

**MEETING NOTICE AND AGENDA  
CITY OF NORTH LAS VEGAS  
REGULAR CITY COUNCIL MEETING**

December 18, 2002

**CITY COUNCIL MEETING**

**CALL TO ORDER**

6:00 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 L. Eliason

**STAFF PRESENT**

City Manager Kurt Fritsch	Finance Director Phil Stoeckinger
Assistant City Manager Gregory Rose	Fire Chief Bob Dodge
Assistant City Manager Dan Tarwater	Acting Director Parks & Recreation Jim Stritchko
City Attorney Sean McGowan	Human Resources Director Vince Zamora
City Clerk Eileen Sevigny	Police Chief Mark Paresi
Development Services Director Donna Kristaponis	Detention Center Chief Ken Ellingson
Planning Manager Steve Baxter	Director of Public Works Jim Bell
Community Development Director Jacque Risner	Assistant to the City Manager Brenda Johnson
Administrative Services Director Eric Dabney	Assistant City Clerk Karen L. Storms

**WELCOME**

Mayor Michael L. Montandon

**VERIFICATION**

Eileen M. Sevigny, CMC  
City Clerk

**INVOCATION**

Pastor Rose Haag  
Harvest Rock Church

**PLEDGE OF ALLEGIANCE**

Mayor Michael L. Montandon

## AGENDA

### **1. APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF DECEMBER 18, 2002.**

ACTION: APPROVED AS AMENDED; ITEM NOS. 2 AND 3 CONTINUED TO JANUARY 15, 2003, ITEM NOS. 7, 8, 9, CONTINUED TO JANUARY 15, 2003; ITEM NO. 14 WITHDRAWN, ITEM NO. 28 WITHDRAWN, ITEM NO. 38 CONTINUED TO JANUARY 2, 2003.

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

## CONSENT AGENDA

### **14. APPROVAL TO AMEND ARTICLE 17, PROMOTIONS, OF THE NORTH LAS VEGAS POLICE OFFICERS ASSOCIATION (POA) SUPERVISORS AND NON-SUPERVISORS LABOR AGREEMENTS, TO ESTABLISH FISCAL YEAR 2002-2003 DATES OF PROMOTIONAL EXAMINATIONS, DEVELOPMENT OF EXAMINATIONS, PASSING SCORES, AND ASSESSMENT CENTERS BY CPS HUMAN RESOURCES SERVICES FOR PUBLIC AGENCIES.**

ACTION: WITHDRAWN

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**15. APPROVAL TO CONTINUE NEGOTIATIONS CONCERNING ARTICLE 23 (GRIEVANCE AND ARBITRATION PROCEDURE) OF THE COLLECTIVE BARGAINING AGREEMENTS (SUPERVISORS AND NON-SUPERVISORS UNITS) WITH THE NORTH LAS VEGAS POLICE OFFICERS ASSOCIATION (POA) FOR UP TO AN ADDITIONAL NINETY (90) DAYS IN 2003.**

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**16. APPROVAL OF PRIVILEGED LICENSE:**

<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>ACTIVITY</u>
<b><u>NEW LIQUOR &amp; NON-RESTRICTED GAMING</u></b>		
<b>The Cannery Hotel and Casino, LLC</b>	LIQUOR	General On & Off (5) Separate Bars
<b>DBA:</b> Cannery Hotel Casino (The) 2121 E Craig Rd North Las Vegas, Nevada	GAMING Non-Restricted Owner/Operator	(21) Table Games (1,275) Slot Machines Race & Sports Book

**Millennium Management Group II,**

Manager of Operations pursuant to the Cannery Management Agreement

**William C. Wortman**, 47.5% owner

**William J. Paulos**, 47.5% Owner

**Guy Hillyer**, 5% Owner

**Mendenhall, LLC**

33 1/3% of Cannery Casino Resorts, LLC, the 100% owner of The Cannery Hotel and Casino, LLC  
d/b/a The Cannery Hotel Casino

**Robert Mendenhall**

100% Owner of Mendenhall, LLC.

Police Investigations Completed

PENDING FINAL BUILDING & FIRE INSPECTION APPROVALS

NEVADA GAMING COMMISSION APPROVAL ON NOVEMBER 21, 2002

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**17. APPROVAL TO ALLOCATE \$42,000 FOR FY 2002/2003 TO ESTABLISH A COMPREHENSIVE TREE PRUNING PROGRAM FOR CYCLIC MAINTENANCE (PRUNING) OF CITY TREES.**

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**18. APPROVAL OF A WAIVER OF THE HOUSING AUTHORITY OF THE CITY OF NORTH LAS VEGAS REQUIREMENT TO MAKE A PAYMENT IN LIEU OF TAXES FOR THE FISCAL YEAR ENDING JUNE 30, 2002 IN THE AMOUNT OF \$17,172.41.**

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**19. APPROVAL TO AWARD THE FISCAL YEAR 2002/2003 ADA ACCESSIBILITY PROJECT, BID NO. 1126, IN THE AMOUNT OF \$90,480.85 TO LAS VEGAS PAVING CORPORATION. (CNLV CONTRACT NO. C-5266)**

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**20. APPROVAL OF SEWER OVERSIZING AGREEMENT IN THE AMOUNT OF \$30,367 WITH BRAMBLE DEVELOPMENT FOR THE OVERSIZING OF SEWER MAIN IN VALLEY DRIVE FROM SUNRISE SHORES AVENUE TO THE NORTH, A DISTANCE OF 3,013 LINEAL FEET. (CNLV CONTRACT NO. C-5267)**

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**21. APPROVAL TO CHANGE THE DATE FOR THE REGULAR CITY COUNCIL MEETING OF JANUARY 1, 2003 TO JANUARY 2, 2003.**

