

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

July 20, 2005

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

CITY COUNCIL MEETING

CALL TO ORDER

6:03 P.M., Council Chambers, 2200 Civic Center Drive, North Las Vegas, Nevada

WELCOME

Mayor Michael L. Montandon

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
City Attorney Sean McGowan
City Clerk Karen Storms
Economic Development Director
Mike Majewski
Finance Director Phil Stoeckinger
Fire Chief Al Gillespie
Human Resources Director Ali Freeman

Parks & Recreation Director Mike Henley
Planning & Development Deputy Director
Kenny Young
Police Chief Mark Paresi
Public Works Director Jim Bell
Strategic Planning Director Eric Dabney
Utilities Director David Bereskin
Deputy City Clerk Anita Sheldon

VERIFICATION

Karen L. Storms, CMC
City Clerk

INVOCATION

Lt. Wayne Chaisson
Salvation Army

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Robinson

PROCLAMATION

★ **PROCLAIMING JULY 18 THROUGH JULY 22, 2005 NEIGHBORHOOD HOUSING SERVICES OF SOUTHERN NEVADA WEEK**

ACTION: PROCLAMATION MADE

PUBLIC FORUM

Leanna McClain, 2742 Taylor Avenue, North Las Vegas, spoke of noise problems in her neighborhood. Mayor Montandon directed Staff to look into the complaint.

Councilman Eliason advised the noise ordinance was in effect between the hours of 11:00 p.m. and 7:00 a.m. City Attorney Sean McGowan stated the ordinance was enforceable and individuals had received citations and had been prosecuted for violations of the ordinance. City Manager Gregory Rose stated he would direct Code Enforcement to check out the area.

Albert McClain, 2742 Taylor Avenue, North Las Vegas, complained about more than one family living in single family homes and problems with cars being parked on lawns.

Bill Dolan, 6725 Song Sparrow, North Las Vegas, spoke about safe driving by employees in City vehicles and customer service issues.

AGENDA

1. **APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF JULY 20, 2005.**

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

PUBLIC HEARINGS - 6:15 P.M.

9. **VAC-13-05 (155 FOOT WIDE DRAINAGE EASEMENT); AN APPLICATION SUBMITTED BY DONALD L. DENMAN, PROPERTY OWNER, TO VACATE THE EASTERLY 155 FEET OF AN EASEMENT COMMENCING AT LONE MOUNTAIN ROAD AND PROCEEDING NORTH APPROXIMATELY 1,263 FEET.**

Mayor Montandon opened the Public Hearing.

Public Works Director Jim Bell presented a map that showed 155 feet of prior dedication to Clark County when it was in Clark County's jurisdiction. The request was to remove the dedication in favor of a 165 foot right-of-way for a channel. Staff agreed with the proposed change.

Larry Gearheart of D.L. Denman Construction Company, 4880 Donovan Way, North Las Vegas, appeared on behalf of the applicant stating he concurred with Staff's recommendation.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

2. **AMP-18-05 (CRAIG ROAD CONDOMINIUMS); AN APPLICATION SUBMITTED BY CRAIG ROAD, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF INDUSTRIAL TO HDR HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF VANDENBERG LANE AND CRAIG ROAD. (ASSOCIATED ITEM NO. 3, APPEAL, ZN-35-05) (CONTINUED JUNE 1 AND JUNE 15, 2005)**

Mayor Montandon opened the Public Hearing.

Planning Manager Marc Jordan stated the site was located adjacent to a residential development within the Clark County District. The Planning Commission unanimously recommended approval.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, represented the applicant and concurred with Staff's conditions.

Zuzana Herchik, 4106 Pistachio Nut Avenue, Las Vegas, stated she was opposed to the proposed re-zoning. Ms. Herchik inquired as to the status of the vacation of Vandenberg Lane. Mr. Garcia responded a traffic study was conducted and the results were provided to the Public Works Department.

Peter Herchik, 4106 Pistachio Nut Avenue, Las Vegas, spoke in opposition to the proposed High Density Residential designation.

Renee Albert, 4111 Pistachio Nut Avenue, Las Vegas, stated she was in favor of the property designation of High Density Residential. However, she expressed concern over the safety of the children due to high traffic and would like to see Macadamia Drive closed off at Vandenberg Lane. When asked by Ms. Albert about the design review, Mayor Montandon responded the design review could not be completed before the zoning of the property.

Councilwoman Smith expressed concern that if the zoning change were approved, the issue of the vacation of Vandenberg Lane would still be an issue. She suggested the Vandenberg vacation be discussed and decided upon prior to the zoning change.

George Garcia commented if the property were zoned industrial or commercial, the traffic problem would be worse than if it were zoned residential because of the trucks and commercial vehicles that would come through the area.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: Councilwoman Smith

ABSTAIN: None

3. APPEAL, BY THE APPLICANT, OF THE PLANNING COMMISSION'S DECISION TO DENY ZN-35-05 (CRAIG ROAD CONDOMINIUMS); AN APPLICATION SUBMITTED BY CRAIG ROAD, LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN M-2 GENERAL INDUSTRIAL

DISTRICT TO AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF VANDENBERG LANE AND CRAIG ROAD. (ASSOCIATED ITEM NO. 2, AMP-18-05) (CONTINUED JUNE 15, 2005)

Mayor Montandon opened the Public Hearing.

