

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

September 20, 2000

**CITY COUNCIL
INFORMATION
SESSION**

6:00 P.M., City Manager's Conference Room

- a. Discussion of City Council Agenda
- b. Review of Gaming and Liquor Restrictions in Proximity to Parks
(Tabled September 6, 2000)
- c. Fire Department Update
- d. Taping/Broadcast of City Council Meetings
- e. Senior Programs

CALL TO ORDER

7:03 P.M., Council Chambers, 2200 Civic Center Drive, North Las Vegas, Nevada

ROLL CALL

PRESENT

Mayor Michael L. Montandon
Mayor Pro Tempore William E. Robinson
Councilman John K. Rhodes
Councilwoman Stephanie S. Smith
Councilman Shari Buck

STAFF PRESENT

City Manager Kurt Fritsch
Assistant City Manager Michele F. Richardson
City Clerk Eileen M. Sevigny
City Attorney Sean T. McGowan
Finance Director Vytas Vaitkus
Director of Human Resources Dan Tarwater
Public Works Director Jim Bell
Deputy Public Works Director Ray Burke
Development Services Director Tom Bell
Business License Manager Marsha Sunderland
Planning Manager Steve Baxter
Community Development Director Jacque Risner
Redevelopment Manager Kenny Young
Director of Administrative Services Eric V. Dabney
Parks and Recreation Director Ken Albright
Chief of Police Joe Tillmon
Fire Chief Robert Dodge
Deputy Fire Chief Dale Nisson
Detention Services Chief Ken Ellingson
Deputy City Attorney James Lewis
Police Sergeant Ed Finizie
Assistant City Clerk Karen L. Storms

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Eileen M. Seigny, CMC, City Clerk

INVOCATION Ian Ross

PLEDGE OF ALLEGIANCE Mayor Pro Tempore William E. Robinson

PRESENTATION

< ***Presentation by Doug Bennett of the Southern Nevada Water Authority, to the City for the Water Hero Award.***

ACTION: COUNCILMANBUCK ACCEPTED THE AWARD ON BEHALF OF THE CITY.

COUNCIL RECOGNITION

i ***Council recognition of Deputy Fire Chief Dale Nisson for 28 years of service with the North Las Vegas Fire Department.***

ACTION: DEPUTY FIRE CHIEF DALE NISSON RECOGNIZED FOR HIS YEARS OF DEDICATED SERVICE.

AGENDA

1. **REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF SEPTEMBER 20, 2000.**

ACTION: APPROVED AS AMENDED; ITEM NO. 11 PULLED FROM CONSENT FOR DISCUSSION; ITEM NO. 15 Tabled TO DECEMBER 20, 2000 AT THE REQUEST OF THE APPLICANT.

MOTION: Councilman Rhodes

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Buck, and Smith

NAYS: None

ABSTAIN: None

PUBLIC HEARINGS

7:05 P.M.

2. **SHOW CAUSE HEARING (CHEYENNE SALOON & GAMBLING HALL, INC.) - TO SHOW CAUSE WHY GAMING LICENSE SHOULD NOT BE DECLARED "NULL AND VOID" AND LIQUOR LICENSE SHOULD NOT BE REVOKED. (CONTINUED JUNE 21, 2000 & AUGUST 16, 2000)**

Councilman Buck recused herself from deliberations as she was related to the applicant.

Mayor Montandon opened the Show Cause Hearing. Development Services Director Tom Bell explained since the last meeting, the applicant had submitted a complete application that staff was reviewing. Mr. Bell stated the application designated the existing casino as being approximately 6,800 square feet of the total site as opposed to the 4,200 square feet originally approved by Council.

David Crosby, Esquire, representing the applicant, explained the application submitted was for 3,900+ square feet of casino space. The 6,800 square feet included the restaurant and other areas. The plans were submitted as built and there would be no future expansion. Mr. Crosby stated the applicant had met all requirements other than the room requirement. The basis for not meeting the room requirement was an interpretation of North Las Vegas Municipal Code that changed the number of rooms required to be built in connection with a casino. Mr. Crosby contended the applicant was grand-fathered and was not required to construct resort hotel amenities.

Mayor Montandon asked when the non-restricted gaming license was applied for and Mr. Crosby responded 1992. City Attorney Sean McGowan stated the license was granted in the fall of 1997.

City Attorney McGowan stated part of the argument offered by Mr. Crosby was that they met with former City Attorney Maurer and had presented a letter from Stephen Webster, the attorney who formerly represented Mr. Bulloch which thanked Mr. Maurer for the meeting and characterizing the content of the meeting as an agreement that the site was a grand-fathered location. Mr. Maurer completed an affidavit stating there was a meeting and he would look into Mr. Bulloch's claim as to grand-fathering. He further claimed after review by a Deputy Attorney, Mr. Maurer concluded Fort Las Vegas was not entitled to status as a grand-fathered location under the City code. Thereafter, Business License Manager Marsha Sunderland wrote a letter dated June 9, 1999 as a courtesy reminder to Mr. Bulloch the room requirement must be satisfied by March 2000. City Attorney McGowan stated the applicant was arguing the site was a grand-fathered location by all standards and for all purposes. The argument

was based exclusively on an ordinance that was difficult to follow but could be understood with reasonable effort. The applicant further argued they were grand-fathered from City requirements which had been in effect since 1984 because in 1998 the ordinance was changed to increase the requirement from 100 to 200 rooms and recreational amenities; to match the higher yet newer State requirement. The applicant contended they were grand-fathered by the State requirement. City Attorney McGowan contended the status of State grand-fathering was irrelevant as to City requirements which had been in place since 1984, and increased in 1998. In 1992 when Mr. Bulloch was approved by Council for the non-restricted gaming license, he committed then, as part of the use permit approval, that he would build 100 rooms. During each renewal hearing, he committed to build the rooms. In December of 1997 the use permit was again granted. It was very clearly stated the 100 rooms should be completed by March 2000. It was City Attorney McGowan's contention the establishment was only allowed to continue to operate if it were properly licensed by the City. An integral part of that licensing was the requirement to build the rooms, which Mr. Bulloch agreed to many times. Mr. McGowan further stated it was not wise to change the requirement to accommodate Mr. Bulloch because of the unintended consequences to other establishments. It was, however, possible to limit the license by approving a lesser license to remove the room requirement. A restricted gaming license would allow for 15 machines or less and would negate the requirement for rooms.

