

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

January 2, 2008

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

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| City Manager Gregory E. Rose | Library Director Kathy Pennell |
| Assistant City Manager Sam Chambers | Municipal Court Judge Warren VanLandschoot |
| Assistant City Manager Maryann Ustick | Parks and Recreation Manager Jim Stritchko |
| City Attorney Carie Torrence | Planning and Zoning Manager Marc Jordan |
| City Clerk Karen L. Storms | Acting Police Chief Joseph Chronister |
| Communications Director Brenda Fischer | Public Works Director Majed Al-Ghafry |
| Redevelopment Manager Larry Bender | Utilities Director David Bereskin |
| Finance Director Phil Stoeckinger | Neighborhood Outreach Manager Kathy Somers |
| Fire Chief Al Gillespie | Assistant to the City Manager Michelle Bailey-Hedgepeth |
| Information Technology Director Steve Chapin | Assistant City Clerk Anita Sheldon |

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Karen L. Storms, CMC
City Clerk

INVOCATION

Councilman Robert L. Eliason

PLEDGE OF ALLEGIANCE

Tom Bouley
Boy Scout Troop #430

PUBLIC FORUM

There was no public participation.

AGENDA

1. APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF JANUARY 2, 2008.

Regarding Item No. 3, Councilwoman Smith did not approve of a continuance and asked for the applicant to explain why a continuance was needed. However, the applicant was not present.

ACTION: APPROVED AS AMENDED; ITEM NO. 3 CONTINUED TO FEBRUARY 6, 2008; ITEM NO. 34 CONTINUED TO JANUARY 16, 2008

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

Councilman Eliason disclosed the applicants of Item Nos. 8, 9, and 10 were tenants of the company for which he worked; however, he did not feel there was a conflict of interest.

4. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 5, 2007.

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

5. APPROVAL OF AN APPLICATION FOR BEER/WINE OFF-SALE BUSINESS LICENSE FOR DAY GROUP, INC., DBA 7-ELEVEN STORE #33674, 5180 LOSEE ROAD, NORTH LAS VEGAS, NEVADA, 89030. THIS IS A CHANGE OF OWNERSHIP OF A NEW STORE CURRENTLY OWNED BY 7-ELEVEN OF NEVADA, INC. TO A FRANCHISEE.

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

6. APPROVAL OF AN APPLICATION FOR BEER/WINE ON-SALE BUSINESS LICENSE FOR GARCIA'S MEXICAN FOOD RESTAURANT, LLC, DBA GARCIA'S MEXICAN FOOD, 775 WEST CRAIG ROAD, SUITE 148, NORTH LAS VEGAS, NEVADA, 89032 PENDING VERIFICATION OF WORKER'S COMPENSATION COVERAGE.

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

7. APPROVAL OF AN APPLICATION FOR GENERAL OFF-SALE AND RESTRICTED GAMING BUSINESS LICENSES FOR RAFID Y. YOUNIS, DBA AMIGOMARKET, 2848 EAST LAKE MEAD BOULEVARD, SUITE 1, NORTH LAS VEGAS, NEVADA, 89030 PENDING VERIFICATION OF STATE GAMING

**COMMISSION APPROVAL, SOUTHERN NEVADA HEALTH DISTRICT
APPROVAL AND REQUIRED DEPARTMENT APPROVALS.**

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

8. **APPROVAL OF AN APPLICATION FOR THOMAS ALBERT BESSANT, JR. AS AN ADDITIONAL PRINCIPAL FOR THE AUTOMOBILE PAWNBROKER, PAWNBROKER AND SECONDHAND DEALER BUSINESS LICENSES FOR CASH AMERICA, INC. OF NEVADA, DBA SUPERPAWN, 1611 NORTH LAS VEGAS BOULEVARD, NORTH LAS VEGAS, NEVADA, 89030 AND SUPERPAWN, 2020 WEST CRAIG ROAD, NORTH LAS VEGAS, NEVADA, 89030.**

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

9. **APPROVAL OF AN APPLICATION FOR JOHN CURTIS LINSOTT AS AN ADDITIONAL PRINCIPAL FOR THE AUTOMOBILE PAWNBROKER, PAWNBROKER AND SECONDHAND DEALER BUSINESS LICENSES FOR CASH AMERICA, INC. OF NEVADA, DBA SUPERPAWN, 1611 NORTH LAS VEGAS BOULEVARD, NORTH LAS VEGAS, NEVADA, 89030 AND SUPERPAWN, 2020 WEST CRAIG ROAD, NORTH LAS VEGAS, NEVADA, 89030.**

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

10. APPROVAL OF AN APPLICATION FOR AUSTIN DOUGLAS NETTLE AS AN ADDITIONAL PRINCIPAL FOR THE AUTOMOBILE PAWNBROKER, PAWNBROKER AND SECONDHAND DEALER BUSINESS LICENSES FOR CASH AMERICA, INC. OF NEVADA, DBA SUPERPAWN, 1611 NORTH LAS VEGAS BOULEVARD, NORTH LAS VEGAS, NEVADA, 89030 AND SUPERPAWN, 2020 WEST CRAIG ROAD, NORTH LAS VEGAS, NEVADA, 89030.

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

11. APPROVAL OF AN APPLICATION FOR A FAMILY DAY CARE HOME BUSINESS LICENSE FOR TAMARA POMPONIO, 340 COPELAND COURT, NORTH LAS VEGAS, NEVADA, 89032 PENDING VERIFICATION OF SOUTHERN NEVADA HEALTH DISTRICT APPROVAL.

