

CITY OF NORTH LAS VEGAS REGULAR CITY COUNCIL MEETING MINUTES

August 1, 2001

CITY COUNCIL INFORMATION SESSION

CALL TO ORDER

6:00 P.M. City Manager's Conference Room, 2200 Civic Center Drive, North Las Vegas, Nevada

- a. Verification
- b. Discussion of City Council Agenda
- c. Legislative Update (Continued from July 18, 2001)
- d. Public Comment

CITY COUNCIL MEETING

CALL TO ORDER

7:03 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
Councilman Shari Buck
Councilman Robert Eliason

STAFF PRESENT

City Manager Kurt Fritsch	Development Services Director Tom Bell
Assistant City Manager Michele Richardson	Fire Chief Robert Dodge
Assistant City Manager Gregory Rose	Deputy Chief of Police Ed Finizie
City Attorney Sean McGowan	Chief of Detention Ken Ellingson
City Clerk Eileen M. Sevigny	Human Resources Director Dan Tarwater
Finance Director Vytas Vaitkus	Public Information Officer Brenda Johnson
Administrative Services Director Eric Dabney	Chief Deputy City Attorney Leslie Nielsen
Parks & Recreation Director Ken Albright	Assistant City Clerk Karen L. Storms
Community Development Director Jacque Risner	
Municipal Court Judge Warren VanLandschoot	
Public Works Associate Director Laurnal Gubler	

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Eileen M. Sevigny, CMC
City Clerk

INVOCATION

Willie Mae Scott

PLEDGE OF ALLEGIANCE

Mayor Michael L. Montandon

PROCLAMATION

***Proclamation recognizing the Relay for Life,
Mile of Hope Candlelight Ceremony,
American Cancer Society***

ACTION: PROCLAMATION PRESENTED TO THE AMERICAN CANCER SOCIETY

PROCLAMATION

***Thanking Nevada Power for the donation of property for the proposed new portion
of the North Las Vegas Detention Center***

ACTION: PROCLAMATION PRESENTED TO NEVADA POWER COMPANY

AGENDA

1. REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF AUGUST 1, 2001.

ACTION: APPROVED AS AMENDED; ITEM NO. 4 PULLED FROM CONSENT AGENDA FOR DISCUSSION; BUSINESS LICENSE NO. 6-2 TABLED TO AUGUST 15, 2001.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

PUBLIC HEARINGS - 7:05 P.M.

2. VAC-07-01 (CHEYENNE VILLAS), AN APPLICATION SUBMITTED BY CITY OF NORTH LAS VEGAS ON BEHALF OF CHEYENNE VILLAS, PROPERTY OWNERS, TO VACATE A SLOPE EASEMENT ADJACENT TO CHEYENNE AVENUE.

Mayor Montandon opened the Public Hearing and asked what the time frame was for the project. It was determined the developer was not in the audience.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED AS SUBMITTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

CONSENT AGENDA

3. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF JULY 18, 2001.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

Item Number 4 was pulled from the Consent Agenda for discussion before Business.

5. APPROVAL TO ENGAGE THE LAW FIRM OF SANTORO, DRIGGS, WALSH, KEARNEY, JOHNSON & THOMPSON FOR CONDEMNATION AND OTHER LITIGATION ASSIGNMENTS AND CONSULTATION ON LAND USE MATTERS.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

6. APPROVAL OF PRIVILEGED LICENSES (Exhibit A):

BUSINESS NAME

LICENSE TYPE

ACTIVITY

1. Jose & Edith Perez, Partnership LIQUOR/ General On Sale
DBA: El Herradero Bar GAMING (10) Slot Machines
3402 E Lake Mead Blvd Owner/Operator
North Las Vegas, Nevada

Former Owner: Sana Shoshani
Police Investigations Approved
Nevada State Gaming Commission Approved 7/26/01

2. Riffat Asif, Pres. LIQUOR Beer & Wine Off Sale
DBA: Las Vegas Grocery IV Within Convenience Store
3820 E Craig Rd
North Las Vegas, Nevada

Formerly: Convenient Convenience Store
Police Investigation Approved
Pending Final Building Inspection Approval

3. Claudia D. Wichinsky, Pres. GAMING Slot Route Operator
DBA: Westronics Inc State #01649-01
2575 S Highland Dr
Las Vegas, Nevada

Police Investigations Approved

ACTION: BUSINESS LICENSES 6-1 AND 6-3 APPROVED; BUSINESS LICENSE 6-2
TABLED TO AUGUST 15, 2001.

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

7. **APPROVAL TO UTILIZE THE CITY OF HENDERSON BID NO. 106-00*01 TO
PURCHASE TWO ONE-TON CREW CAB TRUCKS FROM GAUDIN MOTOR
COMPANY; ONE FOR PARKS MAINTENANCE AND ONE FOR MAINTENANCE
OPERATIONS, IN THE TOTAL AMOUNT OF \$69,038.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

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

8. APPROVAL TO UTILIZE STATE OF NEVADA CONTRACT NO. 010881111, IN THE AMOUNT OF \$34,000, TO PURCHASE A COPIER FROM XEROX CORPORATION FOR THE CITY CLERK'S OFFICE.

ACTION: APPROVED

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

9. APPROVAL TO PURCHASE THREE MODULAR BUILDINGS, IN THE AMOUNT OF \$163,600, CURRENTLY BEING RENTED TO HOUSE THE INFORMATION TECHNOLOGY DEPARTMENT AND THE BUILDING INSPECTION DIVISION OF DEVELOPMENT SERVICES.

