

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

January 21, 2004

Website - <http://www.cityofnorthlasvegas.com>

CITY COUNCIL MEETING

CALL TO ORDER

6:01 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 Gregory Rose	Public Works Director Jim Bell
Assistant City Manager Dan Tarwater	Acting Planning Manager Marc Jordan
City Attorney Sean McGowan	Fire Chief Jim Stubler
Acting City Clerk Karen L. Storms	Detention Center Assistant Chief Dan Lake
Human Resources Director Vince Zamora	Police Chief Mark Paresi
Finance Director Phil Stoeckinger	Assistant to the City Manager Brenda Johnson
Strategic Planning Director Eric Dabney	Sr. Deputy City Clerk Jo Ann Lawrence
Parks & Recreation Director Michael Henley	Deputy City Clerk Julie A. Shields
Acting Planning & Zoning Director Jacque Hinchman	

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Karen L. Storms, CMC
Acting City Clerk

INVOCATION

Willie Mae Scott

PLEDGE OF ALLEGIANCE

Mayor Michael L. Montandon

AGENDA

1. APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF JANUARY 21, 2004.

ACTION: APPROVED AS AMENDED; ITEM NOS. 2 AND 3 WITHDRAWN WITHOUT PREJUDICE; ITEM NO. 4 CONTINUED TO FEBRUARY 4, 2004; ITEM NOS. 6 AND 7 CONTINUED TO MARCH 17, 2004; ITEM NOS. 21 AND 22 CONTINUED TO MARCH 3, 2004; ITEM NO. 28 CONTINUED TO MARCH 3, 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

APPOINTMENTS

30. APPOINTMENT OF ONE MEMBER TO THE LIBRARY DISTRICT BOARD OF TRUSTEES FOR A TERM ENDING JUNE 30, 2005 TO FILL THE POSITION VACATED BY LAURIE PORRITT NOVEMBER 13, 2003. (TABLED DECEMBER 17, 2003 AND JANUARY 7, 2004)

Councilman Eliason nominated Felizia Hernandez, who was present at the Council Meeting.

ACTION: FELICIA HERNANDEZ APPOINTED FOR TERM ENDING JUNE 30, 2005

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

31. RATIFICATION OF THE APPOINTMENT OF CITY MANAGER GREGORY E. ROSE TO THE NORTH LAS VEGAS DEFERRED COMPENSATION PLAN ADVISORY COMMITTEE FOR AN INDEFINITE TERM.

ACTION: APPOINTMENT RATIFIED

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

CONSENT AGENDA

8. APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 17, 2003.

ACTION: APPROVED

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

9. APPROVAL OF THE AGREEMENT FOR MUTUAL AID IN FIRE PROTECTION AND HAZARDOUS MATERIALS INCIDENT RESPONSE BETWEEN THE SECRETARY OF THE UNITED STATES AIR FORCE AND NORTH LAS VEGAS FIRE DEPARTMENT SECURING THE BENEFITS OF MUTUAL AID IN FIRE PREVENTION AND HAZARDOUS MATERIALS INCIDENT RESPONSE IN THE PROTECTION OF LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS INCIDENT AND IN FIRE FIGHTING. (CNLV CONTRACT NO. C-4446).

ACTION: APPROVED

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

10. **APPROVAL OF TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH WALNUT AZURE, LLC FOR THEIR SHARE OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT CENTENNIAL PARKWAY AND PECOS ROAD IN THE APPROXIMATE AMOUNT OF 4.8% OF THE TOTAL COST OR \$25,529 AND CENTENNIAL PARKWAY AND WALNUT ROAD IN THE APPROXIMATE AMOUNT OF 4.2% OF THE TOTAL COST OR \$24,099 FOR THE AZURE/WALNUT SUBDIVISION LOCATED ON THE NORTHEAST CORNER OF AZURE AVENUE AND WALNUT ROAD. (CNLV CONTRACT NO. C-5604).**

ACTION: APPROVED

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. **APPEAL, SUBMITTED BY ROBERT GRONAUER ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO DENY AMP-63-03 (PT MINING COMPANY LLC); AN APPLICATION SUBMITTED BY PT MINING COMPANY LLC ON BEHALF OF NORTH 5TH CENTENNIAL-1 LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN LAND USE ELEMENT TO CHANGE THE CURRENT DESIGNATION OF MEDIUM-HIGH DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTH 5TH STREET AND CENTENNIAL PARKWAY. (SET PUBLIC HEARING FOR FEBRUARY 4, 2004) (ASSOCIATED ITEM NO. 12, ZN-109-03)**

ACTION: PUBLIC HEARING SET FOR FEBRUARY 4, 2004

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

12. **APPEAL, SUBMITTED BY ROBERT GRONAUER ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO DENY ZN-109-03 (PT MINING COMPANY LLC); AN APPLICATION SUBMITTED BY PT MINING COMPANY LLC ON BEHALF OF NORTH 5TH CENTENNIAL-1 LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTH 5TH STREET AND CENTENNIAL PARKWAY. (SET PUBLIC HEARING FOR FEBRUARY 4, 2004) (ASSOCIATED ITEM NO. 11, AMP-63-03)**

ACTION: PUBLIC HEARING SET FOR FEBRUARY 4, 2004

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

BUSINESS

13. **PRESENTATION, ACTION, AND/OR DIRECTION BY JW ZUNINO AND ASSOCIATES ON THE FINDINGS FROM THE JANUARY 8, 2004 PUBLIC INPUT MEETING AND JANUARY 20, 2004 PARKS AND RECREATION ADVISORY BOARD COMMENTARY ON PLANS FOR A NEW PARK AT GOWAN AND SIMMONS. (CNLV CONTRACT NO. C-5588).**

Parks and Recreation Director Mike Henley and Jack Zunino presented the proposed Master Plan for the 11-acre Gowan Center Neighborhood Park. Mr. Zunino was hired to manage the public process, develop the conceptual plan and develop the construction documents leading to the construction of the park. Council requested to review the comments on the Conceptual Plan prior to its approval.

Mr. Zunino reviewed the key elements of the Plan. He met with Parks and Recreation Staff and discussed elements important to the Department and held a public meeting with approximately 50 participants.

Mr. Zunino referred to the regional trail system on the site map and proposed that parking be located off Simmons Street, Gilmore Avenue, Fuselier Drive and Gowan Road. A half-mile jogging/walking track meandered throughout the park with exercise stations in the lower loop. The lower loop area surrounded a multi-use area and was designated for frisbee golf, a picnic area or casual area for sports. This area was not designated as an organized area for sports, and was developed to include mounding and undulation to deter organized sports activities.

Mr. Zunino proposed the area designated for lighted basketball and the Demonstration Gardens be switched as a result of discussions that took place during the January 20, 2004 Advisory Board meeting with Parks and Recreation Staff. It was determined the activity that generated the most noise would be located next to the designated parking area.

Mr. Zunino proposed the tennis facility on the eastern portion of the park be lit. Areas were designated for multi-use and for an adult soccer field. Pee-Wee soccer and tee-ball areas were earmarked. Horseshoes, bocci ball courts, and two large picnic group shelters were also designated. Group shelters were placed near the parking lot and coolers would be carried directly from the parking lot. The Town Center Plaza was placed at the corner of Simmons and Gilmore Streets because of increased activity. The Plaza would contain casual seating and progress through a gateway to the park. Colorful or white tensile structures would be erected over two tot lots for children ages two to five years old and five to eight years old, creating an attractive gateway into an area for a lunch plaza with tables for checkers.

Mr. Zunino referred to provisions for restrooms, as well as, individual picnic areas along the pathways with one table, a barbeque grill and a trash receptacle for small families. Mayor Montandon commented the restrooms would be relocated to a more central location, possibly between the soccer fields and another park area. Mr. Zunino pointed out they were relocated near the street for accessibility to maintenance, and the sewer and water lines were on Gilmore Street. High uses of the restrooms would originate from the tot lot. It was approximately 150-200 feet, or one-half of a football field to the parking lot. If the restrooms were moved, the distance from the tot lot was 300 feet, and was too great a distance for children to travel to use the facilities.

