

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

April 15, 2009

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  
Councilwoman Stephanie S. Smith  
Councilwoman Shari Buck  
Councilman Robert L. Eliason

**STAFF PRESENT**

City Manager Gregory E. Rose	Information Technology Director Steve Chapin
Assistant City Manager Sam Chambers	Library Director Kathy Pennell
Assistant City Manager Maryann Ustick	Parks and Recreation Director Mike Henley
City Attorney Carie Torrence	Planning and Zoning Director Frank Fiori
Acting City Clerk Anita Sheldon	Police Chief Joe Forti
Economic Development Director Mike Majewski	Public Works Director Dr. Qiong Liu
Finance Director Phil Stoeckinger	Utilities Director David Bereskin
Fire Chief Al Gillespie	Assistant to the City Manager Michelle Bailey-Hedgepeth
General Services and	Senior Assistant to the City Manager Kenny Young
Communications Director Brenda Fischer	Planning and Zoning Manager Marc Jordan
Human Resources Director Joyce Lira	Deputy City Clerk Adelmira Tapia-Rojas

**WELCOME**

Mayor Michael L. Montandon

**VERIFICATION**

Anita Sheldon  
Acting City Clerk

**INVOCATION**

Pastor Doug Cowburn  
Canyon Ridge Christian Church

**PLEDGE OF ALLEGIANCE**

Councilwoman Shari Buck

**PUBLIC FORUM**

There was no public participation.

**PRESENTATION**

**PRESENTATION OF AWARD PLAQUES TO CITY EMPLOYEE OF THE MONTH WINNERS FOR THE 3RD QUARTER OF FISCAL YEAR 2008-2009.**

ACTION: PRESENTATION OF PLAQUES TO THE FOLLOWING EMPLOYEE OF THE MONTH WINNERS: LINDELL LOY, PUBLIC WORKS DEPARTMENT FOR THE MONTH OF JANUARY; DANIELE MONROE-MORENO, DETENTION DIVISION OF THE POLICE DEPARTMENT FOR THE MONTH OF FEBRUARY; AND MICHELLE WATSON, HUMAN RESOURCES DEPARTMENT FOR THE MONTH OF MARCH.

**AGENDA**

1. **APPROVAL OF THE REGULAR CITY COUNCIL MEETING AGENDA FOR APRIL 15, 2009.**

ACTION: APPROVED, AS AMENDED; ITEM NO. 23 TABLED TO JUNE 3, 2009, ITEM NOS. 24 AND 25 TABLED TO MAY 6, 2009

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**CONSENT AGENDA**

3. **APPROVAL OF THE SPECIAL CITY COUNCIL MEETING MINUTES OF MARCH 4, 2009.**

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

**4. APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF  
MARCH 4, 2009.**

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

**5. APPROVAL OF THE SPECIAL CITY COUNCIL MEETING MINUTES OF  
MARCH 18, 2009.**

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

**6. APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF  
MARCH 18, 2009.**

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

**7. CANVASS OF THE APRIL 7, 2009 MUNICIPAL PRIMARY ELECTION RESULTS.**

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

**8. APPROVAL OF AN APPLICATION FOR RESTRICTED GAMING BUSINESS LICENSE FOR EAGLE ROCK GAMING, DBAT KAMARS, 2000 EAST CHEYENNE AVENUE, NORTH LAS VEGAS, NEVADA, 89030 PENDING VERIFICATION OF STATE GAMING COMMISSION APPROVAL.**

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

**9. APPROVAL OF AN APPLICATION FOR SPECIAL EVENT BEER PERMIT FOR MEXICAN PATRIOTIC CIVIC COMMITTEE FOR THE CINCO DE MAYO FESTIVAL TO BE HELD AT THE CHEYENNE SPORTS COMPLEX ON MAY 3, 2009 PENDING VERIFICATION OF REQUIRED DEPARTMENTAL APPROVALS.**

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

**10. APPROVAL OF AN APPLICATION FOR A DAY NURSERY BUSINESS LICENSE FOR JOSEFINA M. SALVADOR, DBA AFFORDABLE DAY CARE CENTER, 512 SHALLOW MIST COURT, NORTH LAS VEGAS, NEVADA, 89032 PENDING VERIFICATION OF STATE BUSINESS LICENSE FROM THE DEPARTMENT OF TAXATION, SOUTHERN NEVADA HEALTH DISTRICT APPROVAL AND REQUIRED DEPARTMENTAL APPROVALS.**

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

**11. APPROVAL OF A DEED OF DEDICATION FOR THE NORTH 5TH STREET PROJECT, CLARK COUNTY ASSESSOR'S PARCEL NUMBER 139-23-402-003 LOCATED ON THE EAST SIDE OF LAS VEGAS BOULEVARD, SOUTH OF THE INTERSECTION OF MAIN STREET AND LAS VEGAS BOULEVARD.**