Planning Manager Marc Jordan advised the Planning Commission denied the item by a vote of 4-2. As no development plans had been submitted, the Commission recommended the applicant come back with a Planned Unit Development so site design, density, etc. could be considered.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, advised the main concerns of the residents were whether or not the entrance gate would be moved and the vacation of Vandenberg Lane. The site plan review was submitted to the City with the vacation of Vandenberg and the access gate being moved toward Craig Road.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION TO DENY OVERTURNED; ZN-35-05 APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: Councilwoman Smith

ABSTAIN: None

4. UN-76-03 (DECATUR AND TROPICAL); AN APPLICATION SUBMITTED BY DECATUR TROPICS, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A TAVERN FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF TROPICAL PARKWAY (CENTENNIAL PARKWAY) AND DECATUR BOULEVARD. (CONTINUED JUNE 1 AND JUNE 15, 2005)

Mayor Montandon opened the Public Hearing.

Planning Manager Marc Jordan advised this was the third request for an extension of time by the applicant. Staff recommended approval.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, and **Michael Cuddy, D.R. Horton, 3513 East Russell Road, Las Vegas,** requested a continuance of two weeks.

ACTION: CONTINUED TO AUGUST 3, 2005

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

5. UN-131-04 (LOSEE & LONE MOUNTAIN 2 ACRES); AN APPLICATION SUBMITTED BY MENDENHALL FAMILY TRUST, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A TAVERN FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LOSEE ROAD AND LONE MOUNTAIN ROAD. (CONTINUED JUNE 1 AND JUNE 15, 2005)

Mayor Montandon opened the Public Hearing.

Planning Manager Marc Jordan advised this was the first request for an extension of time by the applicant. Staff recommended approval.

Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas, appeared on behalf of the applicant and requested an extension of one year.

Mayor Montandon closed the Public Hearing.

ACTION: ONE YEAR EXTENSION GRANTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: Councilwoman Smith

ABSTAIN: None

6. **AN APPEAL BY CHRISTOPHER R. MCCULLOUGH, REPRESENTING THE MELDRUM FAMILY TRUST, PROPERTY OWNER, OF THE PLANNING COMMISSION'S DECISION TO APPROVE SPR-18-05 (5TH AND GILMORE BUSINESS PARK); AN APPLICATION SUBMITTED BY MARTIN HARRIS CONSTRUCTION, ON BEHALF OF THE MELDRUM FAMILY TRUST, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO DEVELOP 10 BUILDINGS WITH 232,801 SQUARE FEET OF OFFICE AND WAREHOUSE SPACE ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF GOWAN ROAD AND NORTH 5TH STREET.**

Mayor Montandon opened the Public Hearing.

Planning Manager Marc Jordan advised Staff recommended approval by the Planning Commission subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The development must comply with the Industrial Design Guidelines.
3. The slope at the rear and sides of the property line must not exceed three to one (3:1) and must be terraced using two or more retaining walls, that shall not exceed six feet in height, for a maximum overall height of twelve feet.
4. A master sign plan shall be submitted and approved for the entire development prior to the issuance of a building permit for a sign.

The Planning Commission unanimously approved the application subject to the addition of the following condition:

5. Dedication of right-of-way pursuant to Master Plan of Streets and Highways.

The applicant appealed the additional condition and the item was continued to allow the applicant to work with Staff regarding the project. The revised site plan showed 30 feet of landscaping next to North 5th Street which did not include the sidewalk. Manager Jordan stated Staff agreed with the dedication and advised the City would be able to acquire the additional 25 feet of landscaping sometime in the future. The additional 25 feet could eventually be designed with a 10-foot all-purpose trail and 10 feet of landscaping, in addition to the landscaping provided by the applicant adjacent to their own parking lot, which would be five feet. As a result, Staff drafted a revised Condition No. 5 which the applicant agreed to as follows:

“5. 30 feet of perimeter landscaping, not including sidewalks, shall be provided along North 5th Street. A minimum of five feet of perimeter landscaping outside of the public right-of-way shall be maintained along North 5th Street following any future right-of-way acquisition.”

James J. Leavitt, Kermit L. Waters Law Office, 704 South 9th Street, Las Vegas, appeared on behalf of the applicant and recommended approval based upon the revised conditions. He offered to respond to questions.

Gary Congdon, Lee & Sakahara Architects, 6280 South Valley View Boulevard, Las Vegas, stated the applicant had curbs and gutters installed on North 5th Street which would be modified as the project moved forward. He advised there was a bus turnout on the property and the applicant planned to have discussions with Public Works as to whether the bus turnout was needed or if it could be relocated.

Public Works Director Jim Bell stated the future street design of 5th Street had not been completed but was a future condition. The right-of-way was previously dedicated since the applicant had a prior subdivision in the area. Director Bell advised it was not yet certain how the bus turnout would be incorporated into the revised section of North 5th Street and that determination could not be made without the future street design.

Councilwoman Smith made it matter of record that she was personally acquainted with the applicant, Floyd Meldrum, but it would not affect her decision.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION TO APPROVE SPR-18-05 UPHELD SUBJECT TO CONDITION NO. 5 BEING REVISED AS FOLLOWS:

5. 30 FEET OF PERIMETER LANDSCAPING, NOT INCLUDING SIDEWALKS, SHALL BE PROVIDED ALONG NORTH FIFTH STREET. A MINIMUM OF FIVE FEET OF PERIMETER LANDSCAPING OUTSIDE OF THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED ALONG NORTH FIFTH STREET FOLLOWING ANY FUTURE RIGHT-OF-WAY ACQUISITION.