ACTION: APPROVED

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

10. APPROVAL OF A COOPERATIVE AGREEMENT WITH CLARK COUNTY FOR ELECTION SERVICES, IN THE APPROXIMATE AMOUNT OF \$130,000 PER ELECTION YEAR, FOR SERVICES PERFORMED BY THE CLARK COUNTY ELECTION DEPARTMENT DURING THE CITY'S MUNICIPAL ELECTIONS. (CNLV CONTRACT No. C-4976)

ACTION: APPROVED

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

11. APPROVAL TO AMEND THE 2001-2002 STAFFING PATTERN AS FOLLOWS:

POLICE DEPARTMENT

I.D. Bureau

Reclassify one (1) Evidence Custodian TNS 14 to Senior Evidence Custodian TNS 15

Investigations

Upgrade one (1) Administrative Specialist I TNS 13 to Administrative Specialist II TNS 14

PUBLIC WORKS

Transportation Services

Transfer one (1) Administrative Specialist I to Public Works Transportation Services from Public Works Administrative Services

Development and Flood Control

Transfer one (1) Administrative Specialist I to Public Works Development and Flood Control from Public Works Transportation Services

ACTION: APPROVED

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

12. APPROVAL TO ACCEPT A WINDSOR PARK PARCEL KNOWN AS 2700

STANTON DRIVE, CONVEYED TO THE CITY OF NORTH LAS VEGAS BY GIFT DEED BY COSME BASCOS; INCLUDE SAID PROPERTY IN THE WINDSOR PARK DEMOLITION PROJECT - PHASE III; AND AUTHORIZATION TO FILE A CERTIFICATION OF COUNCIL'S ACCEPTANCE WITH THE CLARK COUNTY RECORDER'S OFFICE.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

13. APPROVAL OF AN APPLICATION FOR WINDSOR PARK HOUSING REVITALIZATION PROJECT FUNDS AND RELOCATION ASSISTANCE IN THE AMOUNT OF \$51,050 FOR MS. TREADIE PERKINS, WHOSE PROPERTY IS LOCATED AT 2717 SABER DRIVE IN THE WINDSOR PARK SUBDIVISION TO ASSIST IN ACQUIRING A REPLACEMENT HOME WITHIN THE NORTH LAS VEGAS CITY LIMITS.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

14. APPROVAL OF A 3-YEAR COMMERCIAL SERVICES AGREEMENT WITH COX BUSINESS SERVICES, IN THE TOTAL AMOUNT OF \$25,740, FOR CITY INTERNET AND E-MAIL ACCESS. (CNLV CONTRACT No. C-4977)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

15. RATIFICATION OF PAYMENT TO DOW INDUSTRIES, IN THE AMOUNT OF \$58,135, FOR EMERGENCY WORK IN CONNECTION WITH ISOLATING AND LOWERING OF A WATER LINE IN BROOKS AVENUE BETWEEN 5TH STREET AND LOSEE ROAD.

ACTION: APPROVED

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

16. APPROVAL OF AN INTERLOCAL CONTRACT FOR THE NUCLEAR WASTE REPOSITORY PROGRAM TO JOINTLY PARTICIPATE WITH THE CLARK COUNTY NUCLEAR WASTE STEERING COMMITTEE IN ACTIVITIES REGARDING THE PROPOSED HIGH-LEVEL RADIOACTIVE WASTE DISPOSAL SITE AT YUCCA MOUNTAIN, WHEREBY THE CITY RECEIVES \$5,000 FOR OVERSIGHT ACTIVITIES INCLUDING MEETING ATTENDANCE AND PROGRAM PARTICIPATION. (CNLV CONTRACT No. C-4758)

ACTION: APPROVED

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

17. APPROVAL OF REGIONAL TRANSPORTATION COMMISSION INTERLOCAL CONTRACT NO. 376; CHEYENNE AVENUE RESTRIPIING (BETWEEN CIVIC CENTER DRIVE AND LAS VEGAS BOULEVARD), TO INCLUDE SIX TRAVEL

LANES, A CONTINUOUS LEFT-TURN LANE AND/OR MEDIAN ISLAND, TRAFFIC CONTROL DEVICES, AND OTHER APPURTENANCES AS MAY BE NECESSARY, IN AN AMOUNT NOT TO EXCEED \$235,000. (CNLV CONTRACT No. C-4978)

ACTION: APPROVED
MOTION: Mayor Pro Tempore Robinson
SECOND: Councilman Buck
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason
NAYS: None
ABSTAIN: None

18. **APPROVAL OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH GOHRES CONSTRUCTION CO. FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT LONE MOUNTAIN ROAD AND CAMINO AL NORTE IN THE AMOUNT OF \$1,005; RANCHO DEL NORTE DRIVE AND CAMINO AL NORTE IN THE AMOUNT OF \$1,910.08; AND WASHBURN ROAD AND CAMINO AL NORTE IN THE AMOUNT OF \$2,045.46 IN CONNECTION WITH THE CAMINO AL NORTE RETAIL PLAZA.**

ACTION: APPROVED
MOTION: Mayor Pro Tempore Robinson
SECOND: Councilman Buck
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason
NAYS: None
ABSTAIN: None

19. **APPROVAL OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH SIMON AND LAKE PROPERTIES, LLC FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT LAKE MEAD BOULEVARD AND SIMMONS STREET IN THE AMOUNT OF 11.6% OR \$28,647; AND CAREY AVENUE AND SIMMONS STREET IN THE AMOUNT OF 1.8% OR \$6,027, IN CONNECTION WITH WATERBROOK PLAZA.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

20. APPROVAL OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH CAREY AVENUE, LLC FOR THEIR SHARE OF THE COST OF CONSTRUCTING A ROUNDABOUT AT CAREY AVENUE AND REVERE STREET IN THE AMOUNT OF 3.1% OF THE TOTAL COST OR \$4,812 IN CONNECTION WITH THE CAREY ESTATES RESIDENTIAL DEVELOPMENT.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

21. APPROVAL TO ACCEPT THE 12TH YEAR TRAFFIC CAPACITY AND SAFETY IMPROVEMENT PROJECT (BID NO. 1067) FOR MAINTENANCE AND AUTHORIZATION TO FILE THE NOTICE OF COMPLETION. (CNLV CONTRACT No. C-4616)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

22. APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING

SERVICES AGREEMENT WITH THE LOUIS BERGER GROUP, INC. IN THE AMOUNT OF \$162,128, FOR THE LAS VEGAS WASH - "A" CHANNEL, THREE BRIDGES PROJECT TO MODIFY THE DESIGN TO DEMOLISH THE EXISTING CULVERTS AND REPLACE WITH ACTUAL BRIDGES WHICH WOULD SPAN OVER THE FLOOD CHANNEL WITH ONLY A CENTER SUPPORT PIER ENTERING INTO THE CHANNEL. (CNLV CONTRACT No. C-4744)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

23. APPROVAL OF A REQUEST FOR A THREE MONTH EXTENSION OF NON-OPERATIONAL STATUS, TO EXPIRE OCTOBER 27, 2001, FOR THE HIDDEN CANYON LOUNGE LOCATED AT 2343 WEST GOWAN ROAD.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

24. APPEAL, SUBMITTED BY LEO G. GAY, TO AMEND CONDITION NUMBER SEVEN FOR USE PERMIT UN-66-00 (NORTH LAS VEGAS CHURCH OF CHRIST), TO ALLOW AN ASPHALT SHINGLE ROOF FOR PROPERTY LOCATED AT 2626 MARTIN LUTHER KING BOULEVARD IN AN R-1 SINGLE FAMILY RESIDENTIAL ZONE. (SET PUBLIC HEARING FOR AUGUST 15, 2001)

ACTION: PUBLIC HEARING SET FOR AUGUST 15, 2001

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith,

Buck and Eliason
NAYS: None
ABSTAIN: None

4. APPROVAL OF A SETTLEMENT CLAIM BY CELSO PAZ LOPEZ, IN THE AMOUNT OF \$500,000.

A verbatim transcript is attached as Exhibit B.

ACTION: APPROVED

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

BUSINESS

25. APPROVAL TO RENAME FIRE STATION 52 THE BRENT COOPER MEMORIAL CITY OF NORTH LAS VEGAS FIRE STATION 52.

ACTION: APPROVED TO BE NAMED BRENT COOPER MEMORIAL CITY OF NORTH LAS VEGAS FIRE STATION 52

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

26. RESOLUTION NO. 2212; TRANSFERRING 2001 PRIVATE ACTIVITY BOND STATE CEILING OF THE CITY OF NORTH LAS VEGAS, NEVADA TO CLARK COUNTY IN CONNECTION WITH THE FINANCING OF PUBLIC UTILITY PROJECTS.

Resolution No. 2212 as introduced by the City Manager:

RESOLUTION TRANSFERRING 2001 PRIVATE ACTIVITY
BOND STATE CEILING OF THE CITY OF NORTH LAS VEGAS,
NEVADA TO CLARK COUNTY IN CONNECTION WITH THE
FINANCING OF PUBLIC UTILITY PROJECTS.

Councilwoman Smith questioned if it was possible to place a requirement in the resolution that the money be spent in North Las Vegas. Community Development Director Jacque Risner felt it was possible to include that language in the resolution. City Attorney McGowan stated he knew of no legal requirement for stipulations in the resolution.

Mayor Montandon commented it was unfortunate that with the first priority of the bond state ceiling being that of job creation, year after year no companies other than the public utilities applied for it. He stated Southwest Gas would acquire bond cap ceilings from numerous entities in the State and the funds would be pooled together into their capital projects. He felt Southwest Gas spent at least the bond cap, if not more, for improvements in North Las Vegas.

Community Development Director Risner suggested requiring Southwest Gas to report back to Council the percentages of funds expended in North Las Vegas.

ACTION: PASSED AND ADOPTED AS AMENDED; SECTION 1 TO READ:

“That the City of North Las Vegas, Nevada hereby transfers to Clark County for use in financing natural gas projects through Southwest Gas the volume cap allocation in the amount of \$5,667,011 with the understanding that Southwest Gas will provide a report one year from the date of allocation listing all projects performed within the boundaries of North Las Vegas; unless the Division requests and the City Council approves an extension of time for use of allocations.”

MOTION: Councilwoman Smith

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

ORDINANCES

INTRODUCTION ONLY

27. ORDINANCE NO. 1536; AMENDING TITLE 2 OF THE NORTH LAS VEGAS

MUNICIPAL CODE BY REPEALING ORDINANCE NO. 1005, THE EXISTING CHAPTER 2.40 ENTITLED RECORDS MANAGEMENT; AND BY ADOPTING A NEW CHAPTER 2.40 ENTITLED RECORDS MANAGEMENT; PROVIDING FOR THE SYSTEMATIC CONTROL OF MAINTENANCE, PROTECTION AND DISPOSITION OF ALL CITY RECORDS; DESIGNATING THE OFFICE OF THE CITY CLERK AS THE CENTRALIZED RECORDS AREA FOR ALL CITY RECORDS; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR AUGUST 15, 2001)

Ordinance No. 1536 as introduced by the City Manager:

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS AMENDING TITLE 2 OF THE NORTH LAS VEGAS MUNICIPAL CODE BY REPEALING ORDINANCE NO. 1005, THE EXISTING CHAPTER 2.40, ENTITLED RECORDS MANAGEMENT; AND BY ADOPTING A NEW CHAPTER 2.40 ENTITLED RECORDS MANAGEMENT; PROVIDING FOR THE SYSTEMATIC CONTROL OF MAINTENANCE PROTECTION AND DISPOSITION OF ALL CITY RECORDS DESIGNATING THE OFFICE OF THE CITY CLERK AS THE CENTRALIZED RECORDS AREA FOR ALL CITY RECORDS; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: FINAL ACTION SET FOR AUGUST 15, 2001.

