

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

December 17, 2008

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

CALL TO ORDER

6:03 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
Councilman Robert L. Eliason

COUNCIL EXCUSED

Councilwoman Stephanie S. Smith
Councilwoman Shari Buck

STAFF PRESENT

City Manager Gregory E. Rose
Assistant City Manager Maryann Ustick
City Attorney Carie Torrence
City Clerk Karen L. Storms
Economic Development Director Mike Majewski
Finance Director Phil Stoeckinger
Fire Chief Al Gillespie
General Services and
Communications Director Brenda Fischer
Human Resources Director Joyce Lira
Information Technology Director Steve Chapin

Library Director Kathy Pennell
Parks and Recreation Director Mike Henley
Planning and Zoning Director Frank Fiori
Police Chief Joe Forti
Public Works Director Dr. Qiong Liu
Utilities Director David Bereskin
Senior Assistant to the City Manager Kenny Young
Planning and Zoning Manager Marc Jordan
Business License Manager Lana Hammond
Assistant City Clerk Anita Sheldon

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Karen L. Storms, CMC
City Clerk

INVOCATION

Pastor Rose Haag
Flaming Sword Ministries

PLEDGE OF ALLEGIANCE

Mayor Michael L. Montandon

PUBLIC FORUM

There was no public participation.

AGENDA

1. APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF DECEMBER 17, 2008.

ACTION: APPROVED, AS AMENDED; ITEM NOS. 3, 4, 33 AND 34 CONTINUED TO JANUARY 21, 2009

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Eliason

NAYS: None

ABSENT: Councilmembers Smith and Buck

ABSTAIN: None

CONSENT AGENDA

7. APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF NOVEMBER 19, 2008.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Eliason

NAYS: None

ABSENT: Councilmembers Smith and Buck

ABSTAIN: None

8. APPROVAL OF AN APPLICATION FOR A COMMERCIAL NURSERY BUSINESS LICENSE FOR NEW HORIZON KIDS QUEST III, INC., DBA KIDS QUEST - TEXAS STATION, 2101 TEXAS STAR LANE, NORTH LAS VEGAS, NEVADA, 89030 PENDING VERIFICATION OF SOUTHERN NEVADA HEALTH DISTRICT APPROVAL AND LIABILITY INSURANCE.

ACTION: APPROVED

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

9. APPROVAL OF AN APPLICATION FOR NICOLE MEYERS AS KEY EMPLOYEE FOR THE COMMERCIAL NURSERY BUSINESS LICENSE FOR NEW HORIZON KIDS QUEST III, INC., DBA KIDS QUEST - TEXAS STATION, 2101 TEXAS STAR LANE, NORTH LAS VEGAS, NEVADA, 89030.

ACTION: APPROVED

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

10. APPROVAL OF AN APPLICATION FOR A COMMERCIAL NURSERY BUSINESS LICENSE FOR BJA 2 LLC, DBA SWEET PEA LEARNING CENTER, 4645 WEST ANN ROAD, NORTH LAS VEGAS, NEVADA, 89031 PENDING VERIFICATION OF WORKERS' COMPENSATION COVERAGE.

ACTION: APPROVED

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

11. APPROVAL OF AN APPLICATION FOR COMMERCIAL NURSERY BUSINESS LICENSE FOR BJV 3 LLC, DBA SWEET PEA LEARNING CENTER, 375 WEST CENTENNIAL PARKWAY, NORTH LAS VEGAS, NEVADA, 89084 PENDING VERIFICATION OF LIABILITY INSURANCE AND REQUIRED DEPARTMENT APPROVALS.

ACTION: APPROVED

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

12. APPROVAL OF AN APPLICATION FOR WHOLESALE/IMPORT LIQUOR BUSINESS LICENSE FOR NLV TEQUILA BOTTLING LLC, 730 WEST CHEYENNE AVENUE, SUITE B-80, NORTH LAS VEGAS, NEVADA, 89030 PENDING VERIFICATION OF THE STATE LIQUOR LICENSE FROM THE DEPARTMENT OF TAXATION, SOUTHERN NEVADA HEALTH DISTRICT APPROVAL AND REQUIRED DEPARTMENT APPROVALS.