Director Henley requested, at the direction of the Parks and Recreation Advisory Board, to share their comments from last night's meeting. The Advisory Board felt the one table ramadas were too small for use because people normally transported numerous and bulky items to the park. Director Henley recommended the tables within the ramadas be increased in size (two to four persons per side) making it more usable and functional. In addition, Director Henley questioned the location of the tables and stated there was a

significant amount of natural undulation at the proposed site. The Advisory Board felt the tables needed to be more strategically placed and were currently located where people may not want to be observed. The Advisory Board wanted to work with the Police Department for approval of the site plan to insure the site for the ramadas and other park elements would not pose any patrolling problems.

Director Henley stated another area of concern was the usefulness and expense of the Demonstration Garden. It was Director Henley's philosophy that parks served as outdoor classrooms, and the City was currently under a drought alert. He recommended this area be reserved as a tranquil place for walking and reflection and a classroom to learn about plants.

Mayor Pro Tempore Robinson inquired about the acquisition of the additional two and one-half acres. Director Henley stated appraisals were ordered on the property and the report would be received in 30-45 days.

Councilman Buck stated ramadas placed against a back wall would have to be relocated because people could not be seen easily from the street which posed security problems. She conveyed complaints regarding the women's restroom stalls with no doors were received in past and confirmed with Mr. Henley they would be built correctly with doors on the stalls.

Councilwoman Smith stated she was grateful for the bocci ball courts as they would be well received by the citizens.

Mayor Montandon acknowledged tremendous effort went into the design and development of parks. Citizens were receiving more effective use of land by today's standards, compared to ten years ago.

ACTION: PRESENTATION MADE. FINAL PARK DESIGN TO BE PREPARED FOR COUNCIL REVIEW

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

14. APPROVAL TO INCREASE THE AMOUNT CHARGED FOR A RETURNED CHECK FOR NON-SUFFICIENT FUNDS FROM \$15 TO \$25 PURSUANT TO NRS 597.960.

Finance Director Phil Stoeckinger stated Staff sought approval for an increase of non-sufficient funds charges from \$15 to \$25. The City would become consistent with other governmental entities and utility companies within the Valley through an approved action.

Councilwoman Smith stated a system was in place to identify chronic abusers to prevent reoccurrence, and believed citizens were already paying heavy fees to their banks. Councilwoman Smith stated there was not enough of a crisis to justify the increase and conveyed the City could wait until this form of abuse became more of an issue.

ACTION: APPROVED

MOTION: Councilman Buck

SECOND: Mayor Pro Tempore Robinson

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

NAYS: Councilwoman Smith

ABSTAIN: None

15. APPROVAL TO UTILIZE CLARK COUNTY BID NO. 4388-99 TO CONTRACT WITH LOOMIS FARGO & CO. TO PROVIDE ARMORED CAR SERVICES IN THE AMOUNT OF \$37,824 PER YEAR FOR THE PERIOD JANUARY 21, 2004 THROUGH JANUARY 20, 2005 WITH AN OPTION TO RENEW FOR FOUR ONE-YEAR PERIODS. (CNLV CONTRACT NO. C-5605).

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

16. APPROVAL OF A REQUEST FOR A THREE MONTH EXTENSION OF NON-OPERATIONAL STATUS, TO EXPIRE APRIL 4, 2004, FOR THE WINCHELL'S PUB & GRILL, LOCATED AT 5445 SIMMONS STREET, BUILDING 11, NORTH LAS VEGAS.

ACTION: APPROVED

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

17. APPROVAL TO REALLOCATE \$35,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT FISCAL YEAR 2002/2003 FUNDS FROM THE HOLY TRINITY AFRICAN METHODIST EPISCOPAL CAPITAL PROJECT TO THE CITY OF NORTH LAS VEGAS PUBLIC WORKS DEPARTMENT ADA CAPITAL PROJECT TO PROVIDE FOR ADDITIONAL WHEELCHAIR RAMPS THROUGHOUT THE CITY.

ACTION: APPROVED

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

18. AUTHORIZATION FOR THE CITY MANAGER TO RESERVE 640 ACRES OF BLM LAND DESCRIBED AS PORTIONS OF SECTIONS 18 & 19, TOWNSHIP 19 SOUTH, RANGE 62 EAST, FOR THE DEVELOPMENT OF A UNIVERSITY OF NEVADA REGIONAL/EDUCATIONAL CAMPUS, CONDITIONED UPON FAVORABLE BOARD OF REGENTS APPROVAL AT AN UPCOMING MEETING. (CNLV CONTRACT NO. C-5606).

Mayor Montandon stated action on this item was a timing issue conditioned upon the favorable Board of Regent's approval at their upcoming meeting. City Staff discussed working with University system representatives to reserve this acreage. In order to work with University Staff to accomplish this goal, this agenda item was scheduled on the City of North Las Vegas' January 21, 2004 City Council Agenda and the Board of Regent's agenda item was scheduled January 29, 2004.

University of Nevada Regent Linda Howard, 6720 Laronda Lane, Las Vegas, stated she had just become aware of this agenda item earlier this evening. Regent Howard stated the proposed land was located in her district and she did not receive a telephone call from the North Las Vegas Council or the University of Nevada Chancellor. Regent Howard stated several years ago she proposed the Millennium Bound Outreach Center and did not receive support from Mayor Montandon or anyone who represented her area. She conveyed her concern about conversations taking place and actions being taken in her district without being contacted. Regent Howard requested for the record that elected officials deserved the respect of being notified as to what was going on in their district. She conveyed she was a State Representative, elected out of District One, which encompassed the proposed area.

Regent Howard was concerned the North Las Vegas Council agenda reflected 640 acres proposed for reservation, and the University of Nevada's agenda reflected a different number of acres.

Mayor Montandon responded the actual application had not been finalized and Council and City Staff discussed approximately 640 acres would be negotiated. Mayor Montandon stated several parcels with varying acreage were reviewed; 520 acres, 640 acres, 650 acres and 670 acres, including the acreage in Section 19. The City was in the process of assisting the University System in reserving over \$100 million worth of land from the Federal Government.

Regent Howard stated she appreciated the possibility of obtaining land, but wanted to express her concerns about not being included in the conversations. She had no idea as to what would be placed in the proposed area, and did not know whether it met the needs of the people she represented, and requested to be included in future discussions. Regent Howard stated she understood the initial telephone call concerning this acreage was received by the University from the City of North Las Vegas.

Mayor Montandon stated Council had been discussing this land issue for several years and conveyed his appreciation for her concerns. Mayor Montandon advised her concerns would be taken to heart and he would appreciate it if she voiced her concerns with the appropriate venue, the University Staff.

Regent Howard stated she would also voice her concerns with North Las Vegas Council, and stated she paid her taxes in the City and did not know why it was so difficult for the City to let elected officials know what was taking place in her area. Regent Howard stated she contacted Senator Neal this evening, who conveyed he knew nothing about this land issue. Regent Howard felt it was not right for a few people to decide what was going to happen with this land without letting her know about it.

Mayor Montandon asked Regent Howard, for the record, if not being notified by the City was the issue or if she was opposed to receiving the land and Regent Howard replied she was not opposed to receiving the land, although she did not have enough information concerning this issue.

Mayor Montandon stated what was proposed by North Las Vegas Staff was approval from Council to work with the University Regents to reserve this acreage. Regent Howard stated the University agenda was seeking approval to purchase 20 acres and Mayor Montandon replied that was a separate issue and unrelated to the North Las Vegas Council. Mayor Montandon stated he had not seen the University's agenda, which was not the same as Council's agenda.

Regent Howard referred to the Board of Regents agenda Item No. 17 for the University of Nevada at Las Vegas (UNLV) and the University of Nevada at Reno's (UNR) request for an interlocal agreement for a sub-lease. Mayor Montandon stated that was a completely separate issue and Regent Howard requested he update her on that issue. He explained that issue pertained to UNLV/UNR's agricultural testing site near Horse Drive and Decatur Boulevard in North Las Vegas. Regent Howard asked if this item was listed on the North Las Vegas City Council Agenda and Mayor Montandon stated no.

City Manager Rose stated one of the reasons this issue appeared on the agenda was to brief Council on Staff's activity. City Manager Rose acknowledged this item was unexpected and Council had not been briefed on this issue at this point.

Economic Development Manager Mike Majewski was in attendance to brief Council and the public, to provide more details on the status of this project and to solicit the City Council's direction on how or if Staff were to move forward.