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

12. APPROVAL OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT FROM DECATUR &

CENTENNIAL, LLC, FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNALS AT DEER SPRINGS WAY & DECATUR BOULEVARD IN THE AMOUNT OF 1% OF THE TOTAL COST OR \$6,031; ROME BOULEVARD & DECATUR BOULEVARD IN THE AMOUNT OF 3.6% OF THE TOTAL COST OR \$18,878; BELTWAY WB & DECATUR BOULEVARD IN THE AMOUNT OF 1% OF THE TOTAL COST OR \$6,031; TROPICAL PARKWAY & DECATUR BOULEVARD IN THE AMOUNT OF 1.1% OF THE TOTAL COST OR \$5,016; DEER SPRINGS WAY & DECATUR BOULEVARD - EAST LEG/DUAL LEFT IN THE AMOUNT OF 0.3% OF THE TOTAL COST OR \$375; DEER SPRINGS WAY & DECATUR BOULEVARD - SOUTH LEG/DUAL LEFT IN THE AMOUNT OF 0.7% OF THE TOTAL COST OR \$875; BELTWAY & DECATUR BOULEVARD - NORTH LEG/DUAL LEFT IN THE AMOUNT OF 2% OF THE TOTAL COST OR \$2,500; BELTWAY & DECATUR BOULEVARD - WEST LEG/DUAL LEFT IN THE AMOUNT OF 1.7% OF THE TOTAL COST OR \$2,125; AND TROPICAL PARKWAY & DECATUR BOULEVARD - WEST LEG/DUAL LEFT IN THE AMOUNT OF 0.7% OF THE TOTAL COST OR \$875 FOR THE CROSSROADS TOWN CENTER PROJECT LOCATED ON THE EAST SIDE OF DECATUR BOULEVARD, NORTH OF THE BELTWAY.

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

13. **APPROVAL OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH REBEL OIL COMPANY, INC., TO PROVIDE FOR A PORTION OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT LAKE MEAD BOULEVARD & BELMONT STREET IN THE AMOUNT OF 3.8% OF THE TOTAL COST OR \$4,028; LAKE MEAD BOULEVARD & PECOS ROAD IN THE AMOUNT OF 4% OF THE TOTAL COST OR \$5,309; OWENS AVENUE & PECOS ROAD IN THE AMOUNT OF 1.2% OF THE TOTAL COST OR \$636; LAKE MEAD BOULEVARD & PECOS ROAD - WEST LEG/DUAL LEFT IN THE AMOUNT OF 8.7% OF THE TOTAL COST OR \$10,440; LAKE MEAD BOULEVARD & PECOS ROAD - SOUTH LEG/DUAL LEFT IN THE AMOUNT OF 6.3% OF THE TOTAL COST OR \$7,560; OWENS AVENUE & PECOS ROAD - WEST LEG/DUAL LEFT IN THE AMOUNT OF 1.7% OF THE**

TOTAL COST OR \$2,040; OWENS AVENUE AND PECOS ROAD - NORTH LEG/DUAL LEFT IN THE AMOUNT OF 1.7% OF THE TOTAL COST OR \$2,040; LAKE MEAD BOULEVARD & BELMONT STREET - EAST LEG/DUAL LEFT IN THE AMOUNT OF 12.7% OF THE TOTAL COST OR \$15,240; AND LAKE MEAD BOULEVARD & BELMONT STREET - NORTH LEG/DUAL LEFT IN THE AMOUNT OF 1.7% OF THE TOTAL COST OR \$2,040 FOR THE REBEL OIL PROJECT LOCATED ON THE NORTHWEST CORNER OF LAKE MEAD BOULEVARD & PECOS ROAD. (CNLV CONTRACT NO. C-6704)

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

14. **AN APPEAL SUBMITTED BY THE CITY OF NORTH LAS VEGAS OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE SPR-54-07 (ELDORADO APARTMENTS); AN APPLICATION SUBMITTED BY WP SOUTH ACQUISITIONS, LLC, ON BEHALF OF PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN O-L/DA OPEN LAND DEVELOPMENT AGREEMENT DISTRICT FOR A 364-UNIT MULTI-FAMILY DEVELOPMENT ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF REVERE STREET AND CENTENNIAL PARKWAY. (SET PUBLIC HEARING FOR JANUARY 16, 2008)**

ACTION: PUBLIC HEARING SET FOR JANUARY 16, 2008

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. **AMP-18-07 (PARK HIGHLANDS WEST PARCEL); AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS ON BEHALF OF NOVEMBER 2005, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE CITY OF NORTH LAS VEGAS COMPREHENSIVE MASTER PLAN, LAND USE ELEMENT, TO CHANGE THE LAND USES FROM SINGLE FAMILY LOW (UP TO 6 DWELLING UNITS/ACRE), SINGLE FAMILY MEDIUM (UP TO 13 DWELLING**

UNITS/ACRE), MULTI-FAMILY (UP TO 25 DWELLING UNITS/ACRE), OPEN SPACE, NEIGHBORHOOD COMMERCIAL, PUBLIC SEMI-PUBLIC AND MIXED-USE NEIGHBORHOOD TO MASTER PLANNED COMMUNITY ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DECATUR BOULEVARD AND GRAND TETON DRIVE. (SET PUBLIC HEARING FOR JANUARY 16, 2008)

ACTION: PUBLIC HEARING SET FOR JANUARY 16, 2008

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

16. **AMP-19-07 (PARK HIGHLANDS EAST PARCEL); AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS ON BEHALF OF NOVEMBER 2005, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE CITY OF NORTH LAS VEGAS COMPREHENSIVE MASTER PLAN, LAND USE ELEMENT, TO CHANGE THE LAND USES FROM SINGLE FAMILY LOW (UP TO 6 DWELLING UNITS/ACRE), SINGLE FAMILY MEDIUM (UP TO 13 DWELLING UNITS/ACRE), MULTI-FAMILY (UP TO 25 DWELLING UNITS/ACRE), OPEN SPACE, COMMUNITY COMMERCIAL, EMPLOYMENT, PUBLIC SEMI-PUBLIC, MIXED-USE NEIGHBORHOOD, AND MIXED-USE COMMERCIAL TO MASTER PLANNED COMMUNITY ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF LOSEE ROAD AND GRAND TETON DRIVE. (SET PUBLIC HEARING FOR JANUARY 16, 2008)**

ACTION: PUBLIC HEARING SET FOR JANUARY 16, 2008

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

17. **GED-02-07 (NORTHGATE); AN APPLICATION SUBMITTED BY DIAMOND LAMB, LLC, PROPERTY OWNER, FOR A PETITION TO ALLOW A GAMING ENTERPRISE DISTRICT IN AN MUD/MX-3, MIXED USE DEVELOPMENT DISTRICT/REGIONAL CENTER MIXED USE SUBDISTRICT ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF TROPICAL PARKWAY AND MARION DRIVE. (SET PUBLIC HEARING FOR JANUARY 16, 2008)**

(ASSOCIATED ITEM NO. 27, ORDINANCE NO. 2419)

