

CITY OF NORTH LAS VEGAS REGULAR CITY COUNCIL MEETING MINUTES

August 15, 2007

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

CALL TO ORDER

6:01 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
Councilwoman Shari Buck
Councilman Robert L. Eliason

STAFF PRESENT

City Manager Gregory Rose	Human Resources Director Joyce Lira
Assistant City Manager Sam Chambers	Information Technology Director Steve Chapin
Assistant City Manager Maryann Ustick	Acting Library Director Kathy Pennell
City Attorney Carie Torrence	Parks and Recreation Manager Jim Stritchko
City Clerk Karen L. Storms	Planning and Zoning Director Jory Stewart
Communications Director Brenda Fischer	Police Chief Mark Paresi
Economic Development Director Mike Majewski	Public Works Director Majed Al-Ghafry
Finance Director Phil Stoeckinger	Utilities Director David Bereskin
Fire Chief Al Gillespie	Planning and Zoning Manager Marc Jordan
General Services Director Eric Dabney	Chief Deputy City Clerk Anita Sheldon

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Karen L. Storms, CMC
City Clerk

INVOCATION

Bishop Curtis Timmons
Joy of Life Christian Cathedral

PLEDGE OF ALLEGIANCE

Mayor Michael L. Montandon

PUBLIC FORUM

Dick Sadler, 3840 Canary Cedar Street, North Las Vegas expressed positive comments regarding his interaction with Police Officer Robert Kryszczuk.

Inez Phillips, 1205 Bluff Avenue, North Las Vegas was unhappy about the installation of a new water meter which she said resulted in increased water bills. She stated there was progress on the repair of the roads of her development, Delmonico, but she was concerned about people loitering in the neighborhood.

Richard Cherchio, 417 Horse Point Avenue, North Las Vegas spoke about the high cost of operating gas lamps and recommended developers use 12 volt lighting fixtures instead. He thought the existing gas lamps should be replaced but felt the gas company charged exorbitant fees to do so. Mayor Montandon referred him to speak to Staff.

Margaret Coleman, 1316 Wizard Avenue, North Las Vegas claimed the City was in possession of her money. Mayor Montandon said that was not the case and advised her to secure legal counsel. City Attorney Carie Torrence asked Mrs. Coleman to contact her office for referrals to some agencies that could help her.

D.L. Chapman, Jr., 4640 Roby Grey Way, North Las Vegas had questions regarding the Citizen's Registry. Mayor Montandon explained it was a registry of independent homeowners and homeowner associations used to help people apply for available grants, and referred him to Senior Assistant to the City Manager Kenny Young for additional information.

Frank Azbell, 1608 East Flower Avenue, North Las Vegas thanked Council for the good job with the beautification of the City and suggested options for recycling. Mayor Montandon acknowledged the benefits of recycling and said it was something the City would research.

PRESENTATION

- ★ **RECOGNITION AND AWARD PRESENTATION TO CHEYENNE LITTLE LEAGUE - 2007 NEVADA STATE CHAMPIONS.**

ACTION: PRESENTATION MADE

AGENDA

1. **APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF AUGUST 15, 2007.**

ACTION: APPROVED AS AMENDED; ITEM NO. 2 WITHDRAWN WITHOUT PREJUDICE; ITEM NO. 44 CONTINUED TO NOVEMBER 21, 2007

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

PUBLIC HEARINGS - 6:15 P.M.

2. **UN-57-07 (NE CAREER & TECHNICAL ACADEMY); AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT, PROPERTY OWNER, FOR A USE PERMIT IN A PSP, PUBLIC/SEMI-PUBLIC DISTRICT TO ALLOW A TECHNICAL HIGH SCHOOL ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF DORRELL LANE AND COMMERCE STREET. (CONTINUED AUGUST 1, 2007)**

Mayor Montandon emphasized the item was withdrawn, and not continued to a later date.

ACTION: WITHDRAWN WITHOUT PREJUDICE

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

3. **UN-20-06 (DEER SPRINGS CROSSING TAVERN/RESTAURANT); AN**

APPLICATION SUBMITTED BY DIANA BOSSARD, ON BEHALF OF BUNRATTY, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A SPECIAL USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW THE “ON-SALE” OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A TAVERN/RESTAURANT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF DEER SPRINGS WAY AND NORTH 5TH STREET.

Mayor Montandon opened the public hearing.

Councilman Eliason stated he would abstain from voting, as his company owned the property. Planning and Zoning Director Stewart explained the applicant requested more time in order to review the interior layout and floor plan to ensure compliance with newly adopted smoking regulations. The Planning Commission recommended approval of the extension of time. Diana Bossard, who represented the property owner, requested Council's approval.

Councilwoman Smith said she was frustrated in general that extensions of time were routinely granted for taverns. She stated extensions had gone from six months to two years and were granted regularly. Although she approved of the extension for the present application, she did not want applicants to assume two-year extensions were automatically granted. She felt applicants should apply only once for sufficient requests for time, and should not be permitted to return to request additional extensions.

Mayor Montandon closed the public hearing.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Councilwoman Buck

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmembers Smith and Buck

NAYS: None

ABSTAIN: Councilman Eliason

CONSENT AGENDA

4. APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 20, 2007.

ACTION: APPROVED

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

5. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF JUNE 20, 2007.

ACTION: APPROVED

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

6. APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF JULY 5, 2007.

ACTION: APPROVED

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

7. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF JULY 5, 2007.

ACTION: APPROVED

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

8. APPROVAL OF AN APPLICATION FOR GENERAL ON-SALE AND RESTRICTED

GAMING BUSINESS LICENSES FOR SIERRA GOLD ALIANTE 6, LLC, DBA SIERRA GOLD, 6929 ALIANTE PARKWAY, NORTH LAS VEGAS, NEVADA, 89084 PENDING VERIFICATION OF STATE GAMING COMMISSION APPROVAL, SOUTHERN NEVADA HEALTH DISTRICT APPROVAL AND REQUIRED DEPARTMENT APPROVALS. THIS IS A CHANGE OF OWNERSHIP OF AN EXISTING LOCATION.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Buck

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

NAYS: None

ABSTAIN: None

9. **APPROVAL OF AN APPLICATION FOR ADDITIONAL PRINCIPALS FOR THE GENERAL ON-OFF-SALE AND NON-RESTRICTED GAMING BUSINESS LICENSES FOR THE CANNERY HOTEL AND CASINO, LLC, DBA THE CANNERY HOTEL CASINO, 2121 EAST CRAIG ROAD, NORTH LAS VEGAS, NEVADA, 89030.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Buck

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

NAYS: None

ABSTAIN: None

10. **APPROVAL OF AN APPLICATION FOR BEER/WINE OFF-SALE BUSINESS LICENSE FOR LANCE & SONIA, INC., DBA 7-ELEVEN STORE #32130, 4728 WEST CRAIG ROAD, NORTH LAS VEGAS, NEVADA, 89030 AND APPROVE THE REQUEST TO PARTICIPATE IN THE PROCEEDS OF THE RESTRICTED GAMING BUSINESS LICENSE HELD AT THE LOCATION BY UNITED COIN MACHINE CO. PENDING VERIFICATION OF APPROVAL BY THE STATE GAMING COMMISSION. THIS IS A CHANGE OF OWNERSHIP FOR AN EXISTING LOCATION.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

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

11. APPROVAL OF AN APPLICATION FOR GENERAL OFF-SALE BUSINESS LICENSE FOR WAL-MART STORES, INC., DBA WAL-MART NEIGHBORHOOD MARKET #4339, 5940 LOSEE ROAD, NORTH LAS VEGAS, NEVADA, 89081 PENDING VERIFICATION OF SOUTHERN NEVADA HEALTH DISTRICT APPROVAL AND REQUIRED DEPARTMENT APPROVALS. THIS IS AN ADDITIONAL LOCATION FOR WAL-MART STORES, INC. WHICH ANTICIPATES OPENING ON SEPTEMBER 26, 2007.