ORDINANCES

FINAL ACTION

28. **ORDINANCE NO. 1532; 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 A CERTAIN PROPERTY THEREIN FROM R-E TO C-1 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND SIMMONS STREET (ZN-12-90, CRAIG SIMMONS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1532 as introduced by the City Manager:

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

A CERTAIN PROPERTY THEREIN FROM R-E TO C-1 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND SIMMONS STREET (ZN-12-90, CRAIG SIMMONS) 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, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

29. ORDINANCE NO. 1533; 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 A CERTAIN PROPERTY THEREIN FROM O-L TO C-2 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF VALLEY DRIVE AND TURKEY LANE (ZN-21-01, ALL LAND COMPANY) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1533 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM O-L TO C-2 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF VALLEY DRIVE AND TURKEY LANE (ZN-21-01, ALL LAND COMPANY) 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, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

30. ORDINANCE NO. 1534; 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 A CERTAIN PROPERTY THEREIN FROM R-E TO R-2 FOR PROPERTY GENERALLY LOCATED EAST OF NORTH 5TH STREET AND APPROXIMATELY 650 FEET NORTH OF TROPICAL PARKWAY (ZN-22-01, 5TH AND FARM) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1534 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO R-2 FOR PROPERTY GENERALLY LOCATED EAST OF NORTH 5TH STREET AND APPROXIMATELY 650 FEET NORTH OF TROPICAL PARKWAY (ZN-22-01, 5TH AND FARM) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Mayor Pro Tempore Robinson questioned if this rezoning was for apartments. Development Services Director Tom Bell stated the Comprehensive Plan designated the site as medium-high density residential and R-2 zoning. Although Director Bell had not seen the plans for the development, he was fairly certain they would be constructing some type of apartment dwellings. Mayor Pro Tempore Robinson felt the City was becoming heavily populated with apartment projects. Director Bell stated although there was a significant amount of multi-family projects in the area in the Comprehensive Plan, the area was designated as medium-high density.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Eliason

NAYS: Councilman Buck

ABSTAIN: None

31. ORDINANCE NO. 1535; 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 A CERTAIN PROPERTY THEREIN FROM R-E TO R-2 FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 5TH STREET AND TROPICAL PARKWAY (ZN-23-01, 5TH AND FARM) AND PROVIDING FOR OTHER MATTERS

PROPERLY RELATING THERETO.

Ordinance No. 1535 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO R-2 FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 5TH STREET AND TROPICAL PARKWAY (ZN-23-01, 5TH AND FARM) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

In light of another request for medium-density zoning, Mayor Pro Tempore Robinson suggested a review of the Comprehensive Plan. Mayor Montandon asked if the properties were adjacent to each other and Community Development Director Tom Bell stated that was correct; both parcels were processed separately.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilwoman Smith

NAYS: Council Members Buck and Eliason

ABSTAIN: None

APPOINTMENTS

32. APPOINTMENTS TO THE CITIZEN'S ADVISORY COMMITTEE, CIVIL SERVICE BOARD OF TRUSTEES, AND PARKS & RECREATION ADVISORY BOARD. (TABLED JULY 5, 2001)

ACTION: ROSEMARY DAVIS APPOINTED TO THE CITIZEN'S ADVISORY COMMITTEE FOR THE TERM ENDING JUNE 30, 2004

MOTION: Councilwoman Smith

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

ACTION: CLARICE ISAAC APPOINTED TO THE CIVIL SERVICE BOARD OF TRUSTEES FOR THE TERM ENDING JUNE 30, 2006

MOTION: Councilwoman Smith

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

ACTION: MERIL DAVIS APPOINTED TO THE PARKS & RECREATION ADVISORY COMMITTEE FOR THE TERM ENDING DECEMBER 31, 2004

MOTION: Councilwoman Smith

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

33. DEFERRED COMPENSATION PLAN COMMITTEE APPOINTMENTS TO ADD KURT FRITSCH, CITY MANAGER, AND VYTAS VAITKUS, FINANCE DIRECTOR, AS CHAIRMAN, AND MAKE THE CITY ATTORNEY'S OFFICE APPOINTMENT ADVISORY WITH NO VOTING AUTHORITY.

ACTION: CITYMANAGER KURT FRITSCH APPOINTED; FINANCE DIRECTOR VYTAS VAITKUS APPOINTED AS CHAIRMAN; CITY ATTORNEY'S OFFICE APPOINTMENT ADVISORY WITH NO VOTING AUTHORITY.

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

ACTION: MOVE ITEM NUMBERS 34 AND 35 TO AFTER THE PUBLIC FORUM SECTION OF THE MEETING.

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

COUNCIL ITEMS

There were no additional Council items.

CITY COUNCIL BOARD UPDATES

C Las Vegas Convention & Visitors Authority

Mayor Montandon stated at the regular meeting in July, the 'summer heavy-up' campaign was coming to a close. The campaign was geared towards working with travel agents on promotions and Las Vegas brand advertising and was very successful.

C Clark County District Board of Health

Councilwoman Smith was not present at the last meeting and Councilman Eliason reported he had not yet attended his first meeting as a member.

C Southern Nevada Regional Planning Coalition

Mayor Pro Tempore Robinson stated as alternate, he attended the last meeting and reported most of the items on the agenda were referred to the Technical Committee for review and action at a later date. Mayor Montandon stated the Regional Planning Coalition Technical Committee would be involved in air quality issues and would act as a type of advisory board to the new County air quality commission.

C Clark County Regional Transportation Commission

Councilman Buck stated the Regional Transportation Commission notified the City there would be a bus route on Craig Road. The City would be the first program of public relations sponsored by the Regional Transportation Commission to announce the new bus route.

C Clark County Regional Flood Control District

Councilman Buck stated she had attended her first meeting and reported the Flood Control District was beginning a campaign to alert people to the hazards of driving through flooded areas.

C North Las Vegas Housing Authority

Mayor Pro Tempore Robinson stated the North Las Vegas Housing Authority was beginning to aggressively pursue properties for in-fill housing in the mature areas of the City under the direction of Director Don England. At a recent City Council Information Session, a presentation was given by Troy Chapman to discuss funding alternatives for the purchase of 50 to 100 homes for in-fill areas. In addition, Frank Hawkins was working on another in-fill type project.