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

7. **WAV-02-05 (NORTH MEADOWS WEST); AN APPLICATION SUBMITTED BY CELEBRATE HOMES, ON BEHALF OF CELEBRATE PROPERTIES, LLC, PROPERTY OWNER, FOR A WAIVER TO REDUCE THE SEPARATION BETWEEN THE PROPERTY LINE AND DRIVEWAY FROM SEVEN (7) FEET TO ZERO (0) FEET FOR A SINGLE LOT ON PROPERTY LOCATED AT 2115 MEADOW GREEN STREET IN THE NORTH MEADOWS WEST DEVELOPMENT.**

Mayor Montandon opened the Public Hearing.

Planning Manager Marc Jordan advised the applicant proposed to develop single story homes with detached garages. Staff recommended approval.

Mayor Montandon closed the Public Hearing.

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

8. **VAC-05-05 (THE GATEWAY); AN APPLICATION SUBMITTED BY PJ & CB, LLC, TO VACATE LAWRENCE STREET BETWEEN DEER SPRINGS WAY AND DORRELL LANE; TO VACATE COLLETTE STREET BETWEEN DEER SPRINGS WAY AND DORRELL LANE; TO VACATE DORRELL LANE BETWEEN LAWRENCE STREET AND LOSEE ROAD; TO VACATE AN UNNAMED STREET BETWEEN LAWRENCE STREET AND LOSEE ROAD; TO VACATE DEER SPRINGS WAY BETWEEN LAWRENCE STREET AND LOSEE ROAD AND TO VACATE ROME BOULEVARD BETWEEN LAWRENCE STREET AND LOSEE ROAD.**

Mayor Montandon opened the Public Hearing.

Public Works Director Jim Bell stated Staff would support all the requests for vacation with the exception of Deer Springs Way and Lawrence Street.

Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas, advised the applicant agreed with the exceptions put forth by Director Bell.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED WITH THE EXCEPTION OF LAWRENCE STREET BETWEEN DEER SPRINGS WAY AND DORRELL LANE AND DEER SPRINGS WAY BETWEEN LAWRENCE STREET AND LOSEE ROAD

MOTION: Councilman Shari Buck

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

CONSENT AGENDA

10. APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF JUNE 1, 2005.

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 OF PRIVILEGED LICENSE:

NEW LIQUOR

1. Green Valley Wine and Spirits Inc LIQUOR Wholesale Liquor Distributor
Loretta J. Lisowski, Pres.
DBA: Green Valley Wine and Spirits
6185 Harrison Dr, Ste 11
Las Vegas, Nevada Police Investigations Completed

NEW GAMING

2. Ramzi Y Suliman GAMING (7) Slot Machines
DBA: Super Azteca Owner Operator
2425 Las Vegas Blvd N
North Las Vegas, Nevada

Nevada State Gaming Commission Approved 8/26/04

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. **ACCEPTANCE OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH JACKSON-SHAW COMPANY, FOR A PORTION OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNALS AT CHEYENNE AVENUE & DECATUR BOULEVARD IN THE AMOUNT OF \$1,080 OR 0.9% OF THE TOTAL COST; CHEYENNE AVENUE & ALLEN LANE IN THE AMOUNT OF \$4,680 OR 3.9% OF THE TOTAL COST; CHEYENNE AVENUE & VALLEY DRIVE IN THE AMOUNT OF \$7,438 OR 1.4% OF THE TOTAL COST; AND CHEYENNE AVENUE & SIMMONS STREET IN THE AMOUNT OF \$1,680 OR 1.4% OF THE TOTAL COST FOR THE NORTHPORT III COMMERCIAL PROJECT, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF CHEYENNE AVENUE AND ALLEN LANE.**

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. **ACCEPTANCE OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH JACKSON-SHAW COMPANY, FOR A PORTION OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNALS AT CHEYENNE AVENUE & DECATUR BOULEVARD IN THE AMOUNT OF \$720 OR 0.6% OF THE TOTAL COST; CHEYENNE AVENUE & ALLEN LANE IN THE AMOUNT OF \$3,240 OR 2.7% OF THE TOTAL COST; CHEYENNE AVENUE & VALLEY DRIVE IN THE AMOUNT OF \$4,782 OR 0.9% OF THE TOTAL COST; AND CHEYENNE AVENUE & SIMMONS STREET IN THE AMOUNT OF \$960 OR 0.8% OF THE TOTAL COST FOR THE NORTHPORT IV COMMERCIAL PROJECT, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF CHEYENNE AVENUE AND ALLEN LANE.**

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. **ACCEPTANCE OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH TEMPLE DEVELOPMENT CORPORATION FOR A PORTION OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNALS AT CENTENNIAL PARKWAY & LOSEE ROAD IN THE AMOUNT OF \$33,451 OR 6.8% OF THE TOTAL COST; BELTWAY-WB & LOSEE ROAD IN THE AMOUNT OF \$13,774 OR 2.8% OF THE TOTAL COST; BELTWAY - EB & LOSEE ROAD IN THE AMOUNT OF \$12,298 OR 2.5% OF THE TOTAL COST FOR THE CENTENNIAL AND STATZ CONDOMINIUM DEVELOPMENT, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF CENTENNIAL 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

15. **ACCEPTANCE OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH ATHARI FAMILY INVESTMENTS, LLC, FOR A PORTION OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNALS AT LAKE MEAD BOULEVARD & CIVIC CENTER DRIVE IN THE AMOUNT OF \$1,560 OR 1.3% OF THE TOTAL COST; AND OWENS AVENUE & CIVIC CENTER DRIVE IN THE AMOUNT OF \$1,200 OR 1.0% OF THE TOTAL COST FOR THE ATHARI PROFESSIONAL CENTER, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF REYNOLDS STREET AND CIVIC CENTER 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