ACTION: PUBLIC HEARING SET FOR JANUARY 16, 2008

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. **GED-03-07 (SPEEDWAY); AN APPLICATION SUBMITTED BY SPEEDWAY HOSPITALITY DEVELOPMENT, LLC, ON BEHALF OF SPEEDWAY HOSPITALITY DEVELOPMENT II, LLC, AND SPEEDWAY HOSPITALITY DEVELOPMENT, LLC, PROPERTY OWNERS, FOR A PETITION TO ALLOW A GAMING ENTERPRISE DISTRICT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT ON PROPERTY LOCATED EAST OF SHATZ STREET AND APPROXIMATELY 700 FEET NORTH OF CENTENNIAL PARKWAY. (SET PUBLIC HEARING FOR JANUARY 16, 2008)**

ACTION: PUBLIC HEARING SET FOR JANUARY 16, 2008

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

BUSINESS

19. **PRESENTATION BY THE NEVADA DEPARTMENT OF TRANSPORTATION REGARDING THE I-15 NORTH CORRIDOR DESIGN-BUILD PROJECT.**

Jeff Hale of the Nevada Department of Transportation (NDOT) explained NDOT was in the final stages of the four-year I-15 North Corridor Design-Build Project. The goal of the project was to alleviate the congestion of a five-and-one-half-mile section of the Corridor. It was the first phase of a project that encompassed a total of 15 miles. Construction of Phase I, which included the area of I-15 from the "Spaghetti Bowl" to Lake Mead, was scheduled to start in one to two months. The next stages of construction were to begin at Craig Road and work south toward the City. North Corridor Constructors were underway since September 2007, and the project was estimated to be finalized in 2010.

I-15 from the "Spaghetti Bowl" to Lake Mead was to be widened from six to 10 lanes. There was interchange reconstruction at D Street and the Lake Mead interchange was to

be completely reconfigured. Ramp reconstruction was to be done at Cheyenne Avenue and ramp improvements were scheduled with the Craig Road Interchange Project. Bridges at Lake Mead Boulevard, Bonanza Road, D Street and Washington Avenue were to be reconstructed, and the F Street bridge was to be eliminated. The four and five lane segments of Lake Mead Boulevard to Craig Road were to be widened to eight lanes. Auxiliary lanes were added to increase the number of lanes between interchanges. A connector between D and F Streets in Las Vegas was scheduled to improve traffic flow in downtown Las Vegas. The project included lighting and landscaping improvements, and sound walls at residential areas. NDOT planned to keep the public and businesses informed of traffic disruptions during construction.

Councilwoman Buck asked why the 10 lanes which were planned for the area between the "Spaghetti Bowl" and Lake Mead Boulevard were not continued through to Craig Road, rather than only eight lanes between Lake Mead Boulevard and Craig Road. Mr. Hale explained studies of projected traffic uses through the year 2030 determined eight lanes, plus auxiliary lanes which eliminated a merge, were adequate.

Councilwoman Smith asked about the plans to alleviate traffic at the 215/I-15 interchange. Mr. Hale responded a full system interchange was projected, to be funded by Clark County. Public Works Director Majed Al-Ghafry further explained Clark County was waiting for federal funding, and the project was a joint venture with NDOT, Clark County and the federal funds.

ACTION: PRESENTATION MADE

City Manager Rose announced Public Hearings were next. Business Items continued after Item No. 3.

PUBLIC HEARINGS - 6:15 P.M.

2. **AMP-16-07 (NORTH 5TH DEER SPRINGS ZONE); AN APPLICATION SUBMITTED BY NORTH 5TH STREET PARTNERSHIP, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MULTI-FAMILY (UP TO 25 DWELLING UNITS/ACRE) TO COMMUNITY COMMERCIAL ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF DEER SPRINGS WAY AND NORTH 5TH STREET. (ASSOCIATED ITEM NO. 33, ORDINANCE NO. 2415)**

Mayor Montandon opened the Public Hearing.

Planning and Zoning Manager Marc Jordan stated the proposed request was generally consistent with the Comprehensive Plan. The only difference was Deer Springs Way was an 80-foot right-of-way, and the Comprehensive Plan called for 100-foot rights of way.

Staff and the Planning Commission recommended approval of the application.

Stephanie Allen, Kummer Kaempfer Bonner Renshaw and Ferrario, 3800 Howard Hughes Parkway, Las Vegas requested Council's approval of the application.

Councilman Eliason stated he abstained from the vote as the company he worked for owned the property directly east of the site.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: Councilman Eliason

33. ORDINANCE NO. 2415; 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 10+ ACRES THEREIN FROM AN R-E, RANCH ESTATES DISTRICT TO A C-2, GENERAL COMMERCIAL DISTRICT (ZN-117-07, NORTH 5TH DEER SPRINGS ZONE), FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF DEER SPRINGS WAY AND NORTH 5TH STREET, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (ASSOCIATED ITEM NO. 2, AMP-16-07)

Ordinance No. 2415 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 10+ ACRES THEREIN FROM AN R-E, RANCH ESTATES DISTRICT TO A C-2, GENERAL COMMERCIAL DISTRICT (ZN-117-07, NORTH 5TH DEER SPRINGS ZONE), FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF DEER SPRINGS WAY AND NORTH 5TH STREET, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (ASSOCIATED ITEM NO. 2, AMP-16-07)

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmembers Smith

and Buck
NAYS: None
ABSTAIN: Councilman Eliason

3. **UN-83-05 (PARK CENTRAL PLAZA); AN APPLICATION SUBMITTED BY PARK CENTRAL PLAZA 32, LLC C/O KEVIN SPILSBURY ON BEHALF OF PARK CENTRAL PLAZA 32, LLC C/O INFINITY ENTERPRISES INVESTMENTS, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A TAVERN/RESTAURANT ON PROPERTY LOCATED AT 5860 LOSEE ROAD.**

ACTION: CONTINUED TO FEBRUARY 6, 2008

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 (continued)

20. **AWARD OF BID NUMBER 1281 AND APPROVAL OF A CONTRACT WITH LAS VEGAS ELECTRIC, INC., IN THE AMOUNT OF \$883,806 FROM RTC QUESTION 10 FUNDING AND DEVELOPER PARTICIPATION FUNDS FOR THE NORTH LAS VEGAS TRAFFIC SIGNAL PROGRAM PHASE I, WHICH WILL PROVIDE INSTALLATION OF NEW TRAFFIC SIGNALS AND ASSOCIATED SUPPLEMENTS AT NORTH 5TH STREET & ALEXANDER ROAD AND NORTH 5TH STREET & WASHBURN ROAD. (CNLV CONTRACT NO. C-6706)**

