT 18 to Accounting Technician TNS 15 effective 10/01/2003

Reclassify one (1) Accounting Technician TNS 15 to Fiscal Specialist TNS 13 effective 10/01/2003

Business License Division

Delete one (1) FTE Temporary Business License Enforcement Officer effective 10/01/2003

PARKS AND RECREATION DEPARTMENT

Recreation Division

Delete one (1) Recreation Supervisor TS 21 effective 01/01/2004

Parks & Grounds Maintenance Division

Delete one (1) Parks Maintenance Worker TNS 14 effective 01/01/2004

POLICE DEPARTMENT

Operations Command

Change effective date for ten (10) Civilian Community Service Officer TNS 13 to 07/01/2004

Change effective date for three (3) Police Sergeant PS 61 to 07/01/2004

Change effective date for two (2) Police Lieutenant PS 65 to 07/01/2004

Change effective date for two (2) Office Assistant/Senior Office Assistant TNS 13/TNS14 to 07/01/2004

Change effective date for one (1) Police Captain ADD 31 to 07/01/2004

Services Command - Records

Change effective date for one (1) Police Records Assistant/Senior Police Records Assistant TNS 13/TNS 14 to 07/01/2004

PUBLIC WORKS DEPARTMENT

Engineering Services Core Group - Engineering and Design

Delete one (1) Landscape Architect TA 22

Delete one (1) Senior Architect TA 23

Resource & Facility Core Group - Building Maintenance Division

Delete one (1) Janitor TNS 12 effective 10/01/2003

Mayor Montandon asked if all of the listed positions were vacant. Acting City Manager Gregory Rose responded they were.

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

26. APPROVAL TO AMEND THE 2003-04 GENERAL FUND BUDGET BY REDUCING APPROPRIATIONS IN THE AMOUNT OF \$1,231,324 (SALARIES AND

BENEFITS \$778,922, SUPPLIES AND SERVICES \$202,402, AND CONTINGENCY \$250,000).

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

27. APPROVAL TO PURCHASE A PUMPER/TRUCK (QUINT) APPARATUS FOR THE FIRE DEPARTMENT FROM PIERCE MANUFACTURING IN THE AMOUNT OF \$650,000, UTILIZING CITY OF LAS VEGAS BID NO. 98-2100.01.

Mayor Pro Tempore Robinson questioned where the funding for the truck would come from. Fire Chief Stubler responded the truck would be purchased from developer donations.

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

28. APPROVAL OF APPLICATION AND AWARD FOR A DEPARTMENT OF JUSTICE - OFFICE OF DOMESTIC PREPAREDNESS PHASE 1 GRANT IN THE AMOUNT OF \$272,026.30 (100% GRANT FUNDS), TO BE ADMINISTERED BY THE STATE OF NEVADA DIVISION OF EMERGENCY MANAGEMENT AND CLARK COUNTY LOCAL EMERGENCY PLANNING COMMITTEE, TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT FOR THE NORTH LAS VEGAS POLICE DEPARTMENT AND THE NORTH LAS VEGAS DETENTION CENTER AND SECURITY GATES, FENCING, LOCKS, AND HARDWARE FOR THE NORTH LAS VEGAS POLICE DEPARTMENT. (CNLV Contract No. C-5492)

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

29. APPROVAL OF FOURTH SUPPLEMENTAL INTERLOCAL CONTRACT FOR THE GOWAN OUTFALL PROJECT, CRAIG ROAD TO CHANNEL, TO REALLOCATE EXISTING FUNDS BETWEEN CONSTRUCTION AND CONSTRUCTION ENGINEERING AND TO CHANGE THE DATE OF COMPLETION TO AUGUST 30, 2003 (CNLV Contract No. C-4874).

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

30. APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH VTN NEVADA IN THE AMOUNT OF \$261,632 FOR THE CHEYENNE PEAKING BASIN (\$152,702 FOR THE CHEYENNE PEAKING BASIN & LAS VEGAS WASH "A" CHANNEL LINING AND \$108,930 FOR THE TRIBUTARY TO THE WESTERN TRIBUTARY AT ALEXANDER ROAD) FOR THE CHEYENNE PEAKING BASIN AND TRIBUTARY AT ALEXANDER ROAD PROJECTS TO COMBINE THE PLANS, UPDATE THE DESIGN, AND PERFORM THE REQUIRED ADDITIONAL TECHNICAL SUPPORT SERVICES DURING CONSTRUCTION. (CNLV Contract No. C-4604)

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

ORDINANCES

INTRODUCTION ONLY

31. **ORDINANCE NO. 1825; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS REPEALING ORDINANCE NO. 1371; TO ESTABLISH THE SALARY OF THE MUNICIPAL COURT JUDGES; TO FIX THE COMPENSATION OF ALTERNATE MUNICIPAL COURT JUDGES; TO CODIFY BENEFITS CURRENTLY AVAILABLE TO JUDGES; TO PROVIDE FOR COST OF LIVING INCREASES; AND ALL OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR OCTOBER 1, 2003)**

Ordinance No. 1825 as introduced by the City Clerk:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS REPEALING ORDINANCE NO. 1371; TO ESTABLISH THE SALARY OF THE MUNICIPAL COURT JUDGES; TO FIX THE COMPENSATION OF ALTERNATE MUNICIPAL COURT JUDGES; TO CODIFY BENEFITS CURRENTLY AVAILABLE TO JUDGES; TO PROVIDE FOR COST OF LIVING INCREASES; AND ALL OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR OCTOBER 1, 2003

32. **ORDINANCE NO. 1855; AN ORDINANCE TO AMEND ORDINANCE NO. 1353, BEING CHAPTER 5.21 OF THE NORTH LAS VEGAS MUNICIPAL CODE ENTITLED "GARAGE/YARD SALES," RELATING TO THE REGULATION OF GARAGE/YARD SALES; REQUIRING AN APPLICATION AND PERMIT FOR EACH GARAGE/YARD SALE. (SET FINAL ACTION FOR OCTOBER 1, 2003)**

Ordinance No. 1855 as introduced by the City Clerk:

AN ORDINANCE TO AMEND ORDINANCE NO. 1353, BEING CHAPTER 5.21 OF THE NORTH LAS VEGAS MUNICIPAL CODE ENTITLED "GARAGE/YARD SALES," RELATING TO THE REGULATION OF GARAGE/YARD SALES; REQUIRING AN APPLICATION AND PERMIT FOR EACH GARAGE/YARD SALE.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR OCTOBER 1, 2003

33. **ORDINANCE NO. 1856; AN ORDINANCE TO AMEND TITLE 8, "HEALTH AND SAFETY," OF THE NORTH LAS VEGAS MUNICIPAL CODE, BY ADDING CHAPTER 8.40, ENTITLED "GRAFFITI," PROVIDING FOR THE PREVENTION, PROHIBITION AND REMOVAL OF GRAFFITI FROM WALLS, STRUCTURES OR SURFACES ON PUBLIC AND PRIVATE PROPERTY IN ORDER TO REDUCE BLIGHT AND DETERIORATION WITHIN THE CITY AND TO PROTECT THE PUBLIC HEALTH AND SAFETY; TO INCORPORATE ADOPTED PROVISIONS OF STATE LAW; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING CONFLICTING ORDINANCES AND/OR RESOLUTIONS. (SET FINAL ACTION FOR OCTOBER 1, 2003)**