Councilman Buck addressed Regent Howard stating the Council had not seen this item prior to this evening. She conveyed Council was unable to contact her and update her because they did not know about this issue until it was on the agenda. Regent Howard replied that Councilman Buck's statement had nothing to do with the conversations that had taken place about this issue prior to this Council meeting. Councilman Buck responded Staff had conversations with University System representatives and when Staff was prepared, they would present their plan to Council. Regent Howard requested she be notified by Staff in the future of anything that transpired in her District, regardless of whether or not it came before the Council.

Manager Majewski stated preliminary discussions had taken place with the UNLV. Mayor Pro Tempore Robinson asked whether during conversations with UNLV, they requested Regent Howard be included in those conversations. Manager Majewski stated conversations existed among mid-level staff. The Bureau of Land Management (BLM) Recreation and Public Purpose process stated before any action took place, BLM procedures dictated the local jurisdiction (the City) take action and University System representatives review this proposal.

Mayor Pro Tempore Robinson suggested in the future that Manager Majewski ask University Staff to inform Regent Howard rather than Council or City Staff. City Manager Rose stated he would make that request, but notification to Regent Howard was up to the University Staff.

Manager Majewski stated before the Board of Regents or University took action, the City of North Las Vegas must state they were favorable upon the University Regent Representatives studying this area. What was placed before Council was the recommendation to reserve this property, allowing the University Regents to act upon the possibility of studying the property further. Staff anticipated it took approximately 18 months to conduct a study and compose an interlocal agreement to be brought before Council, or the appropriate decision-making body. This action by Council would enable the University Regents to take action. Manager Majewski stated this was day one of a century's worth of work, and a positive action by Council would allow them to begin to analyze this study. Regent Howard stated she was taken back by the term "study" being used because the Board of Regents agenda reflected they were approving the land to be reserved. Mayor Montandon stated the land was being reserved so that no one could transact upon it while the City and University were studying it.

Councilman Buck questioned since the Board of Regents did not know the nature of this item, would it be appropriate for Council to continue this item until the University Regents held their meeting and directed Council. Mayor Montandon stated this was why this item was worded in such a manner that it was conditioned only upon favorable approval by Council.

Manager Majewski stated BLM required the City to give approval first. The University Regents could not take action unless the local jurisdiction extended approval. Councilman Buck stated it was the University Regents who requested the City assist them. For the City to move forward when the University Regents had not had the opportunity to know what the discussions were and to be chastised seemed unwarranted. Manager Majewski reiterated if Council took no action the Board of Regents would have to pull this item from their agenda because the City had to take action first.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

PUBLIC HEARINGS - 6:30 P.M.

2. **APPEAL, SUBMITTED BY BILL CURRAN ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO DENY AMP-52-03 (COMMERCE AND CENTENNIAL); AN APPLICATION SUBMITTED BY LAND BARON INVESTMENTS ON BEHALF OF MARILYN REDD TRUST, JANETTE BUNCH TRUSTEE, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LDR LOW DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF COMMERCE STREET AND CENTENNIAL PARKWAY. (ASSOCIATED ITEM NO. 3, ZN-74-03)**

ACTION: WITHDRAWN WITHOUT PREJUDICE

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

3. **APPEAL, SUBMITTED BY BILL CURRAN ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO DENY ZN-74-03 (COMMERCE AND CENTENNIAL); AN APPLICATION SUBMITTED BY LAND BARON INVESTMENTS ON BEHALF OF MARILYN REDD TRUST, JANETTE BUNCH TRUSTEE, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES RESIDENTIAL DISTRICT TO A C-2 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF COMMERCE STREET AND CENTENNIAL PARKWAY. (ASSOCIATED ITEM NO. 2, AMP-52-03)**

ACTION: WITHDRAWN WITHOUT PREJUDICE

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

4. **AMP-65-03, LAKE MEAD ALLEN CENTER; AN APPLICATION SUBMITTED BY LAKE MEAD ALLEN, LLC, ON BEHALF OF THE CLOVER TRUST AND JOHN & ELIZABETH LEON HAYDUKOVICH, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LIGHT INDUSTRIAL TO COMMUNITY COMMERCIAL FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LAKE MEAD BOULEVARD AND ALLEN LANE.**

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO FEBRUARY 4, 2004

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

5. **APPEAL, SUBMITTED BY STEVE BAXTER, ACTING DEVELOPMENT SERVICES DIRECTOR FOR THE CITY OF NORTH LAS VEGAS, OF THE PLANNING COMMISSION'S DECISION TO APPROVE UN-89-03 (GARAGE CONVERSION); AN APPLICATION SUBMITTED BY IYAD HADDAD ON BEHALF OF THE HATCH STREET TRUST RESOURCE GROUP, LLC TRUST, PROPERTY OWNER, FOR A USE PERMIT IN AN R-E RANCH ESTATES DISTRICT TO ALLOW THE CONVERSION OF A GARAGE AND A CARPORT TO LIVING AREAS FOR PROPERTY LOCATED AT 4033 HATCH STREET.**

Mayor Montandon opened the Public Hearing.

City Manager Gregory Rose recommended City Council overturn the decision of the Planning Commission to allow the garage conversion, as it was inconsistent with the intent of the regulating code.

Acting Planning Manager Marc Jordan stated a Building/Safety Inspector inspected this property on several occasions. The property was purchased on August 22, 2003 by the current property owner. At that time, and currently, the Assessor's records indicated there was a 528 square foot, detached garage on the property. The inspection revealed the garage and carport had been converted to residential living quarters and

there were no records of building permits issued for the conversion. The City Inspector talked to Oscar, an on-site superintendent, who indicated the buildings were being converted to apartments and one of the apartments (the detached garage) had a kitchen, which was not an allowed use under those provisions or under Title 17.

Iyad Haddad, 800 N. Rainbow Street, #208, Las Vegas, requested resolve and relief in continuation of his project which began several months ago. His goal was to remodel and sell the house. He stated he occupied this property from August 19, 2003 through foreclosure in an as is condition. After several weeks of eviction procedures, he obtained possession of the property and found there were three separate dwelling units on the property. A main house was at the front of his property connected via carport to a separate one bedroom, one bathroom unit. A converted garage was in the back of the property. Mr. Haddad painted and remodeled the main house and the garage conversion, and intended to enclose the carport connecting the two, front units. The end result would be one, three bedroom, two bathroom living/family room main house and a mother-in-law casita in the back of the property.

Mr. Haddad conveyed Inspector Terry Kozlowski stated garage conversions were no longer legal in North Las Vegas and Mr. Haddad responded the garage was a pre-existing conversion prior to foreclosure, and he would cooperate with the City to bring the property into compliance. When he came to the City's Planning Department a Staff member advised if he found three or more houses within 400 feet of his property with garage conversions, he could pay \$400.00 to the City, attend the Planning Commission meeting on November 25, 2003 and obtain a waiver on the garage conversion. Mr. Haddad located four conversions, paid \$400.00 to the City and waited two months to attend the Planning Commission meeting. Mr. Haddad stated the waiting period cost him \$2,600 in interest. When he attended the November 25 Planning Commission meeting, his neighbor suggested he build a block wall between their properties and Mr. Haddad replied the neighbor was attempting to get a free block wall from him. Mr. Haddad also stated another neighbor had tractors and other farm equipment in their front yard and they believed Mr. Haddad was trying to operate an apartment complex. Mr. Haddad explained he was trying to do the exact opposite, which was to reduce the number of existing dwellings on the property, not increase them.

Mr. Haddad returned to the City, subsequent to the Planning Commission meeting, to pull the permit and found that Councilwoman Smith had appealed the decision. Mr. Haddad contacted Acting Development Services Director Steve Baxter, who Mr. Haddad claimed had stated the appeal had no basis. Per Mr. Haddad, Acting Development Services Director Baxter explained Councilwoman Smith's argument was the Waiver Law, which allowed a property owner to locate three or more conversions 400 feet in radius, and applied to all properties in North Las Vegas, except half acre properties. Mr. Haddad stated Planning Department Staff did not convey that to him, and Acting Development Services Director Baxter assured him Councilwoman Smith's argument was not correct and the law applied to all single-family residences. Mr.

