

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

July 20, 2005

CALL TO ORDER: 4:30 P.M.

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 Attorney Sean McGowan
City Clerk Karen L. Storms
Economic Development Director Mike Majewski
Finance Director Phil Stoeckinger
Fire Chief Al Gillespie
Parks & Recreation Director Mike Henley
Planning and Development Deputy Director Kenny Young
Police Chief Mark Paresi
Public Works Director Jim Bell

VERIFICATION: Karen L. Storms, CMC
City Clerk

BUSINESS:

1. **DISCUSSION AND DIRECTION REGARDING THE PURCHASE AND FUTURE USE OF AN 18.62 ACRE PARCEL LOCATED AT CAREY AVENUE AND HAMILTON STREET FROM THE CLARK COUNTY SCHOOL DISTRICT.**

In July 2004 the Clark County School District offered for sale to the Redevelopment Agency 18.62 acres located at the southwest corner of Carey Avenue and Hamilton Street. The property received two appraisals and was being offered to the City at a cost of \$5,250,000, the median value of the two appraisals. Staff was informed the Regional Transportation Commission (RTC) had expressed an interest in constructing a six-acre bus terminal at the location. The North Las Vegas Police Department was interested in five acres for a new police substation and the Parks and Recreation Department was considering the construction of a Civic Plaza on the site.

Councilman Eliason stated the citizens of North Las Vegas expressed a desire for more sit-down restaurants and retail stores. He felt there was more than enough property along Las Vegas Boulevard where the RTC could build a bus depot.

Jacob Snow, Regional Transportation Commission, advised if the RTC had to secure another site, they would lose another year to complete the process. He stated the RTC would offer to pay some of the offsite development costs, the parking costs and the landscaping costs associated with the project. Mr. Snow explained the RTC received a \$6 million federal grant and were committed to spending the money in North Las Vegas.

Councilman Eliason commented there were a lot of unanswered questions and Council had very little knowledge about the bus depot project.

Councilwoman Smith expressed concern about what type of business would be developed on the site if the RTC did not build their facility.

Michael Bradshaw, 3753 Howard Hughes Parkway, Suite 200, Las Vegas, replied he would like to see a major home improvement facility, such as Home Depot or Lowe's, constructed on the site. He said the location would be conducive to clothing retailers, department stores and restaurants. However, the property had a deed restriction for grocery use so it would be a mixed use.

Councilwoman Smith commented she thought the RTC could build their facility on another property but did not feel it was appropriate for the site in question. She was also concerned that the RTC had already expended funds on the project site and suggested the City reimburse the RTC for a portion of those funds.

Councilman Eliason felt the Redevelopment Agency would benefit the most by Mr. Bradshaw's proposal in that on a \$70 million project, the Agency would realize an annual amount of \$700,000 for the life of the Agency.

Bob Borgersen, 7617 Island Rail Drive, North Las Vegas, felt the transportation issue would not be jeopardized if retail stores and restaurants were constructed on the property.

Dean Leavitt, 918 Dawn Valley Drive, stated the property had been vacant for many years and, as Chairman of the Visioning 2025 Committee, he knew the residents wanted retail businesses and restaurants in the downtown area. He felt this was an opportunity to show the residents of North Las Vegas that the City cared about what they think.

Mayor Pro Tempore Robinson commented \$700,000 per year would solidify the Redevelopment Agency and the proposed development would revitalize the downtown area.

City Manager Rose advised it was his intention to purchase the land with Redevelopment funds which was agreed upon by Mayor Montandon and Mayor Pro Tempore Robinson.

Mayor Montandon directed Staff to begin negotiations for an agreement to sell the property to Mr. Bradshaw's associates with a stipulation that Mr. Bradshaw's associates would assist the RTC in locating a new site for the bus depot. Councilman Buck suggested, in addition to finding a new location, the RTC should be reimbursed \$300,000 for the funds already expended by them.