Ordinance No. 1856 as introduced by the City Clerk:

AN ORDINANCE TO AMEND TITLE 8, "HEALTH AND SAFETY," OF THE NORTH LAS VEGAS MUNICIPAL CODE, BY ADDING CHAPTER 8.40, ENTITLED "GRAFFITI," PROVIDING FOR THE PREVENTION, PROHIBITION AND REMOVAL OF GRAFFITI FROM WALLS, STRUCTURES OR SURFACES ON PUBLIC AND PRIVATE PROPERTY IN ORDER TO REDUCE BLIGHT AND DETERIORATION WITHIN THE CITY AND TO PROTECT THE PUBLIC HEALTH AND SAFETY; TO INCORPORATE ADOPTED PROVISIONS OF STATE LAW; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING CONFLICTING ORDINANCES AND/OR RESOLUTIONS.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR OCTOBER 1, 2003

34. **ORDINANCE NO. 1857; AN ORDINANCE TO AMEND ORDINANCE NO. 1408, BEING SECTION 17.24.110 OF CHAPTER 17.24 OF THE NORTH LAS VEGAS MUNICIPAL CODE ENTITLED "SIGNS," PROVIDING FOR THE EXPEDITIOUS REMOVAL OF ILLEGAL SIGNS AND SIGN STRUCTURES, PROHIBITING PLACING SIGNS ON PUBLIC UTILITY INSTALLATIONS AND COLLECTING FEES FOR SIGN REMOVAL. (SET FINAL ACTION FOR OCTOBER 1, 2003)**

Ordinance No. 1857 as introduced by the City Clerk:

AN ORDINANCE TO AMEND ORDINANCE NO. 1408, BEING

SECTION 17.24.110 OF CHAPTER 17.24 OF THE NORTH LAS VEGAS MUNICIPAL CODE ENTITLED "SIGNS," PROVIDING FOR THE EXPEDITIOUS REMOVAL OF ILLEGAL SIGNS AND SIGN STRUCTURES, PROHIBITING PLACING SIGNS ON PUBLIC UTILITY INSTALLATIONS AND COLLECTING FEES FOR SIGN REMOVAL.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR OCTOBER 1, 2003

35. **ORDINANCE NO. 1861; AN ORDINANCE TO AMEND PORTIONS OF ORDINANCE NO. 886, PRESENTLY CODIFIED IN TITLE 10, CHAPTER 04 ("DEFINITIONS") AND TITLE 10, CHAPTER 48, SECTION 100 ("STORAGE AND REPAIR OF VEHICLES IN RESIDENTIAL ZONING DISTRICT"), OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR ADDITIONAL DEFINITIONS FOR CLARIFICATION AND FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR OCTOBER 1, 2003)**

Ordinance No. 1861 as introduced by the City Clerk:

AN ORDINANCE TO AMEND PORTIONS OF ORDINANCE NO. 886, PRESENTLY CODIFIED IN TITLE 10, CHAPTER 04 ("DEFINITIONS") AND TITLE 10, CHAPTER 48, SECTION 100 ("STORAGE AND REPAIR OF VEHICLES IN RESIDENTIAL ZONING DISTRICT"), OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR ADDITIONAL DEFINITIONS FOR CLARIFICATION AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR OCTOBER 1, 2003

36. **ORDINANCE NO. 1862; AN ORDINANCE TO REPEAL ORDINANCE NO. 661, BEING CHAPTER 8.32 OF THE NORTH LAS VEGAS MUNICIPAL CODE ENTITLED "NUISANCES," RELATING TO THE ABATEMENT OF NUISANCES; ESTABLISHING PROVISIONS FOR THE VARIOUS ABATEMENT PROCEDURES TO INCORPORATE ADOPTED PROVISIONS OF STATE LAW; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING CONFLICTING ORDINANCES AND/OR RESOLUTIONS. (SET FINAL ACTION FOR OCTOBER 1, 2003)**

Ordinance No. 1862 as introduced by the City Clerk:

AN ORDINANCE TO REPEAL ORDINANCE NO. 661, BEING

CHAPTER 8.32 OF THE NORTH LAS VEGAS MUNICIPAL CODE ENTITLED "NUISANCES," RELATING TO THE ABATEMENT OF NUISANCES; ESTABLISHING PROVISIONS FOR THE VARIOUS ABATEMENT PROCEDURES TO INCORPORATE ADOPTED PROVISIONS OF STATE LAW; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING CONFLICTING ORDINANCES AND/OR RESOLUTIONS.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR OCTOBER 1, 2003

37. **ORDINANCE NO. 1858; AN ORDINANCE PROVIDING FOR THE ISSUANCE BY THE CITY OF NORTH LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, SPECIAL ASSESSMENT DISTRICT NO. 59 (CRAIG ROAD PHASE II) LOCAL IMPROVEMENT BONDS, SERIES 2003; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF THE BONDS; AND PROVIDING OTHER MATTERS RELATING THERETO. (SET FINAL ACTION FOR OCTOBER 1, 2003) (ASSOCIATED ITEM NO. 40, ORDINANCE NO. 1849)**

Ordinance No. 1858 as introduced by the City Clerk:

AN ORDINANCE PROVIDING FOR THE ISSUANCE BY THE CITY OF NORTH LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, SPECIAL ASSESSMENT DISTRICT NO. 59 (CRAIG ROAD PHASE II) LOCAL IMPROVEMENT BONDS, SERIES 2003; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF THE BONDS; AND PROVIDING OTHER MATTERS RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR OCTOBER 1, 2003

38. **ORDINANCE NO. 1859; 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 47.76 ACRES FROM AN R-E RANCH ESTATES DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT (ZN-54-03, LONE MOUNTAIN AND LOSEE), FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF LAWRENCE STREET AND LONE MOUNTAIN ROAD; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING**

THERETO. (SET FINAL ACTION FOR OCTOBER 1, 2003) (ASSOCIATED ITEM NO. 18, AMP-32-03)

Ordinance No. 1859 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING APPROXIMATELY 47.76 ACRES FROM AN R-E RANCH ESTATES DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT (ZN-54-03, LONE MOUNTAIN AND LOSEE), FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF LAWRENCE STREET AND LONE MOUNTAIN ROAD; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR OCTOBER 1, 2003

39. **ORDINANCE NO. 1860; 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 148.10 ACRES THEREIN FROM THE M-1 BUSINESS PARK INDUSTRIAL DISTRICT TO R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (ZN-55-03, ROSE LAKE), FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND PECOS ROAD AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR OCTOBER 1, 2003) (ASSOCIATED ITEM NO. 20, AMP-42-03)**