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore

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

NAYS: None

ABSTAIN: None

22. **APPEAL, SUBMITTED BY ROBERT J. GRONAUER ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE T-960 (CENTENNIAL & STATZ); AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF VALERIE BROWN, JULIE BENARIO, PAUL BENARIO, STEVEN BENARIO, STACY SEFMAN LELAH, DANA SEFMAN, AND THE PREMIER TRUST OF NEVADA, SUCCESSOR TRUSTEE FOR THE JOY SEFMAN TRUST, PROPERTY OWNERS, FOR A TENTATIVE MAP REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 49 SINGLE-FAMILY DWELLINGS ON 10.16± ACRES. (SET PUBLIC HEARING FOR JANUARY 2, 2003)**

ACTION: PUBLIC HEARING SET FOR JANUARY 2, 2003

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

23. **APPEAL, SUBMITTED BY RICHARD JACOBS, OF THE DECISION OF THE PLANNING COMMISSION TO DENY UN-92-02 © & L PLAZA); AN APPLICATION SUBMITTED BY AUTO TITLE LOAN STORE & CASH ADVANCE NOW, ON BEHALF OF CONNORS FAMILY 1984 TRUST, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION (AUTO TITLE LOAN STORE) ON PROPERTY LOCATED AT 2040 EAST CRAIG ROAD. (SET PUBLIC HEARING FOR JANUARY 2, 2003)**

ACTION: PUBLIC HEARING SET FOR JANUARY 2, 2003

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

24. **VAC-33-02 (DESERT PASSAGE NORTH); AN APPLICATION SUBMITTED BY NORTHBROOK RANCH, LLC, PROPERTY OWNER, FOR A VACATION OF THE NORTHERN TEN FEET OF DEDICATED RIGHT-OF-WAY OF LONE MOUNTAIN ROAD BETWEEN CONWAY STREET AND CRYSTAL SWORD STREET AND BETWEEN CRYSTAL SWORD STREET AND NORTH COMMERCE STREET TOTALING APPROXIMATELY 474 FEET. (SET PUBLIC HEARING FOR JANUARY 15, 2003)**

ACTION: PUBLIC HEARING SET FOR JANUARY 15, 2003

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

25. **REQUEST TO MOVE FORWARD FROM FEBRUARY 19, 2003 TO JANUARY 15, 2003 THE APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO DENY AMP-35-02 (ANN ROAD AND COMMERCE STREET), AN APPLICATION TO CHANGE THE COMPREHENSIVE PLAN LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF COMMERCE STREET AND ANN ROAD. (MOVE PUBLIC HEARING FROM FEBRUARY 19, 2003 TO JANUARY 15, 2003)**

ACTION: PUBLIC HEARING SET FOR JANUARY 15, 2003

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

## **BUSINESS**

### **26. PRESENTATION OF THE DROUGHT CONDITIONS IN SOUTHERN NEVADA BY KEN ALBRIGHT, DIRECTOR OF WATER RESOURCES AT SOUTHERN NEVADA WATER AUTHORITY.**

City Manager Kurt Fritsch introduced and welcomed Ken Albright, Director of Water Resources for the Southern Nevada Water Authority (SNWA) who gave a presentation on the drought conditions in Southern Nevada. City Manager Fritsch stated the item had been worked on by managers throughout the valley for the last few months and would be a serious topic.

Director Albright stated the presentation had been given at various government offices through out the valley. He reported the information needed to be updated due to recent voting in other states. He planned on updating the information as the presentation progressed.

Director Albright stated the SNWA's resource plan listed demands and potential water resources that Southern Nevada had identified to meet the needs for the future. Nevada's demand of water increased year by year. The resources included ground water, which North Las Vegas had a significant supply along with the Las Vegas Valley Water District, Colorado River water, water conservation, and reclamation, or the reuse of water.

He presented a curved chart outlining three different areas; demand, existing supplies and projected water demands through the year 2035. He stated in 1990 the SNWA set out to achieve a 25% conservation level based on 1990 water use data and within the last few years the goal had not been reached. He reported a significant amount of water, 500,000 acre feet had been diverted from the Colorado River which included ground water. SNWA would be off by seven to eight percent which figured to be 40,000 acre feet of water thus creating a conservation shortage.

Southern Nevada and Arizona had been using less water than their allotted share and California had used more. It had balanced out, but since 1996 excessive flows had been needed to meet all three area's demands, flows which had decreased because of the drought condition. The federal government and the states devised a plan to help wean California off of using more than their share. SNWA created the California/Colorado River's Water Use Plan which evolved into the Quantification Settlement Agreement (QSA). The QSA had been composed of numerous agreements with multiple entities and consisted of over thirty documents. The Imperial Irrigation District (IID), the largest irrigation district in California, failed to sign their part. This affected Southern Nevada and Arizona, and the remaining districts in California. SNWA continued to work with IID and had hopes the agreement would be signed by the end of this year.



Director Albright stated the Interim Surplus Guidelines, which had been created by the Bureau of Reclamation and Lake Mead officials, allowed Nevada to use more of the Colorado River than allotted but contained triggers. If California did not reduce their water use by certain dates the plan would be ineffective. The water level at Lake Mead had dropped considerably due to the drought and low run off but if extra became available, it would be divided between the three regions based on the Interim Surplus Guidelines once the agreement had been signed. Southern Nevada would have enough water for the next year even if the IID did not sign the agreement based on federal government regulations.

Southern Nevada had the three lowest recorded years of run off from the Colorado River. The run off flow of melting snow from the upper basin had been 25% of the average, but water demand continued. Director Albright explained only one small area received a 100% precipitation coverage for the entire Colorado River basin. These contributing factors created the "bath tub ring" in Lake Mead. He displayed before and after photos of Lake Mead showing the large drop in water levels. Director Albright projected that if 2004 arrived under the continued drought conditions, the situation created would be dire.

Director Albright reported SNWA had planned on the QSA being signed before December 31, 2002. Southern Nevada would have enough water through next year, but realistically would plan on using stored water for the future under the present conditions. Director Albright stressed conservation measures would be a high priority.