ACTION: APPROVED

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

13. APPROVAL OF AN APPLICATION FOR CARMEN SYLVIA MARTINEZ AS KEY EMPLOYEE FOR THE WHOLESALE/IMPORT LIQUOR BUSINESS LICENSE FOR NLV TEQUILA BOTTLING LLC, 730 WEST CHEYENNE AVENUE, SUITE B-80, NORTH LAS VEGAS, NEVADA, 89030.

ACTION: APPROVED

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

14. **ACCEPTANCE OF A GRANT AWARD FROM THE NEVADA OFFICE OF TRAFFIC SAFETY UNDER THE FY2009 TRAFFIC SAFETY PROGRAM, WATCH OUT FOR PEDESTRIANS SAFETY PROGRAM, IN THE AMOUNT OF \$35,721, REQUIRING A LOCAL MATCH OF \$11,906, FOR THE POLICE DEPARTMENT.**

ACTION: GRANT AWARD ACCEPTED

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

15. **APPROVAL OF A GRANT OF EASEMENT TO NEVADA POWER COMPANY FOR A DETENTION BASIN SITE ON PROPERTY GENERALLY LOCATED IN THE UPPER LAS VEGAS WASH DETENTION BASIN AREA, NORTH OF IRON MOUNTAIN ROAD AND WEST OF DECATUR BOULEVARD.**

ACTION: APPROVED

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

16. **APPEAL SUBMITTED BY KURT JOHANSEN, ON BEHALF OF THE APPLICANT, OF THE PLANNING COMMISSION'S DECISION TO DENY VN-14-08 (WESTWIND); AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES ON BEHALF OF SCC-CANYON II, LLC, PROPERTY OWNER, FOR A VARIANCE IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A TEN FOOT REAR YARD BUILDING SETBACK WHERE 15 FEET IS THE MINIMUM REAR YARD BUILDING SETBACK REQUIRED ON PROPERTY LOCATED AT 8209 DRAGON FLY BUSH COURT. (SET PUBLIC HEARING FOR JANUARY 21, 2009)**

ACTION: PUBLIC HEARING SET FOR JANUARY 21, 2009

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

BUSINESS

17. DISCUSSION AND/OR ACTION REGARDING AN APPEAL BY JOE DEAN GRANT, JR., OF A WORK CARD DENIAL. (TABLED DECEMBER 3, 2008)

Mayor Montandon explained that a certified letter was sent to Mr. Grant and a return receipt was received by the City Clerk's Office.

ACTION: WORK CARD DENIAL UPHELD

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

18. DISCUSSION AND/OR ACTION REGARDING AN APPEAL BY AMBER KALLIS OF A WORK CARD DENIAL.

Amber Kallis, 5812 Westport Circle, Las Vegas, explained that she had been arrested in 2007 and that resulted in her being denied a work card. Mayor Pro Tempore Robinson asked if it was her first arrest. Ms. Kallis said it was her first arrest in Nevada and explained she had been arrested in New Mexico in 2005. Councilman Eliason asked if the prior arrest had been resolved. Ms. Kallis explained she did not receive a fine, but was sent to a class that she completed. Police Sgt. Tim Meamber explained that he checked with the Las Vegas Municipal Court and there was a \$300 fine associated with the arrest in addition to a class. The deadline was set for April 2009 and had not yet been satisfied. Ms. Kallis stated there were no fines imposed. Mayor Pro Tempore Robinson requested the correct information be obtained before making a decision. Councilman Eliason was concerned about the arrest and request for a work card for employment at the Palomino Club.