ACTION: BID AWARDED

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

21. **APPROVAL OF A NON-REFUNDABLE CONTRIBUTION IN AID OF CONSTRUCTION AGREEMENT WITH NEVADA POWER COMPANY IN THE AMOUNT OF \$73,158 FROM GENERAL OBLIGATION BONDS FOR**

ELECTRICAL POWER SERVICE AND RELOCATION OF EXISTING OVERHEAD POWER LINES TO UNDERGROUND AT THE ALEXANDER LIBRARY & PARK PROJECT LOCATED AT 1755 WEST ALEXANDER ROAD. (CNLV CONTRACT NO. C-6703)

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

22. APPROVAL TO AUGMENT THE FIRE DEPARTMENT FY07-08 BUDGET IN THE AMOUNT OF \$549,600 FROM THE FIRE/EMS FUND AND 2006A \$55 MILLION BOND PROGRAM FOR THE PURPOSE OF REPLACING THE CURRENT FIRE APPARATUS WITH NEW APPARATUS FOR FIRE SUPPRESSION ACTIVITIES AND HAZARDOUS CONDITION RESPONSES.

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

23. APPROVAL OF THE ALLOCATION OF HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS IN THE AMOUNT OF \$901,223.60 TO NEIGHBORHOOD HOUSING SERVICES OF SOUTHERN NEVADA FOR THE ACQUISITION OF BUILDINGS AT 2130, 2132 AND 2134 ELLIS STREET TO BE MAINTAINED AS AFFORDABLE HOUSING FOR LOW TO MODERATE INCOME FAMILIES.

Councilwoman Buck asked for a review of the process which determined eligibility of funds. Mayor Pro Tempore Robinson commented he thought the funds should have already been spent.

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

24. AUTHORIZATION OF THE SELECTION OF CNLV CONSTRUCTORS AS PROVIDER OF PRECONSTRUCTION SERVICES IN AN AMOUNT NOT TO EXCEED \$3,329,000 FOR THE PROPOSED WATER RECLAMATION FACILITY UNDER NEW STATE LAW PERMITTING CONSTRUCTION MANAGER AT RISK PROCUREMENT METHOD.

Utilities Director David Bereskin requested City Manager Rose be given authorization to negotiate a contract with CNLV Constructors for an alternative delivery method for Phase I services for the construction of the Wastewater Reclamation Facility. Director Bereskin introduced Joe Hadden of New-Com Companies and Greg Fisher of CH2M Hill.

Mr. Hadden explained New-Com was a North Las Vegas-based company which included TAB Contractors, Acme Electric, MMC and Biodiesel of Las Vegas. It ranked in the top five Southwest water/wastewater contractors and had over 400 local employees. New-Com and CH2M Hill had worked together on \$1.6 billion of construction in Southern Nevada. If contracted, their goals were to define the project and related costs accurately to achieve safe, on-time delivery of water by the end of 2010, while keeping the capital costs within the available budget and securing the lowest feasible life cycle cost with the flexibility to meet the City's evolving needs. Maximum cost was guaranteed not to exceed what was quoted.

Councilwoman Smith asked what the savings to the City were. Mr. Fisher stated it would be at least three to five times the cost of services if everyone worked together, and possibly up to 10 times the cost.

Mayor Montandon mentioned the site would most likely not be built on Frehner Road.

Mayor Pro Tempore Robinson asked what portion of the cost was for consultant fees. Director Bereskin explained the entire amount could be viewed as consultant fees. Working together, the team would help the project stay within budget and save money where it was feasible to do so without diminishing quality. It would enable the project to go immediately from the design phase to the construction phase, which saved time and therefore, money, due to avoidance of inflation.

Councilwoman Smith asked if City Staff was capable of designing the project. Director Bereskin replied the project was beyond Staff's scope. Councilwoman Smith explained since the City would only design and build a reclamation facility once, it was not feasible to hire permanent staff to do so. Therefore, she felt it was sensible to hire outside sources

for the project.

Mayor Pro Tempore Robinson asked whether the lack of a definite location for the reclamation facility posed a problem. Director Bereskin explained the design was 50 percent complete, and was portable. The hydraulics were specific to the site. Director Bereskin further explained the major delay to the project thus far was the inability to negotiate for sites to the east of the City. Such locations had the benefit that wastewater flowed in that direction naturally by gravity, which lowered costs to the City. The City was currently in negotiations with Nellis Air Force Base. Even though the site was not yet confirmed, it was cost effective to proceed with design and construction plans.

Mayor Montandon confirmed with Mr. Hadden that he had previous experience with similar projects.

ACTION: AUTHORIZED

MOTION: Councilwoman Smith

SECOND: Councilwoman Buck

AYES: Mayor Montandon, Councilmembers Smith, Buck and Eliason

NAYS: Mayor Pro Tempore Robinson

ABSTAIN: None

25. RESOLUTION NO. 2392; A RESOLUTION OF THE CITY OF NORTH LAS VEGAS REPEALING RESOLUTION NO. 2279 AND INCREASING THE NUMBER OF TERMS OF CITIZEN ADVISORY BOARD APPOINTMENTS TO THREE CONSECUTIVE TERMS; PROVIDING CRITERIA FOR LIMITED WAIVER OF TERM LIMITS; LIMITING CITIZEN SERVICE TO ONLY ONE BOARD AT A TIME AND OTHER MATTERS PROPERLY RELATED THERETO.