Councilwoman Smith asked would happen if Imperial Valley did not sign. Director Albright responded water would be pulled from the ground water basin. Conservation and drought regulations would begin. Mayor Montandon asked if the ultimatum from the Secretary of the Interior to cut off California if they failed to reduce their water use had been effective. Director Albright stated it had created long meetings intent on reaching a solution.

City Manager Fritsch stated, regardless of if IID signed the agreement or not Southern Nevada was in a drought and the inevitable would only be delayed because if precipitation levels did not change by 2004, strict water restrictions would be enforced.

ACTION: PRESENTATION GIVEN

**27. PRESENTATION REGARDING REDUCING THE CURRENT SIX PARK DISTRICTS TO THREE.**

Acting Director of Parks & Recreation Jim Stritchko reported the City had six Park Districts. The Parks & Recreation Department recommended reducing that number to three. Acting

Director Stritchko said NRS stated the City must be divided into a minimum of three Park Districts. The reductions would allow other funding mechanisms to further the Parks & Recreation Department's ability to acquire land, construct parks or update existing parks. He added NRS also stated any money collected on the Residential Construction Tax must be spent within three years. He explained how the four Council wards overlapped the six Park Districts. Park District No. 1 had \$143,000 in the budget, Park District No. 2 had \$31,000, the biggest and most developed Park District, No. 3 had over \$3,000,000. The smallest and least developed Park District No., 4 had \$17,000, and Park District's No. 5 and No. 6 had no new development and no money in the budget but would be in the Aliante area. Park Districts 1 and 2 would have little or no new residential construction thus no tax revenue. Park District No. 3 would remain the most developed and would continue to have the largest budget. Park Districts 4, 5, and 6 would either be in Commercial or Master Planned Communities which would result in no revenue from the Residential Construction Tax. The first recommendation would be to decrease the six park districts to three. The proposed boundaries were flexible. Acting Director Stritchko reported by operating in three districts money would be raised by new growth and could be applied to the new growth and mature areas. Funds taken from the Park Districts that had more funds would be distributed to fund poor Park Districts. Funds would be available in each Council Ward for upgrade to existing parks or construction of new parks. The Parks & Recreation Advisory Board supported the division of the existing Park Districts.

Councilwoman Smith expressed concern regarding tax funds raised by specific neighborhoods staying in the neighborhood. She believed the districts should be divided into areas where the revenue would be collected and development of mature parks should come from other accounts, such as the general fund. She felt the division should be studied further.

Mayor Pro Tempore Robinson questioned where would the funds be coming from to be applied to the mature areas. City Manager Fritsch clarified the money within the Park Districts and money raised by the Residential Construction Tax would not be prohibited from being used in existing parks. He said the point of the presentation seemed to be one district had 95% of all the money and the new Park Division map covered the mature areas and new growth areas of the community.

Councilwoman Smith agreed with City Manager Fritsch but disagreed with the distance involved between neighborhoods. She said the people who bought new homes paid the taxes and any new parks should be built in their area. Mayor Montandon asked if the two parcels that had been funded by the Regional Transportation Commission were in Park District 2. Acting Director Stritchko asked if he wanted the location in the current Park District 2 or the proposed Park District 2. Mayor Montandon responded, the current Park District 2. Acting Director Stritchko said one parcel would be there and he would verify the other parcel's location and provide an answer in the future.

**ACTION:           PRESENTATION GIVEN**

**PUBLIC HEARINGS - 6:30 P.M.**

2. **AMP-55-02 (CENTENNIAL COMMONS); AN APPLICATION, SUBMITTED BY UNLIMITED HOLDINGS ON BEHALF OF SUNRISE OAKS AND THE HUMPHRY 1999 TRUST, THE MINDY SLAVIS FAMILY TRUST, MINDY G. SLAVIS, TRUSTEE, AND SUNRISE OAKS LIMITED PARTNERSHIP, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LDR LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF MCCARRAN STREET AND CENTENNIAL PARKWAY. (CONTINUED NOVEMBER 20, 2002) (ASSOCIATED ITEM NO. 3, ORDINANCE NO. 1732, ZN-108-02)**

ACTION: CONTINUED TO JANUARY 15, 2003

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

3. **FINAL ACTION ORDINANCE NO. 1732; 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-E TO C-1 (ZN-108-02, CENTENNIAL COMMONS), FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF LOSEE ROAD AND CENTENNIAL PARKWAY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (CONTINUED NOVEMBER 20, 2002) (ASSOCIATED ITEM NO. 2, AMP-55-02)**

ORDINANCE NO. 1732; 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-E TO C-1 (ZN-108-02, CENTENNIAL COMMONS), FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF LOSEE ROAD AND CENTENNIAL PARKWAY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: CONTINUED TO JANUARY 15, 2003

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

4. **APPEAL, SUBMITTED BY LINDA SEALE, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE UN-69-02 NOW! CAR SPA; AN APPLICATION SUBMITTED BY PHILIP AND PAM KONECNY ON BEHALF OF TEMPLE PROPERTIES, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A SELF-SERVICE/DRIVE-THROUGH AUTOMOBILE WASHING ESTABLISHMENT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND DECATUR BOULEVARD.**

Planning Manager Steve Baxter stated the application had been recommended for denial by staff. The Planning Commission approved the application with multiple conditions which included:

1. Hours of operation from 7 A.M. to 10 P.M.
2. 24 hours surveillance
3. One year review

Mayor Montandon opened the Public Hearing.

**Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas,** reported that Robert Gronauer represented this applicant and would not there because the Clark County Commission had only reached Item No. 37 from the morning agenda. She asked Council to continue the item for two weeks.