Councilwoman Smith stated when the applicant came before Council for the gaming license, he made a commitment to complete the requirements of approval and it was a binding contract. It was Council's responsibility to see that agreement was upheld. Furthermore, the applicant was given every opportunity to fulfill the requirements. Councilwoman Smith stated it was a dangerous precedent to allow this exception because it showed Council as being inconsistent.

Mayor Pro Tempore Robinson stated Mr. Bulloch played a pivotal role in the creation of North Las Vegas and asked if there was a way to bring Mr. Bulloch's establishment into compliance without shutting it down. City Attorney McGowan stated it was possible to approve a restricted gaming license that allowed for 15 machines. Mr. McGowan recommended the license be effective as of the next renewal period so that Mr. Bulloch would have the opportunity to obtain a parallel license from the State of Nevada. Councilwoman Smith commented it was Council's responsibility to protect the standards of the community and uphold the laws they passed, not to ensure the livelihood of an applicant.

Mayor Montandon clarified the two courses of action to be taken were to allow the establishment to continue to operate or to revoke the business license and stop operation. City Attorney McGowan stated that was correct. Mayor Montandon asked if conditions could be imposed on the business license and Mr. McGowan stated conditions could be placed on any subsequent requests for renewal. The Mayor then asked if Staff were directed to process

the business license application as is, if it were possible the other existing hotel casinos could come to the City and ask that their hotel facilities be shut down. Mr. McGowan stated that was correct.

Mr. Crosby was unsure that Council could approve a restricted gaming license when one was not applied for. It was his contention the options were to allow the existing business license to remain active or to revoke it. The applicant was not seeking a lesser license. He urged Council not to revoke the licenses.

Councilwoman Smith stated it was never the intention of the Council to exempt the applicants' project from the requirements of the new ordinance.

Councilman Rhodes stated since the current business license did not expire until January, some time could be allowed to obtain an opinion from the Attorney General's Office as well to gain some clarification with regard to City ordinance.

Mayor Montandon closed the Show Cause Hearing.

ACTION: NON-RESTRICTED GAMING LICENSE AND LIQUOR LICENSE TO REMAIN IN EFFECT TO ALLOW THE CITY ATTORNEY TO SEEK AN OPINION FROM THE ATTORNEY GENERAL INTERPRETING NRS AND NORTH LAS VEGAS MUNICIPAL CODE REGARDING MR. BULLOCH'S CLAIM TO STATUS AS A GRAND-FATHERED GAMING ESTABLISHMENT. ANY HEARING TO DETERMINE A FINAL RESOLUTION SHALL BE APPROPRIATELY RE-NOTICED.

MOTION: Councilman Rhodes

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, and Councilman Rhodes

NAYS: Councilwoman Smith

ABSTAIN: Councilman Buck

3. VAC-08-00 (COOL RIDGE ESTATES); AN APPLICATION SUBMITTED BY SILVER STATE DEVELOPMENT CO., INC., PROPERTY OWNERS, TO VACATE COOL VISTA COURT COMMENCING AT ALLEN LANE AND EXTENDING THE FULL LENGTH OF THE STREET.

Mayor Montandon opened the Public Hearing.

Development Services Director Tom Bell explained the Planning Commission, on July 12,

2000, voted unanimously to approved the subject application subject to one condition.

Gil Martin, President of Silver State Development Company, Inc., stated he concurred with Staff's recommendations.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED SUBJECT TO THE CONDITION THE DEVELOPER PROVIDE A COPY OF THE INSURANCE POLICY TO THE NORTH LAS VEGAS TRAFFIC ENGINEER WHICH DEMONSTRATES REPAIR OF ANY UNFORESEEN DAMAGE THAT MAY OCCUR TO THE SECURITY GATE PRIOR TO RECORDATION OF THE VACATION.

MOTION: Councilman Rhodes

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

4. AMP-13-00 (CRAIG RANCH DEVELOPMENT); AN APPLICATION SUBMITTED BY STIMSON ENTERPRISES, INC. AND LAS VEGAS GAMING INVESTMENTS, LLC ON BEHALF OF STIMSON ENTERPRISES, INC., PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, TO CHANGE THE CURRENT DESIGNATION OF OPEN SPACE TO REGIONAL COMMERCIAL. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF CRAIG ROAD AND COMMERCE STREET. (ASSOCIATED ITEM NO. 28; ORDINANCE NO. 1440)

Mayor Montandon opened the Public Hearing and explained this was a zoning item for the Craig Ranch Golf Course. The City had been in negotiations with developers and Station Casinos for some time, stemming from a use permit application from NevStar Casinos for the site located on Martin Luther King Boulevard, south of Craig Road. The negotiations had been in place with Station Casinos which acquired control of the NevStar Casinos site and had been in discussion with the City about locating their legally permitted casino on a more appropriate site in the same neighborhood; on the currently existing Craig Ranch Golf Course property. One of the steps involved in beginning the process of allowing a casino on that site was to zone the property commercial. Mayor Montandon stated the goal of the City from the beginning was to not allow two casino sites. There was currently one legally zoned casino site and when negotiations were completed there would still be only one site, not two. Stations

Casinos indicated in the use permit application, they would be willing to include a condition that deed restricted the NevStar Casino site so that no casino could be built there. That documentation had not been processed to date. Mayor Montandon reiterated the discussion would revolve around the commercial zoning of the site; it did not imply gaming would be approved for the site at the northwest corner of Craig Road and Commerce Street.

City Attorney Sean McGowan reiterated Council did not wish the owner of the property in question to infer any action taken by Council created a gaming entitlement.

Development Services Director Tom Bell explained the Amendment to the Master Plan was to change the Master Plan from Open Space to Regional Commercial. The accompanying zoning ordinance, Ordinance No. 1440, would change the zoning from R-1 and C-3 to a C-2 Community Commercial zoning district. At the meeting of August 23, 2000, the Planning Commission voted unanimously to approve the proposed amendment as well as the associated zone change. The Planning Commission felt Craig Road was essentially the commercial corridor and the usage of the road would support the proposed use. Staff recommended approval as well.