Councilwoman Smith stated the intent of the resolution was to make citizen advisory board terms co-terminus with Councilmembers' terms.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

26. RESOLUTION NO. 2393; A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO GIVE NOTICE OF THE SALE OF PROPERTIES

**SUBJECT TO THE LIEN OF A DELINQUENT ASSESSMENT; AND PROVIDING
OTHER MATTERS PROPERLY RELATING THERETO.**

ACTION: PASSED AND ADOPTED

MOTION: Councilman Eliason

SECOND: Councilwoman Buck

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

NAYS: None

ABSTAIN: None

**ORDINANCE
INTRODUCTION ONLY**

27. **ORDINANCE NO. 2419; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY AMENDING A RECLASSIFICATION OF APPROXIMATELY 118 ACRES THEREIN FROM AN M-2, GENERAL INDUSTRIAL DISTRICT TO AN MUD/MX-3, MIXED USE DEVELOPMENT DISTRICT/REGIONAL CENTER MIXED USE SUBDISTRICT (ZN-23-07, NORTHGATE, PHASE I) TO ALLOW A CASINO, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 16, 2008) (ASSOCIATED ITEM NO. 17, GED-02-07)**

Ordinance No. 2419 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY AMENDING A RECLASSIFICATION OF APPROXIMATELY 118 ACRES THEREIN FROM AN M-2, GENERAL INDUSTRIAL DISTRICT TO AN MUD/MX-3, MIXED USE DEVELOPMENT DISTRICT/REGIONAL CENTER MIXED USE SUBDISTRICT (ZN-23-07, NORTHGATE, PHASE I) TO ALLOW A CASINO, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR JANUARY 16, 2008) (ASSOCIATED ITEM NO. 17, GED-02-07)

ACTION: FINAL ACTION SET FOR JANUARY 16, 2008

ORDINANCES
FINAL ACTION

City Manager Rose stated Items No. 28 and 29 would be considered simultaneously.

28. **ORDINANCE NO. 2406; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA AMENDING VARIOUS SECTIONS OF ORDINANCE 2360, CHAPTER 4 OF TITLE 13 (WATER SERVICE SYSTEM) OF THE NORTH LAS VEGAS MUNICIPAL CODE TO REFLECT CHANGES IN THE MONTHLY CHARGE FOR WATER RATES; AND PROVIDING FOR OTHER MATTERS AS PROPERLY RELATED THERETO. (CONTINUED DECEMBER 19, 2007)**

Ordinance No. 2406 as introduced by the City Manager:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA AMENDING VARIOUS SECTIONS OF ORDINANCE 2360, CHAPTER 4 OF TITLE 13 (WATER SERVICE SYSTEM) OF THE NORTH LAS VEGAS MUNICIPAL CODE TO REFLECT CHANGES IN THE MONTHLY CHARGE FOR WATER RATES; AND PROVIDING FOR OTHER MATTERS AS PROPERLY RELATED THERETO. (CONTINUED DECEMBER 19, 2007)

Finance Director Phil Stoeckinger explained the City had procured the services of Raftelis Financial Consulting, Inc. to perform an analysis of the water and wastewater rate structure. Mr. Sudhir Pardiwala of Raftelis explained the objective of the analysis was to create a 10-year financial plan for water and sewer enterprises. A review of usage information was performed and future growth was estimated. Projected operating and capital expenses were estimated, then net revenue adjustments were calculated.

The City's growth had been significant. With the current economy, future growth was estimated at about 4 percent per year. Inflation of operating expenses was about 4 percent per year, including the addition of needed employees. Even though a 10-year plan was prepared, at the present time the focus was on a three-year projection because many elements could fluctuate significantly over the long term. Water usage was expected to increase at 4 percent per year. The City also had to keep bond ratings up by not having debt. Bond covenants required 100 percent coverage. Good coverage afforded the City better trade ratings and a lower interest rate. The City's reserves were sufficient to this point, but decreased in future years, so revenue adjustment was necessary. At current rates, revenues did not meet expenses.

Expenses for sewer operations were projected as well, and construction of a new treatment plant was planned. Adjustments were calculated, with 4 percent factored in for inflation.

Rate adjustments were needed to meet the requirements of debt coverage. Capital funds were depleted by 2010, as they were used to fund the treatment plant. Operating costs, capital expenses and reserve requirements were all calculated, and revenues and rates were projected.

Finance Director Stoeckinger stated the Utility Advisory Board had four meetings regarding water and sewer rates and had unanimously voted for a 4 percent increase per year for 2008, 2009 and 2010, and a cost of living increase not to exceed 3 percent for each year thereafter. Director Stoeckinger explained it was less expensive to keep up with expenses than to try to catch up a cumulative amount later. The cumulative amount of the rate increases from 2004 through 2006 was about 26 percent. Although operating costs had increased significantly, the last rate increase was in October 2005. The proposed increase of 4 percent per year for 2008, 2009 and 2010 was equivalent to an increase of 2.5 percent per year from 2005 through 2010, which was less than annual cost of living increases.

The last wastewater increase was in 1993. Prior to 2003, the last water increase was in 1997. In 2003, 2004 and 2005, water increases totaled about 25 percent. Director Stoeckinger stated revenues had gone up 5.2 percent but expenses rose 18.2 percent. Unrestricted net assets had declined by over \$7.5 million, and would drop again this year. Reserves in fiscal year 2007 and budgeted year 2008 declined by over \$12 million. Water collection fees had been high enough to subsidize operations in the past, but were now dropping to almost half of what they were in recent years.

The 2003 Rate Study recommended annual rate increases to keep up with inflation. Current rates were not adequate to cover costs and provide adequate working capital.

For wastewater, Raftelis recommended a 5 percent increase in 2008 and 4 percent increases in 2009 and 2010, with cost of living increases not to exceed 3 percent annually thereafter. Statistics were similar in comparison with water rates, but there had not been a wastewater increase since 1993. The shortage in wastewater funds was over \$15 million.

Staff recommended adopting the rate increases recommended by Raftelis, which averaged approximately \$15 per year for water and \$19 per year for wastewater per home.

Councilwoman Smith asked how the City's rates compared with other local cities. Director Stoeckinger acknowledged the City of North Las Vegas' sewer rates were the highest in the area because the City did not have its own facility, so it did not have autonomy. Cost of water treatment had gone up 75 percent in the last few years. The rates were also high because the City had to make up for not having had an increase between 1993 and 2003. The City of North Las Vegas' water rates were the lowest in the area, because the City had autonomy in that area and the City's Utilities Department was run very efficiently.

Councilwoman Smith asked what assistance was available for people in need. Utilities

Director Bereskin stated there was an Assistance for Senior Citizens Program, which was available to all citizens if an application was submitted to Clark County between February 1 and April 30, 2008. In addition, the Utilities Department worked with people who had trouble paying their utility bills, set up payment plans and connected them with HELP of Southern Nevada and community programs and charities. The Utilities Department was gathering information on a variety of resources for senior citizens and low income families.