**Linda Seal, 4709 Palomino Estates, North Las Vegas,** introduced herself for the record.

ACTION: CONTINUED TO JANUARY 2, 2003

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

5. **APPEAL, SUBMITTED BY DONNA SPARKS, RESIDENT, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE SPR-33-02 (WAL-MART); AN APPLICATION REQUESTING AN EXPANSION OF THE EXISTING WAL-MART AND A WAIVER OF DESIGN STANDARDS' REQUIREMENT THAT FOUNDATION LANDSCAPING BE PROVIDED ALONG ALL FRONTAGES WITH A CUSTOMER ENTRANCE AND A REDUCTION IN THE SIZE OF THE LANDSCAPE ISLANDS IN THE PARKING LOT IN A C-2 GENERAL COMMERCIAL DISTRICT ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CLAYTON STREET AND CRAIG ROAD. (ASSOCIATED ITEM NO. 6, VAC-29-02)**

Planning Manager Steve Baxter stated the application would expand Wal-Mart. The building stood at 28,000 square feet and Wal-Mart desired to expand by 81,000 square feet. The application was consistent with the Commercial Design Guidelines. The Staff and the Planning Commission recommended approval.

Mayor Pro Tempore Robinson asked Planning Manager Baxter if Wal-Mart previously had asked for 60,000 square feet and now wanted 80,000 square feet. He replied yes. Mayor Pro Tempore Robinson stated he felt the expansion would be a problem because it would create more traffic.

Mayor Montandon opened the Public Hearing.

**Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas,** appeared on behalf of Wal-Mart. She said the property was zoned Commercial and felt it would be appropriate with the surrounding retail. She reported that a site review plan had been approved in 1996 that showed the existing Wal-Mart and an expansion area of 72,000 square feet. They asked for an 80,000 square feet expansion. She stated the parking lot would be landscaped and at the present time had no landscaping. The initial site plan review had been approved with no landscaping as the Commercial guidelines at that time did not require it. A nearby dusty area would be paved and the site had already been graded. No additional lighting would be added. The initial traffic study from 1996 took into account future traffic patterns due to expansion. She said an eight foot block wall would be built on the rear perimeter of the site and would provide further screening for the surrounding neighborhood. Access to the property would remain the same.

**Eddie Coleman 830 Beefeater Place, North Las Vegas, 89032,** stated he supported the Wal-Mart expansion.

**Scott Smith, 7670 W Lake Mead Boulevard, Suite 135, Las Vegas, 89128,** represented the appellate. The neighbors that lived behind the property on Clayton Street were concerned with the expansion. He felt if the expansion bordered Martin Luther King Boulevard and Craig Road it would be less intense. He said the original businesses proposed for the area: gas station, hotel/casino, movie theater, were being replaced with a supermarket. He reported the 1996 traffic study listed 996 trips per day to a movie theater

and a supermarket brought in 6,834 trips per day. He said due to the future change in the NRS code the likelihood of a hotel/casino had been reduced. He requested the landscape waiver be denied also.

Mayor Montandon stated the hotel/casino site would be on the other side of Scott Robinson Boulevard south of the Von's grocery store. Mayor Pro Tempore Robinson stated the movie theater would be in the hotel/casino site. Mayor Montandon added Station Casinos would own the recreational facility.

**Wendell G. Waite, 1322 Pavilions Avenue, North Las Vegas,** stated he supported the Wal-Mart. He lived a half mile away from the Wal-Mart and had no problem with any traffic issues. He said increased traffic meant increased revenue.

Councilman Buck asked Planning Manager Baxter and City Attorney Sean McGowan for clarification of the issue before Council. She understood the issue before the Council was an appeal on a 1996 site plan review that had been approved by the Planning Commission. City Attorney McGowan stated yes that was correct. She said the discussion did not concern approval for the expansion but whether the Council would approve a site plan review. Planning Manager Baxter stated yes and added the project fit the Commercial use permitted in a C-2 zoning district. He said the issue before Council concerned the details of the site plan.

Mayor Montandon asked Planning Manager Baxter if he recommended particular attention to a specific part of the site plan. Planning Manager Baxter stated the site plan before Council would be a huge improvement over what the site looked like now and added Wal-Mart intended to landscape the existing parking lot and the new parking lot as well. He added the City did not require landscaping of the existing parking lot.

Mayor Pro Tempore Robinson felt concerned about the Wal-Mart expansion affecting the Von's grocery store. Mayor Montandon reported he had spoke with an executive of the Von's and he seemed more concerned with the location of the curb cuts than the Wal-Mart expansion.

Councilwoman Smith asked Planning Manager Baxter the width of Clayton Street. He answered 80 feet. She stated Clayton Street seemed to be a busy street and was opposed to the Wal-Mart expansion.

Mayor Montandon expressed his concern with the two and a half acre site south of Wal-Mart and the Robinson sisters' lot to the north.

**Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas,** responded to Mr. Scott Smith's request for denial of the landscape waiver by stating Wal-Mart did not request an

outright waiver without proposing an alternative. The alternative had been addressed by the Planning Commission and agreed to by the staff. She asked the Council to follow the Planning Commission's and Staff's recommendation.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION UPHELD; SPR-33-02 APPROVED

MOTION: Councilman Eliason

SECOND: Councilman Buck

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

NAYS: Councilwoman Smith

ABSTAIN: None

6. **VAC-29-02 (WAL-MART); AN APPLICATION SUBMITTED BY WAL-MART ON BEHALF OF WAL-MART AND DESERT MESA LAND PARTNERS, LTD., PROPERTY OWNERS, TO VACATE APPROXIMATELY 1,600 SQUARE FEET OF RIGHT-OF-WAY COMMENCING APPROXIMATELY 90 FEET SOUTH OF CRAIG ROAD AND PROCEEDING APPROXIMATELY 40 FEET EAST OF CLAYTON STREET. (ASSOCIATED ITEM NO. 5, SPR-33-02)**

Planning Manager Steve Baxter said the vacation would eliminate an exiting access and approve a new one. He reported the Planning Commission and Staff recommended approval.

