Carolyn G. Goodman, Mayor (At-Large)
Stavros S. Anthony, Mayor Pro Tem (Ward 4)
Brian Knudsen (Ward 1)
Victoria Seaman (Ward 2)
Olivia Diaz (Ward 3)
Cedric Crear (Ward 5)
Michele Fiore (Ward 6)

City Manager Scott Adams
City Attorney Bryan K. Scott
City Clerk LuAnn D. Holmes

City Council Minutes

Council Chambers · 495 South Main Street · Phone 702-229-6011
City of Las Vegas Internet Address: www.lasvegasnevada.gov

September 2, 2020
9:00 AM

CEREMONIAL MATTERS

1. Call to Order

Minutes:
MAYOR GOODMAN called the meeting to order at 9:00 a.m.

PRESENT: MAYOR GOODMAN and COUNCILMEMBERS ANTHONY, FIORE, CREAR, KNUDSEN, SEAMAN, and DIAZ

ALSO PRESENT: CITY MANAGER SCOTT ADAMS, CITY ATTORNEY BRYAN SCOTT, DEPUTY CITY ATTORNEY JEFF DOROCAK, and CITY CLERK LUANN D. HOLMES

2. Announcement Regarding: Compliance with Open Meeting Law

Minutes:
ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations in accordance with the State of Nevada Executive Department Declaration of Emergency Directive 006: The City of Las Vegas website – www.lasvegasnevada.gov and The Nevada Public Notice Website – notice.nv.gov.

3. Invocation - Pastor John Teis, Southern Hills Baptist Church

Minutes:
PASTOR JOHN TEIS, Southern Hills Baptist Church, gave the invocation.

4. Pledge of Allegiance

Minutes:
MAYOR GOODMAN led the audience in the Pledge of Allegiance.

Prior to Item 5, MAYOR GOODMAN recognized CITY AUDITOR RADFORD SNELDING, who reports solely to the Council, for 20 years of service to the City of Las Vegas. She asked him to give a brief definition of his role in the City. MR. SNELDING thanked the Council for the recognition and explained that the position of the City Auditor evaluates the efficiency and effectiveness of the operations within the City of Las Vegas and acts as an independent check who reports back to the Council.

BUSINESS ITEMS - 9 A.M. SESSION

PUBLIC COMMENT

5. Public comment during this portion of the Agenda must be limited to matters on the Agenda for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:
TERRY BRUESEHOFF, NurseCore, stated that NurseCore staffed the ISO-Q (Isolation and Quarantine) Complex at Cashman Center and wished to discuss and clarify the bid for Healthcare Staffing Services for the operation of the Medical Respite Care Center in the Corridor of Hope. The group wished to voice several issues for clarification with the chief complaint being that the current bidder recommended for the award is a California company with no experience in the Las Vegas market and no experience with healthcare for the homeless population. MS. BRUESEHOFF stated that the recommended company is not licensed for home care nor nursing staffing services in Nevada – both of which are required by the Nevada Department of Health and Human Services. She believed that, with the need to be cost-effective, this bid may have been inappropriately expedited which she felt could have a detrimental effect. She also noted that the recommended company is a sole proprietor, California-based, foreign limited liability company with two years of experience with the primary business being real estate per the information on their website. Further, she asserted that NurseCore has an invested interest in the success of the bid as they proudly served the City of Las Vegas as the ISO-Q Complex and have made preparations for the staff for the new facility at the Corridor of Hope. NurseCore has been in service in Las Vegas for 15 years, is a certified home healthcare company, and provides medically fragile children and adults with skilled nursing in the home care setting. NurseCore also conducts Medicare and Medicaid billing, has an established relationship with the community, and services physicians in healthcare facilities across the city. She believed that through submitting a deceptively low bid, the recommended company has none of the qualifications of NurseCore. She recommended that the Council not approve the recommended company and encouraged them to consider the qualifiers and credentials of the other companies that may represent better choices. MS. BRUESEHOFF believed the fairest thing to do was to allow rebidding of the contract and ensure that all requirements in addition to reasonable costs are satisfied. She also asked the Council to honor the local companies that have been long-term supporters and financial contributors to the Las Vegas community.

MAYOR GOODMAN thanked MS. BRUESEHOFF and the others present from NurseCore in the audience for their work in the ISO-Q Complex and asked that they follow up with CHIEF COMMUNITY SERVICES OFFICER LISA MORRIS HIBBLER.

PAUL CASEY thanked the Council for their participation in Abbey Road Crossing anniversary event and shared a photograph of COUNCILMAN KNUDSEN and his son. He thanked the Councilman for his support and mentioned the Councilman's love of the Beatles and how their sons, who are the same age, share that appreciation of the Beatles as well. Lastly, MR. CASEY recognized JASMINE FREEMAN, Sr. Management Analyst, and MARJA BIGAS, Management Analyst I, for their assistance with the anniversary event and presented them with an Abbey Road plaque and noted the participation of ESTHEFANY AROCHI, Sr. Executive Assistant to the Mayor, as well.

CHAIRWOMAN MARILYN KIRKPATRICK, Clark County Commission, was present to answer questions regarding the COVID-19 pandemic and thanked COUNCILWOMAN FIORE for the opportunity to speak. She expressed the importance of the Southern Nevada region to work together and pointed out that in the beginning, there were a lot of questions as clear guidance was not received from the State level. In working with the State, CHAIRWOMAN KIRKPATRICK indicated she did not realize the amount of time or expertise it would take. The Chairwoman reached out to 10 other states to determine what is and is not working in their states as well as work with the Southern Nevada Health District. Guidelines were then submitted to the Local Empowerment Advisory Council (LEAP) Committee, Occupational Safety and Health Administration (OSHA), and the Nevada Governor's Office of Economic Development to help establish Phase 1. It was agreed upon to refrain from implementing Phase 1 during the Cinco de Mayo weekend in order to stay below a 10 percent positivity rate. The next steps the group took were to draft guidelines for the opening of casinos and other businesses which she pointed out were broad as some guidelines do not work for every type of business.

The Chairwoman spoke about the increased testing efforts in Phase 2 and how she was instructed, after a visit from the Federal Emergency Management Agency (FEMA) that everything must shutdown. After meeting with FEMA, the Chairwoman was able to walk the agency through the region's process, and she asked the Governor to share the region's data through a report and mitigation plan by the Multi Agency Coordination Center (MACC). CHAIRWOMAN KIRKPATRICK stated that at the time FEMA visited, Southern Nevada had a positivity rate of 19 percent. She noted there are seven zip codes where there were a lot of positive cases, and Clark County hired a Hispanic marketing firm to educate the community on masks and social distancing. At the moment, Southern Nevada has a positivity rate of 13.6 percent. She stressed that the economy must move forward, and efforts are being made to focus on the highly concentrated areas with a grant for additional testing. The Chairwoman commented that many people believe there will be a higher positivity rate if testing is increased; however, asserted that additional testing must be done to get to the source and have a better fall season. She asked all cities to work collaboratively on a comprehensive business enforcement plan and expressed the need to address those businesses not complying with the guidelines. The Chairwoman made this request of the Council.

FIRE CHIEF JOHN STEINBECK, Clark County, said he has worked with many of the Councilmembers, UMC of Southern Nevada, and the Southern Nevada Health District to increase testing. Although he did not believe the region was where FEMA reported it was, he stressed the need for increased testing capacity which was awarded through a grant from the Department of Health and Human Services starting on August 31st until September 18th. FIRE CHIEF STEINBECK was hopeful that the additional testing would help the criteria being utilized by the State and efforts have been made to provide testing to anyone who needs it. He congratulated the Office of Emergency Management and the Business Licensing Division for working with his staff on a plan to move forward.

CHAIRWOMAN KIRKPATRICK reminded the Councilmembers that in the beginning, only 40 tests could be completed per day and, because she sits on the LEAP, MACC, and Southern Nevada Health District, the Chairwoman indicated she did not wait for the federal government to provide testing. Additionally, Clark County was told by the State to use its own Coronavirus Aid, Relief, and Economic Security (CARES) Act money and has invested in UMC of Southern Nevada in order to have a state of the art research facility for the long term. Recently, $19 million was received for the Southern Nevada Health District to address backlogs and an additional $44 million was received for testing the most vulnerable populations.

MAYOR GOODMAN expressed gratitude towards CHAIRWOMAN KIRKPATRICK and FIRE CHIEF STEINBECK. There are many things that everyone could say and question but she believed the conversations could go on for days. The Mayor sympathized with those who remain unemployed and commented that she has heard about the long turnaround time for testing. She believed there to be many variables involved in the current situation and assured the Chairwoman that she will do anything she can do personally and as the Mayor of Las Vegas.

COUNCILMAN CREAR thanked CHAIRWOMAN KIRKPATRICK and COMMISSIONER LAWRENCE WEEKLY, Clark County Commission, for being present, and agreed with comments regarding working across jurisdictions, and said it is only by the work of the citizens to do their due diligence to mitigate COVID-19. He mentioned having spoken to the individuals with the Fremont Street Experience as well as other casino owners who want to get their bars open again and want to follow the rules, and the Councilman noted it is only by working together that this will happen. He supported CHAIRWOMAN KIRKPATRICK and complimented the City of Las Vegas' Compliance Ambassador Program which helped businesses to become compliant. FIRE CHIEF STEINBECK appreciated the comments of COUNCILMAN CREAR and looked forward to working with him.