ACTION: TABLED TO JANUARY 7, 2009

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

19. **APPROVAL OF SETTLEMENT AGREEMENT, INCLUDING PURCHASE AND SALE AGREEMENT WITH THE ESTATE OF ELIZABETH BARTA EVANS, DOROTHY AND ALFRED LAMUNYON, AND LA ESPIGA DE ORO, INC., IN THE AMOUNT OF \$1,352,825.28 FROM REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA FUNDS FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 1618 AND 1622 NORTH LAS VEGAS BOULEVARD FOR THE NORTH 5TH STREET IMPROVEMENT PROJECT. AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE DOCUMENTS. (CNLV CONTRACT NO. C-6980)**

ACTION: APPROVED

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

20. **APPROVAL OF THE SETTLEMENT OF CONDEMNATION LITIGATION WITH THE MORGAN FAMILY TRUST IN THE AMOUNT OF \$1,593,630 FROM REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA FUNDS REGARDING REAL PROPERTY KNOWN AS CLARK COUNTY ASSESSOR'S PARCEL NOS. 139-01-302-004, 139-01-302-005, 139-01-203-004 AND 139-01-203-001 FOR THE CRAIG ROAD PHASE III PROJECT AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE DOCUMENTS. (CNLV CONTRACT NO. C-6986)**

ACTION: APPROVED

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

PUBLIC HEARINGS - 6:15 P.M.

2. UN-96-08 (DECATUR DESERT PLAZA); AN APPLICATION SUBMITTED BY DECATUR DESERT PLAZA LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN ON-SALE ESTABLISHMENT WITH RESTRICTED GAMING ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND DECATUR BOULEVARD. (CONTINUED DECEMBER 3, 2008)

Planning and Zoning Director Frank Fiori explained that the application was for an on-sale establishment with restricted gaming which would occupy 5,000 square feet of floor area within a proposed strip development center. The establishment would include a full-service kitchen serving full-menu food items during the hours of operation. Director Fiori explained that the tavern met all distance separation requirements except for the 500 foot distance requirement from developed residential land use. The proposed use was approximately 120 feet from adjacent residential property. He explained the applicant requested a waiver from 500 feet to 120 feet. The Planning Commission recommended denial based on distance separation requirements.

Mayor Montandon opened the public hearing.

Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas, represented the applicant and said the site plan for the commercial center on Decatur Boulevard and Lone Mountain Road was approved by the Planning Commission. She explained that the location for the establishment was at the end of an in-line retail location. The applicant met all the distance requirements to similar uses, churches and schools and requested a waiver to residential. Ms. Lazovich explained that the placement of the door would be facing Decatur Boulevard. There was a large commercial center on the northwest corner of Lone Mountain Road and Decatur Boulevard. The door would face the commercial center and away from the residential area which was to the east of the site. A neighborhood meeting was held and mailings were sent to the distance radius. Ms. Lazovich said, as a condition of approval, the establishment would have a full kitchen and serve food during hours of operation.

Mayor Pro Tempore Robinson asked if there would be smoking in the establishment. Ms. Lazovich said if food was involved there was no smoking. Mayor Pro Tempore Robinson asked if letters were sent to residents in the area. Ms. Lazovich said she received the mailing list from the City and mailed 1,127 notices.

Mayor Montandon closed the public hearing.

ACTION: APPROVED, 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. THAT UN-96-08 IS SITE-SPECIFIC AND NON-TRANSFERABLE.

3. THAT UN-96-08 SHALL COMPLY WITH ALL CONDITIONS OF APPROVAL FOR SPR-26-08.

4. THAT THE ON-SALE ESTABLISHMENT WITH RESTRICTED GAMING SHALL BE LIMITED TO NO MORE THAN 5,000 SQUARE FEET IN SIZE.

5. THAT THE ON-SALE ESTABLISHMENT WITH RESTRICTED GAMING SHALL PROVIDE A FULL MENU OF FOOD OPTIONS FOR PATRONS THROUGHOUT ALL HOURS OF OPERATION.