Mayor Montandon opened the Public Hearing.

**Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas,** said the issue concerned the vacation of a driveway and movement of the driveway to the south. She asked Council follow Staff's recommendation.

**Scott Smith, 7670 W Lake Mead Boulevard, Suite 135, Las Vegas, 89128,** stated the proposed driveway would be closer to his client's home and asked the Council to deny the item.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED

MOTION: Councilman Eliason

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

7. **APPEAL, SUBMITTED BY ROBERT GRONAUER, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE FDP-07-02 (DECATUR CROSSING); AN APPLICATION SUBMITTED BY DECATUR CROSSING LLC ON BEHALF OF TIGHI FAMILY LP, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN IN A PUD PLANNED UNIT DEVELOPMENT ON 10± ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND DECATUR BOULEVARD. (ASSOCIATED ITEM NO. 8, UN-82-02 AND ITEM NO. 9, UN-83-02)**

ACTION: CONTINUED TO JANUARY 15, 2003

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

8. **APPEAL, SUBMITTED BY ROBERT GRONAUER, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE UN-82-02 (DECATUR CROSSING); AN APPLICATION SUBMITTED BY DECATUR CROSSING LLC ON BEHALF OF TIGHI FAMILY LP, PROPERTY OWNER, FOR A USE PERMIT TO ALLOW AN AUTOMOBILE SERVICE STATION IN A PUD PLANNED UNIT DEVELOPMENT ON 10± ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND DECATUR BOULEVARD. (ASSOCIATED ITEM NO. 7, FDP-07-02 AND ITEM NO. 9, UN-83-02)**

ACTION: CONTINUED TO JANUARY 15, 2003

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



9. **APPEAL, SUBMITTED BY ROBERT GRONAUER, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE UN-83-02 (DECATUR CROSSING); AN APPLICATION SUBMITTED BY DECATUR CROSSING LLC ON BEHALF OF TIGHI FAMILY LP, PROPERTY OWNER, FOR A USE PERMIT TO ALLOW A FINANCIAL INSTITUTION WITH A DRIVE-THRU IN A PUD PLANNED UNIT DEVELOPMENT ON 10± ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND DECATUR BOULEVARD. (ASSOCIATED ITEM NO. 7, FDP-07-02 AND ITEM NO. 8, UN-82-02)**

ACTION: CONTINUED TO JANUARY 15, 2003

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

10. **APPEAL, SUBMITTED BY TERRY SOVEY, OF THE DECISION OF THE PLANNING COMMISSION TO DENY VN-09-02; AN APPLICATION SUBMITTED BY TERRY SOVEY, PROPERTY OWNER, FOR A VARIANCE IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A 9 ½ FOOT REAR YARD SETBACK WHERE 15 FEET IS REQUIRED FOR A SINGLE FAMILY HOME ON PROPERTY LOCATED AT 4012 TALARA LANE.**

Planning Manager Steve Baxter stated the application was recommended for denial by Staff and the Planning Commission.

Mayor Montandon opened the Public Hearing.

**Pamela Hastie, 3430 East Flamingo Suite 104, Las Vegas, 89121,** stated the property owner next door to her client wanted to build a family room on the back of the residence. The neighbor's house was located on a cul-de-sac and the back yard was narrow. Ms. Hastie reported her client felt the addition would be built close to an existing pine tree and back wall of the property. She said it would affect the property value of her client's home and her ability to sell her home in the future. Ms. Hastie added the neighbor had a bigger side yard than back yard and felt the addition could be built on the side of the residence. She asked the Council to uphold the Planning Commission's decision.

Councilwoman Smith asked if anyone was in the Council Chambers representing the applicant. Mayor Montandon replied there was not. Councilwoman Smith stated she did not feel comfortable moving forward since the applicant was not there. The Council agreed they could find no reason not to move forward with the item because the applicant and/or representative had been given the opportunity to attend the meeting.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION UPHeld; VN-09-02 DENIED

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

11. **AMP-58-02 (WESTWIND); AN APPLICATION SUBMITTED BY SIGNATURE HOMES ON BEHALF OF PLASTER DEVELOPMENT CO., INC., PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF VLDR VERY LOW DENSITY RESIDENTIAL TO LD LOW DENSITY RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF VALLEY DRIVE AND GRAND TETON DRIVE.**

Planning Manager Steve Baxter reported the applicant had originally requested Medium Density Residential but had agreed to the change to Low Density Residential. The Planning Commission and the Staff agreed.

Mayor Montandon opened the Public Hearing.

**Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas,** stated the project would be for a single family home development with a minimum lot size of 6,000 to 6,700 square feet and would match the landscaping of Aliante. She asked for Council approval based on the recommendation of the Planning Commission and Staff.

Mayor Montandon asked about water pressure and water service.

**Bobby Lewis, Orion Engineering, 3068 East Sunset Road,** stated he had several meetings with the utility departments within the City and discussed service to the site. The applicant had been requested to join into a water main that would be built along Decatur Boulevard. Also, a plan existed for the Mocassin Reservoir to be built in approximately two

years. Director of Public Works Jim Bell said those would be the future facilities in the area

and he believed it would be pressurized to a 2430 zone.

Councilman Buck asked about the opposition to the project by the Fire Department. Mr. Lewis answered Orion Engineering had talked to Deputy Fire Chief Stubler several times and the developer had agreed to install fire sprinklers until Fire Station No. 56 had been built.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

12. **AMP-65-02 (CENTENNIAL VILLAGE); AN APPLICATION SUBMITTED BY FOCUS COMMERCIAL GROUP, PROPERTY OWNER, TO AMEND THE MASTER PLAN OF STREETS AND HIGHWAYS TO REMOVE APPROXIMATELY 1,100 FEET OF SANDY LANE COMMENCING AT TROPICAL PARKWAY AND PROCEEDING NORTH TO CENTENNIAL PARKWAY.**

Planning Manager Steve Baxter reported the Planning Commission and Staff had no objections to the amendment.