ACTION: APPROVED

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

12. APPROVAL OF AN APPLICATION FOR BEER/WINE OFF-SALE BUSINESS LICENSE FOR NU ERA ESPINOZA LLC, DBA EL CAMPO MARKET, 2510 EAST LAKE MEAD BOULEVARD, SUITES A, B & C, NORTH LAS VEGAS, NEVADA, 89030. THIS IS A CHANGE OF OWNERSHIP.

ACTION: APPROVED

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

13. ACCEPTANCE OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT FROM CROSS CREEK DEVELOPMENT, LLC FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNALS AT SPEEDWAY BOULEVARD & I-15 SB RAMP IN THE AMOUNT OF 4.2% OF THE TOTAL COST OR \$29,128; SPEEDWAY BOULEVARD & I-15 NB RAMP IN THE

AMOUNT OF 3.1% OF THE TOTAL COST OR \$21,499; TROPICAL PARKWAY & HOLLYWOOD BOULEVARD IN THE AMOUNT OF 4.3% OF THE TOTAL COST OR \$29,821; AND ANN ROAD & HOLLYWOOD BOULEVARD IN THE AMOUNT OF 15.5% OF THE TOTAL COST OR \$107,496 FOR THE RACEWAY BUSINESS PARK, LOCATED ON THE NORTHWEST CORNER OF ANN ROAD & HOLLYWOOD BOULEVARD.

ACTION: PAYMENT ACCEPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Buck

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

NAYS: None

ABSTAIN: None

14. **ACCEPTANCE OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT FROM RPM LAS VEGAS CENTENNIAL 5TH, LLC FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNALS AT CENTENNIAL PARKWAY & NORTH 5TH STREET IN THE AMOUNT OF 3% OF THE TOTAL COST OR \$13,680; AND TROPICAL PARKWAY & NORTH 5TH STREET IN THE AMOUNT OF 1% OF THE TOTAL COST OR \$5,244 FOR THE CENTENNIAL/NORTH 5TH WALGREENS LOCATED ON THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY & NORTH 5TH STREET.**

ACTION: PAYMENT ACCEPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Buck

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

NAYS: None

ABSTAIN: None

15. **GED-01-07 (SILVER NUGGET CASINO); AN APPLICATION SUBMITTED BY SILVER NUGGET GAMING, LLC, PROPERTY OWNER, FOR A PETITION TO ALLOW AN EXPANSION TO AN EXISTING GAMING ENTERPRISE DISTRICT ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF MCDANIEL STREET AND HUNKINS DRIVE. (ASSOCIATED ITEM NO. 39, ORDINANCE NO.**

2390) (SET PUBLIC HEARING FOR SEPTEMBER 5, 2007)

ACTION: PUBLIC HEARING SET FOR SEPTEMBER 5, 2007

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Buck

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

NAYS: None

ABSTAIN: None

16. VAC-13-07 (DEER SPRINGS TOWN CENTER); AN APPLICATION SUBMITTED BY DEER SPRINGS TOWN CENTER LLC, PROPERTY OWNER, TO VACATE AN EXISTING FLOOD CHANNEL RIGHT-OF-WAY COMMENCING APPROXIMATELY 320 FEET EAST OF NORTH 5TH STREET, SOUTH OF CLARK COUNTY-215 AND PROCEEDING SOUTHEASTERLY APPROXIMATELY 1450 FEET. (SET PUBLIC HEARING FOR SEPTEMBER 19, 2007)

ACTION: PUBLIC HEARING SET FOR SEPTEMBER 19, 2007

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Buck

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

NAYS: None

ABSTAIN: None

BUSINESS

17. APPROVAL TO AMEND THE 2007-2008 STAFFING PATTERN AS FOLLOWS: (ALL STAFFING PATTERN CHANGES WILL BE PROCESSED WHEN ADMINISTRATIVELY FEASIBLE)

MUNICIPAL COURT

- A. Add one (1) Marshal Lieutenant, PS65-1.

ACTION: APPROVED

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

18. APPROVAL OF THE ALLOCATION OF FUNDS IN THE AMOUNT OF \$50,000 FROM FUND 268 FOR STREET AND SIDEWALK REPAIRS WITHIN THE WINDSOR PARK SUBDIVISION.

ACTION: APPROVED

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

19. APPROVAL OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HDR ENGINEERING, INC., IN THE AMOUNT OF \$908,952, FUNDED BY THE SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT FOR THE UPPER LAS VEGAS WASH TRAIL PHASE I LOCATED ALONG A 3.3 MILE SEGMENT OF THE UPPER LAS VEGAS WASH, FROM DEER SPRINGS WAY TO CRAIG ROAD. (CNLV CONTRACT NO. C-6609)

ACTION: APPROVED

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

20. APPROVAL OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH POGGEMEYER DESIGN GROUP, INC., IN AN AMOUNT NOT TO EXCEED \$250,000 TO BE PAID FOR BY DEVELOPERS, TO PROVIDE PROMPT REVIEW AND PROCESSING OF SUBMITTALS THROUGH THE DEPARTMENT OF

PUBLIC WORKS FOR LAND DEVELOPMENT PROJECTS. (CNLV CONTRACT NO. C-6608)

Mayor Pro Tempore Robinson confirmed with City Manager Rose the consulting fees were paid by the developers.

ACTION: APPROVED

MOTION: Councilwoman Buck

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

21. FINAL ACCEPTANCE FOR THE CONSTRUCTION OF THE LAS VEGAS WASH-"A" CHANNEL THREE BRIDGES PROJECT, BID NUMBER 1156, AND AUTHORIZE FILING OF THE NOTICE OF COMPLETION.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

22. APPROVAL TO AWARD THE NORTH LAS VEGAS TRAFFIC SIGNAL PROGRAM PHASE II CONSTRUCTION CONTRACT, INCLUDING ADDITIVE ALTERNATES 1 AND 2, BID NUMBER 1245 TO LAS VEGAS ELECTRIC, INC., IN THE TOTAL AMOUNT OF \$2,360,496.95; \$1,492,133.95 FROM RTC QUESTION 10 FUNDING; \$133,163 FROM DEVELOPER PARTICIPATION FUNDS; \$310,200 FROM RTC 17TH YEAR TRAFFIC CAPACITY FUND; AND \$425,000 FROM RTC 19TH YEAR TRAFFIC CAPACITY FUND FOR THE INSTALLATION OF NEW SIGNALS AND ASSOCIATED APPURTENANCES AT LONE MOUNTAIN ROAD & ALLEN LANE, DECATUR BOULEVARD & WASHBURN ROAD, NORTH 5TH STREET & COLTON AVENUE, AND CRAIG ROAD & REVERE STREET. (CNLV CONTRACT NO. C-6610)

ACTION: APPROVED

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

23. APPROVAL TO AWARD THE NORTH LAS VEGAS TRAFFIC SIGNAL PROGRAM PHASE III CONSTRUCTION CONTRACT, BID NUMBER 1256 TO ACME ELECTRIC IN THE TOTAL AMOUNT OF \$1,072,404; \$946,458.99 FROM RTC QUESTION 10 FUNDING; AND \$125,945 FROM DEVELOPER PARTICIPATION FUNDS TO CONSTRUCT THE NECESSARY ELEMENTS ASSOCIATED WITH TRAFFIC SIGNAL INSTALLATION AT CAREY AVENUE & DONNA STREET, ANN ROAD & REVERE STREET, AND SIMMONS STREET & ALEXANDER ROAD. (CNLV CONTRACT NO. C-6611)

Councilman Eliason confirmed with Public Works Director Majed Al-Ghafry the North 5th Street Corridor plans pertaining to the area of Carey and Interstate 15 were taken into account when the traffic signal program was considered.