COUNCILWOMAN FIORE thanked the Chairwoman and Fire Chief and noted she was upset that the City was doing something different than the other jurisdictions with the Compliance Ambassador Program. She believed the circumstances surrounding COVID-19 change daily and that the negative is recognized more than the positive. The Councilwoman stated that reports from the Centers for Disease Control and Prevention (CDC) indicated that within Nevada, six percent of the population has died from COVID-19, the other 94 percent had underlying health conditions that contributed to their death. She shared her beliefs regarding the increased amount of unemployment and domestic violence do to COVID-19 and felt that some businesses are being targeted because of their political affiliations.

CHAIRWOMAN KIRKPATRICK responded to the Councilwoman by stating that her first priority on the Southern Nevada Health District Board of Health is public health. She felt fortunate that DR. FERMIN LEGUEN has agreed that some businesses can reopen and noted he is part of the regional efforts. The Chairwoman acknowledged there is a mental health component to COVID-19 and has argued that there is needs to be an outlet for children. She expressed having to balance different personalities and political affiliations to ensure that public health is the number first priority, and although the second priority is economics, CHAIRWOMAN KIRKPATRICK acknowledged the difficulties with the Nevada Department of Employment, Training and Rehabilitation (DETR). She indicated Southern Nevada has been following the CDC guidelines from the beginning except recently and the reason for this because funds were received from the federal government for testing. COUNCILWOMAN FIORE asked CHAIRWOMAN KIRKPATRICK if she wished to use the additional tests immediately or save some for the fall to which the Chairwoman replied that those tests should be used early on. FIRE CHIEF STEINBECK added that the additional tests came from the Department of Health and Human Services with the staffing to administer them and are only available until September 18th.

COUNCILMAN KNUDSEN thanked CHAIRWOMAN KIRKPATRICK and FIRE CHIEF STEINBECK for being present and acknowledged their time and energy spent to keep Nevada healthy. The Councilman recognized the need for regional collaboration and asked what was expected from the City of Las Vegas. CHAIRWOMAN KIRKPATRICK wished to include on the mitigation plan that the jurisdictions are working together on enforcement as well as holding webinars with Business Licensing Division staff to review industry-specific guidelines. COUNCILMAN KNUDSEN believed there is communication between the Business Licensing Division staff that does not get relayed and believed documentation on how staff from each entity is working would be useful. He offered to partner with CHAIRWOMAN KIRKPATRICK on keeping the economy alive.

CHAIRWOMAN KIRKPATRICK inquired with the Mayor in regards to obtaining a letter to provide to the COVID-19 Mitigation and Management Task Force. MAYOR GOODMAN believed everyone must work in unison; however, she has realized that the City of Las Vegas is just one entity and everything stops at the Governor's desk. She believed it is critical to have a plan that is variable and ensure no one person is speaking on behalf of the entire elected body.

COUNCILWOMAN DIAZ thanked and expressed gratitude towards CHAIRWOMAN KIRKPATRICK, COMMISSIONER WEEKLY, and FIRE CHIEF STEINBECK. She spoke of working with the Chairwoman at the Legislature and knows that it takes every member of the community to get to a point of prospering. She was aware that CHAIRWOMAN KIRKPATRICK knows first-hand the detriment to the economy and the community if the course is not corrected. The Councilwoman pointed out that it is important to get tested, and it is easy to wear a face mask. The goal is to lower the positivity rate to five percent so can that businesses can reopen. She asserted science is science, and the community must work in harmony to lower positivity rates. COUNCILWOMAN DIAZ asserted she remains committed to doing what she can to assist.

CHAIRWOMAN KIRKPATRICK appreciated the commitment to work together and would be happy to include the Mayor or designee in the conversation regarding the mitigation plan. MAYOR GOODMAN agreed to participate.

At the Mayor's request, CITY CLERK LUANN D. HOLMES outlined the process for submitting e-comments via the City's website.

See Item 12 for related discussion.

BUSINESS ITEMS - 9 A.M. Session

6. For Possible Action - Any items from the 9 a.m. session that the Council, staff and/or the applicant wish to be stricken, tabled, withdrawn or held in abeyance to a future meeting may be brought forward and acted upon at this time.

Motion made by Stavros Anthony to Strike Item 49

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

7. For possible action to approve the Final Minutes by reference of the August 5, 2020 Regular City Council Meeting

Motion made by Stavros Anthony to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

CONSENT AGENDA

Matters listed on the Consent Agenda are considered to be routine and have been recommended for approval by the Submitting Departments. All items on the Consent Agenda may be approved in a single motion. However, if a Council Member so requests, any consent item may be moved to the discussion portion of the agenda and other action, including postponement or denial of the item, may take place.

CITY ATTORNEY - CONSENT

8. For possible action to approve additional funding for Shute, Mihaly & Weinberger LLP to represent the City of Las Vegas in the following actions: 180 Land Company, LLC v. City of Las Vegas, 8JDC Case No. A-17-758528-J, NSC Case Nos. 77771, 78792, USDC Case No. 2:19-cv-1467-KJD-DJA; 180 Land Company, LLC, et al. v. City of Las Vegas, 8JDC Case No. A-18-780184-C, USDC Case No. 2:19-cv-1471-JCM-EJY; Fore Stars, Ltd., et al. v. City of Las Vegas, et al., 8JDC Case No. A-18-773268-C, USDC Case No. 2:19-cv-1469-JAD-NJK; and 180 Land Company, LLC v. City of Las Vegas, 8JDC Case No. A-18-775804-J, USDC Case No. 2:19-cv-1470-RFB-BNW, relating to the development of a portion of the former Badlands Golf Course for an amount not-to-exceed $100,000 (General Fund) - Ward 2 (Seaman)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

Minutes:
COUNCILWOMAN FIORE requested Items 12 and 13 to be pulled off of the Consent Agenda to be heard separately.

Regarding Item 8, COUNCILWOMAN SEAMAN stated that while the City of Las Vegas faces the toughest financial times it has ever seen, it is harder than ever before to watch money continue to be spent on Badlands litigation defense while there are still so many other critical needs for these funds. This is why she will continue to work as hard as she can for a resolution. Having said this, the Councilwoman would vote to spend the additional funds to defend the City and the taxpayers.

CITY CLERK - CONSENT

9. For possible action to approve the Report of Declarations per NRS 279.454, which requires any officer or employee of the City who in the course of their duties participates in the formulation of or approval of plans or policies for a redevelopment area to disclose interest in property located in the existing Redevelopment Area and/or Redevelopment Area 2

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

Minutes:
See Item 5 of the September 2, 2020, Redevelopment Agency Meeting for related discussion.

CULTURAL AFFAIRS - CONSENT

10. For possible action to approve an Interlocal Agreement between Clark County and the City of Las Vegas for an Edward Byrne Memorial Justice Assistance Grant in the amount of $31,038 to the City of Las Vegas Office of Cultural Affairs for the Performing and Visual Arts Summer Camp for Kids Program at the West Las Vegas Arts Center, located at 947 West Lake Mead Boulevard - Ward 5 (Crear)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

FINANCE - CONSENT

11. For possible action to approve the City of Las Vegas Investment Policy in accordance with changes set forth recently by the Nevada State Legislature (Nevada Revised Statute 355) - All Wards

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

FINANCE - PURCHASING AND CONTRACTS - CONSENT

12. For possible action to approve award of Bid No. 200256-MC, Healthcare Staffing Services, for the Respite Care Facility located at the Corridor of Hope (also known as the Courtyard), 1581 North Main Street, to the lowest responsive and responsible bidder - Department of Community Services - Award recommended to: VARSOBIA HOME CARE SERVICES, LLC (Not-to-Exceed $1,422,720 Annually - H.U.D. E.S.G. Emergency Funding Special Revenue Fund) - Ward 5 (Crear)

Motion made by Michele Fiore to Hold in Abeyance to 9/16/2020

NOTE: Due to technical difficulties, an oral vote was taken for this item.

Passed For: 4; Against: 3; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Stavros Anthony, Carolyn Goodman, Michele Fiore; Against-Cedric Crear, Brian Knudsen, Olivia Diaz;

Minutes:
COUNCILWOMAN FIORE did not like putting such a large contract on the Consent Agenda and stated that at the Council's second briefing, staff had expressed some concerns. After TERRY BRUESEHOFF'S, NurseCore, comments under Item 5, the Councilwoman wished to abey Item 12 to review the bids received. KATHI THOMAS, Director of Community Services, was present with ABBE YACOBEN, Deputy Finance Director and Treasurer, who reviewed the bid process. MS. YACOBEN said a competitive bidding process was conducted in which 15 bidders participated. She reviewed the qualifications and noted as long as a bidder meets the qualifications and has the required licenses, they are able to move forward to the City Council agenda.

MS. BRUESEHOFF said when the results of the bid were received, they googled the recommended company. She alleged that through these searches, the recommended company did not have a license for home healthcare or a staffing license. MS. BRUESEHOFF felt that if the bid was awarded to the lowest bidder, NurseCore would have dropped their bid rates as well. COUNCILWOMAN FIORE wished to see the Varsobia Home Care Services, LLC's Nevada State Business License, City of Las Vegas Business License, and insurance with the state. MS. YACOBEN read the requirements as they pertain to licensure noting if the recommended company is approved, staff will provide the licenses to the Council at that time. She informed the Councilwoman that the recommended company participated through the City's open bidding process. COUNCILWOMAN FIORE reiterated her desire to hold the item in abeyance.

DEPUTY CITY ATTORNEY JEFF DOROCAK advised that NurseCore had an opportunity to protest the selection but did not. MS. BRUESEHOFF said a phone call was made to inquire about protesting the selection. She was informed of the $250,000 fee; however, she received no answers when she inquired about how the $250,000 would be used. MR. DOROCAK responded that the $250,000 statisfies a bond requirement, and he read into the record a response received from Varsobia Home Care Services, LLC. A copy of the response was submitted and attached as backup.

