

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

March 19, 2008

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

**CITY COUNCIL MEETING**

**CALL TO ORDER**

6:03 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 Chanbers  
City Attorney Carie Torrence  
City Clerk Karen Storms  
Communications Director Brenda Fischer  
Economic Development Director Mike Majewski  
Assistant Finance Director Kay Godbey  
Fire Chief Al Gillespie  
Human Resources Director Joyce Lira  
Information Technology Director Steve Chapin

Library Director Kathy Pennell  
Parks and Recreation Landscape Architect John Jones  
Acting Planning and Zoning Director Frank Fiori  
Acting Police Chief Joe Forti  
Public Works Director Qiong Liu  
Utilities Manager Leslie Long  
Assistant to the City Manager Michelle Bailey-Hedgepeth  
Planning and Zoning Manager Marc Jordan  
Assistant City Clerk Anita Sheldon

**WELCOME**

Mayor Michael L. Montandon

**VERIFICATION**

Karen L. Storms, CMC  
City Clerk

**INVOCATION**

Aubrey Branch

**PLEDGE OF ALLEGIANCE**

Councilwoman Stephanie S. Smith

**PUBLIC FORUM**

**Monica James, 1706 Hunters Bluff Drive, North Las Vegas**, complained about a vacant house located at 2429 North Street and people stealing water at the location. Mayor Montandon referred her to Acting Police Chief Forti.

**David Salmon, 6333 Bunch Grass Court, North Las Vegas**, presented a letter on behalf of homeowners in Eldorado, Pearl Point, Pearl Cove and the Parks developments outlining their concerns about SPR-54-07 which will be heard at the April 2, 2008 meeting.

**AGENDA**

**1. APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF MARCH 19, 2008.**

ACTION: APPROVED AS AMENDED; ITEM NO. 2 WITHDRAWN WITHOUT PREJUDICE; ITEM NOS. 5 AND 41 CONTINUED TO APRIL 16, 2008; ITEM NO. 13, PUBLIC HEARING SET FOR MAY 21, 2008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**

**7. APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF JANUARY 16, 2008.**

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 OF REGULAR CITY COUNCIL MEETING MINUTES OF JANUARY 16, 2008.**

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 THE FIRST AMENDMENT TO THE CITY ATTORNEY EMPLOYMENT AGREEMENT. (CNLV CONTRACT NO. C-6736)**

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. ACCEPTANCE OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT FROM COLEMAN AIRPARK II & III, LLC FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNALS AT CAREY AVENUE & CLAYTON STREET IN THE AMOUNT OF 2.5% OF THE TOTAL COST OR \$8,198; CHEYENNE AVENUE & CLAYTON STREET IN THE AMOUNT OF 2.3% OF THE TOTAL COST OR \$5,242; CHEYENNE AVENUE & SIMMONS STREET IN THE AMOUNT OF 2.3% OF THE TOTAL COST OR \$1,472; AND CAREY AVENUE & SIMMONS STREET IN THE AMOUNT OF 3.5% OF THE TOTAL COST OR \$8,633 FOR THE COLEMAN AIR PARK II PROJECT LOCATED ON THE SOUTHEAST CORNER OF BROOKS AVENUE & COLEMAN 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

11. **ACCEPTANCE OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT FROM REGAL READY MIX FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS AND TRAFFIC SIGNALS AT COLTON AVENUE & LOSEE ROAD IN THE AMOUNT OF 1% OF THE TOTAL COST OR \$1,980 AND CHEYENNE AVENUE & NORTH 5<sup>TH</sup> STREET IN THE AMOUNT OF 1% OF THE TOTAL COST OR \$580 FOR THE REGAL READY MIX BATCH PLANT PROJECT LOCATED ON THE NORTHEAST CORNER OF COLTON AVENUE & DONNA 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

12. **APPROVAL OF A GRANT OF EASEMENT TO NEVADA POWER COMPANY TO OPERATE AND MAINTAIN THEIR FACILITIES AT THE PUBLIC WORKS DEPARTMENT ANNEX BUILDING LOCATED AT 50 EAST BROOKS AVENUE.**

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. **VAC-01-08 (WATER AVENUE); AN APPLICATION SUBMITTED BY ALCO LANDSCAPE AND C&D CONSTRUCTION ON BEHALF OF FERNANDO ARRIAGA, PROPERTY OWNER, TO VACATE WATER AVENUE, COMMENCING AT STOCKER STREET AND PROCEEDING WEST APPROXIMATELY 345 FEET. (SET PUBLIC HEARING FOR APRIL 16, 2008)**

ACTION: PUBLIC HEARING SET FOR MAY 21, 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**

**14. REJECTION OF THE BID PROTEST FROM TRANSFORM DATA CORPORATION FOR THE PURCHASE OF AN ELECTRONIC DOCUMENT MANAGEMENT SYSTEM IN THE CITY CLERK'S OFFICE, RFP 007-007R. (TABLED MARCH 5, 2008) (ASSOCIATED ITEM NO. 15)**

City Manager Gregory Rose explained a request for a continuance was received from Transform Data Corporation. Staff believed that it was appropriate for Council to consider this item. Issues were raised at a previous meeting and City Manager Rose felt those issues could be addressed.

City Clerk Storms explained that Staff had done due diligence in assuring the product met the requirements in the Request for Proposal (RFP). She explained that while Oracle certification was the basis for the bid protest letter, the requirement was that the software be verified, certified or successfully installed in an Oracle environment. SIRE Technologies software was not Oracle certified but had many government clients using the software solution including Clark County and the City of Las Vegas. Staff concluded that the software solution submitted by SIRE Technologies met the RFP's technical specifications. Additionally, as part of the RFP process each vendor on the short list, including the bid protester, was asked to present their software functions from beginning to end with ten standard agenda items. SIRE Technologies solution was the only package that could perform all of the critical tasks listed in the RFP and the only software with the public meeting agenda component. Staff determined that SIRE Technologies was the only responsive and responsible bidder because none of the other proposals could reliably perform all of the functions requested in the RFP. Staff recommended that Council reject the bid protest from Transform Data Corporation.