Haddad stated Councilwoman Smith could not make up or distort the law as she pleased. Mr. Haddad stated waiting to attend this Council Meeting cost him an additional \$2,600 in interest. He further stated his property was vacant and susceptible to vandalism. He felt he was wronged by the City's actions thus far and had suffered tremendously. A project that was to take no more than three weeks had taken four months and \$5,000 in unnecessary interest. The law was clear to him and he followed the City's instructions. He reiterated there were at least four garage conversions within 400 feet of his property, and the law did not exclude half acre properties. He stated he would not build block walls for any of his neighbors and was not in the apartment complex business. Mr. Haddad requested Council allow him to finish his project, which would enhance property values, and conveyed he received Acting Development Services Director Baxter and City Staff's approval.

Mayor Pro Tempore Robinson asked Mr. Haddad whether he resided at the property and he responded he did not; he purchased the property for resale, with an existing garage conversion. Mayor Pro Tempore Robinson stated Mr. Haddad should have known about the conversion when he purchased the property, and Mr. Haddad replied that was not true, and he purchased over 150 properties at one time.

Jeri Schenk, 4032 Hatch Street, North Las Vegas, stated she lived in her home since 1997, purchased it in 1999, and it was located across the street from Mr. Haddad's property. She obtained signatures from neighbors and presented the petition to Council. Ms. Schenk stated the neighborhood had nothing but problems with Mr. Haddad's house. The carport and garage had been rental properties since the time she occupied her residence. Ms. Schenk requested this property remain a family dwelling and not a tri-plex. The property existed as a tri-plex previously and had experienced vandalism. She stated her garage was a legally converted family room and did not have another kitchen. Ms. Schenk stated Mr. Haddad's property had three kitchens, and she did not know whether the kitchen existed in the carport area. She stated the garage conversion was an apartment and had been rented out as one. She further stated she, as well as others, were horse owners and wanted the area to remain as such. There were not many areas left in North Las Vegas zoned for horses and Ms. Schenk requested the property remain a single-family dwelling.

Kenneth Pruet, 4025 Hatch Street, North Las Vegas, was opposed to the conversion. He stated there were attached garages in the neighborhood that were converted to living spaces, without kitchens. Mr. Haddad's property had a detached garage that was converted to an apartment with a kitchen and bathrooms. Mr. Pruet stated he lived in his home for five years and since that time the septic system had overflowed and created an environmental hazard. Mr. Pruet stated Mr. Haddad's property did not have an adequate septic system to handle an apartment and numerous kitchens and toilets. A stop work order was placed on the subject property because construction had taken

place without the appropriate permits. Mr. Pruet stated the enclosed carport consisted

of sticks supporting a roof with walls and no footings or foundations, and was unsafe. Mr. Pruet contacted Nevada Power regarding electrical standards and stated it would take a 350 ampere panel, rather than a 200 ampere panel to operate the electricity the subject property used. Mr. Pruet stated the electrical was under-designed and there had been no checks and balances as to what was installed in the house. It was Mr. Pruet's opinion the property was a fire hazard because of the electrical load on a small panel. He believed if Code Enforcement had not discovered the condition of this home, Mr. Haddad would not have appeared before Council. Mr. Pruet stated his neighborhood was zoned for horse property and there were no sidewalks, curbs or gutters. He conveyed an apartment complex would destroy the integrity of the neighborhood and concluded by stating he was opposed to re-zoning.

Jeff McGeachy, 4032 San Diego Street, North Las Vegas, opposed the use permit and resided in the property adjacent and to the west of Mr. Haddad's property. He believed the only reason an attempt was being made to re-zone was to convert the property into a multi-family dwelling unit. Mr. McGeachy stated he did not believe this was the intent of the Garage Conversion Ordinance and if Mr. Haddad completed his remodel and sold his property, the surrounding property owners would be faced with fighting rental property owners. Mr. McGeachy requested Council overturn the decision of the Planning Commission and deny the use permit.

Mayor Montandon stated his concern was Mr. Haddad would remodel the property and sell it. If Council approved the variance, the buyer would have the right to maintain a tri-plex.

Councilwoman Smith stated the intent of the Garage Conversion Ordinance was to allow people an opportunity to add-on to their existing structures, particularly in mature areas where lot sizes were smaller. This Ordinance was created with homeowners in mind and not for businesses and people who speculated in using this property as a business property. Councilwoman Smith stated the garage was converted and Mr. Haddad could not have a carport conversion, in addition to a garage conversion. Councilwoman Smith stated this variance was a discretionary item with Council and it was detrimental to the neighborhood to allow this property to become a rental business. Council did not want mixed-use housing in the middle of a residential, horse area. Councilwoman Smith referred to the testimony of Mr. Haddad's neighbors and stated because Council knew what had transpired, to allow people to violate the law and circumvent the City's zoning ordinances was not a precedent they could afford to set.

Mr. Haddad addressed Councilwoman Smith and stated he was not in the multi-family business and did not have any tenants. Councilwoman Smith responded that would not preclude the people he sold the property to from developing a tri-plex.

Mr. Haddad stated the Ordinance provided if he could find three or more garage conversions within 400 feet of the subject property, he could apply for a use permit. Councilwoman Smith responded, not within the same property. Mr. Haddad stated the garage was a pre-existing condition and asked why those across the street had the right to a garage conversion, but not him. Mr. Haddad stated Staff said there could not be a kitchen in a converted garage and he did not want to place one there, and Councilwoman Smith replied one already existed.

Mr. Haddad stated he wanted to paint, finish the remodel, and sell the property. He stated he inherited the problem which had three separate units, and was attempting to reduce the number of units. Mr. Haddad conveyed the idea behind the conversion of the carport was to add a family room and connect the main house with one bedroom and one bathroom. This would result in one house; three bedrooms, a living room and a family room. The mother-in-law house in the back of the property would not have a kitchen. Mr. Haddad addressed the electrical issue by replying it was up to the City to decide if the electrical was sufficient and the plumbing was adequate, rather than for the neighbors to decide. He stated the garage conversion was a pre-existing condition and he followed the City's rules when he was told to complete an application and pay \$400.00. He reiterated he was not in the apartment building business and was not trying to convert this property into multiple units. Mr. Haddad stated he was trying to obtain the proper procedure to follow, receive his permits and complete his project.

Councilwoman Smith asked whether the garage was already converted and Mr. Haddad stated it had been for years. Councilwoman Smith questioned where did it state Council had to allow a garage conversion, as well as a carport conversion, and she reiterated to Mr. Haddad he already had the garage converted.

Mr. Haddad stated the carport was legal and could be converted without a problem, as he had already talked to the City. Councilwoman Smith responded he stood before the Council, who was the City, and she did not know whether or not he could go forward with the carport conversion.

Mr. Haddad stated the City's Planning Department did not state the carport conversion was a problem, but the garage conversion was. Councilwoman Smith stated he was before Council to ask whether he could convert the carport and Mr. Haddad responded no, it was for the garage conversion. Councilwoman Smith stated Mr. Haddad confirmed the garage was already converted, and he responded his request to Council was to permit the pre-existing garage conversion. He stated his request had nothing to do with the carport and he could go to the City and pull the permit tomorrow for the carport conversion.

Mayor Montandon requested confirmation of Mr. Haddad's statement from Acting Planning Manager Marc Jordan. Manager Jordan stated according to the Staff Report

the use permit was for the carport and garage to be converted. Mayor Montandon conveyed to Mr. Haddad this was the documentation before Council and Mr. Haddad stated he was aware he was applying for a waiver of the garage conversion only.

City Manager Gregory Rose stated at no time did Councilwoman Stephanie Smith direct staff, and the proposed action was at the City Manager's direction. Mr. Haddad asked for clarification on the City Manager's direction and questioned whether it was to make an appeal. City Manager Rose stated his direction to the Acting Director of Development Services was to appeal this item to the City Council and it was not a Council Member who gave that direction. Mr. Haddad stated Acting Development Services Director Steve Baxter told him the appeal had come forward from Councilwoman Smith, and City Manager Rose responded that was erroneous.

City Attorney McGowan stated the Garage Conversion Ordinance addressed the issue of the compatibility of the conversion to the neighborhood and applied to the mature areas of town where space was at a premium. City Attorney McGowan stated there was conflicting information over the number of kitchens. City Attorney McGowan stated City Inspector Kozlowski conveyed to Staff that Mr. Haddad's engineer told her he was installing a second kitchen. When Mr. Haddad stated he was removing a second kitchen, Staff had inconsistent information which made it difficult to determine as to what Mr. Haddad's intentions were.

