

Record of Decision

Remediation of Soils and Sediments in the Upper and Lower Ponds at the BMI Complex

Henderson, Nevada

November 2, 2001

Bureau of Corrective Actions
Nevada Division of Environmental Protection
333 West Nye Lane
Carson City, Nevada 89706-0851

EXECUTIVE SUMMARY

This Record of Decision (ROD) describes the process undertaken for evaluating alternative remedies and selecting a remedy for soils within portions of the Basic Management, Inc. (BMI) Common Areas, i.e., the Upper Ponds, Lower Ponds, Alpha Ditch, Western Ditch, Northwestern Ditch, and Beta Ditch in Clark County, Nevada. For the purpose of this ROD, this area is referred to as "the Site" or the "Common Areas." This ROD states the Nevada Division of Environmental Protection's (NDEP's) approval of Alternative 4B – soil encapsulation in a dedicated Corrective Action Management Unit (CAMU) or landfill – as the selected remedy. This alternative was presented in the Remedial Alternatives Study for Soils and Sediments in the Upper and Lower Ponds at the BMI Complex (ERM, March 1, 2000) (RAS).

NDEP's remedial action goal for the Site is to achieve a cleanup level protective of human health and the environment. In addition to this goal, the property owner has a remedial action goal of achieving a cleanup that allows residential land use. Remedial technologies capable of achieving the remedial action goals were then reviewed. Remedial technologies that best addressed the soil conditions and mitigation of future exposures were combined to form remedial alternatives. The remedial alternatives developed for further consideration were as follows:

Alternative 1 - No action

Alternative 2 - Institutional controls / limited action

Alternative 3 - On-Site capping of soils

Alternative 4 - Excavation and disposal of soils at an on-site landfill (located within the Site [4A] or at the BMI Complex [4B])

Alternative 5 - Excavation and disposal of soils at an off-site landfill

These alternatives were evaluated to assess the relative performance of each alternative with respect to the following criteria: 1) Overall Protection of Human Health; 2) Effectiveness and Permanence; 3) Implementability; 4) Cost; and 5) Community Acceptance.

Based on the evaluation of alternatives, Alternative 4B is the selected remedy to achieve the remedial action goals. This alternative consists of excavating and removing impacted soils. The excavated soils will be transported to and placed in a dedicated CAMU to be constructed on Basic Environmental Company (BEC) property within the BMI Complex.

RECORD OF DECISION (ROD)

I. SITE LOCATION AND DESCRIPTION

The Site is part of the BMI Industrial Complex (BMI Complex) in Clark County, Nevada, approximately 13 miles south of Las Vegas. The Complex consists of several operational plants along Lake Mead Drive on the west side of Boulder Highway. Historically, waste disposal outside of the immediate areas of the operational plants occurred in areas referred to as the "Common Areas", i.e., the Upper Ponds, Lower Ponds, Alpha Ditch, Western Ditch, Northwestern Ditch and Beta Ditch. Most of these Common Areas (so called because their use was common to the operating companies within the BMI Complex) are associated with historical conveyance and/or disposal of operations effluent. A drawing of the Site is attached as Exhibit 1.

This ROD is issued pursuant to a Consent Agreement dated February 23, 1996 (1996 Common Areas Consent Agreement) between NDEP and certain current and former operators at the BMI Complex, commonly known as the Henderson Industrial Site Steering Committee (HISSC).¹ In 1999, Basic Remediation Company (BRC), a subsidiary of Basic Management, Inc., signed a Liability Transfer and Assumption Agreement with the HISSC and NDEP. Under the agreement, BRC assumed the HISSC's responsibilities to complete a Remedial Alternatives Study (RAS) as to Site soils.