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

3. **AN APPEAL SUBMITTED BY KUMMER, KAEMPFER, BONNER, RENSHAW & FERRARIO, ON BEHALF OF THE APPLICANT, OF THE PLANNING COMMISSION'S DECISION TO DENY AMP-10-08 (GOLDFIELD II); AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF WILLIAM LYON HOMES, INC., AND ARCHANA PATEL, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF SINGLE FAMILY LOW (UP TO 6 DWELLING UNITS/ACRE) TO NEIGHBORHOOD COMMERCIAL ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF LONE MOUNTAIN ROAD AND NORTH 5TH STREET. (ASSOCIATED ITEM NO. 4, APPEAL OF ZN-25-08)**

ACTION: CONTINUED TO JANUARY 21, 2009

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

4. **AN APPEAL SUBMITTED BY KUMMER, KAEMPFER, BONNER, RENSHAW & FERRARIO, ON BEHALF OF THE APPLICANT, OF THE PLANNING COMMISSION'S DECISION TO DENY ZN-25-08 (GOLDFIELD II); AN APPLICATION SUBMITTED BY TANEY ENGINEERING, ON BEHALF OF WILLIAM LYON HOMES, INC., AND ARCHANA PATEL, PROPERTY OWNERS, FOR A RECLASSIFICATION OF PROPERTY FROM R-E RANCH ESTATES DISTRICT AND R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF LONE MOUNTAIN ROAD AND NORTH 5TH STREET. (ASSOCIATED ITEM NO. 3, APPEAL OF AMP-10-08)**

ACTION: CONTINUED TO JANUARY 21, 2009

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

5. **AN APPEAL SUBMITTED BY BROWN, BROWN, AND PREMSRIRUT, ON BEHALF OF THE APPLICANT, OF THE PLANNING COMMISSION'S DECISION TO DENY ZN-23-08 (CRAIG SELF STORAGE); AN APPLICATION SUBMITTED BY CRAIG SELF STORAGE LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT ON PROPERTY LOCATED SOUTH OF CRAIG ROAD APPROXIMATELY 1,000 FEET WEST OF ALLEN LANE.**

Planning and Zoning Director Frank Fiori explained that the application was a request for a zone change from Planned Unit Development to Neighborhood Commercial District for approximately 6.13 acres on the south side of Craig Road, just west of Allen Lane. The land use designation under the Comprehensive Plan was Mixed Use Commercial. The applicant stated in their letter of intent that the requested zone change would facilitate construction of a mini storage facility on the site. There was an existing planned unit development on this property and the existing conditions were more amiable to the surrounding properties than for the proposed use. The Planning Commission considered and denied the application.

Mayor Montandon closed the public hearing.

Laura Dreja, 520 South Fourth Street, Las Vegas, represented the applicant and explained that the current designation for the parcel was planned unit development which was rezoned in 1989. The neighboring parcel was a mixed use development project. She explained the applicant's site could be considered an out parcel. There were constraints such as narrowing at the back of the property and limited for construction. Ms. Dreja requested the property be rezoned to C-1 because the site was no longer part of the planned unit development that was established in 1989. The applicant intended to continue along the commercial corridor line at the front of the property to develop two mini storage buildings. The remaining portion of the site would be used for recreational vehicle parking. The placement of the buildings close to the street was consistent with the design guidelines for the mixed use development district.

Blake Rossard, 2620 West Horizon Ridge Parkway, Henderson, explained the property was originally intended to be one story offices that would complement a Lowes shopping center when it was approved. The project fell through. Multi story condominiums and a retail project were developed under mixed use. Mr. Rossard explained the neighbors would be minimally impacted since the project was one story along the existing houses.

Mayor Pro Tempore Robinson questioned whether due diligence was done with the residents. Mr. Rossard said he did not canvass the existing residents because they were spoken to previously and their concerns were taken into consideration.

ACTION: PLANNING COMMISSION DECISION OVERTURNED; ZN-23-08 APPROVED. STAFF TO PREPARE AN ORDINANCE FOR PERMANENT ZONING

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

6. **UN-112-08 (UNEV PIPELINE LLC); AN APPLICATION SUBMITTED BY UNEV PIPELINE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW ADDITIONAL SECURITY MEASURES (BARBED WIRE) ON PROPERTY LOCATED APPROXIMATELY 3,800 FEET SOUTH OF GRAND VALLEY PARKWAY AND APPROXIMATELY 6,000 FEET WEST OF U.S. HIGHWAY 93.**

Planning and Zoning Director Frank Fiori said the Planning Commission and Staff recommended approval.

Mayor Montandon opened the public hearing.

Stephanie Allen, 3800 Howard Hughes Parkway, Las Vegas, represented the applicant and concurred with the Staff recommendations.