Mr. Haddad responded the second kitchen was already installed and they were remodeling what was already installed. If the City's Inspector had not shown up at the property, Mr. Haddad would have continued with the remodel and put the property up for sale. When the City Inspector stopped the remodel, they said they would remove the second kitchen. He stated previously there were not three kitchens, but two and now there was only one kitchen.

Councilman Buck asked City Attorney McGowan whether Mr. Haddad needed to obtain a use permit in order to sell his property since the second garage was converted without one. City Attorney McGowan responded he thought that Mr. Haddad would need a use permit because the remodel affected the market value. City Attorney McGowan recommended Council determine which zoning was appropriate for this location. Councilman Buck asked City Attorney McGowan whether Mr. Haddad should go back through the process of obtaining the use permit for the garage that had already been converted in order for his property to be in compliance with City codes.

Mr. Haddad stated the County Assessor's records showed the main house had 1000 square feet and the existing garage was 528 square feet. If he were allowed to build a casita, this would result in 1528 square feet of livable space on a half-acre lot. The carport would be an additional 200 square feet, for a total of 1750 square feet. Councilman Buck again questioned in order for Mr. Haddad to be in compliance with the City Codes did he have to obtain a permit for the garage that was already converted

in order to sell his property. Councilman Buck further questioned whether the City knew if inspections had been done and whether the property was in compliance with City Codes.

Mr. Haddad stated if he took down the carport, he would be left with two separate units, with two separate exterior doors to the units in the front. The reason for the carport conversion was to make one house in the front of the property. Councilman Buck stated she understood him, and was not interested in the matter of the carport conversion. Councilman Buck attempted to assist him in bringing his existing property with the converted garage into compliance, as he purchased a property with a structure, without a building permit.

City Attorney McGowan stated he was unaware of the intended design of the structure, which would be at some risk to the City until Council understood better what the property looked like.

Councilman Buck asked City Attorney McGowan whether Mr. Haddad needed to go back through the Planning Commission with a request for a permit on the garage conversion.

Mayor Montandon stated the Assessor's records indicated there was a building permit pulled to build a detached garage. Mr. Haddad stated he did not pull this permit and Mayor Montandon stated it was pulled a long time ago, and it would not have shown up on the Assessor's records had the permit not been pulled to build a detached garage. Mayor Montandon stated Mr. Haddad had a legitimate, detached garage but not for converting the garage to a dwelling unit. Mr. Haddad had a legal permit and could sell the house with a detached garage, but would have to attach a garage door. Mayor Montandon stated there was a good chance a building permit was pulled to build a carport onto Mr. Haddad's garage. Mayor Montandon stated from the records he reviewed it did not appear that a building permit was pulled to build what was now the third unit, or the enclosed carport. Mayor Montandon stated his opinion was there was no law or variance capability to enclose the carport and garage. There was a rentable unit on the back of Mr. Haddad's property which was within closed doors. If Mr. Haddad removed the kitchen and made it into a garage, plumbing and sewer would be connected to that unit because of the bathroom and someone could rent it out, which would create an environment Council could not control.

Mr. Haddad referred to a casita or mother-in-law home in the back of properties within Summerlin with no kitchens, and restated he wanted to increase the square footage of his home to 1600 square feet. He stated he would follow every step to insure the conversion was legal. Councilwoman Smith stated she was not willing to extend a permit until the property had been inspected and met City standards.

Mr. Haddad questioned whether Aliante homes were being built with casitas in the back

of the property and Councilman Buck responded yes, and they were permitted. Mr. Haddad questioned if he were allowed to permit his casita in the back of his property without a kitchen, would that not be the same. Councilwoman Smith responded no, he would need to go through the Planning Commission, who would insure the property was inspected.

Mr. Haddad stated if his application were approved tonight, he would obtain the necessary permit tomorrow for the conversion of the garage and request an inspection to insure compliance. Councilwoman Smith stated Mr. Haddad could not put the cart before the horse; permission was not given first and an inspection second. The garage conversion existed and needed to be inspected.

Mayor Montandon stated Mr. Haddad was approved by the Planning Commission and Council was appealing that approval and this item could not be sent back to the Planning Commission. Councilman Buck stated the problem was the inspector was not present and Council did not know whether the building passed inspection and complied with the City's Codes. Councilman Buck questioned whether Mr. Haddad was in compliance, and asked if he should obtain a permit for the existing building. Mayor Montandon confirmed with Councilman Buck that Mr. Haddad did not have a permit, so Council did not know whether or not he was in compliance.

City Manager Rose stated there were two issues before Council; one issue was whether Council believed the applicant would be allowed to convert the carport. The second issue was whether Council believed the applicant would be able to receive permitted use from a non-conforming, apparently illegally constructed structure, which was intended to be a garage and was illegally converted into a dwelling unit. City Manager Rose stated it appeared as though the applicant was seeking approval from Council to go through the normal process of inspection in order to bring the property into compliance.

Mayor Pro Tempore Robinson stated Council could either table this item and allow Staff to work with Mr. Haddad, or make a motion to overturn the Planning Commission's approval and deny it. Mayor Pro Tempore Robinson stated he found it hard to believe someone would purchase a property sight unseen. If the inspectors had not inspected the property, Mayor Pro Tempore Robinson opined Mr. Haddad would have a rental unit on the property.

Mr. Haddad responded if he had not purchased the property at the foreclosure sale, the bank would have been in front of Council, and purchasing property sight unseen happened frequently.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION OVERTURNED; UN-89-03 DENIED; STAFF DIRECTED TO INSPECT ALL BUILDINGS ON THE PROPERTY LOCATED AT 4033 HATCH STREET

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

6. **AMP-56-03, LAMB & TROPICAL; AN APPLICATION, SUBMITTED BY UNLIMITED HOLDINGS ON BEHALF OF LORENE M. JIMMERSON REVOCABLE TRUST, JAMES JIMMERSON, TRUSTEE, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF INDUSTRIAL AND BUSINESS, RESEARCH, OR DEVELOPMENT PARK TO REGIONAL COMMERCIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LAMB BOULEVARD AND AZURE AVENUE. (CONTINUED DECEMBER 17, 2003) (ASSOCIATED ITEM NO. 7, ZN-101-03)**

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO MARCH 17, 2004

MOTION: Mayor Montandon

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

7. **APPEAL, SUBMITTED BY GEORGE GARCIA ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO DENY ZN-101-03, LAMB & TROPICAL; AN APPLICATION SUBMITTED BY GEORGE GARCIA, REPRESENTING UNLIMITED HOLDINGS ON BEHALF OF LORENE M. JIMMERSON REVOCABLE TRUST, JAMES JIMMERSON, TRUSTEE, PROPERTY OWNER, TO CHANGE THE CURRENT ZONING FROM M-2, GENERAL INDUSTRIAL TO C-2, GENERAL COMMERCIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LAMB**

BOULEVARD AND AZURE AVENUE. (CONTINUED DECEMBER 17, 2003)
(ASSOCIATED ITEM NO. 6, AMP-56-03)

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO MARCH 17, 2004

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

BUSINESS, CONTINUED

19. **APPROVAL OF INTERLOCAL CONTRACT, UPPER LAS VEGAS WASH PROJECT, NO. NLV.01.D.03, WITH CLARK COUNTY REGIONAL FLOOD CONTROL FOR CONSTRUCTION, CONSTRUCTION MANAGEMENT, AND INSPECTION SERVICES IN A TOTAL AMOUNT NOT TO EXCEED \$26,782,120, WHICH WILL COVER THE PORTION OF THE CHANNEL FROM CRAIG ROAD TO CENTENNIAL PARKWAY TO BE COMPLETED BY JUNE 30, 2006. (CNLV CONTRACT NO. C-5607).**

ACTION: APPROVED

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

20. **APPROVAL OF FINAL ACCEPTANCE OF THE PAVEMENT REHABILITATION PROGRAM IMPROVEMENTS FOR FISCAL YEAR 2002/03, BID NO. 1133, FOR MAINTENANCE AND AUTHORIZATION TO FILE THE NOTICE OF COMPLETION. (CNLV CONTRACT NO. C-5350).**