Ordinance No. 1860 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING APPROXIMATELY 148.10 ACRES THEREIN FROM THE M-1 BUSINESS PARK INDUSTRIAL DISTRICT TO R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (ZN-55-03, ROSE LAKE), FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND PECOS ROAD AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

ORDINANCES

FINAL ACTION

40. **ORDINANCE NO. 1849; AN ORDINANCE CONCERNING THE CITY OF NORTH LAS VEGAS, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 59 (CRAIG ROAD PHASE II); ASSESSING THE COST OF STREET IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER OF THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; AND OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF. (ASSOCIATED ITEM NO. 37, ORDINANCE NO. 1858)**

Ordinance No. 1849 as introduced by the Acting City Manager:

AN ORDINANCE CONCERNING THE CITY OF NORTH LAS VEGAS, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 59 (CRAIG ROAD PHASE II); ASSESSING THE COST OF STREET IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER OF THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; AND OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

Public Works Director Jim Bell explained this ordinance would establish the special assessment district for the improvements to Craig Road from Colton Street to Berg Street.

ACTION: PASSED AND 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

41. **ORDINANCE NO. 1847; 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 2.30 ACRES THEREIN FROM R-E TO C-1 (ZN-85-02, OUTBACK STEAKHOUSE,**

INC.), FOR PROPERTY GENERALLY LOCATED EAST OF FUSELIER DRIVE, APPROXIMATELY 300 FEET SOUTH OF CRAIG ROAD AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1847 as introduced by the Acting 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 2.30 ACRES THEREIN FROM R-E TO C-1 (ZN-85-02, OUTBACK STEAKHOUSE, INC.), FOR PROPERTY GENERALLY LOCATED EAST OF FUSELIER DRIVE, APPROXIMATELY 300 FEET SOUTH OF CRAIG ROAD AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Buck

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

42. ORDINANCE NO. 1848; 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 1.03 ACRES THEREIN FROM R-E TO C-1 (ZN-27-95, FAMILY EXPRESS [TEXACO STATION]) FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND CLAYTON STREET AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1848 as introduced by the Acting 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 1.03 ACRES THEREIN FROM R-E TO C-1 (ZN-27-95, FAMILY EXPRESS [TEXACO STATION]) FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND CLAYTON

STREET AND PROVIDING FOR OTHER MATTERS
PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

43. **ORDINANCE NO. 1850; 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 5.01 ACRES THEREIN FROM R-E RANCH ESTATES AND R-EL RANCH ESTATES LIMITED DISTRICT TO R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (ZN-45-03, LONE MOUNTAIN/DONNA), FOR PROPERTY GENERALLY LOCATED 210 FEET SOUTH OF LONE MOUNTAIN ROAD AND WEST OF DONNA STREET AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (ASSOCIATED ITEM NO. 44, ORDINANCE NO. 1851, ZN-46-03)**

Ordinance No. 1850 as introduced by the Acting 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 5.01 ACRES THEREIN FROM R-E RANCH ESTATES AND R-EL RANCH ESTATES LIMITED DISTRICT TO R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (ZN-45-03, LONE MOUNTAIN/DONNA), FOR PROPERTY GENERALLY LOCATED 210 FEET SOUTH OF LONE MOUNTAIN ROAD AND WEST OF DONNA STREET AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Councilman Buck stated she would be abstaining from voting on items 43 and 44 because her brother and sister-in-law lived on a parcel that directly abutted the subject property (Exhibit A).

Acting Development Services Director Steve Baxter explained this was a consistency

zoning application. The planned use and the comprehensive plan were both low density residential. The density would be approximately 3.7 dwelling units per acre on the 5 acre parcel. The Planning Commission recommended approval.

Bill Curran, 300 South Fourth Street, Las Vegas appeared on behalf of the applicant and introduced Brian Posoda, with VTN Engineering. Mr. Curran stated both applications (Item Nos. 43 and 44) complied with the North Las Vegas Master Plan. He asked Council, when making their decision, to rely on the previous record, including the minutes from the Planning Commission. He felt the application was consistent with the rest of the development in the area and added one of the parcels was previously owned by Boyd Bulloch who attempted to develop an R-E project there. He subsequently sold off two lots but no further development had occurred in the area. The property was then sold to Mr. Robert Lepome who lived on an adjacent parcel. He had testified in support of the proposed project at the Planning Commission. He owned the property for approximately five years and had also attempted to develop the property as R-E but was unable to do so. Mr. Curran pointed out the Planning Commission minutes incorrectly stated Mr. Lepome did not think the application was a viable project. Mr. Curran stated his client purchased the two parcels and felt that a 6,000 square foot lot, R-1 development was consistent with the rest of the neighborhood. Across the street to the east was a municipal park. Next to the park was a PUD that was constructed in 1998 consisting of approximately 6,600 square foot lots. Next to that development was a PUD with much smaller lots. Next to that was an R-3 multi-family project. South of the proposed project was an R-1 development built in 1993 which consisted of 6,000 square foot lots. Immediately to the north was an R-1 project under construction. Mr. Curran felt the proposed development was consistent with much of the surrounding development but with bigger lots. He stated there were some homes in the area that were zoned R-E and they were the only known opposition.

Mr. Curran stated a neighborhood meeting had been held with limited results. Some proposals were discussed but none were deemed viable. He felt the project was in-fill and as such should take top priority over new development in the unpopulated areas of the City.

Alicia Avance, 801 E. Lone Mountain Road, North Las Vegas, stated she was opposed to the proposed zoning. Her property did not conform to the master plan and her house was constructed before the master plan went into effect. She requested the lots be zoned R-E. She asked to be able to maintain the lifestyle they established and pointed out those neighbors in opposition went to the Planning Commission meetings and voiced their opposition.

Jeffrey Oatey, 741 Stagecoach Circle, North Las Vegas, stated there were two existing houses in the subdivision since the 1980's. He pointed out that Mr. Curran stated developers should be able to rely on the City's master plan. He questioned if the residents should also be able to rely on the master plan for stability in their area. He felt an R-E development would work at its current location and an in-fill project should bring the same

type of development to the area that was currently there.

Boyd Bulloch, 821 E. Lone Mountain Road, North Las Vegas, felt the addition of smaller lot homes would bring down his property value. Mr. Bulloch clarified that Mr. Lepome had foreclosed on Mr. Bulloch before a deal with a builder could be reached. He urged Council to allow larger homes and lots to be built in the area.

Councilwoman Smith asked Mr. Curran what considerations were given to the neighbors who were against having smaller lots in their area. Mr. Curran responded with regard to Mr. Oatey's lot, an offer was made to square up his lot where he would gain an additional 3,500 square feet of property. Mr. Oatey also requested a block wall be built as well as curb and gutter. Those conditions were also agreed to. Mr. Curran pointed out the current request before Council was the zoning. There was no tentative map where specific amenities could be discussed. Mr. Curran did agree the homes behind Mr. Bulloch's property would be situated to where the backyards would abut.