Mayor Montandon closed the public hearing.

ACTION: APPROVED 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. THAT UN-112-08 IS SITE SPECIFIC AND NON-TRANSFERABLE.
3. THAT UN-112-08 SHALL COMPLY WITH ALL CONDITIONS OF APPROVAL FOR UN-97-08.

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

BUSINESS (continued)

21. RECEIVE THE ANNUAL AUDIT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2008.

Finance Director Phil Stoeckinger explained that the audit report had no findings of non-compliance for the current year.

Richard Bowler, Piercy Bowler Taylor & Kern, explained the audit of financial statements was completed for FY2008 and found no findings or recommendations in the report.

ACTION: AUDIT REPORT RECEIVED

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

22. APPROVAL OF AN AMENDMENT AND AUGMENTATION TO THE FY08-09 VEHICLE BUDGET FOR APPROVED FY07-08 PURCHASE ORDERS FOR VARIOUS ASSETS (VEHICLES AND EQUIPMENT) IN THE AMOUNT OF \$2,444,464.

Mayor Pro Tempore Robinson asked if the money was from funds approved in 2007. General Services and Communications Director Brenda Fischer said the funds were approved in FY07-08 and a purchase order was issued to the manufacturers.

ACTION: APPROVED

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

23. APPROVAL OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH MELVYN GREEN AND ASSOCIATES, INC., IN THE AMOUNT OF \$68,000 FROM A NEVADA STATE COMMISSION FOR CULTURAL AFFAIRS GRANT TO PREPARE CONSTRUCTION DRAWINGS FOR THE PHASED RESTORATION OF THE ADOBE BUILDING AT KIEL RANCH. (CNLY CONTRACT NO. C-6981)

Mayor Pro Tempore Robinson asked if the adobe house was worth saving. Parks and Recreation Director Mike Henley explained that the adobe house was a rich historic resource and key to future development on the site. He explained the money would allow the City to prepare construction documents so the bracing could be removed, a roof constructed and wall structures secured. Once the plans and specifications were done through the grant, further sources of funding could be obtained to do the actual work.

ACTION: APPROVED

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

24. APPROVAL OF THE PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES AGREEMENT WITH WRG DESIGN, INC., IN THE AMOUNT OF \$1,332,848 FROM SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT FUNDS FOR THE CRAIG RANCH REGIONAL PARK - PHASE 2 PROJECT. (CNLV CONTRACT NO. C-6982)

Mayor Pro Tempore Robinson questioned whether there was someone on staff qualified to perform the work. City Manager Rose explained there were two individuals that were employed with the City with a background in the area but they did not have the skills needed for the extensive amount of work. Director Henley explained the agreement was for the design of the balance of improvements that would allow the west side of Craig Ranch to be fully developed.

ACTION: APPROVED

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

25. APPROVAL OF THE PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT WITH TATE SNYDER KIMSEY IN THE AMOUNT OF \$305,815.42 FROM GENERAL OBLIGATION BONDS FOR THE CRAIG RANCH MAINTENANCE FACILITY PROJECT. (CNLV CONTRACT NO. C-6983)

ACTION: APPROVED, AS AMENDED; \$305,815.42 FROM SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT FUNDS

Mayor Pro Tempore Robinson asked why there were two different companies performing the same type of work. Director Henley explained that one was an architectural design firm and the other was a landscape architecture firm.

Councilman Eliason asked if there was someone on staff to do the work. Public Works Director Dr. Qiong Liu explained there were two employees with some architectural background but they were not designers. Director Henley explained that the project cost was \$3.2 million and included the construction of a bridge over the channel from the facility to allow maintenance vehicles to go back and forth over the flood control channel.

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

26. APPROVAL OF THE PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT WITH CARPENTER SELLERS ASSOCIATES IN THE AMOUNT OF \$210,700 FROM GENERAL OBLIGATION BONDS FOR THE ADDITION AND REMODEL OF FIRE STATION 52 LOCATED AT 4110 LOSEE ROAD. (CNLV CONTRACT NO. C-6984)

Councilman Eliason asked if it was the same General Obligation Bond that was being used to buy the Frehner building for the Fire Department. Finance Director Phil Stoeckinger explained it was the same bond proceeds program.