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

ORDINANCES

FINAL ACTION

21. **ORDINANCE NO. 1861; AN ORDINANCE TO AMEND PORTIONS OF ORDINANCE NO. 886, PRESENTLY CODIFIED IN TITLE 10, CHAPTER 04 (“DEFINITIONS”) AND TITLE 10, CHAPTER 48, SECTION 100 (“STORAGE AND REPAIR OF VEHICLES IN RESIDENTIAL ZONING DISTRICTS”), OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR ADDITIONAL DEFINITIONS FOR CLARIFICATION AND FOR OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED OCTOBER 1 AND 15, 2003)**

ACTION: CONTINUED TO MARCH 3, 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

22. **ORDINANCE NO. 1862; AN ORDINANCE TO REPEAL ORDINANCE NO. 661, BEING CHAPTER 8.32 OF THE NORTH LAS VEGAS MUNICIPAL CODE ENTITLED ‘NUISANCES,’ RELATING TO THE ABATEMENT OF NUISANCES; ESTABLISHING PROVISIONS FOR THE VARIOUS ABATEMENT PROCEDURES TO INCORPORATE ADOPTED PROVISIONS OF STATE LAW; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING CONFLICTING ORDINANCES AND/OR RESOLUTIONS. (CONTINUED OCTOBER 1 AND 15, 2003)**

ACTION: CONTINUED TO MARCH 3, 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

23. **ORDINANCE NO. 1910; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING APPROXIMATELY 78.36± ACRES THEREIN FROM M-2, GENERAL INDUSTRIAL DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT (ZN-36-03, LAUREL CANYON), FOR PROPERTY GENERALLY LOCATED BETWEEN ANN ROAD AND WASHBURN ROAD ALONG THE UNION PACIFIC RAILWAY AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1910 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 APPROXIMATELY 78.36± ACRES THEREIN FROM M-2, GENERAL INDUSTRIAL DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT (ZN-36-03, LAUREL CANYON), FOR PROPERTY GENERALLY LOCATED BETWEEN ANN ROAD AND WASHBURN ROAD ALONG THE UNION PACIFIC RAILWAY AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Acting Planning Manager Marc Jordan stated Council directed Staff to prepare an Ordinance which permanently re-zoned the property next to the railroad tracks, designated as a Planned Unit Development District. Acting Planning Manager Jordan distributed a revised location and zoning map, excluding the area south of Washburn Road. The Ordinance incorporated all of the conditions listed in the Staff Report.

Robert Gronauer, 3800 Howard Hughes Parkway, Las Vegas, represented Richmond American Homes. He distributed an amended condition sheet, as the project was approved subject to removing the residential zoning south of Washburn Road.

Mr. Gronauer explained the proposed changes to the condition numbers listed below from Section 2 of Ordinance 1910:

Condition No. 10. The applicant shall apply for an amendment to the Master Streets and Highways Plan to add Ann Road between Pecos Road and Lamb Boulevard.

Mr. Gronauer stated this condition was not required to be at that location since Ann Road would dead end, and requested the condition be deleted.

Condition No. 16. The area south of Washburn Road, west of the Union Pacific Railroad tracks must be labeled.

Mr. Gronauer stated Richmond American would not be labeling that area and requested this condition be deleted. He requested the area south of Washburn Road be labeled.

Condition No. 23. Ann Road shall terminate at the Fisher Parkway alignment and the cul-de-sac shall be removed.

Mr. Gronauer stated the old Ann Road alignment would terminate in a manner that was acceptable to the Traffic and Fire Departments, respectively.

Condition No. 32. That plastic, vinyl and similar materials not be permitted as part, or in whole, for the construction of any walls or fences within this development.

Mr. Gronauer referred to vinyl fencing and stated Richmond American wanted to comply with Ordinance No. 1928.

Condition No. 38. Fisher Way shall conform to the Curvilinear Street Requirement as described in 16.20.050 of the Municipal Code.

Mr. Gronauer stated it was the applicant's intent to comply with curvilinear street requirements and requested this condition be deleted. Condition No. 38 would be redundant since Condition No. 1 required compliance with all codes and regulations. Fisher Way would no longer be on the tentative map, and the applicant did not want a conflicting condition as they proceeded through the tentative map stage.

Acting Planning Manager Marc Jordan stated he was unsure about Condition No. 10. An application was on file proposing to add Ann Road between Pecos Road and Union Pacific Railroad as a 60' right-of-way.

Mr. Gronauer stated it was his understanding they were working with Centex Homes, who was in escrow to purchase this property. Ann Road did not need to continue east as it would terminate into a cul-de-sac or subdivision, and was not on the Master Streets and Highways Plan in that area. Mayor Montandon stated at some point an application was needed for realignment of the road.

Mr. Gronauer stated the current Master Plan of Streets and Highways in this area showed Ann Road extending north and added there would be no Ann Road. Mayor Montandon stated Council wanted a road at that location, regardless of its name.

Mr. Gronauer reiterated Ann Road was not on the Master Plan of Streets and Highways. He met with City Staff last week to discuss this issue, and thought it would be resolved with Mr. Eastman. Mr. Gronauer stated if the City wanted to reflect in the conditions that this issue could be resolved administratively, that was agreeable with him.

Mayor Montandon confirmed this condition would be addressed administratively by Staff and would not have to be brought before Council. Mayor stated the provision for the road was to remain in tact.

Acting Planning and Zoning Director Hinchman stated her concern was Condition No. 32 complying with Ordinance No. 1928. Since Ordinance No. 1928 was a trailing Ordinance following Ordinance No. 1910, if Council chose not to approve Ordinance No. 1910, there would be nothing to abide by.

Mr. Gronauer stated they would follow the current code system which allowed the proposed type of fencing. Mr. Gronauer stated Condition No. 32 would be deleted and then referred back to Condition No. 1. When Council adopted the Ordinance, Richmond American Homes would comply with that condition.

Mayor Montandon stated if Condition No. 32 were deleted and Ordinance No. 1928 was not approved that would give Richmond American Homes the right to install vinyl fencing. Mr. Gronauer stated his office worked with Staff and the Planning Commission with respect to Ordinance No. 1928. Mayor Montandon moved to trail this item until after Ordinance No. 1928 was reviewed, at which time Council would return to Condition No. 32.

Acting Planning Manager Jordan stated the Ordinance referenced the perimeter walls and list of preferred materials and did not address common walls between residences. When tentative maps were approved, the Planning Commission approved a condition that prohibited vinyl fencing which had been specifically approved as part of a tentative map at the request of the applicant.

Mayor Montandon referred to Ordinance No. 1927 and/or Ordinance No. 1928, which referred to vinyl fencing, and stated if Condition No. 32 should be rephrased to reflect that vinyl fencing would not be allowed in the subdivision unless the vinyl fencing ordinance was passed or subject to a future ordinance. City Attorney McGowan confirmed the language could be written to be subject to a future ordinance.

Councilman Buck referenced Condition No. 23 regarding Ann Road terminating at the Fisher Parkway alignment and removal of the cul-de-sac. Councilman Buck asked if the

road on Condition No. 10 existed, would Item No. 23 be applicable. Mr. Gronauer responded no; when Ann Road (the old alignment) was drawn the issue was the cul-de-sac terminating in the area. An approved traffic turning radius was needed from the Traffic and Fire Departments and conflicting conditions existed. Condition No. 10 made a provision for the cul-de-sac and the tentative map conditions made a provision to remove the cul-de-sac. He wanted to insure everyone would agree to whatever the Traffic and Fire Departments approved of for the Ann Road alignment.

Councilman Buck asked whether Condition No. 3 already covered this. Mr. Gronauer stated he had reviewed this issue with Staff last week when going over the conditions. The problem was there was a condition in the tentative map which required Richmond American Homes to remove the cul-de-sac and they wanted to place the cul-de-sac in the designated area. Richmond American Homes did not want a conflicting condition or be required to return to Council on a Planned Unit Development District (PUD) Ordinance. Mr. Gronauer stated he would comply with the Traffic and Fire Departments' recommendations.

Mayor Montandon stated he had no problem with the wording of Condition No. 23 since Traffic and Fire Department Staff reviewed these items.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, requested Condition No. 10 remain as is on behalf of his client, Runvee Hobart, who was in the process of escrow with Centex Homes. Both parties thought this condition was approved. Mr. Garcia requested the applicant, Staff and Centex resolve this issue. Centex requested Ann Road be vacated because it was no longer on the Master Plan of Streets and Highways.

