

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

September 17, 2003

CALL TO ORDER: 4:07 P.M., City Manager's Conference Room
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
Councilman Shari Buck
Councilman Robert L. Eliason

STAFF PRESENT:

Acting City Manager Gregory Rose
Assistant City Manager Dan Tarwater
City Attorney Sean McGowan
City Clerk Eileen M. Sevigny
Parks & Recreation Director Michael Henley
Community Development Director Jacque Risner
Human Resources Director Vince Zamora
Assistant to the City Manager Brenda Johnson
Assistant City Clerk Karen L. Storms

VERIFICATION: Eileen M. Sevigny, CMC, City Clerk

BUSINESS:

1. DISCUSSION AND/OR DIRECTION REGARDING THE TASTES & TUNES ANNUAL CITY EVENT AND POSSIBLE FUTURE EXPANSION.

Acting City Manager Gregory Rose stated this item regarded the possible future expansion of the Tastes & Tunes annual City event. Based upon the limited success of the event that was held in May, Staff asked City Council to consider some differences to future events. Parks & Recreation Director Mike Henley stated the committee formed to research this event recommended moving the date to Friday, April 30th, and Saturday, May 1st. This would align the event with the Cinco de Mayo celebration weekend. Friday night would add an extra half day to the event. Director Henley stated the special events staff had talked with various departments throughout the City for feedback as to the issues related to keeping Civic Center Drive closed for a longer amount of time. Last year, the issue was the Nevada Department of Transportation's responsibility but there was a jurisdictional change and it would now be the City's responsibility. He further noted there would be a disruption of the bus schedule. The

Regional Transportation Commission was a sponsor of the event and would be flexible in their scheduling. An advantage of adding the extra half day to the event decreased competition between events scheduled for the same weekend. Also, larger sponsors could be attracted because of the additional exposure. Better vendors could be obtained as well. Director Henley pointed out the Library had been closed during last year's event but desired to remain open for the next event and operate a form of open house to advertise the library's services. The committee was interested in Council's support for allowing the sale of beer for the event. Nevada Beverage had indicated an interest in sponsoring and being affiliated with the City for the event. The City Council was also encouraged to solicit major sponsorship for the event.

Assistant to the City Manager Brenda Johnson stated she had again approached the Chamber of Commerce to co-sponsor the event. She was told the board would make the decision and no thought had been given to the event. Assistant to the City Manager Johnson offered to have the Chamber participate in any way they felt was appropriate but the City would be moving forward with planning the event.

Mayor Pro Tempore Robinson questioned the projected cost of the event. Assistant to the City Manager Johnson responded last year's event cost approximately \$75,000 and the next event was anticipated to cost approximately \$100,000. There would be a grant application through the Las Vegas Convention and Visitor's Authority and an additional grant application through the Las Vegas Chamber of Commerce. It was anticipated that bigger sponsors would be obtained as well. Mayor Pro Tempore Robinson questioned if more vendors and more entertainers would be participating. Director Henley responded several vendors had been contacted and they responded if there were more time for the event, they would be interested in participating. Acting City Manager Rose added that last year's event was to give the City the opportunity to gain some experience in coordinating a City wide event. Assistant to the City Manager Johnson stated the increase in funding was intended to bring in a head liner act.

Mayor Montandon questioned the need for overnight security. Director Henley responded the committee had worked with the Police Department, Detention Center as well as the vendors themselves to provide security for the area overnight. Assistant to the City Manager Johnson stated there were no security problems last year. She added the City had checked with Nevada Department of Transportation and there had been no complaints involving the road closure for last year's event. She pointed out there would be a six hour increase in the amount of time the road was closed from last year's event.

Mayor Montandon stated expanding the event was a good idea but felt it was important for the planning staff to keep Council apprised of the details. Acting City Manager Rose asked if there was agreement that the event should be expanded to a day and a half event. Mayor Montandon stated there were no complaints from Council members.

Councilwoman Smith questioned if the concept of a farmer's market had been researched. Community Development Director Jacque Risner stated her staff had been researching the idea and a report would be presented to Council the next week. Director Risner pointed out a farmer's market could be established at no cost to the City except for security and street closures.