ACTION: APPROVED

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

27. APPROVAL OF AN AGREEMENT WITH KAPEX, LLC, AND APEX HOLDING COMPANY, LLC, TO ALLOW THE SAME TEMPORARY ACCESS TO 400 ACRE-FEET PER YEAR OF CITY WATER FROM HYDRANTS LOCATED NEAR THE LAS VEGAS MOTOR SPEEDWAY SUBJECT TO THE CITY'S THEN CURRENT SERVICE RULES, REGULATIONS, METERING AND PAYMENT OF THEN CURRENT COSTS. (CNLV CONTRACT NO. C-6985)

ACTION: APPROVED

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

28. AUTHORIZATION TO CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH THE NORTH LAS VEGAS HOUSING AUTHORITY WHICH PROVIDES FOR THE CITY MANAGER TO TEMPORARILY PROVIDE MANAGEMENT SERVICES TO THE NORTH LAS VEGAS HOUSING AUTHORITY ON A MONTH TO MONTH BASIS.

ACTION: AUTHORIZED

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

29. RESOLUTION NO. 2411: A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO GIVE NOTICE OF THE SALE OF PROPERTIES SUBJECT TO THE LIEN OF A DELINQUENT ASSESSMENT; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

Mayor Pro Tempore Robinson asked if the residents were going to receive adequate opportunity to pay. Finance Director Phil Stoeckinger explained that opportunities were given to residents.

ACTION: PASSED AND ADOPTED

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

**ORDINANCE
INTRODUCTION ONLY**

30. ORDINANCE NO. 2493: AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS AMENDING ORDINANCE NO. 2164 AND ORDINANCE NO. 2287, SECTIONS 2.36.050 AND 2.36.060 OF CHAPTER 2.36 ENTITLED "ADMINISTRATIVE FEES," OF TITLE 2 OF THE NORTH LAS VEGAS MUNICIPAL CODE TO CORRECT AND CLARIFY THE CHAPTER, ADD NEW FEES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 7, 2009)

Ordinance No. 2493 as introduced by the City Clerk:

ORDINANCE NO. 2493; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS AMENDING ORDINANCE NO. 2164 AND ORDINANCE NO. 2287, SECTIONS 2.36.050 AND 2.36.060 OF CHAPTER 2.36 ENTITLED "ADMINISTRATIVE FEES," OF TITLE 2 OF THE NORTH LAS VEGAS MUNICIPAL CODE TO CORRECT AND CLARIFY THE CHAPTER, ADD NEW FEES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 7, 2009)

ACTION: FINAL ACTION SET FOR JANUARY 7, 2009

ORDINANCES
FINAL ACTION

31. **ORDINANCE NO. 2488; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS REPEALING CHAPTER 38 OF TITLE 5 OF THE NORTH LAS VEGAS MUNICIPAL CODE REGULATING PAWNBROKERS AND ENACTING NEW REGULATIONS GOVERNING PAWNBROKERS, INCLUDING NEW REGULATIONS CONCERNING APPLICANT BACKGROUND INVESTIGATIONS, THE ELIMINATION OF POPULATION-BASED LICENSE LIMITATIONS AND LOTTERY PROVISIONS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

Ordinance No. 2488 as introduced by the City Manager:

ORDINANCE NO. 2488; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS REPEALING CHAPTER 38 OF TITLE 5 OF THE NORTH LAS VEGAS MUNICIPAL CODE REGULATING PAWNBROKERS AND ENACTING NEW REGULATIONS GOVERNING PAWNBROKERS, INCLUDING NEW REGULATIONS CONCERNING APPLICANT BACKGROUND INVESTIGATIONS, THE ELIMINATION OF POPULATION-BASED LICENSE LIMITATIONS AND LOTTERY PROVISIONS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Business License Manager Lana Hammond explained that the population restriction was removed along with the associated lottery. She also explained the land restriction was being moved to Title 17 to allow the applicant to deal with all land use related issues at one time. Other changes included provision for non-operational status and increased the penalties related to the license classification to bring consistent with the

liquor and gaming provisions. The reinstatement fee was increased to \$500. A death transfer provision was included to allow flexibility.