C Southern Nevada Water Authority

Councilman Buck stated the Water Authority recently signed a document with Arizona Banking stating that Arizona would bank water for future use by the City, ensuring the City's water supply until 2050 with adequate conservation measures.

C Colorado River Commission

Councilman Buck reported the Colorado River Commission was given the authority to purchase future water rights for their users, which included the City, if necessary.

C Nevada Development Authority

Mayor Pro Tempore Robinson reported at the last meeting, a speaker spoke of the opportunities the 1900 acres would afford the City and was excited about good things to come.

C Debt Management Commission

Mayor Montandon stated at the annual meeting of the Debt Management Commission,

it was voted to keep the review cap at 90% as opposed to lowering the cap. A priority list was made for Debt Management Commission review and it was determined the priorities of education, health and public safety would be treated equally.

CITY MANAGER'S REPORT

There was no City Manager's Report.

PUBLIC FORUM

Leroy Pasbrig reported pooling water at the corner of Las Vegas Boulevard by Jerry's Nugget. He also asked that the ordinance regarding beautification be revised to take into consideration the special requirements of the mature areas of the City.

Mike Thomas questioned the status of his missing property, the status of his SCOPE records investigation and questioned the alleged dissemination of confidential information to a suspect.

Mike Winne spoke regarding the expense of litigation dealing with the Police Department. He urged Council to be fiscally responsible with the City's money.

John Armstrong spoke regarding the dissemination of confidential information.

PERSONNEL SESSION

34. NON-ACTION ITEM: CLOSED PERSONNEL SESSION FOR THE CITY MANAGER'S ANNUAL PERFORMANCE AND SALARY REVIEW.

Mayor Montandon recessed the City Council meeting at 8:20 p.m. to a Closed Personnel Session for the purpose of discussing the City Manager's annual performance and salary review.

ACTION: RECONVENE CITY COUNCIL MEETING AT 9:40 P.M.

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None
ABSTAIN: None

35. ACTION PERTAINING TO THE CLOSED PERSONNEL SESSION.

ACTION: CITY MANAGER TO RECEIVE AN ANNUAL INCREASE OF \$2,500 PLUS \$300 MONTHLY CAR ALLOWANCE.

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

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 9:45 P.M.

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

APPROVED: August 15, 2001

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

Attest:

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

- a. Jose & Edith Perez, Partnership LIQUOR/ General On Sale \$1500 2
DBA: El Herradero Bar GAMING (10) Slot Machines \$1000
3402 E Lake Mead Blvd Owner/Operator
North Las Vegas, Nevada Former Owner: Sana Shoshani
- Police Investigations Approved
Nevada State Gaming Commission Approved 7/26/01
- ii. Riffat Asif, Pres. LIQUOR Beer & Wine Off Sale \$600 8
DBA: Las Vegas Grocery IV Within Convenience Store
3820 E Craig Rd Formerly: Convenient Convenience Store
North Las Vegas, Nevada
- Police Investigation Approved
Pending Final Building Inspection Approval
- c. Claudia D. Wichinsky, Pres. GAMING Slot Route Operator \$500 N/A
DBA: Westronics Inc State #01649-01
2575 S Highland Dr
Las Vegas, Nevada
- Police Investigations Approved

NORTH LAS VEGAS CITY COUNCIL

August 1, 2001

Verbatim Transcript

Approved _____
 Denied _____
 Tabled _____
 Stricken _____

BUSINESS LICENSE AGENDA

August 1, 2001

PRIVILEGED LICENSE

<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>ACTIVITY</u>	<u>ESTIMATED ANNUAL REVENUE</u>	<u>NUMBER OF EMPLOYEES</u>
4.	<u>APPROVAL OF A SETTLEMENT CLAIM BY CELSO PAZ LOPEZ, IN THE AMOUNT OF \$500,000.</u>			

City Manager Kurt Fritsch: Item No. 4, approval of a settlement claim by Celso Paz Lopez, in the amount of \$500,000. Mr. McGowan.

City Attorney Sean McGowan: Thank you, Mr. Fritsch. Mr. Mayor and Council, before I get to the facts of this case I would just like to say that as a philosophical approach to these matters I, I hope that you have seen and maybe it's not apparent to the public yet, but that what we have tried to do in the 18 months that I've been in this position is to bring an aggressive defense of the City's interest to bear; both the legal and financial interest of the City. We want the message out there that there is no easy money to be made here. Our claims are down, way down from the year just completed, down about \$350,000 from claims paid in the second preceding fiscal year. So I think along with Kurt's team and especially Dwight Rawlinson in Risk Management Department we've made some great strides in reducing claims paid in settlements; savings of about \$350,000. And doing it at \$80,000 less in outside of attorneys fees. So we've - - we think we're on the right track, but there are always are cases that are exceptional and this is one of them. There are some, some clouds on the horizon. As to this case, according to the standards established by the United States Supreme Court, a police officer may only use deadly force if the officer has probable cause to believe that the suspect poses a threat of serious physical harm either to the officer or to others. Now we looked at this very carefully and very long with outside counsel as well, and we're recommending this settlement because we believe that after hearing the evidence a jury would ultimately get to hear this and make factual determinations and would more likely than not conclude at the time of shooting, Mr. Lopez posed no objective threat to the officer because he was on his stomach and being handcuffed. We believe that

a jury would likely conclude that Officer Acosta's version of the events that Mr. Lopez had a grasp of the weapon barrel is just not credible. We also believe that there -- a jury would conclude that Officer Acosta could not have lost the weapon to Mr. Lopez because it was strapped across Officer Acosta's chest. Finally we think a jury would conclude that this shooting was accidental. Mr. Lopez ultimately complied with officer's demands and he produced his second hand, the right-hand to be cuffed and in the process may have touched or bumped the rifle barrel causing the officer to move backwards, bump into another officer and accidentally shoot Mr. Lopez. So these, these are comments made for the purposes of settlement discussions we think that there are risks in taking these facts to a jury. We'll do so if the Council would like and we'll do our best job possible, but we think it is important to exercise our professional judgment and bring to you recommendations for settlement when there are risks in proceeding to trial in such a case. There will be other cases that we can defend and there are a couple of other shootings that have occurred in which you can anticipate vigorous defense of the officer's conduct, but we don't believe this is one such case. And for those reasons we're recommending the settlement.