16. **ACCEPTANCE OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH LF HARRIS AND COMPANY, INC., FOR A PORTION OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNALS AT CHEYENNE AVENUE & SIMMONS STREET IN THE AMOUNT OF \$1,200 OR 1.0% OF THE TOTAL COST; AND CHEYENNE AVENUE & ALLEN LANE IN THE AMOUNT OF \$1,200 OR 1.0% OF THE TOTAL COST FOR THE CHEYENNE PROMENADE (CMA OFFICE BUILDING), GENERALLY LOCATED ON THE NORTHWEST CORNER OF CHEYENNE AVENUE 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

17. **AMP-22-05 (NORTH RANCH); AN APPLICATION SUBMITTED BY D. R. HORTON, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MDR MEDIUM DENSITY RESIDENTIAL AND COMMUNITY COMMERCIAL TO M-HDR MEDIUM-HIGH DENSITY RESIDENTIAL ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ELKHORN ROAD AND NORTH 5TH STREET. (SET PUBLIC HEARING FOR AUGUST 3, 2005)**

ACTION: PUBLIC HEARING SET FOR AUGUST 3, 2005

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. **AMP-23-05 (TWILIGHT AT NORTH RANCH); AN APPLICATION SUBMITTED BY D. R. HORTON, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MDR MEDIUM DENSITY RESIDENTIAL AND M-HDR MEDIUM-HIGH DENSITY RESIDENTIAL TO M-LDR MEDIUM-LOW DENSITY RESIDENTIAL ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DORRELL LANE AND GOLDFIELD STREET. (SET PUBLIC HEARING FOR AUGUST 3, 2005) (ASSOCIATED ITEM NO. 19, AMP-25-05)**

ACTION: PUBLIC HEARING SET FOR AUGUST 3, 2005

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. **AMP-25-05 (TWILIGHT AT NORTH RANCH); AN APPLICATION SUBMITTED BY D. R. HORTON, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREET AND HIGHWAYS TO REALIGN DORRELL LANE BETWEEN GOLDFIELD STREET AND NORTH FIFTH STREET. (SET PUBLIC HEARING FOR AUGUST 3, 2005) (ASSOCIATED ITEM NO. 18, AMP-23-05)**

ACTION: PUBLIC HEARING SET FOR AUGUST 3, 2005

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. **AMP-24-05 (MANUFACTURING FACILITY); AN APPLICATION SUBMITTED BY FLF 98, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN LAND USE ELEMENT TO CHANGE THE CURRENT DESIGNATION OF COMMUNITY COMMERCIAL TO INDUSTRIAL ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF REGENA AVENUE AND RANGE ROAD. (SET PUBLIC HEARING FOR AUGUST 3, 2005) (ASSOCIATED ITEM NO. 37, ORDINANCE NO. 2163, ZN-45-05)**

ACTION: PUBLIC HEARING SET FOR AUGUST 3, 2005

21. **AMP-27-05 (PROJECT NLV); AN APPLICATION SUBMITTED BY THE MENDENHALL FAMILY TRUST AND NELSON VENTURES ON BEHALF OF THE MENDENHALL FAMILY TRUST AND MENDENHALL LEGACY, LP, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF INDUSTRIAL, LIGHT INDUSTRIAL AND NEIGHBORHOOD COMMERCIAL TO REGIONAL COMMERCIAL ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NORTH FIFTH STREET AND CRAIG ROAD. (SET PUBLIC HEARING FOR AUGUST 3, 2005)**

ACTION: PUBLIC HEARING SET FOR AUGUST 3, 2005

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. **AN APPEAL SUBMITTED BY STAFF OF THE PLANNING COMMISSION'S DECISION TO APPROVE UN-49-05 (ANN MARKET PLACE [CASHBOX]); AN APPLICATION SUBMITTED BY CASHBOX II, LLC DBA CASHBOX, ON BEHALF OF BARRY FORD, ET AL, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION ON PROPERTY LOCATED AT 2696 WEST ANN ROAD. (SET PUBLIC HEARING FOR AUGUST 3, 2005)**

ACTION: PUBLIC HEARING SET FOR AUGUST 3, 2005

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. **UN-86-01 (CENTENNIAL MARKETPLACE); AN APPLICATION SUBMITTED BY MARK LEFKOWITZ ON BEHALF OF CENTENNIAL LOSEE CENTER, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE"**

OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A RESTAURANT/TAVERN ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF LOSEE ROAD AND CENTENNIAL PARKWAY. (SET PUBLIC HEARING FOR AUGUST 17, 2005)

ACTION: PUBLIC HEARING SET FOR AUGUST 17, 2005

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

24. ACCEPTANCE OF THE UPDATE PRESENTATION FOR THE DESIGN OF THE CIVIC CENTER DRIVE MEDIAN XERISCAPE PROJECT.

Senior Engineer Bill Knight provided an update of the Civic Center Xeriscape project which had progressed to the final design stage. The existing turf would be replaced with tiered planters and drought-tolerant trees, shrubs and ground cover. The existing planters would be removed and the existing olive trees would be incorporated in a larger planter with larger trees. The existing pedestrian crossing would remain intact, as well as space for the City's annual Tastes 'n Tunes event. Mr. Knight advised there would be one change in the original design and that was for the first tier of the medians from the back of curb to the first wall. Ground cover was originally planned but due to concern for the safety of the Parks Maintenance staff, as well as increased wear and tear, decorative concrete or paver would be used. He estimated construction would begin approximately January 1, 2006 with a completion date of approximately the end of April, in time for the 2006 Tastes 'n Tunes event. Mr. Knight advised the City would be eligible for a reimbursement of \$50,000 from the Southern Nevada Water Authority for eliminating the existing turf.

