

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

August 1, 2007

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

CALL TO ORDER

6:00 P.M., Council Chambers, 2200 Civic Center Drive, North Las Vegas, Nevada

ROLL CALL

COUNCIL PRESENT

Mayor Michael L. Montandon
Mayor Pro Tempore William E. Robinson
Councilwoman Stephanie S. Smith
Councilwoman Shari Buck
Councilman Robert L. Eliason

STAFF PRESENT

City Manager Gregory Rose
Assistant City Manager Sam Chambers
Assistant City Manager Maryann Ustick
City Attorney Carie Torrence
City Clerk Karen L. Storms
Communications Director Brenda Fischer
Finance Director Phil Stoeckinger
Deputy Fire Chief Kevin Brame
General Services Director Eric Dabney
Human Resources Director Joyce Lira

Information Technology Director Steve Chapin
Acting Library Director Kathy Pennell
Parks and Recreation Director Mike Henley
Planning and Zoning Director Jory Stewart
Police Chief Mark Paresi
Utilities Director David Bereskin
Deputy Director City Engineer Dr. Qiong Liu
Planning and Zoning Manager Marc Jordan
Senior Assistant to the City Manager Kenny Young
Chief Deputy City Clerk Anita Sheldon

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Karen L. Storms, CMC
City Clerk

INVOCATION

Pastor Ann Jones
Life Christian Church

PLEDGE OF ALLEGIANCE

Councilman Robert L. Eliason

PUBLIC FORUM

There was no public participation.

AGENDA

1. APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF AUGUST 1, 2007.

ACTION: APPROVED AS AMENDED; ITEM NO. 4 CONTINUED TO AUGUST 15, 2007

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

CONSENT AGENDA

6. APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 6, 2007.

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

7. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF JUNE 6, 2007.

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

8. APPROVAL TO AMEND THE 2007-2008 STAFFING PATTERN AS FOLLOWS: (ALL STAFFING PATTERN CHANGES WILL BE PROCESSED WHEN ADMINISTRATIVELY FEASIBLE)

A. Transfer Position Entitled: Volunteer Coordinator TA 21 from Neighborhood Services to Human Resources.

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

9. APPROVAL OF AN APPLICATION FOR FAMILY DAY CARE HOME BUSINESS LICENSE FOR STACY MARTINEZ, 1716 PATRICK THOMAS COURT, NORTH LAS VEGAS, NEVADA, 89086 PENDING VERIFICATION OF REQUIRED DEPARTMENT APPROVALS.

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

10. APPROVAL OF AN APPLICATION FOR MASSAGE THERAPIST BUSINESS LICENSE FOR AGNIESZKA BIELEN, 6320 SNAP RIDGE STREET, UNIT 102, NORTH LAS VEGAS, NEVADA, 89081.

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

11. APPROVAL OF REQUEST FOR CHANGE OF LOCATION FOR THE GENERAL OFF-SALE BUSINESS LICENSE FOR LA BONITA GROCERY AND MEAT MARKET, DBA LA BONITA GROCERY & MARKET II, FROM 2666 NORTH LAS VEGAS BOULEVARD TO 2672 NORTH LAS VEGAS BOULEVARD, NORTH LAS VEGAS, NEVADA, 89030 PENDING VERIFICATION OF SOUTHERN NEVADA HEALTH DISTRICT APPROVAL, REQUIRED DEPARTMENT APPROVALS AND PAYMENT OF FEES. THIS BUSINESS CURRENTLY HOLDS A GENERAL OFF-SALE LICENSE AND IS REQUESTING THE RELOCATION OF THE LICENSE TO THEIR NEW LOCATION.

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

12. APPROVAL OF REQUEST FOR THREE MONTH NONOPERATIONAL STATUS FOR THE GENERAL ON-SALE AND RESTRICTED GAMING BUSINESS LICENSES FOR PARKWAY RESTAURANTS, LLC, DBA MAIZE, 6929 ALIANTE PARKWAY, NORTH LAS VEGAS, NEVADA, 89084 TO EXPIRE ON DECEMBER 31, 2007.