2. DISCUSSION AND/OR DIRECTION REGARDING POTENTIAL ADOPTION OF RULES OF PROCEDURE FOR AGENDA PREPARATION, THE ORDER OF BUSINESS, MOTIONS, AND VOTING PROCEDURE.

Acting City Manager Rose stated the draft document contained procedures currently in effect. It was Acting City Manager Rose's understanding that all items to be put on a City Council agenda would be approved by the City Manager. He was uncertain if that was the procedure that fit the community. Mayor Pro Tempore Robinson felt the process worked as it currently stood. Councilwoman Smith countered the process needed to be updated. She felt it was appropriate that a Council member have the ability to place items on the agenda. Councilman Buck was concerned because the County Commissioners had previously been humiliated by items that had been placed on their agenda by their colleagues. She did not want that to happen at the City. She felt a majority of members needed to agree before an item was put on the agenda. Councilwoman Smith pointed out that was a violation of the Open Meeting Law. Councilman Eliason asked if perhaps the City Manager or the Mayor could have the ability to place items on the agenda. Mayor Montandon felt the important issue was to establish a policy and include it in a document for future reference. He asked the Council members if having a policy was a good idea. Acting City Manager Rose stated if the City Manager had the sole responsibility for placing items on the agenda, he may have a problem putting an item on an agenda that was detrimental to that position. While he felt the authority would not be misused, he felt having safeguards in place was a prudent measure to ensure the City Council and the public were able to express issues important to them. Councilwoman Smith felt while there was potential for abuse, she felt if a problem developed, the policy could be changed. Mayor Montandon asked if, when an agenda item was prepared, the name of who requested the item be included. Acting City Manager Rose stated the name of the requestor would be included.

Mayor Montandon questioned if the process to ask for agenda items to be included on an agenda include a sponsor and a co-sponsor. Councilman Buck agreed that would be a good idea. City Attorney Sean McGowan stated that method would be consist with the motion and second method of voting at City Council meetings. Councilwoman Smith stated she was not averse to a sponsor and a co-sponsor but felt strongly that any Council person should have the ability to request an item be included on an

agenda. Mayor Montandon agreed. Mayor Pro Tempore Robinson felt Council had the right to request agenda items currently. Councilwoman Smith felt Council did not always have that right. Mayor Montandon added by general practice, Council did have that right. But there had been some occasions when a Council member was denied the ability to put an item on the agenda. He felt having written policy would ensure the right was always in place. He agreed the idea of a sponsor and a co-sponsor was appropriate. Acting City Manager Rose agreed having a sponsor and a co-sponsor would be most appropriate and there would not be an Open Meeting Law violation. Councilwoman Smith asked if the policy would apply to all agenda items. Mayor Montandon clarified the policy would only apply for items requested by a Council member. Councilman Buck then questioned if the sponsor and co-sponsor policy would also apply to a closed personnel session. Mayor Montandon felt it was appropriate to keep the policies consistent.

Mayor Montandon then asked if there was a section in the policy regarding attorney/client privilege meetings. City Attorney McGowan stated that issue was covered in the Nevada Revised Statutes.

City Attorney McGowan stated if there was consensus, the policy would be finalized. Councilman Buck questioned if the language could be changed to read that if a meeting fell on a holiday, the meeting could be held the previous evening. City Clerk Sevigny pointed out the language was in the City Charter. Councilman Buck asked if the ordinance could be changed. City Attorney McGowan stated it could. Councilman Buck then requested the language be changed to allow for the meeting to be held the night before a holiday. City Clerk Sevigny requested ample notice of the change to give the required notification to the public.

Mayor Montandon questioned if the process for approving the policies and procedures included an ordinance adoption. City Attorney McGowan responded the procedures would be adopted. He added a review of established ordinances was in order to avoid duplication of regulations. He felt the policies and procedures would be more flexible than ordinances.