A portion of the Upper Ponds that was formerly used for waste effluent disposal is not included in the Common Areas, as defined in the 1996 Common Areas Consent Agreement. This area is referred to as the "TIMET Active Ponds" because it is presently the location of lined ponds that are actively operated by Titanium Metals Corporation (TIMET). This area is the subject of a separate Consent Agreement between TIMET and the NDEP (June 1996). The Liability Transfer and Assumption Agreement addresses this area and BRC's assumption of RAS responsibilities. It is also shown on Exhibit 1. These ponds are expected to cease operation and begin closure in 2002, and are included in this ROD for the purpose of sizing of the disposal area identified in the RAS. In any event, the Site and the Timet Active Ponds are considered a single area for remedial evaluation and remedy selection in this ROD.

II. REGULATORY OVERSIGHT

NDEP originally entered into a Consent Agreement dated 25 April 1991 ("1991 Consent Agreement") with a group of current and former operators at the BMI Complex that addressed a multi-phase approach to the assessment and, if necessary, remediation of environmental conditions at the Common Areas. The following three phases were identified in the 1991 Consent Agreement:

¹ The members of HISSC are Kerr-McGee Chemical Corporation, Montrose Chemical Corporation of California, Inc., Pioneer Chlor Alkali Company, Inc., Stauffer Management Company, Titanium Metals Corporation and Basic Management, Inc.

- Phase I - development of a Phase I Environmental Conditions Assessment (ECA) report for the Common Areas;
- Phase II - if determined necessary by the NDEP, performance of an Environmental Conditions Investigation (ECI) to fill any data gaps identified in Phase I, and completion of a remedial alternative study to address conditions identified in Phases I and II; and
- Phase III - if determined necessary by the NDEP, implementation of remedial measures, as identified in Phase II.

A. Phase I Investigation

Phase I was completed and the results were presented in the Phase I Environmental Conditions Assessment (ECA) Report (Geraghty & Miller, 1993). Following a review of the Report, the NDEP identified a need for a Phase II Environmental Conditions Investigation (ECI) for portions of the Common Areas. In a Letter of Understanding (LOU) dated 15 August 1994, NDEP identified several study items that required additional study and investigation during this second phase.

B. Phase II Investigation

The HISSC and the NDEP entered into the 1996 Common Areas Consent Agreement to address the second phase of work at the Common Areas. The 1996 Common Areas Consent Agreement incorporated by reference the project workplan (*Project Workplan-BMI Common Areas-Environmental Conditions Investigation-Henderson, Nevada* (ERM-West, February 1996) which described proposed ECI (Phase II) activities to characterize the LOU study items. Phase II was completed and the results were presented in the *Draft Environmental Conditions Investigation Report - BMI Common Areas - Henderson, Nevada* (ERM-West, August 1996) (ECIR).

Based on the ECIR, the NDEP requested a Remedial Alternatives Study (RAS) for the Site. The Remedial Alternatives Study for Soils and Sediments in the Upper and Lower Ponds at the BMI Complex (ERM, March 1, 2000) was submitted to NDEP in March, 2000.

C. Future Actions at the Site (Phase III)

As stated in this ROD, cleanup of the Site will proceed under Alternative 4B as identified and described in the RAS. The necessary steps for completing the cleanup after issuance of this ROD include:

- Negotiating and signing a Phase III consent agreement to govern remedial implementation at the Common Areas and Timet active ponds.
- Processing and issuance of a NDEP permit to approve the activities described in the Remedial Action Plan (RAP) (Parsons Engineering Science, Inc. (January 2000). The

RAP will describe design and engineering details of the proposed CAMU and associated monitoring activities. The NDEP intends to include, as enforceable conditions, in either or both the Phase III consent agreement and the RAP permit the following conditions: a) a maximum CAMU volume; b) offsite disposal of any material exceeding the maximum CAMU volume; and c) remediation of all areas within the Upper and Lower Ponds, including the Timet pond area. Additionally, if the following issues have not been resolved at the time of permit issuance or Phase III consent agreement completion they will become permit or consent agreement conditions: a) no offsite use or sale of aggregate without an NDEP approved plan; and b) remediation of existing source areas at the proposed BMI Complex CAMU.