ACTION: APPROVED

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

13. **ACCEPTANCE OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT FROM HEDLEY BIZCTR NORTH LAS VEGAS, LP FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNALS AT CHEYENNE AVENUE & CLAYTON STREET - IMPROVEMENTS IN THE AMOUNT OF 8.3% OF THE TOTAL COST OR \$9,960; CHEYENNE AVENUE & MARTIN L. KING BOULEVARD - IMPROVEMENTS IN THE AMOUNT OF 4.3% OF THE TOTAL COST OR \$5,160; CHEYENNE AVENUE & SIMMONS STREET - IMPROVEMENTS IN THE AMOUNT 2.3% OF THE TOTAL COST OR \$2,760; CHEYENNE AVENUE & SIMMONS STREET - EAST LEG/DUAL LEFT IN THE AMOUNT OF 5% OF THE TOTAL COST OR \$6,000; CHEYENNE AVENUE & SIMMONS STREET - NORTH LEG/DUAL LEFT IN THE AMOUNT OF 3% OF THE TOTAL COST OR \$3,600; CHEYENNE AVENUE & CLAYTON STREET - NORTH LEG/DUAL LEFT IN THE AMOUNT OF 24.6% OF THE TOTAL COST OR \$29,520; CHEYENNE AVENUE & CLAYTON STREET - WEST LEG/DUAL LEFT IN THE AMOUNT OF 18% OF THE TOTAL COST OR \$21,600; CHEYENNE AVENUE & MARTIN L. KING BOULEVARD - SOUTH LEG/DUAL LEFT IN THE AMOUNT OF 10.3% OF THE TOTAL COST OR \$12,360; AND CHEYENNE AVENUE & MARTIN L. KING BOULEVARD - WEST LEG/DUAL LEFT IN THE AMOUNT OF 2.3% OF THE TOTAL COST OR \$2,760 FOR THE HEDLEY NORTH LAS VEGAS BUSINESS PARK LOCATED ON THE NORTHWEST CORNER OF CHEYENNE AVENUE & CLAYTON STREET.**

ACTION: PAYMENT ACCEPTED

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

BUSINESS

14. **ACCEPTANCE OF PETITION FOR ANNEXATION (ANNEXATION NO. 134) FROM FLAMINGO PARADISE PARTNERS, LLC, AND VASO BORETA 2000 TRUST TO ANNEX CLARK COUNTY ASSESSOR'S PARCEL NO. 123-33-501-002, LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND SLOAN LANE.**

ACTION: PETITION ACCEPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

15. **APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH G.C. WALLACE, INC., IN AN AMOUNT NOT TO EXCEED \$50,000, TO BE FUNDED BY THE CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT, FOR THE GOWAN OUTFALL, LONE MOUNTAIN BRANCH PROJECT. (CNLV CONTRACT NO. C-6113)**

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Councilwoman Buck

AYES: Mayor Montandon, Councilmembers Smith, Buck and Eliason

NAYS: Mayor Pro Tempore Robinson

ABSTAIN: None

16. **APPROVAL OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH PB AMERICAS, IN AN AMOUNT NOT TO EXCEED \$63,262, TO BE FUNDED BY DEVELOPER CONTRIBUTIONS, TO CONDUCT A TRANSPORTATION STUDY FOR NORTH 5TH STREET. (CNLV CONTRACT NO. C-6601)**

Mayor Pro Tempore Robinson asked whether the agreement was for a consulting fee. City Manager Rose said it was, but funding was from the developers.

ACTION: APPROVED

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

17. APPROVAL TO RECEIVE AND FILE THE CERTIFICATES OF SALE REPORT DUE TO THE NON-PAYMENT OF A SPECIAL ASSESSMENT FOR PROPERTIES LOCATED WITHIN A SPECIAL IMPROVEMENT DISTRICT, IN ACCORDANCE WITH NEVADA REVISED STATUTE 271.565.

Mayor Pro Tempore Robinson asked whether there was a two-year redemption period, and Finance Director Phil Stoeckinger confirmed.

ACTION: APPROVED

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

18. APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE LAS VEGAS CONVENTION AND VISITORS AUTHORITY, CLARK COUNTY AND THE CITIES OF LAS VEGAS, HENDERSON, BOULDER CITY AND MESQUITE FOR THE DISTRIBUTION OF ROOM TAX COLLECTION FEES. (CNLV CONTRACT NO. C-6602)

City Manager Rose stated although he was hesitant about the policy change contained in the agreement, he recommended approval. He explained in the past, the distribution of the fees was based upon population. In the interlocal agreement, the distribution was based on point of origin.

Finance Director Stoeckinger explained under the new agreement, the City would receive approximately \$2.8 million less revenue during a five year period than it would have under the current structure, and about \$900,000 less in the final year.