Bill Curran, Curran & Parry, 601 South Rancho Drive, Las Vegas, represented the applicants. Mr. Curran pointed out the applicants were the sellers of the property and he did not represent Station Casinos. Mr. Curran stated the applicant was proposing a change in the way the Craig Ranch Golf Course was currently operated that he believed would be an enhancement to the property. If the proposal were approved, the golf course would remain in place with significant restructuring and redesign. There would be substantial improvement to the course itself as well as the associated facilities. It was anticipated the golf course would serve the existing clientele as well as serve the customers staying at the resort. Mr. Curran stated his belief the proposed development would be very special to the City. A golf course and resort project would bring with it the status and prestige the City was looking for. Mr. Curran stated it was the applicant's belief the use was appropriate along the largest arterial highway in North Las Vegas and a major east/west carrier. Commerce Street would soon provide an entrance and exit from the proposed northern beltway and would be in place before the project was open. In an effort to determine the project would be an asset to the community, the applicant was prepared to dedicate the property necessary to make Commerce Street a 100 foot arterial along the length of the property in question.

Tracy Foglesong, 4304 Threshold Court, North Las Vegas, stated she lived at the southeast corner of Craig Road and Commerce Street and was opposed to the zoning as well as the proposed project. She felt casino operations had no place in a residential neighborhood. Ms. Foglesong stated she was not notified of the Planning Commission hearing on the item and questioned why, as a homeowner she was not given the opportunity to oppose the item at that level. Mayor Montandon responded it was the Planning

Commission's as well as the Council's goal to not indicate there was an implied agreement for a casino on the site. The Mayor pointed out Council denied the request by NevStar for a casino on the Martin Luther King Boulevard site which the court later reversed. It was Council's desire to determine the most appropriate location for the casino the court said must be built in the City.

Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, stated he was adamantly opposed to a casino in a residential neighborhood. He asked which judge overturned the Council's decision with regard to the NevStar application as well as the apartments that were built in the vicinity. Mayor Montandon responded it was Judge Jean Porter that ruled on the NevStar issue; he did not know the judge who ruled on the apartments.

Mr. Schmitz stated originally, he was opposed to the casino. After speaking with Staff and Council he was now in favor of the project. Ultimately, the casino was going to be built in a neighborhood. Mr. Schmitz stated there were more homes and children near the NevStar site than there were near the Commerce site. The site at Commerce had a boxed culvert that would offer some buffer between the site and the residential neighborhood. Mr. Schmitz stated his goal then became to help his community be shielded from the project should it take place. He and his neighbors met with Las Vegas Gaming Investments, LLC and they offered to complete several items to help buffer the community from the site. He stated over 50% of the homeowners in his neighborhood had signed a petition to agree to the conditions stipulated by the homeowners. The signatures collected did not represent approval or rejection of the proposed site; it was simply conditions to be imposed to buffer the neighborhood should the casino be built.

Mayor Montandon asked if there were conditions requested be imposed by the homeowners, where would they be placed. Development Services Director Tom Bell stated those conditions could be placed on the use permit that would be heard before the Planning Commission and the City Council as well as those conditions determined to be in the best interest of the community and the City.

David Duritsa, 111 Zenith Point, North Las Vegas, Nevada, represented the homeowners in Craig Ranch Villages, and stated the homeowners owned the common area in the development and as such, felt they should have been notified of any impending action in the area. Mayor Montandon stated it was impossible to determine all of the owners of a jointly owned parcel of land and the intent of the regulation was to notify all homeowners within the prescribed boundaries. Mr. Duritsa stated he desired to give the residents of his homeowners association the most accurate and complete information possible about impending development and felt it was imperative he be notified of such actions in enough time to canvass the homeowners about their support or objections. Mr. Duritsa requested all parties involved agree to conduct transactions according to the laws of the State and the City.

Mr. Duritsa then asked if any member of Council had been offered any inducement to vote in favor of the voting change. Mayor Montandon responded they had not. Mr. Duritsa stated his original inclination was to be opposed to the development but asked that in the future information be provided to him in a timely manner.

Amy Carder, 4300 Threshold Court, North Las Vegas, stated she purchased her home for the view of the mountains. Now her view on all four sides was obstructed by apartments and other structures. She stated she was opposed to the zoning and the casino.

Kelleen Cota, 2101 Broken Twig Court, North Las Vegas, stated as a licensed real estate agent, she was in favor of the project. From a land use perspective, the location on Craig Road made the most sense for this type of development.

Mike Winne, 3005 Emmons Avenue, North Las Vegas, stated he was in favor of the proposed development as it was much more preferable than the site on Martin Luther King Boulevard. There was closer access to the freeway and North Las Vegas needed a quality casino. The golf course and the proposed amenities would bring a needed upgrade to the area. He felt the site at Martin Luther King Boulevard was not designed to accommodate the increased traffic a casino would generate.

Brent Bulloch, 6133 Benchmark, North Las Vegas, stated he was in favor of the project and felt the Commerce Street and Craig Road site was the ideal location. He hoped Council encouraged the developer to keep the golf course there on a long term basis as it was an attractive asset to the community.

Kelly Burns, 138 Newburg Avenue, North Las Vegas, stated he was against having a casino in a residential area. He asked about the status of the other casino sites. Mayor Montandon stated the proposed casino at the southwest corner of Losee Road and Craig Road was denied by City Council. By court order, the developer had a window of 18 months to pull building permits for the site. If by February 11, 2001, no building permits were pulled, the developer's use permit would expire permanently on that site.

Councilman Rhodes stated he had voted against the NevStar casino site and hoped the upcoming renovations on Craig Road within the next two to five years would help mitigate the traffic. He also stated the concerns of the neighborhood would be addressed as the approval process moved forward.