Mayor Pro Tempore Robinson asked if the applicant was willing to eliminate the homes that abutted the Bulloch's, the Avance's, and the Dane's properties. Mr. Curran responded some of the property owners supported the development.

Steven Scow, 612 S. 7th Street, Las Vegas, represented Mrs. Musick and Mrs. Anthony and her husband, who owned adjacent properties. Mr. Scow stated they were still in negotiations for a project to develop the land. Mayor Montandon questioned what the density of the project would be. Mr. Scow responded there would be no change from the R-1 density of the project Mr. Curran was presenting. He felt by proper planning, all existing parcels could be developed in a manner that encouraged a free flowing design. Mr. Scow stated he supported the R-1 zoning.

Alicia Avance, 801 E. Lone Mountain Road, North Las Vegas, felt once the zoning was obtained, the property would be sold. She had attended the meeting with the intent of reaching a compromise but did not get any guarantee the property would be developed to be compatible with the existing homes. Mayor Montandon recognized that the majority of applications for changes in zoning were not from developers. Council attempted to determine appropriate zoning for the area.

Jeffrey Oatey, 741 Stagecoach Circle, North Las Vegas, stated it was true Mr. Holman had conversations with Mr. Oatey but those conversations ended when Mr. Holman asked Mr. Oatey to give up his rights to speak before Council. Mr. Oatey requested a contract from Mr. Holman with the assurances the off-sites and block wall would be completed. Mr. Holman stated to Mr. Oatey the money that would be expended to complete those items could not be justified.

George Holman, stated he and Mr. Oatey continued to have a difference of opinion over

several items. He stated he had offered to square up Mr. Oatey's lot, correct the access and give him approximately 4,000 square feet. He stated he was prepared to complete those items in the spirit of being a good neighbor and out of respect for the changes that would occur. Mr. Holman stated he wished to sell the piece to a home builder who would take Mrs. Musick's and other properties and create a 22 acre neighborhood. He added with respect to the homeowners with lots on the northern edge of the property, larger lots, approximately 10,000 square feet, would be developed.

Mayor Montandon questioned if a condition were possible that would require 10,000 square foot lots on all lots abutting the existing homes on the northern edge but at the same time did not necessitate smaller lots in the rest of the development. City Attorney McGowan stated it was not possible to add those conditions because conditions were imposed as part of the mapping process. Mayor Montandon acknowledged Council did not have the right to place conditions on zoning. Mr. Curran stated Mr. Holman would agree to the 10,000 square foot lots behind the properties that fronted on Lone Mountain Road. He could not estimate how many homes would then be built within the density requirements. Mayor Montandon asked, if Mr. Holman agreed to 10,000 square foot lots along the north side, and to square Mr. Oatey's property, how it would be accomplished. City Attorney McGowan felt it could be handled administratively so that when a map came back, reliance would be placed on the record and recommendations of Staff.

Mayor Pro Tempore Robinson wondered why, if Mr. Holman concurred with what was agreed to, he did not agree to it when he spoke with the neighbors. He then asked Ms. Avance if she was in agreement with what was proposed. She stated she could live with it.

ACTION: PASSED AND ADOPTED; TENTATIVE MAP TO BE APPROVED BY COUNCIL; R-1 ZONING APPROVED WITH NO LOTS ALONG THE NORTHERN EDGE OF THE DEVELOPMENT TO BE UNDER 10,000 SQUARE FEET; MR. OATEY'S LOT TO BE SQUARED UP; ALL OTHER R-1 REQUIREMENTS TO BE MET.

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: Councilman Buck

44. ORDINANCE NO. 1851; 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 8.6 ACRES THEREIN FROM R-E RANCH ESTATES DISTRICT TO R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (ZN-46-03, LONE MOUNTAIN/DONNA) FOR PROPERTY GENERALLY LOCATED 610 FEET SOUTH OF LONE MOUNTAIN ROAD AND EAST OF NORTH FIFTH STREET AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (ASSOCIATED ITEM NO. 43, ORDINANCE NO. 1850, ZN-45-03)

Mayor Montandon stated this application was located to the southwest of the previous application.

Councilman Buck abstained from voting on items 43 and 44 because her brother and sister in law lived on a parcel that directly abutted the subject property (Exhibit A).

Mr. Curran requested all comments from the previous item, Item No. 43, be incorporated into the discussion for this item. He added with the addition of the Musick property, the design possibilities were greatly expanded.

Jeffrey Oatey, 741 Stagecoach Circle, North Las Vegas had spoken with neighbors Mr. Spencer and Janet Combs and stated if the same conditions were attached as with the previous item, he did not feel they would be opposed.

ACTION: PASSED AND ADOPTED; TENTATIVE MAP TO BE APPROVED BY COUNCIL

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: Councilman Buck

PUBLIC HEARINGS - 6:30 P.M.

2. PUBLIC HEARING - ANNEXATION NO. 117; ANNEXATION OF THE AREA GENERALLY LOCATED NORTH OF ANN ROAD, SOUTH OF CENTENNIAL PARKWAY, BETWEEN LAMB BOULEVARD AND MT. HOOD STREET.

Mayor Montandon opened the Public Hearing.

Randy Cagle, Real Property Manager, explained Annexation No. 117 was generally

bounded on the south by Ann Road, on the north by Centennial Parkway, on the east by Mt. Hood Street, and on the west by Lamb Boulevard. The area was approximately 1,093 acres and encompassed 154 separate parcels. This area was eligible to be annexed by the City for three reasons; the area was more than 75% surrounded by the City of North Las Vegas, it was not part of another City, and it was not part of an unincorporated township. Mr. Cagle pointed out Nevada Revised Statutes (NRS) encouraged annexations of this type to promote orderly development and avoid piecemeal annexations. On August 20, 2003, City Council approved and made available to the public an annexation report. This report contained maps showing the area to be annexed, the utilities, land use, parcel ownership and other information required by NRS. This report explained the City of North Las Vegas would provide police protection, fire protection, street maintenance, and library services immediately upon annexation on substantially the same basis and in the same manner as such services were provided to the City to those property owners or residents within the remainder of the City. There were no special improvement districts proposed with the annexation. Because it was the policy of the City that as a prerequisite to the approval of subdivision plats, the issuance of building permits, zone variances, planned unit developments or special use permits, conditions may be imposed that reasonably offset the impact to public services and infrastructure. Other services such as the City's recreation programs, Public Works planning, land use planning, building inspections and other City services would be available immediately upon annexation. Utilities such as the gas company, electric company, cable television and telephones were provided by private companies and would not be impacted by the annexation. Garbage collection by the company franchised by the City would be provided immediately.

Mayor Montandon believed this annexation was a slight acceleration of the inevitable. He added the County was encouraging the annexation. He felt the area of the annexation would be a premiere industrial warehousing distribution area in the future.