ACTION: APPROVED

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

24. APPROVAL OF A SUPPLEMENTAL INTERLOCAL CONTRACT WITH THE REGIONAL TRANSPORTATION COMMISSION FOR THE LAMB BOULEVARD, I-15 TO NORTHERN BELTWAY PROJECT, WHICH CHANGES THE CONTRACT AMOUNT TO REFLECT BID RESULTS FOR THE PROJECT WITH A NEW NOT-TO-EXCEED AMOUNT OF \$11,591,000 TO BE FUNDED FROM RTC QUESTION 10 FUNDS. (CNLV CONTRACT NO. C-6513)

ACTION: APPROVED

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

25. APPROVAL OF AN INTERLOCAL CONTRACT WITH THE REGIONAL

TRANSPORTATION COMMISSION FOR ENTITY NON-PROJECT SPECIFIC EXPENSES, FY 2008, WHICH REQUIRES THE AUTHORIZATION TO PROCEED FROM THE PERIOD OF JULY 1, 2007 TO JUNE 30, 2008 NOT TO EXCEED \$75,000 AND REQUIRES A REQUEST FOR AUTHORIZATION TO PROCEED ON AN ANNUAL BASIS FOR ENTITY NON-PROJECT SPECIFIC EXPENSE REIMBURSEMENT. (CNLV CONTRACT NO. C-6612)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

26. APPROVAL OF A SETTLEMENT AGREEMENT IN THE AMOUNT OF \$8,356,000, PAID FOR BY THE REGIONAL TRANSPORTATION COMMISSION, TO FACILITATE AND CONCLUDE NEGOTIATIONS WITH THE PROPERTY OWNER, J.R.T.L. AND CASHMAN EQUIPMENT COMPANY, LTD., FOR THE RIGHT-OF-WAY ACQUISITION, PURCHASE OF TEMPORARY CONSTRUCTION EASEMENTS AND RELOCATION BENEFITS FROM APNS 139-01-702-001, 139-01-304-001, 139-01-701-001 AND 139-01-303-001 FOR THE CRAIG ROAD PHASE 3 GRADE SEPARATION PROJECT.

Mayor Pro Tempore Robinson asked whether the agreement concluded the negotiations with the property owners and addressed all their concerns. City Manager Rose and City Attorney Carrie Torrence said it did.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

27. APPROVAL OF THE FIRST SUPPLEMENTAL INTERLOCAL CONTRACT WITH THE CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR THE RANGE WASH - LAMB BOULEVARD STORM DRAIN PROJECT, WHICH

REDUCES THE CONTRACT AMOUNT TO REFLECT BID RESULTS FOR THE LAMB BOULEVARD PROJECT WITH A NEW NOT-TO-EXCEED AMOUNT OF \$6,893,280. (CNLV CONTRACT NO. C-6512)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

28. **APPROVAL OF THE FIFTH SUPPLEMENTAL INTERLOCAL CONTRACT WITH THE CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR THE "A" CHANNEL THREE BRIDGES (CHEYENNE AVENUE, LAS VEGAS BOULEVARD AND CAREY AVENUE) PROJECT, IN THE TOTAL AMOUNT OF \$10,245,338, FUNDED BY THE CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT, WHICH PROVIDES ADDITIONAL CONSTRUCTION AND ADMINISTRATION FUNDS FOR WORK NECESSARY TO CLOSE OUT THE PROJECT. (CNLV CONTRACT NO. C-5566)**

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

29. **APPROVAL TO AMEND THE 2008-2012 CAPITAL IMPROVEMENT PLAN TO ADD THE DESERT HORIZONS PARK OFF-SITE IMPROVEMENTS PROJECT WHICH WILL PROVIDE HALF-STREET IMPROVEMENTS ON GOWAN ROAD AND FUSELIER STREET ADJACENT TO DESERT HORIZONS PARK; AND APPROVAL TO AUGMENT THE FY07-08 TAX OVERRIDE FUND BUDGET IN AN AMOUNT NOT TO EXCEED \$690,000 TO ALLOW THE DESIGN AND CONSTRUCTION OF PAVEMENT, CURB & GUTTER, SIDEWALKS, AND STREETLIGHTS ON GOWAN ROAD BETWEEN SIMMONS STREET AND FUSELIER STREET (EXCEPT THAT PORTION WHICH WILL BE IMPROVED BY THE NEW FIRE STATION 53 PROJECT), AND ON FUSELIER STREET FROM GOWAN ROAD NORTH TO THE PARK ENTRANCE; AND TO ALLOW A DEVELOPER TO DO ADDITIONAL WORK TO COMPLETE HALF-STREET OFFSITES ADJACENT TO THE PARK ON FUSELIER STREET NORTH OF THE PARK ENTRANCE TO GILMORE AVENUE AND ON GILMORE AVENUE**

BETWEEN FUSELIER STREET AND SIMMONS STREET.

Mayor Pro Tempore Robinson asked whether there was a provision to make the park accessible from the north side of Simmons Street. Public Works Director Al-Ghafry said Staff would review the possibility.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

30. APPROVAL TO AUGMENT THE FY07-08 SAFEKEY BUDGET IN THE AMOUNT OF \$443,900 TO PROVIDE THE PARKS AND RECREATION DEPARTMENT'S SAFEKEY PROGRAM TO TWO NEW SCHOOLS (DR. CLAUDE G. PERKINS AND D.L. "DUSTY" DICKENS ELEMENTARY SCHOOLS).

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

31. APPROVAL TO RESCIND THE MEMORANDUM OF UNDERSTANDING APPROVED BY THE CITY COUNCIL ON APRIL 18, 2007 AND APPROVAL OF A NEW INTERLOCAL AGREEMENT BETWEEN THE COLLEGE OF SOUTHERN NEVADA, AND THE HENDERSON AND NORTH LAS VEGAS POLICE DEPARTMENTS IN THE AMOUNT OF \$14,000 FOR THE CURRENT YEAR AND \$56,000 OVER THE FOUR YEAR TERM, FOR THE PURPOSE OF OPERATING THE SOUTHERN DESERT REGIONAL POLICE ACADEMY IN ORDER TO PROVIDE INSTRUCTION FOR LAW ENFORCEMENT TRAINEES IN ACCORDANCE WITH THE STANDARDS OUTLINED BY NEVADA POLICE OFFICER STANDARDS AND TRAINING. (CNLV CONTRACT NO. C-6613)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