ACTION: BID PROTEST REJECTED

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

15. **AUTHORIZATION TO AUGMENT THE CITY CLERK'S OFFICE BUDGET IN THE AMOUNT OF \$250,000 FROM THE GENERAL FUND CONTINGENCY ACCOUNT; AND AUTHORIZATION FOR THE CITY MANAGER TO SIGN AN AGREEMENT, IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE, WITH ALPHACORP (SIRE TECHNOLOGIES) IN THE AMOUNT OF \$295,284.80 FOR THE PURCHASE OF AN ELECTRONIC DOCUMENT MANAGEMENT SYSTEM IN THE CITY CLERK'S OFFICE. (TABLED JANUARY 16, FEBRUARY 6 AND MARCH 5, 2008) (ASSOCIATED ITEM NO. 14) (CNLV CONTRACT NO. C-6747)**

ACTION: AUTHORIZED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

16. **DISCUSSION AND POSSIBLE ACTION REGARDING AN APPEAL OF CHILD CARE WORK CARD DENIAL.**

ACTION: TABLED TO APRIL 2, 2008

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**PUBLIC HEARINGS - 6:15 P.M.**

2. **UN-114-04 (THE ALHAMBRA); AN APPLICATION SUBMITTED BY RUNVEE, INC., C/O TELISCHAK & CO., (JOHN TELISCHAK), PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A TAVERN ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND LAMB BOULEVARD. (CONTINUED JULY 5 AND NOVEMBER 7, 2007)**

ACTION: WITHDRAWN WITHOUT PREJUDICE

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

3. **AN APPEAL SUBMITTED BY FARUS FARMANALI, ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO DENY AMP-02-08 (LONE MOUNTAIN'S 5<sup>TH</sup> LLC); AN APPLICATION SUBMITTED BY LONE MOUNTAIN'S 5<sup>TH</sup> LLC AND VIVIANNA C. GONZALEZ, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF SINGLE FAMILY LOW (UP TO 6 DWELLING UNITS/ACRE) TO NEIGHBORHOOD COMMERCIAL ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND NORTH 5<sup>TH</sup> STREET. (ASSOCIATED ITEM NO. 4, APPEAL OF ZN-06-08)**

Mayor Montandon opened the public hearing.

Councilwoman Buck explained that she would be abstaining from this item because the property directly abutted her brother's property and would affect him.

Acting Planning and Zoning Director Frank Fiori recommended that Council uphold the Planning Commission's decision to deny the appeal, AMP-02-08 and rezoning request.

City Manager Rose explained he would read item number 4 into the record so that both items could be considered together.

City Manager Rose read item number 4 into the record.

**Jay Brown, 520 South 4<sup>th</sup> Street, Las Vegas**, along with Fred Wade represented the applicant and explained the applicant requested a comprehensive plan amendment to Neighborhood Commercial and C-1 zoning. He explained a neighborhood meeting was held and some of the concerns were opposition to multi-family, high-density commercial franchise or fast food. He explained that due to the widening of Lone Mountain Road he did not feel that single-family would work.

**Fred Wade, 10080 West Alta Drive, Las Vegas**, explained this project was to be included in the Master Plan update but prior to that the applicant was asked to withdraw because it was slated for high density mixed-use. The property was cleaned, existing homes were demolished and mature landscape was left along Lone Mountain Road. There was opposition to the high-density multi-family and office professional component. Mr. Wade was instructed that it could not be utilized for neon signs or drive-thrus. An architectural firm was contacted and looked for a product type that had a strong neighborhood appeal with a front porch where people could congregate in the neighborhood and for uses that were appropriate. At the neighborhood meeting, the concern was traffic. He was confident this project would be a benefit.

**Joe Dabrowski, 616 Barite Canyon Drive, North Las Vegas**, represented the Homeowners Association of the development northeast of North 5<sup>th</sup> Street and Lone Mountain Road, and explained that once the property was zoned there was nothing that could stop the applicant from selling the property to another party and not have that party committed to it.

Mayor Montandon explained that there was a difference between C-1, C-P and C-2. There were multiple commercial zonings, a use permit process and design review process.

Mr. Dabrowski explained he would not oppose a Pizza Hut or Port of Subs type business which would not cause a negative impact or traffic problems. He explained the neighbors were concerned with the type of stores that would be put on the property.

**Kindle Spears, 4823 White Jade Street, North Las Vegas**, was concerned about the kind of stores that would be put into the area and felt that unless the neighbors had knowledge regarding the stores, they did not want automatic commercial approval on the site. He was very concerned about the amount of children that were in that neighborhood.

**Boyd Bullock, 821 East Lone Mountain Road, North Las Vegas**, spoke in support of the project.

Councilwoman Smith questioned what commitments would be made.

Mr. Brown stated that in C-1, the code limited what could be done and use permits were needed for other uses. A site design plan had to be submitted to satisfy all parties which would show the use.

Councilwoman Smith requested that the applicant commit to noticing the neighbors. Mr. Brown stated he would meet with the neighbors.

Mayor Montandon questioned whether any of the neighbor concerns would be permitted in a C-1 without a use permit.

Mr. Wade explained that one of the designs limited the retail portion to 8,000 feet. He had looked at a daycare use and worked with a dental group. The intention was that it would not be one massive retail center. He explained that the building would be pushed back with appropriate buffers and was aware of the children in the area. He was committed to working with the neighbors. Once they had tenants he would hold open forums to be sure they had the neighbor's support on the uses.

Mayor Montandon closed the public hearing.

ACTION: PLANNING COMMISSION DECISION OVERTURNED; AMP-02-08  
APPROVED



MOTION: Councilwoman Smith  
SECOND: Mayor Pro Tempore Robinson  
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmember Smith  
NAYS: Councilman Eliason  
ABSTAIN: Councilwoman Buck

4. **AN APPEAL SUBMITTED BY FARUS FARMANALI, ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO DENY ZN-06-08 (LONE MOUNTAIN'S 5<sup>TH</sup> LLC); AN APPLICATION SUBMITTED BY LONE MOUNTAIN'S 5<sup>TH</sup> LLC AND VIVIANNA C. GONZALEZ, PROPERTY OWNERS, FOR A RECLASSIFICATION OF PROPERTY FROM R-E RANCH ESTATES DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND NORTH 5<sup>TH</sup> STREET. (ASSOCIATED ITEM NO. 3, APPEAL OF AMP-02-08)**

This item was heard with item number 3 and discussion referenced both items.

ACTION: PLANNING COMMISSION DECISION OVERTURNED; ZN-06-08 APPROVED; STAFF TO PREPARE AN ORDINANCE FOR PERMANENT ZONING

MOTION: Councilwoman Smith  
SECOND: Mayor Pro Tempore Robinson  
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmember Smith  
NAYS: Councilman Eliason  
ABSTAIN: Councilwoman Buck

5. **AMP-03-08 (N5 COMMERCIAL CENTER); AN APPLICATION SUBMITTED BY CELEBRATE PROPERTIES, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF SINGLE FAMILY MEDIUM (UP TO 13 DWELLING UNITS/ACRE) TO NEIGHBORHOOD COMMERCIAL ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF NORTH 5<sup>TH</sup> STREET AND ALEXANDER ROAD. (ASSOCIATED ITEM NO. 41, ORDINANCE NO. 2435)**

ACTION: CONTINUED TO APRIL 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

6. **UN-01-08 (MONEYTREE); AN APPLICATION SUBMITTED BY MONEYTREE, INC., ON BEHALF OF CLARK COUNTY DEPARTMENT OF AVIATION & MARCELLO AIRPORT CENTER, LLC LEASE, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A DEFERRED DEPOSIT LOAN ESTABLISHMENT ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF RANCHO DRIVE AND CAREY AVENUE.**

Mayor Montandon opened the public hearing.