David Christensen, 5090 North Lamb Boulevard, represented Cherry Pie, LLC, Silver Dollar Properties, LLC, and Christensen-Smith Salvage Incorporated. He was concerned regarding the severe cost of the annexation including an increase in taxes. He also stated the building and planning departments at the City were unresponsive and felt the landscaping buffer was excessive.

Mayor Montandon stated the majority of Mr. Christensen's comments were also arguments for the annexation and felt the property in question was an eyesore and a blight on the community.

Councilman Buck stated she had received a letter from Mr. Christensen's secretary regarding other problems encountered when dealing with the City and had spoken to Acting City Manager Rose regarding possible solutions to those problems.

Mark Peplowski, 129 Water Street, Henderson, representing several property owners,

including Roger Dieleman, spoke in opposition to the proposed annexation. He stated the residents wished to remain in unincorporated Clark County. He stated the additional tax revenues generated would be beneficial to the City but detrimental to the residents. The right to property ownership and the determination of what to do with the property was a cherished right guaranteed by the Constitution. He asked Council to not have a heavy hand with the residents. He questioned the amount of private ownership in the proposed annexation area, the total assessed value of the acreage, and if there was a publicly accessible file for public review. Real Property Manager Randy Cagle responded all information was on file in the Office of the City Clerk and available for public inspection. Mayor Montandon commented it was not the City's intention to use a heavy hand to accomplish the annexation.

Bob Reeve, 3111 Monte Rosa, Las Vegas, was not opposed to the annexation in general but questioned why the annexation could not be accomplished in several smaller pieces. He then questioned why the annexation did not go all the way up to Centennial Parkway. Mayor Montandon stated that portion was currently a part of North Las Vegas making annexation unnecessary.

Bill Milton, 5225 East El Campo Grande, Las Vegas was opposed to the annexation and questioned if, at the end of 15 days, sufficient opposition was not received to stop the annexation, would the land become part of North Las Vegas immediately. City Attorney McGowan responded the 15 day period was only a protest period. Real Property Manager Cagle responded the annexation would be effective October 19, 2003 but the taxes due for the City of North Las Vegas would not be due until July 1, 2004. Mr. Milton then questioned if a permit was in process in the County, would it be accepted in North Las Vegas. Real Property Manager Cagle responded if a building permit had been issued through the County, it would be honored in North Las Vegas. The City would most likely take over the inspections but it would not be necessary to refile. If a permit had been applied for but not yet approved, a new permit would need to be applied for from North Las Vegas. With regard to the appearance of the industrial buildings in the area, Mr. Milton pointed out the area was not very open to public view.

Mr. Milton wanted an assurance the property he invested in as M-2 zoning would remain as such so his business plan could keep moving forward. Mayor Montandon stated one reason for the annexation was there had been attempts by the County to rezone much of the area in questioned residential. The City felt strongly it was an excellent heavy industrial area. He disagreed with Mr. Milton's statement the area was not seen by the public as he had received several e-mails and calls from people who had seen the same junked cars along the side of the freeway.

Mr. Milton questioned how much his taxes would increase. Mayor Montandon stated the current tax rate in the City of North Las Vegas was approximately \$3.39 and the current tax rate in the County was less.

Jan Morrison, PO Box 503 Austin, Nevada, spoke in opposition of the annexation. She questioned what the City of North Las Vegas zoning would be for property zoned M-2 in the County. Mayor Montandon responded the property would be zoned at the most equivalent zoning; in this case M-2. Ms. Morrison asked if the City continued to have M-3 zoning. She then stated she knew the City no longer had M-3 zoning. Acting Development Services Director Baxter countered the City did still have M-3 zoning and applications could still be made for that zoning designation. She then asked if the County's zoning of M-2 was comparable to the City's M-3, would the property come into the City as M-3. Real Property Manager Cagle responded the industrial would come into the City as M-2 and the rest as Open Land. Ms. Morrison felt the City's zoning would result in a down zone because while the name was the same, the conditions were very different.

Ms. Morrison stated there were no plans to develop the property; it was raw dirt. One of the properties had a private road to it. She felt the annexation was very premature and the increase in property tax was not warranted. She objected to subsidizing heavy residential uses by increasing taxes in this area. She felt the City was robbing the future by annexing the property in advance of actual need.

Ms. Morrison quoted NRS 268.572 by stating 'sound urban development is essential to the continued economic development of the State. Municipalities are created to provide the governmental services essential for sound urban development and for the protection of health, safety and welfare in areas being used for residential, commercial, industrial, institutional, and governmental purposes or in areas undergoing such development.' She challenged that the properties she represented did not fit in those categories because they were not undergoing any development.

Tom Lisiewski, 3836 Blairmoor, North Las Vegas, spoke in opposition to the annexation by stating the parcel was purchased as a speculation piece and at some point in the future would be sold. He did not feel the area would develop as quickly as the City thought it would. He questioned the definition of Open Land. Mayor Montandon responded it was a holding category until appropriate zoning was applied for. He pointed out the entire area was master planned industrial. Mr. Lisiewski commented the landscaping in the area was dead because of the drought. He felt the setback requirements were excessive. He also felt the taxes would have a substantial impact on his investment and felt he would be paying for services he would not be using.

Michael Gardner, 7420 Bridlehorne Avenue, Las Vegas, felt the annexation would provide no services to their property and would cost a substantial amount in increased taxes.

Mitchell Truman, 4880 North Cimaron, Las Vegas, questioned if the easements for the rail spur would be maintained by the City. Mayor Montandon was unsure. He stated he was in favor of the City having to maintain those easements. He was, however, against the annexation because of the increase in land prices and the increased taxes. He felt future

developers should pay the new taxes. Mayor Montandon stated that was not possible. Mr. Truman pointed out if businesses moved their bases of operation to other states because of high taxes, the City received no benefit at all.

Mark Lefkowitz, P. O. Box 26988, Las Vegas, owned several parcels of land and felt through proper planning and design, this could be the premiere industrial area in the nation. Mayor Montandon added the purpose of the annexation was to provide for that orderly and comprehensive planning rather than the piecemeal, individual plans being currently considered.

Mitch Ebright, 4020 Bandini Boulevard, Los Angeles, California, Vice President of Baker Commodities, opposed the annexation stating he was concerned about the proposed zoning when annexed into the City of North Las Vegas. He felt he would be required to install items such as block walls and additional landscaping that would not be of any benefit to his business.

Tracy Teagarden, American Radio, 6655 West Sahara #D208, Las Vegas, opposed the annexation because of the possibility the radio towers would not be desired in the area when the annexation was complete.

Susan Johnston, GC Garcia, 2501 North Green Valley Parkway, Henderson, represented Unlimited Holdings who owned a variety of parcels in the area. She stated her clients were in favor of the annexation.

Mayor Montandon closed the Public Hearing and stated the fifteen day written complaint period was in effect.