Councilwoman Smith stated the current Council was seeing the evidence of past planning and lack of planning. She urged Council to continue to plan better for the future so there would be no conflicting uses along City streets and in neighborhoods. She pointed out the decision to be made at this meeting was not whether the City was in favor of a casino; it was just the

zoning issue for the area. The reality was the area was going to be commercial whether it was a casino or not. That would be a separate item at a different time. She felt it was an appropriate use for the location.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

28. FINAL ACTION - ORDINANCE NO. 1440; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-1 AND C-3 TO C-2 (ZN-20-00), GENERALLY LOCATED AT THE NORTHWEST CORNER OF CRAIG ROAD AND COMMERCE STREET; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (ASSOCIATED ITEM NO. 4; AMP-13-00)

Ordinance No. 1440 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-1 AND C-3 TO C-2 (ZN-20-00), GENERALLY LOCATED AT THE NORTHWEST CORNER OF CRAIG ROAD AND COMMERCE STREET; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Councilwoman Smith praised Mr. Eddie Schmitz for his unselfishness and objectivity in his decision making with regard to the previous item.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Smith and Buck
NAYS: None
ABSTAIN: None

Mayor Montandon stated the approval of commercial zoning on that site held the site to all the standards of commercial zoning including signage and landscape buffers. Any additional standards or conditions would be brought forth at the time of the use permit hearing.

Mayor Montandon recessed the meeting at 8:55 p.m. and reconvened the meeting at 9:05 p.m.

CONSENT AGENDA

5. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 6, 2000.

ACTION: APPROVED

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

6. PRIVILEGED LICENSES: (Exhibit A)

	<u>BUSINESS NAME</u>		
1.	Sam E. Hamka <u>DBA</u> : Baja Market	LIQUOR GAMING	Beer & Wine Off Sale (7) Slot Machines
	2450 Las Vegas Blvd N North Las Vegas, Nevada	GROSS SALES <u>Police Investigation Approved</u>	Mexican Food Market

PENDING FINAL BUILDING AND FIRE INSPECTION APPROVALS
PENDING FINAL GAMING CONTROL BOARD APPROVAL FOR GAMING ONLY
ON 10/2000

2.	G. Shumie & A. Tedla, Ptnrs.	LIQUOR	Beer & Wine Off Sale
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<u>DBA</u> : Quick Check Mart 404 W Carey Ave North Las Vegas, Nevada	GROSS SALES <u>Former Owner: Mowafak Ali-Hassan, Pres.</u> <u>Police Investigation Approved</u>	Convenience Food Store
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PENDING FINAL BUILDING AND FIRE INSPECTION APPROVALS

ACTION: APPROVED

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

7. APPROVAL OF A LEASE AGREEMENT BETWEEN THE NORTH LAS VEGAS CHAMBER OF COMMERCE FOUNDATION AND THE CITY OF NORTH LAS VEGAS IN AN APPROXIMATE AMOUNT OF \$46,000 PER YEAR TO PROVIDE OFFICE SPACE FOR THE RELOCATION OF THE HUMAN RESOURCES DEPARTMENT EFFECTIVE OCTOBER 1, 2000 TO SEPTEMBER 30, 2001. (CNLV Contract No. C-4793)

ACTION: APPROVED

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

8. APPROVAL OF TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH RED LIMITED PARTNERSHIP FOR THE COMMERCIAL PROJECT MS CONCRETE TO PROVIDE FOR A PORTION OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT GOWAN ROAD AND LOSEE ROAD (5.6% OF THE TOTAL COST, OR \$27,548 BASED ON CURRENT CONSTRUCTION COSTS) AND CHEYENNE AVENUE AND COMMERCE STREET (7.0% OF THE TOTAL COST, OR \$28,000).(CNLV Contract No. C-4794)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Rhodes

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

9. APPROVAL OF PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES AGREEMENT WITH POGGEMEYER DESIGN GROUP, INC. FOR THE LAS VEGAS BOULEVARD AND CIVIC CENTER DRIVE LANDSCAPING PROJECTS IN AN AMOUNT NOT TO EXCEED \$157,693.84.(CNLV Contract No. C-4795)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Rhodes

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

10. APPROVAL OF FINAL ACCEPTANCE OF THE POLICE RADIO ROOM HVAC UPGRADE PROJECT, BID NO. 1073, AND AUTHORIZATION TO FILE THE NOTICE OF COMPLETION.(CNLV Contract No. C-4688)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Rhodes

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

Item No. 11 pulled for discussion before the Business Agenda.

12. APPROVAL OF A GRANT APPLICATION FOR SUBMISSION TO THE NEVADA

DEPARTMENT OF HUMAN RESOURCES IN THE AMOUNT OF \$100,000; \$50,000 STATE FUNDS, \$50,000 IN-KIND SERVICES MATCH PROVIDED BY ECLIPSE PRODUCTIONS (\$45,000) AND NON PROFIT BUSINESS DEVELOPMENT TRAINING CENTER (\$5,000) TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A TECHNOLOGY BASED OUTREACH PROGRAM DESIGNED TO COMBAT THE USE OF TOBACCO PRODUCTS BY JUVENILES AND YOUNG ADULTS.(CNLV Contract No. C-4796)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Rhodes

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

13. **APPROVAL OF A GRANT APPLICATION FOR SUBMISSION TO THE BUREAU OF JUSTICE ASSISTANCE TO PROVIDE \$30,000 (\$22,500 FEDERAL FUNDS, \$7,500 CURRENT DARE GRANT FUNDS) FOR CONTRACT SERVICES OF A PROFESSIONAL GRANT RESEARCHER AND WRITER AND AUTHORIZING THE CITY MANAGER TO SIGN/ACCEPT THE GRANT ON BEHALF OF THE CITY AND THE POLICE DEPARTMENT.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Rhodes

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

14. **APPROVAL OF A GRANT APPLICATION FOR SUBMISSION TO THE NEVADA DEPARTMENT OF HUMAN RESOURCES IN THE AMOUNT OF \$250,000; \$225,000 STATE FUNDS AND \$25,000 IN-KIND SERVICES MATCH PROVIDED BY ECLIPSE PRODUCTIONS (\$17,000) AND NON PROFIT BUSINESS DEVELOPMENT TRAINING CENTER (\$8,000) FOR TVCOPS FOR DEVELOPMENT AND IMPLEMENTATION OF A COMPREHENSIVE PROGRAM**

DESIGNED TO COMBAT THE ABUSE OF ALCOHOL AND DRUGS.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Rhodes

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

BUSINESS

11. **APPROVAL OF AN INTERLOCAL AGREEMENT AUTHORIZING THE CREATION OF A TRANSITION MANAGEMENT COMMITTEE BETWEEN THE COUNTY OF CLARK, THE CLARK COUNTY HEALTH DISTRICT, THE CITIES OF NORTH LAS VEGAS, LAS VEGAS, AND HENDERSON, AND THE REGIONAL TRANSPORTATION COMMISSION AT A COST, TO THE CITY OF NORTH LAS VEGAS, OF \$10,000.**

City Manager Kurt Fritsch introduced the item and stated both the Cities of Henderson and Las Vegas had passed similar resolutions.