- Submission and NDEP approval of a Corrective Action Plan (CAP). The CAP will describe the methods for soil excavation from the Upper and Lower Ponds and transport to the CAMU.
- Revision and NDEP approval of a Site Closure Plan (R. Sahu et al., February 2001, revised July 2001). The closure plan will describe methods for post-remedial confirmation sampling and risk assessment. The risk assessment must demonstrate that the Site is suitable for residential uses, considering human exposure to soils and groundwater and potential impacts of soils on ground and surface water.

III. SITE CHARACTERISTICS

A. Chemical Occurrence at the Site

The following constituents have been detected in soil and/or groundwater samples collected during the Phase II investigations conducted at the Site:

- Volatile organic compounds (VOCs);
- Semivolatile organic compounds (SVOCs);
- Pesticides;
- Polychlorinated biphenyls (PCBs) (soil only);
- Metals;
- Perchlorate;
- Radionuclides; and
- Asbestos (soil only).

The ranges of detections are presented in the RAS.

B. Clean-up Goals.

The RAS indicated that concentrations of certain constituents in portions of the Common Area soils exceeded risk-based screening levels for residential uses. Accordingly, remedial action goals which are protective of human health and the environment and allow future residential land use are being established for the Site. In addition, the remedial action goals embody applicable or relevant and appropriate federal and state requirements. Preliminary goals and requirements include the following:

- Post-remediation chemical concentrations in site soils are to have an associated cumulative theoretical upper-bound incremental carcinogenic risk levels no greater than background or 10^{-6} , subject to additional evaluation in accordance with USEPA guidance;
- Post-remediation chemical concentrations in site soils are to have an associated cumulative non-carcinogenic hazard index of 1 or less;
- Radionuclides in Site soils are to have risks no greater than those associated with background conditions or with the USEPA's acceptable levels of 3×10^{-4} , whichever is greater;
- Lead is not to be present at concentrations above USEPA's recommended screening level of 400 milligrams per kilogram for residential land use; and
- Asbestos is not to be present at concentrations above 0.035 percent subject to adjustment based on risk assessment using USEPA procedures.

Adequacy of clean-up will be confirmed based on confirmation sampling results and post-remediation risk assessment that will be conducted in accordance with USEPA methods. The scope of the confirmation sampling program, the methodology to be used in the post-remediation risk assessment and the final remedial goals and requirements will be presented in the Site Closure Plan, which is subject to NDEP approval. (see Section II.C). The Closure Plan must include methodologies to demonstrate that post-remedial soil and ground water conditions are suitable for residential uses and that soils will not adversely affect ground water or surface water.

IV. DEVELOPMENT OF REMEDIAL ALTERNATIVES

Five remedial alternatives were developed for Site soils based on the screening of remedial technologies. These remedial alternatives are more fully described in the RAS (ERM, 2000).

- Alternative 1 - No Action. Under the No Action alternative, no remedial actions of any kind would be implemented at the Site.

- Alternative 2 - Institutional Controls / Limited Action. Under this alternative, institutional controls such as the installation of fences and warning signs would be used to limit exposure to impacted soil. Deed notification and deed restrictions would also be placed on the Site. Dust suppression measures would be implemented as part of this alternative.
- Alternative 3 - On-Site Capping of Soils. Alternative 3 combines institutional controls and containment. Under this alternative, all Site soils requiring remediation would be capped in-place. These portions of the Site would also have deed restrictions and/or notifications placed on them.
- Alternative 4 - Excavation of Soils and On-Site Landfill Disposal. Under Alternative 4, all soils requiring remediation would be excavated and disposed in an on-site landfill. Two potential locations for the on-site landfill have been identified. These alternatives are discussed in greater detail in the RAS.
 - Alternative 4A – Site Landfill. Following placement of impacted soils in the landfill, the Site would be developed in accordance with the development plan. However, modifications to the development plan may be required to account for the presence and monitoring requirements for the landfill to prevent exposure to impacted soils within the landfill. Institutional controls, including deed restrictions/notifications, may be implemented for this area to avoid accidental exposures by Site inhabitants and/or workers to impacted soils within the landfill.
 - Alternative 4B – BMI Complex Landfill or CAMU. Under this alternative, soils would be transported from the Site to a dedicated CAMU within the BMI Complex using a conveyor or alternative off-road conveyance system. Under this alternative, the Site could be developed in accordance with the current development plan, without the need for institutional controls within the Site. Future exposures to the soils within the CAMU would be eliminated by access controls to the BMI Complex.
- Alternative 5 - Excavation of Soils and Off-Site Landfill Disposal. Under this alternative, all soils requiring remediation would be excavated and disposed of in an off-site landfill.
- Following excavation in either alternative 4 or 5, soil samples would be collected to confirm that the remaining concentrations of compounds in the soils meet the remedial action goal.