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

32. APPROVAL TO RESCIND THE EXISTING MUTUAL AID AGREEMENT WITH THE SOUTHERN NEVADA WATER AUTHORITY MEMBER AGENCIES AND ENTER INTO A REVISED MUTUAL AID AGREEMENT WITH MEMBERS OF THE NEVADA WATER/WASTEWATER/AGENCY RESPONSE NETWORK TO PROVIDE ADDITIONAL GUIDANCE FOR COORDINATING EFFORTS AMONG VARIOUS AGENCIES DURING DISASTERS OR EMERGENCIES. (CNLV CONTRACT NO. C-3549)

ACTION: APPROVED

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

33. APPROVAL OF AN AGREEMENT WITH WAL-MART IN THE AMOUNT OF \$765,086.70, FUNDED BY THE UTILITY ENTERPRISE FUND, TO OVERSIZE THE PUBLIC SEWER TO A 36-INCH SEWER PIPELINE TO PROVIDE FOR ANTICIPATED FUTURE GROWTH IN THE GENERAL AREA OF THE PROPERTY LOCATED IN THE VICINITY OF LOSEE ROAD AND TROPICAL PARKWAY. (CNLV CONTRACT NO. C-6614)

ACTION: APPROVED

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

34. APPROVAL OF THE UPDATED MUNICIPAL WATER SERVICE DISTRICT SERVICE RULES AND REGULATIONS WHICH INCLUDE THE ADDITION OF COMMON AREA ELEMENT METERING REQUIREMENTS (SECTION 6.7E), MODIFICATION OF REQUIREMENTS PERTAINING TO THE CONSTRUCTION OF WATER SERVICE LATERALS (SECTION 6.1), A REVISION TO THE RETROACTIVE PERIOD FOR BILLING CORRECTIONS (SECTION 8.7),

CHANGING THE LEVEL OF APPROVAL AUTHORITY FROM THE UTILITIES DIRECTOR TO THE CITY MANAGER OR DESIGNEE AND REVISION OF THE SERVICE RULES TO REFLECT A TWENTY-FOUR MONTH MAXIMUM RETROACTIVE BILLING ERROR CORRECTION PERIOD WHERE THE CURRENT PERIOD IS TWELVE MONTHS.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

35. AWARD OF BID NUMBER 1289 AND AUTHORIZE ISSUANCE OF A PURCHASE ORDER TO FORD COUNTRY IN THE AMOUNT OF \$280,764 FOR THE PURCHASE OF TWELVE HYBRID SUVs TO BE USED BY VARIOUS DEPARTMENTS AS REPLACEMENT VEHICLES.

ACTION: BID AWARDED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

36. AUTHORIZE ISSUANCE OF A PURCHASE ORDER TO H&E EQUIPMENT IN THE AMOUNT OF \$147,030, USING THE COMPETITIVE BIDDING EXCEPTION PER NRS 332 LOCAL GOVERNMENT PURCHASING ACT, FOR THE PURCHASE OF A REPLACEMENT CRANE TRUCK FOR THE UTILITIES DEPARTMENT.

ACTION: PURCHASE ORDER AUTHORIZED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmembers Smith,
Buck and Eliason
NAYS: None
ABSTAIN: None

ORDINANCES
INTRODUCTION ONLY

37. **ORDINANCE NO. 2360; AN ORDINANCE TO DELETE CHAPTER 13.04 OF THE NORTH LAS VEGAS MUNICIPAL CODE AND TO ADOPT A NEW CHAPTER 13.04 ENTITLED WATER SERVICE SYSTEM, MAKING CHANGES TO ESTABLISH HYDRANT AND MOBILE METER CONDITIONS AND ADMINISTRATIVE FEES, AMEND BILLING PROCEDURES, REVISE COMBINED METER FEE SCHEDULE, ADD METER REPLACEMENT, FIRELINE REGISTER AND ADMINISTRATIVE PROCESSING FEES, UPDATE METERED RATE SCHEDULES TO REMOVE OUTDATED INFORMATION, AND REVISE THE MANNER IN WHICH WATER CONSTRUCTION (FRONTAGE) FEES ARE COLLECTED AND REFUNDED; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)**

Ordinance No. 2360 as introduced by the City Clerk:

AN ORDINANCE TO DELETE CHAPTER 13.04 OF THE NORTH LAS VEGAS MUNICIPAL CODE AND TO ADOPT A NEW CHAPTER 13.04 ENTITLED WATER SERVICE SYSTEM, MAKING CHANGES TO ESTABLISH HYDRANT AND MOBILE METER CONDITIONS AND ADMINISTRATIVE FEES, AMEND BILLING PROCEDURES, REVISE COMBINED METER FEE SCHEDULE, ADD METER REPLACEMENT, FIRELINE REGISTER AND ADMINISTRATIVE PROCESSING FEES, UPDATE METERED RATE SCHEDULES TO REMOVE OUTDATED INFORMATION, AND REVISE THE MANNER IN WHICH WATER CONSTRUCTION (FRONTAGE) FEES ARE COLLECTED AND REFUNDED; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)

ACTION: FINAL ACTION SET FOR SEPTEMBER 5, 2007

38. **ORDINANCE NO. 2389; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 2014 WHICH RECLASSIFIED PERLITER FAMILY CARE**

CENTER (ZN-58-04) TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, SPECIFICALLY AMENDING CONDITION #12 TO ALLOW EIGHT (8) ASH TREES TO REPLACE EIGHT (8) DATE PALM TREES, AS SET FORTH BELOW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)

Ordinance No. 2389 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 2014 WHICH RECLASSIFIED PERLITER FAMILY CARE CENTER (ZN-58-04) TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, SPECIFICALLY AMENDING CONDITION #12 TO ALLOW EIGHT (8) ASH TREES TO REPLACE EIGHT (8) DATE PALM TREES, AS SET FORTH BELOW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)

ACTION: FINAL ACTION SET FOR SEPTEMBER 5, 2007

39. **ORDINANCE NO. 2390; 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 14.67+ ACRES FROM AN RA/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT, AND AN RA/OFF, REDEVELOPMENT AREA/OFFICE SUBDISTRICT TO AN RA/CHE, REDEVELOPMENT AREA/CASINO HOTEL ENTERTAINMENT SUBDISTRICT (ZN-108-07, SILVER NUGGET CASINO), FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF MCDANIEL STREET AND HUNKINS DRIVE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (ASSOCIATED ITEM NO. 15, GED-01-07) (SET FINAL ACTION FOR SEPTEMBER 5, 2007)**

Ordinance No. 2390 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 14.67+ ACRES FROM AN RA/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT, AND AN RA/OFF, REDEVELOPMENT AREA/OFFICE SUBDISTRICT TO AN RA/CHE, REDEVELOPMENT AREA/CASINO HOTEL ENTERTAINMENT SUBDISTRICT (ZN-108-

07, SILVER NUGGET CASINO), FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF MCDANIEL STREET AND HUNKINS DRIVE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (ASSOCIATED ITEM NO. 15, GED-01-07) (SET FINAL ACTION FOR SEPTEMBER 5, 2007)

ACTION: FINAL ACTION SET FOR SEPTEMBER 5, 2007

40. **ORDINANCE NO. 2391; 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 1.95+ ACRES THEREIN FROM AN R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO AN R-E, RANCH ESTATES DISTRICT (ZN-106-07, FIRE STATION #53), FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF GOWAN ROAD AND FUSELIER DRIVE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)**

Ordinance No. 2391 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 1.95+ ACRES THEREIN FROM AN R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO AN R-E, RANCH ESTATES DISTRICT (ZN-106-07, FIRE STATION #53), FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF GOWAN ROAD AND FUSELIER DRIVE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)