ACTION: PUBLIC HEARING HELD

3. PUBLIC HEARING REGARDING WATER RATE INCREASE. (CONTINUED AUGUST 6, 2003) (ASSOCIATED ITEM NO. 4, ORDINANCE NO. 1804)

Mayor Montandon opened the Public Hearing.

Assistant Public Works Director David Bereskin and John Gallagher, Black & Veatch presented the City's water rate analysis. Assistant Director Bereskin stated in May 2003, the Utility Advisory Board convened to discuss water rates. Staff recommendations were presented to Council in June of 2003 and were continued to a later meeting. The following guiding principles were used when determining the new rates:

- Minimize the impacts to the rate adjustments to residential customers

- Keep the utility financially solvent and viable
- Keep the General Fund whole and sound throughout the process
- Minimize the impact to the non-residential customers

Mr. Gallagher stated the principles gave strong guidance that allowed for lower water rates than were originally proposed. Those principles resulted in the following changes:

- A reduction in the minimum operating reserves from 90 days to 60 days
- Using connection fees to pay for growth related capital projects and debt service
- The accounting procedure was streamlined
- The current differential and volume charges between residential and commercial customers were to remain at the same rate

The results included a substantial lowering of the proposed rates.

Connie Suckling 3685 Pecos McLeod, Las Vegas, represented the Southern Nevada Home Builders Association and read the following into the record:

“Southern Nevada Home Builders Association does not object to the capacity connection increases. We do, however, request that all connection fee funds be placed in a fund exclusively for water capital projects to service new customers. Further, none of the funds, interest thereon, or bond proceeds should be used to fund other City services or projects.”

Joyce Thomas, 5624 Indian Ridge Drive, North Las Vegas, stated she sat on the Utility Board and was pleased with the cooperative efforts of all involved.

Councilman Buck stated she was appreciative of the efforts of Acting City Manager Rose who worked diligently with Staff to develop rates that were fair and equitable for all.

Councilwoman Smith thanked every one involved in the process.

Councilman Eliason stated although rising rates were a reality, the work of Staff made the impact to the residents as minimal as possible.

Mayor Montandon closed the Public Hearing.

ACTION: PUBLIC HEARING HELD

4. **FINAL ACTION ORDINANCE NO. 1804; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA TO AMEND ORDINANCE NO. 1306, BEING CHAPTER 13.04, ENTITLED WATER SERVICE SYSTEM, OF TITLE 13 OF THE NORTH LAS VEGAS MUNICIPAL CODE; AND**

**PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.
(CONTINUED JUNE 18 AND AUGUST 6, 2003) (ASSOCIATED ITEM NO. 3)**

Ordinance No. 1804 as introduced by the Acting City Manager:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA TO AMEND ORDINANCE NO. 1306, BEING CHAPTER 13.04, ENTITLED WATER SERVICE SYSTEM, OF TITLE 13 OF THE NORTH LAS VEGAS MUNICIPAL CODE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: AMENDMENTS TO ORDINANCE NO. 1804 APPROVED

MOTION: Councilman Buck

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

ACTION: ORDINANCE NO. 1804 PASSED AND ADOPTED AS AMENDED

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

5. PUBLIC HEARING REGARDING WASTEWATER COLLECTION RATE INCREASE. (CONTINUED AUGUST 6, 2003) (ASSOCIATED ITEM NO. 6, ORDINANCE NO. 1810)

Mayor Montandon opened the Public Hearing.

Assistant Public Works Director Bereskin and John Gallagher presented a summary of the proposed wastewater rate increase. Mr. Gallagher stated the same guiding principles were used for wastewater rates as for water rates. He stated the wastewater rates were comprised of two components; the service charge and a commodity charge. The service

charge presently was \$2.88 per month. The commodity charge presently was based on the number of equivalent residential units. Mr. Gallagher stated there were two alternatives proposed for the commodity charge. Alternative B was designed to charge based on metered water usage instead of charging the commodity charge based on equivalent residential units. This would allow the City to recognize differences in the household usage for single family customers. Alternative C was introduced because Alternative B would create a shock to the City's revenue stream. It was important to work toward the metered water usage concept over a period of several years. Alternative C represented a transition from the current method to Alternative B.

Mr. Gallagher stated it was his recommendation to adopt the Alternative C rates and to adopt the proposed connection charges that would raise the connection charge for single family homes by \$430.

Connie Suckling 3685 Pecos McLeod, Las Vegas, represented the Southern Nevada Home Builders Association and read the following into the record:

"Southern Nevada Home Builders Association supports the increased connection fees and as with the previous ordinance we do request that the total revenue generated be placed in a fund used exclusively for waste water capital projects and no funds or interest thereon be used for other City projects or operations and maintenance." She felt the administrative fees for processing either a refunding agreement or an oversizing agreement were unnecessary.

Mayor Montandon closed the Public Hearing.

6. FINAL ACTION ORDINANCE NO. 1810; AN ORDINANCE TO REPEAL ORDINANCE NO. 1281, BEING CHAPTER 13.24 OF THE NORTH LAS VEGAS MUNICIPAL CODE AND ADOPTING A NEW CHAPTER 13.24 ENTITLED WASTEWATER COLLECTION SYSTEM, DECLARING FEES FOR WASTEWATER COLLECTION SYSTEM CONNECTION AND USE; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED JUNE 18 AND AUGUST 6, 2003) (ASSOCIATED ITEM NO. 5)

Ordinance No. 1810 as introduced by the Acting City Manager:

AN ORDINANCE TO REPEAL ORDINANCE NO. 1281, BEING CHAPTER 13.24 OF THE NORTH LAS VEGAS MUNICIPAL CODE AND ADOPTING A NEW CHAPTER 13.24 ENTITLED WASTEWATER COLLECTION SYSTEM, DECLARING FEES FOR WASTEWATER COLLECTION SYSTEM CONNECTION AND USE; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: AMENDMENTS TO ORDINANCE NO. 1810 (ALTERNATIVE C) 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

ACTION: ORDINANCE NO. 1810 (ALTERNATIVE C) PASSED AND 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

7. ADOPTION OF A BUSINESS IMPACT STATEMENT REGARDING ORDINANCE NO. 1805; WHICH REPEALS ORDINANCE NO. 1126, CHAPTER 13.08 OF TITLE 13 OF THE NORTH LAS VEGAS MUNICIPAL CODE, AND ADOPTS A NEW CHAPTER 13.08, ENTITLED WATER CONSERVATION AND DROUGHT. (ASSOCIATED ITEM NO. 8, ITEM NO. 9, ORDINANCE NO. 1805, AND ITEM NO. 10, ORDINANCE NO. 1806)

Assistant Public Works Director David Bereskin explained because the Colorado River Basin was experiencing drought conditions, a water conservation and drought ordinance was necessary. In January of 2000, the level of Lake Mead was at 1,214 feet. Today the lake was at 1,143 feet. The Southern Nevada Water Authority's Drought Plan stated it was highly possible the valley would be experiencing drought watch, drought alert, and drought emergency some time in the future. The City of North Las Vegas had four drought stages: no drought, drought watch, drought alert, and drought emergency. The entire valley had enacted similar watering restrictions.

