

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

JUNE 6, 2007

CALL TO ORDER: 4:37 P.M.

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 Maryann Ustick
City Attorney Carie Torrence
Senior Deputy City Attorney Nicholas Vaskov
City Clerk Karen L. Storms
Fire Chief Al Gillespie
Planning and Zoning Director Jory Stewart
Public Works Director Majed Al-Ghafry
Public Works Manager Randy Cagle
Deputy Director City Engineer Dr. Qiong Liu
Planning and Zoning Manager Marc Jordan

VERIFICATION: Karen L. Storms, CMC
City Clerk

BUSINESS:

1. **DISCUSSION AND/OR ACTION ON CURRENT CODE REQUIREMENTS, POLICIES AND PRACTICES WITH RESPECT TO THE TIMING OF CONSTRUCTION OF ROADWAY IMPROVEMENTS FOR BOTH RESIDENTIAL AND COMMERCIAL PROJECTS.**

City Manager Gregory Rose opened the discussion and stated Council had asked Staff to try to identify options for minimizing sawtooth streets in the community. Staff had

prepared two options and had a recommendation on a preferred option. City Manager Rose introduced Public Works Director Majed Al-Ghafry.

Director Al-Ghafry congratulated Mayor Pro Tempore Robinson on his recent reelection and thanked his own staff for the preparation of his presentation.

Director Al-Ghafry outlined the challenges of explosive growth leading to problems with rights-of-way, which caused sawtooth issues. He further explained frequent construction, as well as incomplete streets ending in vacant properties, added to the problems. He said missing right-of-way dedications further compounded the issue.

Director Al-Ghafry outlined procedures currently in place, such as Nevada Revised Statutes (NRS) and Municipal Code rules and regulations, which governed how the City could proceed. He gave an overview of the Offsite Improvement Agreement policies relating to development of the City. He said the City only allowed traffic flow when it was safe to do so.

Director Al-Ghafry explained Clark County and the City of Las Vegas were also required to obey NRS and their own Municipal Codes, but some of the time lines were discretionary and were different from those of North Las Vegas. Director Al-Ghafry said Assistant City Manager Maryann Ustick had been in communication with the Southern Nevada Homebuilders' Association and the General Contractors' Association and some of the representatives of those organizations were present.

Mayor Pro Tempore Robinson asked Director Al-Ghafry how long he had been employed with the City and Director Al-Ghafry replied it had been four months. Mayor Pro Tempore observed that Director Al-Ghafry was very complimentary towards others and Director Al-Ghafry responded that he liked to recognize good work but he also took issue with bad work. Mayor Pro Tempore Robinson agreed with that outlook.

Director Al-Ghafry went on to explain the Southern Nevada Homebuilders' Association had expressed concern over the cash flow impact of providing for offsite improvements at the early stage of developments prior to onsite improvements, which resulted in costs and delays in construction by way of theft, vandalism and damage to new construction. He said the need to install utilities after sidewalks were installed also caused damage. He further explained that performing offsite improvements first resulted in delays to the developing communities. Developers had to deal with all of those issues before they could proceed with their objectives which would cost them time and money. Director Al-Ghafry said the developers and contractors would share their concerns with Council in the course of the meeting.

Councilman Eliason entered Chambers at 4:50 P.M.

Director Al-Ghafry explained the two options Staff had developed for future practices. He stated the first option was a clear-cut solution which would provide policies to carry out permanent offsite improvements prior to the issuance of a certificate of occupancy or building permit. The advantages to this solution were it would be safer for the public, it would be a cleaner product, and it would create a standardized process. The disadvantages included the concerns from the developers about the up-front costs and the financial burden it would put on them because offsite improvements would inevitably cause damage to onsite improvements. Director Al-Ghafry concluded Option One would have no fiscal impact on the City, all that would have to be done would be revising the codes.

Mayor Montandon asked about the installation of water lines and expressed doubt as to whether they should be installed prior to obtaining building permits. Director Al-Ghafry acknowledged that was part of the challenge of Option One. Mayor Montandon stated the problem with utilities included wet utilities as well as dry utilities. Director Al-Ghafry contended that the trenching for water lines would not have as much of an adverse effect as the trenching for the dry utilities, and Mayor Montandon disagreed with that assertion. Mayor Montandon said he had a recent experience with that very subject on a construction project on Alexander and Martin L. King Boulevard and the result was not satisfactory. He said once the street was cut into, it would never be perfect again. Director Al-Ghafry said that they could put standards in place to prevent those issues from occurring. Mayor Montandon said he wanted to solve the issues and if water lines were going to be placed in the street, new policies would have to be put in place. He said the alternate approach of putting water lines under the sidewalks would require more rights of way and easements above the rights of way and implementing those changes would require radical changes, however, the issues needed to be dealt with. Director Al-Ghafry informed Council that the Regional Transportation Commission had recently come up with a draft study of pavement cuts, and the Public Works Department would be following up with a pavement-cut policy recommendation in the near future.