Regarding licensure, ROBERT SUMMERFIELD, Director of Planning, stated that the Department of Finance has a quality control function that verified licensure. Often times with contracts, the applicants do not receive the City of Las Vegas licensure until the contract is ready to be signed off on.

COUNCILWOMAN SEAMAN noticed that the recommended company was chosen because it was the lowest bid and, with a home healthcare business, she wished to see who has been operating in Nevada. The Councilwoman wished to have more discussion on the matter. COUNCILWOMAN FIORE added that in order to receive a provider number from the State of Nevada, a Business License from the City must be obtained first.

CITY ATTORNEY BRYAN SCOTT believed the actions of NurseCore to be inappropriate given that the Request for Proposal (RFP) process provides for a certain amount of time to protest. NurseCore had an opportunity to protest but did not. He believed the RFP process must be preserved and that if there was a protest, it should have come in at the appropriate time.

COUNCILMAN CREAR was unclear whether Varsobia Home Care Services, LLC was licensed in Nevada. MS. THOMAS confirmed the recommended company was licensed in Nevada. MS. YACOBEN also added that the recommended company must show that they are licensed or can be licensed by the time the contract is signed and confirmed they were able to provide services soon. MS. THOMAS explained the Respite Care Facility is open and operating, NurseCore, in an extension from the ISO-Q (Isolation and Quarantine) Complex, was the healthcare provider during the bid process. She noted that the Office of Community Services worked closely with the Purchasing and Contracts Division so that the bid that was issued had exactly the language necessary to identify the skill sets needed to continue operations at the Respite Care Facility. The Purchasing and Contracts Division then vets all of the respondents that meet the minimum threshold and ranks them. She confirmed she signed off on Varisoba Home Care Services, LLC. COUNCILMAN CREAR believed MS. THOMAS did her due diligence and would support the recommendation.

MAYOR GOODMAN asked what the timeline was to terminate NurseCore at the Respite Care Facility. MS. THOMAS indicated the contract to extend NurseCore through September 15th was approved under Item 14 as part of the Consent Agenda. If approved, the recommended company would begin on September 16th. MS. THOMAS expressed her confidence in the decisions of staff, that the pieces that must be put in place will be in place before a contract is executed, and if a decision to abey the item were to occur, staff would work to extend NurseCore past the previously approved extension date. She informed the Mayor that once the contract for the Respite Care Facility ends, the City will not have an engagement with NurseCore in the Corridor of Hope. MS. THOMAS asserted that there have not been any problems with the services of NurseCore; however, staff has heard from the Council about the need to go through an open bidding process for large contracts.

CITY MANAGER SCOTT ADAMS felt that the departments involved have done their due diligence and have selected the most appropriate and responsive bidder for the Council's consideration. He echoed MS. THOMAS stating that staff was attempting to be responsive to the Council and the concerns expressed in the past. The City Manager believed NurseCore may have been fairly low ranked in the process and has not raised anything material to prevent him from strongly recommending to the Council to approve the award.

COUNCILMAN ANTHONY wondered if there was a problem with abeying the item for 30 days. MS. THOMAS said the only challenge is that the extension of the services provided by NurseCore will end on September 15th; therefore, staff would have to come back to the Council to extend the contract. The Councilman did not wish to disrupt services and would support abeying the item for two weeks. MAYOR GOODMAN asked if, under an emergency, the services of NurseCore could be extended. MR. SCOTT indicated that MS. THOMAS could extend the services with an item for the Council to ratify the decision on the next City Council agenda.

COUNCILMAN CREAR asserted that he was not in support of abeying the item.

COUNCILWOMAN SEAMAN was alarmed by MS. THOMAS' comments regarding the Council directing staff to pursue an open bidding process for large contracts. She felt NurseCore was doing a good job and had concerns about the recommended company. MAYOR GOODMAN asserted MS. THOMAS has abided by the Council's requests, discretion, and comments.

COUNCILWOMAN DIAZ wondered if there would be a termination clause in the new contract. MS. YACOBEN confirmed there would and reminded the Councilwoman that staff only considers qualified bidders. The product and service can be evaluated and the contract can be terminated for convenience or breach.

See Items 5, 8, and 51 for related discussion.

13. For possible action to approve award of Contract No. 200254-PH, Mutual Use Contract for Public Safety Promotional Assessments - Department of Human Resources - Award recommended to: INDUSTRIAL/ORGANIZATIONAL SOLUTIONS, INC. (Not-to-Exceed $88,000 Annually/Total Contract Amount Not-to-Exceed $352,000 - General Fund)

Motion made by Carolyn Goodman to Approve award of Contract No. 200254-PH at $88,000 for one year with a one-year review

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

Minutes:
COUNCILWOMAN FIORE explained her reasoning for pulling this item off of the Consent Agenda. Although the contract amount is not-to-exceed $352,000, the Councilwoman believed the City of Las Vegas has very diligent employees and staff that can perform the work.

VINCE ZAMORA, Acting Director of Human Resources, said the purpose of this item was a proactive measure in the event there is more than one qualified candidate for possible promotional opportunities. There is no intention of utilizing Industrial/Organizational Solutions, Inc. (IOS) on a regular basis; however, there is the need to ensure there is a third-party evaluation for promotional opportunities so that the candidates believe there is no favoritism in place with the assessment centers and that staff does not have any undue influence on the results. He noted that the City has been doing business with IOS since 2015 and have only utilized the entity once on an annual basis, and he confirmed for the Mayor that the item is for a possible four-year extension. MAYOR GOODMAN wondered if the contract could be year-by-year to which MR. ZAMORA said staff could look into this. The Mayor believed having an independent evaluation is critical; however, given the current economy, she was concerned about a four-year contract.

COUNCILWOMAN SEAMAN thought MR. ZAMORA presented good points, but she also believed the community was not in ordinary times and thought that there were talented individuals within the Fire Department to make a decision. She would not support the request.

DEPUTY FIRE CHIEF SARAH McCREA, Las Vegas Fire and Rescue, explained that the Fire Department is required, by contract, to have acting lists for the positions of Engineer, Captain, and Battalion Chief among others. One reason is that there are a large number of candidates that apply for the positions and the Fire Department must run assessment centers and includes raters from outside of the local area. The contract with IOS is relied upon as the process is complex and must be industry best practice.

COUNCILMAN KNUDSEN asked about the City of Las Vegas' contractual obligations with the International Association of Fire Fighters (IIAF). MR. ZAMORA read from Article 6 of the collective bargaining agreement.

COUNCILMAN ANTHONY commented that he went through an assessment center while working for the Las Vegas Metropolitan Police Department (Metro) which he believed are specific, thorough, and in-depth. He commented that an assessment center can bring out the qualifications of a person for a specific position and ensure a fair process. The Councilman was in favor of awarding the four-year contract and believed that money should be put into picking the best people through the best process to address critical public safety issues.

After hearing the Councilman's explanation, COUNCILWOMAN FIORE asserted she would support the request.

MAYOR GOODMAN was in favor of the request but was opposed to the amount of $352,000. She wished to vote upon the contract on a year-by-year basis. ABBE YACOBEN, Deputy Finance Director and Treasurer, informed the Mayor that the contract is for a maximum of $88,000 per year.

See Item 8 for related discussion.

14. For possible action to ratify and approve award of Contract No. 210000-JL, Professional Services Contract for Health Services for Respite Care and Modification No.1 thereto, for the Respite Care Facility located at the Corridor of Hope (also known as the Courtyard), 1581 North Main Street - Department of Community Services - Award recommended to: NURSECORE MANAGEMENT SERVICES DBA NURSECORE LAS VEGAS ($159,216 - H.U.D. Emergency Shelter Program Special Revenue Fund) - Ward 5 (Crear)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

Minutes:
See Item 12 for related discussion.

15. For possible action to approve award of Contract No. 210014-DD, Prime Design Services Contract for WPCF Dewatering Building Improvements Study located at 6005 East Vegas Valley Drive - Public Works - Award recommended to: CAROLLO ENGINEERING INC. ($73,550 - Sanitation Enterprise Fund) - Clark County

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

16. For possible action to approve award of Addendum 1 to Contract No. 190270-PH-A, Administrative Services Agreements for the Governmental 401(a) Plan of the City of Las Vegas and No. 190270-PH-B, Administrative Services Agreement for the Governmental 457(b) Deferred Compensation Plan of the City of Las Vegas - Department of Human Resources - Award recommended to: NATIONWIDE RETIREMENT SOLUTIONS, INC.