ACTION: FINAL ACTION SET FOR SEPTEMBER 5, 2007

41. **ORDINANCE NO. 2392; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 2245, WHICH RECLASSIFIED MONTECITO PAVILIONS (ZN-05-06) TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO REDESIGN THE RESIDENTIAL COMPONENT OF THE APPROVED SITE PLAN AS SET FORTH BELOW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)**

Ordinance No. 2392 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 2245, WHICH RECLASSIFIED MONTECITO PAVILIONS (ZN-05-06) TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO REDESIGN THE RESIDENTIAL COMPONENT OF THE APPROVED SITE PLAN AS SET FORTH BELOW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)

ACTION: FINAL ACTION SET FOR SEPTEMBER 5, 2007

42. **ORDINANCE NO. 2393; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-07-07); AMENDING SECTION 17.12.020, TO ADD A DEFINITION FOR A "HEALTH AND FITNESS CENTER"; AND TO ADD "HEALTH AND FITNESS CENTER" AS A SPECIAL USE IN THE C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT, AND TO REMOVE RESTAURANT AS AN ACCESSORY USE, AND TO REQUIRE A SPECIAL USE PERMIT FOR A "RESTAURANT" IN SECTION 17.20.090 (C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT); AND TO AMEND SECTION 17.24.020(C)(10) STANDARDS AND PROVISIONS FOR A "RESTAURANT"; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)**

Ordinance No. 2393 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-07-07); AMENDING SECTION 17.12.020, TO ADD A DEFINITION FOR A "HEALTH AND FITNESS CENTER"; AND TO ADD "HEALTH AND FITNESS CENTER" AS A SPECIAL USE IN THE C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT, AND TO REMOVE RESTAURANT AS AN ACCESSORY USE, AND TO REQUIRE A SPECIAL USE PERMIT FOR A "RESTAURANT" IN SECTION 17.20.090 (C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT); AND TO AMEND SECTION 17.24.020(C)(10) STANDARDS AND PROVISIONS FOR A "RESTAURANT"; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)

ACTION: FINAL ACTION SET FOR SEPTEMBER 5, 2007

43. **ORDINANCE NO. 2394; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-08-07); SECTION 17.24.110 TO ALLOW RESIDENTIAL LEASE PROPERTIES TO USE SUBDIVISION DIRECTIONAL SIGNS FOR 24 MONTHS IN A SIMILAR MANNER AS FOR SALE RESIDENTIAL PROPERTIES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)**

Ordinance No. 2394 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-08-07); SECTION 17.24.110 TO ALLOW RESIDENTIAL LEASE PROPERTIES TO USE SUBDIVISION DIRECTIONAL SIGNS FOR 24 MONTHS IN A SIMILAR MANNER AS FOR SALE RESIDENTIAL PROPERTIES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR SEPTEMBER 5, 2007)

ACTION: FINAL ACTION SET FOR SEPTEMBER 5, 2007

ORDINANCES
FINAL ACTION

44. **ORDINANCE NO. 2330; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS TO ESTABLISH TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES WHO WORK FOR THE CITY FOR MORE THAN TWENTY YEARS AND OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED FEBRUARY 21, MARCH 21 AND JUNE 20, 2007)**

ACTION: CONTINUED TO NOVEMBER 21, 2007

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

45. **ORDINANCE NO. 2376; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**

OF NORTH LAS VEGAS, NEVADA TO REVISE ORDINANCE NO. 2308 BEING CHAPTER 13.24 ENTITLED WASTEWATER COLLECTION SYSTEM, MAKING CHANGES TO MODIFY THE MANNER IN WHICH WASTEWATER MAIN CONSTRUCTION (FRONTAGE) CHARGES ARE COLLECTED AND REFUNDED, OF TITLE 13 OF THE NORTH LAS VEGAS MUNICIPAL CODE; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

Ordinance No. 2376 as introduced by the City Manager:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA TO REVISE ORDINANCE NO. 2308 BEING CHAPTER 13.24 ENTITLED WASTEWATER COLLECTION SYSTEM, MAKING CHANGES TO MODIFY THE MANNER IN WHICH WASTEWATER MAIN CONSTRUCTION (FRONTAGE) CHARGES ARE COLLECTED AND REFUNDED, OF TITLE 13 OF THE NORTH LAS VEGAS MUNICIPAL CODE; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

46. **ORDINANCE NO. 2384 (ANNEXATION NO. 134); AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF NORTH LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO, AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES, AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 2384 as introduced by the City Manager:

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF NORTH LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO, AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES, AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

47. **ORDINANCE NO. 2385; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NO. 2194 WHICH AMENDED ORDINANCE NO. 2174 WHICH RECLASSIFIED APPROXIMATELY 160+ ACRES THEREIN FROM A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT AND M-2, GENERAL INDUSTRIAL DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT (ZN-47-05, CRAIG AND NORTH 5TH), BY MODIFYING THE PRELIMINARY DEVELOPMENT PLAN AND ASSOCIATED CONDITIONS OF APPROVAL FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND NORTH 5TH STREET; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 2385 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NO. 2194 WHICH AMENDED ORDINANCE NO. 2174 WHICH RECLASSIFIED APPROXIMATELY 160+ ACRES THEREIN FROM A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT AND M-2, GENERAL INDUSTRIAL DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT (ZN-47-05, CRAIG AND NORTH 5TH), BY

MODIFYING THE PRELIMINARY DEVELOPMENT PLAN AND ASSOCIATED CONDITIONS OF APPROVAL FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND NORTH 5TH STREET; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Planning and Zoning Director Stewart stated modifications to the conditions of approval of the ordinance had been anticipated, and settled the remaining issues. Director Stewart explained the applicant submitted a revised letter of intent in August 2007, in which two additional waivers were requested. The first was for a wall exceeding 12 feet along Alexander Road as part of the wall building for a visual and noise buffer. Staff did not object to the request as long as the wall was designed with materials and architectural details consistent with the primary structure. The maximum height of the wall was 28 feet and it could not exceed the height of the primary building. The wall was limited to areas between the wall concept buildings.

The second request was for a reduction of the required perimeter landscaping along the 25 foot Las Vegas wash trail to the east of the industrial portion of the development near Alexander Road, from 20 feet to zero feet. Staff was not in favor of the request. The developer revised the design to accommodate a minimum width of 10 feet of landscaping, which was acceptable to Staff.

Director Stewart stated the first three modifications, to Condition 16, Condition 19 and Condition 21B, corrected typos and semantics. The wording, "unless otherwise approved by City Council," was added to Condition 31, to be consistent with City Council policy approved August 16, 2006 concerning City Council review and approval of any left turn requests. The original Conditions 33 and 34 were deleted. A minor change to Condition 33 was amended at the request of the Public Works Department involving the Special Improvement District. Condition 48 was revised to add, "in accordance with an acceptable phasing plan." Condition 65 was added by Public Works to require construction phasing plans prior to submission of civil improvement plans. Conditions 74 through 81 were revised by the Police Department for CPTED (Crime Prevention Through Environmental Design). Condition 83 accommodated the applicant's request for the wall concept plan.

Director Stewart said a condition was recommended whereby property owners at the site were notified there could be noise from a cogeneration plant at the South side of Alexander. The applicant and the owner of the cogeneration site agreed to include the industrial nuisance potential in the recording of future deeds.

Director Stewart reported the Planning Commission enthusiastically recommended the project.

