

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

October 17, 2007

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 Rose	Acting Library Director Kathy Pennell
Assistant City Manager Sam Chambers	Parks and Recreation Director Mike Henley
City Attorney Carie Torrence	Planning and Zoning Director Jory Stewart
City Clerk Karen L. Storms	Police Chief Mark Paresi
Communications Director Brenda Fischer	Public Works Director Majed Al-Ghafry
Economic Development Director Mike Majewski	Utilities Director David Bereskin
Finance Director Phil Stoeckinger	Senior Assistant to the City Manager Kenny Young
General Services Director Eric Dabney	Assistant to the City Manager Michelle Bailey-Hedgepeth
Human Resources Director Joyce Lira	Planning and Zoning Manager Marc Jordan
Information Technology Director Steve Chapin	Assistant City Clerk Anita Sheldon

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Karen L. Storms, CMC
City Clerk

INVOCATION

L. Dean Leavitt
Planning Commissioner

PLEDGE OF ALLEGIANCE

Councilman Robert L. Eliason

PUBLIC FORUM

There was no public participation.

AGENDA

1. APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF OCTOBER 17, 2007.

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

CONSENT AGENDA

2. APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF SEPTEMBER 5, 2007.

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

3. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 5, 2007.

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

4. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 19, 2007.

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

5. APPROVAL OF AN APPLICATION FOR PAWNBROKER AND SECONDHAND DEALER BUSINESS LICENSE FOR CASH AMERICA, INC. OF NORTH CAROLINA, DBA SUPERPAWN, 6424 LOSEE ROAD, NORTH LAS VEGAS, NEVADA, 89086 PENDING VERIFICATION OF REQUIRED DEPARTMENT APPROVALS.

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

6. **APPROVAL OF AN APPLICATION FOR GENERAL OFF-SALE AND RESTRICTED GAMING BUSINESS LICENSES FOR K & O INVESTMENT, LLC, DBA FIESTA SUPERMARKET, 3210 EAST LAKE MEAD BOULEVARD, SUITE 1, NORTH LAS VEGAS, NEVADA, 89030 PENDING VERIFICATION OF STATE GAMING COMMISSION APPROVAL AND PAYMENT OF FEES. THIS APPLICATION IS FOR A CHANGE OF OWNERSHIP FOR AN EXISTING LOCATION. THE APPLICANT HAS ENTERED INTO A PARTICIPATION AGREEMENT WITH SILVER STATE GAMING, A CURRENTLY LICENSED SLOT ROUTE OPERATOR.**

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

7. **APPROVAL OF AN APPLICATION FOR GENERAL ON-SALE RESTAURANT SERVICE BAR BUSINESS LICENSE FOR GEISHA CORP., DBA GEISHA STEAK HOUSE, 6572 NORTH DECATUR BOULEVARD, SUITES 150-170, NORTH LAS VEGAS, NEVADA, 89084 PENDING VERIFICATION OF SOUTHERN NEVADA HEALTH DISTRICT APPROVAL, MINIMUM SEATING REQUIREMENTS AND REQUIRED DEPARTMENT APPROVALS.**

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

8. **APPROVAL OF AN APPLICATION FOR SLOT ROUTE OPERATOR BUSINESS LICENSE FOR NEVADA GAMING PARTNERS, LLC, 4534 WEST HACIENDA AVENUE, SUITE A, LAS VEGAS, NEVADA, 89118. THE APPLICANT IS A CURRENTLY LICENSED SLOT ROUTE OPERATOR IN CLARK COUNTY.**

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

9. **APPROVAL OF AN APPLICATION FOR RESTRICTED GAMING BUSINESS LICENSE FOR UNITED COIN MACHINE CO., DBAT FIVE STAR TAVERN, 6320 NORTH SIMMONS STREET, NORTH LAS VEGAS, NEVADA, 89031 PENDING VERIFICATION OF STATE GAMING COMMISSION APPROVAL. THIS APPLICATION IS FOR AN ADDITIONAL LOCATION FOR A CURRENTLY LICENSED SLOT ROUTE OPERATOR.**

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

10. **APPROVAL OF AN APPLICATION FOR FAMILY DAY CARE HOME BUSINESS LICENSE FOR ROSANNA A. GHERNA, DBA ITTY BITTY DAY CARE, 4344 SANTA CLARITA AVENUE, NORTH LAS VEGAS, NEVADA, 89115 PENDING VERIFICATION OF REQUIRED DEPARTMENT APPROVALS.**

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

11. APPROVAL OF GRANT OF EASEMENT TO NEVADA POWER COMPANY TO ENABLE THEM TO OPERATE AND MAINTAIN THEIR FACILITIES FOR THE COMMUNITY PARK RENOVATIONS PROJECT LOCATED ON TONOPAH AVENUE.