V. EVALUATION OF REMEDIAL ALTERNATIVES

This section summarizes the alternative evaluation findings with respect to the criteria identified in the RAS (ERM, 2000).² A complete evaluation of the alternatives is provided in the RAS.

A. Overall Protection of Human Health and the Environment

Of the five remedial alternatives, Alternative 1 does not fully satisfy the remedial goals. All of the other alternatives satisfy the goal of protection of human health by either: 1) excavation of all soil containing chemical constituents at concentrations that exceed the goal; and/or 2) mitigation of exposure pathways to the impacted soils. In addition, Alternatives 3, 4 and 5 provide protection of the environment.

The selected remedy, Alternative 4B achieves the goals through excavation and disposal of impacted soils in an on-site CAMU within the BMI Complex. The Site would then be restored for development at a higher land use. Because all soils are removed from the Site, the Site can be developed without the need for institutional controls within the developed area.

B. Effectiveness and Permanence

Alternative 1 does not provide short or long-term effectiveness or permanence as no remedial actions would be taken. All of the remaining Alternatives provide short or long-term effectiveness and permanence. Alternative 2 does not provide a permanent barrier (cap) to impacted soils; however, dust control measures and access restrictions would be effective in preventing human exposure to Site chemicals. To alleviate potential concerns regarding the reliability of the access restrictions and dust control measures, a significant monitoring and maintenance program would have to be instituted. Alternatives 3 and 4 are effective and permanent because they provide a permanent barrier to exposure to contaminated soils. Future construction and/or maintenance activities under Alternative 3, 4A and 4B have the potential to disturb the impacted soils. Therefore, Alternatives 3, 4A and 4B would require the implementation of a long-term monitoring and training program. Under Alternative 4B, the potential for future activities which would require the disturbance of impacted soils is believed to be lower than Alternatives 3 and 4A since the CAMU in Alternative 4B is within the industrial complex. Alternative 5 is effective and permanent because all contaminated soils are removed from the Site.

C. Implementability

Alternative 1 is most easily implemented because it requires no action at the Site. The remaining alternatives are all readily implementable, but vary in their complexity. Alternative 2

² The RAS considered soil treatment to reduce toxicity, mobility or volume. In situ and ex situ technologies were evaluated. These technologies did not pass initial screening. Accordingly, soil treatment was not retained as a remedial alternative or carried forward as an express evaluation criterion.

is implementable. Implementation of this alternative would require institution of dust control measures to prevent exposure to off-site receptors during grading activities. A long-term fence inspection and maintenance program would have to be developed as part of this alternative. Alternatives 3 and 4 are implementable. Implementation of these alternatives would require institution of dust control measures to prevent exposure to off-site receptors during soil excavation, transportation, and capping activities. In addition, under Alternatives 4A and 4B, a permit to construct the new CAMU will have to be prepared. A training program and long-term inspection, maintenance, and monitoring program would have to be developed as part of Alternatives 3 and 4. The concerns regarding the increased community exposure to traffic hazards as part of Alternative 5 are a difficulty associated with implementation of this alternative. An extensive transportation plan would have to be created for Alternative 5. As with Alternatives 3 and 4, implementation of this alternative will require institution of dust control measures to prevent exposure to off-site receptors during soil excavation and transportation.