Development Services Director Tom Bell stated there were four amendments to the agreement (changes in italics):

1. Page 1 - Title: Authorizing the creation of a *Southern Nevada* Air Quality Transition Management Committee....
2. Page 3 - Reporting Requirements: The Committee shall report to the Southern Nevada Regional Planning Coalition *and recommend that the Coalition make the following presentations:*
3. Page 4 - *Funds shall be deposited into a special account to be maintained by the fiscal agent designated by the Committee. Additional funding requests will likely be required after the feasibility study is completed.*

4. Page 4 - Termination: ...the Committee have been fulfilled and *one hundred eighty* (180) days have passed.....

ACTION: APPROVED

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

15. **CONSIDERATION OF AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO DENY UN-51-00; AN APPLICATION SUBMITTED BY ROBERT J. GRONAUER ON BEHALF OF TIMBERS, PROPERTY OWNER, FOR A USE PERMIT IN AN R-E DISTRICT WITH A RESOLUTION OF INTENT TO C-1 DISTRICT TO ALLOW A TAVERN NORTH OF ANN ROAD, APPROXIMATELY 300 FEET EAST OF SIMMONS STREET. (TABLED AUGUST 16, 2000)**

ACTION: TABLED TO THE DECEMBER 20, 2000 MEETING.

MOTION: Councilman Rhodes

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilman Rhodes, Buck, and Smith

NAYS: None

ABSTAIN: None

16. **CONSIDERATION OF AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO DENY UN-55-00; AN APPLICATION SUBMITTED BY JIM ZEITER AND RICK SMITH ON BEHALF OF AIRCENTER NORTH LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS AND AN AUTOMATIC AUTOMOBILE WASHING ESTABLISHMENT AT THE SOUTHEAST CORNER OF CHEYENNE AVENUE AND SIMMONS STREET. (ASSOCIATED ITEM NO. 17, UN-56-00; ITEM NO. 18, UN-57-00; & ITEM NO. 19, SPR-22-00)**

Mayor Montandon requested Item Nos. 16 through 19 be discussed together and voted on separately.

Development Services Director Tom Bell explained all items were appeals of Planning Commission denials. Item No. 16 was the denial for a use permit in an M-2 district to allow a convenience store with gas pumps and an automatic automobile washing establishment. Item No. 17 was a use permit to allow the "on sale" of alcoholic beverages in conjunction with a restaurant bar/tavern. Item No. 18 was an application for a use permit to allow a convenience food restaurant on the subject site and Item No. 19 was the appeal of a Site Plan Review Condition regarding the landscaping of the proposed site. On August 9, 2000, the Planning Commission unanimously denied UN-55-00, as they felt the commercial uses were premature in the area. Staff recommended denial as well.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson, introduced Rick Smith and Jim Zeiter, partners in the proposed development. Mr. Garcia stated the project represented a climate where quality jobs and developments were possible. The project, AirCenter North, would provide a catalyst for a technical center along Cheyenne Avenue that would continue the efforts of Council to develop a flex office project along with other uses that supported the development. Mr. Garcia stated it was not a speculative project; the intention was to design and build to completion. The commercial map was in progress and the engineer had been hired. It was the developer's hope the project would be under construction by February 2001. The project contained approximately 500,000 square feet of business park with an estimated value of approximately \$50 million. The development was expected to employ approximately 2,000 employees with a demand for housing in the range of \$150,000 to \$300,000. The project would encompass a variety of types of businesses that would attract other businesses to the area. It was expected a restaurant along the lines of Chili's, Applebee's, TGIF's would be a part of the development. Numerous amenities and services would be required in the area for the employees who occupied the center. Mr. Garcia felt it was the type of development the City was looking for and agreed the developer would not commence construction on any of the amenity uses until and unless actual commencement of Phase I occurred, which encompassed buildings A and C. The facility was designed with the amenities included. They were included in the CC&R's that would be imposed on the entire project. The project was originally a part of the existing Hughes Center. There was a fifteen foot setback requirement for all landscaped areas. It was their intent to comply with those requirements except for a small portion. Mr. Garcia felt the uses were appropriate to serve the center.

Rick Smith, 3068 East Sunset Road, Suite 7, Las Vegas, the developer of the project, stated it was very similar to other projects throughout Nevada and California. Mr. Smith felt the City was prepared to receive that type of development and Cheyenne Avenue was the ideal location for it. The types of tenants who sought those types of facilities and associated

amenities were similar to those in the other two projects in the valley, including, USA Today, Helix Electric, WorldCom Telecommunications, engineering and design firms. The development lent itself to a high-tech type tenant as well as build-to-suit corporate headquarters operations. Mr. Smith added the AirCenter South facility was 100% leased.

Mayor Montandon stated he was excited this type of development was coming to the City. He commented Jackson Shaw had done a remarkable job with the existing NorthPointe Center and was hoping future development was able to capitalize on their success. Long ago, Council took steps to zone the area north of the airport, just outside the direct flight path, as a multi-use site with commercial zoning for the Cheyenne corridor.

Bill Curran, 601 South Rancho, #C-23, Las Vegas, appeared representing the property owner, Gerald Shaffer, who owned the property at the northwest corner of the intersection. He stated the Planning Commission had thoroughly deliberated the items before denying the applications as not being appropriate for the area. Among the reasons for denial were the property lies within the flight line of the North Las Vegas Airport. Mr. Curran summarized the findings of the Staff of the North Las Vegas Airport by stating the air traffic would be increasing by 50%, operations would be both day and night and there would be a third runway added in the future. Additionally, the subject property was approximately 10 feet higher than the nearest point on the runway, therefore, any structures greater than approximately 10 feet above ground level at the site would exceed the 100:1 notice requirement. Mr. Curran felt the types of uses appropriate for the end of a runway were those that were space and equipment intensive and people minimal. Mr. Curran stated it was not an appropriate place for people to work and congregate in large numbers as they would at a restaurant.