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

**12. APPROVAL OF THE THIRD SUPPLEMENTAL INTERLOCAL CONTRACT (NO. 377C) WITH THE REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA WHICH WILL INCREASE FUNDING TO AN AMOUNT NOT TO EXCEED \$36,650,000 FOR CRAIG ROAD - GRADE SEPARATION IMPROVEMENTS TO CRAIG ROAD BETWEEN BERG STREET AND PECOS ROAD. (CNLV CONTRACT NO. C-4958)**

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

**13. FINAL ACCEPTANCE OF THE MAJOR STREET REHABILITATION FY 07/08, BID NUMBER 1307 FOR MAINTENANCE AND AUTHORIZE FILING OF THE NOTICE OF COMPLETION. (CNLV CONTRACT NO. C-6847)**

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

**14. FINAL ACCEPTANCE OF THE LAMB BOULEVARD IMPROVEMENT PROJECT, BID NUMBER 1266 FOR MAINTENANCE AND AUTHORIZE FILING OF THE NOTICE OF COMPLETION. (CNLV CONTRACT NO. C-6558)**

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

**Item No. 16 was heard next.**

**BUSINESS**

**16. ACCEPTANCE OF THE LEGISLATIVE UPDATES FOR THE 2009 NEVADA STATE LEGISLATURE AND DIRECTION TO THE CITY MANAGER ON HOW TO PROCEED WITH BILLS PROPOSED IN THE STATE LEGISLATURE.**

General Services and Communications Director Brenda Fisher outlined Assembly and Senate Bills that were being monitored in the Legislative Session. She reviewed key dates and explained that the Legislative Session began on February 2, 2009. The deadline for the bills to leave the first committee was April 10, 2009. Bills needed to be out of the first house by April 21, 2009, out of the second committee by May 15, 2009 and out of the second house by May 22, 2009. Director Fisher said that as of the March 23, 2009 deadline, 1,067 bills were introduced with more than half introduced in the final two weeks of the deadline.

Director Fisher highlighted some of the bills that were being tracked. AB39 was the City's Election/Charter Change and would revise the provisions of the City Charter governing primary municipal elections requiring that a primary election be held before every general election, regardless of the number of candidates running for office. The

enactment was almost complete and had passed out of the Assembly and Senate. The bill was scheduled to go back to the Assembly and then to the Governor for signature.

AB504 was the Red Light Camera bill which would authorize local agencies to use automated systems, such as the red light camera, to enforce traffic laws. The bill was amended and passed out of the Assembly Transportation Committee but the amendment took out all the enabling language to install the red light cameras. The bill did not meet the initial needs of the City and was dead.

AB80 was the Sewer Lateral Marking bill that pertained to sewer laterals and the requirement for the City to mark them. This would have been an unfunded mandate that would have cost the City millions of dollars to go back and mark the sewer laterals. The bill was amended and passed by the Assembly Health and Human Services Committee. The amendment gave the City more time to comply.

AB256 dealt with the Municipal Election Date Change and required City's elections to be held the same dates as statewide primary and general elections which would occur in even numbered years. The City's platform opposed the election cycle change. The bill was amended and passed out of the Assembly Committee with amendments which included changing the date of the primary election to the second Tuesday in June of even-numbered years, provided for candidate filing to take place in the first two weeks of March and provided that a person who filled vacancies on the City Council would appoint the incumbent office holder to serve until the next general election. The bill was in the Assembly for vote then would move to the Senate.

AB294 dealt with Group Homes and directed the Legal Counsel Bureau to conduct an interim study on group homes and examine potential methods in which the siting of group homes may be lawfully monitored and regulated. The City strongly supported this bill. There was no action but the bill was exempt from the April 10, 2009 deadline. The bill was currently in the Assembly Committee on Committee on Elections, Procedures, Ethics and Constitutional Amendments and awaiting a hearing date.

AB458 was the Public Education Funding and revised various provisions that related to public education funding and would reallocate property taxes collected in redevelopment areas. The City opposed this bill as it would take money from the redevelopment fund. The lobby team and City staff had been working with Legislators to find an equitable solution. The bill was exempt from statutory deadlines and remained in the Assembly Committee on Ways and Means waiting for a hearing date.

Councilman Eliason questioned whether the amendment by Assemblyman Hardy was added. Director Fisher did not get a copy of the amendment. Economic Development Director Mike Majewski said the amendment related to a separate bill.

