

**CITY OF NORTH LAS VEGAS  
SPECIAL CITY COUNCIL  
STUDY SESSION MINUTES**

March 17, 2004

**CALL TO ORDER:** 4:33 P.M.

**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 Gregory Rose  
Assistant City Manager Dan Tarwater  
City Attorney Sean McGowan  
Acting City Clerk Karen L. Storms  
Parks & Recreation Director Michael Henley

**VERIFICATION:** Karen L. Storms, CMC, Acting City Clerk

**BUSINESS:**

**1. DISCUSSION AND/OR ACTION REGARDING TAVERN PROXIMITY ISSUES**

City Attorney Sean McGowan provided Council with tavern regulations from other municipalities within Southern Nevada to generate discussion regarding distance separation requirements between taverns and other public entrances within the City of North Las Vegas.

Attorney McGowan stated a comparison to other local jurisdictions' separation requirements revealed the City of North Las Vegas was at the lower end of the spectrum and the City could defend increased distance separation requirements. Mayor Pro Tempore Robinson stated the distance between taverns and schools, churches and parks should be increased.

Mayor Montandon supported the current straight line measurement method between primary and public entrances. Other methods such as property line-to-property line or vehicle driving distance measurements were considered; however, Mayor Montandon conveyed these methods produced too much room for interpretation when calculating distance.

Councilman Buck recommended a distance of 1500 feet be required from the front door of a tavern to the playground on school or day care center property. Mayor Montandon stated administratively, door-to-door measurement was an easier method but posed problems on larger properties. Tavern-to-tavern distance measurements would be calculated front door-to-front door.

Councilman Buck asked City Attorney McGowan whether varying types of measurements could be used for different types of entities within the same ordinance and he responded they could.

Councilman Buck concurred tavern-to-tavern measurements would be front door-to-front door, and recommended parks, day care centers, schools or any structure with an outdoor playground be calculated using the front door of the tavern-to-property line of the outdoor play area.

Mayor Montandon stated the current tavern-to-tavern distance separation was 1500 feet and exceptions existed for 30-acre commercial centers. Council had discretion for use permits and could approve multiple permits for 30-acre sites. Council recommended distance requirements between taverns and schools, churches and parks be 1500 feet.

City Attorney McGowan inquired whether Council was in agreement with the process as it currently existed. Mayor Montandon stated Mesquite and Las Vegas went before their Council for final action. It was the City of North Las Vegas' policy that approval for related special use applications was final before the Planning Commission unless the application was appealed and would then go before Council.

An unidentified Planning Commissioner had no problem with the City's current policy as long as parameters were clearly defined.

Councilwoman Smith stated the application should come before the Planning Commission and then to Council to increase their awareness for tavern special use permit applications. Councilman Eliason inquired why was it necessary to go before the Planning Commission and Council for approval, as it would slow down the process. Councilwoman Smith stated the application should go directly to Council.

Planning Commissioner Harry Shull stated City policy was important to the Planning Commission and due to the City's rapid growth, additional oversight was warranted. He suggested a super majority, rather than a majority, be required for those types of applications to ensure unification among the Planning Commission members.

Mayor Montandon stated a super majority was currently required solely for amendments to the Master Plan at the Planning Commission level. Mayor Montandon asked City Attorney McGowan whether requesting a super majority for tavern special use permits and not other types of special use permits would present legal issues and City Attorney McGowan stated this requirement could be justified.

Mayor Pro Tempore Robinson asked for separation requirements for tavern- to- residential and Mayor Montandon responded Henderson's guidelines were the most stringent and the City could duplicate them.

Councilman Buck asked how distance requirements applied to casinos and Mayor Montandon replied they did not apply to unrestricted licenses. Councilman Buck stated SB208 addressed restrictions for residential, churches and schools and she did not want to restrict a casino from being able to have outside use of a day care facility, such as the case with Texas Station casino workers. Mayor Montandon stated Station Casinos owned the day care center and City Attorney McGowan added resort hotels were different and the separation distance restrictions would not apply. Councilman Buck stated SB208 did not address day care centers with casinos, and City Attorney McGowan replied it was primarily non-restricted gaming adjacent to neighborhoods. Mayor Montandon replied SB208 did not preclude a day care center from coming near a casino, but precluded a casino from developing near a day care center.

City Manager Rose stated a public meeting was scheduled with the Planning Commission and he would provide Council with its result, and an ordinance would be prepared for Council's consideration.