Acting Planning and Zoning Director Frank Fiori explained this was a request for a use permit for a deferred deposit loan establishment. The Planning Commission recommended approval.

**Trevor Hayes, 300 South Fourth Street, Las Vegas**, represented the applicant, Moneytree, and explained the location was north of Carey Avenue on Rancho Drive. He explained that Staff stated the establishment fell under the previous distance requirements, but stressed the applicant exceeded all standards. The distance was 3300 feet to the nearest deferred deposit lender, 1300 feet to the nearest residential and met all requirements.

Mayor Montandon closed the public hearing.

ACTION: APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. UNLESS EXPRESSLY AUTHORIZED THROUGH A VARIANCE, WAIVER OR ANOTHER METHOD, THIS DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
2. NO BUILDING PERMITS SHALL BE ISSUED UNTIL A REVISED SITE PLAN HAS BEEN REVIEWED AND APPROVED BY THE PLANNING COMMISSION.
3. THIS USE PERMIT SHALL COMPLY WITH ALL APPROPRIATE CONDITIONS OF APPROVAL FOR THE APPROPRIATE SITE PLAN REVIEW.
4. THE PROPERTY SHALL HAVE EXTRA SECURITY CAMERAS.
5. A POLY-CARBONATE GLAZED PARTITION SHALL SEPARATE THE EMPLOYEES FROM THE CUSTOMERS.
6. EXTERIOR DOORS SHALL BE PRE-WIRED WITH CONTACT PLATES FOR AN ALARM SYSTEM.
7. THERE SHALL BE A ROBBERY ALARM INSTALLED THAT CAN BE INCONSPICUOUSLY TRIGGERED BY ANY EMPLOYEE.

8. THE TENANT IMPROVEMENT PLANS SHALL BE ROUTED TO THE POLICE DEPARTMENT FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT.

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

### **BUSINESS (CONTINUED)**

17. **WAV-01-08 (TERRIBLE HERBST TROPICAL/LOSEE); AN APPLICATION SUBMITTED BY TERRIBLE HERBST, INC. ON BEHALF OF PARK CENTRAL PLAZA 32 LLC, PROPERTY OWNER, FOR A WAIVER FROM TITLE 16 TO ALLOW A REDUCTION OF THE REQUIRED 200 FOOT SEPARATION FOR A COMMERCIAL DRIVEWAY, FROM A RIGHT-OF-WAY, TO 130 FEET FOR A PROPOSED CONVENIENCE STORE ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF TROPICAL PARKWAY AND LOSEE ROAD.**

Acting Planning and Zoning Director Frank Fiori explained this was a request for a waiver. The Planning Commission recommended approval.

**Katie Fellows, 3773 Howard Hughes Parkway, Las Vegas**, represented the applicant and explained the site development plan came before the Planning Commission in May 2007 for approval. The request was for a waiver of the driveway distance requirement from the intersection and proposed adding a right-in only driveway access into the site to provide direct access to both the C Market and gas pumps. The site was approved for a 329 foot driveway. The applicant believed the distance of the driveway would disadvantage the site as many vehicles traveling north on Losee Road would miss the driveway and site access. The applicant met with Public Works and would be providing right-in only curb cuts which would limit exiting onto Losee Road, signage and a 100 foot deceleration lane to minimize negative impact on traffic along Losee Road or right hand turn lane. The Planning Commission recommended approval.

Councilwoman Buck suggested that before a deviation of a site plan was allowed, there was assurance it would not affect or cause granting of a waiver to someone else to do business. She was also concerned that with the right-in there would still be people coming down the travel lane wanting to go right-out and requested that a “no access to Losee Road” sign be placed on the driveway.

Ms. Fellows stated they would be willing to provide additional signage as necessary.

Councilman Eliason questioned whether people would be able to exit from the entrance due to the island on Losee Road. Public Works Director Qiong Liu explained there were ten driveway locations for the development with five along Losee Road. With the additional

one requested there would be six driveways along Losee Road and staff had recommended denial. Director Liu explained the driveway requested was on the southeast corner and turning left would not be allowed.

Councilman Eliason questioned whether Tropical Parkway would have an island or would everyone be going across six lanes of traffic. Director Liu explained there would be two driveway locations on Tropical Parkway which had no median.

Councilman Eliason questioned whether there would be medians when Tropical Parkway was built out. Director Liu explained there would be medians with full improvements.

Councilman Eliason questioned whether there were deceleration lanes on Ann Road and Losee Road.

Ms. Fellows explained that in addition to the right turn lanes there would be an additional 100 foot deceleration lane that was not approved on the original site plan and was an additional requirement that would be incurred with the waiver request to provide safety with additional driveway access. She also explained the site plan indicated that the 130 feet discussed was from the edge of the driveway to the beginning of the intersection not the center line of the intersection.

Mayor Pro Tempore Robinson questioned the location of the egress on the plan.

Ms. Fellows explained the egress was on Tropical Parkway. The additional driveway on the comprehensive site plan was for service and delivery access.

Councilwoman Smith commented about the numerous driveways and was concerned about the right-out.

Ms. Fellows explained that the curb cut design was a narrow driveway to turn in and the length of the curb cut would make it difficult for people to exit. She reiterated that they would provide additional signage throughout the internal areas of the site directing traffic to exit onto Tropical Parkway and no exit on Losee Road.

**ACTION:** APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE PROPOSED SITE SHALL BE IN CONFORMANCE WITH APPROVED APPLICATIONS SPR-50-05 AND UN-34-07.
2. THE COMBINATION DECELERATION AND RIGHT TURN LANE INTO A RIGHT IN ONLY DRIVEWAY ALONG LOSEE ROAD SHALL BE CONSTRUCTED AS SHOWN ON THE SUBMITTED PLANS.

**MOTION:** Mayor Pro Tempore Robinson

**SECOND:** Councilwoman Buck

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

**NAYS:** Councilman Eliason

**ABSTAIN:** None

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

**PUBLIC SAFETY MANAGEMENT**

1. Adjust the pay range of the Deputy Fire Chief from ADD45 to ADD46.
2. Adjust the pay range of the Fire Chief from DD56 to DD57.
3. Adjust the pay range of the Deputy Chief of Police (3 positions) and the Chief Marshal (1 position) from ADD45 to ADD46.
4. Adjust the pay range of the Assistant Chief of Police from ADD46 to ADD47.
5. Adjust the pay range of the Chief of Police from DD57 to DD58.