Director Fisher discussed AB478 which dealt with the Regional Housing Authority, revised provisions relating to certain housing authorities and allowed for the formation of a regional housing authority. The City strongly supported the bill which was amended and passed out of the Assembly Committee on Government Affairs. The amendment further defined the process for the selection of the housing authority director.

AB494 was the Consolidation of Government Services and required the Legal Counsel Bureau to study the major expenditures of all local governments to consider the consolidation of services, report and recommendations which would be presented in the 2011 Legislative Session. The City opposed the bill which was in the Assembly Committee on Committee on Elections, Procedures, Ethics and Constitutional awaiting a hearing date.

SB173 dealt with Bus Turnouts and provided for the construction of bus turnouts at certain locations in certain counties. The bill was amended and passed out of the Senate Committee on Government Affairs. The City supported the bill with amendments. The amendments stated that on or before December 31, 2012 the Regional Transportation Commission must construct 10 bus turnouts and on or before January 1, 2013 the Regional Transportation Commission must designate annually up to four locations that a turnout must be constructed within one year. It also stated that the County and the three largest incorporated cities would each fund the construction of one of the four turnouts. The bill was in the Senate for vote and then would move to the Assembly.

SB202 was the More COPS bill and provided the legislative approval required for an increase in the sales tax by .25%. The City supported the bill and the City Council adopted a resolution of support on April 1, 2009. The bill was amended and passed out of the Senate Taxation Committee. The amendment authorized the County Commission to approve a 1/8<sup>th</sup> of a percentage point tax increase in 2011 and another 1/8<sup>th</sup> of a percentage point increase in July 2013. The bill was in the Senate for vote and then would move to the Assembly.

SB294 was the CTAX Distribution bill and revised the formula for allocation of CTAX. The City supported the interim study. The bill would create an interim committee to review and make recommendations regarding all aspects of consolidated tax. The City would be a member of the committee and participate in the discussions. The bill was in the Senate for vote and then to the Assembly.

SB259 was the Fixed Guideway, Henderson to North Las Vegas and required that local governments work cooperatively to create a fixed guideway corridor from Henderson State College to the University of Nevada, Las Vegas campus in North Las Vegas. The City supported the bill but it did not pass out of committee in time.

Councilman Eliason questioned the status of the gray water bill. Utilities Director David Bereskin said the bill had officially died but a compromise to do a study as a Valley entity was being reviewed.

**ACTION:        PRESENTATION MADE AND LEGISLATIVE UPDATES ACCEPTED**

**PUBLIC HEARING - 6:15 P.M.**

**2. VAC-02-09 (GOLDFIELD STREET); AN APPLICATION SUBMITTED BY MELDRUM FAMILY TRUST, PROPERTY OWNER, TO VACATE A PORTION OF GOLDFIELD STREET BETWEEN GOWAN ROAD AND DELHI AVENUE.**

Public Works Director Qiong Liu explained that the section of Goldfield Street was previously identified as a means to provide local access as part of the North 5<sup>th</sup> Street corridor plan. Since then, the impacted property owners indicated they did not need it as part of the local access. Staff recommended approval.

Mayor Montandon opened the public hearing.

Mayor Montandon closed the public hearing.

ACTION: APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. TWENTY (20) FEET OF PERIMETER LANDSCAPING WITHIN THE VACATED AREA OF GOLDFIELD STREET ALONG DELHI ROAD SHALL BE PROVIDED IN ACCORDANCE WITH EXISTING LANDSCAPING, SUBJECT TO STAFF REVIEW AND APPROVAL.
2. THE VACATION SHALL RECORD WITHIN ONE YEAR. SHOULD THE ORDER OF VACATION NOT RECORD WITHIN ONE YEAR FROM THE APPROVAL DATE, THE VACATION SHALL BE DEEMED NULL AND VOID.

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**BUSINESS (CONTINUED)**

**15. DISCUSSION, DIRECTION, AND/OR ACTION ON OPTIONS FOR ADDRESSING THE BUDGET DEFICIT.**

City Manager Gregory Rose presented options to deal with the budget shortfall. He explained that the City would end FY2008-2009 with a General Fund balance of 18% of expenditures which was achieved by departmental budget reductions of 3% combined with transfers of money from other funds. The budget shortfall of approximately \$14.5 million was addressed without concessions from the unions and without any layoffs. He explained that due to the downturn in the economy, several local governments in the Valley struggled with budgets and used layoffs as a part of their solutions to address the budget shortfalls. The proactive financial planning allowed the City to be in a position to avoid layoffs and pursue other options to address the issue. He explained that

consolidated taxes were projected to end 18% under budget and development revenues were projected to be down 14%. He said that consolidated taxes were expected to fall an additional 5% in 2009-2010 and property taxes to decrease by 17%.