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

17. For possible action to approve award of Modification No. 3 to Contract No. 140129-CB, Third-Party Worker's Compensation Administrative Service - Department of Human Resources - Award recommended to: CANNON COCHRAN MANAGEMENT SERVICES, INCORPORATED DBA CCMSI - All Wards

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

OPERATIONS AND MAINTENANCE - CONSENT

18. For possible action to approve a Grant of Easement to Nevada Power Company, d/b/a NV Energy, to provide services to the Neon Museum Reed Whipple Expansion Project located at 821 North Las Vegas Boulevard, APN 139-27-708-019 - Ward 5 (Crear)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

19. For possible action to approve a Residential Purchase Agreement and Counter Offer between the City of Las Vegas and Guillermo Guerrero Mujica for the City to sell vacant land located at 5663 Calverts Street, APN 125-25-410-030 - Ward 6 (Fiore)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

20. For possible action to approve a Real Property Purchase Contract between the City of Las Vegas and Kilgore Companies, LLC for the sale of vacant land located at 10051 Moccasin Road, APN 126-01-502-003 - Ward 6 (Fiore)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

21. For possible action to approve a First Amendment to Facility Shared Use Agreement between the City of Las Vegas and Acelero Learning Clark County (Acelero) for occupied space at the Stupak Community Center, located at 251 West Boston Avenue - Ward 3 (Diaz)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

PLANNING - BUSINESS LICENSING - CONSENT

22. For possible action to approve a Beer Wine Room License for NSK ENTERPRISE dba NITTAYA'S LITTLE KITCHEN at 7575 Norman Rockwell Lane, Suite #140 [Nittaya Parawong, President, Secretary, Treasurer, Director, Shareholder] - Ward 6 (Fiore)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

23. For possible action to approve a Restricted Gaming License SARTINI GAMING, LLC dba SARTINI GAMING, LLC db at KICKERS at 931 North Las Vegas Boulevard - Ward 5 (Crear)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

24. For possible action to approve a Restricted Gaming License SARTINI GAMING, LLC dba SARTINI GAMING, LLC db at WINCO FOODS at 7501 West Washington Avenue - Ward 1 (Knudsen)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

25. For possible action to approve a Restricted Gaming License UNITED COIN MACHINE CO dba CENTURY GAMING TECHNOLOGIES db at 7-ELEVEN STORE #15974D at 6950 West Charleston Boulevard - Ward 1 (Knudsen)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

26. For possible action to approve a Temporary Massage Establishment License ROBERTO LEPE dba JESSICA HAIR & MAKEUP STUDIO at 3100 East Charleston Boulevard, Suite #119 [Roberto Lepe Jr., Owner] - Ward 3 (Diaz)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

RESOLUTIONS - CONSENT

27. R-38-2020 - For possible action to approve a Resolution concerning a proposed Special Improvement District (612) within the Skye Hills area; approving the form of and authorizing the execution and delivery of a deposit agreement with Ninety Five Management, LLC, a Nevada limited liability company, in the amount of $150,000 for the City of Las Vegas to draw against as it incurs the expenses of creating and financing the district with Ninety Five Management, LLC ($150,000 - SID Construction Fund) - Ward 6 (Fiore)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

28. R-39-2020 - For possible action to approve a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Medical District Targeted Industry Program (MDTIP) Agreement between the RDA and ALG Corporation (Owner/Tenant) located at 601 South Rancho Drive #D30 (APN 139-32-711-030) to be in compliance with and in furtherance of the goals and objectives of the RDA - Ward 1 (Knudsen) [Note: This item is related to RDA Item 6 (RA-8-2020)

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

29. R-40-2020 - For possible action to approve a Resolution authorizing the Director of the Department of Planning to extend administratively a temporary business license of any licensee who has exhausted all applicable temporary-license extensions under Title 6 of the Las Vegas Municipal Code prior to the cessation of the COVID-19 emergency - All Wards

Motion made by Stavros Anthony to Approve the Consent Agenda except Item(s) 12 and 13

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

DISCUSSION/ACTION ITEMS

COMMUNITY SERVICES - DISCUSSION

30. RESCIND - Discussion for possible action regarding the Neighborhood Partners Fund (NPF) Board recommendations to allocate $69,266.94 for 16 neighborhood projects (General Fund) - All Wards

Minutes:

Items 30 and 31 were heard together.

KATHI THOMAS, Director of Community Services, and LARRY SCHULTZ, Vice Chair of the Neighborhood Partners Fund (NPF) Board, were present. MS. THOMAS explained that Item 30 is to rescind the vote that Council took at the August 19, 2020 meeting because staff did not clarify that there were two different funding recommendations – one from staff in consultation with the Chair and Vice Chair of the Board and one from the full Board. The matter was put forth by one of the Councilmembers, and she apologized for the miscommunication.

Utilizing a PowerPoint presentation, which has been attached as backup, MS. THOMAS explained that the NPF program has a set of criteria that tells applicants they can request matching dollars for various activities with the intention to build neighborhood pride and cohesion throughout the Wards. When there is a successful applicant, a written agreement is established between the applicant and the City of Las Vegas for which third-party payments are made to the awardees' vendors and suppliers. Applicants must provide a match of funds which can be in-kind donations, volunteer time, or cash.

MS. THOMAS noted the Board made a recommendation for a total of $53,812.61 which would have funded 13 of the 16 applications. Staff from the Office of Community Services (OCS) met with the Chair and Vice Chair when concerns were raised about criteria not made part of the original application process being applied post-COVID-19. After consulting with the Chair and Vice Chair, MS. THOMAS made the decision to fund the applicants who met the eligibility criteria and with a desire to address the concerns regarding gatherings, staff approached the Office of the City Attorney for additional language to be drafted within the written agreements that address the concerns as well as indemnification language in the event an applicant does not adhere to the Governor's Directives and Declarations. Based upon this, staff recommended funding all 16 applications for a total of $69,266.94. It was at the Council's discretion whether they wished to rescind the original vote and to choose one of the two recommendations provided. She noted that in the past the Council has wished to fund all eligible applications. Currently, $80,000 has been allocated and funding all 16 eligible applications does not exceed this amount and would allow each community group to work with staff to modify a social event if necessary. All applications were submitted pre-COVID-19 so these rules must be applied. Some communities may opt not to do their event and those monies will not be spent.

MAYOR GOODMAN thanked MR. SCHULTZ who commented that it is helpful for the Board members to have a pre-indoctrination of what the guidelines are. He believed constructively changing the guidelines in which a member is authorized to act on should be avoided. MR. SCHULTZ provided a brief explanation of the members' concerns and the issues he had with the process. He did not believe it was the Board's responsibility to monitor COVID-19 compliance and felt that in order to maintain goodwill and act in good faith, it was only fair and right to stick with the original guidelines.

COUNCILWOMAN SEAMAN said there are no better stewards of the taxpayers' money than the taxpayers. She did not think the Board negated guidelines, tried their best, and she commended the Board members for volunteering their time. The Councilwoman acknowledged MR. SCHULTZ concerns but believed the original recommendation of the Board was made by a majority of the Board members who were considerate of the General Fund. She wished to rescind the original vote and to approve the original recommendation of the Board.

COUNCILWOMAN FIORE stated that transparency is what she was elected on and just because funds are earmarked, not all funds need to be spent. She supported the original recommendation of the Board of $53,812.61.

COUNCILMAN KNUDSEN said he has served on the Board and has helped write the grants. He agreed with the Councilwomen and was in support of the original recommendation of the Board; however, he asserted he would reach out to the Ward 1 applicants that may not be funded and ensure they can go forward with their plans.

Motion made by Victoria Seaman to Rescind

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

31. Discussion for possible action on the Neighborhood Partners Fund (NPF) Board recommendations to allocate funds not-to-exceed $80,000 (General Fund) for neighborhood projects - All Wards

Minutes:
This item was heard with Item 30.

Motion made by Brian Knudsen to Approve the recommendation of $53,812.61

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

ECONOMIC AND URBAN DEVELOPMENT - DISCUSSION

32. Discussion for possible action regarding a Second Amendment to Sublease Agreement between the City of Las Vegas (City) and Economic Opportunity Board of Clark County (EOB) to amend the term of the Agreement to

run coterminous with the KCEP Radio Station Sublease for the property located at 330 West Washington Avenue and 350 West Washington Avenue - Redevelopment Area - Ward 5 (Crear)

Minutes:
BILL ARENT, Director of Economic and Urban Development, introduced LAWRENCE BEASLEY, Interium Executive Director for the Economic Opportunity Board of Clark County (EOB), and CRAIG KNIGHT, General Manager of KCEP Radio Station, who were present as well as and COMMISSIONER LAWRENCE WEEKLY, Clark County Commission and Chairman of the EOB, who was present in the audience.

MR. ARENT explained to the Council that they were being asked to vote on a second amendment for lease of two spaces for EOB's community action programs. The EOB has been a historic action agency and operates programs in the two spaces. A third space is leased by the EOB for a radio station but that was not being voted upon.

In the summer of 2018, a lease was considered and in May 2018, the City of Las Vegas appraised the leasehold value of the space. On May 15, 2018, Southwest Property Consultants appraised the space at $1 to $1.10 per square foot and $1.25 per square foot. On May 23, 2018, Valbridge Property Advisors appraised the space at $1.25 per square foot. These leasehold values were appraised at a triple net basis which that the tenant would be expected to pay for its own common area maintenance and utilities. On July 1, 2018, the Council approved a lease for Suite 101 which is 917 square feet with a monthly rent of $917 with the tenant paying common area maintenance (CAM) charges of 35 cents per square foot which amounted to $320.95 for an overall total of $1,237.95. On January 15, 2020, the Council amended the lease by adding a second space, Suite 117, which comprises an additional 825 square feet, under the same terms. This increased the total monthly rent to $1,740 plus CAM charges of $609 for a total of $2,349. This item does not change the rent or CAM charges but the Council is being asked to amend the lease term. The second amendment will commence in September of 2020 and run through 2027 with two option periods of five years each. Lastly, MR. ARENT mentioned that the EOB is a non-profit organization, and staff believed the rent being paid was a fair amount for the two spaces.

MR. BEASLEY stated that the organization is permitted to extend its lease contract because as growth has occurred, the EOB has become a pillar in the community and hoped to remain a steadfast occupant within the Historic Westside School. The organization is expanding rapidly and expects to expand offerings further as the year progresses.

MR. BEASELY confirmed the current address of the lease for COUNCILWOMAN FIORE who expressed her concerns regarding the length of the lease at $1 per square foot. The Councilwoman noted she has been invited to speak on KCEP Radio Station and believed it to be a political hack and anti-Trump. She would not support a seven-year lease but would support a shorter lease. COUNCILWOMAN SEAMAN agreed with COUNCILWOMAN FIORE and would support a shorter lease.