Director Al-Ghafry introduced Option Two as an enhancement of current City procedures. He explained Option Two would be a phased offsite improvement plan encouraging extended temporary roadway improvements during mapping. He gave an example of requesting two or more temporary lanes of uninterrupted traffic in areas noncontiguous to certain development, and said the developers with whom he had consulted had indicated they would be in agreement with such a policy to avoid gridlock. He stated option two would allow developers and citizens to occupy structures prior to full improvements and said providing the needed temporary outside improvements would create minimal impact to the public. He reiterated that providing two or more temporary lanes adjacent to or noncontiguous to developing sites would alleviate a good deal of the problems that had typically been experienced.

Director Al-Ghafry noted a disadvantage of Option Two would be that phasing operations would delay the process from the perspective of engineering and construction. Providing needed temporary offsite improvements would cause additional costs to developers and would continue to require increased Staff time, but the end result would be to ensure orderly and safe traffic and pedestrian movement. Director Al-Ghafry stated option two would have no fiscal impact to the City other than Staff time spent on implementing new policy guidelines. Mayor Montandon reminded Director Al-Ghafry that additional City Staff was a fiscal impact. Director Al-Ghafry conceded that the fiscal impact would not be in the form of capital but that it would have an impact in City Staff time. Director Al-Ghafry recommended the City work with developers to encourage roadway improvements and referred to a project on North Fifth Street which he said would be discussed later in the meeting. He reiterated his assertion that roads must be completed at a predetermined phase of construction and noted the needs were sometimes determined by traffic studies. He emphasized the need for communication throughout the processes of construction and recommended looking at projects more comprehensively with the perspective of the entire zoning of the project.

Mayor Montandon told Director Al-Ghafry he felt there needed to be a more general policy than placing conditions on zoning. The Mayor said the City had worked very hard to get away from placing conditions on zoning because that method created inconsistencies and subjectivity. The Mayor said the City used to do so with Resolutions of Intent with Conditions and while the City still put conditions on Planned Unit Developments (PUD) with certain types of projects, he did not like the idea of putting conditions on hard zoning.

Assistant City Manager Maryann Ustick stated the wording used regarding placing conditions on zoning was actually an error in communication with the City Attorney's Office, and Director Al-Ghafry had tried to reword it properly during his presentation. She said the intent was to place conditions on PUDs and not on zoning.

Councilwoman Shari Buck posed the question of what other jurisdictions did in these matters. Director Al-Ghafry responded the nearby jurisdictions handled similar situations in the same manner as North Las Vegas by way of off-site improvement agreements. Councilwoman Buck asked for confirmation that conditions were not placed on zoning in other jurisdictions, and Director Al-Ghafry stated he did not think so but Staff would follow up to get a definitive answer. Assistant City Manager Ustick elaborated Staff had not looked into conditions on zoning, just agreements and codes, so they would follow up about the conditions on zoning.

Director Al-Ghafry explained developers would normally submit preliminary maps as an option during the entitlement process, but the City could work on making that a standardized process so the challenges could be foreseen and prepared for in advance rather than in hindsight. He said the City could contemplate having separate sureties

for critical offsite improvements which would be released once the criteria had been met, which would lessen the burden to the developers. He said the City would also work on its end to identify and correct problems earlier in the process. He admitted it would have a fiscal impact on the City as far as Staff's involvement, but thought the costs would be minimal. Director Al Ghafry reported Staff recommended Option Two and said it would enhance the lives of the citizens as well as the City's infrastructure. He said if Council chose Option Two, the City should work with the Southern Nevada Homebuilders' Association and the General Contractors' Association and other development entities to develop guidelines by the end of the year for review and approval by Council in January 2008.

Mayor Montandon expressed concern about the specifics of Option Two though he thought it generally sounded like it could work. He said some options were overlooked which could have been included in the two options provided by Staff. The Mayor also reiterated his stance that placing conditions on Resolutions of Intent and preliminary maps would be too subjective and he would like a more consistent, global policy. He thought the traffic studies should have great impact on the guidelines, but he acknowledged traffic studies could also be subjective. Director Al-Ghafry pointed out they had considered adding a requirement stating traffic studies should be done by an independent source and the internal process of reviewing traffic studies could be standardized as well to assure quality control. Mayor Montandon liked those ideas, specifically those pertaining to internal policy changes. He said he did not want the City to inadvertently create new problems, such as problems pertaining to water usage.

City Attorney Carie Torrence clarified that the installation of the water lines within the rights of way were part of the civil plans for the roadway improvements and could be done without obtaining a building permit. Mayor Montandon said that was hugely beneficial and would eliminate a great deal of problems.

Councilwoman Buck asked for clarification between the two options presented by Staff. She said in a perfect world Option One would be implemented, but acknowledged it was probably not practical. She wanted to be sure that in Option Two, buildings could not be occupied or businesses operated without having streets completed first. She asked if it would be possible to have a solution which would work for everyone.