City Manager Rose explained that the City began the budgeting process for the FY2009-2010 proposed annual operating budget by reducing departmental budgets by an additional 8% with a reduction of the base budget by 5.3%. He explained that \$4 million of supplemental was recommended for next fiscal year which represented a 38% reduction and elimination of frozen positions. He explained the City was working with the unions to address the estimated shortfall of \$13.5 million which now increased to \$16.8 million. The recommendation of working with the unions was made with the belief that a strategy could be developed to save jobs and not interrupt services to the citizens. A tentative agreement was reached with the Fire Union and if accepted would enable the City to reduce the budget shortfall by \$1.5 million. Discussions would begin with non-represented employees which would further reduce the budget shortfall by \$1 million. If the agreements were accepted by the City Council, the City would have a budget shortfall of \$14.3 million.

City Manager Rose said that due to the uncertainty of being able to persuade all unions to participate in helping address the budget deficit by accepting concessions, he proposed consideration of other options that would result in addressing the budget shortfall.

City Manager Rose asked the City Council whether the goal was to provide services that were desired by the citizens that the private sector was unable or unwilling to provide and providing the services in the most effective and efficient manner that was reasonable possible. Mayor Montandon said it was important that both sides were pursuing the same goal or no solution would be reached.

Mayor Pro Tempore Robinson felt that the administrative staff had not exhausted every effort with all the employees involved in the negotiations and felt that services such as BalloonaPalooza should be stopped.

City Manager Rose asked if the role of government was foremost the priority to employ people or provide services. Councilman Eliason said the intent was not to cut services but to delay them.

City Manager Rose explained that Option 1 was the reduction of the General Fund balance to less than 10% of expenditures for FY2009-2010 which would place the City in an unstable financial position for FY2010-2011 and jeopardize the City's bond ratings. He also explained that the General Fund would have to supplement Fund 268 and did not recommend decreasing the fund balance lower than 10%. Option 2 would reduce the General Fund balance to 10% and layoff approximately 160 employees to address the shortfall which would result in a reduced level of services to the citizens. City Manager Rose did not recommend this option. Option 3, which was recommended, would reduce the General Fund balance to 10% and allow for continuation of discussions with represented and non-represented employees. He also recommended simultaneously pursuing layoffs and evaluating City operations that could be outsourced

or privatized. This option would address the budget shortfall without reducing the level of services. He explained that if Option 3 was approved, Staff would schedule meetings with Union leadership to continue pursuing a tentative concessions agreement, Staff would initiate the layoff process by creating a list of individuals that would be laid off and begin evaluating areas for outsourcing and/or privatization. He said that layoffs, outsourcing and privatization would not impact the public safety functions. Option 4 would increase property tax by 22 cents which would produce additional revenue of \$13.4 million with allowance for abatement and would increase the City's tax rate and total overlapping rate.

Mayor Montandon said the reason that employment was the primary issue was because it was the largest share of the budget. He explained that the City was cutting travel and training budgets as well as supply budgets. The employment was  $\frac{3}{4}$  of the total budget and was the only place that made a measurable difference.

Councilwoman Smith asked if the layoff discussion was the determination of a procedure to move forward or the actual start of the procedure. City Manager Rose explained he would initiate the process but would not execute layoffs until meeting with the City Council. He explained there was a process included in the agreement that would need to be initiated. City Manager Rose explained that Option 3 would start that process.

City Manager Rose said the other part of Option 3 was the outsourcing and privatizing. He said if the City Council did not want to impact services to citizens, the City could not lay off 160 people without having an impact. The only option would then be to outsource or privatize.

Mayor Pro Tempore Robinson questioned what phases of the City would be considered for outsourcing or privatization. City Manager Rose said the intention was to bring back a plan after evaluating operations and services and inform the City Council what parts of the City services would be appropriate.

Mayor Pro Tempore Robinson said he understood that only one union agreed to concessions. City Manager Rose explained that the Teamster Union considered a proposal but the membership voted against it. He proposed continuing discussions with Teamsters but could not rely on the fact that an agreement would be met. Mayor Pro Tempore Robinson asked what format would be used for layoffs. City Manager Rose said it depended on City Council direction. He explained that if the City Council accepted outsourcing and privatizing services, it would impact individuals that may be laid off. Mayor Pro Tempore Robinson questioned the status of negotiations with the Police and Teamster unions. City Manager Rose said he was in discussions with the Police union and intended to begin discussions with non-represented employees. He proposed that discussions continue with the Teamster union. City Manager Rose explained that the Teamster union may still decide not to accept an offer. Mayor Pro Tempore Robinson said that he asked whether there were funds to cover the Teamster contract throughout the duration of the contract and was told there was. City Manager Rose explained that at the end of FY2008-2009 there would be an 18% General Fund

balance which was greater than any other jurisdiction in the Valley. He explained the economy was driven by two main sources, gaming and construction

Councilwoman Buck recommended that union discussions continue. She asked whether the list would be made across the board when looking at privatizing and layoffs. City Manager Rose said the City had a strategy that, if accepted by the unions, would result in no layoffs but needed to be prepared for the worse case scenario.