**ACTION:** APPROVED AS AMENDED; AMENDED TO READ AS FOLLOWS:

1. ADJUST THE PAY RANGE OF THE DEPUTY FIRE CHIEF FROM ADD45 TO ADD47.
2. ADJUST THE PAY RANGE OF THE FIRE CHIEF FROM DD56 TO DD58.

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

**19. APPROVAL OF A PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT WITH FENTRESS ARCHITECTS, IN THE AMOUNT OF \$6,628,345 FROM GENERAL OBLIGATION BONDS, FOR THE DESIGN OF THE NEW CITY HALL AND CIVIC PLAZA PROJECT ON THE BASIS OF THE STAFF AND SPACE NEEDS SUMMARY AND OFFICE SPACE ASSIGNMENTS, ESTABLISHED THROUGH THE PROGRAMMING PHASE OF THE PROJECT. (CNLV CONTRACT NO. C-6760)**

Mayor Pro Tempore Robinson questioned the amount of money for consultants. Public Works Director Qiong Liu explained that the entire \$6.6 million would be for consultants.

**ACTION:** APPROVED

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

**20. APPROVAL OF A PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES AGREEMENT WITH WRG DESIGN, INC., IN THE AMOUNT OF \$625,056 FROM SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT FUNDS, FOR THE TROPICAL BREEZE PARK IMPROVEMENTS LOCATED AT THE SOUTHEAST CORNER OF TROPICAL PARKWAY AND BRUCE STREET. (CNLV CONTRACT NO. C-6761)**

Mayor Pro Tempore Robinson questioned whether there was staff in the Parks Department that could perform the work. City Manager Gregory Rose explained the City did not have the expertise on staff. City Manager Rose explained there would be a policy brought forward to the Council to make it clear when consultants should be used.

ACTION: APPROVED

MOTION: Councilwoman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Councilmembers Smith and Buck

NAYS: Mayor Pro Tempore Robinson and Councilman Eliason

ABSTAIN: None

**21. APPROVAL OF A COOPERATIVE AGREEMENT WITH THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$1,173,684 FOR THE DUAL LEFT TURN LANE IMPROVEMENT PROJECT TO IMPROVE TRAFFIC FLOW AND CAPACITY AT THE INTERSECTIONS OF LAS VEGAS BOULEVARD & CIVIC CENTER DRIVE, CIVIC CENTER DRIVE & CAREY AVENUE AND LAS VEGAS BOULEVARD & CAREY AVENUE. (CNLV CONTRACT NO. C-6762)**

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

**22. AUTHORIZATION TO SUBMIT A RECREATION AND PUBLIC PURPOSE APPLICATION TO THE BUREAU OF LAND MANAGEMENT FOR A LEASE ON 5.09 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF CENTENNIAL PARKWAY AND PECOS ROAD FOR A POLICE SUBSTATION OR OTHER CITY DEPARTMENT FACILITY.**

ACTION: AUTHORIZED

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 CONSTRUCTION CHANGE ORDER NO. 1 FOR THE ALEXANDER ROAD IMPROVEMENTS PROJECT, BID NUMBER 1293 WITH SOUTHERN NEVADA PAVING IN THE AMOUNT OF \$230,000 FROM THE REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA AND TAX OVERRIDE FUND TO COMPLETE IMPROVEMENTS ON THE SOUTH SIDE OF ALEXANDER ROAD FROM DECATUR BOULEVARD TO SAN MATEO STREET. (CNLV CONTRACT NO. C-6687)**

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. APPROVAL OF CONSTRUCTION CHANGE ORDER NO. 3 FOR THE ADA ACCESSIBILITY FY06-07 AND DOJ ADA COMPLIANCE FY05-06 AND 06-07 PROJECT, BID NUMBER 1251 WITH SOUTHWEST IRON WORKS, LLC IN THE AMOUNT OF \$106,195.82 WHICH WILL ADD THE ACCUMULATED FUNDS THAT HAD NOT BEEN USED FROM PAST YEARS' COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNTS TO THE CONTRACT AMOUNT FOR THE INCREASE TO THE SCOPE OF WORK COMPLETED. (CNLV CONTRACT NO. C-6446)**

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

**25. APPROVAL OF A QUITCLAIM DEED FOR PORTIONS OF CLARK COUNTY ASSESSOR'S PARCEL NUMBERS 123-31-599-006, 123-32-199-001 AND 123-32-199-007 TO NEVADA DEPARTMENT OF TRANSPORTATION FOR THE LAMB BOULEVARD PROJECT.**

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

**26. APPROVAL OF A DEED OF DEDICATION FOR THE NORTH 5<sup>TH</sup> STREET PROJECT, CLARK COUNTY ASSESSOR'S PARCEL NUMBER 139-22-812-001 LOCATED ON THE NORTHWEST SIDE OF MAIN STREET AT ITS TERMINUS WITH NORTH 5<sup>TH</sup> STREET AND LAS VEGAS BOULEVARD.**

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

**27. APPROVAL OF A DEED OF DEDICATION FOR THE NORTH 5<sup>TH</sup> STREET PROJECT, CLARK COUNTY ASSESSOR'S PARCEL NUMBER 139-22-812-002 LOCATED ON THE NORTHWEST SIDE OF MAIN STREET NEAR NORTH 5<sup>TH</sup> STREET AND LAS VEGAS BOULEVARD.**

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



**28. APPROVAL OF THE CONDEMNATION OF REAL PROPERTY NEEDED FOR THE NORTH 5<sup>TH</sup> STREET PROJECT AND AUTHORIZATION TO THE CITY ATTORNEY TO INITIATE A FORMAL COMPLAINT IN CLARK COUNTY DISTRICT COURT FOR REAL PROPERTY OWNED BY STORAGE DIRECT LLC, ET AL, CLARK COUNTY ASSESSOR'S PARCEL NUMBERS 139-14-303-002 AND 139-15-702-002 LOCATED ON THE EAST SIDE OF LOSEE ROAD AT NORTH 5<sup>TH</sup> STREET.**

ACTION: APPROVED

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

**29. APPROVAL TO ACCEPT THE BUREAU OF LAND MANAGEMENT 25-YEAR LEASE OFFER, IN THE AMOUNT OF \$125 FOR FIVE YEARS, FOR THE SKYVIEW MULTI-GENERATIONAL CENTER AND PARK SITE LOCATED AT CENTENNIAL PARKWAY AND STATZ STREET. (CNLV CONTRACT NO. C-6763)**