Councilman Eliason expressed a desire to have palm trees included in the Civic Center landscape project. He stated a theme had been established with palm trees included in other landscape projects throughout the City and felt it should be consistent.

Mr. Knight advised Staff had considered palm trees as a potential option and suggested the addition of California date palms at the points of the islands. He proposed a total of eighteen 20-foot date palm trees for an additional cost of approximately \$54,000. Another option would be eighteen 20-foot Canary Island date palms at an approximate cost of

between \$72,000 and \$108,000. A third option was offered which would be thirty 20-foot Washingtonian fan palms at a cost of \$24,000. Mr. Knight explained 12-13% more water would be required with the addition of the palm trees.

Mr. Knight commented that Staff was concerned about the significant height of the existing sycamore and other mature trees in front of City Hall. He stated the 20-foot trees planted in the medians could possibly lose their visual impact with the tall trees on the City Hall campus.

Councilwoman Smith expressed concern that the visual impact the palms would produce may be diminished by the taller trees on the City Hall campus. She also stated the landscape project was geared to conserving water and if palm trees were placed in the medians, it would defeat that purpose.

ACTION: PRESENTATION ACCEPTED, AS AMENDED TO INCLUDE 20 FOOT CALIFORNIA DATE PALMS

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 OF THE SETTLEMENT AGREEMENT AND ORDER IMPOSING LIQUOR LICENSE CONDITIONS AGAINST HERMES R. MEJIA, LICENSEE, OF THE EL RINCON NAYARITA BAR. (TABLED JULY 6, 2005)

City Attorney Sean McGowan requested withdrawal of the item as neither the applicant nor his representative appeared at the meeting.

Mayor Montandon left Council Chambers at 7:05 P.M.

ACTION: WITHDRAWN

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

Mayor Montandon returned to Council Chambers at 7:07 P.M.

26. APPROVAL OF AGREEMENT FOR PROFESSIONAL SERVICES - INDIGENT DEFENDANT LEGAL REPRESENTATION DESIGNATING KENNETH G. FRIZZELL, III, ESQ., AS COURT APPOINTED ATTORNEY IN THE AMOUNT OF \$250 PER APPOINTMENT FOR REPRESENTATION AT THE COURT LEVEL. (CNLV CONTRACT NO. C-6051)

When asked by Councilman Buck what qualifications were required to be a court-appointed attorney or alternate judge, Judge Warren VanLandschoot responded it would be someone who defended his client to the best of his ability. Judge VanLandschoot stated Mr. Frizzell had an excellent reputation and was highly thought of in the community. He advised it was very difficult to secure alternate judges because of the disruption to their law offices which was the reason so many alternate judges were necessary.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

27. RATIFICATION OF THE APPLICATION AND AWARD OF THE STATE EMERGENCY RESPONSE COMMISSION (SERC) GRANT IN THE AMOUNT OF \$11,450 TO PURCHASE A VIPER THERMAL IMAGING CAMERA AND BINOCULARS TO BE USED ON-SCENE FOR HAZARDOUS MATERIALS INCIDENTS AND AN LCD PROJECTOR FOR USE IN HAZARDOUS MATERIALS TRAINING AND AUTHORIZATION FOR THE MAYOR TO SIGN THE INTERLOCAL AGREEMENT WITH CLARK COUNTY.

ACTION: APPLICATION RATIFIED; AWARD ACCEPTED

MOTION: Mayor Pro Tempore

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

28. APPROVAL OF AN INTERLOCAL CONTRACT WITH THE CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR THE FY 2005-2006 ANNUAL MAINTENANCE WORK PROGRAM IN AN AMOUNT NOT TO EXCEED \$1,354,500. (CNLV CONTRACT NO. C-6052)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

29. APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH THE LOUIS BERGER GROUP, INC., FOR THE LAS VEGAS WASH - "A" CHANNEL - THREE BRIDGES PROJECT FOR ADDITIONAL FIELD INVESTIGATIONS, PROJECT MEETINGS, COORDINATION/CLARIFICATION DURING CONSTRUCTION AND UTILITY DESIGN MODIFICATIONS IN AN AMOUNT NOT TO EXCEED \$59,280. (CNLV CONTRACT NO. C-4744)

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

30. APPROVAL OF VARIANCE TO TITLE 15.40.010 TO ALLOW THE CITY TO PERMIT CONSTRUCTION ACTIVITIES FOR CERTAIN PORTIONS OF THE ANN/LOSEE DEVELOPMENT AND ISSUE CERTIFICATES-OF-OCCUPANCY FOR STRUCTURES WITHIN A SPECIAL FLOOD HAZARD AREA PRIOR TO THE PROCESSING OF THE REQUISITE CONDITIONAL LETTER OF MAP REVISION AND LETTER OF MAP REVISION THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

31. APPROVAL OF AN ADMINISTRATIVE SETTLEMENT IN THE AMOUNT OF \$20,900 WITH LEON CHEN, ET AL, PROPERTY OWNER, FOR RIGHT-OF-WAY ACQUISITION FOR THE UPPER LAS VEGAS WASH CHANNEL PROJECT. (CNLV CONTRACT NO. 6053)

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

32. GRANT OF EASEMENT TO NEVADA POWER COMPANY FOR INSTALLATION OF A TRANSFORMER AND ELECTRICAL LINE ON PROPERTY LOCATED ON THE EAST SIDE OF CIVIC CENTER DRIVE, NORTH OF GOWAN ROAD.