ACTION: STAFF DIRECTED TO MOVE FORWARD WITH NEGOTIATIONS TO PURCHASE PROPERTY WITH REDEVELOPMENT FUNDS

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

ACTION: STAFF DIRECTED TO BEGIN NEGOTIATIONS TO SELL PROPERTY TO MIKE BRADSHAW'S ASSOCIATES WITH THE CONDITION THAT MR. BRADSHAW CONTINUE TO WORK WITH THE RTC TO FIND A LOCATION FOR MAX HUB ON THIS PROPERTY OR ANOTHER; AND DIRECTED STAFF TO CONSIDER REIMBURSEMENT OF FUNDS EXPENDED BY THE RTC IN THE AMOUNT OF \$300,000

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

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

NAYS: Councilwoman Smith

ABSTAIN: None

2. DISCUSSION AND/OR DIRECTION TO STAFF REGARDING POSSIBLE AMENDMENTS TO TITLE 5.26 (LIQUOR CONTROL) AND TITLE 17 (ZONING) WITH REGARD TO SALOON AND TAVERN/RESTAURANT USES AND LIQUOR LICENSES, INCLUDING, BUT NOT LIMITED TO, GREATER DISTANCE PROXIMITY REQUIREMENTS BETWEEN SUCH USES AND OTHER SPECIFIED USES.

Finance Director Phil Stoeckinger stated earlier in the year Council directed Staff to prepare proposed amendments regarding distance requirements for special use permits for taverns, saloons and restaurants. As a result, Staff brought forward the following proposed amendments which Director Stoeckinger read into the record:

1. An increase in the distance requirements between saloon and tavern/restaurant uses from 1500 to 2000 feet.
2. An increase in the distance requirements between saloon and tavern/restaurant uses and schools and City-owned parks, child care facilities and churches from 1500 feet to 2000 feet.
3. A new 500-foot distance requirement between saloon uses and real property with residential master plan or zoning designation.
4. Accompanying revisions to other affected code to accomplish the above.

Director Stoeckinger provided a chart prepared by the City Attorney's office which compared the distance requirements of the City of North Las Vegas with other entities within Clark County. He directed his staff to prepare a listing of the new general on-sale establishments that received business licenses within the last five years. It was determined eight new licenses were issued between 2000 and 2004. This list did not include change of ownership of existing licenses or supper club licenses. The list also revealed that over the last five years, there were 36 changes of ownership.

Planning Manager Marc Jordan presented a map that showed all the existing locations of approved taverns in North Las Vegas, as well as possible locations for new taverns. The purpose of the map was to provide a graphic outlook of how any future ordinances would impact the City.

Councilman Buck asked City Attorney Sean McGowan if Council had the authority to bar any new taverns from being built. City Attorney McGowan responded there would have to be clear and definite reasons why new taverns were being banned. He suggested Council subscribe to some allowable taverns with growth over time. When asked by Councilman Buck, City Attorney McGowan responded the number of pawn shops permitted was governed by population.

Mayor Pro Tempore Robinson suggested the number of tavern licenses issued each year be restricted to a certain number. He commented that Henderson, Clark County and Las Vegas all granted an unlimited number of licenses each year. Manager Jordan responded if Council desired such a policy in North Las Vegas, an ordinance governing the policy would have to be created.

Councilwoman Smith felt there were too many taverns in North Las Vegas and not enough restaurants. She commented that, although only eight licenses were granted in the past five years, more than eight applicants appeared before Council for special use permits at the last two meetings. Councilwoman Smith stated the distance should be increased to 2500 feet of separation and felt the City was not in balance in relation to the tavern-to-restaurant ratio.

In response to a question by Councilman Buck, City Attorney McGowan confirmed the amended tavern ordinance would not affect applicants for a liquor license within a grocery store, casino or restaurant. Councilman Buck stated she would like to have a discussion with Council as to how many licenses per year should be issued or if they should be issued according to population.

Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas, represented a regional mall developer who proposed to build a mixed-use complex in the City in the near future. She suggested having several taverns built all in one place, such as a regional mall or mixed-use development, rather than spread all over the City.

George Garcia, 1711 Whitney Mesa Drive, Henderson, agreed with the mixed use concept for taverns.

When asked if Council could limit the number of special use permits granted specifically for mixed use development, City Attorney McGowan responded they could. City Attorney McGowan added "community need" would be a factor in defending Council's decision to approve or deny a special use permit.

Councilman Buck stated to avoid eliminating the tavern/restaurant uses, she would prefer to limit the licenses to a certain number per year or by population with an increased distance of separation.

Mayor Montandon felt the solution to the problem would be limiting the special use permits for taverns to one per year, rather than by population, due to the City's rapid growth rate.

Mayor Pro Tempore suggested an increase in the cost of the business license might decrease the number of applications submitted.

ACTION: STAFF DIRECTED TO PREPARE AN ORDINANCE TO INCREASE DISTANCE BETWEEN TAVERNS AND RESIDENCES TO 500 FEET; INCREASE DISTANCE BETWEEN TAVERNS TO 2500 FEET; ONE NEW LICENSE PER YEAR; ADD MIXED USE DISTRICT EXCEPTIONS

MOTION: Councilman Buck

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

3. **DISCUSSION AND/OR DIRECTION TO STAFF REGARDING BUSINESSES THAT OFFER DEFERRED DEPOSIT (PAYDAY LOAN) SERVICES, TO INCLUDE DISCUSSION OF ADOPTION OF A MORATORIUM ON SUCH USES AND POSSIBLE DIRECTION REGARDING OTHER REGULATORY CONTROLS ON THE PROLIFERATION OF PAYDAY LOAN SERVICES WITHIN THE CITY OF NORTH LAS VEGAS.**

City Attorney Sean McGowan recommended Council approve a moratorium on payday loan businesses in the City to provide time for Council to match the policy considerations with the regulatory framework currently in place. City Attorney McGowan provided Council with two articles, one in favor of payday loan business and one against to assist in their decision.

Mayor Montandon emphasized the purpose of the discussion was not whether or not to eliminate payday loan businesses but to institute a moratorium to discuss regulation of the payday loan industry.

Councilwoman Smith suggested the elimination of the ancillary payday loan uses due to the difficulty in monitoring those services. She stated there could be some natural changes in six months as a result of State legislation. Councilwoman Smith also suggested limiting the number of use permits issued for check cashing businesses similar to tavern uses.

Kim Koster, 6376 Briney Deep Avenue, Las Vegas, volunteered her assistance in preparing the verbiage for the moratorium. She felt by making the restrictions too severe, the "bad" companies would be protected. Ms. Koster advised the check cashing companies had until October 1, 2005 to comply with the conditions stated in the legislation approved by the State unless major changes were necessary at which time there could possibly be a temporary deferment to January 6, 2006.

Richard Jacobs, 1590 East Sahara Avenue, Las Vegas, stated he was an existing licensee in the City of North Las Vegas and there was no wording in the proposed moratorium that would provide for the sale of an existing license. He asked Council to include in the moratorium that an existing license may be transferred to a new owner as part of the sale of the business.

Steven Burningham, 3280 Tropicana Avenue, Las Vegas, felt the legitimate companies helped weed out the bad ones by offering competitive interest rates, nicer facilities and more services. He volunteered his assistance.

ACTION: APPROVED AS AMENDED TO INCLUDE PROVISION FOR THE SALE OR TRANSFER OF EXISTING LICENSES

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

PUBLIC FORUM

There was no public participation.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 5:48 P.M.

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

APPROVED: September 21, 2005

Mayor Michael L. Montandon

ATTEST:

Karen L. Storms, CMC
City Clerk