Jeff Silver, Gordon and Silver, 3960 Howard Hughes Parkway, Las Vegas commended

the staffs of Vestar Development, The Athena Group and D.P. Partners, and asked Council to support the Planning Commission's unanimous recommendation of approval.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson added the Taubman Company, which was the mall developer, was another important part of the development team. He predicted the development, including the mall, would become the focal point of North Las Vegas. The center had a vast array of features. It included a gated residential area with single family and attached housing, shopping, dining, landscaping, parks, plazas and a lifestyle center. Mr. Garcia stated the center created at least 2,500 jobs and would attract millions of visitors.

In response to Councilwoman Smith's questions, Mr. Garcia confirmed the agreement was for 10 feet of landscaping instead of 20 feet, and said tavern applications would be addressed when the new tavern ordinances were published. He also confirmed additional left turns in or out were subject to deed restrictions.

Mayor Montandon inquired about the schedule for building the trail system along the channel. Public Works Director Majed Al-Ghafry replied design would start immediately to ensure work coincided with Athena's schedule.

Councilwoman Buck asked why the housing was moved behind the industrial area in the revised plans. Mr. Silver said when Council reviewed the preliminary plans, the developers were asked to come up with more definitive plans. Geologists and the Public Works Department determined the residential area had to be moved due to severe fissures in the ground. The architects felt the current design was the only design that moved the residential area from the fissures and integrated the residential, industrial and retail components of the plan. It was decided the residential area should not be between two main roads, Craig Road and North 5th Street. Councilwoman Buck did not like the fact the residential area was directly across from a heavy industrial area and faced the back loading docks of the stores. It was also on a flood channel. She thought it was too far from the North 5th Street transit corridor. Because of those concerns, she worried the home values would be less than anticipated and there was potential it could become a high crime area. Mr. Silver assured her with the reputation and expertise of the developers, that was not the case. Councilwoman Buck suggested a limit on delivery hours for the stores to lessen the disruption to homeowners. Mr. Silver confirmed the community was gated and had multiple types of housing, which included attached and detached housing. The commercial area had on-site security.

Councilwoman Smith said while she shared some of Councilwoman Buck's concerns, the project was a tremendous asset to the City.

Councilman Eliason expressed concern about the noise from the cogeneration plant.

Councilwoman Buck said she supported the developers and was excited about the commercial aspect of the project.

ACTION: PASSED AND ADOPTED AS AMENDED: THE FOLLOWING SECTIONS TO READ AS FOLLOWS:

1. CONDITION 16(B):

B. A MINIMUM OF 10 FEET OF LANDSCAPING SHALL BE REQUIRED ALONG THE TRAIL AT THE EASTERN PROPERTY LINE.

2. CONDITION 19:

19. COMMERCIAL USES IN THIS PLANNED UNIT DEVELOPMENT SHALL ONLY BE THOSE ALLOWED UNDER THE C-2, GENERAL COMMERCIAL DISTRICT AS PRINCIPALLY PERMITTED USES, OR AS SPECIAL USES SUBJECT TO TITLE 17 § 24.020, WITH THE EXCEPTION OF THE FOLLOWING:

A. THE FOLLOWING SPECIAL USES IN SECTION 17.20.110 OF THE ZONING ORDINANCE (TITLE 17) SHALL NOT REQUIRE THE APPROVAL OF A SPECIAL USE PERMIT WITHIN THE COMMERCIAL PORTION OF THE PROPERTY:

- I. BANKS AND FINANCIAL INSTITUTIONS, EXCLUDING PAYDAY LOAN, CHECK CASHING AND OTHER SIMILAR FACILITIES
- II. VIDEO GAME ARCADES

B. THE FOLLOWING USES SHALL BE PROHIBITED FROM THIS PLANNED UNIT DEVELOPMENT:

- I. AUTOMOBILE DRIVE-IN THEATER
- II. AUTOMOBILE REPAIR
- III. CEMETERIES
- IV. MORTUARIES
- V. RECREATIONAL VEHICLE PARK AND CAMPGROUNDS
- VI. SWAP MEET, FLEA MARKET
- VII. AUTOMOBILE, BOAT OR RECREATIONAL VEHICLE SALES, SERVICE AND RENTAL LOTS
- VIII. PAWNSHOP
- IX. SHORT TERM, DEFERRED DEPOSIT, OR AUTO TITLE

LOAN

3. CONDITION 21(B):
 - B. 500 FEET FROM EXISTING RESIDENTIAL AT THE TIME OF APPROVAL FOR THIS PLANNED UNIT DEVELOPMENT

4. CONDITION 31:
 31. THE CITY SHALL REQUIRE THE DEVELOPER TO PROVIDE MID-BLOCK, AT GRADE, FULLY SIGNALIZED ACCESS TO THE PROJECT ON BOTH CRAIG ROAD AND NORTH FIFTH STREET. ANY FUTURE REDESIGNS OF THE ROADWAY MUST MAINTAIN THESE ACCESS POINTS. THE DEVELOPERS, OR ANY SUCCESSOR, WOULD BE REQUIRED TO FUND AT-GRADE MITIGATION MEASURES SHOULD THE DEVELOPER'S TRAFFIC STUDY INDICATE SUCH MITIGATION MEASURES ARE REQUIRED AS A RESULT OF TRAFFIC IMPACTS FROM THIS DEVELOPMENT. ALL OTHER ACCESS POINTS SHALL BE RIGHT-IN/RIGHT-OUT, UNLESS OTHERWISE APPROVED BY CITY COUNCIL (REF: NORTH 5TH ACCESS POLICY ADOPTED BY CITY COUNCIL).

5. CONDITIONS 33 AND 34 HAVE BEEN DELETED. THE REQUIREMENTS FOR THIS CONDITION WILL BE DECIDED WITH THE TRAFFIC STUDY AND SPELLED OUT WITH THE TRAFFIC STUDY APPROVAL LETTER. (THE REMAINING CONDITIONS HAVE BEEN RENUMBERED ACCORDINGLY)

6. CONDITION 33:
 33. SHOULD THE CITY COUNCIL CONCLUDE THAT A SPECIAL IMPROVEMENT DISTRICT, OR ALTERNATE METHOD OF FUNDING AND CONSTRUCTING THE ULTIMATE CROSS-SECTION FOR NORTH 5TH STREET (PER CITY OF NORTH LAS VEGAS UNIFORM STANDARD DRAWINGS FOR NORTH 5TH STREET IMPROVEMENTS), ALEXANDER ROAD, AND/OR ANY OTHER PUBLIC STREETS, IS IN THE BEST INTEREST OF THE CITY, THE CITY SHALL SECURE ANY ADDITIONAL RIGHT-OF-

WAY NEEDED TO COMPLETE THE IMPROVEMENTS.

7. CONDITION 48:

48. ALL OFF-SITE IMPROVEMENTS MUST BE COMPLETED PRIOR TO FINAL INSPECTION OF THE FIRST BUILDING, SUBJECT TO THE DISCRETION OF THE DIRECTOR OF PUBLIC WORKS AND IN ACCORDANCE WITH AN ACCEPTABLE PHASING PLAN.

8. CONDITION 65:

65. A CONSTRUCTION PHASING PLAN, DEPICTING ONSITE DEVELOPMENT AND SUPPORTING OFFSITE IMPROVEMENTS, AS WELL AS CONSTRUCTION ACCESS ROUTES, SHALL BE PROVIDED BY THE DEVELOPER. APPROVAL BY THE DEPARTMENT OF PUBLIC WORKS IS REQUIRED PRIOR TO SUBMITTING CIVIL IMPROVEMENT PLANS FOR REVIEW.