ACTION: APPROVED

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

**30. RESOLUTION NO. 2398; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS TO ESTABLISH A BALLOT QUESTION TO BE INCLUDED ON THE NOVEMBER 4, 2008 GENERAL ELECTION BALLOT.**

ACTION: PASSED AND ADOPTED

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**

31. **ORDINANCE NO. 2436; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-01-08); TO AMEND TITLE 17 (SECTION 17.20.040, 17.20.060 AND 17.24.215) TO CHANGE THE MINIMUM LOT AREA FOR HOMES WITHIN THE R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; TO ALLOW SINGLE-FAMILY HOMES AND CHANGE THE MINIMUM LOT AREA FOR HOMES WITHIN THE R-2, TWO-FAMILY RESIDENTIAL DISTRICT; AND TO APPLY AND AMEND THE SMALL LOT-DESIGN STANDARDS FOR SMALL-LOT HOMES WITHIN THE R-1 AND R-2 DISTRICTS USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR APRIL 2, 2008)**

Ordinance No. 2436 as introduced by the City Clerk:

ORDINANCE NO. 2436; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-01-08); TO AMEND TITLE 17 (SECTION 17.20.040, 17.20.060 AND 17.24.215) TO CHANGE THE MINIMUM LOT AREA FOR HOMES WITHIN THE R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; TO ALLOW SINGLE-FAMILY HOMES AND CHANGE THE MINIMUM LOT AREA FOR HOMES WITHIN THE R-2, TWO-FAMILY RESIDENTIAL DISTRICT; AND TO APPLY AND AMEND THE SMALL LOT-DESIGN STANDARDS FOR SMALL-LOT HOMES WITHIN THE R-1 AND R-2 DISTRICTS USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR APRIL 2, 2008)

ACTION: FINAL ACTION SET FOR APRIL 2, 2008

32. **ORDINANCE NO. 2437; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-02-08) BY ADDING SECTION 17.24.225 IMPLEMENTING THE CRITERIA FOR DEVELOPMENTS USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR APRIL 2, 2008)**

Ordinance No. 2437 as introduced by the City Clerk:

ORDINANCE NO. 2437; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-02-08) BY ADDING SECTION 17.24.225 IMPLEMENTING THE CRITERIA FOR DEVELOPMENTS USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR APRIL 2, 2008)

ACTION: FINAL ACTION SET FOR APRIL 2, 2008

33. **ORDINANCE NO. 2438; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-03-08) BY ADDING SECTION 17.28.067 IMPLEMENTING APPLICATION AND REVIEW PROCEDURES FOR DEVELOPMENTS USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR APRIL 2, 2008)**

Ordinance No. 2438 as introduced by the City Clerk:

ORDINANCE NO. 2438; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-03-08) BY ADDING SECTION 17.28.067 IMPLEMENTING APPLICATION AND REVIEW PROCEDURES FOR DEVELOPMENTS USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR APRIL 2, 2008)

ACTION: FINAL ACTION SET FOR APRIL 2, 2008

34. **ORDINANCE NO. 2439; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-05-08); AMENDING SECTION 17.24.080 AND 17.28.050 IN REGARDS TO PROVISIONS FOR ADDITIONAL SECURITY MEASURES FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR APRIL 2, 2008)**

Ordinance No. 2439 as introduced by the City Clerk:

ORDINANCE NO. 2439; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-05-08); AMENDING SECTION 17.24.080 AND 17.28.050 IN REGARDS TO PROVISIONS FOR ADDITIONAL SECURITY MEASURES FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (SET FINAL ACTION FOR APRIL 2, 2008)

ACTION: FINAL ACTION SET FOR APRIL 2, 2008

**ORDINANCES**  
**FINAL ACTION**

35. **ORDINANCE NO. 2428; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS: (1) REPEALING CHAPTER 26 OF TITLE 5 OF THE NORTH LAS VEGAS MUNICIPAL CODE REGULATING THE SALE OF BEER, WINE AND LIQUOR AND REPLACING THE SAME WITH NEW REGULATIONS GOVERNING THE SALE OF BEER, WINE AND LIQUOR, INCLUDING, A NEW LICENSE CLASSIFICATION AND FEE STRUCTURE, (2) VARIOUS REVISIONS TO SECTION 001 OF CHAPTER 2 OF TITLE 5 RELATED TO DEFINITIONS; AND (3) OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEMS NO. 36 , ORDINANCE NO. 2429 AND NO. 37, ORDINANCE NO. 2430)**

Ordinance No. 2428 as introduced by the City Manager:

ORDINANCE NO. 2428; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS: (1) REPEALING CHAPTER 26 OF TITLE 5 OF THE NORTH LAS VEGAS MUNICIPAL CODE REGULATING THE SALE OF BEER, WINE AND LIQUOR AND REPLACING THE SAME WITH NEW REGULATIONS GOVERNING THE SALE OF BEER, WINE AND LIQUOR, INCLUDING, A NEW LICENSE CLASSIFICATION AND FEE STRUCTURE, (2) VARIOUS REVISIONS TO SECTION 001 OF CHAPTER 2 OF TITLE 5 RELATED TO DEFINITIONS; AND (3) OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEMS NO. 36 , ORDINANCE NO. 2429 AND NO. 37, ORDINANCE NO. 2430)

Business License Manager Lana Hammond explained that in Fall 2006 there were conflicts between the liquor code and mixed-use codes which prompted creation of a work group made up of the Business License division, City Attorney's Office and Planning and Zoning Department. The work group identified conflicting classifications and definitions between the liquor and zoning codes creating confusion for staff and citizens. It was determined that a re-write of the liquor code (Chapter 5.26), gaming code (Chapter 5.20) and revisions

to Title 17 were necessary. The determination to update the gaming code was related to the fact that the liquor and gaming codes were interconnected and would be the best opportunity to address both at the same time to maintain consistency and continuity. Ms. Hammond explained neither chapters had been updated since 1998. One issue was that the current liquor code lacked the flexibility to meet the current needs of the diverse business community. There were issues with the license classification structure. The number of licenses the City was able to issue was limited based on distance proximity issues and annual quotas. There were inconsistencies in investigation fees in both Title 17 and Title 5. The proposed ordinances would address the issues by providing a new license classification and fee structure, removal of seating requirement and seating ratios, removal of food ratios and the annual limit on number of licenses. It would streamline the investigation process and remove the liquor related land use requirements and restrictions from Title 5 for inclusion into Title 17.

Ms. Hammond explained the proposed license structure made a clear distinction between the different types of classifications for liquor based on the type of alcohol requested for the location, whether on-premise or off-premise consumption and whether gaming was at the location. The classifications were designed around the Nevada style taverns that had on-premise alcohol consumption with the combination of gaming at the location. There would be four categories related to on-premise consumption; beer, wine and spirit based products, full on-sale, restricted gaming liquor classification and non-restricted gaming liquor classification.