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

12. VAC-15-07 (CITY OF NORTH LAS VEGAS); AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS, PROPERTY OWNER, TO VACATE THE NORTHERLY TEN (10) FEET OF GOWAN ROAD COMMENCING AT FUSELIER DRIVE AND PROCEEDING WEST APPROXIMATELY 306 FEET. (SET PUBLIC HEARING FOR DECEMBER 5, 2007)

ACTION: PUBLIC HEARING SET FOR DECEMBER 5, 2007

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

13. VAC-17-07 (CHEYENNE & CLAYTON CONDOMINIUMS); AN APPLICATION SUBMITTED BY HEDLEY BIZCTR NORTH LAS VEGAS LP, PROPERTY OWNER, TO VACATE A SLOPE EASEMENT ADJACENT TO CHEYENNE AVENUE COMMENCING AT CLAYTON STREET AND PROCEEDING WEST

APPROXIMATELY 770 FEET. (SET PUBLIC HEARING FOR DECEMBER 5, 2007)

ACTION: PUBLIC HEARING SET FOR DECEMBER 5, 2007

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

14. VAC-18-07 (DESERT OAKS PLAZA); AN APPLICATION SUBMITTED BY THOMAS HELLUMS ON BEHALF OF DESERT OAKS PLAZA LLC, PROPERTY OWNER, TO VACATE A 40-FOOT-WIDE DRIVEWAY AT THE SOUTHEAST CORNER OF THE PROPERTY LOCATED NORTH OF CRAIG ROAD AND APPROXIMATELY 805 FEET WEST OF ALLEN LANE. (SET PUBLIC HEARING FOR DECEMBER 5, 2007)

ACTION: PUBLIC HEARING SET FOR DECEMBER 5, 2007

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

BUSINESS

15. DISCUSSION AND POSSIBLE AMENDMENTS TO CITY MANAGER GREGORY E. ROSE'S CONTRACT.

Mayor Pro Tempore Robinson confirmed with City Manager Gregory Rose that he was awarded a salary increase and a car allowance approximately five months ago, and his current contract expired in September 2008. Mayor Montandon directed City Manager Rose to conduct his presentation and asked that questions be held until after the presentation was given.

City Manager Rose explained the amendments before Council differed from what was posted to the agenda in the section related to severance pay and accrued benefits in the event the City Manager's contract was terminated.

Mayor Pro Tempore Robinson stated he could not support the proposed amendments for three reasons: the request was premature; appointed and confidential employees were awarded lower increases; and the City Manager knew the terms and length of his contract when he agreed to it. City Manager Rose clarified there was no request for a salary increase in the proposal, except for the same annual cost of living increase that was given to Council. City Manager Rose stated the increases he requested were consistent with those of appointed and confidential staff.

Mayor Montandon acknowledged the consideration of adjustments to an unexpired contract was an exception. However, throughout his experience working with the City and the various City Managers of the last ten years, City Manager Rose was the best City Manager he had worked with. Mayor Montandon recognized the fact that City Manager Rose would be the stabilizing factor in regard to City management and government as Mayor Montandon's term expired in 2009, and three of the Councilmembers intended to run for Mayor. Mayor Montandon also noted City Manager Rose had the option to work for other entities. Mayor Montandon felt the extension of City Manager Rose's contract for an additional three years protected the City's interests as the City maneuvered through all the management changes which were going to take place. Mayor Pro Tempore Robinson expressed his belief that the amended contract protected City Manager Rose, and not the taxpayers' interests. Mayor Pro Tempore Robinson stated he had been with the City for almost thirty years. He felt he could not justify the amendments for City Manager Rose when appointed and confidential employees were awarded 2.8 percent increases. Mayor Pro Tempore Robinson was wary of the amendments pertaining to severance in the event City Manager Rose's contract was terminated. Mayor Pro Tempore Robinson felt the City Councilmembers stabilized the City. While he supported the City Manager, he preferred to perform the scheduled annual performance review to extending the current contract for three years.