9. CONDITIONS 74 THROUGH 81:

74. THE WALL BUILDING ALONG EAST ALEXANDER SHALL BE COVERED WITH A GRAFFITI RESISTANT COATING TO A HEIGHT OF AT LEAST 10 FEET. DEFENSIVE (THORNY) LANDSCAPING SHALL BE PLANTED ALONG THE LENGTH OF THE BUILDING.
75. THE PEDESTRIAN GATES ON THE WALKING PATHS BETWEEN THE RESIDENTIAL AND RETAIL AREAS, AS WELL AS THOSE NEAR THE LAS VEGAS WASH SHALL BE SPRING LOADED WITH MAG LOCKS INSTALLED OR AN ALTERNATIVE ACCEPTABLE TO THE NORTH LAS VEGAS POLICE DEPARTMENT.
76. THERE SHALL BE KNOX BOXES INSTALLED AT ALL ENTRANCES TO THE RESIDENTIAL AREA.
77. THERE SHALL BE BUILDING LOCATION MAPS AND DIRECTIONAL SIGNAGE MOUNTED AT OR NEAR THE ENTRANCES TO BOTH THE RESIDENTIAL AND RETAIL AREAS.
78. THE RESIDENTIAL AREA SHALL HAVE A POSTED SPEED LIMIT OF NO MORE THAN 25 MILES PER HOUR.

79. SITE MAPS OF BOTH THE RESIDENTIAL AND RETAIL AREAS SHALL BE PROVIDED TO THE CITY FOR DISTRIBUTION TO ALL EMERGENCY SERVICES.
80. WROUGHT IRON STYLE FENCING SHALL BE INSTALLED ALONG CRAIG ROAD AND THE WALKING PATH ALONG THE LAS VEGAS WASH SIDE OF THE RESIDENTIAL PROPERTY, EXCEPT AS OTHERWISE REQUIRED BY THE ZONING ORDINANCE (TITLE 17).
81. PASEOS SHALL BE INSTALLED BETWEEN RESIDENTIAL BUILDINGS THAT BACK TO THE REAR OF ANOTHER BUILDING, UNLESS THE AREA BETWEEN THE BUILDINGS IS AN ACCESS OR SERVICE ROAD, COURTYARD, OR PARK. IN WHICH CASE, WINDOWS OR BALCONIES OR OTHER ALTERNATIVES ACCEPTABLE TO THE NORTH LAS VEGAS POLICE DEPARTMENT MAY BE REQUIRED.

10. CONDITION 83:

83. WALLS CONSTRUCTED BETWEEN THE "WALL" CONCEPT BUILDINGS ALONG ALEXANDER ROAD SHALL BE PERMITTED TO HAVE A MAXIMUM HEIGHT OF 28 FEET AND SHALL BE CONSTRUCTED TO BE ARCHITECTURALLY CONSISTENT WITH THE PRIMARY STRUCTURES, INCLUDING MATERIALS AND ARCHITECTURAL DETAILING. WALLS SHALL NOT EXCEED THE HEIGHT OF THE PRIMARY STRUCTURES. SHOULD THE WALL CONCEPT BUILDING NOT BE USED, THIS CONDITION SHALL BE NULL AND VOID.

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

48. **ORDINANCE NO. 2386; 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 0.52+**

ACRES THEREIN FROM AN R-E, RANCH ESTATES DISTRICT TO A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT (ZN-105-07, QUALITY GARDENS), FOR PROPERTY LOCATED TO THE NORTH OF ALEXANDER ROAD AND EAST OF DECATUR BOULEVARD, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 2386 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 0.52+ ACRES THEREIN FROM AN R-E, RANCH ESTATES DISTRICT TO A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT (ZN-105-07, QUALITY GARDENS), FOR PROPERTY LOCATED TO THE NORTH OF ALEXANDER ROAD AND EAST OF DECATUR BOULEVARD, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Mayor Pro Tempore Robinson left Council Chambers at 7:44 P.M.

Planning and Zoning Director Stewart stated the Planning Commission recommended approval of the zone change. There were some concerns about a proposed day care facility, to be addressed during consideration of the use permit at a later time.

Mayor Pro Tempore Robinson returned to Council Chambers at 7:46 P.M.

Jeff Wagner, Melvin Green Architect, 3305 West Spring Mountain Road, Suite 92, Las Vegas concurred with Staff's recommendation, on behalf of the applicant.

Councilwoman Buck did not support the zone change because it was in the midst of a residential area and too far from the closest commercial area. Cheryl Polk, the property owner who intended to apply for the proposed day care license, said she and her immediate neighbors were excited about the zone change, and stated the requested capacity for the day care was 75 children. Councilwoman Buck did not think the location was suitable for such a use. In response to questions from Councilwoman Smith, Director Stewart explained the use permit for the day care was for future consideration, the present ordinance was only for the zone change. She said when the use permit was considered, it was likely the capacity for the day care would be reduced due to parking and other restrictions. Director Stewart explained it was found the street was too busy for low intensity residential housing, and the proposed zone change allowed for the least intense commercial usage, such as office space. Planning and Zoning Manager Marc Jordan clarified the day care capacity was 54 children, unless variances for set backs and landscaping were approved.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Eliason

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmembers Smith and Eliason

NAYS: Councilwoman Buck

ABSTAIN: None

49. **ORDINANCE NO. 2387; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-02-07); AMENDING SECTION 17.12.020, TO ADD A DEFINITION FOR A "USE, CONDITIONAL; GROUP CARE FACILITY; AND HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSER," AND TO REMOVE THIS TYPE OF USE AS AN ACCESSORY USE, AND TO REQUIRE A CONDITIONAL USE PERMIT FOR A "GROUP CARE FACILITY AND HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS" IN SECTION 17.20.010, 17.20.020, 17.20.030, 17.20.040, 17.20.050, 17.20.060, 17.20.070, 17.20.080, 17.20.100, 17.20.110, 17.20.210(C), 17.20.210(D); AND TO AMEND SECTION 17.24.020(C)(24) CONDITIONS FOR SPECIFIC USES FOR "TRANSITIONAL HOUSING"; AND TO CREATE 17.24.025 "CONDITIONAL USES" AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

Ordinance No. 2387 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-02-07); AMENDING SECTION 17.12.020, TO ADD A DEFINITION FOR A "USE, CONDITIONAL; GROUP CARE FACILITY; AND HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSER," AND TO REMOVE THIS TYPE OF USE AS AN ACCESSORY USE, AND TO REQUIRE A CONDITIONAL USE PERMIT FOR A "GROUP CARE FACILITY AND HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS" IN SECTION 17.20.010, 17.20.020, 17.20.030, 17.20.040, 17.20.050, 17.20.060, 17.20.070, 17.20.080, 17.20.100, 17.20.110, 17.20.210(C), 17.20.210(D); AND TO AMEND SECTION 17.24.020(C)(24) CONDITIONS FOR SPECIFIC USES FOR "TRANSITIONAL HOUSING"; AND TO CREATE 17.24.025 "CONDITIONAL USES" AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED

THERETO.