COUNCILWOMAN DIAZ agreed with the Councilwoman regarding the length of the lease and thought that if everything is going well, the tenant will choose to renew their lease. She recognized the great work the EOB does but did not wish to saddle future Councilmembers with a lengthy lease.

MR. ARENT understood COUNCILWOMAN FIORE'S concerns but noted office leases in Las Vegas and Clark County are typically a five-year term. His staff who has a real estate brokerage license negotiated the term; however, the decision was of the Council. MR. BEASLEY added that the EOB wished to ensure their lease matched coterminous with that of KCEP Radio Station.

COUNCILMAN KNUDSEN trusted staff in making the right recommendation and supported the second amendment request.

COUNCILMAN CREAR commented that the EOB and the work that the organization does is exemplary and looking at Historic Westside School, they are the anchor tenant and have been great stewards of the area. He acknowledged MR. ARENT'S explanation regarding the length of the lease and dispelled the comments made about KCEP Radio Station which has been in the community for many years. He hoped the Council would support the second amendment request.

MR. KNIGHT said KCEP Radio Station has been on the property since 1984 and occupied the Historic Westside School until it was declared a historic landmark. He asserted that the radio station is public, non-profit, non-partisan, non-biased, and is open to law enforcement and elected officials noting there is a disclaimer before every show that the radio station cannot control the comments made by callers. Further, KCEP Radio Station has an impeccable relationship with the Las Vegas Metropolitan Police Department (Metro) who hosts a show titled Police Promoting Unity from 9:30 a.m. to 10:00 a.m. There is also a collaboration with 100 Black Men of Las Vegas whose membership includes other law enforcement individuals. In response to his rebuttal, COUNCILWOMAN FIORE said it excites her that the radio station is for defending the police and not defunding the police; however, she thought a seven-year term was still an issue.

COMMISSIONER WEEKLY expressed his thanks to MR. BEASLEY and MR. KNIGHT. He also complimented the work of MR. ARENT and noted the matter was brought to them by City of Las Vegas staff. He understood the Councilwomens' concerns; however, he spoke of the EOB's efforts to maintain the property and provide services to those in the community who need help. Lastly, the Commissioner reminded the Council that KCEP Radio Station is not an anti-Trump radio station but is public and comments are made about many different elected officials, even himself. COUNCILWOMAN FIORE accepted the opinions of the radio station but reiterated her previous comments.

COUNCILMAN ANTHONY commented that the agenda item is about the lease which he had no problem with. He appreciated the length of time the EOB has been at the property.

Motion made by Cedric Crear to Approve

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Brian Knudsen, Olivia Diaz; Against-Michele Fiore;

HUMAN RESOURCES - DISCUSSION

33. Discussion for possible action regarding the selection of a new City Manager and to direct staff accordingly regarding an employment contract - All Wards

Minutes:
MAYOR GOODMAN complimented those who are part of the City of Las Vegas' leadership and commented that everyone who put in an application for City Manager is brave and is an outstanding employee. The Council has gone through an informative and solid process.

VINCE ZAMORA, Acting Director of Human Resources, stated that CITY MANAGER SCOTT ADAMS notified the Council of his retirement and last day of employment of November 14, 2020. As a result of this notice, the Council directed the Department of Human Resources to conduct an internal recruitment process to recruit a new City Manager which was approved at the July 27th meeting. The position was posted for two weeks, and four internal candidates applied which were CHIEF OPERATIONS AND DEVELOPMENT OFFICER JORGE CERVANTES, CHIEF PUBLIC SAFETY SERVICES OFFICER TIM HACKER, CHIEF COMMUNITY SERVICES OFFICER LISA MORRIS HIBBLER, and EXECUTIVE DIRECTOR OF COMMUNITY DEVELOPMENT TOM PERRIGO. MR. ZAMORA commented that each candidate was exceptionally qualified and poses attributes desirable in a City Manager. Each candidate had three separate interview sessions with two Councilmembers along with the Mayor, and this process allowed the candidates the opportunity to showcase their knowledge, skills, and abilities on important city matters outside of their normal interactions with the Council. In return, the Councilmembers were able to evaluate each candidate's skillset and abilities to perform the duties of the City Manager. Through that process, the leading candidate was identified as MR. CERVANTES.

Subsequent to the vote, MAYOR GOODMAN instructed staff to work with MR. CERVANTES on a contract, and MR. ZAMORA confirmed that an item could be placed on the October 7th meeting agenda. The Mayor expressed gratitude towards the other candidates and encouraged them to continue their support for one another. She also thanked MR. ZAMORA for his leadership and guidance through the recruitment process.

Motion made by Stavros Anthony to Approve the appointment of Jorge Cervantes as City Manager

NOTE: The video does not reflect the vote accurately, in that subsequent to the vote, Councilman Crear requested his vote be reflected in the affirmative.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

BOARDS AND COMMISSIONS - DISCUSSION

34. Discussion for possible action regarding the reappointments of Audrey Asselin and Briceida Castro to the Regional Transportation Commission of Southern Nevada (RTC) Advisory Committee on Bus Bench/Shelter Construction and Maintenance

Motion made by Carolyn Goodman to Approve the reappointments

NOTE: The video does not reflect the vote accurately, in that subsequent to the vote, Councilman Crear requested his vote be reflected in the affirmative.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

35. Bill No. 2020-24 - For possible action - Ordinance creating City of Las Vegas Special Improvement District No. 611 (Sunstone Phase I and II); ordering a street project, storm sewer project, sanitary sewer project, drainage project, and water project, within the City of Las Vegas, Nevada; and providing other matters related thereto. Proposed by: Mike Janssen, Director of Public Works

Motion made by Stavros Anthony to Approve

NOTE: The video does not reflect the vote accurately, in that subsequent to the vote, Councilman Crear requested his vote be reflected in the affirmative.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

Minutes:
Second reading and Bill adopted as introduced as Ordinance No. 6747.

36. Bill No. 2020-25 - For possible action - Ordinance concerning City of Las Vegas Special Improvement District No. 611 (Sunstone Phase I and II); assessing the cost of local improvements against the accessible property benefited by the local improvements; and providing other matters related thereto. Sponsored by: Mike Janssen, Director of Public Works

Motion made by Stavros Anthony to Approve

NOTE: The video does not reflect the vote accurately, in that subsequent to the vote, Councilman Crear requested his vote be reflected in the affirmative.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

Minutes:
Second reading and Bill adopted as introduced as Ordinance No. 6748.

37. Bill No. 2020-26 - For possible action - Ordinance authorizing the issuance and sale by the City of its Special Improvement District No. 611 (Sunstone Phase I and II) Local Improvement Bonds, Series 2020, approving the form of certain documents with respect to such bonds, ratifying action taken by City officers toward the issuance of such bonds; and providing other matters related thereto. Sponsored by: Venetta Appleyard, Director of Finance

Motion made by Stavros Anthony to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

Minutes:
Second reading and Bill adopted as introduced as Ordinance No. 6749.

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

There is no public comment on these items and no action will be taken by the Council at this meeting, except those items which may be stricken or tabled. Public testimony takes place at the Recommending Committee Meeting held for that purpose.

38. Bill No. 2020-27 - Amends various provisions of LVMC Titles 6 and 19 to update licensing and zoning provisions regarding marijuana-related businesses, including the elimination of provisions regarding compliance permits and the changing of terminology and license categories from those associated with “medical marijuana” and “retail marijuana” to those now recognized and used under State law (“medical cannabis” and “adult-use cannabis”). Sponsored by: Councilman Cedric Crear

Minutes:
Recommendation noted.

09/16/2020 Council Agenda

39. Bill No. 2020-28 - Amends the Lone Mountain Master Development Plan and Design Standards, and the Lone Mountain West Master Development Plan and Design Standards to provide that the use “Beer/Wine/Cooler On-Sale Establishment” is permitted as a conditional use in the development areas to which the documents pertain. Sponsored by: Councilman Stavros S. Anthony

Minutes:
Recommendation noted.

09/16/2020 Council Agenda

40. Bill No. 2020-29 - Amends LVMC 19.16.100 to expand the list of the types of amendments to an approved special use permit that can be processed administratively as a minor amendment. Proposed by: Robert Summerfield, Director of Planning

Minutes:
Recommendation noted.

09/16/2020 Council Agenda

NEW BILLS

There is no public comment on these items and no action will be taken by the Council at this meeting, except those items which may be stricken or tabled. Public testimony takes place at the Recommending Committee Meeting held for that purpose.

41. Bill No. Z-2020-1 - Amends the City's Official Zoning Map by changing the zoning designations of certain parcels of land to reflect and formalize rezoning applications previously approved by the City Council. Proposed by: Robert Summerfield, Director of Planning

Minutes:
First Reading – Referred – COUNCILMEMBERS ANTHONY, FIORE and KNUDSEN

09/14/2020 Recommending Committee
10/07/2020 Council Agenda

PLANNING

The items listed below, where appropriate, have been reviewed by the various City departments relative to the requirements for storm drainage and flood control, connection to sanitary sewer, traffic circulation, and Building and Fire regulations. Their comments and/or requirements have been incorporated into the action.

PLANNING - CONSENT

PM Session – All items listed on the Consent Agenda are considered to be routine and have been recommended "for approval". All items on the consent agenda may be approved in a single motion. However, if a Council Member so requests, any consent item may be moved to the Discussion portion of the agenda and other action, including postponement or denial of the item, may take place.