Mayor Michael L. Montandon: Thank you Sean, I appreciate it. I don't believe I'm speaking only for myself in saying that decisions like this are extremely difficult for the City Council when, you know, writing half a million dollar checks or at least discussing the possibility of doing so when, when so many other good places for half a million dollars are at stake. However, you know we're, we're faced with this decision and it is our job to take the facts into account from the best possible legal advice we can get and decide as a City Council what the best road to take is, and right now, given this we are faced with the advice from our City Council -- our, our legal counsel to go forward with a settlement of this case. We can debate those issues and facts but the question is whether or not, given what we already know, we want to put Mr. Paz Lopez through that public debate also in return for what most likely would not be a case this City has a leg to stand on. So given that I would like to know if any of the other -- I do have a couple of cards from people who would like to speak. If any of the other Council would like to speak on this issue, Councilman Buck.

Councilman Shari Buck: A question just for Sean. Legal fees from my understanding it was determined if we were to go to trial that legal fees would probably exceed an enormous amount?

City Attorney McGowan: We -- we would have counsel for the City, we would have separate counsel for Officer Acosta, and if the claimants of Mr. Lopez were found to be entitled to any compensatory damages, which we think is likely to

be the conclusion of a jury, and since he has substantial medical bills to reconstruct his digestive tract, the - - yes, there would be substantial legal fees we think could easily be three hundred to three hundred and fifty thousand dollars to defend this case in a likely jury verdict based on the conclusions that I suggested are more likely than not. A jury verdict, without regard to the fees would - - could easily be six fifty to seven fifty. So, I think it is a reasonable possibility that a trial could result in total cost to the City of a million dollars or more.

Mayor Montandon:

Thank you. Councilman Robinson.

**Mayor Pro Tempore
William Robinson:**

Thank you, Your Honor. I have a question and comment. My question is have we put anything into place hopefully to avoid problems of this sort because we're not talking about chump change so to speak, we're talking about quite a bit of tax, we're talking about half of million dollars of taxpayers dollars and I have a problem with it because I, I tend to believe that even though an officer was wrong, the person that was shot wasn't a saint themselves otherwise I don't think the officers would have responded; however, be that right or wrong, have we done anything to make sure this type of shooting don't happen again by our Police Department?

City Attorney McGowan:

Yes Councilman, you as a group have been supportive of the need to do more proactive work in this area. You've authorized an additional position in my office to work with the police on training matters and policy changes so, so we are working hard to find areas that need to be addressed in advance. Having said that of course, we will never unfortunately be able to avoid every mistake in a high-stress dangerous position - -

Mayor Pro Tempore Robinson: Yeah, I'm conscious of that.

City Attorney McGowan:

- - but I think we're doing what we can and with your support on additional proactive legal advice we're certainly giving it our best shot.

Mayor Pro Tempore Robinson: So then I guess the comment would be in spite of how much I feel that I should vote against this, I guess the bottom line is cut your losses and go home.

Mayor Montandon:

Thank you. I've got some cards, Mike Winne.

Mike Winne:

Mike Winne, 3005 Emmons. A few questions and a couple comments. Was this shooting ruled unjustified?

Mayor Montandon:

Sean.

City Attorney McGowan:

We have to this point maintained as a City policy that the results of the internal affairs investigations are not disclosed.

Mike Winne:

Well, that question, there was an article in the paper today where all this information was seemed to be disclosed to the King County administrators up there and I just - - my curiosity would be why can't the public know about it?

Mayor Montandon:

The results of their internal investigation, the King County Police Department has considered the public they've got the same information everybody else does.

Mike Winne:

According to them they didn't. Ok, the next question I have is, if we pay him this money is this all that we owe him or are there going to be ongoing medical cost?

Mayor Montandon:

No it would be a complete and final settlement.

Mike Winne:

Ok, then what I would like to formally request; I would like to formally request, excuse me - - that I be given an itemized list of any and all the attorney expenses that we have, we have - - us citizens have incurred due to this case. I would also like to have the tax money that we've paid out in medical bills to this date. If we paid out medical bills. So then after we're done, we're not going to owe any money, is that correct?

Mayor Montandon:

Right now what's before the Council is an approval to offer a settlement of \$500,000.

Mike Winne:

And if that's approved - -

Mayor Montandon:

This - - if this - -

Mike Winne:

- - that's the end of it.

Mayor Montandon:

I'm talking. Ok. When the - - we have before us an approval to an offer a settlement of \$500,000. The settlement has not been drafted yet. If we approve to offer a settlement it will then be the City Attorney's job to go forward and negotiate a settlement with them for \$500,000. A complete, total, end of everything settlement.

Mike Winne:

Ok. That will lead me to the next issue that I have. The next issue that I have is many of you know that Dave Acosta is now a King County

Sheriff Deputy and he is now another police officer. And the problem that I have is that is that he was allowed to resign. He was given an option to resign or be terminated which I believe now leaves the City open to precarious liability lawsuit. If he shoots, maims or kills another person in King County. Dave Acosta himself told us that he was given a letter of resignation and was given the option of resignation or termination during a conversation with him at UMC Hospital.

Councilman Buck: He told you that specifically, Mike?

Mike Winne: Yes.

Councilman Buck: Ok.

Mike Winne: Yes, that was discussed. And due to the fact Mr. Acosta was allowed to resign and a letter of reference was given which allowed Mr. Acosta to practice law.

Mayor Montandon: You say a letter of reference was given?

Mike Winne: Yes, by Chief Tillmon that was what Dave Acosta told us. There was - -

Councilman Buck: Who - - excuse me, who's us?

Mike Winne: There was another person there with me. That person can give their name if they want. I'm not going to give that person's name. The reason I believe this is because Dave Acosta was involved in four shootings in five years.