Mayor Montandon opened the Public Hearing.

**Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas,** appeared on behalf of the applicant. The vacated portion of Centennial Parkway to Tropical Parkway would be converted into a trail system.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED

MOTION: Mayor Pro Tempore

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

13. **AMP-67-02 (CNLV); AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO AMEND THE MASTER PLAN OF STREETS AND HIGHWAYS BY INCREASING, DECREASING, REALIGNING, EXTENDING, ADDING AND DELETING VARIOUS RIGHTS-OF-WAY THROUGHOUT THE CITY OF NORTH LAS VEGAS.**

City Manager Kurt Fritsch stated there were streets that had been eliminated either by Staff or Council within the last few days.

Mayor Montandon asked the audience to please listen carefully to the eliminated items.

City Manager Fritsch stated Commerce Street had been in the original plan but had been eliminated from consideration for widening by the Planning Commission. Belmont Street and Item No. 6, the extension of Lone Mountain Road from Lamb Boulevard to Novack Street and the extension of Novack Street from Lone Mountain Road to Ann Road with an 80 foot right-of-way had been removed.

Planning Manager Steve Baxter added the changes to the Master Plan of Streets and Highways were prompted by the Northeast Corridor Study and also by requests from the Department of Natural Resources to eliminate streets from archaeologically significant sites. The Staff and the Planning Commission recommended approval.

Mayor Pro Tempore Robinson stated residents adjacent to Commerce Street had received flyers that stated the Commerce Street widening had not been eliminated. He wanted to know if the widening issue could be brought back before Council or would this be the end of that item.

City Manager Fritsch stated the item would be removed from the current agenda but he had no knowledge if it would or would not be brought up before Council in the future.

Mayor Montandon opened the Public Hearing.

**Peter Demangus, 1821 North Las Vegas Boulevard, North Las Vegas,** represented Jerry's Nugget and asked for clarification regarding 5<sup>th</sup> Street. He supported wider streets but wondered how it would affect the street located behind his property.

Mayor Montandon answered the amendment changes were instigated by the Northeast Corridor Study which stated the City's north and south corridors including Interstate 15 and Martin Luther King Boulevard were not going to be sufficient for the future. The City would need better north and south roadways. He added no current funding source existed, in addition to no engineering of designs or plans but the item would be the first step in identifying where the future corridors would be located.

Mr. Demangus expressed his support for the item.

City Manager Fritsch stated the City was deficient 20 lanes north, south, east and west.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED

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

**Business (cont.)**

**28. INFORMATION ONLY - REVISIONS TO STAFF STANDARD DEVELOPMENT CONDITIONS - TO BE UTILIZED BY THE PUBLIC WORKS DEPARTMENT AND PLANNING DEPARTMENT FOR ALL NEW LAND USE/DEVELOPMENT APPLICATIONS TO BE CONSIDERED BY THE CITY AFTER JANUARY 1, 2003.**

ACTION: WITHDRAWN

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**29. APPROVAL TO AWARD INMATE MEDICAL SERVICES, RFP NO. 10.23.02, FOR THE DETENTION CENTER TO NAPHCARE, INC. IN THE AMOUNT OF \$125,252 PER MONTH FOR THE PERIOD JANUARY 1, 2003 THROUGH JUNE 30, 2005 FOR A TOTAL AMOUNT OF \$1,503,024 WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE-YEAR PERIODS. (CNLV CONTRACT NO. C-5268)**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

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

**30. RATIFICATION OF PAYMENT OF PERMANENT PARTIAL DISABILITY AWARD  
IN THE AMOUNT OF \$28,628.01 TO AN INJURED EMPLOYEE.**

ACTION: APPROVED

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

**31. RATIFICATION OF PAYMENT OF PERMANENT PARTIAL DISABILITY AWARD  
IN THE AMOUNT OF \$69,247.66 TO AN INJURED EMPLOYEE.**

ACTION: APPROVED

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

**32. RESOLUTION NO. 2251; A RESOLUTION OF THE NORTH LAS VEGAS CITY  
COUNCIL AUTHORIZING THE CITY FINANCE DIRECTOR, OR ITS DESIGNEE, TO  
ACT AS TREASURER DURING PERIODS OF VACANCY IN THE TREASURER  
POSITION.**

Resolution No. 2251 introduced by City Manager:

A RESOLUTION OF THE NORTH LAS VEGAS CITY COUNCIL  
AUTHORIZING THE CITY FINANCE DIRECTOR, OR ITS DESIGNEE,

TO ACT AS TREASURER DURING PERIODS OF VACANCY IN THE

TREASURER POSITION.

ACTION: PASSED & ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

**33. PRESENTATION OF CERTIFICATE OF SUFFICIENCY OF THE INITIATIVE PETITION SUBMITTED BY THE FREEDOM OF SPEECH COMMITTEE PROPOSING AMENDMENTS TO THE COUNCIL'S MEETING AND AGENDA PROCEDURES. (ASSOCIATED ITEM NO. 34 AND ITEM NO. 35, ORDINANCE NO. 1746)**

City Clerk Eileen Sevigny stated the City Clerk's Office received the petition which had 1534 signatures. The Clark County Election Department randomly selected 500 signatures and 478 were deemed valid. The petition was valid and would be handled by Council.

**Mike Winnie, 3005 Emmons, North Las Vegas**, asked about the accuracy of the signatures from the sampling.

City Clerk Sevigny answered 478 signatures were determined to be valid.

Mr. Winnie asked what the percentage was. City Manager Kurt Fritsch answered 95.4%.