Mayor Montandon stated the City had to approve the agreement because the choices were

to approve and receive less money, or not approve and receive no money, leaving the City in a position of having to choose the option that provided less of a loss. He was concerned the change in policy could set a precedent for other similar shifts that would result in further losses for the City.

ACTION: APPROVED

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

19. **AWARD OF BID NUMBER B-1276 TO ACME UNDERGROUND IN THE AMOUNT OF \$122,620 FOR THE INSTALLATION OF 760 LINEAR FEET OF 8-INCH WATER PIPELINE AND TWO GATE VALVES ALONG THE COLTON AVENUE ALIGNMENT BETWEEN PRECISION DRIVE AVENUE AND CLAYTON STREET TO PROVIDE A REDUNDANT WATER SERVICE SOURCE TO THE CUSTOMERS IN BUNKERHILL PARK. (CNLV CONTRACT NO. C-6603)**

ACTION: BID AWARDED WITH AUTHORIZATION FOR CITY MANAGER TO EXECUTE A CONTRACT

MOTION: Councilwoman Smith

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

20. **RATIFICATION OF A NON-MATCHING APPLICATION FOR GRANT FUNDS SUBMITTED TO THE LAS VEGAS CONVENTION AND VISITORS AUTHORITY IN THE AMOUNT OF \$56,798 FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR PETITTI PARK.**

Parks and Recreation Director Mike Henley reported Staff's recommendation to increase the request for funds to \$68,798. Mayor Pro Tempore Robinson directed him to try to obtain additional funds for more parks.

ACTION: RATIFIED AS AMENDED; AMOUNT INCREASED TO \$68,798

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

21. APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE STATE OF NEVADA, DEPARTMENT OF EDUCATION, IN THE AMOUNT OF \$25,000 REIMBURSED TO THE CITY, TO PROVIDE MILK TO THE CITY'S SAFEKEY SITES, UNDER SECTION 3 OF THE CHILD NUTRITION ACT OF 1966. (CNLY CONTRACT NO. C-6604)

ACTION: APPROVED

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

ORDINANCES
INTRODUCTION ONLY

22. ORDINANCE NO. 2376; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA TO REVISE ORDINANCE NO. 2308 BEING CHAPTER 13.24 ENTITLED WASTEWATER COLLECTION SYSTEM, MAKING CHANGES TO MODIFY THE MANNER IN WHICH WASTEWATER MAIN CONSTRUCTION (FRONTAGE) CHARGES ARE COLLECTED AND REFUNDED, OF TITLE 13 OF THE NORTH LAS VEGAS MUNICIPAL CODE; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)

Ordinance No. 2376 as introduced by the City Clerk:

ORDINANCE NO. 2376; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA TO REVISE ORDINANCE NO. 2308 BEING CHAPTER 13.24 ENTITLED WASTEWATER COLLECTION SYSTEM, MAKING CHANGES TO MODIFY THE MANNER IN WHICH WASTEWATER MAIN

CONSTRUCTION (FRONTAGE) CHARGES ARE COLLECTED AND REFUNDED, OF TITLE 13 OF THE NORTH LAS VEGAS MUNICIPAL CODE; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)

ACTION: FINAL ACTION SET FOR AUGUST 15, 2007

23. **ORDINANCE NO. 2384; AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF NORTH LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO, AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES, AND REGULATIONS IN FORCE IN SAID CITY, OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)**

Ordinance No. 2384 as introduced by the City Clerk:

ORDINANCE NO. 2384; AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF NORTH LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO, AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES, AND REGULATIONS IN FORCE IN SAID CITY, OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)

ACTION: FINAL ACTION SET FOR AUGUST 15, 2007

24. **ORDINANCE NO. 2385; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NO. 2194 WHICH AMENDED ORDINANCE NO. 2174 WHICH RECLASSIFIED APPROXIMATELY 160+ ACRES THEREIN FROM A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT AND M-2, GENERAL INDUSTRIAL DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT (ZN-47-05, CRAIG AND NORTH 5TH), BY MODIFYING THE PRELIMINARY DEVELOPMENT PLAN AND ASSOCIATED CONDITIONS OF APPROVAL FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND NORTH 5TH STREET; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)**

Ordinance No. 2385 as introduced by the City Clerk:

ORDINANCE NO. 2385; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NO. 2194 WHICH AMENDED ORDINANCE NO. 2174 WHICH RECLASSIFIED APPROXIMATELY 160+ ACRES THEREIN FROM A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT AND M-2, GENERAL INDUSTRIAL DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT (ZN-47-05, CRAIG AND NORTH 5TH), BY MODIFYING THE PRELIMINARY DEVELOPMENT PLAN AND ASSOCIATED CONDITIONS OF APPROVAL FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND NORTH 5TH STREET; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)

ACTION: FINAL ACTION SET FOR AUGUST 15, 2007

25. **ORDINANCE NO. 2386; 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 0.52+ ACRES THEREIN FROM AN R-E, RANCH ESTATES DISTRICT TO A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT (ZN-105-07, QUALITY GARDENS), FOR PROPERTY LOCATED TO THE NORTH OF ALEXANDER ROAD AND EAST OF DECATUR BOULEVARD, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)**

Ordinance No. 2386 as introduced by the City Clerk:

ORDINANCE NO. 2386; 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 0.52+ ACRES THEREIN FROM AN R-E, RANCH ESTATES DISTRICT TO A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT (ZN-105-07, QUALITY GARDENS), FOR PROPERTY LOCATED TO THE NORTH OF ALEXANDER ROAD AND EAST OF DECATUR BOULEVARD, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)

ACTION: FINAL ACTION SET FOR AUGUST 15, 2007

26. ORDINANCE NO. 2387; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-02-07); AMENDING SECTION 17.12.020, TO ADD A DEFINITION FOR A "USE, CONDITIONAL; GROUP CARE FACILITY; AND HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSER", AND TO REMOVE THIS TYPE OF USE AS AN ACCESSORY USE, AND TO REQUIRE A CONDITIONAL USE PERMIT FOR A "GROUP CARE FACILITY AND HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS" IN SECTION 17.20.010, 17.20.020, 17.20.030, 17.20.040, 17.20.050, 17.20.060, 17.20.070, 17.20.080, 17.20.100, 17.20.110, 17.20.210(C), 17.20.210(D); AND TO AMEND SECTION 17.24.020(C)(24) CONDITIONS FOR SPECIFIC USES FOR "TRANSITIONAL HOUSING"; AND TO CREATE 17.24.025 "CONDITIONAL USES" AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)

Ordinance No. 2387 as introduced by the City Clerk:

ORDINANCE NO. 2387; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-02-07); AMENDING SECTION 17.12.020, TO ADD A DEFINITION FOR A "USE, CONDITIONAL; GROUP CARE FACILITY; AND HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSER", AND TO REMOVE THIS TYPE OF USE AS AN ACCESSORY USE, AND TO REQUIRE A CONDITIONAL USE PERMIT FOR A "GROUP CARE FACILITY AND HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS" IN SECTION 17.20.010, 17.20.020, 17.20.030, 17.20.040,

17.20.050, 17.20.060, 17.20.070, 17.20.080, 17.20.100, 17.20.110, 17.20.210(C), 17.20.210(D); AND TO AMEND SECTION 17.24.020(C)(24) CONDITIONS FOR SPECIFIC USES FOR "TRANSITIONAL HOUSING"; AND TO CREATE 17.24.025 "CONDITIONAL USES" AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)

ACTION: FINAL ACTION SET FOR AUGUST 15, 2007

27. **ORDINANCE NO. 2388; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 2231 MEADOWS HOSPITAL (ZN-34-97) A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A HOSPITAL, MEDICAL OFFICE BUILDINGS, SENIOR APARTMENTS, AND RELATED USES, AND BY RENUMBERING, AND AMENDING CONDITIONS, AS SET FORTH BELOW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)**

Ordinance No. 2388 as introduced by the City Manager:

ORDINANCE NO. 2388; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 2231 MEADOWS HOSPITAL (ZN-34-97) A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A HOSPITAL, MEDICAL OFFICE BUILDINGS, SENIOR APARTMENTS, AND RELATED USES, AND BY RENUMBERING, AND AMENDING CONDITIONS, AS SET FORTH BELOW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR AUGUST 15, 2007)

ACTION: FINAL ACTION SET FOR AUGUST 15, 2007

PUBLIC HEARINGS - 6:15 P.M.