Ms. Hammond explained there were issues with gaming regarding outdated terminology, replication of NRS language and the complex fee schedule. There was a complex, impractical investigation structure and inconsistent investigation fees. The work card requirements were inconsistent with State requirements and the non-operational status timeframe allowable within the code was inconsistent with that permitted by the State. The proposed changes would delete the outdated terminology and streamline the fee structure. There would be a proposal for the waiver of the investigation of persons that were approved for licensing by the State of Nevada Gaming Commission. The outdated language related to the work card requirement would be deleted and the timeframe for non-operational status would be extended from one year to two years to conform with State requirements and changes in the liquor code for consistency.

Ms. Hammond explained that Title 17 conflicted with Title 5 in the license classifications and land use classifications with same terms having different meanings. There were separation criteria listed in multiple chapters and titles that created confusion. The proposed changes would address terminology and procedure issues or changes that would occur. The Planning Commission would review all liquor uses without a gaming component and City Council would review all restricted gaming land uses. The land use and liquor license definitions would be reconciled to be consistent between both titles and distance separation requirements and criteria would be within Title 17. There were additional changes requested by interested parties, but staff felt they were beyond the original scope of the direction for the project and were policy issues that needed to be addressed with Council. The work on Title 17 was limited to the inconsistencies between Title 5 and Title 17. Staff believed the ordinances met the needs of the City and business

community, would provide the flexibility to accommodate the changing business needs and encourage business diversity. The processes and fees were streamlined and would provide continued control to ensure that Council would be able to exercise appropriate stewardship for the City.

Ms. Hammond explained that the work session in August provided an opportunity to give Council detailed information on the proposed ordinances. Following the meeting a notice of potential impact was provided to all the current liquor and gaming licensees, notification was sent to the Nevada Restaurant Association, Nevada Tavern Owners Association and North Las Vegas Chamber of Commerce, and was posted in the Review Journal and on the City website. There was an open comment period where comments were received from one person and a business impact statement was prepared. A focus group was developed made up of local attorneys and developer representatives who were provided with drafts of the ordinance language and solicited feedback via email.

Ms. Hammond explained that Ordinance numbers 2428, 2429, 2430 and 2431 were related. Ordinance Number 2428 was liquor regulations and licensing that would repeal and replace the current liquor code and reflected the language presented during the work session in August with minor changes. Staff supported the ordinance. Ordinance number 2429 was for liquor regulations and licensing, repealing and replacing the current code and was an alternative to Ordinance number 2428. During the work session in August a food service requirement was questioned and staff was asked to bring back an alternative version. The difference between Ordinance numbers 2428 and 2429 was that Ordinance number 2429 included a meal service requirement for any location that had on-premise alcohol consumption. Ordinance number 2430 was presented by Planning and Zoning Department and was the Title 17 amendment which included the distance proximity restrictions that were in Title 5 and being moved to Title 17. Ordinance number 2431 was gaming regulations and licenses and would repeal and replace the current gaming code. The adoption of the Title 5 items would require the adoption of Ordinance number 2430.

Nicholas Vaskov, Senior Deputy City Attorney, explained that he met with a focus group of interested developers to review concerns regarding the proposed ordinances. Following the meeting, it was realized there were sections of the code that needed improvement to clarify the intent of staff. There were four amendments proposed. The following amendments would be added to Ordinance numbers 2428 and 2429 as Section 5.26.360 "persons who applied for or obtained a liquor license, liquor related use permit, or liquor related use approved via a planned unit development (PUD) or mixed use development (MUD) application prior to the effective date of this ordinance may, if they so choose, be subject to and governed by the requirements of Title 17 and Title 5 as of the date they applied for such license or use, provided; all conditions imposed on such license or use are complied with and such license or use approval remains valid and unexpired. All such liquor licenses shall be converted as provided in Section 5.26.250 of this ordinance and be subject to the license fees set forth in this ordinance." The same language would be added to Ordinance number 2430 as Section 17.24.105e. Another addition would be to Ordinance number 2430 replacing Section 17.105d.1.e "the special use permit shall be null and void if the applicant fails to do obtain a liquor license within six months of the issuance of the certificate of occupancy issued for tenant or other improvements related primarily

to the use specified in the use permit.” Another change would be housecleaning items, sections of the current code that needed to be repealed that were not included in the original version. In Ordinance number 2430, Section 2 and Section 3 would be added and current sections would be renumbered. Section 2 would read “Section 17.24.020C9 of the North Las Vegas Municipal Code is repealed in its entirety and Section 17.24.020c is renumbered accordingly.” Section 3 would read “Section 17.28.050b4 of the North Las Vegas Municipal Code is repealed in its entirety and Section 17.24.020b is renumbered accordingly.”

**Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas** thanked staff for all the work, concurred with the language read into the record by Mr. Vaskov and requested two changes to Ordinance number 2430. Ms. Lazovich requested that footnote number 4 be added to full on-sale to allow for a waiver provision. She also requested it be added for beer, wine, spirit based products on-sale under the separation from schools and daycare. Another requested change related to the separation from developed residential solely for restricted gaming which required 500 feet and was a clarification that indicated in mixed-use projects the 500 foot distance requirement would not apply internally. Ms. Lazovich requested that Council consider mixed-use projects, adding an additional waiver provision for developed residential outside the boundaries of the mixed use projects.

**Jeffrey Silver, 3960 Howard Hughes Parkway, 9<sup>th</sup> Floor, Las Vegas**, represented the Desert Star organization and wanted to make certain that when referring to PUD and MUD, they were referred to together as a project that had at least 200,000 of commercial non-residential floor space so that certain exemptions could be provided to meet the expectations the developers had for the projects they wanted to bring to the City.

**George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson**, explained that he wanted predictability and certainty for large scale, high investment projects. He requested expanding the definition for commercial center so that it no longer would be just retail and would include office, hotel and entertainment use. For on-sale establishments and permits required, he suggested if the City had an approved PUD or MUD there would be no need for special use permits. The formula (two restaurants for every one tavern) would set the standard that kept the development on track. On the distance measurement he suggested that it be from primary entry to primary entry making it more permanent for lot lines. Under the proximity distance requirements, under restricted gaming, he suggested an additional break down so a supper club or a hotel lounge would be treated the same as if they were a tavern and needed to be 2500 feet apart. Under the adequate buffer, he suggested it include a railroad right of way. Mr. Garcia felt that there should be the ability to extend the timeframes for large mixed-use projects as long as they were moving forward.