Councilwoman Smith strongly disagreed with Mayor Pro Tempore Robinson. She stated no salary increase was requested in the amended contract. She pointed out City Manager Rose was the only City Manager in the Las Vegas valley who accepted the same cost of living increase that was given to employees. There were no additional incentives requested. She did not feel the issue should be political. She strongly supported City Manager Rose's ability and leadership. Councilwoman Smith noted the City still had the option to relieve City Manager Rose of his duties at any time they saw fit. However, the contract protected City Manager Rose from being used in the political atmosphere that loomed over the next two years. The terms of the contract changed after the 2009 election. Councilwoman Smith felt the extension of City Manager Rose's contract was a responsible step which placed no burden on taxpayers. She felt it was a positive precedent. She pointed out contracted employees negotiated salary increases plus cost of living increases, and City Manager Rose only asked for the same cost of living increases other employees received. She felt the City Manager's amended contract was also in the best interest of City employees and citizens.

Councilman Eliason agreed with Mayor Pro Tempore Robinson's assertion that the City was stable due to the three Councilmembers who would remain on the Council after the upcoming election. He felt amendments to the City Manager's contract expiration date should be delayed until it was due to expire. He felt amending the contract at this time was premature and said it was a policy decision he could not support.

Calvinia Williams, 5534 Logan Creek Court, North Las Vegas spoke against the amended contract. She referred to people who were unemployed, sick, or disadvantaged. She was concerned about the burden to taxpayers.

Ken Angell, 1408 Danielle Rebecca Avenue, North Las Vegas thought amending the contract was a political move. He felt the Council was stable and the contract should stand until it expired, and objected to the year severance pay that was requested. He thought amendments to the contract should be considered at the expiration of the contract.

Richard Cherchio, 417 Horse Point Avenue, North Las Vegas asked who drafted the current amended contract and who requested the additional amendments. Mayor Montandon advised City Manager Rose drafted both amendments to the original contract. Mr. Cherchio questioned why performance measures were not stated as a legitimate grounds for dismissal of the City Manager's contract, only criminal conviction was listed as grounds for dismissal without severance pay. Mr. Cherchio pointed out while Mayor Montandon's term expired in 2009, other Councilmembers' terms ended in 2011. He felt extending the City Manager's contract solely as a protection from political machinations was inappropriate.

Bob Borgersen, 7617 Island Rail Drive, North Las Vegas thought amending the contract set a bad precedent. He felt the large severance package could be problematic.

Mayor Montandon acknowledged the amendments to the City Manager's contract were unconventional, however, he felt the City Manager's performance and proven history made them credible.

Terrance McAllister, 3425 West Craig Road, North Las Vegas, President of the North Las Vegas Police Officers' Association, said he had spoken with City Manager Rose and Councilmembers. He stated he respected City Manager Rose and acknowledged the lack of job security of the City Manager position. He said although other contracts did not contain large severance packages, there was a process for termination of employment the City Manager was not afforded. Councilmembers were elected for a fixed term, whereas the City Manager's contract was subject to a vote without notice. Mr. McAllister stated he supported City Manager Rose and the requested amendments to his contract.

Mayor Montandon addressed the issue of severance and said the City Manager was an at will employee, and such employment contracts typically included severance packages.

Jeff Hurley, North Las Vegas Firefighters Association also supported City Manager Rose. He said City Manager Rose was a man of honesty and integrity who had assembled an extremely talented team of department heads. He thanked City Manager Rose for his service and performance and felt it was critical to secure City Manager Rose's services for as long as possible. He felt the political atmosphere was subject to change and instability and it was unfair for City Manager Rose not to have security. He felt City Manager Rose should be rewarded for his excellence with the approval of the extended contract. He did not think it created a fiscal impact to the citizens, nor did he think the excellence of the City Manager's performance would diminish once he had job stability.