Venna Davis, 1108 East Owens Avenue, North Las Vegas was concerned about the hardship created by the increases for people who couldn't afford them. She felt it was unfair, and water was a necessity. Mayor Montandon agreed water was a necessity and explained the intent was not for the City to make a profit, but if water was delivered at a higher cost than what was paid for it, the money had to be subsidized from somewhere. Ms. Davis commented if the City stopped giving salary increases to employees, they'd have more money available. Mayor Montandon responded employees' wages were considered just as carefully.

Bob Mersereau, 4836 Crystal Sword Street, North Las Vegas contended sewer increments should be about half of water increments. He felt people who conserved water were penalized for the actions of people who didn't. He felt seniors and people who lived in the mature areas of town were being hurt. Mayor Montandon agreed using water in a non-renewable way such as for landscaping hurt everyone. Mr. Mersereau stated water usage had dropped, yet people were being penalized, which he felt it was a fault in the City's management and lack of planning of the issue. Mayor Montandon said the City's water usage had dropped, but the City was growing and there was a severe water shortage which created the problems and caused prices for water-related services to increase repeatedly. Mr. Mersereau felt the City should cut back in other areas, such as salaries. He said the City had the highest taxes in the area, which he did not feel was justified.

Councilwoman Buck stated North Las Vegas used the least water of the cities in the area. In other local cities, residents who used more water paid a higher rate. North Las Vegas had not implemented such a system because it had an excellent record of water conservation. Councilwoman Smith reiterated the North Las Vegas water rates were the lowest in the area.

Mayor Montandon stated City Staff had performed a great deal of research and time analyzing the topic and did not want to impose rate increases on citizens, but did so reluctantly as it was necessary to keep the City financially sound.

Richard Cherchio, 417 Horse Point Avenue, North Las Vegas did not feel the public was adequately notified of the rate increases; Mayor Montandon explained the meeting had been properly posted and in fact had been delayed to give more people the opportunity to speak on the issue. Mr. Cherchio questioned the way the City spent money, specifically, the fact that the former Police Chief was on paid leave for two months and then was given a large severance payout. Then, a consulting firm was hired to do a nationwide search for

a new Police Chief instead of hiring someone from within the Police Department. In addition, Mr. Cherchio felt the amendment of the City Manager's contract could pose a financial problem. Mr. Cherchio agreed water expenses versus water revenues created a shortfall of funds in that category, but felt the City did not take into consideration the big picture of all monies coming in and being spent. He felt additional funds for water could come from somewhere else. Mayor Montandon reiterated it cost more to deliver water than what was paid for it, so a shortage in funds for water hurt the entire City because the deficit had to be made up by cutbacks from other areas. Mayor Montandon explained growth paid for most of the water, and as growth slowed down, water prices rose. Mr. Cherchio said he preferred to have some open area and not have the entire City built to its capacity. He did not support automatic annual increases and felt the matter should be revisited periodically. Mayor Montandon explained the item could be revisited any time, however, cost of living increases not to exceed 3 percent every year were preferable to large increases every few years.

Gary Thornton, 1916 Maxwell Street, North Las Vegas felt government spent money irresponsibly and thought cutbacks should be made elsewhere to compensate for increased water costs. He did not support the City hiring more staff and felt there should be cutbacks on hiring. Mayor Montandon stated the City had a hiring freeze and cutbacks. Half of the 143 people hired last year were public safety personnel; in the coming year the City planned to hire 90 public safety personnel and only 10 employees in other departments. Mr. Thornton stated he called the Police recently and no officers were available.

Councilwoman Buck stated every time Nevada Power's rates rose, it affected the City's water rates. In addition, the City of Las Vegas raised the wastewater fees 40 percent in the last two years. If the City had to subsidize the increases, it had to cut back in other areas, such as police officers, which was not acceptable.

Gary Shoaff, 5622 Midnight Breeze Street, North Las Vegas supported the rate increases. He felt it promoted water conservation and made people more aware of the water shortage. He agreed bills typically rose more than salaries, however, he hoped the rising rates forced people to conserve water.

Bob Borgersen, 7617 Island Rail Drive, North Las Vegas asked why the Police Chief was paid to leave and said he was speaking for others in agreeing with the concerns voiced by other citizens. Councilwoman Buck said she did not like the increase either, but it was necessary. As a member of the Southern Nevada Water Authority, she knew the significance of rising water rates and the diminishing water supply. She felt it was unfair to blame Council for the increase. Even with the increase, the City of North Las Vegas charged the lowest rate in the area. Mr. Borgersen agreed, but felt the City wasted money on other things which could be applied to water costs instead. Mayor Montandon and Councilwoman Buck emphasized it was not a tax, it was a rate increase they did not want to implement, but over the course of a year had not found other solutions. They noted the

City had gotten the input of the Citizen's Advisory Board.

Ken Angell, 1408 Danielle Rebecca Avenue, North Las Vegas asked why the City of Las Vegas was able to impose 40 percent in increases on the City of North Las Vegas for wastewater service. Mayor Montandon explained the City of Las Vegas' wastewater plant was almost at capacity, partially due to the expansion of North Las Vegas. It was beyond the City of North Las Vegas' control, as they needed the services of the Las Vegas plant. Mr. Angell asked where the water came from. Mayor Montandon explained the Southern Nevada Water Authority sold water to the cities of Henderson, Las Vegas and North Las Vegas.

Ron Whipple, 2343 Catskill Court, North Las Vegas requested the Utilities Department include a note on the water bill to notify customers of rate changes. He did not feel water and sewer rates between private homes and communities with Homeowners' Associations were distributed fairly. He felt single family homeowners subsidized the sewer rates for multiple family dwellings. Mayor Montandon explained while Homeowners' Associations did not pay sewer rates, they were charged higher water rates.

William Parker, 2208 Matheson Street, North Las Vegas stated he opposed the rate increases.