**Gary Mauger, Chief Executive Officer, Teamsters Local 14, 1250 S. Burnham Avenue, Las Vegas,** said he was attempting to bring clarity, balance and understanding from the Union's point of view regarding the Budget Stabilization Proposal. He said that at the April 6, 2009 union meeting, the majority of the members voted to reject the proposal. He explained that the union was notified on February 23, 2009 that the City wanted to discuss concessions and gave a deadline of April 1, 2009. He felt enough time was not given to decide on the issues. He explained that Teamsters Local 14 in the City sat at the bargaining table five months ago and negotiated, ratified and signed the current labor agreement and was never given a hint of financial economic distress presented by the City. He believed at the time of the contract negotiations that it was impossible that the City Manager did not know or realize the potential future financial direction of the City. He said the suggested solutions were not properly and timely presented to the employees. He felt that the City should have met with the employees before the union was contacted. Mr. Mauger said that the Budget Stabilization Program presented money saving ideas but the City refused to negotiate the proposal. The union was reminded that the City had no intention of laying off Public Safety which meant that Teamster employees were targeted for layoffs. The union requested a guarantee of no layoffs but it was rejected by the City which was another obstacle to the union agreement of a concession plan. Mr. Mauger said that the City Manager told the media that there was a voluntary separation package, but the union was told he was considering a package. It was also stated that there was a hiring freeze, but Mr. Mauger had a list of approved positions which did not help the parties reach an agreement. He recommended that the City bring a plan to the negotiating table where the union would consider all aspects of the plan and could come to a solution that would be acceptable.

Mayor Pro Tempore Robinson questioned whether there was a process for bumping rights. Mr. Mauger said the union tried to negotiate language which would have worked in the situation. He explained that currently the contract stated that if the City decided to lay off employees, those people affected had the right to bump and said it would be a chaotic situation because 160 people would be bumping all around the City.

**Jason Burns, 1151 Appaloussa Hills Avenue, North Las Vegas,** Traffic Operations Division of Public Works Department spoke on behalf of the employees and explained that he voted against the contract because of the unclear language and said that he was not given the proposal until the night of the union meeting.

**Arlene Brown, 1418 Silent Sunset Avenue, North Las Vegas**, spoke about an email received by City employees with an employee rebuttal. She felt proper protocol was not followed. Ms. Brown explained that she felt the concession package was rejected because of the layoff situation. She said she would forgo 4% COLA increase, defer sick buy-out and holiday buy-out but felt the City could defer projects.

Councilwoman Smith confirmed that providing the City Manager with direction to move forward, the plan would be brought forward to the City Council for approval. City Manager Rose explained he would not move forward with layoffs prior to returning to the City Council but would initiate the process.

Councilwoman Buck supported Option 3 but was concerned that the union members did not see the information until the evening of the meeting and had a very short time to make a decision. She asked that the employees be given enough time to make a decision. City Attorney Carie Torrence explained that the City was free to provide information to the employees as to the City's financial situation and the fact that the City was in a position where it felt necessary to partner with its employees to discuss concessions. When it came time to discuss the actual concessions, the City needed to partner with the elected representatives of the union.

ACTION: OPTION NUMBER 3 WAS APPROVED.

MOTION: Councilwoman Buck

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

Mayor Montandon called a recess at 7:35 P.M.

Mayor Montandon reconvened the meeting at 7:41 P.M.

17. **APPROVAL OF AN APPLICATION FOR FULL LIQUOR OFF-SALE BUSINESS LICENSE FOR MR. W AND D INC., DBA PECOS LIQUOR, 3523 NORTH PECOS ROAD, SUITE 150, NORTH LAS VEGAS, NEVADA, 89030 PENDING VERIFICATION OF SOUTHERN NEVADA HEALTH DISTRICT APPROVAL AND REQUIRED DEPARTMENTAL APPROVALS.**

**Hesham Hassan, 3533 North Pecos Road, North Las Vegas**, expressed his opposition to the proposed liquor store. He explained that he obtained a petition with signatures from residents, students and teachers. Mr. Hassan was the owner of the 7-11 store adjacent to the applicant. He was concerned that the liquor store would attract an element not appropriate for the neighborhood. Mr. Hassan explained that C-1 zoning was defined as being compatible with residential character of the surrounding neighborhood and felt that a packaged liquor store was not a compatible element. Mr. Hassan was concerned about the impact to the neighborhood and the nearby bus stops

which included public high school and elementary school students. He felt the area had a known potential to become a hang out for vagrants and gangs. He requested that the City Council deny the application.