Councilwoman Buck felt changing the City Manager's contract before its expiration was proactive leadership. She said the City Manager was subjected to enormous pressures the public was not aware of. She claimed City Manager Rose had been asked to do things that were unethical under threat of losing his job. She stated City Manager Rose always did the right thing in every circumstance. Councilwoman Buck referred to the first paragraph of the amended agreement which stated, "it is the desire of the Council to secure and retain the services of City Manager (and) to provide inducement for him to remain in such employment..." Councilwoman Buck confirmed that was her desire. She knew from experience how poor performance by a City Manager devastated the City. She felt City Manager Rose had helped the City become stable and strong, which directly affected the citizens. She said City Manager Rose was of exemplary character and was very careful and thorough in every aspect of each decision he made. Councilwoman Buck said she had full confidence in City Manager Rose's leadership and the department heads who chose to work for him, many of whom were with the City because of City Manager Rose. Councilwoman Buck stated City Manager Rose was a very honest individual and the City was fortunate to have his services.

Mayor Pro Tempore Robinson contended he also supported City Manager Rose, but he was concerned about the length and terms of the contract. He felt if the City Manager's performance continued to be excellent, he was in no danger of losing his job. He commented Councilmembers could change every couple of years and did not support an extended contract for a City Manager.

Councilman Eliason reiterated extension of the contract was a policy decision he could not support because of the precedent it set for other contracted employees. Councilwoman Smith responded it had been done before with group contracts, and this amendment only affected one employee. She stated the City was fortunate City Manager Rose wanted to extend his employment with the City and felt the City was fortunate to have the opportunity to extend the retention of his services. She pointed out the City Manager's excellent reputation and said there were other entities that could try to procure his services at a higher salary.

Councilman Eliason made a motion to continue the item to the second meeting in July 2008 for discussion. Mayor Pro Tempore seconded the motion. The motion did not carry.

Councilwoman Buck made a motion to approve the amended contract. City Attorney Carie Torrence pointed out a typographical error in the amended agreement and clarified the contract should state if the City Manager's contract was terminated prior to September 30, 2009, he would be paid the remainder of the contract to 2011, and if his contract was terminated after 2009 the severance was one year's salary.

ACTION: APPROVED, AS AMENDED; AMENDED AS FOLLOWS:

SECTION 4.01 OF THE AGREEMENT SHALL BE AMENDED AS FOLLOWS:

- A. SHOULD CITY ELECT TO TERMINATE THIS FOURTH AMENDMENT AND THE SERVICES OF THE CITY MANAGER HEREUNDER BEFORE SEPTEMBER 30, 2009, CITY SHALL, WITHIN SEVEN (7) DAYS OF THE EFFECTIVE DATE OF SUCH TERMINATION, PAY TO CITY MANAGER THE SUM EQUAL TO HIS REMAINING THEN-PREVAILING SALARY THROUGH SEPTEMBER 30, 2011 AND ACCRUED BENEFITS (AS ACCRUED BENEFITS ARE DEFINED IN SECTION 4.2 OF THE AGREEMENT) (EXCLUDING DEFERRED COMPENSATION), AS AND FOR SEVERANCE PAY.
- B. SHOULD CITY ELECT TO TERMINATE THIS FOURTH AMENDMENT AND THE SERVICES OF THE CITY MANAGER HEREUNDER AFTER OCTOBER 1, 2009, BUT PRIOR TO SEPTEMBER 30, 2011, THE CITY SHALL, WITHIN SEVEN (7) DAYS OF THE EFFECTIVE DATE OF SUCH TERMINATION, PAY TO CITY MANAGER THE SUM EQUAL TO ONE (1) YEAR SALARY. IN ADDITION, CITY SHALL PAY ACCRUED BENEFITS (AS ACCRUED BENEFITS ARE DEFINED IN SECTION 4.2 OF THE AGREEMENT) (EXCLUDING DEFERRED COMPENSATION), AS AND FOR SEVERANCE PAY.
- C. SHOULD CITY ELECT NOT TO RENEW THIS FOURTH AGREEMENT BEYOND SEPTEMBER 30, 2011, THE CITY SHALL, ON OR BEFORE OCTOBER 7, 2011, PAY TO CITY MANAGER THE SUM EQUAL TO ONE (1) YEAR SALARY AND ACCRUED BENEFITS (AS ACCRUED BENEFITS ARE DEFINED IN SECTION 4.2 OF THE AGREEMENT) (EXCLUDING DEFERRED COMPENSATION), AS AND FOR SEVERANCE PAY.
- D. SHOULD CITY MANAGER BE CONVICTED OF ANY CRIMINAL MISDEMEANOR, GROSS MISDEMEANOR OR FELONY WHILE IN

OFFICE, CITY MANAGER MAY BE TERMINATED WITHOUT THE RIGHT TO SEVERANCE PAY AS DEFINED ABOVE. CITY MANAGER SHALL BE ENTITLED TO PAYMENT FOR ACCRUED BENEFITS (AS ACCRUED BENEFITS ARE DEFINED IN SECTION 4.2 OF THE AGREEMENT) (EXCLUDING DEFERRED COMPENSATION).