42. EOT-78774 - ABEYANCE ITEM - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: RANCHO VILLAGE PARTNERS, LLC - For possible action on a request for the first Extension of Time of an approved Site Development Plan Review (SDR-73295) FOR A PROPOSED 738-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 33.47 acres on the west side of Rancho Drive, 230 feet north of Smoke Ranch Road (APN 139-18-410-012), R-3 (Medium Density Residential) Zone, Ward 5 (Crear) [PRJ-78773]. Staff recommends APPROVAL.

Motion made by Stavros Anthony to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Brian Knudsen, Olivia Diaz; Did Not Vote-Michele Fiore;

43. 20-0053-EOT1 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: 1600 MLK, LLC - For possible action on a Land Use Entitlement project request for a First Extension of Time of an approved Special Use Permit (SUP-74225) FOR A PROPOSED 4,442 SQUARE-FOOT BEER/WINE/COOLER OFF-SALE ESTABLISHMENT USE WITH A WAIVER TO ALLOW A 260-FOOT DISTANCE SEPARATION FROM A CHURCH/HOUSE OF WORSHIP WHERE 400 FEET IS REQUIRED at 1600 North Martin Luther King Boulevard (APN 139-21-804-006), C-1 (Limited Commercial) Zone, Ward 5 (Crear). Staff recommends APPROVAL.

Motion made by Stavros Anthony to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Brian Knudsen, Olivia Diaz; Did Not Vote-Michele Fiore;

PLANNING - DISCUSSION

44. VAR-78439 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: CALIDA RESIDENTIAL, LLC - OWNER: DC RAMPART OWNER, LLC - For possible action on a City Council Review of the Approval by the Planning Commission on a request for a Variance TO ALLOW TWO WALL SIGNS WHICH ARE 54 AND 74 SQUARE FEET WHERE 50 SQUARE FEET IS THE MAXIMUM AREA ALLOWED; TO ALLOW THREE WALL SIGNS THAT DO NOT FACE A STREET FRONTAGE WHERE ONE SIGN FACING THE STREET FRONTAGE IS ALLOWED AND TO ALLOW A 12-FOOT TALL, 193 SQUARE-FOOT MONUMENT SIGN WHERE EIGHT FEET AND 60 SQUARE FEET ARE THE MAXIMUM ALLOWED on 15.60 acres at 8791 Alta Drive (APN 138-32-723-003), PD (Planned Development) Zone, Ward 2 (Seaman) [PRJ-78397]. Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

Minutes:
MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY BOB GRONAUER and ATTORNEY TONY CELESTE appeared representing Calida Residential, LLC (Calida) who has been in business for approximately 15 years and has developed approximately 45 multi-family residential developments in the Las Vegas valley. Utilizing the overhead, MR. GRONAUER pointed out Rampart Boulevard and Alta Drive noting the commercial spaces of Boca Park and Tivoli Village across the street and adjacent to the subject site. The development will be built on 20 acres, and he noted this infill property is critical to the survival of Tivoli Village and Boca Park. Additionally, the demographic of renters will be similar to that within the area as the rent will be high end similar to Calida's other developments.

MR. GRONAUER stated that the Variance for the signage is to allow 97 square feet of signage where 60 feet is required and explained the evolution of signage which oftentimes if thinking outside of the box, does not meet the code. He shared two photos of monument signs at Calida properties in Southern Highlands and at The District and noted the proposed sign will stand out. Several renderings of the proposed sign were shown which will be significantly different than previous signage in Boca Park.

At the request of COUNCILWOMAN SEAMAN, several neighborhood meetings were held including one on Zoom. MR. GRONAUER indicated when most of the neighbors heard what was being proposed, they left the Zoom meeting as he believed the proposed sign is more desirable than the one that was there before. He briefly reviewed the difference in the square footage of the proposed sign versus what is allowed noting the signage will be illuminated within itself. Lastly, MR. GRONAUER stated that he visited the neighborhood where opposition was received and took photos of the view from the neighborhood stating that the neighborhood has no bearing or impact on the Calida development. He spoke highly of Calida and the efforts made to accommodate the area and address the neighbors' concerns.

ROBERT SUMMERFIELD, Director of Planning, reported that since the City Council meeting on June 17, 2020, the applicant has submitted some revised sign elevations that depict accurate area calculations per measurement rules. As a result, deficiencies of the area portion of the two wall signs that are a part of the Variance will go away. As indicated by the presentation by the representative, one of the major continuing sticking points on the Variance is the monument sign because it needs a Variance for the increased square footage that the sign area will take up. Staff found no unique or extraordinary circumstance has been presented; therefore, the applicant has created a self-imposed hardship by making the request. Staff cannot support this change in an R-3 (Mixed Residential) zoning district; therefore, staff recommended denial of the Variance and the associated Master Sign Plan. MR. SUMMERFIELD noted he had amended conditions dependent upon the discussion and the motion made.

LARA KOLBERG appeared representing the families in the West Mesa Estates Neighborhood who were in opposition to the monument sign along Alta Drive but were okay with the wall mounted signage. She discussed some of the reasons for the opposition which included the monument sign not being in compliance with City of Las Vegas code, the initial submittal was larger than what is being submitted, impact to the neighborhood, and that Calida has abided by the code with regard to their other properties. She shared several photos of the signage at Calida's other properties as well as in the surrounding area of the subject site. MS.

KOLBERG pointed out the large footprint of the development and noted that other temporary signage will remain in place until the development is 80 percent occupied. The residents believed that approving the Variance would set a precedent for other businesses that will come into the surrounding area and should not be approved as oversized signage goes against the code and will create an eyesore. Although the residents appreciated the landscaping compromise that was reached, it was an agreement to help make up for a past lack of communication. MS. KOLBERG submitted her written comments for the record.

CITY CLERK LUANN D. HOLMES and DEPUTY CITY ATTORNEY JEFF DOROCAK alternated in reading e-comments received, copies of which were submitted and attached as backup.

MAYOR GOODMAN thanked everyone who has been involved and have given input. She asked MR. GRONAUER if a reductions to the size of the monument sign was considered. He replied that this was considered. Regarding the height of the monument sign, where the letter "I" is dotted is the highest point. The Mayor also asked if the driveway is setback and if it allows for pushing the monument sign closer to the building and if the applicant is prohibited from putting the monument sign off of the street and onto the building at a reduced level. MR. SUMMERFIELD informed her that as part of the Variance, three wall signs are being requested where one is permitted. None of the three signs face the street frontage. He pointed out that many of the neighbors' concerns focused around the monument sign and not the wall signs. MR. SUMMERFIELD informed the Mayor that the wall signage is limited and only one sign per street frontage is allowed. He demonstrated the area where the applicant could put something provided it does not exacerbate existing requests the applicant has already made. Regarding the monument sign, he explained that there is a height component to the Variance and the maximum height that is allowed in the R-3 zoning district is eight feet and noted, as stated by MR. GRONAUER, only elements of the sign that reach above eight feet.

MAYOR GOODMAN asked MR. SUMMERFIELD to share the additional amended conditions to which MR. SUMMERFIELD said these are based on conversation with the Councilwoman during briefings and were motion dependent to fix the technical conditions of approval.

COUNCILWOMAN SEAMAN thanked the applicant for holding the neighborhood meetings and reaching out to the community to make a compromise. She also thanked the residents for caring about the community. The Councilwoman wished to approve Items 44 and 45 with an amendment to remove the monument sign. MR. SUMMERFIELD read an added condition for Item 44 into the record. MR. GRONAUER confirmed with COUNCILWOMAN SEAMAN and MR. SUMMERFIELD that through the added condition for Item 45, a code compliant monument sign could still added to be approved administratively.

Subsequent to reading the added condition on Item 45, MAYOR GOODMAN wondered how the neighbors in opposition will be able to see any proposals for signage if approved administratively. MR. SUMMERFIELD said if the proposal is code compliant, the neighbors would not see it regardless. He expected to see the monument sign as proposed by the applicant shrunken to comply with the code. Further, MR. GRONAUER informed the Mayor that the applicant will review the landscaping requirement and reassured her that Calida exceeds the code. MR. SUMMERFIELD added if there are any deviations from the approved landscape plan, staff will work with the applicant.

See Item 45 for related backup.

MAYOR GOODMAN declared the Public Hearing closed.

Motion made by Victoria Seaman to Approve subject to condition(s) and adding the following condition as read for the record:

A. The requested Variance to allow two wall signs which are 45 and 74 square feet where 50 square feet is the maximum allowed as well as to allow a 12-foot tall, 193 square foot monument sign where eight feet and 60 feet are the maximum allowed is denied.

NOTE: Due to technical difficulties, the video does not reflect the vote accurately, in that the item passed with 7 Councilmembers voting in the affirmative and not 14.

Passed For: 14; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz, Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

45. MSP-78440 - ABEYANCE ITEM - MASTER SIGN PLAN RELATED TO VAR-78439 - PUBLIC HEARING - APPLICANT: CALIDA RESIDENTIAL, LLC - OWNER: DC RAMPART OWNER, LLC - For possible action on a City Council Review of the Approval by the Planning Commission on a request for a Master Sign Plan FOR AN APPROVED MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 15.60 acres at 8791 Alta Drive (APN 138-32-723-003), PD (Planned Development) Zone, Ward 2 (Seaman) [PRJ-78397]. Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

Minutes:
See Item 44 for related discussion and Items 44 and 45 for related backup.

Motion made by Victoria Seaman to Approve subject condition(s) and adding the following condition as read for the record:

A. A revised sign plan and site plan shall be submitted to the Department of Planning prior to the submittal of building permits for signage to the Department of Building and Safety illustrating either the removal of the proposed monument sign or a monument sign in compliance with Title 19 Sign Standards.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

46. SUP-78301 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DEEP ROOTS MEDICAL, LLC - OWNER: CLK HOLDINGS BRUCE, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 8,391 SQUARE-FOOT MARIJUANA DISPENSARY USE at 5991 West Cheyenne Avenue (APN 138-13-101-005), C-1 (Limited Commercial) Zone, Ward 5 (Crear) [PRJ-78300]. The Planning Commission (4-2-1 vote) and Staff recommend APPROVAL.