3. DISCUSSION AND/OR DIRECTION REGARDING THREE POTENTIAL BLM PROPERTY DEVELOPER PROJECTS.

Acting City Manager Rose explained there were three potential projects on the horizon. The first was Craig Ranch which the City was pursuing to purchase through the Bureau of Land Management (BLM) special account. The City was also pursuing funding from that same account in Round 5 for the development of Craig Ranch into a regional park. The second project was a golf course development by Jeff Jones somewhere within the

7,500 acres. The previous proposal included a commercial component but that concept was not received favorably by the BLM for the purpose of take down via the Recreational and Public Purpose Act process.

Acting City Manager Rose questioned if Council would prefer Staff continue moving forward with the existing process of trying to purchase the land through the BLM special account. There had been discussions in the past regarding a possible land swap of BLM property for Craig Ranch. He requested direction from Council as to how they desired to proceed with the project. Councilman Eliason asked if the owners of Craig Ranch would be involved in the process. Community Development Director Risner stated she was in possession of a willing seller letter given to the City at the time of the Round 4 proposal. The status might have changed but Director Risner stated the owners were not asked if they were still willing sellers. Acting City Manager Rose stated the City had no formal indication that they were not willing to sell the land. Mayor Montandon had long felt the appropriate course of action to take for a project of this magnitude was via a land swap or transfer of reversionary interest with another piece of land. The City was placed on the Round 4 acquisition list for parks, trails and open space. Director Risner felt that was most appropriate course of action to take to acquire the land. Mayor Montandon stated the underlying issue was that the current owners were businessmen and they were still willing sellers. As the price of land increased, the property became less lucrative as a golf course. He felt at the right price, the owners would sell. His goal was not to shut down Craig Ranch but to maintain a green asset for the City. Mayor Pro Tempore Robinson questioned the asking price. Director Risner stated the estimate had been between \$33 million and \$38 million. Mayor Montandon stated the longer the City delayed, the price would continue to rise. He stated the real issue became that of time. If the City put a process into place that would take years, the property most likely would be sold to others. He felt the City needed to pick a direction and maintain that course. He added through Round 4, a so called 'wish list' had been submitted to the BLM for both the sensitive property acquisition list and the parks, trails, and open space list. Once the submissions for Round 5 were submitted, the term 'wish list' would become a reality as the total amount for all projects requested would reach upwards of \$600 million. The fight would be very competitive for dollars.

Mayor Pro Tempore Robinson questioned the cost of retrofitting Craig Ranch into a park. Director Risner responded it would cost approximately \$20 million which had been requested from the BLM as well. Mayor Montandon clarified in Round 4, the price of the purchase was requested and in Round 5, the cost of the retrofit was requested. Director Risner pointed out the City was only presenting projects the City could reasonably support if the funding were granted. She felt the City would get more money because some funding would default back to the BLM because the other agencies were requesting money for projects they had no method of supporting.

Councilman Buck stated the City had received some favorable indications the City might receive the BLM funding. She did not feel it was prudent to go back and change course to pursue a land swap. She felt the most appropriate course of action was to continue to pursue the funding through the BLM. With regard to Jeff Jones, he was aware when he presented the project to the City that a land swap would not be supported. Mayor Montandon felt while a transfer of reversionary interest, or land swap, was a viable idea, it had become obvious to him that the process had become very difficult. Director Risner added while the City had received indications that BLM funding could be very favorable and expeditious, if it did not happen, Council may revisit the idea of a land swap.