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

16. APPROVAL OF SPECIAL IMPROVEMENT DISTRICT NO. 63 (LAMB BOULEVARD I-15 TO CC-215), APPORTIONMENT REPORT BASED UPON THE SUBDIVISION OF LAND INTO NUMEROUS PARCELS NECESSITATING THE APPORTIONMENT OF THE ASSESSMENT ON WHICH AN IMPROVEMENT DISTRICT IS LEVIED.

ACTION: APPROVED AS AMENDED

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

17. APPROVAL OF AN INTERLOCAL COOPERATIVE AGREEMENT WITH CLARK COUNTY IN THE AMOUNT OF \$196,500, TO BE REIMBURSED FROM THE CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT 2007-2008 ANNUAL MAINTENANCE WORK PROGRAM, FOR NLV19, A FLOOD CONTROL FACILITY LOCATED IN THE LAS VEGAS WASH FLOOD CONTROL CHANNEL.

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

18. APPROVAL OF THE RELINQUISHMENT OF THE PUBLIC DRAINAGE AND ACCESS EASEMENT FOR THE KYLE CANYON DETENTION BASIN TO KYLE ACQUISITION GROUP, LLC FOR CLARK COUNTY ASSESSOR'S PARCEL NUMBER 126-12-000-001.

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 SETTLEMENT AGREEMENT WITH MARILYN AND MARY KAY ROBINSON, FOR THE RIGHT OF WAY ACQUISITION AND PURCHASE OF A TEMPORARY CONSTRUCTION EASEMENT FROM ASSESSOR'S PARCEL NUMBER 139-04-201-002, LOCATED ON THE NORTH SIDE OF CRAIG ROAD BETWEEN CLAYTON STREET AND MARTIN L. KING BOULEVARD, IN THE AMOUNT OF \$466,033.50, TO BE FUNDED BY THE REGIONAL TRANSPORTATION COMMISSION FOR THE CRAIG ROAD PHASE 1 PROJECT.

Mayor Pro Tempore Robinson asked how many more settlements were to come before Council. City Attorney Torrence explained the City had agreed to pay what the jury ordered in this case, but the homeowners appealed which put the City at risk of an increased award due to the fact the valuation of the property could have been awarded in 2007 dollars instead of 2000 dollars. The settlement of the case before it went to a second trial was in the City's best interest. She said it was possible one more case could come before Council if it wasn't settled. City Attorney Torrence also confirmed the settlement was paid by the funds from the Regional Transportation Commission for the Craig Road Project.

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. ACCEPTANCE OF AN AUGMENTATION GRANT AWARD IN THE AMOUNT OF \$21,459 FROM THE NEVADA DEPARTMENT OF HUMAN RESOURCES, DIVISION OF CHILD AND FAMILY SERVICES UNDER THE VICTIMS OF CRIME ACT GRANT PROGRAM TO PROVIDE VICTIM ADVOCACY SERVICES IN THE POLICE DEPARTMENT.

ACTION: GRANT AWARD ACCEPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

21. APPROVAL OF THE CONCEPT OF LOCATING A PERFORMING ARTS THEATER ON THE LIBRARY/PARK PROPERTY IN THE PARK HIGHLANDS DEVELOPMENT.