Mayor Montandon said he appreciated public participation. Councilwoman Smith stated she asked for a continuance of the item from the last meeting because she was uncomfortable with the rate increase. However, after analyzing the statistics, she now understood the rate increases were necessary to compensate for rising costs of water services, not for the City to make a profit. The City had to pass along price increases it was charged. She said it was not related to other monies the City spent from other unrelated funds. The issues with the former Police Chief could not be discussed due to personnel laws, however, they were not relevant to the water rate increases. The only options were to deplete other services provided by the City to subsidize water, or charge customers for the increase. The public only paid for the water they used and had the choice to conserve water. The City had been subsidizing water rates for years, however, it was no longer possible to do so. The City had commitments to bonding companies to maintain a certain amount of money in reserve. Violation of that requirement would cost the City money and cause bond rates to go up. It was in the best interest of the City to compensate for increased costs by long-term financial planning and incremental increases. The alternative was to act after the situation became a crisis, and then rates would increase drastically all at once. She stated she knew it was unpleasant, but it was preferable to cutbacks on funding from other services provided by the City. Furthermore, the City worked with residents to avoid anyone having their water shut off.

ACTION: PASSED AND ADOPTED
MOTION: Councilwoman Smith
SECOND: Councilwoman Buck

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

29. ORDINANCE NO. 2407; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA AMENDING VARIOUS SECTIONS OF ORDINANCE 2379, CHAPTER 24 OF TITLE 13 (WASTEWATER COLLECTION SYSTEM) OF THE NORTH LAS VEGAS MUNICIPAL CODE TO REFLECT CHANGES IN THE MONTHLY CHARGE FOR WASTEWATER RATES; AND PROVIDING FOR OTHER MATTERS AS PROPERLY RELATED THERETO. (CONTINUED DECEMBER 19, 2007)

Ordinance No. 2407 as introduced by the City Manager:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA AMENDING VARIOUS SECTIONS OF ORDINANCE 2379, CHAPTER 24 OF TITLE 13 (WASTEWATER COLLECTION SYSTEM) OF THE NORTH LAS VEGAS MUNICIPAL CODE TO REFLECT CHANGES IN THE MONTHLY CHARGE FOR WASTEWATER RATES; AND PROVIDING FOR OTHER MATTERS AS PROPERLY RELATED THERETO. (CONTINUED DECEMBER 19, 2007)

ACTION: PASSED AND ADOPTED

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

30. ORDINANCE NO. 2412; 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 12.20+ ACRES THEREIN FROM AN O-L, OPEN LAND DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT (ZN-120-07, AZURE I), FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF AZURE AVENUE AND SLOAN LANE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 2412 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 12.20+ ACRES THEREIN FROM AN O-L, OPEN LAND DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT (ZN-120-07, AZURE I), FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF AZURE AVENUE AND SLOAN LANE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Planning and Zoning Manager Jordan stated the request was consistent with the plan for the area and Staff and the Planning Commission recommended approval.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

31. **ORDINANCE NO. 2413; 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 10+ ACRES THEREIN FROM AN O-L, OPEN LAND DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT (ZN-121-07, SLOAN RE-ZONING), FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF AZURE AVENUE AND SLOAN LANE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 2413 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 10+ ACRES THEREIN FROM AN O-L, OPEN LAND DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT (ZN-121-07, SLOAN RE-ZONING), FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF AZURE AVENUE AND SLOAN LANE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Planning and Zoning Manager Jordan stated Staff and the Planning Commission

recommended approval.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

32. ORDINANCE NO. 2414; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 2304, WHICH AMENDED ORDINANCE NUMBER 1843 WHICH RECLASSIFIED LOSEE PLAZA (ZN-35-03) TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, BY MODIFYING THE COMMERCIAL COMPONENT OF THE PRELIMINARY DEVELOPMENT PLAN AND ASSOCIATED CONDITIONS OF APPROVAL FOR PROPERTY AT THE NORTHWEST AND SOUTHWEST CORNERS OF ANN ROAD AND LOSEE ROAD, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 2414 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 2304, WHICH AMENDED ORDINANCE NUMBER 1843 WHICH RECLASSIFIED LOSEE PLAZA (ZN-35-03) TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, BY MODIFYING THE COMMERCIAL COMPONENT OF THE PRELIMINARY DEVELOPMENT PLAN AND ASSOCIATED CONDITIONS OF APPROVAL FOR PROPERTY AT THE NORTHWEST AND SOUTHWEST CORNERS OF ANN ROAD AND LOSEE ROAD, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Planning and Zoning Manager Jordan stated the request was to allow three feet of landscaping where six feet were required, because the applicant contended more room was needed on the driveway for trucks to maneuver. Staff found there was sufficient room for trucks and did not feel the modification was necessary. Manager Jordan stated the building permit had been issued because the plans submitted by the applicant showed the required amount of landscaping. The Planning Commission recommended approval of the request.

Chet Cox, 2232 Chatsworth Court, Henderson appeared on behalf of the applicant.

Mayor Montandon stated other gas stations had less room for vehicles. Mr. Cox said his company never installed landscaping at convenience stores except in North Las Vegas, and the plans submitted had no landscaping at all. He displayed a diagram of the site and stated accidents were common at the company's other locations that had similar setups. Approximately 4,000 vehicles were projected to be on the property every day. Mr. Cox stated the issue was safety, not landscaping.

Councilwoman Buck confirmed with Manager Jordan the landscaping requirement was standard and other gas stations adhered to the standard. Mr. Cox showed pictures of other gas stations in North Las Vegas with little to no landscaping. He demonstrated on an image of his plans how the landscaping interfered with pedestrian and vehicle traffic. Councilwoman Buck stated he was right and felt the store should not be allowed and requirements should be changed for similar future stores. However, the store in question was already approved. She suggested Council review the related Ordinance and amend it to require more land for such stores. Mr. Cox had pictures of other stores with less or no landscaping. Councilwoman Buck stated those stores could have been built before the current standards were in place.

Councilwoman Smith did not feel there was sufficient cause to reduce the landscaping and stated they had already compromised on other issues regarding the site.

Mayor Pro Tempore Robinson asked if the pictures shown were in fact of sites that were approved before current standards were in place. Mr. Cox stated they were not. Planning Manager Jordan explained why waivers had been granted in some of the locations, one was forgiven after it was already constructed, others may have been due to soil conditions, others he had to research before he could answer. Mayor Pro Tempore Robinson said he knew of problems at another gas stations in the area and felt shrubbery could pose a safety issue as they obstructed drivers' view. Mr. Cox reiterated the reason a reduction in landscaping was requested was for safety purposes. They still planned to install landscaping but preferred to delete three feet of landscaping to use for the driveway area.