ACTION: EASEMENT GRANTED

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

33. APPROVAL OF AMENDMENT NO. 15 TO THE SOUTHERN NEVADA WATER AUTHORITY CAPITAL IMPROVEMENTS PLAN WHICH INCLUDES FUNDING FOR THE WORK ON LAKE MEAD INTAKE NO. 3 IN THE AMOUNT OF \$650,000,000.

Councilman Buck advised Amendment No. 15 was approved at the Southern Nevada Water Authority but North Las Vegas did not have the votes on the Board to change anything. However, the Board did state publicly that all work in the future would go out to bid.

Councilwoman Smith thanked Councilman Buck for representing the City of North Las Vegas on the Southern Nevada Water Authority Board.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

34. ADOPTION OF THE DEBT MANAGEMENT POLICY AND NOTIFICATION OF BOND RATING UPGRADE BY STANDARD & POOR'S RATING SERVICE AND MOODY'S INVESTORS SERVICE.

Finance Director Phil Stoeckinger advised both Standard & Poor's and Moody's had recently upgraded the City's bond rating. In addition, Moody's upgraded the rating of the Library District. Director Stoeckinger stated this was the first rating upgrade received by the City in more than five years and the first time a rating upgrade was received from both agencies in over ten years. In recognition of this achievement, Nevada State Bank presented commemorative plaques to Council members.

Director Stoeckinger stated NRS 350.013 required the City to submit an annual report to the Department of Taxation and the Debt Management Commission which included a statement of debt, contemplated debt and a copy of the Capital Improvement Plan. The proposed policy also contained the manner in which the City sells debt, as well as policies on refunding projects. Director Stoeckinger recommended adoption of the Debt Management Policy.

Councilwoman Smith commended City Manager Gregory Rose for leading the City and thanked Finance Director Phil Stoeckinger for handling the financial details.

ACTION: POLICY ADOPTED

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 Pro Tempore Robinson left Council Chambers at 7:21 P.M.

35. **RESOLUTION NO. 2317; A RESOLUTION TRANSFERRING \$4,183,650 OF STATE 2005 PRIVATE ACTIVITY BOND CAP CEILING OF THE CITY OF NORTH LAS VEGAS NEVADA TO CLARK COUNTY FOR SOUTHWEST GAS CORPORATION AND \$4,000,000 OF STATE 2005 PRIVATE ACTIVITY BOND CAP CEILING OF THE CITY OF NORTH LAS VEGAS NEVADA TO THE STATE OF NEVADA, DIRECTOR OF THE DEPARTMENT OF BUSINESS AND INDUSTRY FOR THE SINGLE-FAMILY MORTGAGE POOL PROGRAM.**

Resolution No. 2317 as introduced by the City Manager:

A RESOLUTION TRANSFERRING \$4,183,650 OF STATE 2005 PRIVATE ACTIVITY BOND CAP CEILING OF THE CITY OF NORTH LAS VEGAS NEVADA TO CLARK COUNTY FOR SOUTHWEST GAS CORPORATION AND \$4,000,000 OF STATE 2005 PRIVATE ACTIVITY BOND CAP CEILING OF THE CITY OF NORTH LAS VEGAS NEVADA TO THE STATE OF NEVADA, DIRECTOR OF THE DEPARTMENT OF BUSINESS AND INDUSTRY FOR THE SINGLE-FAMILY MORTGAGE POOL PROGRAM.

Mayor Montandon commented one of the goals of the City was to discover job creation uses for the State Bond Cap.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Montandon

SECOND: Councilman Eliason

AYES: Mayor Montandon, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

Mayor Pro Tempore Robinson returned to Council Chambers at 7:23 P.M.

36. **RESOLUTION NO. 2318; A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT A CERTAIN PROJECT FOR THE ACQUISITION AND IMPROVEMENT OF STREET PROJECTS PURSUANT TO THE CONSOLIDATED LOCAL IMPROVEMENTS LAW, AND ALL LAWS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO, TO BE KNOWN AS NORTH LAS VEGAS, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 61 (ANN ROAD AND**

ANCILLARY STREETS); SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE PROJECT; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

Resolution No. 2318 as introduced by the City Manager:

A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT A CERTAIN PROJECT FOR THE ACQUISITION AND IMPROVEMENT OF STREET PROJECTS PURSUANT TO THE CONSOLIDATED LOCAL IMPROVEMENTS LAW, AND ALL LAWS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO, TO BE KNOWN AS NORTH LAS VEGAS, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 61 (ANN ROAD AND ANCILLARY STREETS); SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE PROJECT; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

City Clerk Karen Storms advised there were three instances wherein Resolution 2318 stated a Public Hearing was on August 17th at 6:30 when it should have read 6:15.

In response to a question by Councilman Buck, Public Works Director Jim Bell advised there was a traffic signal proposed in the improvements for Ann Road at Simmons. The concern was the project would be too delayed for the traffic that existed at that intersection. Director Bell stated he was working with Staff to devise a plan to have the light installed much sooner.