Director Al-Ghafry felt what needed to be done was to identify the critical areas of offsite improvements and to provide for continuous movement of traffic, and again stated communication was crucial to identify those needs prior to any onsite action. He said prioritizing critical circumstances was of utmost importance to minimize the challenges traffic presented.

Councilwoman Buck felt closing roads in a neighborhood had to be done with an awareness of the effects it would have on the residents. Director Al-Ghafry replied that

was what he was attempting to address when he mentioned looking at an area comprehensively rather than as specific roadways or projects. He said the City's operations could always be enhanced and it would be an evolving process. He said the City would have to partner with the developers in the best interests of the residents. Councilwoman Buck agreed but added it could no longer take eighteen months to complete a project and procedures needed to change. She said she thought the City needed to be tough in some of the specifics and flexible in others to solve the traffic problems. She felt further discussion and problem-solving were necessary. Director Al-Ghafry said that was why Staff requested permission to work with their partners within the community until the end of the year to finalize the details of how to proceed to a successful course of action.

City Manager Rose said Staff would come forward with a number of solutions but wanted direction from the Mayor and Council as to which items they wanted Staff to pursue. City Manager Rose said he believed Option Two identified the direction that Staff should move and asked for Council's approval.

Councilwoman Smith expressed her view that public safety was the most important thing to consider with road construction. She said doing construction again and again on the same road was costly and hazardous, as well as frustrating to the community. She said construction should be done in a more efficient and organized manner, and stressed the safety concerns once more. She noted some developers buy the land up to the roadway so they don't have to be responsible for the roadway even though their projects would impact those very roadways, and those situations needed to be eliminated. Mayor Montandon pointed out Option Two specifically addressed that issue and how traffic studies would alleviate the problem. Councilwoman Smith said she felt the City should have access to the rights-of-way-even before projects were approved. She also said signals needed to be installed before intersections were activated, not after.

Mayor Montandon noted everything Councilwoman Smith mentioned required Staff coordination.

ACTION: FOLLOW STAFF RECOMMENDATION FOR OPTION 2

PUBLIC FORUM

There was no public participation.

Mayor Montandon moved to adjourn the meeting, then noticed that someone wanted to speak.

Steve Holloway, Executive Vice President, Associated General Contractors (AGC), 150 North Durango Drive, Suite 100, Las Vegas, NV said he had not yet spoken to Assistant Manager Ustick regarding this issue, however, they planned to meet. He pledged the cooperation of the AGC and the commercial construction industry to work with the City in its efforts. He agreed the problems had been ongoing and said in 1999 the Regional Transportation Commission (RTC), Utilities, Planning, Zoning and Public Works Departments for various entities in the valley had convened in an attempt to address the issues. He said the construction industry was negatively affected by problems that occurred over which they had no control. He said in 2005, the Nevada State Legislature passed legislation requiring the entities to continue to meet and try to resolve the problem throughout the valley. Mr. Holloway recommended Council have someone from the RTC appear before them and speak on the problems they had encountered and progress they had made so as to save time and effort. He said the AGC would be willing to cooperate with the City and asked the City to distinguish between residential and commercial land, because the authority granted by the NRS on commercial projects was less than that granted for residential projects, unless they were part of a master planned project. Mr. Holloway said there were many aspects to the problem and some of them were addressed in the 2007 session of the Legislature. He referenced Senate Bill 234 which asked for cities to be granted the authority to have commercial developers develop both sides of a street, rather than just the one that was contingent to each particular development, but the bill failed to pass. Mr. Holloway reiterated his pledge for the construction industry's cooperation as he felt the construction industry was unjustly portrayed in regard to the problems that were encountered.

Nick Galateo of Desert Wing Homes and representative of the Southern Nevada Homebuilders said he had been working on roadways in North Las Vegas since 1990. He said if offsite development was done at the beginning of a project, many of the construction related traffic problems would still be inevitable. He said on many of the projects he had worked on, the offsite improvements had been done during the initial construction phase. He felt studies should be done on a case by case basis of problems which have occurred. He gave an example of a project he had done on the corner of Centennial and Simmons. He said there were some unforeseen field conditions which resulted in prolonging the project and revisions needed to be done. He suggested implementation of an expedited revision process once a project had been started. He said in the example he used, it cost his company \$60,000. He pointed out such situations contribute to housing not being affordable. He explained unforeseen circumstances came up after a street was opened and expressed the need for an expedited system to allow developers to deal with such issues to save everyone involved time and money. He thought there would always be traffic issues and it would take a lot of work which he was sure everyone would be willing to do.

Councilwoman Smith observed even if all the road work was done beforehand, the equipment and subsequent work would tear up the roads anyway.

Councilman Eliason added his company had recently worked on a project where the utilities map was incorrect which led to a six month delay and extreme cost to the developer. He felt there needed to be a partnership between the City and the development community to avoid such errors.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 5:30 P.M.

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

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

NAYES: None

ABSTAIN: None

APPROVED: August 1, 2007

Mayor Michael L. Montandon

ATTEST:

Karen L. Storms, CMC
City Clerk