Mayor Montandon stated he would make a motion to amend Ordinance No. 1910, Condition No. 10, to include a modification allowing for the removal of the condition administratively, with the approval of the Traffic and Planning Departments. Mr. Garcia requested Staff confer with Centex Homes and that they agree with the plans so there would not be a conflict between Richmond American and Centex Homes.

ACTION: AMENDMENTS APPROVED AS FOLLOWS:

1. Condition No. 10. The applicant shall apply for an amendment to the Master Plan of Streets and Highways to add Ann Road between Pecos Road and Lamb Boulevard, unless this condition is removed administratively subject to approval of Traffic and Planning.
2. Condition No. 16. Delete.
3. Condition No. 23. The developer to meet jointly with the Departments of Parks and

Recreation and Development Services to discuss amenities and usability of the proposed open space areas prior to submitting a final development plan.

4. Condition No. 32. A final development plan shall be required for Planning Commission review and approval. The final development plan shall provide details of the park areas showing landscaping and amenities. Vinyl fencing would not be allowed unless permitted by the new vinyl fence Ordinance No. 1928.
5. Condition No. 38. Delete.

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

ACTION: ORDINANCE PASSED AND ADOPTED AS AMENDED

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

24. **ORDINANCE NO. 1923; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NO. 1537 WHICH RECLASSIFIED THE SALVATION ARMY (ZN-20-01) TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO ALLOW TWO (2) MODULAR CLASSROOMS AND AN EXPANSION TO THE EXISTING WAREHOUSE AND BY AMENDING AND ADDING CONDITIONS, AS SET FORTH BELOW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1923 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING
ORDINANCE NO. 1537 WHICH RECLASSIFIED THE
SALVATION ARMY (ZN-20-01) TO A PUD, PLANNED
UNIT DEVELOPMENT DISTRICT, TO ALLOW TWO (2)

MODULAR CLASSROOMS AND AN EXPANSION TO
THE EXISTING WAREHOUSE AND BY AMENDING
AND ADDING CONDITIONS, AS SET FORTH BELOW;
AND PROVIDING FOR OTHER MATTERS PROPERLY
RELATING THERETO.

Major William Raihl, Salvation Army, 211 Judson Street, North Las Vegas, requested approval of the warehouse expansion and replacement of a warehouse section that was destroyed by fire August 1, 2003. Two modular classrooms were used by staff to provide counseling services.

Councilwoman Smith stated her concerns regarding the type of building materials to be used. The existing structure had an exterior, unsightly metal structure which was not allowed anywhere else in the City. Councilwoman Smith expressed her concern regarding the modular rooms and inquired what the Salvation Army's long-term plans were and asked why a permanent structure was not being built. In addition, she expressed concerns regarding landscaping. The Salvation Army site could be viewed from I-15 and Councilwoman Smith requested improved landscaping so people would be left with a good impression when traveling along this freeway.

Major Raihl stated the majority of the items in the Salvation Army's yard were removed and the fire created a need for items previously stored inside to be placed outside until the warehouse was completed. As North Las Vegas grew, the demand for Salvation Army services increased. The site was becoming a junk yard and Salvation Army staff worked diligently with recycling companies and others to prevent this from happening. If the Salvation Army did not take care of the unwanted items, they ended up on streets, in vacant lots and other places. The expansion of the warehouse allowed them to move the majority of the items now outside, inside. The fence line had been improved, a buffer was installed and items stored between the parking lot and buffer were removed.

Major Raihl stated the modular buildings remained unassembled behind the warehouse, and could be seen from the freeway. At the time the buildings were purchased it was estimated assembly would cost \$250,000; currently, the lowest bid was over \$600,000 and now they could not afford to assemble it.

Major Raihl stated the modular building could be placed at the same location where the building was destroyed by fire. This added 5,000 square feet to the warehouse and gave them ample space to house the items currently stored outside. The classrooms were modular buildings and would be in place for a period of at least five years. The Salvation Army's Master Plan was to move out of the existing location and build a new rehabilitation center within the City or Valley. This was a \$15-\$20 million project with no source for financing. Classrooms were vital for the men and women involved in the Rehabilitation Program. The modular buildings would be at ground-level and would not be seen from the street. Stucco-like material would be used on the exterior of the modular buildings.

Councilwoman Smith asked Major Raihl what were the plans for landscaping to buffer the view from the freeway. Major Raihl stated the conditions were outlined in Item No. 12. Evergreen trees and Mondale Pines would be planted within the landscaped areas adjacent to the westerly property line next to I-15 and Lake Mead Boulevard. The trees would be a minimum of 15 gallons in size and spaced at 20 foot intervals. Councilwoman Smith stated the small modular classrooms required an exterior stucco-like finish, but the larger building had an exterior metal finish.

Councilman Eliason stated the fire occurred between two buildings and confirmed the rear building to the west would remain and stated the building was not shown on the proposed plan. Major Raihl stated the building was on the original plan and would be the same height as the existing warehouse on Neil Street. Councilman Eliason stated the proposed, larger building would not be concealed by landscaping and would be obvious and unsightly placed next to a concrete tilt-up building.

Councilwoman Smith acknowledged she was aware the Salvation Army had limited funds and did not believe a large, metal building would be beneficial to the City. Major Raihl stated he would apply a stucco-like finish to improve its appearance.

Councilman Buck asked Acting Planning and Zoning Director Hinchman whether she had pictures of the stucco-like finish that was being proposed and Director Hinchman provided a sample of what was originally presented to the Planning Commission. Councilwoman Smith inquired as to whether the stucco-like finish could be painted. Major Raihl stated it would be the same color pattern as the existing building which was an off-white color with blue trim to match the existing on-site buildings. Councilman Eliason confirmed Major Raihl was willing to provide this exterior finish on the metal building. Major Raihl stated the condition was required only on the modular buildings, but if this were a condition of the City in order to approve the expansion and modular buildings, the Salvation Army would comply.

ACTION: PASSED AND ADOPTED AS AMENDED; ALL NEW BUILDINGS TO HAVE A STUCCO-LIKE FINISH AND BE PAINTED WITH A MATCHING COLOR TO THE EXISTING BUILDINGS.

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

25. ORDINANCE NO. 1924; AN ORDINANCE RELATING TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING APPROXIMATELY 2.5 ACRES THEREIN FROM O-L, OPEN LAND DISTRICT TO M-2, GENERAL INDUSTRIAL DISTRICT (ZN-98-03, SLOAN & I-15), FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF MADGE LANE AND BUFFY ROAD AND

PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1924 as introduced by the City Manager:

AN ORDINANCE RELATING TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING APPROXIMATELY 2.5 ACRES THEREIN FROM O-L, OPEN LAND DISTRICT TO M-2, GENERAL INDUSTRIAL DISTRICT (ZN-98-03, SLOAN & I-15), FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF MADGE LANE AND BUFFY ROAD AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND 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

26. **ORDINANCE NO. 1925; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING APPROXIMATELY 20.60± ACRES THEREIN FROM AN R-E RANCH ESTATES RESIDENTIAL DISTRICT TO AN R-2, TWO-FAMILY RESIDENTIAL DISTRICT (ZN-114-03, COMMERCE & CENTENNIAL), FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF COMMERCE STREET AND CENTENNIAL PARKWAY AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1925 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 APPROXIMATELY 20.60± ACRES THEREIN FROM AN R-E RANCH ESTATES RESIDENTIAL DISTRICT TO AN R-2, TWO-FAMILY RESIDENTIAL DISTRICT (ZN-114-03, COMMERCE &

CENTENNIAL), FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF COMMERCE STREET AND CENTENNIAL PARKWAY AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

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

27. **ORDINANCE NO. 1926; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING APPROXIMATELY ONE ACRE THEREIN FROM AN R-E RANCH ESTATES DISTRICT TO A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT (ZN-116-03, DONNA & REGENA), FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF DONNA STREET AND REGENA AVENUE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1926 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 APPROXIMATELY ONE ACRE THEREIN FROM AN R-E RANCH ESTATES DISTRICT TO A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT (ZN-116-03, DONNA & REGENA), FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF DONNA STREET AND REGENA AVENUE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Acting Planning Manager Marc Jordan stated this one acre parcel was located in an area where the Comprehensive Plan supported commercial development. A portion of the property in this area had been zoned as commercial and the Planning Commission unanimously recommended approval.

Mayor Montandon requested Mr. Garcia approach the podium and asked what could be developed with one acre on the corner of Donna Street and Regena Avenue and stated no

one would travel to this area for any commercial uses.