ACTION: NO ACTION

**34. DISCUSSION AND POSSIBLE DIRECTION TO FILE A LAWSUIT CHALLENGING THE CONSTITUTIONALITY OF THE INITIATIVE PETITION SUBMITTED BY THE FREEDOM OF SPEECH COMMITTEE PROPOSING AMENDMENTS TO COUNCIL'S MEETING AND AGENDA PROCEDURES. (ASSOCIATED ITEM NO. 33 AND ITEM NO. 35, ORDINANCE NO. 1746)**

City Attorney Sean McGowan stated the Nevada Constitution Article 19 Section 4 provided an initiative of power which was stated to be reserved to the registered voters of the City, as to all local, special and municipal legislation of every kind for the City. The exercise of that special legislative power had been consistently limited by the judicial branch of government

so not to extend to matters administrative or administerial. There were two cases this year

from the Nevada Supreme Court which clarified the point. A petition concerned with whether the railroad tracks located in downtown Reno would be buried did not go to the voters and also in Carson City, the case of whether a park and fairgrounds should be preserved did not go to the voters. The Nevada Supreme Court decided both items were administrative matters and not appropriate for the ballot box. City Attorney McGowan said the Council could decide for themselves what time to start the Council meetings, when to hold the public forum and the length of time participants were given to speak. He added the cost associated with sending an item to the ballot had been estimated by the City Clerk as \$30,000 to \$50,000. The cost of seeking a judicial review would be nominal and done in house. City Attorney McGowan said the Court would be receptive because of the separation of powers between branches of government. When clashes occurred between branches of government the Court resolved the issue. He added Council had the authority to decide administrative matters.

**Mike Winnie, 3005 Emmons, North Las Vegas,** disagreed with City Attorney McGowan. Mr. Winnie stated City Council meetings were held for the public to attend and would take the City to court. He felt the voters of the City should have the opportunity to vote on administrative matters.

**Mike Thomas, 8398 San Ramon Drive, Las Vegas,** stated he disagreed with City Attorney McGowan's statement concerning the nominal cost of seeking a judicial review.

Mayor Montandon stated to City Attorney McGowan the Charter allowed the City Council to hire a replacement for him and City Attorney McGowan could hire outside counsel as he saw fit. Mayor Montandon added one of the primary duties of an elected official and referring to the oath taken upon entering office, was to protect those laws. Notwithstanding the priority to protect the constitutionality thereof. The expense of litigation to do such would be necessary.

Councilman Eliason commented he had been quoted as having said he did not support going to court over the petition matter. He said the quote was inaccurate. He reported he had spoken to some people who had signed the petition and he felt the petition had not been represented to signers in a factual manner. He felt if the petition had been presented to signers in a factual manner there would be fewer signatures.

ACTION: CITY ATTORNEY DIRECTED TO INITIATE LAWSUIT

MOTION: Mayor Montandon

SECOND: Councilman Eliason

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

NAYS: Councilwoman Smith

ABSTAIN: None



**ORDINANCES**

**INTRODUCTION ONLY**

35. **ORDINANCE NO. 1746; AN ORDINANCE RELATING TO CITY MEETING PROCEDURES, AMENDING VARIOUS SECTIONS OF CHAPTER 2.04 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS TO CHANGE THE START TIME FROM 6 PM TO 7 PM, TO MANDATE TWO PUBLIC FORUM SESSIONS, ONE AT THE BEGINNING OF A MEETING, AND A SECOND AT THE END, AND TO ALLOW ANY PERSON TO PLACE SPECIFIC AGENDA ITEMS ON A CITY COUNCIL MEETING, AND PROVIDING FOR OTHER MATTERS RELATED THERETO. (SET FINAL ACTION FOR JANUARY 2, 2003) (ASSOCIATED ITEM NOS. 33 AND 34)**

Ordinance No. 1746 as introduced by the City Manager:

AN ORDINANCE RELATING TO CITY MEETING PROCEDURES, AMENDING VARIOUS SECTIONS OF CHAPTER 2.04 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS TO CHANGE THE START TIME FROM 6 PM TO 7 PM, TO MANDATE TWO PUBLIC FORUM SESSIONS, ONE AT THE BEGINNING OF A MEETING, AND A SECOND AT THE END, AND TO ALLOW ANY PERSON TO PLACE SPECIFIC AGENDA ITEMS ON A CITY COUNCIL MEETING, AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 2, 2003

36. **ORDINANCE NO. 1744; 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 A MASTER PLANNED COMMUNITY (MPC) DISTRICT TO A MASTER PLANNED COMMUNITY/SINGLE FAMILY RESIDENTIAL (R-1 MPC) DISTRICT FOR APPROXIMATELY 25.17± ACRES GENERALLY LOCATED NORTH OF ELKHORN ROAD AND EAST OF SIMMONS STREET, (ZN-119-02, ALIANTE UNIT 7A) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 2, 2003)**

Ordinance No. 1744 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 A MASTER PLANNED COMMUNITY (MPC) DISTRICT TO A MASTER PLANNED COMMUNITY/SINGLE FAMILY RESIDENTIAL (R-1 MPC) DISTRICT FOR APPROXIMATELY 25.17± ACRES GENERALLY LOCATED NORTH OF ELKHORN ROAD AND EAST OF SIMMONS STREET, (ZN-119-02, ALIANTE UNIT 7A) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 2, 2003

37. **ORDINANCE NO. 1745; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-13-02); AMENDING SECTION 17.12.020, TO ADD A DEFINITION OF PROJECTS OF REGIONAL SIGNIFICANCE AND ADDING SECTION 17.24.185 TO ADDRESS PROJECTS OF REGIONAL SIGNIFICANCE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR JANUARY 2, 2003)**

Ordinance No. 1745 as introduced by the City Manager:

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-13-02); AMENDING SECTION 17.12.020, TO ADD A DEFINITION OF PROJECTS OF REGIONAL SIGNIFICANCE AND ADDING SECTION 17.24.185 TO ADDRESS PROJECTS OF REGIONAL SIGNIFICANCE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JANUARY 2, 2003