Assistant Director Bereskin explained under drought watch there would be no turf allowed in single and multi-family common areas and non-residential developments would require a special use permit to install turf. The key to drought watch would be no turf in residential front yards. Side and rear yards would be limited to 50% with a ten foot minimum

dimension in all areas. There would be an exemption process for property owners who could not use their back yards whereby front turf could be installed. No additional non-residential restrictions including the planting of cool season grasses would be prohibited.

Councilman Buck questioned what level the City was currently at. Assistant Director Bereskin stated the valley was in drought watch, however, the City of North Las Vegas was not because the ordinance (Item No. 8) was not yet enacted. Once the ordinance was passed and adopted, the City would be under drought watch October 1, 2003. Councilman Buck then questioned when the valley was expecting to go to drought alert. Assistant Director Bereskin responded January 1, 2004. Councilman Buck commended the residents of North Las Vegas as they used the least amount of water in the valley.

ACTION: ADOPTED

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

8. PUBLIC HEARING REGARDING ORDINANCE NO. 1805 - WATER CONSERVATION AND DROUGHT. (ASSOCIATED ITEM NO. 7, ITEM NO. 9, ORDINANCE NO. 1805 AND ITEM NO. 10, ORDINANCE NO. 1806)

Mayor Montandon opened the Public Hearing.

Mayor Montandon closed the Public Hearing.

ACTION: PUBLIC HEARING HELD.

9. FINAL ACTION ORDINANCE NO. 1805; AN ORDINANCE TO REPEAL ORDINANCE NO. 1126, BEING CHAPTER 13.08 OF THE NORTH LAS VEGAS MUNICIPAL CODE AND ADOPT A NEW CHAPTER 13.08 ENTITLED WATER CONSERVATION AND DROUGHT, DECLARING PENALTIES FOR VIOLATION OF SAID REGULATIONS, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEM NO. 7, ITEM NO. 8, AND ITEM NO. 10, ORDINANCE NO. 1806)

Ordinance No. 1805 as introduced by the Acting City Manager:

AN ORDINANCE TO REPEAL ORDINANCE NO. 1126, BEING CHAPTER 13.08 OF THE NORTH LAS VEGAS MUNICIPAL CODE AND ADOPT A NEW CHAPTER 13.08 ENTITLED WATER CONSERVATION AND DROUGHT, DECLARING PENALTIES FOR VIOLATION OF SAID REGULATIONS, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: AMENDMENTS 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

ACTION: ORDINANCE NO. 1805 PASSED AND 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

Mayor Montandon requested a re-vote of Item No. 9.

ACTION: AMENDMENTS 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

ACTION: ORDINANCE NO. 1805 PASSED AND 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

10. FINAL ACTION ORDINANCE NO. 1806; AN ORDINANCE RELATED TO ZONING; TO AMEND PORTIONS OF TITLE 17, SECTIONS 17.12.020 AND 17.24.100 OF THE NORTH LAS VEGAS MUNICIPAL CODE; TO PROVIDE LANDSCAPING REQUIREMENTS RELATED TO VARIOUS DROUGHT CONDITIONS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEM NO. 7, ITEM NO. 8, AND ITEM NO. 9, ORDINANCE NO. 1805)

Ordinance No. 1806 as introduced by the Acting City Manager:

AN ORDINANCE RELATED TO ZONING; TO AMEND PORTIONS OF TITLE 17, SECTIONS 17.12.020 AND 17.24.100 OF THE NORTH LAS VEGAS MUNICIPAL CODE; TO PROVIDE LANDSCAPING REQUIREMENTS RELATED TO VARIOUS DROUGHT CONDITIONS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Councilman Buck questioned which Director would be responsible for processing exemptions. Assistant Director Bereskin responded the Director of Public Works.

ACTION: PASSED AND ADOPTED AS AMENDED

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

11. **AMP-33-03 (CITY OF NORTH LAS VEGAS); AN APPLICATION, SUBMITTED BY THE CITY OF NORTH LAS VEGAS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF OFFICE TO M-LDR, MEDIUM-LOW DENSITY RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ALEXANDER ROAD AND MARTIN LUTHER KING BOULEVARD. (CONTINUED AUGUST 20, 2003)**

Mayor Montandon opened the Public Hearing.

Acting Development Services Director Steve Baxter explained the original request came from the City Council. The Planning Commission recommended approval.

Mayor Montandon commented when the item was originally brought forward, a number of property owners in the area opposed the action. He questioned if Staff had the opportunity to meet and discuss the issues. Acting Director Baxter stated members of Staff had met with the residents and their recommendation was to keep the zoning as office. Mayor Montandon stated there were no development plans for the area and felt the amendment to the master plan was premature.

Ian Ross, 5566 Sahara Avenue, Suite 200-B, Las Vegas, spoke in opposition to the proposed amendment. Mr. Ross pointed out Staff felt either office or residential zoning would be appropriate for the area. He added the property across the street on Martin Luther King Boulevard was proposed to be a commercial area. It appeared to him the current master plan was consistent with other plans for the area. Mayor Montandon agreed the change was not warranted.

Councilman Buck questioned the statement about commercial zoning on Martin Luther King Boulevard. Acting Director Baxter responded he thought the area was zoned residential. Mr. Ross clarified the commercial area was on the east side of Martin Luther King Boulevard across from Coralie Street. Councilman Buck reiterated there was a pending application but no approval had been obtained for the other commercial area. Mr. Ross concurred.

Mr. L. Earl Hawley, Esquire, 916 Casino Center Boulevard, Las Vegas, agreed with Mr. Ross' comments and felt the proposed amendment was not warranted.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION OVERTURNED; AMP-33-03 DENIED

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

12. **APPEAL, SUBMITTED BY ROBERT GRONAUER ON BEHALF OF THE PROPERTY OWNER, OF THE DECISION OF THE PLANNING COMMISSION TO DENY AMP-19-03 (PECOS 90); AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES, ON BEHALF OF REVERE, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATIONS OF LIGHT INDUSTRIAL AND INDUSTRIAL TO MDR, MEDIUM DENSITY RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND DONOVAN WAY. (CONTINUED AUGUST 20, 2003) (ASSOCIATED ITEM NO. 13, ZN-36-03)**

ACTION: CONTINUED TO OCTOBER 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

13. **APPEAL, SUBMITTED BY ROBERT GRONAUER ON BEHALF OF THE PROPERTY OWNER, OF THE DECISION OF THE PLANNING COMMISSION TO DENY ZN-36-03 (LAUREL CANYON); AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES, ON BEHALF OF REVERE, LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN M-2 GENERAL INDUSTRIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT CONSISTING OF MEDIUM DENSITY RESIDENTIAL ON PROPERTY GENERALLY LOCATED BETWEEN ANN ROAD AND WASHBURN ROAD ALONG THE WEST SIDE OF THE UNION PACIFIC RAILWAY. (CONTINUED AUGUST 20, 2003) (ASSOCIATED ITEM NO. 12, AMP-19-03)**

ACTION: CONTINUED TO OCTOBER 15, 2003

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

14. AMP-38-03 (LONE MOUNTAIN AND LOSEE); AN APPLICATION, SUBMITTED BY CENTEX HOMES ON BEHALF OF UNLIMITED HOLDINGS, INC., PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF OFFICE, MHDR, MEDIUM HIGH DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL TO M-LDR, MEDIUM-LOW DENSITY RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF LAWRENCE STREET AND LONE MOUNTAIN ROAD.