Mr. Curran further pointed out Mr. Shaffer had substantially completed his multi-use development across the street from the proposed development and there would be a restaurant bar/tavern as part of that complete development. Mr. Shaffer had consistently worked with the City and had been repeatedly been told it was premature to bring forth the proposal for the tavern project until total build out. In the interest of fairness, he felt the competing developer should be held to the same standard. Mr. Curran had reservations that once the tavern were built, the rest of the development would not be built out.

Mr. Curran also stated he felt it was unfair that a commercial development be allowed in a manufacturing district, particularly when it was across the street from a commercial development that was developed at a higher cost.

Mayor Montandon, in response to Mr. Curran's opposition to the project, pointed out there was a business park just to the south of McCarran Airport. Mayor Montandon stated he would not support a bar/tavern at that location and found no argument in the request for a reduction in landscape requirements for a portion of the project.

Mayor Pro Tempore Robinson stated he preferred to see the project built out and occupied before the restaurant and other amenities were constructed. Mayor Pro Tempore Robinson was not in favor of the convenience store and fast food restaurant. With regard to the restaurant bar/tavern, he would be in favor of a supper club designation instead.

Councilman Buck questioned whether it was normal to allow a competitor to speak against a project. The issue before Council was whether the project was appropriate for the area, not whether it would impede a competitor's ability to complete their project. Councilman Buck stated it was not an appropriate site for a tavern. She was in favor of a restaurant as they were much needed in the City. She also did not see the need for the reduction in the landscaping requirement and stated the standards should be adhered to. She questioned what was proposed south of the site on Brooks Avenue. Planning Manager Steve Baxter stated on the south side of Brooks Avenue immediately adjacent to Simmons Street, there was an M-1 parcel that was 40 acres in size. Just east of that site was two 80 acre parcels zoned residential as part of the Saxton project.

Councilman Rhodes left chambers at 9:37 p.m.

Mr. Garcia stated a supper club license would be more appropriate for the location and would agree to changing that designation. He reiterated the applicant would not commence construction of the amenities until the first two buildings, A and C, were under construction, financed and the off-site commitments for bonds and fees were completed and the project was permitted. Mr. Garcia pointed out generally, commercial uses along Cheyenne Avenue would perform well and the types of uses proposed for the development would have to be of a complementary nature to the other uses in the park. It was necessary to be able to tell the prospective tenants those services would be available to them in the future.

With regard to the Clark County Department of Aviation concerns, an aviation easement and plans would be prepared and submitted in advance of construction. Mr. Smith stated those steps were quite routine and expected.

Mr. Smith stated the site had been chosen for its closeness to the North Las Vegas Airport and felt the use was appropriate at the current location. He also pointed out the activity and population of employees at the center would benefit all surrounding developments.

With regard to Condition Number 2 on the approved Site Plan Review, Mr. Garcia stated he would be willing to forego the request and provide the required landscaping as outlined in the Industrial Development Guidelines. Councilman Buck stated there was a six foot landscaping requirement in front of the convenience store. Mr. Garcia stated since there was no specific plan for the store the standard requirement would be complied with.

Mayor Montandon asked Development Services Director Tom Bell if the project would be held to the industrial standards or the commercial standards. Mr. Bell responded as far as the landscaping requirements, the setbacks were essentially the same for the two designations. The Site Plan Review indicated the commercial components were proposed to be built within the Commercial Architectural Standards Guidelines.

Mr. Curran added although he was in favor of competition, he felt it should be fair competition and both developers should be held to the same standards. He felt it was appropriate that when the industrial portion of the mixed use development was completed, they then come back to Council to request approval for the commercial portions as Mr. Shaffer had done.

Councilwoman Smith felt the commercial portion of the project was premature and should be determined when the industrial portion was complete. Mr. Smith responded when Summerlin began, they had the choice of creating business parks or residential developments first. Those chose to construct the business parks first, and because of this, he believed the residential areas developed much faster. He stated it was necessary to provide the potential employees with related amenities first. Mr. Garcia added the proposed project was a typical prototype of business parks.

Councilwoman Smith asked if this project was in alignment with the planning the City had done for that area. Development Services Director Tom Bell stated as industrial projects were reviewed, if the ancillary commercial facilities being proposed were to be utilized by the facility, as long as they were well integrated, Staff had consistently recommended approval. Councilwoman Smith questioned whether Staff had followed City procedure and recommended approval consistently. Director Bell responded they had.

Mayor Pro Tempore Robinson questioned the applicability of asking to construct a restaurant before there were tenants in the industrial park to utilize it. Mr. Smith stated it was their intention to let the market dictate when the amenities would be constructed.

Councilman Buck asked Mr. Curran if the developer he represented had ever put forth plans that had been formally denied. Mr. Curran stated he had met with Mayor Montandon, Mayor Seastrand, former Directors of Development Services Don Schmeiser and Don Brown, as well as Planning Manager Steve Baxter. They had consistently indicated their intention and had consistently been told it was premature and not to submit plans at that time, instead they were instructed to wait until the rest of the project was completed. Councilman Buck stated it was her understanding the City's desire was to not have free-standing amenities in an industrial park. Also, in a commercial complex, it was necessary for the anchor store be constructed first before any pads were built out and that if their project was at the point, Council would review the applications for the pad development.

Councilwoman Smith made a motion to deny UN-55-00 which died for the lack of a second.