Mayor Pro Tempore Robinson asked if the Seastrand family was involved in the project, and whether funding had been secured. **Marcia Blake, 1804 Firefly Ranch Lane, North Las Vegas**, Secretary of the Rosel Seastrand Arts Foundation, said they could not seek funding until the project was approved. She confirmed the organization performed plays every year. She stated Shawn Lee was the President of the organization, Hilarie Robison was the Vice President and Trish Mackay was the Treasurer. Margie Seastrand had directed the productions the last two years and had a program called Hollywood Kids that was interested in leasing the space on a continual basis. The James Seastrand Helping Hands non profit senior organization received 60 percent of the proceeds of their annual fund raiser, the summer musical production. Councilwoman Buck requested conditions be placed on the approval of the theater. She wanted one of the Seastrand's sons directly involved in and accountable for the program. Ms. Blake said she could not commit to that without getting the Seastrands' consent. City Attorney Torrence explained Council could approve the concept and the conditions would be brought back in a letter for a second Council action. Councilwoman Buck also wanted a time line for the project and asked when ownership of the land would be returned to either the City or Park Highlands. Ms. Blake clarified the organization had not asked for donation of the land, but rather a long term lease that would be negotiated if the concept of locating a theater on the Park Highlands Library/Park property was approved.

Scott Sauer, 770 West Lone Mountain Road, # 2026, North Las Vegas spoke in favor of the performing arts center and the positive impact on families and children.

Richard Cherchio, 417 Horse Point Avenue, North Las Vegas stated he was familiar with the Seastrand organization, which he said was the only non profit senior group in North Las Vegas, and supported the concept.

Bob Borgersen, 7617 Island Rail Drive, North Las Vegas said North Las Vegas was lacking in culture and fully supported the project. He did not think any conditions should be imposed.

Mayor Montandon stated over time he had come to realize the value of culture and arts in the community.

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 OF A CONTRACT WITH NETCOM AMERICA IN THE AMOUNT OF \$787,180.82 FOR THE PURCHASE OF ADDITIONAL TELEPHONE EQUIPMENT, SOFTWARE, MAINTENANCE, INSTALLATION/PROGRAMMING AND TRAINING TO COMPLETE THE CONVERSION OF THE TELEPHONE SYSTEM TO VOICE OVER INTERNET PROTOCOL.

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

23. APPROVAL OF A THREE YEAR LEASE AGREEMENT WITH PITNEY BOWES IN THE AMOUNT OF \$1,620 FOR THE USE OF THE DM100 DIGITAL MAILING SYSTEM FOR THE UTILITIES DEPARTMENT.

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

24. APPROVAL OF THE SECOND AMENDMENT TO THE INTERLOCAL COOPERATIVE AGREEMENT ESTABLISHING THE CLEAN WATER COALITION WITH THE CLARK COUNTY WATER RECLAMATION DISTRICT AND CITIES OF LAS VEGAS AND HENDERSON TO PROVIDE FOR PREPARATION, REVIEW, APPROVAL AND IMPLEMENTATION OF THE REGIONAL WATER QUALITY PLANS AND ALLOW FOR AMENDING THE ANNUAL OPERATING PLANS AND PROCEDURES FOR ALL CLEAN WATER COALITION ACTIVITIES.

ACTION: APPROVED

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

25. APPROVAL TO MOVE FORWARD WITH THE CM AT RISK OPTION FOR CONSTRUCTION OF THE WATER RECLAMATION FACILITY; AND APPROVAL TO APPOINT THE DIRECTORS OF UTILITIES, FINANCE, PUBLIC WORKS AND ASSISTANT CITY MANAGER OVER DEVELOPMENT TO THE EVALUATION COMMITTEE.

ACTION: APPROVED

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

26. APPROVAL OF AN AGREEMENT TO USE LOCAL GOVERNMENT CONTRACT TO ALLOW THE CITY TO USE THE CONTRACT FOR THE MEMBRANE

EQUIPMENT PROCUREMENT DATED JUNE 22, 2005 BETWEEN THE CITY OF HENDERSON AND ZENON ENVIRONMENTAL CORPORATION, PURSUANT TO NRS 332.195; AND AUTHORIZE ISSUANCE OF A PURCHASE ORDER TO ZENON ENVIRONMENTAL CORPORATION IN THE AMOUNT OF \$18,693,501 TO PURCHASE MEMBRANE EQUIPMENT FOR INSTALLATION INTO THE WATER RECLAMATION FACILITY.

Mayor Pro Tempore Robinson asked Utilities Director David Bereskin to explain membrane equipment to the audience and asked if consultant fees were involved.