ACTION: PASSED AND ADOPTED, AS AMENDED TO CHANGE THE PUBLIC HEARING TIME FROM 6:30 P.M. TO 6:15 P.M.

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

ORDINANCES
INTRODUCTION ONLY

37. **ORDINANCE NO. 2163; 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 9.43± ACRES THEREIN FROM A C-2 GENERAL COMMERCIAL DISTRICT TO AN M-2 GENERAL INDUSTRIAL DISTRICT (ZN-45-05, MANUFACTURING FACILITY), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF REGENA AVENUE AND RANGE ROAD. (SET FINAL ACTION FOR AUGUST 3, 2005) (ASSOCIATED ITEM NO. 20, AMP-24-05)**

Ordinance No. 2163 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 9.43± ACRES THEREIN FROM A C-2 GENERAL COMMERCIAL DISTRICT TO AN M-2 GENERAL INDUSTRIAL DISTRICT (ZN-45-05, MANUFACTURING FACILITY), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF REGENA AVENUE AND RANGE ROAD.

ACTION: FINAL ACTION SET FOR AUGUST 3, 2005

38. **ORDINANCE NO. 2165; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-10-05), TO AMEND TITLE 17 (ZONING ORDINANCE) SECTIONS 17.20.110, 17.20.120, 17.20.130, 17.20.210(H) AND 17.28.050 (B) OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE TO REQUIRE A USE PERMIT FOR HOTELS AND MOTELS WITH FINAL ACTION AT THE CITY COUNCIL FOLLOWING A PUBLIC HEARING AND RECOMMENDATION BY THE PLANNING COMMISSION, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR AUGUST 3, 2005)**

Ordinance No. 2165 as introduced by the City Clerk:

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-10-05), TO AMEND TITLE 17 (ZONING ORDINANCE) SECTIONS 17.20.110, 17.20.120, 17.20.130, 17.20.210(H) AND

17.28.050 (B) OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE TO REQUIRE A USE PERMIT FOR HOTELS AND MOTELS WITH FINAL ACTION AT THE CITY COUNCIL FOLLOWING A PUBLIC HEARING AND RECOMMENDATION BY THE PLANNING COMMISSION, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: FINAL ACTION SET FOR AUGUST 3, 2005

ORDINANCES
FINAL ACTION

39. **ORDINANCE NO. 2161; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-07-05); AMENDING SECTION 17.24.080, PARAGRAPH I, TO ALLOW ADMINISTRATIVE APPROVAL OF ALTERNATIVE MITIGATION MEASURES FOR OUTDOOR STORAGE YARDS WHEN A NATURAL BARRIER CREATES A CHANGE IN ELEVATION OF MORE THAN EIGHT (8) FEET BETWEEN THE FINISHED GRADE OF THE STORAGE YARD AND THE FINISHED GRADE OF THE ADJACENT PROPERTY; AND TO NOT REQUIRE ADDITIONAL SCREENING WHEN A BUILDING OR OTHER MANMADE FEATURE PROVIDES A SUBSTANTIAL BARRIER BETWEEN THE STORAGE YARD AND THE ADJACENT PROPERTY, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

Ordinance No. 2161 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-07-05); AMENDING SECTION 17.24.080, PARAGRAPH I, TO ALLOW ADMINISTRATIVE APPROVAL OF ALTERNATIVE MITIGATION MEASURES FOR OUTDOOR STORAGE YARDS WHEN A NATURAL BARRIER CREATES A CHANGE IN ELEVATION OF MORE THAN EIGHT (8) FEET BETWEEN THE FINISHED GRADE OF THE STORAGE YARD AND THE FINISHED GRADE OF THE ADJACENT PROPERTY; AND TO NOT REQUIRE ADDITIONAL SCREENING WHEN A BUILDING OR OTHER MANMADE FEATURE PROVIDES A SUBSTANTIAL BARRIER BETWEEN THE STORAGE YARD AND THE ADJACENT PROPERTY, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Planning Manager Marc Jordan explained the ordinance was intended to allow alternative measures for screening storage yards. The Planning Commission recommended approval.

Councilwoman Smith asked Manager Jordan to confirm the landscaping would be external to the development and not part of this ordinance which he did.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Eliason

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

40. ORDINANCE NO. 2162; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS ENACTING A MORATORIUM PROHIBITING THE FILING AND/OR ACCEPTANCE OF ANY LAND USE APPLICATIONS OR BUSINESS LICENSE APPLICATIONS PURSUANT TO NORTH LAS VEGAS MUNICIPAL CODE TITLE 17 AND TITLE 5, RESPECTIVELY, FOR ANY FINANCIAL INSTITUTION OFFERING DEFERRED DEPOSIT SERVICES AS DEFINED BY THE NOT YET CODIFIED AB 384, COMMONLY REFERRED TO AS PAYDAY LOAN, PAYDAY ADVANCE OR CASH ADVANCE SERVICES; AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

Ordinance No. 2162 as introduced by the City Manager:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS ENACTING A MORATORIUM PROHIBITING THE FILING AND/OR ACCEPTANCE OF ANY LAND USE APPLICATIONS OR BUSINESS LICENSE APPLICATIONS PURSUANT TO NORTH LAS VEGAS MUNICIPAL CODE TITLE 17 AND TITLE 5, RESPECTIVELY, FOR ANY FINANCIAL INSTITUTION OFFERING DEFERRED DEPOSIT SERVICES AS DEFINED BY THE NOT YET CODIFIED AB 384, COMMONLY REFERRED TO AS PAYDAY LOAN, PAYDAY ADVANCE OR CASH ADVANCE SERVICES; AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

City Attorney McGowan advised AB 341, referred to in three instances in the ordinance, should have read AB 384. He also suggested an amendment be included to address the sale or transfer of existing licenses.