Planning and Zoning Director Stewart outlined recommended changes to requirements for transitional housing, group care facilities and halfway houses. In addition to amendments, transitional housing was removed from some zones, and required special use permits in others. Minimum parcel size for transitional housing was 6,500 square feet and facilities were required to be within 1,500 feet of an existing bus stop. There was one on-site parking space per three residents in addition to a permanent parking space for each permanent employee. Indoor common area was required at 15 square feet per resident, and there was a separation requirement of 1,500 linear feet between transitional housing facilities, group residential care facilities, halfway houses, churches, synagogues, schools, City parks and child care facilities with more than 12 children. Transitional housing was subject to special use permits, which included public hearings. Group care facilities were subject to conditional use permits, which required administrative review by Staff.

Mayor Pro Tempore Robinson asked how many people were accommodated in the facilities, and Director Stewart explained it depended on the number and size of the bedrooms. Any facility, including existing facilities, was required to obtain a license and have a sprinkler system. City Attorney Torrence further explained facilities were licensed through the state. Business licenses, zoning approval and use permits were issued through the City.

Tom Pennington, 1929 Camino Mirada, North Las Vegas said he was in favor of the ordinance, but felt more restrictions were needed. To ensure public hearings, he wanted special use permits required for all applications, in order to get input from the residents. He felt a safeguard was needed to protect against transitional housing used as lodging or boarding houses. Mr. Pennington stated transitional housing for recovering alcohol and drug abusers did not belong in residential neighborhoods and put residents at higher risk of crime victimization. He noted there was criminal activity surrounding Casa Grande, a facility in a commercial area. City Attorney Torrence explained recovering alcohol and drug abusers were protected from housing discrimination. In order to protect other citizens, people living in the facilities had to maintain enrollment in treatment programs. Other jurisdictions placed the same restrictions of special use permits on transitional housing and conditional use permits on group homes. The City was as restrictive as possible while remaining in compliance with state law. Under fair housing laws, if applicants complied with the restrictions of a special use permit, approval had to be granted. Public hearings were not useful, as the City had no authority to deny qualified applicants. Furthermore, while the community was informed of transitional housing facilities, it was unlawful under the Americans with Disabilities Act (ADA) to notify communities of group home establishments. City Attorney Torrence stated she had spoken with Assemblywoman Marilyn Kirkpatrick regarding the ordinance, and she had approved of it. Code Enforcement was in place to help ensure adherence to policies. Mayor Montandon explained the City did the best it could to protect its citizens within the constraints of federal law. Councilwoman Buck stated

the City could not be more restrictive than state law.

Billie Jean Brown, 1933 Camino Carlos Rey, North Las Vegas stated drug and alcohol abusers were not protected by fair housing laws, although they might be protected by the ADA. She agreed with Mr. Pennington's assertion that applications should require special use permits and public hearings instead of administrative approval. City Attorney Torrence was not in favor of removing the administrative approval language, as neither Council nor the Planning Commission had discretion to deny applications once the qualifications were met. She pointed out the approval of the ordinance ensured group homes were in compliance with City zoning and distance requirements until stronger laws were legislated; currently, the City was not notified when group homes opened. An intergovernmental coalition was scheduled to strengthen the laws governing group homes.

D.L. Chapman, Jr., 4640 Roby Grey Way, North Las Vegas supported the ordinance, agreed stronger laws were necessary, and agreed there should be public hearings for each application. He thought the housing and ADA laws should be clarified. He said he researched the laws and did not agree with the explanations of Staff regarding housing and ADA discrimination. Mayor Montandon said City Staff continued to review the laws. The Mayor acknowledged the ordinance was a temporary tool for the City to monitor group homes where no laws currently existed, and more restrictive laws would follow. Mayor Pro Tempore Robinson said while approval of the ordinance was better than not having any regulations, it was not enough.

ACTION: PASSED AND ADOPTED

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

AYES: Mayor Montandon, Councilmembers Smith, Buck and Eliason

NAYS: Mayor Pro Tempore Robinson

ABSTAIN: None

50. ORDINANCE NO. 2388; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 2231 MEADOWS HOSPITAL (ZN-34-97) A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A HOSPITAL, MEDICAL OFFICE BUILDINGS, SENIOR APARTMENTS, AND RELATED USES, AND BY RENUMBERING, AND AMENDING CONDITIONS, AS SET FORTH BELOW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 2388 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE
NUMBER 2231 MEADOWS HOSPITAL (ZN-34-97) A PUD PLANNED

UNIT DEVELOPMENT DISTRICT TO ALLOW A HOSPITAL, MEDICAL OFFICE BUILDINGS, SENIOR APARTMENTS, AND RELATED USES, AND BY RENUMBERING, AND AMENDING CONDITIONS, AS SET FORTH BELOW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Planning and Zoning Director Stewart stated the ordinance amended the preliminary development plan, and relocated the hospital building medical office and parking garage on the site.

Scott Sauer, 770 East Lone Mountain Road, # 2026, North Las Vegas was in favor of a hospital at the site, but was concerned about the traffic impact of the revised site plan. He also felt the medical building with a commercial driveway in a residential area set a precedent.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

APPOINTMENTS

51. APPOINTMENT OF AN AT-LARGE MEMBER TO THE PARKS & RECREATION ADVISORY BOARD FOR A TERM TO EXPIRE ON JUNE 30, 2011. (TABLED JULY 5, JULY 18 AND AUGUST 1, 2007)

ACTION: COUNCILWOMAN SMITH APPOINTED RYANN JUDEN

MOTION: Councilwoman Smith

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

52. APPOINTMENT OF AN AT-LARGE MEMBER TO THE REDEVELOPMENT ADVISORY COMMITTEE TO FILL AN UNEXPIRED TERM ENDING JUNE 30, 2010.

ACTION: COUNCILWOMAN SMITH APPOINTED REYNALDO LOPEZ

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

53. APPOINTMENT BY COUNCILMAN ELIASON OF A MEMBER TO THE TRAFFIC AND PARKING ADVISORY COMMITTEE TO FILL AN UNEXPIRED TERM ENDING JUNE 30, 2008.

ACTION: TABLED TO SEPTEMBER 5, 2007

COUNCIL ITEMS

Councilman Eliason had concerns regarding mobile car washes versus stationary car washes and the difference in requirements for disposal of water. Assistant City Manager Maryann Ustick said Staff would report back with a recommendation. Councilwoman Buck said she thought Washoe County or Reno had passed an ordinance stating mobile washers had to have a containment ability to recycle the water.

Mayor Pro Tempore Robinson reported there was growing impatience among residents regarding Kiel Ranch. City Manager Gregory Rose explained a submission would be made for Southern Nevada Public Lands Act funds. There was a planning grant and money from sale of property. He would also seek funding from the federal government. Councilwoman Buck explained private foundations had to help with Kiel Ranch since federal funding was not available.

Councilwoman Buck asked the City Manager to contact Lake Mead Hospital regarding their interest in adjacent property. She congratulated City Attorney Carie Torrence on her national award from the American Bar Association. She also spoke about a trolley system and asked about the possibility of a similar system on North 5th Street.

Councilwoman Smith acknowledged Dr. Qiong Liu on her award. Public Works Director Majed Al-Ghafry explained Dr. Liu was featured in American Public Works Association magazine in an article on women in the workplace.

CITY MANAGER'S REPORT

There were no additional items.

PUBLIC FORUM

Linden Nelson, (no address given), thanked Council and Staff for the passage of Ordinance Number 2385.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 8:40 P.M.

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

APPROVED: October 3, 2007

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

ATTEST:

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