Mayor Montandon explained that requests were heard from interested parties and decisions needed to be made. He explained Council needed to make several policy decisions and direct staff. He also explained an important decision needed to be made between Ordinance numbers 2428 and 2429 and Title 17 and Title 5 issues needed to be separated. He also explained that policy decisions needed for Title 17 were some waiver abilities for distance requirements, language changes to define a large PUD, and other waivers.

Councilwoman Buck questioned whether the changes presented should be reviewed by staff and brought back to Council.

Mayor Montandon recommended giving staff general guidelines.

Councilwoman Smith was concerned about the type of food establishments that would be approved and felt the meal service requirement was needed.

Mayor Montandon questioned the line item for a hotel lounge as requested by Mr. Garcia. Ms. Hammond explained that the hotel lounges do not always offer food and this would force them to require food. She also explained there was an existing business that was going to expand and request the approval for the sale of wine by the glass. With the proposed meal service requirement the business would not meet the requirement.

Senior Deputy City Attorney Nick Vaskov suggested that Council make a choice between Ordinance number 2428 and 2429 but delay the effective date until the accompanying Title 17 ordinance was approved. City Attorney Torrence explained there was not a problem with postponing the effective date but felt there should be a date certain to give staff time to review Title 17 and amend the ordinance as written amending the effective date.

Councilwoman Smith questioned whether there could be a provision for a waiver so the food component could be included. Ms. Hammond explained it was not added but could be reviewed. Senior Deputy City Attorney Vaskov explained it would be a condition under each on-sale license that said meals were required with the service of alcohol.

Mayor Montandon questioned whether the language would say "meals must be served during all hours that alcohol is available unless a waiver is granted to this condition." Senior Deputy City Attorney Vaskov explained the language could be written as stated. Councilwoman Smith stated she would be comfortable with that language and stressed that food be served at alcohol establishments.

Councilwoman Buck suggested that it be said that those establishments that serve food could not have smoking. She felt that the City was being asked to force a restaurant or establishment to provide food which then brings up the smoking issue which was a law created by the State Legislature. Councilwoman Buck was not comfortable with mandating restaurants to provide food and felt it was a choice to be made by the owner.

Councilwoman Smith explained that if the provision was taken out it would never be part of the discussion and felt there was no control over the establishments.

Councilman Eliason questioned whether the reason no one applied for a saloon license was that they were not successful because there were numerous bars with food.

Senior Deputy City Attorney Vaskov explained he believed the reason there were no saloons was because of the Nevada style tavern which had gaming and takes out the market for a bar/saloon.



Ms. Hammond explained that prior to the smoking issues the locations added the food component and had liquor, gaming and food.

Senior Deputy City Attorney Vaskov explained that in the past there was a practice of conditioning the use permit with a food provision for a restaurant.

ACTION: PASSED AND ADOPTED AS AMENDED; ADD THE FOLLOWING AS SECTION 5.26.360:

5.26.360 - EXEMPTIONS - PRIOR APPLICATIONS.

PERSONS WHO APPLIED FOR OR OBTAINED A LIQUOR LICENSE, LIQUOR RELATED USE PERMIT, OR LIQUOR RELATED USE APPROVED VIA A PLANNED UNIT DEVELOPMENT (PUD) OR MIXED USE DEVELOPMENT (MUD) APPLICATION PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE MAY, IF THEY SO CHOOSE, BE SUBJECT TO AND GOVERNED BY THE REQUIREMENTS OF TITLE 17 AND TITLE 5 AS OF THE DATE THEY APPLIED FOR SUCH LICENSE OR USE, PROVIDED; ALL CONDITIONS IMPOSED ON SUCH LICENSE OR USE ARE COMPLIED WITH AND SUCH LICENSE OR USE APPROVAL REMAINS VALID AND UNEXPIRED. ALL SUCH LIQUOR LICENSES SHALL BE CONVERTED AS PROVIDED IN SECTION 5.26.250 OF THIS ORDINANCE AND BE SUBJECT TO THE LICENSE FEES SET FORTH IN THIS ORDINANCE.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: Councilwoman Smith

ABSTAIN: None

**36. ORDINANCE NO. 2429; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS: (1) REPEALING CHAPTER 26 OF TITLE 5 OF THE NORTH LAS VEGAS MUNICIPAL CODE REGULATING THE SALE OF BEER, WINE AND LIQUOR AND REPLACING THE SAME WITH NEW REGULATIONS GOVERNING THE SALE OF BEER, WINE AND LIQUOR, INCLUDING A NEW LICENSE CLASSIFICATION AND FEE STRUCTURE, (2) VARIOUS REVISIONS TO SECTION 001 OF CHAPTER 2 OF TITLE 5 RELATED TO DEFINITIONS; AND (3) OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEMS NO. 35, ORDINANCE NO. 2428 AND NO. 37, ORDINANCE NO. 2430)**

ACTION: WITHDRAWN

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

**37. ORDINANCE NO. 2430; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-04-08) BY AMENDING TITLE 17 (SECTIONS 17.12.020, 17.20.100, 17.20.110, 17.20.120, 17.20.140, 17.20.230, AND 17.28.050) AND ADDING SECTION 17.24.105 REGARDING DEFINITIONS, TERMINOLOGY AND PROCEDURES FOR BOTH ON-SALE AND OFF-SALE LIQUOR USES AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEMS NO. 35, ORDINANCE NO. 2428 AND NO. 36, ORDINANCE NO. 2429)**

Ordinance No. 2430 as introduced by the City Manager:

ORDINANCE NO. 2430; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-04-08) BY AMENDING TITLE 17 (SECTIONS 17.12.020, 17.20.100, 17.20.110, 17.20.120, 17.20.140, 17.20.230, AND 17.28.050) AND ADDING SECTION 17.24.105 REGARDING DEFINITIONS, TERMINOLOGY AND PROCEDURES FOR BOTH ON-SALE AND OFF-SALE LIQUOR USES AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEMS NO. 35, ORDINANCE NO. 2428 AND NO. 36, ORDINANCE NO. 2429)

Please refer to Item No. 35 (Ordinance No. 2428) for discussion which incorporated Item Nos. 35, 36, 37 and 38.

Senior Deputy City Attorney Nick Vaskov explained that the March 18, 2008 memo Council received outlined the changes that were recommended by staff. He explained that the policy questions were for Council consideration and direction. He also explained there were suggested changes that Mr. Garcia and Mr. Silver requested and felt they were also policy questions for Council. There were some suggestions that he felt staff might take exception to. Some changes that talked about previously approved PUD or MUD were covered by the grandfather provision that was added as an amendment.

Mayor Montandon questioned how soon a workshop could be scheduled if the ordinance was adopted.