ACTION: PLANNING COMMISSION DECISION TO DENY REVERSED; UN-55-00 APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. That development shall generally conform to the site plan as submitted or as amended herein.
2. That landscaping shall be provided in accordance with ordinance requirements.
3. That the driveway location and parking plan shall be subject to review and approval by the North Las Vegas Traffic Engineer.
4. That the final site development plan shall be subject to site plan review and approval by Staff.
5. That subsequent expansion or additions to the use shall be subject to Planning Commission review and approval.
6. That the development shall comply with all applicable codes and ordinances.
7. That the use permit is site specific and nontransferable.
8. The applicant shall comply with the industrial design guidelines, including the requirement for 20 feet of landscaping next to perimeter streets unless waived by the Planning Commission in conjunction with the site plan review (SPR-22-00).
9. The applicant shall comply with all Fire Department codes and ordinances.
10. An avigation easement shall be completed and submitted to the Clark County Department of Aviation for recordation.
11. That the applicant shall be required to file FAA form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, and may, depending upon the FAA's determination, also be required to obtain a permit from the Clark County Director of Aviation.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: Councilwoman Smith

ABSTAIN: None

17. CONSIDERATION OF AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO DENY UN-56-00; AN APPLICATION SUBMITTED BY JIM ZEITER AND RICK SMITH ON BEHALF OF AIRCENTER NORTH LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 DISTRICT TO ALLOW THE "ON SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A RESTAURANT/BAR TAVERN AT THE SOUTHEAST CORNER OF CHEYENNE AVENUE AND SIMMONS STREET. (ASSOCIATED ITEM NO. 16, UN-55-00; ITEM NO. 18, UN-57-00; & ITEM NO. 19, SPR-22-00)

ACTION: PLANNING COMMISSION DECISION TO DENY REVERSED; UN-56-00 APPROVED AS A SUPPER CLUB SUBJECT TO THE FOLLOWING CONDITIONS:

1. That development shall generally conform to the site plan as submitted or as amended herein.
2. That landscaping shall be provided in accordance with ordinance requirements.
3. That the final site development plan shall be subject to site plan review and approval by Staff.
4. That subsequent expansion or additions to the use shall be subject to Planning Commission review and approval.
5. That the development shall comply with all applicable codes and ordinances.
6. That the use permit is site specific and nontransferable.
7. The applicant shall comply with the industrial design guidelines.
8. UN-56-00 shall be initiated and construction begun within six months of the date of this approval.
9. The applicant shall comply with all Fire Department codes and ordinances.
10. An aviation easement shall be completed and submitted to the Clark County Department of Aviation for recordation.
11. That the applicant shall be required to file FAA form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, and may, depending upon the FAA's determination, also be required to obtain a permit from the Clark County Director of

Aviation.

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

18. **CONSIDERATION OF AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO DENY UN-57-00; AN APPLICATION SUBMITTED BY JIM ZEITER AND RICK SMITH ON BEHALF OF AIRCENTER NORTH LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT AT THE SOUTHEAST CORNER OF CHEYENNE AVENUE AND SIMMONS STREET. (ASSOCIATED ITEM NO. 16, UN-55-00; ITEM NO. 17, UN-56-00; & ITEM NO. 19, SPR-22-00)**

ACTION: PLANNING COMMISSION DECISION TO DENY UPHELD.

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

19. **CONSIDERATION OF AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION; AN APPLICATION SUBMITTED BY JIM ZEITER AND RICK SMITH ON BEHALF OF AIRCENTER NORTH LLC, PROPERTY OWNER, TO CHANGE CONDITION NUMBER TWO (2) ON AN APPROVED SITE PLAN REVIEW (SPR-22-00), IN AN M-2 DISTRICT FOR AN INDUSTRIAL PARK AT THE SOUTHEAST CORNER OF CHEYENNE AVENUE AND SIMMONS STREET. (ASSOCIATED ITEM NO. 16, UN-55-00; ITEM NO. 17, UN-56-00; & ITEM NO. 18, UN-57-00)**

ACTION: PLANNING COMMISSION DECISION TO DENY UPHELD.

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

ABSTAIN: None

20. **RESOLUTION NO. 2191 - A RESOLUTION OF THE CITY OF NORTH LAS VEGAS ESTABLISHING A PROCESS TO CONSIDER AND EVALUATE THE IMPACT ON BUSINESS OF CERTAIN TYPES OF LEGISLATION, AN OBJECTION PROCESS AND A PROCEDURE FOR PURSUING SAID OBJECTIONS.**

Resolution No. 2191 as introduced by the City Clerk:

A RESOLUTION TO ESTABLISH AN OBJECTION PROCESS FOR CERTAIN TYPES OF LOCAL LEGISLATION AND PROVIDE PROCEDURE FOR PURSUING SAID OBJECTIONS PURSUANT TO NRS 237.030 THROUGH 237.110.

ACTION: PASSED AND ADOPTED.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

21. **INTRODUCTION ONLY-ORDINANCE NO. 1438; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM O-L TO R-1 (ZN-18-00), GENERALLY LOCATED APPROXIMATELY 1300 FEET EAST OF CLAYTON STREET AND NORTH OF HAMMER LANE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR OCTOBER 4, 2000)**

Ordinance No. 1438 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM O-L TO R-1 (ZN-18-00), GENERALLY LOCATED APPROXIMATELY 1300 FEET EAST OF CLAYTON STREET AND NORTH OF HAMMER LANE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: FINAL ACTION SET FOR OCTOBER 4, 2000.

22. APPROVAL TO ACCEPT THE BUSINESS IMPACT STATEMENT FOR THE PROPOSED INTRODUCTION OF ORDINANCE NO. 1439 - AMBULANCE SERVICE ORDINANCE.

Assistant Director of Public Works Ray Burke read the following statements into the record:

“The proposed ordinance could impose substantial economic impacts on the affected business including additional operational costs. Possible effects on market share and outright restriction of market entry are no greater than contemplated in existing ordinance.

Some provisions of the proposed ordinance offer economic benefits in the form of reduced operating costs and greater certainty in the investment necessary for the market entry.”

ACTION: MOTION ADOPTED.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

23. INTRODUCTION ONLY - ORDINANCE NO. 1439; AN ORDINANCE RELATING TO AMBULANCE FRANCHISING AMENDING TITLE 8 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, NEVADA, BY ADOPTING A NEW CHAPTER DESIGNATED AS CHAPTER 8; PROVIDING FOR CERTAIN DEFINITIONS; PROVIDING FOR APPLICATION PROCEDURES AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID CHAPTER; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR OCTOBER 4, 2000)

Ordinance No. 1439 as introduced by the City Clerk:

AN ORDINANCE RELATED TO AMBULANCE FRANCHISING AMENDING TITLE 8 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, NEVADA, BY ADOPTING A NEW CHAPTER DESIGNATED AS CHAPTER 8; PROVIDING FOR CERTAIN DEFINITIONS; PROVIDING FOR APPLICATION PROCEDURES AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID CHAPTER; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: FINAL ACTION SET FOR OCTOBER 4, 2000.