D. Cost

All costs are provided as present worth costs in 2000, the year of RAS submission. Due to the uncertainty associated with the remedial actions, a 10 percent contingency has been applied to the sum of direct and indirect capital costs. In accordance with EPA guidance, a discount rate of 7 percent was used for annual costs. The costs presented below are based on the areal extent and estimated volumes of impacted soils as presented in the RAS. If the required extent of remediation is subsequently revised, these costs may be modified; however, the relative cost differences are expected to remain similar.

- Alternative 1 has no cost, since no action is taken.
- The total present worth cost for Alternative 2 is estimated to range between \$3,286,000 to \$7,492,000.
- The total present worth cost for Alternative 3 is estimated to range between \$7,021,000 to \$13,806,000.
- The total present worth cost for Alternative 4A is estimated to range between \$13,033,000 to \$17,966,000.
- The total present worth cost for Alternative 4B is estimated to range between \$16,195,000 to \$21,129,000 (subsequently revised to include an additional \$320,000 to address remediation activities associated with the slit trenches).
- Alternative 5 has a capital cost estimated to range between \$22,833,000 to \$33,838,000. No operation and maintenance costs are associated with Alternative 5.

E. Community Acceptance

Community acceptance of the selected remedy is addressed in Section VII. *Public Participation and Community Acceptance*.

VI. SELECTED REMEDY

Based on the evaluation of alternatives presented in the previous subsections, Alternative 4B has been selected as the preferred remedial alternative to achieve the remedial action goals. This alternative consists of the excavation and removal of impacted soils containing chemical concentrations in excess of the cleanup goals. The excavated soils will then be transported to, and placed in, a CAMU to be constructed within the BMI Complex.

Reasons Alternative 4B was selected include:

- The ability to restore all of the property in the Site area with no land use restrictions;
- The elimination of all impacted soils from potential public contact by placing them within a CAMU in the BMI Complex;
- The level of protection provided to the environment (air, surface water, groundwater) by removal of potential sources;
- The use of a conveyor belt or similar off-road conveyance system for transportation, minimizes the transportation risks to the community;

A. Description of the Selected Remedial Alternative

This remedy consists of the excavation and removal of impacted soils to achieve the remediation goal. The excavated soils will then be transported to, and placed in, a CAMU to be constructed within the BMI Industrial Complex. A brief chronological description of the components of this remedial alternative is provided below.

1. Work Area Preparation

Prior to performing soil excavation, access routes to the excavation areas and the CAMU will be created. As necessary, portions of the soil berms present between ponds will be removed to facilitate the ingress/egress of equipment and transportation of excavated soils throughout the Site and to the CAMU. In addition, all underground pipes, electrical conductors, fuel, water and sewer lines in the remediation areas will be identified, and as appropriate, de-energized, locked out, or blinded off.

Currently, a fence line exists around the perimeter of the Upper Ponds to preclude unauthorized access. ERM/BRC expect that it may be necessary to breach this fence during the course of remedial activities. Therefore, as part of the remedial activities, the perimeter fence

line will be rerouted, as necessary, to prevent unauthorized entry to the Site and human contact with impacted soils. A monitoring program has been implemented to identify and repair breaches in the perimeter fence line. This program, which would include any new fence installed as part of remedial activities, would continue until after completion of final remediation.

2. CAMU Construction

The *Remedial Action Plan (RAP), Permit Application for Corrective Action Management Unit (CAMU), Henderson, Nevada* (Parsons, January 2000) presents a more detailed description of the design and construction of the proposed CAMU. As presented in the RAP, the CAMU is designed to contain material excavated under Alternative 4B as well as future material from the area around the TIMET Active Ponds which are the subject of a separate Consent Agreement between TIMET and NDEP (June 1996).

3. Location

The conveyor will be constructed from the proposed CAMU location, and run east, beneath Boulder Highway (through an existing culvert), to a soil staging area within the Site. The *Remedial Action Plan (RAP), Permit Application for Corrective Action Management Unit (CAMU), Henderson, Nevada* (Parsons, January 2000) presents a more detailed description of the location of the proposed CAMU and conveyor system.