Senior Deputy City Attorney Vaskov explained that he could review some of the changes and provide staff's response but asked Council to consider the fact the changes were just submitted to staff.

Planning and Zoning Manager Marc Jordan explained the requested changes were received yesterday. He explained the changes requested by Ms. Lazovich appeared to be policy questions that required direction from Council and were waiver requests that would be considered with the use permit. He was concerned about the requests from Mr. Garcia because he proposed to change the definition of a commercial center. He explained that by changing the definition it would take away the gross acreage of 30 acres, limiting it to any commercial center that would have 200,000 square feet of commercial space or more and could be opening several places in the City that would be available to have another on-sale establishment falling under this commercial center exemption. On the approved PUD and MUD he felt the language proposed for Ordinance number 2428 and proposed Ordinance number 2430 regarding the grandfathering would cover the clauses and would not need to be listed several times as proposed by Mr. Garcia.

Senior Deputy City Attorney Vaskov explained that staff tried to separate business license considerations from land use considerations.

Ms. Hammond explained that the Planning and Zoning Department never looked at gaming devices and would be bringing forward a business license component.

Mayor Montandon explained that the supper club license was limited to five machines and had been a Planning and Zoning Department issue.

Planning and Zoning Manager Marc Jordan explained that the supper club was a Planning and Zoning issue but they did not look at the number of machines when the use permit was reviewed. He reviewed the seating arrangements within the supper club to be sure they fell within the Title 5 requirements but not the actual number of machines.

Ms. Hammond explained that limitation was within the current gaming code. The concern was the locations that currently held a supper club use permit but felt the grandfathering language read into the ordinance would address the concern. An establishment that held a use permit would be allowed to have five machines without being classified under the 15 machine designation.

Senior Deputy City Attorney Vaskov explained that a distinction was needed for the difference between gaming uses and non-gaming liquor uses.

Mr. Garcia explained that the grandfathering clause did not protect his clients because most projects did not have approved use permits, only approved PUD's. He also explained that the way the language was currently written, it placed the current regulations together in Title 5 and Title 17 which created conflicts and moving forward did not protect the large MUD and PUDs. He would like to work with staff on these issues.

Councilwoman Smith felt that Mr. Garcia's requested changes were very substantive and Ms. Lazovich's requests were for waiver provisions.

Mr. Silver explained that the policy decisions he requested was an affirmative statement that there was something special about PUD and MUD which would allow them to obtain waivers that might not be available to other types of locations in the Planning code. Secondly, Council should have the ability to exercise discretion to extend expiration dates if they felt the applicant presented a good case to warrant it.

Mayor Montandon explained that reviewing the policy, he felt the six month timeframe needed to be changed because it was not enough time.

Councilman Eliason questioned vesting rights.

City Attorney Torrence questioned whether Council wanted to make a proposed amendment for staff to consider or to direct staff to bring back amendments for a Special City Council Meeting.

Mayor Montandon recommended a proposed amendment for staff to consider, but may not be able to consider all amendments tonight.

Acting Planning and Zoning Director Frank Fiori explained that the request for proposed changes from Ms. Lazovich seemed fine but felt was a decision to be made by Council.

Councilwoman Buck explained she did not have a problem with requests for waivers because it could be decided on a case by case basis. Councilwoman Smith concurred.

ACTION: CONTINUED TO MAY 7, 2008; STAFF DIRECTED TO INCORPORATE AMENDMENTS

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

**38. ORDINANCE NO. 2431; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS: REPEALING CHAPTER 20 OF TITLE 5 OF THE NORTH LAS VEGAS MUNICIPAL CODE REGULATING GAMING ESTABLISHMENTS AND REPLACING THE SAME WITH NEW REGULATIONS GOVERNING GAMING ESTABLISHMENTS, INCLUDING AMENDED OR REVISED REGULATIONS GOVERNING NON-OPERATIONAL STATUS, LICENSE FEES, AND INVESTIGATION REQUIREMENTS AND OTHER MATTERS PROPERLY RELATED THERETO.**

ACTION: CONTINUED TO MAY 7, 2008

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

**39. ORDINANCE NO. 2433; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS REPEALING ORDINANCES 1531, 1670 AND 2227 AND ESTABLISHING TERMS AND CONDITIONS OF EMPLOYMENT FOR ASSISTANT CITY MANAGERS, DEPARTMENT DIRECTORS AND ASSISTANT DEPARTMENT DIRECTORS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEM NO. 40, ORDINANCE NO. 2434)**

Ordinance No. 2433 as introduced by the City Manager:

ORDINANCE NO. 2433; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS REPEALING ORDINANCES 1531, 1670 AND 2227 AND ESTABLISHING TERMS AND CONDITIONS OF EMPLOYMENT FOR ASSISTANT CITY MANAGERS, DEPARTMENT DIRECTORS AND ASSISTANT DEPARTMENT DIRECTORS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEM NO. 40, ORDINANCE NO. 2434)

ACTION: PASSED AND ADOPTED

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

**40. ORDINANCE NO. 2434; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS REPEALING ORDINANCES 1530 AND 2227 AND ESTABLISHING TERMS AND CONDITIONS OF EMPLOYMENT FOR APPOINTED AND CONFIDENTIAL EMPLOYEES AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEM NO. 39, ORDINANCE NO. 2433)**

Ordinance No. 2434 as introduced by the City Manager:

ORDINANCE NO. 2434; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS REPEALING ORDINANCES 1530 AND 2227 AND ESTABLISHING TERMS AND CONDITIONS OF EMPLOYMENT FOR APPOINTED AND CONFIDENTIAL EMPLOYEES AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (ASSOCIATED ITEM NO. 39, ORDINANCE NO. 2433)

ACTION: PASSED AND ADOPTED

MOTION: Councilwoman Buck

SECOND: Councilman Eliason

AYES: Mayor Montandon, Councilmembers Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

41. **ORDINANCE NO. 2435; 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 2.69 ± ACRES THEREIN FROM AN M-2, GENERAL INDUSTRIAL DISTRICT TO A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT (ZN-07-08, N5 COMMERCIAL CENTER), FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF NORTH 5<sup>TH</sup> STREET AND ALEXANDER ROAD, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (ASSOCIATED ITEM NO. 5, AMP-03-08)**

ACTION: CONTINUED TO APRIL 16, 2008

### **COUNCIL ITEMS**

There were no additional items.

### **CITY MANAGER'S REPORT**

There was no report.

**PUBLIC FORUM**

**Scott Sauer, 770 West Lone Mountain Road, #2026, North Las Vegas**, commented on the cost of having engineers and architects as employees versus consultants.

**ADJOURNMENT**

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

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

**APPROVED: May 21, 2008**

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

**ATTEST:**

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