Mayor Montandon asked about the revocation of a pawnbroker license if there were too many in the area and whether it was in the proposed ordinance. Manager Hammond explained no modifications were made. The recommendation came forward from input from the industry and Staff had no issues making the correction. City Attorney Torrence explained that no changes could be made because the comments were received after the ordinance was posted.

Maren Perry, 100 City Parkway, Suite 1750, Las Vegas, represented Easy Corp. who had two pawn locations within the City. She suggested that the language be changed to reference State law so the code did not need changing if the law changed. Another suggestion was to clarify the reasons a license could be denied as opposed to reasons for revocation. Ms. Perry supported removal of the lottery and streamlining Titles 5 and 17. Ms. Perry proposed language that would eliminate the lottery but kept the prior codes intent which limited new pawnshops based on population.

Tony Celeste, 3800 Howard Hughes Parkway, Las Vegas, represented SuperPawn and requested that the ordinance be held until his client could review the proposed changes.

ACTION: PASSED AND ADOPTED, AS AMENDED:

AMENDMENT NO. 1

AMEND 5.38.010(C) TO READ AS FOLLOWS:

THE RIGHT TO OBTAIN SUCH LICENSE IS A PRIVILEGE AND THE OPERATION OF A PAWNBROKER BUSINESS, WHEN AUTHORIZED BY SUCH A LICENSE, IS A PRIVILEGED BUSINESS AND A HIGHLY REGULATED INDUSTRY. IT IS WITHIN DISCRETION OF CITY COUNCIL TO REFUSE TO GRANT ADDITIONAL LICENSES IF, WITHIN ITS JUDGMENT, THERE ARE AMPLE AND SUFFICIENT LICENSEES AND ESTABLISHMENTS IN THE AREA OR PLACE FOR WHICH THE LICENSE IS TO BE USED TO PROPERLY SERVE SUCH AREA OR PLACE. FURTHER, A LICENSE MAY BE REVOKED, SUSPENDED OR DISCIPLINED FOR VIOLATION OF THE CONDITIONS OF THIS CHAPTER, THE LAWS OF THE STATE OF NEVADA, OTHER ORDINANCES OF THE CITY, OR FOR ANY OTHER CAUSE DEEMED SUFFICIENT BY THE CITY COUNCIL IN THE EXERCISE OF ITS SOLE DISCRETION.

DELETE 5.38.010(D)(2) AND RENUMBER THE FOLLOWING PARAGRAPH.

ADD THE FOLLOWING TO 5.38.020 DEFINITIONS:

“STATE LAW” MEANS NEVADA REVISED STATUTES CHAPTER 646, AS MAY BE AMENDED FROM TIME TO TIME AND ANY OTHER STATE LAW WHICH MAY BE ADOPTED REGULATING THE PAWNBROKER INDUSTRY.

AMENDMENT NO. 2

5.38.120(A) AMENDED TO READ AS FOLLOWS:

EACH PAWNBROKER MUST RETAIN THE PERSONAL PROPERTY PAWNED FOR AT LEAST THE MINIMUM PERIOD PROVIDED PURSUANT TO STATE LAW AFTER THE DATE OF THE PAWN.

5.38.230 AMENDED TO READ AS FOLLOWS:

IT IS UNLAWFUL FOR ANY PAWNBROKER TO CHARGE OR RECEIVE INTEREST AT A RATE GREATER THAN THAT PROVIDED FOR UNDER STATE LAW FOR MONEY LENT ON THE SECURITY OF PERSONAL PROPERTY ACTUALLY RECEIVED IN PLEDGE OR PAWN, AND NO PERSON MAY ASK FOR OR RECEIVE A HIGHER RATE OF INTEREST OR DISCOUNT ON ANY SUCH LOAN OR ON ANY ACTUAL OR PRETENDED SALE OR REDEMPTION OF PERSONAL PROPERTY; PROVIDED, HOWEVER, THAT FOR ANY LOAN MADE, THE PAWNBROKER MAY ALSO CHARGE ANY HANDLING FEES EXPRESSLY PERMITTED BY STATE LAW IN ADDITION TO THE INTEREST RATE. IT IS UNLAWFUL FOR ANY PAWNBROKER TO CHARGE OR RECEIVE AN APPRAISAL FEE, STORAGE FEE OR ANY FEE OR CHARGE OTHER THAN THE AMOUNTS HEREIN ABOVE SPECIFIED.