Director Bereskin said the purchase of the membrane equipment allowed the wastewater plant to function. The equipment allowed for better engineering efficiency for odor control. He stated the equipment had the latest technology. He further explained Zenon was owned by General Electric and originated in Canada. There were no local vendors for this equipment.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Councilwoman Buck

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

NAYS: None

ABSTAIN: None

27. APPROVAL TO RENEW A MEMORANDUM OF UNDERSTANDING BETWEEN WESTCARE NEVADA INC., SOUTHERN NEVADA HOSPITALS, CLARK COUNTY AND THE CITIES OF LAS VEGAS, HENDERSON AND BOULDER CITY IN THE AMOUNT OF \$81,160.68 TO PAY FOR OPERATIONAL COSTS OF THE COMMUNITY TRIAGE CENTER FROM JULY 1, 2007 THROUGH JUNE 30, 2008.

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

28. RESOLUTION NO. 2389; A RESOLUTION OF THE CITY OF NORTH LAS VEGAS AUTHORIZING THE CLEAN WATER COALITION TO BORROW MONEY AND EVIDENCE SUCH BORROWING WITH SPECIAL OBLIGATIONS OF THE CLEAN WATER COALITION.

ACTION: PASSED AND ADOPTED

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

ORDINANCES
INTRODUCTION ONLY

29. ORDINANCE NO. 2399; 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 8+ ACRES THEREIN FROM AN O-L, OPEN LAND DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT (ZN-109-07, TROPICAL 10), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF TROPICAL PARKWAY AND BEESLEY DRIVE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR NOVEMBER 7, 2007)

Ordinance No. 2399 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 8+ ACRES THEREIN FROM AN O-L, OPEN LAND DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT (ZN-109-07, TROPICAL 10), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF TROPICAL PARKWAY AND BEESLEY DRIVE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR NOVEMBER 7, 2007)

ACTION: FINAL ACTION SET FOR NOVEMBER 7, 2007

30. **ORDINANCE NO. 2400; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-09-07); AMENDING SECTION 17.28.050 IN REGARDS TO THE SEPARATION REQUIREMENTS FOR AUTO TITLE LOAN, DEFERRED DEPOSIT LOAN, AND SHORT-TERM LOAN BETWEEN LIKE USES AND OTHER LAND-USES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR NOVEMBER 7, 2007)**

Ordinance No. 2400 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-09-07); AMENDING SECTION 17.28.050 IN REGARDS TO THE SEPARATION REQUIREMENTS FOR AUTO TITLE LOAN, DEFERRED DEPOSIT LOAN, AND SHORT-TERM LOAN BETWEEN LIKE USES AND OTHER LAND-USES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR NOVEMBER 7, 2007)

ACTION: FINAL ACTION SET FOR NOVEMBER 7, 2007

31. **ORDINANCE NO. 2401; AN ORDINANCE TO AMEND ORDINANCE 568, PRESENTLY CODIFIED IN TITLE 2, CHAPTER 4, SECTION 020 OF THE NORTH LAS VEGAS MUNICIPAL CODE TO CLARIFY COUNCIL'S DISCRETION TO EITHER RESCHEDULE OR CANCEL REGULARLY SCHEDULED COUNCIL MEETINGS DUE TO A MEETING FALLING ON A LEGAL HOLIDAY OR THE LACK OF A QUORUM FOR A MEETING, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR NOVEMBER 7, 2007)**

Ordinance No. 2401 as introduced by the City Clerk:

AN ORDINANCE TO AMEND ORDINANCE 568, PRESENTLY CODIFIED IN TITLE 2, CHAPTER 4, SECTION 020 OF THE NORTH LAS VEGAS MUNICIPAL CODE TO CLARIFY COUNCIL'S DISCRETION TO EITHER RESCHEDULE OR CANCEL REGULARLY SCHEDULED COUNCIL MEETINGS DUE TO A MEETING FALLING ON A LEGAL HOLIDAY OR THE LACK OF A QUORUM FOR A MEETING, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR NOVEMBER 7, 2007)

ACTION: FINAL ACTION SET FOR NOVEMBER 7, 2007

COUNCIL ITEMS

There were no additional items.

CITY MANAGER'S REPORT

There was no report.

PUBLIC FORUM

Anthony Hodges, P.O. Box 363715, North Las Vegas asked about City Council raises. Mayor Pro Tempore Robinson explained City Councilmembers could not vote to give themselves raises for their current terms; raises went into effect after the following election. Mr. Hodges said someone told him the Councilmembers had gotten a raise, but the Mayor had not. Mayor Montandon stated that information was incorrect.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 7:09 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: November 7, 2007

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

ATTEST:

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