Councilman Buck: And how do you know that?

Mike Winne: Well, it's Dave Acosta himself. Ok. Are you saying that it's not happening?

Mayor Montandon: We're asking, we're asking you questions.

Mike Winne: I know that to be a fact. The first one, there was over behind the Opera House, there was one over behind McDonalds, and there was one over by the Roland White Chapel and then this one it was involved over off of Soledad; four since 1995. In most of those, Dave Acosta has spoken about how the officers - - how the suspect have grabbed for his weapon. Seems to be a thing. The problem with the one over behind the Opera House was that the suspect was holding a baby in one hand and a gun in the other and threatening to kill himself, so I guess my question would

be, what hand was he grabbing the weapon with?

Mayor Montandon:

That issue is not before us right now.

Mike Winne:

Ok, so let me move on to this. More than likely we're going to be facing another lawsuit due to this, this case. What the problems comes, is that, it seems that and I've been through this with you before that what happens is we would much rather try to cover up than uncover crimes that are committed by our Police Department. Dave Acosta should never have been given an offer of resignation or termination. He should've been disciplined and punished; prosecuted. There was an unjustified shooting, some say an accident, some say not. But because of that we're going to face, we're going to face another, another liability case. We seem to cover up things. Billy Brooks beats up a woman, we cover it up. And how do we that, we have police officers in the department that help cover it up which - -

Mayor Montandon:

Ok, Mike at this point here if you've got specific accusations or problems to make - - this is not forum to bring it to. Write them down, bring them to the City Manager don't bring it forward right now.

Mike Winne:

Well that - - that's the problem your Honor, is that I have brought these accusations to the City Manager and nothing's happened.

Mayor Montandon:

And you know what, we investigate these appli - - these, these, and you're not satisfied so you just say them again.

Mike Winne:

I don't know if it's ever been investigated the problems that just keep perpetuating. But here's the, let me get to the final resolution here. This is a for action item, it's on the agenda, which means a motion can be made from the floor under Roberts Rules of Orders. It has happened at this Council before, I've made them and all I need is a second from any member of the Council to make a vote. Will Robinson was here when I made that, the rest of you were not. And so what I would like to do is I would actually like to make a motion from the floor.

Mayor Montandon:

I disagree, I have to ask a point of order. I've become actually quite well versed in Roberts Rules of Order and I have - - and I do not have any knowledge of what you're talking about, motions need to be made by the City, this City Council.

Mike Winne:

Well under an action item, I know that I've made motions before. Will Robinson was involved in that, so was Theron and Paula and Jim Seastrand, and those - - and they brought to Council.

Mayor Montandon:

As Chairman of this meeting unless legal counsel tells me otherwise, I'm not going to accept motions from anybody other than this City Council.

Mike Winne:

Ok well then let me ask you to make the motion, which that I can do also. And my motion is this, it's very simple, it solves the problems. The first thing we need to do is I would like to you to make motion to create a task force, using an outside prosecutor to come and look at allegations of criminal activity within the Police Department.

Councilman Buck:

Would you also be willing to look at former employees who are - - um

Mayor Montandon:

If I were to make the task force I would assign specifically what it was going to do. If, if, if

Mike Winne:

That's, that's, that's, that's part of the motion too. Also, that immediately that the City Council would vote and create a citizens review board that would - - and there are certain rules that I have that, that I would like to have on the way people are picked on the review board that no appointments made politically, stunts with a lottery system, no relatives of political people, etc, etc, etc., and the final thing is that I'd like the motion also to contain, that any funds that we pay out to this should come directly from the operating budget of the Police Department. I understand you have a Contingency Fund, pay them out of the contingency, but next year in the fiscal year, take the money directly from the Police Department of their operating budget and put it back into the Contingency Fund. They need to understand that this is not gonna happen. You say we've created all these programs to - - or Mr. McGowan says we created these programs to see that this doesn't happen again. Not one of them involves the citizens, not one of them. Not one of them involves a task force to look into past and present allegations - -

Mayor Montandon:

Actually, I disagree, all of them involve the citizens.

Mike Winne:

No, not as a direct as, as, as a review board, or as an oversight. Their not involved in any of that. We have 194 programs and not one of them, not one of them has been created to look at allegations within the Police

Department.

Mayor Montandon:

Everything that involves this City Council involves the citizens, we are citizens.

Mike Winne:

You are citizens. I agree with that. But there's not - - there's no, there's no task force - - there's no review board - - we went through this three months ago where I know several people on the Council agreed that, yeah, a task force or a review board is needed and no movement on it, other than Chief Tillmon going around talking to people like Bob Borgersen to see if he'll sit on it. Why is the Chief going around trying to stack a board?

Mayor Montandon:

Your recommendations have been noted. Thank you.

Mike Winne:

Thank you.

Mayor Montandon:

Mike Thomas.

Mike Thomas:

Mike Thomas, 8398 San Ramon. I have also some statements, some questions, and some comments. Um. One of things I seem to notice most as of late in most of the City Council meetings, we have a lot of distinguished departments head, heads here, but we never seem have a Chief of Police here when most of the time we seem to be talking about police issues and I was just wondering why that was before I get into what I want to get into.

Mayor Montandon:

There's always a representative from the Police Department.

Mike Thomas

There wasn't at the last meeting, but that's neither here nor there. As it was pointed out to me by several other department heads. I've got a couple questions, does the City carry general liability insurance?

Mayor Montandon:

We're self insured.

Mike Thomas:

Ok, so that means any money paid out in any settlement, any litigation comes from the operating budget, taxpayers money, is that correct?

Mayor Montandon:

It's from our self insurance fund, yes.

Mike Thomas:

Well, you can say this is money allocated for self insurance fund but it's

still taxpayers money?

Mayor Montandon:

Yes, of course it is.