Minutes:
MAYOR PRO TEM ANTHONY declared the Public Hearing open.

ATTORNEY MIKE MUSHKIN appeared on behalf of Deep Roots Medical, LLC (Deep Roots) and stated that Deep Roots is a fully integrated company with 17 licenses throughout Nevada and is headquartered in Mesquite, Nevada. The company was formed in 2014 and consists of the same owners with the exception of the Chief Operating Officer who became in owner in 2019. Deep Roots was awarded five retail marijuana store licenses in December of 2018 and shortly after, Deep Roots became a defendant to the ongoing retail marijuana store license litigation before JUDGE ELIZABETH GONZALEZ. He noted Inyo Fine Cannabis (Inyo) is a plaintiff, and he believed COUNCILMAN CREAR should recuse himself from the item due to a conflict of interest as his brother, KENNETH CREAR, is a board member of Inyo who is seeking a retail marijuana store license in its ongoing litigation against Deep Roots as well as seeking a location in Ward 5. MR. MUSHKIN submitted a copy of a letter he sent to the Councilmembers regarding the conflict of interest for the record. He believed a response submitted by COUNCILMAN CREAR should also be made a part of the record and noted that he and the City Attorney conversed and do not agree on the matter.

COUNCILWOMAN FIORE asked CITY ATTORNEY BRYAN SCOTT if he believed there was a conflict of interest as she was aware that the Mayor does not vote on marijuana-related items because her son is in the marijuana industry. MR. SCOTT pointed out that the Mayor's son owns a marijuana dispensary and just because an individual serves on the board of something does not mean the individual has a pecuniary interest in that business. He asserted he has advised COUNCILMAN CREAR on the matter and has spoken to MR. MUSHKIN on the matter. MR. SCOTT believed Inyo as well as the other plaintiffs in the lawsuit were suing the State based upon alleged fraud and misrepresentation as to how the applicants were ranked. Additionally, the Councilman informed MR. SCOTT that he has not spoken with his brother or anyone else with Inyo with regard to any aspect of the application or his role on the board at the company, that his brother is not an owner of Inyo, that he has no intention of speaking to his brother about the specifics of this particular action, and that his brother has not attempted to speak to him with regard to the Deep Roots application. MR. SCOTT stated that he spoke with DARCY ADELBAI-HURD who indicated that there is no record of Inyo applying for a marijuana dispensary in Ward 5 or anywhere else in the City of Las Vegas. Their current location is located in Clark County and is approximately 13.3 miles away from the subject site. Lastly, he stated that COUNCILMAN CREAR assured him that he has no knowledge about the lawsuit currently pending or any actions between Inyo and Deep Roots. MR. SCOTT asserted that he has always advised the Councilmembers not to vote if they believed their independence of judgment would be compromised.

COUNCILMAN CREAR stated that he has no interest in Inyo and that there is no conflict of interest and would recuse himself if needed. With the opine of the City Attorney, he asserted he would vote on the item.

Motion made by Brian Knudsen to Approve

NOTE: Due to technical difficulties, an oral vote was taken for this item.

An initial motion made by Councilman Crear for Denial failed with Councilmembers Fiore, Knudsen, Seaman, and Diaz voting No and Mayor Goodman abstaining.

Mayor Goodman abstained from voting on this item due to her son's involvement in the medical marijuana industry.

Passed For: 4; Against: 2; Abstain: 1; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Michele Fiore, Brian Knudsen, Olivia Diaz; Against-Cedric Crear, Stavros Anthony; Abstain-Carolyn Goodman;

47. RQR-78174 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CHETAK DEVELOPMENT CORPORATION - For possible action on a Required Review of an approved Special Use Permit (SUP-71350) FOR AN EXISTING 55-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 2252 Paradise Road (APN 162-03-411-011), C-2 (General Commercial) Zone, Ward 3 (Diaz). Staff recommends APPROVAL.

Minutes:
MAYOR GOODMAN declared the Public Hearing open.

JUSTIN MICHAELS appeared on behalf of the applicant and said the application is for an existing digital billboard that has been in operation since 2017. This a required review of the Special Use Permit (SUP). He pointed out that staff recommended approval which the applicant agreed with and respectfully requested the Council's approval as well.

ROBERT SUMMERFIELD, Director of Planning, reported that the subject site remains suitable for an off-premise sign use and remains compatible with adjacent land uses. As such, staff recommended approval of the Required Review subject to all conditions of approval still in effect on SUP-71350.

MAYOR GOODMAN declared the Public Hearing closed.

Motion made by Olivia Diaz to Approve

NOTE: Councilman Crear disclosed that he owns Crear Outdoor Advertising which does not compete with Chetak Development Corporation. He did not see any conflict of interest; therefore, he would vote on this item.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

For-Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz; Did Not Vote-Victoria Seaman;

48. 20-0109-DIR1 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - OWNER: JUAN PULIDO - For possible action to REVOKE AN APPROVED SPECIAL USE PERMIT (SUP-76233) FOR AN ACCESSORY STRUCTURE (CLASS I) at 804 Lacy Lane (APN 139-32-401-002), R-E (Residence Estates) Zone, Ward 1 (Knudsen). Staff recommends APPROVAL.

Minutes:
MAYOR GOODMAN declared the Public Hearing open.

ROBERT SUMMERFIELD, Director of Planning, reported that on August 7, 2019, the City Council approved a Special Use Permit (SUP-76233) for an Accessory Structure (Class I) at 804 Lacey Lane. Since that approval, the subject site has been found in violation of three conditions of approval placed upon that Special Use Permit which MR. SUMMERFIELD identified as Conditions 1, 4, and 6.

On February 20, 2019, the Department of Planning – Code Enforcement Division (Code Enforcement) received a complaint from a tenant at 804 Lacey Lane regarding the site having code violations and the property owner renting out rooms. Code Enforcement completed initial inspections of the property on February 21, 2019, and observed that the main dwelling consisted of eight bedrooms and six bathrooms. The Accessory Structure was observed to have five bedrooms and four bathrooms with a kitchen and laundry room. A review of the Clark County Assessor's records on February 21, 2019, found that the main dwelling included four bedrooms, four bathrooms, and one-half bathroom as well as there being no bedrooms or bathrooms included within the Accessory Structure. On March 5, 2019, a Notice and Order was issued to the owner and cited the numerous Code Enforcement violations of both Title 16 and Title 19. Following the issuance of the Notice and Order, the property owner met with the Department of Planning and began the process to obtain a Special Use Permit.

At the August 7, 2019, City Council meeting, the Council approved the requested Special Use Permit with conditions after staff made it abundantly clear to the property owner/applicant, who was in attendance at that meeting, that the subject site is located within a Residence Estates zoning district which provides for low-density residential units located on large lots and prohibits more than one dwelling per lot. MR. SUMMERFIELD asserted that staff went further to explain that the dwelling units are for the exclusive use of a single-family maintaining a household and that a family is defined as "no more than four unrelated individuals living together as a single housekeeping unit". Staff also made it clear that an Accessory Structure is incidental and insubordinate to the principal structure and is not a separate unit and the total number of occupants on the site would be determined from those occupants residing within the principal dwelling and the Accessory Structure. This information was further substantiated by concurrence with the Office of the City Attorney present at that meeting. MR. SUMMERFIELD stated that the owner of the property agreed to the approval as read into the record as part of the published Staff Report.

On June 6, 2020, Code Enforcement executed a search warrant to allow staff to determine what areas of the property are being occupied, the number of occupants in all areas, the location of where the owners were residing, and determine if and who was living in the unfinished casita. Findings of the initial inspection were that the interior of the main structure had been changed from a single-family home into a boarding/rooming house. Additionally, five unrelated individuals were found living in the principal structure and an additional family of five individuals were found living in the Accessory Structure (Class I) casita. The executed search warrant substantiated failure to comply with Condition 1 of SUP-76233.

On June 9, 2020, Code Enforcement reinspected the property with the Building and Safety Supervisor to review the state of the property. During that inspection, it was determined that both structures had plumbing, electrical, mechanical, and structural issues. The Department of Building Safety placed a hold on all current permits that the property owner had obtained as they are now required to hire a licensed general contractor and submit all required plans and calculations for both structures. It was also determined that the casita was not safe and could not be occupied until all building final inspections have been completed. The property owner was advised to inform the family currently living in the Accessory Structure that they would need to vacate within 72 hours. Code Enforcement red-tagged the Accessory Structure as a substandard building.

MR. SUMMERFIELD indicated that on June 11, 2020, a vacate Notice and Order was issued to the property owner with several violations, which he identified. Based on the lack of compliance with the conditions of approval of the approved entitlement, staff recommended that the entitlement application SUP-76233 for the subject site be revoked by the procedures identified in Title 19.16.

ATTORNEY TONY MAY introduced himself and was present with JUAN PULIDO and LEANNE CHILTEN who both wished to provide statements.

MS. CHILTEN, a neighbor of the applicant, stated that she has known MR. PULIDO for five years and believed he is a caring and honest person; however, she felt he is being targeted by another neighbor. MS. CHILTEN shared information regarding the neighbor and the negative comments she has made about MR. PULIDO and other neighbors.