Mr. Garcia stated his client would develop a small, commercial site and this was a continuation of properties they had completed within the last 90 days. This reclassification was requested to simplify the process for a prospective purchaser.

Mayor Montandon stated his concern with zoning small, commercial sites was if the City required Mr. Garcia's client to finish Donna Street at the front of the property, the City would not allow Donna Street to dead end at the northern edge of the property, and would have to go through to Centennial Parkway. Mayor Montandon's concern was the City's development standards made it financially impossible for a one acre site.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, stated he did not think his client had any intention of developing this parcel and would fully comply with the development standards for the City for street, sewer, and water and there was no intention to evade those requirements.

Councilman Buck asked where the request for zoning came from since this property was master planned to be zoned commercially. She wondered if this was a case where zoning was trying to match the Master Plan. Mayor Montandon stated for the record that developing this one acre site would be virtually, financially impossible.

Councilwoman Smith stated master planning was futuristic and zoning was more immediate. The City master planned residential, commercial, and industrial areas, but waited until an application was submitted before doing the hard zoning. Councilwoman Smith stated other than a request for zoning, there was no application for a specific use or intention and it might be too soon to zone this property.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

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

NAYS: Councilwoman Smith

ABSTAIN: None

28. ORDINANCE NO. 1927; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-12-03); AMENDING SECTION 17.24.200 J.1, REGARDING LANDSCAPE WIDTHS, TO AMEND SECTION 17.24.200 J.2 TO REQUIRE MEANDERING AND SEPARATED SIDEWALKS NEXT TO RIGHTS-OF-WAY 80 FEET OR WIDER AND TO AMEND SECTION 17.24.210 E.9 TO REQUIRE MEANDERING AND SEPARATED SIDEWALKS NEXT TO RIGHTS-OF-WAY 80

FEET OR WIDER AND ALTERNATIVE LOCATIONS FOR SIDEWALKS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Ordinance No. 1927 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-12-03); AMENDING SECTION 17.24.200 J.1, REGARDING LANDSCAPE WIDTHS, TO AMEND SECTION 17.24.200 J.2 TO REQUIRE MEANDERING AND SEPARATED SIDEWALKS NEXT TO RIGHTS-OF-WAY 80 FEET OR WIDER AND TO AMEND SECTION 17.24.210 E.9 TO REQUIRE MEANDERING AND SEPARATED SIDEWALKS NEXT TO RIGHTS-OF-WAY 80 FEET OR WIDER AND ALTERNATIVE LOCATIONS FOR SIDEWALKS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: CONTINUED TO MARCH 3, 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

29. **ORDINANCE NO. 1928; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-11-03); AMENDING SECTION 17.24.210 TO ADD SUBPARAGRAPH F.1.I REQUIREMENTS FOR ALTERNATE FENCING MATERIALS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

Ordinance No. 1928 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-11-03); AMENDING SECTION 17.24.210 TO ADD

SUBPARAGRAPH F.1.I REQUIREMENTS FOR
ALTERNATE FENCING MATERIALS, AND
PROVIDING FOR OTHER MATTERS PROPERLY
RELATED THERETO.

Acting Planning Manager Jordan stated this Ordinance was directed by the Planning Commission for Staff to prepare. Several recent approvals of tentative maps added the condition listed in the Ordinance in which vinyl fencing would be allowed on the interior of residential developments to be made part of the zoning ordinance.

Joel Rubin, 1375 East Baseline Road, San Bernardino, CA, spoke in favor of the Ordinance and thanked the Staff and Planning Commission. Mr. Rubin represented Woodguard and installed over 40 miles of this product in the City of North Las Vegas since 1995. The product was guaranteed for 20 years and no complaints had been received from the customers in the marketplace. The company had been in business since 1985 building the same product. He addressed the "Vinyl Fencing" Ordinance as the "Alternative Materials" Ordinance as there were materials other than vinyl fencing encompassed in that Ordinance.

Councilman Buck stated she liked the product; however, Council had received telephone calls from citizens in the past who were having problems with landscaping material. She expressed her concern that if there was a problem two to three years following the installation of this product the homeowner would not have a point of contact. Councilman Buck stated the homeowner would address Council and state this Ordinance allowed the material and it was not installed in properly if problems arose. Mr. Rubin advised they installed the interior fence built within the development and not the perimeter fence. If the homeowner had any problems they would contact the builder and the homeowner would also have documentation from Woodguard.

Councilman Buck stated she wanted a provision in the Ordinance stating the builder guaranteed their product for five to ten years so that a homeowner had a contact source if there was a problem.

Mayor Montandon stated fencing was a big issue for the City and impacted the decision of where people chose to live. He stated the City had two major failures of vinyl fencing or alternative materials, as well as a significant successful project.

Councilman Eliason stated he initiated and supported vinyl fencing, and the fencing in his neighborhood had been in place for five years. There were products on the market that were not dependable and the failure rate to the City had been great and created problems for the City. Councilman Eliason stated he needed specifications from Mr. Rubin for his products so they could be incorporated into the Ordinance. Mr. Rubin stated he supplied this information when the initial meetings took place with the Planning Commission. He

referred to the City's harsh environment and its affect on contraction and expansion. Mr. Rubin stated material that was destined to have a problem would surface quickly, within a year or two, and would only take two to three seasons for the material to degrade. Woodguard gave information on all the sites throughout the metropolitan area of places where the product had been installed one year to nine years ago, so Staff would know whether or not there was any degradation.

Mayor Montandon stated the Ordinance referenced "Woodguard" style materials and shall be engineered to withstand the weather conditions. He conveyed that Council had not achieved a comfort level that Woodguard products were proven materials. The City had a 90-acre subdivision with thousands of linear feet of fence that all went bad in six months. The manufacturer stated the cause was a bad batch of chemicals from Mexico. They stated they replaced the fencing with the exact product, but with a better batch of chemicals. Mayor Montandon stated it had been two or three years since the installation and it looked fine.

Mr. Rubin asked whether or not it would be helpful if he provided Council with some of the information that had been previously provided to the Planning Commission, so that Council could conduct further research. Mayor Montandon requested that Staff review the materials and provided Council with their findings.

City Manager Rose stated this matter could be referred back to the Planning Commission and Staff could work with the manufacturer on creating standards and continue this Ordinance to March 17, 2004.

Councilwoman Smith asked Staff whether they had conducted an on-site inspection of the fencing and Acting Planning Manager Jordan replied he did not inspect every subdivision. Mayor Montandon stated inspections were not the issue and he wanted to know there were specific compositions of vinyl that would survive the City's climate.

Mr. Rubin stated he would supply the City with all types of material and requested to provide Council with the information prior to March 17, as there were builders seeking to complete projects and a delay would impact them, as well.

Councilman Buck stated Staff had studied the material years ago and the information was available and added it was a matter of Council receiving Staff's recommendations, along with input from the Legal Department so there was a layer of protection.

ACTION: CONTINUED TO FEBRUARY 18, 2004

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

COUNCIL ITEMS

Councilman Eliason requested the date R-1 design standards would be presented to Council and Acting Planning Manager Marc Jordan responded they were approved at the January 14, 2004 Planning Commission Meeting.

Councilman Buck requested a status on the Tavern Ordinance. City Attorney Sean McGowan responded he would consult with Planning Staff to provide this information to Council.

CITY MANAGER'S REPORT

No report was given.

PUBLIC FORUM

Terry Urquhart, 6624 Montezuma Castle Lane, North Las Vegas, conveyed he was glad Items Nos. 2 and 3 regarding the proposed zoning change at Commerce Street and Centennial Parkway were withdrawn. Mr. Urquhart provided Council with a handout stating "public policy should be designed to minimize the risk of severe or fatal injury to children as they go to and from school, not be the cause of their inevitability."

Mayor Montandon responded that historically speculators looked at commercial land as being more valuable than residential land and there was discussion from developers regarding purchasing this site and re-zoning it to residential because it was more valuable.

Cindy Miller, 1113 Stanley Avenue, North Las Vegas, requested a Resolution from Council for the Good Works Park. Mayor Montandon requested Ms. Miller provide City Manager Rose or Acting Utilities Director David Bereskin with specific information on the proposed design and location of the Park.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 8:35 P.M.

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

APPROVED: MARCH 17, 2004

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

Attest:

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