24. **INTRODUCTION ONLY - ORDINANCE NO. 1443; AN ORDINANCE RELATING TO THE LICENSING OF AMBULANCES AND OTHER MOBILE MEDICAL SERVICES; AMENDING TITLE 5 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, NEVADA, BY ADOPTING A NEW CHAPTER DESIGNATED AS CHAPTER 5; PROVIDING FOR CERTAIN DEFINITIONS; PROVIDING FOR APPLICATION PROCEDURES AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID CHAPTER; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR OCTOBER 4, 2000)**

Ordinance No. 1443 as introduced by the City Clerk:

AN ORDINANCE RELATED TO THE LICENSING OF AMBULANCES AND OTHER MOBILE MEDICAL SERVICES; AMENDING TITLE 5 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, NEVADA, BY ADOPTING A NEW CHAPTER DESIGNATED AS CHAPTER 5; PROVIDING FOR CERTAIN DEFINITIONS; PROVIDING FOR APPLICATION PROCEDURES AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID CHAPTER; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: FINAL ACTION SET FOR OCTOBER 4, 2000.

25. **FINAL ACTION - ORDINANCE NO. 1434; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-3 TO M-2 (ZN-17-00), GENERALLY LOCATED WEST OF CIVIC CENTER AT ITS CONFLUENCE WITH I-15; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1434 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS

VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-3 TO M-2 (ZN-17-00), GENERALLY LOCATED WEST OF CIVIC CENTER AT ITS CONFLUENCE WITH I-15; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

26. FINAL ACTION - ORDINANCE NO. 1435; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 210 OF CHAPTER 24, SUBSECTION E OF TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY ADDING A NEW REQUIREMENT FOR FIVE (5) FEET OF PERIMETER LANDSCAPING ON EACH SIDE OF THE STREET FOR RIGHTS-OF-WAY LESS THAN 60' WIDE IN SINGLE FAMILY RESIDENTIAL DISTRICTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1435 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 210 OF CHAPTER 24, SUBSECTION E OF TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY ADDING A NEW REQUIREMENT FOR FIVE (5) FEET OF PERIMETER LANDSCAPING ON EACH SIDE OF THE STREET FOR RIGHTS-OF-WAY LESS THAN 60' WIDE IN SINGLE FAMILY RESIDENTIAL DISTRICTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Development Services Director Tom Bell clarified the ordinance required a minimum of five feet of landscaping; as the ordinance was drafted, it included the sidewalk for a total of ten total feet of landscaping on each side of the street.

ACTION: PASSED AND ADOPTED.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

27. FINAL ACTION - ORDINANCE NO. 1436; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM C-1 TO PUD (ZN-30-98), GENERALLY LOCATED ON THE NORTH SIDE OF CHEYENNE AVENUE, APPROXIMATELY 100 FEET EAST OF CRAWFORD STREET; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1436 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM C-1 TO PUD (ZN-30-98), GENERALLY LOCATED ON THE NORTH SIDE OF CHEYENNE AVENUE, APPROXIMATELY 100 FEET EAST OF CRAWFORD STREET; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Development Services Director Tom Bell explained the request was consistent with the Comprehensive Plan. Staff and the Planning Commission recommended approval.

JoAnna Wesley, 3218 Crawford Street, North Las Vegas, questioned whether there were conditions in place to protect the home owners in the area and separate them from the proposed planned unit development. Mayor Montandon explained one reason the City was moving to hard zonings rather than using resolutions of intent was the City recently adopted development guidelines that provided for greater landscape buffers, signage requirements and other standards that then became law. With the passage of an ordinance to rezone, the design standards became applicable and were not subject to waiver or variance and provided a dramatically greater protection to the City and the homeowners in the surrounding areas.

Ms. Wesley asked how high the perimeter wall would be and Mayor Montandon responded the standard height was 6 feet. Ms. Wesley then asked if the wall could be higher and the Mayor stated it could be higher but not lower. With the approval of the zoning, the developer was required to have a design review performed by the City where the specifics of the project would be discussed and determined in detail. Ms. Wesley asked if she would be notified of the design review and Mayor Montandon stated that although that action did not require a

public hearing, she would be notified.

Councilwoman Smith stated she did not feel the site was appropriate for a senior living development as it was not a safe area nor did it have the necessary amenities such as shopping nearby.

ACTION: PASSED AND ADOPTED.

MOTION: Mayor Montandon

SECOND: Councilman Buck

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, and Councilman Buck

NAYS: Councilwoman Smith

ABSTAIN: None

29. CONSIDERATION OF A REQUEST TO APPEAR SUBMITTED BY TIMOTHY JEROME IRBY TO APPEAL THE DENIAL OF HIS ARMED SECURITY WORK CARD. (TABLED SEPTEMBER 6, 2000)

Mayor Montandon stated the item had been tabled in order for the Police Department and the City Attorney's Office to review a video tape submitted by Mr. Irby that supported his claim that he had fired a warning shot, which resulted in a felony conviction, in self defense.

North Las Vegas Police Lieutenant Joe Chronister stated he had reviewed the tape and no new or additional information was obtained.

After testimony from Mr. Irby, it was determined there was no new or additional compelling information to reverse the denial of the armed security work card.

ACTION: APPEAL DENIED

MOTION: Councilman Buck

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

MAYOR'S TASK FORCES

C Crime Prevention Task Force Advisory Committee

COUNCIL ITEMS

No additional Council items.

CITY MANAGER'S REPORT

City Manager Kurt Fritsch asked Council if they wished Staff to determine if it were possible to redirect funds from the SMART signs funding on I-15 to the Craig Road Overpass project. Mayor Montandon directed Staff to proceed.

PUBLIC FORUM

David Buer requested continued assistance with funding for restroom facilities for the homeless.

Mike Winne requested copies of information regarding cell phone records, police officer litigation accounting records and incident report information.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 10:51 P.M.

MOTION: Mayor Montandon

SECOND: Councilman Buck

AYES: Mayor Montandon, Councilman Rhodes, Buck, and Smith

NAYS: None
ABSTAIN: None

APPROVED: October 4, 2000

/s/
MAYOR MICHAEL L. MONTANDON

Attest:

/s/
Eileen M. Sevigny, CMC, City Clerk