Councilman Eliason said they had to be selective about granting variances. Mayor Montandon explained City management was an ongoing process and rules were changed and updated as needed as situations came up.

Councilwoman Smith felt the issue was landscaping, not safety, and a standard should be upheld and not negotiated. She felt developers had to work with the City's standards. Mr. Cox explained he became involved with the project after it was approved and designed, and his company leased the property. His plans showed no landscaping. He insisted it was a safety issue. Councilwoman Buck reiterated future stores with gas stations needed more space.

Manager Jordan stated some of the details included in the original Ordinance had changed. Therefore, the Ordinance was amended with Conditions 3, 17B, 20 and 21 deleted.

Mayor Pro Tempore Robinson made a Motion for Approval.

ACTION: DENIED

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson

NAYS: Councilmembers Smith, Buck and Eliason

ABSTAIN: None

34. ORDINANCE NO. 2416; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS FOR RECLASSIFICATION OF PROPERTY FROM A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF BUSINESS/OFFICE USES WITH ASSOCIATED RETAIL AND RESTAURANTS (ZN-107-07, CENTENNIAL & LOSEE), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND LOSEE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 2416 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS FOR RECLASSIFICATION OF PROPERTY FROM A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF BUSINESS/OFFICE USES WITH ASSOCIATED RETAIL AND RESTAURANTS (ZN-107-07, CENTENNIAL & LOSEE), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND LOSEE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: CONTINUED TO JANUARY 16, 2008

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

35. ORDINANCE NO. 2417; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS REPEALING TITLE 6 OF THE NORTH LAS VEGAS MUNICIPAL CODE REGULATING ANIMALS AND REPLACING THE SAME WITH A NEW TITLE 6, ALSO REGULATING ANIMALS, INCLUDING NEW AND REVISED PROVISIONS GOVERNING THE LICENSING, VACCINATION, RUNNING AT LARGE, AND IMPOUNDMENT OF ANIMALS; AS WELL AS REGULATIONS CONCERNING EXOTIC AND VICIOUS ANIMALS, ANIMAL CRUELTY AND ANIMAL CARE FACILITIES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Ordinance No. 2417 as introduced by the City Manager:

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS REPEALING TITLE 6 OF THE NORTH LAS VEGAS MUNICIPAL CODE REGULATING ANIMALS AND REPLACING THE SAME WITH A NEW TITLE 6, ALSO REGULATING ANIMALS, INCLUDING NEW AND REVISED PROVISIONS GOVERNING THE LICENSING, VACCINATION, RUNNING AT LARGE, AND IMPOUNDMENT OF ANIMALS; AS WELL AS REGULATIONS CONCERNING EXOTIC AND VICIOUS ANIMALS, ANIMAL CRUELTY AND ANIMAL CARE FACILITIES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Karen Layne, 3395 South Jones Boulevard, # 454, Las Vegas, President, Las Vegas Valley Humane Society, spoke in support of Ordinances 2417 and 2418.

Harold Vosko, 62 Innisbrook Avenue, Las Vegas, Co-Founder, Heaven Can Wait Animal Sanctuary, spoke in support of Ordinances 2417 and 2418.

Gina Greisen, 4004 Ridgewood, Las Vegas, Director, Nevada Voters for Animals, appeared in support of Ordinances 2417 and 2418 and thanked those responsible for the creation of the Ordinances.

Judy Erickson, 1136 Eastridge Way, Las Vegas commended the City on the development of Ordinances 2417 and 2418 and expressed support of the Ordinances.

Dr. David Henderson, 1404 Crestwood Avenue, Las Vegas echoed the comments of

Ms. Erickson.

Dr. Clarissa Engstrom, DVM, P.O. Box 303, Blue Diamond, NV supported Ordinance No. 2418 and stated the only reason she hesitated to support Ordinance 2417 was because she owned a pot bellied pig and was afraid the pig could exceed the weight restriction in the Ordinance. She felt the Ordinances eliminated irresponsible pet owners and breeders. She stated the idea that spaying and neutering negatively affected pets was not factual. She felt the Ordinances, if passed and adopted, should be posted in all animal hospitals in the City so people were aware of them. Dr. Engstrom listed numerous health detriments she witnessed regularly that were related to animals not having been altered.

ACTION: PASSED AND ADOPTED AS AMENDED TO CORRECT TYPOGRAPHICAL AND GRAMMATICAL ERRORS

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

36. ORDINANCE NO. 2418; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS AMENDING TITLE 6 OF THE NORTH LAS VEGAS MUNICIPAL CODE BY ADDING A NEW CHAPTER (CHAPTER 16) MANDATING THAT ALL DOGS AND CATS BE SPAYED OR NEUTERED EXCEPT IN CERTAIN LIMITED CIRCUMSTANCES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Ordinance No. 2418 as introduced by the City Manager:

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS AMENDING TITLE 6 OF THE NORTH LAS VEGAS MUNICIPAL CODE BY ADDING A NEW CHAPTER (CHAPTER 16) MANDATING THAT ALL DOGS AND CATS BE SPAYED OR NEUTERED EXCEPT IN CERTAIN LIMITED CIRCUMSTANCES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Assistant Director of Police Services Al Noyola stated the Ordinance helped decrease the overpopulation of animals.

Christine Robinson, 655 North Mojave Road, Las Vegas, The Animal Foundation,

appeared in support of the Ordinance.

ACTION: APPROVED AS AMENDED; AMENDED AS FOLLOWS:

1. SECTION 6.16.010 DELETE "OVER FOUR (4) MONTHS OF AGE"
2. DELETE SECTION 6.16.020(C)
3. SECTION 6.16.020(D) CHANGE "CAR" TO "CAT"
4. CHANGE SECTION 6.16.020(D) TO 6.16.020(C)

MOTION: Councilwoman Smith

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

COUNCIL ITEMS

Councilman Eliason directed Staff to contact the City of Phoenix regarding an ordinance on the ban of the sale of ammunition during the month of December.

CITY MANAGER'S REPORT

There was no report.

PUBLIC FORUM

Scott Sauer, 770 West Lone Mountain Road, #2026, North Las Vegas, thanked the City Council for their hard work and complimented Staff for one of the best agendas on the internet for obtaining information and the amount of information provided.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 8:47 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: February 20, 2008

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

ATTEST:

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