MR. PULIDO believed the matter for discussion originated when someone complained about his property. He noted that the initial inspection by Code Enforcement was standard with some minor things needing to be addressed; however, there was one accidental finding regarding the casita. He explained that he purchased the home with the casita with gas lines attached and was informed by the Department of Building and Safety that a Special Use Permit was not required as long as there is no stove in the casita. When MR. PULIDO presented his request for a Special Use Permit to the Planning Commission, only two letters of protest were received one of which was from the neighbor mentioned by MS. CHILTEN. In response to MR. PULIDO'S allegations, COUNCILMAN KNUDSEN asserted that he was the individual who reported the matter to Code Enforcement.

MR. PULIDO indicated that when applying for the Special Use Permit, he was told the preferred tenancy for the casita is single-family, not independent roommates, and building permits must be obtained. He mentioned it was very difficult to obtain the building permits as it took many blueprints to accurately reflect the layouts of the main dwelling and the casita. MAYOR GOODMAN asked MR. SUMMERFIELD if MR. PULIDO'S statements were correct to which MR. SUMMERFIELD replied that windows were one of the complaints and there was no proper ventilation in the basement. After the blueprints were approved in October of 2019, MR. PULIDO stated that he was greatly affected by the COVID-19 pandemic and required more time to complete the construction before the final inspections. An extension of nine months was granted in March; however, quickly after he was told by the Department Building and Safety that an inspection was required to maintain the extension. MR. PULIDO recounted that when the inspector arrived at the property, he was instructed not to enter the premises. Further, MR. PULIDO shared that a friend of his lost his employment and allowed him and his relatives to live in the casita. He confirmed for the Mayor that three adults lived in the main dwelling as well as one of the individual's relatives living in the casita prior to the final inspection. These individuals were relocated from the main dwelling and the casita after Code Enforcement instructed MR. PULIDO to do so. Around June 6th, a neighbor reported multiple cars at MR. PULIDO'S property; however, he indicated that Code Enforcement reported that there was no violation. He expressed concern as after this occurrence, MR. PULIDO stated that his property was surrounded by eight police officers combined with two or three other agencies who raided the property with a search warrant and took personal property.

MAYOR GOODMAN expressed that she was bothered by what occurred at MR. PULIDO'S property. MR. SUMMERFIELD said whether the neighbors like each other is not for discussion. What is to be discussed is documented inconsistencies with the approved Special Use Permit, over occupancy of the property, occupying elements of the property without life safety in place, permits not being finalized, and tenants being in multiple rooms that were not part of the building and safety plan. He asserted that this matter was an independent investigation of whether or not compliance with the conditions of the Special Use Permit had been achieved or if the property was in violation of that Special Use Permit.

The Mayor wished to have MR. PULIDO present documentation to validate his comments. CITY ATTORNEY BRYAN SCOTT reminded the Council that the only thing they were agendized for was the revocation of the Special Use Permit. He pointed out that there were certain conditions agreed to when the Special Use Permit was granted which are not being adhered to.

COUNCILWOMAN FIORE asked if the Compliance Ambassador Program is part of the group who went onto MR. PULIDO'S property. MR. SUMMERFIELD replied no and said that was a Code Enforcement action on a property that has had multiple years of issues. He contended that no one surrounded the property and the Marshals that were there were for the safety of staff and are present for all search warrants. MR. SCOTT added that the City of Las Vegas has the ability to conduct administrative search warrants which allow staff to enter into a building when there is probable cause for a nuisance violation. The Councilwoman wondered if there was a nuisance violation. MR. SCOTT believed the property owner was not in compliance with the Special Use Permit provisions listed in the Staff Report. MR. SUMMERFIELD informed COUNCILWOMAN

FIORE that there were two Marshals present with the Code Enforcement personnel and the Building and Safety Supervisor. Two other Marshals arrived at the property but were not part of the original team that served the search warrant.

CITY CLERK LUANN D. HOLMES read e-comments received, a copy of which was submitted and attached as backup, and MS. CHILTEN read a statement written by another neighbor in support of MR. PULIDO, which was submitted and attached as backup.

COUNCILMAN CREAR asked if the Special Use Permit was for a short-term rental. MR. SUMMERFIELD replied no and said the Special Use Permit was to allow an Accessory Structure to be used as a living quarter, including a kitchen, and be part of the rental of the property. The property is not eligible to be used as a short-term rental for any of its tenants, and a big part of the discussion was to have unrelated roommates that must be long-term tenants. MR. PULIDO confirmed for the Councilman that this was his main residence. COUNCILMAN CREAR stated that regardless of any allegations, last year the MR. PULIDO agreed to the conditions of approval as read into the record and in the published Staff Report, and MR. PULIDO is in violation of Conditions 1, 4, and 6; therefore, the Council must make a decision based upon that.

COUNCILMAN KNUDSEN appreciated the conversation and reminded MR. PULIDO that they discussed the conditions in his office one year ago. The Councilman spoke of the challenges regarding single-room occupancies in Ward 1 and shared how during his discussion with MR. PULIDO one year ago, the property owner made commitments to the Council and argued with the City Attorney and MR. SUMMERFIELD about how to interpret the code. He also believed Code Enforcement was familiar with MR. PULIDO and through Code Enforcement, the Councilman found multiple infractions.that are not consistent with habitable living conditions. He expressed his distrust for the property owner who has not followed through with his commitments. He confirmed for the Mayor that MR. PULIDO can come into his office and speak to him; however, he wished to revoke the kitchen component of the casita. MR. SUMMERFIELD explained that the revocation will take away the ability to have the kitchen component of the casita be a rentable space.

Subsequent to the vote, MR. SUMMERFIELD indicated the Special Use Permit cannot be reapplied for within one year. MR. SCOTT suggested there be a time frame for which the stove must be removed to which MR. SUMMERFIELD said the casita has already been red-tagged and cannot be occupied. He understood that the building permit process is still underway and upon final inspection staff will verify that the stove has not been used.

MAYOR GOODMAN declared the Public Hearing closed.

Motion made by Brian Knudsen to approve the revocation of the Special Use Permit (SUP-76233)

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Brian Knudsen, Olivia Diaz; Against-Michele Fiore;

REPORTS AND PRESENTATIONS

49. Report from Scott D. Adams, City Manager, on Emerging Issues - All Wards

Motion made by Stavros Anthony to Strike Item 49

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Cedric Crear, Stavros Anthony, Carolyn Goodman, Michele Fiore, Brian Knudsen, Olivia Diaz;

SET DATE

50. Set date on any appeals filed or required public hearings from the City Planning Commission Meetings and Dangerous Building or Nuisance/Litter Abatements.

Minutes:
MAYOR GOODMAN advised CITY CLERK LUANN D. HOLMES to set the dates for applicable items.

CITIZENS PARTICIPATION

51. Citizens Participation: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the City Council. No subject may be acted upon by the City Council unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:
Regarding Item 12, GAY KELLEY, Chief Operating Officer of NurseCore, stated that there are three licenses that the Council must be concerned with. These are a business license, a staffing pool license which is obtained from the Nevada Department of Health and Human Services, and a home care license. If employing nurses, the entity must also be registered with the State of Nevada. MS. KELLY noted that she has been a nurse for 40 years, has been in in-home care and staffing for 30 years, and has worked in Nevada for 10 years.

CHERIA GOODLOE gave positive affirmations to the Councilmembers, encouraged them to continue their debates and to keep their heart in the right place.

TASHIKA LAWSON stated that she submitted a comment for Item 31 voicing her opposition and was concerned about opposition documentation not being received with regard to Item 46. Additionally, she wished to know when Greater New Jerusalem was to be demolished. CHIEF OPERATIONS AND DEVELOPMENT OFFICER JORGE CERVANTES confirmed that is one of the parcels acquired by the City of Las Vegas several years ago; he would obtain the date.

MS. LAWSON also spoke about those afflicted by cancer and how more services must be extended to them during the COVID-19 pandemic. She shared a story about having been contacted by a homeowner who was able to get an extension on their mortgage but was threatened to have their home seized by their homeowner's association (HOA). MAYOR GOODMAN recommended these individuals reach out to the City's call center, and CITY ATTORNEY BRYAN SCOTT added that there is a state ombudsman who handles disputes between homeowners and their HOAs.

CITY CLERK LUANN D. HOLMES read an e-comment received, a copy of which was submitted and attached as backup.

COUNCIL MEMBER RECOGNITION

52. Council Member Recognition: Comments made by individual City Council Members during this portion of the agenda will not be acted upon by the City Council unless that subject is on the agenda and scheduled for action.

Minutes:
COUNCILMEMBERS DIAZ, KNUDSEN, FIORE, ANTHONY, CREAR, and SEAMAN announced the various events taking place in their wards on various dates throughout the months of September and October. Some of the Councilmembers submitted flyers, which are attached as backup, regarding their events and points of interest.

COUNCILWOMAN DIAZ congratulated CHIEF OPERATIONS AND DEVELOPMENT OFFICER JORGE CERVANTEZ on becoming the City of Las Vegas' first Latino City Manager. COUNCILMEMBERS KNUDSEN and FIORE also congratulated MR. CERVANTEZ on his appointment.

MAYOR GOODMAN shared her optimism about the future and thanked the staff who worked the meeting. She also thanked those working to keep the community safe.

The meeting was adjourned at 3:53 p.m.

Respectfully submitted:

____

Ashley Foster, Deputy City Clerk

____

LuAnn D. Holmes, MMC, City Clerk

****

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS IN ACCORDANCE WITH THE STATE OF NEVADA EXECUTIVE DEPARTMENT DECLARATION OF EMERGENCY DIRECTIVE 006

The City of Las Vegas website – www.lasvegasnevada.gov

and

The Nevada Public Notice Website – notice.nv.gov