2. **AN APPEAL SUBMITTED BY KEITH HOLBERT, ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO DENY VN-14-07 (MARIN RESIDENCE); AN APPLICATION SUBMITTED BY RAFAEL MARIN, PROPERTY OWNER, FOR A VARIANCE IN AN R-EL RANCH ESTATES LIMITED DISTRICT TO ALLOW A TEN (10) FOOT REAR YARD BUILDING SET BACK WHERE TWENTY (20) FEET IS REQUIRED ON PROPERTY LOCATED**

EAST OF SIMMONS STREET AND APPROXIMATELY 150 FEET SOUTH OF COLTON STREET.

Mayor Montandon opened the public hearing.

Planning and Zoning Director Jory Stewart reported Staff recommended denial of the original application because the variance conditions in the ordinance did not grant permission to recommend support of a variance when the action was self-imposed. The Planning Commission upheld the denial.

Keith Holbert, 5961 McLeod Drive, Las Vegas said the plans for the home were based on the 100 by 120 foot lot. There was a 20-foot set back required, making the lot 100 by 100 feet. The plans for the home encroached on the 20-foot set back. Mr. Holbert displayed a map of neighboring homes in which lesser set backs were approved by the Planning Commission.

Councilwoman Smith asked Director Stewart how the other homes were approved for set back variances. Director Stewart said one of the homes required a two-foot variance which was granted by an administrative variance in 2005 because it was 10% of what was required. The other variance, VN-19-05, was approved by the Planning Commission after denial was recommended by Staff based on the fact the property was reduced to 7,125 square feet. The current parcel under appeal was 10,000 square feet after the 20-foot dedication and Staff felt the size of the parcel could accommodate a different design. Councilwoman Smith agreed it was a design issue and not a land use issue. Mr. Holbert objected to the fact that other people had been granted variances in set backs but it was denied in this case. Councilwoman Smith replied the other properties did not have the same variances or quarter acre lots such as the lot in question. Mr. Holbert contended the house was designed based on the extra 20 feet and would have to be redesigned to fit on the adjusted lot size that had not been anticipated. Councilwoman Smith said the codes were in place and should have been taken into consideration at the time the house was designed.

The property owner, Mr. Marin, asked why another home to the south did not have the set back restriction and Mayor Montandon thought it was part of the Ranch Estates neighborhood. He acknowledged there were five or six such homes that were fairly new. He mentioned Simmons Street had become a high volume street.

Mayor Pro Tempore Robinson said he was concerned about the use of propane tanks in the area and asked if the home would use natural gas or whether it would need to use propane gas. Mr. Holbert said he thought it would use natural gas.

Mr. Holbert noted if the appeal was not successful, the homeowner had to pay an assessment for the additional twenty feet as well as the redesign of the home. Mayor

Montandon said he understood the lot was part of the Ranch Estates development which was made up of quarter-acre 10,000 square foot lots. Mayor Montandon said while the reduced set back was not what Council would like, the home needed a circular driveway so as not to have to back cars onto a 100-foot street.

Councilwoman Buck agreed the homes facing Simmons Street required circular drives and should be moved back from the street. She was in favor of reversing the Planning Commission decision, especially since the home was one of the last ones to be built on the street. Mayor Pro Tempore Robinson agreed and informed the homeowner the traffic on the street continued to increase.

Councilwoman Smith asked Director Stewart whether the homes that had already been built outside of compliance with the code constituted a code enforcement issue. Director Stewart reiterated one house had an administrative variance because there was only a two-foot reduction and the other one was denied by Staff but approved by the Planning Commission due to the size of the lot. The house to the south probably included a covered patio, which would have been allowed to extend to ten feet of the property line. Therefore, there was not a great deal of deviation from code. Director Stewart then asked the property owner whether there was room within their plan to include a circular driveway as it was not shown on the site plan.

Mr. Holbert said while it would be tight, they hoped to fit the driveway in the twenty feet. Mr. Marin said they could construct the driveway the same as the house next door to the north. Councilwoman Smith said her concern was the for impact to the closest neighbor behind the property on the east side. Mr. Marin responded he did not think they would mind, as all the neighbors' homes were backed up to 10 feet of the rear of their property lines. The new home would have more than 10 feet distance from the rear of the home to the east.

Mayor Montandon closed the public hearing.

ACTION: PLANNING COMMISSION DECISION OVERTURNED; VN-14-07
APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

3. AMP-09-07 (COMPREHENSIVE PLAN AMENDMENT); AN APPLICATION INITIATED BY THE CITY OF NORTH LAS VEGAS UTILITIES DEPARTMENT TO INCORPORATE A WASTEWATER COLLECTION SYSTEM MASTER PLAN WITHIN THE CITY OF NORTH LAS VEGAS 2006 COMPREHENSIVE PLAN AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

Mayor Montandon opened the public hearing.