Mike Thomas:

All right. Um, sounds like what Sean's talking about here is some fiscal responsibility that he has to make sure that costs are always in the best interest of the City and that there is no easy money to be made here, he says, I was wondering why settle with Celso Paz Lopez, has this man filed a lawsuit against the City of North Las Vegas?

City Attorney McGowan:

Mr. Mayor no there is - - has not been a filed lawsuit.

Mike Thomas:

Did he filed a lawsuit against David Acosta?

City Attorney McGowan:

Mr. Mayor would you like me to answer that?

Mayor Montandon:

Yes, please, Sean, thank you. I apologize.

City Attorney McGowan:

Not to my knowledge, no this would affect a complete and full release of the City and Officer - - former Officer Acosta.

Mike Thomas:

Ok, so essentially your kinda putting on the cart before the horse without knowing how strong this gentleman's case is, who his legal counsel is, and what he's filing in any court of law, you're ready to propose a settlement, correct?

Mayor Montandon:

Actually, quite the opposite. You just heard Mr. McGowan give a fairly detailed description of how strong he feels this case is. He does have counsel. We know who his counsel is. So quite the opposite.

Mike Thomas:

Ok then I think that in light of that it sounds to me that also Mr. Gowan is saying that he has no confidence in how the North Las Vegas Police Department handled this incident, how it was investigated and he does not believe that this case is winnable to go before a jury is that what I'm hearing?

Mayor Montandon:

You heard what you heard it's speculation in between the lines you're welcome to interpret however you would like.

Mike Thomas:

Ok, I read an article in the Las Vegas Review Journal today that the representatives, the detectives from the King County Washington

Sheriffs Bureau came out here, they were given details of the incident. I'm sure their reasonable and intelligent people and they concluded that Dave Acosta shooting was justified based on the information that they had. Are we saying that a jury might be any less intelligent or less reasonable?

Mayor Montandon:

That was their determination.

Mike Thomas:

Ok.

Mayor Montandon:

We can't, we can't judge them. Anything else?

Mike Thomas:

Ok, then I guess my final thought would be I believe, I truly believe that there was fraud perpetrated on the King County Sheriff's Department. The reason being is when they say they were given documentation they were given the cleaned up, sanitized version. They were given criminal reports prepared by the officers involved in this some two months after the incident. The King County officials said they were not aware of any shooting board findings, they were not given the testimonies of people involved in the shooting board, they were not given the exhibits, the evidence that was presented on the shooting board, and we know this to be true because they said, they were not given that information. And I think it speaks - - it screams out that Dave Acosta has been involved in four shootings in five years, three of which he claims somebody was reaching for his gun. I think that, that is a major problem. And I would only emphasize I think that the speaker before me is absolutely correct. If you look at the amount of lawsuits being generated against the City of North Las Vegas and we're not talking employee, or ex-employee lawsuit, we're talking lawsuits in and of themselves. The majority of them are against the Police Department and I think that the Police Department as long as they are not footing the bill and they don't have to take responsibility for their action because nobody - - somebody else is going to reach into their wallet to pay the bill ultimately, they will continue to go about their merry way. I think that the money needs to come from the operating budget; I think we need to re-examine their protocols, their procedures and their training. I would venture to guess that the King's County representative were never given the memos from Dave Acosta where he talks about the lack of training and the poor training. And he talks about how the officers were not given the adequate training to respond to an incident like he did. So I would just emphasize like I said, you're punishing the citizens when you need to be

punishing the Police Department. Thank you.

Mayor Montandon:

Thank you. Glen Easter.

Glen Easter:

Glen Easter, 4715 N. 5th Street. I'll just make this quick. I'm for this, I think this is the greatest thing in the world that could happen to our City. Citizens will finally see what's going on. What I would like to ask is that you put this on the Consent Agenda, meaning that had not citizens brought this off and taken it off the Consent Agenda, we would've never gotten an explanation - -

Mayor Pro Tempore Robinson: I disagree with you Mr. Easter.

Councilman Buck:

What citizen took it off?

Glen Easter:

When they put in the cards.

Councilman Buck:

No.

Mayor Montandon:

No I took it off. I disagree.

Glen Easter:

Well then why - - ok why was it put on the Consent Agenda in the first place?

Mayor Montandon:

Because our standard policy is settlements are put on the Consent Agenda.

Glen Easter:

Because my big problem here is that I think it's great. We spend a half million dollars; we can't see what happen. If we did shoot this guy illegally I don't think half a million dollars is enough for him. They have the guy having his digestive tract reconstructed. And if we didn't do anything wrong we should defend our police and stand up for him whether - - and if not we just condemn this City to what we are, second class City by not giving to the truth. Thank you very much.

Mayor Montandon:

Thank you. Council any other comments or questions? What is your desire?

Councilman Buck:

I just want to a make a comment if I might Your Honor.

Mayor Montandon:

Councilman Buck.

Councilman Buck:

I'm dismayed at, at confidential information that is passed into the wrong hands that, that ends up hurting the City. You can stand up here and tell me all you want that you had conversations with Davie Acosta, I don't believe that for a minute. And I - - my hope is that whoever has passed that information whether it be a former official, whether be a current employee, is found and reprimanded.

Mayor Montandon:

Thank you.

Mayor Pro Tempore Robinson:

I ditto her comments, Your Honor. And I think we hired Sean McGowan to provide us with the legal expertise that none of us possess and in spite of my being against paying one cent, that you - - what was that old country song that you got to know when to hold them and when to fold them, so my - - I'm going to motion that we approve the settlement of the claim by, how do you pronounce that, Cel, well Lopez, in the amount of \$500,000, and hopefully we - - this doesn't happen again. And that's my motion.

Councilman Buck:

I'll second it.

Mayor Montandon:

Thank you. Cast your votes. Motion carries. We've often discussed the possibility of televising our City Council meetings. We normally decided not to do that because of the expense of it. This was a very expensive City Council meeting to televise. But we thank you from the various media out there for being here.

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Transcript requested by: City Attorney's Office
Completed by: Cris Carmona, Deputy City Clerk
Date: August 6, 2001