**2. UPDATE, DISCUSSION AND/OR ACTION REGARDING ACQUISITION OF MCCOOL REGIONAL PARK CURRENTLY UNDER LEASE WITH BUREAU OF LAND MANAGEMENT.**

City Manager Gregory Rose recommended Council allow Staff to include this lease in the Capital Improvement Program five year plan and apply for an extension before October 26, 2006 and move forward with development the park.

Parks and Recreation Director Mike Henley presented four options to Council. McCool Regional Park was a 160-acre park and its main recreational use at this time was a radio

control airport. The site was acquired by the City for the Horse/Decatur Pump Station. University of Nevada Reno (UNR) Cooperative Extension had a xeriscape orchard and Council approved additional acreage to expand the research facility the cooperative extension was using. The Bureau of Land Management (BLM) lease expired October, 2006 and the goal was to provide public recreation on the site. The City was eligible for one additional 10 year extension of the lease and Director Henley stated the extension was not automatic and the determining factor would be progress on developing the site.

Three phases were required: 1) Staff would work closely with UNR through the Cooperative Extension to ensure the research facility would grow and provide a benefit to the community. 2) Landscape would be provided around the airport area and 3) 40 acres were to be identified as a site for development of a nature park.

Director Henley stated this was a low impact development and provided a large amount of open space for passive recreation. Staff stated two choices existed, 1) either purchase the patent prior to October, 2006, which necessitated funds being invested into the site at this time to accomplish the improvements in the three areas stated above or 2) invest a minimal amount of funds to get an extension granted for an additional 10 years for the implementation of the plan or change the master plan. Staff identified a cost of \$600,000 to accomplish the goals of the plan outlined in the 1990's. Staff worked with Engineering on half-street improvements and estimated \$2.8-\$3.8 million for the street sections.

Director Henley stated the regional park would be an asset for the City. There was a community-wide interest in larger acreage parks and the parks would receive high use. The issue was the timing of the development (160 acres) and the operating and maintenance costs associated with it. Planting around the airport area could be done to solidify the land use plan component with University of Nevada at Las Vegas (UNLV) and the City could then return successfully to the BLM and state the City was making progress. The nature park component would not be done until 2008 and overlapped the end of the term of the lease. If progress could be shown and a plan provided showing the expansion and support of the park, the 10-year extension could be granted.

Director Henley stated the Master Plan reflected regional park acreage was the most deficient type of park acreage in the City. When factoring the regional park's acreage into the City's inventory, the City was approximately 600 acres deficient in regional park land. Projections to 2009 would increase that figure to 1000 acres deficient in regional park land.

City Manager Rose stated Council identified this parcel as a strategic piece of property the City wanted to retain. Mayor Montandon expressed his appreciation to Staff for their work and research on this project and stated when he took office in July, 1997 the lease that had expired in October of 1996 was presented and the City filed for a ten year extension sometime prior to October, 1996. The BLM vacillated for approximately 9-10 months

before signing the extension and consequently, when Mayor Montandon signed the lease in September, it was done retroactively to October, 1996. The City had a great relationship with UNLV, UNR and the Cooperative Extension, but they had approached the BLM, unknown to the City of North Las Vegas, and stated that their portion of the land had been developed and requested a patent be sold to them for their portion, rather than being a sublease to the City of North Las Vegas. The City needed to ensure there was no loss of acreage to some other use. Mayor Montandon added he wanted to continue working with UNLV and projected they would develop community gardens.

Mayor Montandon added Signature, Pardee and Real Homes were developing in this area and the City would be 160 acres on the edge of several thousand homes in the immediate future. Mayor Montandon recommended the lease be renewed in October, 2006.

City Manager Rose asked whether Council agreed the Regional Park Extension be placed in the Capital Improvement Program five year plan and Mayor Montandon responded he agreed; however, the land did not need to be developed all at once for \$3 million. The City needed to make progress to ensure the lease would be renewed. City Manager Rose stated the Capital Improvement Program could be amended to include development of this park in the next fiscal year so that this process could begin.

Councilman Buck asked when the ceremony would be held to formally name the park. Mayor Montandon stated the plaque had not been built and Director Henley added the stone work was ordered.

Councilman Eliason stated the City needed to work with development to ensure equipment was there and Director Henley stated the City had worked with Centex to ensure water and utilities stubbed out behind the right-of-way line in the north, prior to paving.

## **PUBLIC FORUM**

There was no public participation.

## **ADJOURNMENT**

**ACTION:** THE MEETING ADJOURNED AT 5:49 P.M.

**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

**APPROVED:            May 19, 2004**

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

Attest:

/s/ Karen L. Storms  
Karen L. Storms CMC, Acting City Clerk