Mayor Montandon opened the Public Hearing.

Acting Development Services Director Steve Baxter explained this action would pave the way for the construction of 4,500 square foot residential lots with a density of approximately 5.4 dwelling units per acre. The Planning Commission recommended approval.

Ian Ross, 5566 West Sahara Avenue, Suite 200-B, Las Vegas, stated the application was one of multiple applications submitted for review and approval. The developer and owner of the land had submitted an application for a tentative map, an application for a vacation of a street and for rezoning as well as this item. He stated it appeared that Centex Homes would purchase the land and develop it but it was not a certainty. Mr. Ross was the managing member of the limited liability corporation (LLC) that held the note and the deed of trust from Unlimited Holdings. Mr. Ross' LLC sold the land to Unlimited Holdings. To protect the security, the deed of trust provided that no application would be made to the City of North Las Vegas without the LLC's written consent. This application was made in violation of the deed of trust. Mr. Ross felt the amendment to the master plan was not necessary for Unlimited Holdings or Centex to purchase the land and develop it. The changes could be accomplished without modifying the master plan. He added if the City did approve the amendment the master plan, their security would be subjected to unnecessary risk because, in the event Centex did not move forward and there was a tentative map on the property for single family homes, the master plan for medium high density for multi-family would be lost if the property were to be foreclosed upon.

Mayor Montandon stated Mr. Ross' argument was best determined by a court of law as it was outside the purview of the Council. The City had a legally signed application on file that was deemed appropriate by both the Planning Staff and the Planning Commission.

He stated he had no way of knowing what Centex Homes was planning because they had not yet submitted an application. Mr. Ross countered Centex Homes would be submitting an application asking Council to exercise their discretion to make the amendment to the master plan. There was nothing that would force Council to amend the master plan. He reiterated an amendment to the master plan was unnecessary in this instance. Acting Director Baxter questioned Mr. Ross' argument as part of the property in question was currently zoned Office and an amendment to the master plan was necessary to change from Office to medium-low density residential. Mr. Ross countered the basic change was the medium-high density would be changed to medium-low density and felt it could be accomplished without an amendment. Mayor Montandon agreed but added there was still commercial and office to be dealt with. Mr. Ross stated the commercial portion would go from 20 acres to 10 acres and the office portion would stay the same. He still did not know of any reason for the amendment. Acting Director Baxter explained an amendment of the master plan was necessitated by a change in the type of usage. Mayor Montandon questioned if the zoning application from Centex Homes had been received by the City. Acting Director Baxter stated he was not aware of the application. Mr. Ross stated the tentative map had been approved by the Planning Commission. Mayor Montandon questioned how the Planning Commission could approve a tentative map when the use did not comply with the master plan. Mr. Ross did not have an answer for Mayor Montandon but pointed out the rest of the applications for this project would appear before Council at the October 1, 2003 City Council meeting. Acting Director Baxter stated it was not a legal procedure to approve a tentative map before the zoning was approved.

Bobby Lewis, 3068 East Sunset Road #9, Las Vegas from Orion Engineering represented Centex Homes and stated the application for a land use amendment was approved by the Planning Commission and a tentative map was on file with the City. Applications for the zone change and an amendment to the master streets and highways to remove La Madre had also been submitted to the City. Orion Engineering had been contracted by Centex Homes to build a single family development on the property. Office and Neighborhood Commercial portions of the project remained. This was the first phase of development to obtain the entitlements to the property to build the homes. He asked Council to follow the Planning Commission's recommendation and approve the amendment to the master plan.

Councilman Eliason felt it would be appropriate to hold the amendment to be heard at the same time as the zoning application. Mayor Montandon questioned what had been approved at the Planning Commission. Mr. Lewis responded the amendment to the master plan had been approved by the Planning Commission. The zoning application, the tentative map and the amendment to the master plan of streets and highways had been held because of an issue with the traffic study. The traffic study had since been submitted and recommended for approval. Mayor Montandon preferred to hear all items at the same time.

Acting Director Baxter stated the zoning action would be before Council in two weeks.

ACTION: CONTINUED TO OCTOBER 1, 2003

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

BUSINESS (cont.)

45. **ORDINANCE NO. 1852; 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 25 ACRES THEREIN FROM M-2 GENERAL INDUSTRIAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT (ZN-122-02, TROPICAL AND LAMB), FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND LAMB BOULEVARD AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1852 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 25 ACRES THEREIN FROM M-2 GENERAL INDUSTRIAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT (ZN-122-02, TROPICAL AND LAMB), FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND LAMB BOULEVARD AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

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

46. **ORDINANCE NO. 1853; 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 2.07± ACRES FROM AN R-E, RANCH ESTATES DISTRICT TO A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT (ZN-50-03, DONNA ST./AZURE AVE., NWC), FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF DONNA STREET AND AZURE AVENUE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1853 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 2.07± ACRES FROM AN R-E, RANCH ESTATES DISTRICT TO A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT (ZN-50-03, DONNA ST./AZURE AVE., NWC), FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF DONNA STREET AND AZURE AVENUE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

47. **ORDINANCE NO. 1854; 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 18.80± ACRES FROM A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT (ZN-52-03, LOSEE & AZURE), FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF LOSEE ROAD AND AZURE AVENUE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1854 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 18.80± ACRES FROM A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT (ZN-52-03, LOSEE & AZURE), FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF LOSEE ROAD AND AZURE AVENUE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND 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

COUNCIL ITEMS

Mayor Montandon requested an item on the October 1, 2003 City Council Agenda regarding discussion and/or action regarding plans for a new City Manager.

Councilman Buck requested Amendments to the Master Plan and zoning applications be brought before Council at the same time.

CITY MANAGER'S REPORT

No report given.

PUBLIC FORUM

Tian Bo spoke of the benefits of the ancient Chinese practice of Falun Gong and asked Council for support of the practice and to stop the persecution of practitioners in China. Mayor Montandon directed Mr. Bo to the speak with the Chinese ambassadors for assistance.

Steve Jackson requested the Ranch Estates Preservation are be preserved as was originally proposed. He asked that a site plan be reviewed before zoning is granted. Mr. Jackson also spoke of alleged Open Meeting Law violations.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 9:48 P.M.

MOTION: Mayor Montandon

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

APPROVED: November 5, 2003

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

Attest:

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