Richard Jacobs, 1590 East Sahara Avenue, Las Vegas, thanked Council for amending the moratorium ordinance. He asked that his association be included in further discussions with Council and City Staff regarding the moratorium.

Steven Burningham, Continental Check Cashing of Nevada, 3280 Tropicana Avenue, Las Vegas, spoke in support of the proposed moratorium and the new legislation. He felt the moratorium would be longer than six months due to the length of time it would take a new company to complete all the licensing requirements. He stated the moratorium addressed primarily deferred deposits but check-cashing facilities offered a wide variety of other services.

ACTION: AMENDMENT APPROVED AS FOLLOWS:

SECTION 1, MORATORIUM. The City Council of the City of North Las Vegas does hereby declare a moratorium prohibiting the filing or acceptance of land use applications or business license applications for new financial institutions offering deferred deposit services as defined by the not yet codified AB 384. Sale or transfer of existing licensed business operations is permitted as long as all state and local licensing requirements are satisfied. This moratorium shall act as provided above from the effective date of the ordinance until the close of business six months from the effective date of this ordinance, unless rules and regulations pertaining to financial institutions offering deferred deposit services are earlier adopted.

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

ACTION: ORDINANCE NO. 2162 PASSED AND ADOPTED, AS AMENDED

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

APPOINTMENTS

41. APPOINTMENTS BY COUNCILWOMAN SMITH, COUNCILMAN BUCK AND COUNCIL, AT LARGE, FOR THREE MEMBERS TO THE CITIZEN ADVISORY COMMITTEE FOR TERMS TO EXPIRE JUNE 30, 2006.

ACTION: COUNCILMAN BUCK APPOINTED RICK PERRY FOR A TERM TO EXPIRE JUNE 30, 2006

MOTION: Councilman Buck

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

ACTION: COUNCILWOMAN SMITH APPOINTMENT TABLED TO AUGUST 3, 2005

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

ACTION: AT LARGE APPOINTMENT TABLED TO AUGUST 3, 2005

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

42. APPOINTMENT BY MAYOR PRO TEMPORE ROBINSON OF ONE CITIZEN MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM TO EXPIRE JUNE 30, 2007. (TABLED JULY 6, 2005)

ACTION: WILL COLLINS REAPPOINTED FOR A TERM TO EXPIRE JUNE 30, 2007

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

43. APPOINTMENT BY COUNCILWOMAN SMITH OF ONE CITIZEN MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM TO EXPIRE JUNE 30, 2009. (TABLED JULY 6, 2005)

ACTION: BRIAN KENDALL APPOINTED FOR A TERM TO EXPIRE JUNE 30, 2009

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

44. APPOINTMENT BY COUNCILMAN BUCK OF ONE CITIZEN MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM TO EXPIRE JUNE 30, 2007. (TABLED JULY 6, 2005)

Councilman Buck asked Council to recognize Marlene Palmatary for her service on the Parks and Recreation Advisory Committee.

ACTION: MIKE MULLIS APPOINTED FOR A TERM TO EXPIRE JUNE 30, 2007

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

45. APPOINTMENT BY THE CITY COUNCIL, AT LARGE, OF ONE CITIZEN MEMBER TO THE NORTH LAS VEGAS UTILITY BOARD FOR A TERM TO EXPIRE JUNE 30, 2007. (TABLED JULY 6, 2005)

ACTION: TABLED TO AUGUST 3, 2005

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

46. APPOINTMENT OF ROBERT E. NELSON-KORTLAND, ESQ., TO THE PANEL OF ALTERNATE JUDGES.

ACTION: ROBERT E. NELSON-KORTLAND, ESQ., APPOINTED

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

47. APPOINTMENT OF JARED R. JOHNSON, ESQ., TO THE PANEL OF ALTERNATE JUDGES.

ACTION: JARED R. JOHNSON, ESQ., APPOINTED

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

48. APPOINTMENT OF MATTHEW D. CARLING, ESQ., TO THE PANEL OF ALTERNATE JUDGES.

ACTION: MATTHEW D. CARLING, ESQ., APPOINTED

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

49. APPOINTMENT OF JOHN P. LAVERY, ESQ., TO THE PANEL OF ALTERNATE JUDGES.

ACTION: JOHN P. LAVERY, ESQ., APPOINTED

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

50. REMOVAL OF ALTERNATE JUDGES REX BELL, ESQ., DOUGLAS C. CRAWFORD, ESQ., STEFANY T. MILEY, ESQ., AND EARL W. WHITE, ESQ., FROM THE PANEL OF ALTERNATE JUDGES.

ACTION: ALTERNATE JUDGES REMOVED

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

Councilwoman Smith directed Staff to look into sign enforcement issues. She also proposed the creation of a citizen's advisory board for arts and cultural affairs. City Manager Gregory Rose stated Staff would prepare a work session on that item.

Mayor Pro Tempore William Robinson asked about the status of overtime in the jail. City Manager Rose advised he would prepare a report for Council.

CITY MANAGER'S REPORT

No report was given.

PUBLIC FORUM

There was no public participation.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 7:44 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: September 21, 2005

Mayor Michael L. Montandon

ATTEST:

Karen L. Storms, CMC
City Clerk