Amendment No. 1

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

Amendment No. 2

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

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, encouraged the City Council to move forward with Staff recommendations.

Ordinance No. 2488

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

32. **ORDINANCE NO. 2489; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-11-08); AMENDING TITLE 17 (SECTIONS 17.12.020, 17.24.020 AND 17.28.050) TO CHANGE THE REQUIREMENTS TO ALLOW FOR DEFERRED DEPOSIT LOAN, PAWNSHOPS, AND AUTO-TITLE LOAN FACILITIES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

Ordinance No. 2489 as introduced by the City Manager:

ORDINANCE NO. 2489; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-11-08); AMENDING TITLE 17 (SECTIONS 17.12.020, 17.24.020 AND 17.28.050) TO CHANGE THE REQUIREMENTS TO ALLOW FOR DEFERRED DEPOSIT LOAN, PAWNSHOPS, AND AUTO-TITLE LOAN FACILITIES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Planning and Zoning Director Frank Fiori explained that the ordinance was related to Ordinance No. 2488. The proposed amendment placed the distance separation requirement for pawnshops and auto title loans in Title 17. The Planning Commission and Staff recommended approval.

ACTION: PASSED AND ADOPTED

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

33. **ORDINANCE NO. 2490; 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 26.0 +/- ACRES THEREIN FROM AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT AND AN R-E, RANCH ESTATES DISTRICT TO AN MUD/MX-1, MIXED USE DEVELOPMENT DISTRICT/NEIGHBORHOOD CENTER MIXED USE SUBDISTRICT (ZN-26-08, NORTH 5TH AND WASHBURN) CONSISTING OF 344 RESIDENTIAL UNITS AND 81,600 SQUARE FEET OF COMMERCIAL SPACE FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WASHBURN ROAD AND NORTH 5TH STREET, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (ASSOCIATED ITEM NO. 34, ORDINANCE NO. 2491)**

ACTION: CONTINUED TO JANUARY 21, 2009

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

34. **ORDINANCE NO. 2491; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-10-08) BY AMENDING TITLE 17 (SECTION 17.20.230.E) TO ALLOW RESTAURANTS WITH DRIVE THROUGH SERVICE LANE AS A SPECIAL USE WITHIN THE MUD/MX-1, MIXED USE DEVELOPMENT DISTRICT/NEIGHBORHOOD CENTER MIXED USE SUBDISTRICT AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEM NO. 33, ORDINANCE NO. 2490)**

ACTION: CONTINUED TO JANUARY 21, 2009

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

APPOINTMENTS

35. RECOMMENDATION OF AN APPOINTMENT TO THE CITIZEN ADVISORY COMMITTEE OF THE CLARK COUNTY DESERT CONSERVATION PROGRAM. (TABLED DECEMBER 3, 2008)

ACTION: COUNCILMAN ELIASON RECOMMENDED THE APPOINTMENT OF VICTOR TAYLOR CARON

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

36. APPOINTMENT OF A CITY COUNCIL MEMBER TO THE CLARK COUNTY SCHOOL DISTRICT LOCAL OVERSIGHT PANEL FOR A TERM ENDING DECEMBER 31, 2010.

ACTION: MAYOR PRO TEMPORE ROBINSON APPOINTED COUNCILWOMAN SMITH

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

COUNCIL ITEMS

There were no additional items.

CITY MANAGER'S REPORT

No report was given.

PUBLIC FORUM

There was no public participation.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 7:06 P.M.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Eliason

NAYS: None

ABSENT: Councilmembers Smith and Buck

ABSTAIN: None

APPROVED: January 21, 2009

Mayor Michael L. Montandon

ATTEST:

Karen L. Storms, CMC
City Clerk