Mayor Pro Tempore Robinson questioned whether alcohol was sold at the 7-11. Mr. Hassan said he sold beer and wine.

**Debbie Olivas, 5370 E. Craig Road, #1319, Las Vegas**, expressed her opposition to the proposed liquor store. She was employed by the Clark County School District as a teacher in the high school program at the College of Southern Nevada High School. The students were not provided with transportation from the Clark County School District since it was considered a school of choice. She felt it was inappropriate to have a liquor store in close proximity to the school.

Councilman Eliason confirmed that the applicant owned the grocery store adjacent to the proposed liquor store and questioned why the applicant needed a liquor store. The applicant was not in attendance.

City Attorney Carie Torrence explained that the issue was not whether the use was appropriate at the location. Under the current code, this was a conditional use and the applicant met all the requirements for obtaining a conditional use permit. The only issue was whether the license applicant met the necessary background qualifications.

Mayor Montandon asked why the application was pending approval by the Southern Nevada Health District. Business License Manager Lana Hammond explained that each location required a current health permit which had not been provided. She explained the permit normally was provided prior to opening. The other requirement was inspection of the location which was not scheduled until after the City Council took action.

Councilwoman Smith questioned who approved the conditional use permit. Manager Hammond explained the approval was issued through the Planning and Zoning Department.

City Attorney Torrence explained that if the area began to be a problem with loitering or criminal activity, the issues could be addressed through the code with a show cause hearing, the possible placement of restrictions on the license holder or revocation of the license. Mayor Pro Tempore Robinson questioned the ramifications if the license was not granted. City Attorney Torrence explained that the City Council action was approval of the background investigation which had been completed. She explained that the City Council had no discretion to approve or deny and was the reason that the applications were usually on the Consent Agenda. This application was removed from the Consent Agenda because there were members of the public that wanted to speak about the use. City Attorney Torrence explained that unless there was a concern regarding the actual applicant, it would be the only appropriate reason for denial of the license. She had not received any information from the Police Department or Business License that there were any issues with the license applicant. Councilman Eliason questioned whether there were any problems with the business adjacent to the proposed application.

Manager Hammond explained she had not been notified of any activity at the location. Councilwoman Buck asked the difference between placing a liquor store in a neighborhood or allowing a 7-11 to sell hard liquor. She expressed her concern with both issues and felt that a liquor store should not be located near a college or school. Manager Hammond explained that the location met the distance requirements that were set forth in Title 17. Councilwoman Buck asked if there were distance requirements between a liquor store and a home. Manager Hammond said there were none. Councilwoman Buck recommended that the issue be brought back to the City Council.

Councilman Eliason questioned whether bars on the windows of an establishment were legal. Fire Chief Gillespie explained that there were appropriate uses of security bars and had concerns regarding break-away security bars on all windows and doors.

ACTION: APPROVED

MOTION: Councilwoman Buck

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

**18. APPROVAL OF THE SETTLEMENT OF CONDEMNATION LITIGATION WITH MICHELLE MCDERMOTT IN THE AMOUNT OF \$100,650 PLUS ATTORNEY FEES FROM REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA FUNDS, FOR REAL PROPERTY LOCATED AT 504 EAST BARTLETT AVENUE FOR THE NORTH 5TH STREET CORRIDOR PROJECT AND AUTHORIZATION FOR THE CITY ATTORNEY TO EXECUTE DOCUMENTS. (CNLV CONTRACT NO. C-7068)**

Mayor Pro Tempore Robinson confirmed that Ms. McDermott was in agreement with the settlement.

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

19. **APPROVAL OF A PURCHASE AND SALE AGREEMENT WITH JERRY'S NUGGET, INC., IN THE AMOUNT OF \$611,740 FROM REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA FUNDS, FOR THE RIGHT-OF-WAY ACQUISITION OF A PORTION OF CLARK COUNTY ASSESSOR'S PARCEL NUMBERS 139-23-302-001 AND 139-23-401-001 LOCATED AT 1821 AND 1700 NORTH LAS VEGAS BOULEVARD FOR THE NORTH 5TH STREET CORRIDOR PROJECT. (CNLV CONTRACT NO. C-7069)**

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

20. **APPROVAL OF A PURCHASE AND SALE AGREEMENT WITH OWENS ASSOCIATES, LLC, IN THE AMOUNT OF \$241,434 TO BE REIMBURSED TO THE REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA FOR THE SALE OF A REMNANT PORTION OF CLARK COUNTY ASSESSOR'S PARCEL NUMBER 139-23-402-003 LOCATED AT 1618 AND 1622 NORTH LAS VEGAS BOULEVARD NOT NECESSARY FOR THE RIGHT-OF-WAY AND RELATED INFRASTRUCTURE IMPROVEMENTS FOR THE NORTH 5TH STREET CORRIDOR PROJECT. (CNLV CONTRACT NO. C-7070)**

Public Works Director Qiong Liu explained there was a change to the agreement and read the changes into the record.