Mayor Montandon stated Council had developed a policy before the land for Aliante was sold not to withdraw any Recreation and Public Purpose Act land before the sale. With the exception of the School District, that was done. While the policy worked quite well, the City was the only entity in the valley to proceed in such a manner; other entities were withdrawing land before sale. If the City were to decide to withdraw land before sale, it would be a substantial change in policy. The possibility existed to do both; withdraw a small amount of land for specific purposes and leave land to be withdrawn after the fact by the developer. He stated he had Council meet with Mike Ford who had experience withdrawing land to discuss several ideas. He wondered if a change in policy would weaken the City's position with the BLM. Councilman Eliason added joint uses between the parks and the School District needed to be discussed. He stated other entities in the valley had staff dedicated to withdrawing land. Mayor Montandon stated there were several methods the City could employ when withdrawing land from the remainder of the 7,500 acres. The City could ask the School District to relinquish the sites they had already withdrawn, put them back into the auctionable land and tell the School District the land would be withdrawn after auction. That had been the previous arrangement but the School District had failed to sign the agreement. Staff could tell the School District the City would negotiate with the developer after the auction and place schools next to parks. The City could withdraw land up front and begin negotiating placing parks next to schools and other joint uses before development had begun. Councilman Eliason stated Councilwoman Smith had preciously voiced her concerns regarding the sites the School District was choosing as they were mostly on the City's major thoroughfares, creating a traffic problem. Mayor Montandon also felt the School District had chosen inappropriate locations for their bus yards. Councilman Buck stated bus yards needed to be allowed in the northern portion of the valley. Mayor Montandon pointed out the School District had the option to go to the BLM and withdrawn land themselves. Director Risner pointed out the School District could not construct a bus yard on BLM land. Mayor Montandon again pondered the strategy of the City withdrawing land or waiting until after a sale to begin to withdraw land and whether a single large portion should be withdrawn or smaller pieces would be more prudent. He felt the City needed assistance in developing that type of strategy. Mayor Pro Tempore Robinson questioned the fee. Acting City Manager Rose stated discussing a fee was premature. He added some items the Task Force were reviewing were where facilities and

parks should be located, not only in the City, but in the BLM land as well. Once a major take down occurred and the land was auctioned off, the developer would design their community based on what would work for them. If the new portion of the 7,500 acres was similar to the Aliante master plan, the process would involve releasing previously obtained property and gaining new land after the developer had already designed the location for parks and schools where they fit best within their community.

Mayor Montandon felt the idea of taking down property in the BLM was strategically placing the City in a better position to negotiate. Developers recognized the parcels would most likely be moved. Director Risner added one reason the City chose not to take down land the first time was because the City wanted to ensure whoever bid on the land had maximum flexibility because it was a new venture for North Las Vegas and Staff was unsure what type of project would be built. The City was attempting to force the best product possible by giving the developer the most flexibility. The City was no longer in that position. There was more room for discussion on the strategy the City would follow. Mayor Montandon stated when the City initially put the first 1,900 of the 7,500 acres of BLM land up for auction, it was generally known that even though the developer was purchasing 1,900 acres they were buying less because some land would be given up for recreation and public purpose. The price per acre was what the developer thought they were getting. That was not the case in other developments throughout the valley where the City of Las Vegas and the County withdrew the public land first. The developer knew they were buying net useable land. The problem with that strategy was it caused the sales price of land to go up dramatically because the developers were only purchasing what they used. That had set a new standard. Recent sales in the valley would be an indicator of what method would be the most advantageous to the City to use. Acting City Manager Rose stated he would be in a better position regarding the expertise the City may need to work with the BLM for the take down of property and if it was reasonable to take down BLM property after the completion of the update of the Parks, Recreation and Trails Master Plan. He felt after that was complete he would be in a better position to make a recommendation to the City Council.

Acting City Manager Rose stated the third project was one that Councilman Eliason brought to Council for consideration. It was a partnership with other jurisdictions in the valley to develop an 80 acre regional park. He requested further direction from Council as to what involvement the City should have in the project. Councilman Eliason stated it would be best to wait for the City of Las Vegas' study to be completed which was due at any time. Acting City Manager Rose stated he would wait until he had the opportunity to review the study before asking for a recommendation from Council as to how to proceed.

Acting City Manager Rose stated the original plan for having City Council work sessions was to have them on weekends. Mayor Montandon and Mayor Pro Tempore Robinson both stated they preferred to have the meetings prior to City Council meetings during the week.

PUBLIC FORUM

There were no participants.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 5:00 P.M.

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

APPROVED: October 15, 2003

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

Attest:

/s/ Eileen M. Sevigny
Eileen M. Sevigny, CMC
City Clerk