### **ORDINANCES**

#### **FINAL ACTION**

38. **ORDINANCE NO. 1742; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 1387 WHICH RECLASSIFIED CHEYENNE PROMENADE (ZN-08-97) TO A PUD PLANNED UNIT DEVELOPMENT, BY ADDING CONDITION NUMBERS ONE (1) THROUGH THREE (3); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE

NUMBER 1387 WHICH RECLASSIFIED CHEYENNE PROMENADE (ZN-08-97) TO A PUD PLANNED UNIT DEVELOPMENT, BY ADDING CONDITION NUMBERS ONE (1) THROUGH THREE (3); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: CONTINUED TO JANUARY 2, 2003

39. **ORDINANCE NO. 1743; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 1552 WHICH RECLASSIFIED CHEYENNE MARKET PLACE (ZN-23-89) TO A PUD PLANNED UNIT DEVELOPMENT, BY AMENDING CONDITION NUMBER THIRTY-EIGHT (38), ADDING CONDITIONS FORTY-FOUR (44) THROUGH FIFTY (50); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1743 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 1552 WHICH RECLASSIFIED CHEYENNE MARKET PLACE (ZN-23-89) TO A PUD PLANNED UNIT DEVELOPMENT, BY AMENDING CONDITION NUMBER THIRTY-EIGHT (38), ADDING CONDITIONS FORTY-FOUR (44) THROUGH FIFTY (50); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Planning Manager Steve Baxter stated the application was to amend the allowable uses in a Planned Unit Develop (PUD) Commercial to include a warehouse. The application was from Goodwill. The application proposed an office and retail space along with 50,000 square feet of warehouse. The staff recommended denial because they did not feel the project fit the Technology Corridor. The Planning Commission recommended approval.

**George Garcia, 2501 Green Valley Parkway Suite 108, Henderson,** stated the application met the PUD requirements and was compatible with the land use and location. He said it fit in the Technology Corridor and would create jobs along with a tax base. Mr. Garcia added the landscaping would be appropriate and provide a buffer to nearby apartments. The retail and warehouse portions would be a "tilt up" building and would be built with high quality materials. He said the term "warehouse" did not fit what Goodwill would be doing at the site, because it would be a rehabilitation and training facility in addition to the retail provided. It would not be an industrial type of use. Mr. Garcia said the project would more comparable to a Costco or a Home Depot but, with less traffic, less truck deliveries and with limited hours of operation.

**Steve Chartrand, 3585 Patrick Lane Suite 100, Las Vegas,** said the purpose of Goodwill

was to provide job training and job placement for citizens who were disabled. He said the location would be the corporate headquarters of Goodwill for the State and the primary vocational center with a state of the art computer training center. He felt students would be able to seek jobs within the Technology Corridor. The center would also serve as the primary processing location. It would be the second largest Goodwill Superstore in the Las Vegas Valley. He stated the location would be important to Goodwill and the employees who worked for Goodwill. Mr. Garcia handed out letters to Council from other businesses in the Technology Corridor who supported Goodwill moving into the area.

Mayor Pro Tempore Robinson asked if the Computer Center would be restricted for the disabled or could anyone visit the center. Mr. Chartrand responded they were focusing on individuals with disabilities. Mayor Pro Tempore asked if there would be outside storage and Mr. Chartrand responded absolutely not.

**Anita H. Stockbauer, 1001 Sulphur Springs Lane Suite 201, Las Vegas,** strongly supported the project and served as a member of the Goodwill Board of Directors. She also worked for the University of Nevada and had hired graduates of the Goodwill training program. She reported the Community College of Southern Nevada did the same.

**Kay Sholine, 5402 East Sir Richard Drive South, Las Vegas,** strongly supported the project and served as a member of the Goodwill Board of Directors. Goodwill had grown from two stores to seven and had strong support from the community.

**Willie Trejo, 2301 South Valley View Boulevard, Las Vegas,** strongly supported the project and served as a member of the Goodwill Board of Directors. He asked for approval from the City Council.

**Gigi Marquart, 6314 Badgerglen Place, North Las Vegas,** stated she worked for Goodwill and supported the project.

**Tonya Bates, 6720 Maple Mesa Street, North Las Vegas,** stated she was an Employment Specialist with Goodwill and worked at the Charleston Boulevard and Nellis Avenue location. She stated the majority of her employees were from North Las Vegas and took numerous buses to reach the location. Most were physically and mentally handicapped. She strongly supported a Goodwill store in North Las Vegas.

**Sandra Tiffany, 2156 Sun Swept Way, Henderson,** stated she served as a member of the Goodwill Board of Directors and said she had two Goodwill stores and the processing plant in her district. She was proud to have Goodwill as her neighbor. She asked the Council to support the project.

Councilman Buck said she had toured the facility and the retail stores and was impressed

with the cleanliness and training that was occurring. She felt it would be positive for the area and supported it.

Councilwoman Smith stated the issue before the Council was a zoning issue and the question was did the City open the door for industrial and commercial uses which had not been done in North Las Vegas previously. She expressed concern of who would be next if the Council approved the Goodwill zoning issue. Also, it would set a precedent to applicants in the future, for these reasons she could not support the zoning change.

Mayor Montandon believed in a buffer system and saw other mixed usage issues would arise in the future as the line between warehousing and retailing blurred.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: Council Members Smith and Eliason

ABSTAIN: None

### **COUNCIL ITEMS**

There were no additional items.

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

No report given.

**PUBLIC FORUM**

Mike Thomas spoke of Joe Austin's reinstatement to the Police Department and of harassment claims by two female officers.

Joe Austin stated he was pleased to be reinstated to the Police Department.

Mike Winnie wished the Mayor and Council Happy Holidays.

**ADJOURNMENT**

ACTION: THE MEETING ADJOURNED AT 7:58 P.M.

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

**APPROVED: January 15, 2003**

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

Attest:

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