Utilities Director David Bereskin stated the amendment would make the Wastewater Master Plan that had been presented in December and January an official appendix to the Comprehensive Master Plan. The plan was complete and the amendment did not require additional funds.

Mayor Montandon asked how the amendment affected discussions for a potential interlocal that could involve wastewater in the northeast area of the City. Director Bereskin explained the plan already included preliminary plans to service the area and the City was in negotiations with a number of industrial developers for funding for further engineering design.

Mayor Montandon closed the public hearing.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

4. UN-57-07 (NE CAREER & TECHNICAL ACADEMY); AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT, PROPERTY OWNER, FOR A USE PERMIT IN A PSP, PUBLIC/SEMI-PUBLIC DISTRICT TO ALLOW A TECHNICAL HIGH SCHOOL ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF DORRELL LANE AND COMMERCE STREET.

ACTION: CONTINUED TO AUGUST 15, 2007

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

5. **VAC-12-07 (ALIANTE NORTH); AN APPLICATION SUBMITTED BY NORTH VALLEY ENTERPRISES, ON BEHALF OF THE CITY OF NORTH LAS VEGAS, PROPERTY OWNER, TO VACATE FIVE (5) DRIVE-WAY ACCESSES ON ALIANTE PARKWAY AND ELKHORN ROAD.**

Mayor Montandon opened the public hearing.

Deputy Director City Engineer Dr. Qiong Liu reported Staff recommended approval of the vacation.

Mayor Montandon closed the public hearing.

ACTION: APPROVED SUBJECT TO THE FOLLOWING CONDITION:

THE APPLICANT WILL BE REQUIRED TO PROVIDE A 30 FOOT UTILITY EASEMENT

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

APPOINTMENTS

28. **APPOINTMENT OF AN AT-LARGE MEMBER TO THE PARKS & RECREATION ADVISORY BOARD FOR A TERM TO EXPIRE ON JUNE 30, 2011. (TABLED JULY 5 AND JULY 18, 2007)**

ACTION: TABLED TO AUGUST 15, 2007

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

COUNCIL ITEMS

Mayor Montandon discussed the Lake Mead/I-15 Interchange widening project and requested Staff participate in any discussions or plans for changing Lake Mead Boulevard to a regular street and present the information to Council. Mayor Montandon said he attended a County Commission meeting with Commissioner Maxfield, Virginia Valentine and City Manager Rose to discuss an issue regarding the northeast area and a possible interlocal agreement for land use, water, sewer, and annexation boundaries. He requested Staff provide Council with maps and information and keep them informed of any upcoming meetings.

Councilman Eliason was concerned about the dangers of a crosswalk at Lake Mead Boulevard and McCarran Street, and requested installation of lighting and signage. City Manager Rose said Staff would provide available options for crosswalk improvement.

Councilwoman Smith requested an update on the abandoned shopping cart problem. Senior Assistant to the City Manager Kenny Young explained the City was in the process of identifying which retailers owned carts, and the City continued to pick up and recycle carts and research alternative uses for disabled shopping carts. He said amendments to the ordinance were needed to enforce the code.

Mayor Pro Tempore Robinson stated increased code enforcement was needed in Ward 2. He also requested an update on Kiel Ranch from City Manager Rose in the near future.

CITY MANAGER'S REPORT

There were no additional items.

PUBLIC FORUM

Bob Mersereau, 4836 Crystal Sword Street, North Las Vegas was concerned about the lack of police support at the two existing schools in the area and the impact to the neighboring residents.

Katherine Joseph, 1309 Helen Avenue, North Las Vegas questioned when the streets in her development, Delmonico, would be paved and speed bumps installed. The residents had formed a neighborhood association and were committed to improving their neighborhood. She claimed Delmonico was the worst maintained community in North Las Vegas and implored Council to assist the residents. She asked Council to go to the neighborhood and see the condition of the neighborhood. City Manager Rose reported a traffic study was underway at Willis and El Campo Grande. Councilwoman Buck said funding for neighborhood cleanup projects needed continued funding. Mayor Pro Tempore Robinson said he approved of funding as long as improvement was visible.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 6:55 P.M.

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

APPROVED: September 19, 2007

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

ATTEST:

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