ACTION: APPROVED AS AMENDED; AMENDMENT TO READ AS FOLLOWS:

SECTION 2(b): THE CLOSING DATE SHALL TAKE PLACE ON OR PRIOR TO MAY 29, 2009.

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

21. **APPROVAL OF A PURCHASE AND SALE AGREEMENT WITH OWENS ASSOCIATES, LLC, IN THE AMOUNT OF \$894,988 FROM REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA FUNDS, FOR THE ACQUISITION OF A PORTION OF CLARK COUNTY ASSESSOR'S PARCEL NUMBER 139-23-402-007 LOCATED AT THE JUNCTION OF NORTH MAIN STREET AND NORTH LAS VEGAS BOULEVARD FOR THE RIGHT-OF-WAY AND RELATED EASEMENTS REQUIRED FOR THE NORTH 5TH STREET CORRIDOR PROJECT. (CNLV CONTRACT NO. C-7071)**

Public Works Director Qiong Liu explained there was a change to the agreement and read the changes into the record.

ACTION: APPROVED AS AMENDED; AMENDMENT TO READ AS FOLLOWS:

SECTION 2(b): THE CLOSING DATE SHALL TAKE PLACE ON OR PRIOR TO MAY 29, 2009.

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 OF A SETTLEMENT AGREEMENT WITH RON & JUDY MACK FAMILY TRUST, RONALD F. MACK & JUDY A. MACK, CO-TRUSTEES, PROPERTY OWNERS, IN THE AMOUNT OF \$27,000 FROM REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA FUNDS, FOR A PARTIAL ACQUISITION OF CLARK COUNTY ASSESSOR'S PARCEL NUMBER 139-22-811-028 LOCATED AT 1611 NORTH LAS VEGAS BOULEVARD FOR PROPERTY NEEDED TO CONSTRUCT THE NORTH 5TH STREET CORRIDOR PROJECT. (CNLV CONTRACT NO. C-7072)**

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

**23. AWARD OF BID NUMBER 1305 AND APPROVAL OF A CONSTRUCTION CONTRACT WITH SOUTHWEST IRON WORKS, LLC IN THE AMOUNT OF \$3,291,715.06 FROM THE TAX OVERRIDE FUND; AND \$2,153,113.09 FROM THE UTILITIES ENTERPRISE FUND, FOR THE LOSEE ROAD IMPROVEMENTS - PHASE 1, LAKE MEAD BOULEVARD TO ALEXANDER ROAD.**

ACTION: TABLED TO JUNE 3, 2009

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**24. REJECTION OF THE BID PROTEST FROM TAND, INC. FOR THE NORTHEAST AREA COMMAND FACILITY, BID NUMBER 1324.**

ACTION: TABLED TO MAY 6, 2009

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**25. AWARD OF BID NUMBER 1324 AND APPROVAL OF A CONSTRUCTION CONTRACT WITH RICHARDSON CONSTRUCTION, INC. IN THE AMOUNT OF \$760,000 FROM GENERAL OBLIGATION BONDS, FOR THE NORTHEAST AREA COMMAND FACILITY LOCATED NEAR THE INTERSECTION OF CENTENNIAL PARKWAY AND PALMER STREET.**

ACTION: TABLED TO MAY 6, 2009

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

26. **APPROVAL TO AUGMENT THE FIRE DEPARTMENT BUDGET IN AN AMOUNT NOT TO EXCEED \$1,000,000 FROM FUND 268, FOR THE PURPOSE OF PURCHASING FURNITURE, FIXTURES, AND OTHER PERSONAL PROPERTY, PERFORMING MAINTENANCE, AND EFFECTUATING DISCRETE REPAIRS AND UPGRADES FOR THE FIRE ADMINISTRATION BUILDING (FORMERLY FREHNER BUILDING) LOCATED AT 4040 FREHNER ROAD AND RELOCATION OF THE FIRE DEPARTMENT STAFF.**

Councilman Eliason asked if money was available in funds that had not been allocated. Finance Director Phil Stoeckinger explained that the ending fund balance for the current year was anticipated to have funds adequate to cover the expense.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Councilwoman Buck

AYES: Mayor Montandon, Councilmembers Smith and Buck

NAYS: Mayor Pro Tempore Robinson and Councilman Eliason

ABSTAIN: None

27. **AWARD OF BID NUMBER 1329 AND APPROVAL OF A CONTRACT WITH COMPLETE PLUMBING IN THE AMOUNT OF \$121,250 FROM FUND 268 FOR FURNISHING AND INSTALLING A COOLING TOWER FOR THE FIRE ADMINISTRATION BUILDING (FORMERLY FREHNER BUILDING) LOCATED AT 4040 FREHNER ROAD. (CNLV CONTRACT NO. C-7066)**

ACTION: BID AWARDED AND CONTRACT APPROVED

MOTION: Councilwoman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Councilmembers Smith and Buck

NAYS: Mayor Pro Tempore Robinson and Councilman Eliason

ABSTAIN: None

28. **APPROVAL OF AN AGREEMENT WITH HARRIS STRATEX IN AN AMOUNT NOT TO EXCEED \$360,000 TO PURCHASE EQUIPMENT AND SERVICES FOR THREE HOP DIGITAL MICROWAVE RADIO SYSTEM FOR THE POLICE DEPARTMENT. (CNLV CONTRACT NO. C-7067)**

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

**29. APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF LAS VEGAS, HENDERSON, MESQUITE AND CLARK COUNTY, NEVADA, FOR THE PURPOSE OF ENABLING THE CITY OF NORTH LAS VEGAS TO PARTICIPATE AS A JOINT APPLICANT FOR FUNDING UNDER THE PROGRAM, IN ACCORDANCE WITH THE REQUIREMENTS OF THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, UNDER THE RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FORMULA PROGRAM.**

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

Item No. 32 was heard next.

**APPOINTMENT**

**32. APPOINTMENT OF A COUNCIL MEMBER TO SERVE ON THE OVERSIGHT COMMITTEE FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT LOCAL PROGRAM AUTHORIZED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**

ACTION: MAYOR MONTANDON APPOINTED COUNCILWOMAN BUCK TO THE OVERSIGHT COMMITTEE.

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

**BUSINESS (CONTINUED)**

30. **APPROVAL OF THE ALLOCATION OF THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)/HOMELESS PREVENTION AND RAPID RE-HOUSING FUNDS IN THE AMOUNT OF \$677,704 FROM FEDERAL STIMULUS FUNDS, TO PROVIDE A HOMELESS PREVENTION AND SERVICES DELIVERY SYSTEM THAT WILL SERVE NORTH LAS VEGAS RESIDENTS, TO BE PROVIDED UNDER THE ARRA/HOMELESS PREVENTION AND RAPID RE-HOUSING ALLOCATION.**

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

**ORDINANCE  
FINAL ACTION**

31. **ORDINANCE NO. 2498; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 1939, TO ALLOW RETAIL COMMERCIAL USES IN BUILDINGS ADJACENT TO THE NORTHERN PROPERTY LINE WITHIN THE EXISTING PUD, PLANNED UNIT DEVELOPMENT DISTRICT (ZN-11-98, CRAIG VALLEY PROFESSIONAL PLAZA), AND BY AMENDING CONDITIONS, AS SET FORTH BELOW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 2498 as introduced by the City Manager:

ORDINANCE NO. 2498; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 1939, TO ALLOW RETAIL COMMERCIAL USES IN BUILDINGS ADJACENT TO THE NORTHERN PROPERTY LINE WITHIN THE EXISTING PUD, PLANNED UNIT DEVELOPMENT DISTRICT (ZN-11-98, CRAIG VALLEY PROFESSIONAL PLAZA), AND BY AMENDING CONDITIONS, AS SET FORTH BELOW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

City Attorney Carie Torrence explained that at the request of the City Attorney's Office, the applicant agreed to continue the item until May 6, 2009.

ACTION: CONTINUED TO MAY 6, 2009

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

### **COUNCIL ITEMS**

Councilwoman Buck asked Library Director Kathy Pennell, if she was aware that a member of the Library Board District had resigned. Director Pennell stated she was not aware of this. Councilwoman Buck stated she would provide information to Director Pennell.

### **CITY MANAGER'S REPORT**

No report was given.

### **PUBLIC FORUM**

There was no public participation.

### **ADJOURNMENT**

ACTION: THE MEETING ADJOURNED AT 8:17 P.M.

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

**APPROVED: May 20, 2009**

\_\_\_\_\_  
Mayor Michael L. Montandon

**ATTEST:**

\_\_\_\_\_  
Anita Sheldon  
Acting City Clerk