4. Corrective Action Plan

BRC must submit an approvable Corrective Action Plan (CAP) to describe the detailed methods for excavating, transporting and conveying soils from contaminated areas to a staging location and then ultimately to disposal at the CAMU.

5. CAMU Operation and Closure

The CAMU will be built, operated and closed according to the standards of the RAP, CAP and Closure Plan. The RAP, CAP and Closure Plan are currently under development. Upon completion the RAP, CAP and Closure Plan will address the following issues:

- Liner and Leachate Collection System;
- Final Cover;
- Monitoring;
- Soil Excavation;
- Confirmation Sampling;
- Soil Transportation and Management; and

- Reporting.

VII. PUBLIC PARTICIPATION AND COMMUNITY ACCEPTANCE

A. Public Participation and Community Acceptance

Public comment and opinion were included in remedy selection and design at various points during the process. Public comment was received through open meetings and written comment periods. The following public notices were given respecting the indicated activities in the table below. In addition, the local press has published numerous articles addressing the Common Areas.

1. NDEP Public Meeting on the RAS

On April 4, 2000 NDEP hosted a public meeting for citizens to learn about the RAS and Alternative 4B as the preferred remedy. Citizens were invited to attend and offer questions and comments about the site and the proposed cleanup plan. Notice of the meeting was provided in the Las Vegas Review-Journal & Sun on March 9, 2000. The meeting was held at the Henderson Convention Center, 200 Water Street, Henderson, Nevada at 7:00 pm. At the meeting the site history was explained, followed by an overview of the site characterization efforts and the results of these investigations. The RAS was then explained along with a summary of each remedial alternative. Alternative 4B was presented as the preferred alternative. The meeting was opened for community input on these issues and attendees were told that written comments could be provided by April 12, 2000. During the open comment session citizens inquired about the nature of the potential hazards at the site, how fugitive dust and other remediation impacts will be handled, how attainment with cleanup up goals will be verified, whether the clean up was protective of human health and the environment, whether verification data will be publicly available and what parties would be performing the work. Responses to these questions and comments were provided at the meeting.

2. Public Meetings Regarding the Environmental Conditions Assessment and Environmental Conditions Investigation

During the Phase I and Phase II activities, NDEP, the HISSC and the individual participating companies conducted a coordinated effort to inform the public about ECA and ECI progress. This coordinated effort included informal interviews of community leaders, the preparation and distribution of a press release describing the Phase I and Phase II processes and their results, and the holding of public meetings as follows:

November 3, 1993 (presentation of the findings of the Phase I ECA Reports);

March 12, 1996 (presentation of the scope of the Phase II ECI workplan);
and

December 1, 1998 (presentation of the results of the Phase II ECI investigation).

All three public meetings were held at the Henderson Convention Center in Henderson, Nevada, and were moderated by NDEP. The meetings were the subject of timely public notice in the major, local newspapers of general circulation. At the meetings, public comment was solicited. As a result of these activities, NDEP and the HISSC gathered information about the public's concerns and information needs regarding the ongoing assessment of the environmental conditions at the Common Areas. Overall, few comments were made at these public meetings. Of those that were made, the ones concerning the assessment of environmental conditions at the Common Areas can be summarized as follows: support was expressed for the complex-wide assessment and remediation program; concerns were expressed about potential delays in the conduct of subsequent phases of the evaluation project; a question was asked about the contents of some of the waste ponds on site; concern was expressed about possible ground water contamination at the site and the potential for off-site migration of any such contamination; and concern was expressed regarding the current status of radiation issues at the site. Responses to these questions and comments were provided at the meetings.

B. Local Government Acceptance

The Henderson City Council formally approved Alternative 4B as the selected remedy at its Regular Meeting on June 6, 2001. A copy of the Henderson City Council acceptance of the preferred remedy is attached as Exhibit 2.

C. Restoration Advisory Committee (RAC)

In order to begin assessing public response to these remedial alternatives, BEC, as the property owner, established a Restoration Advisory Committee (RAC), which began meeting in October 1999 initially on a monthly basis and later on a quarterly basis. The RAC consists of approximately twenty community leaders.²³ The RAC provided an additional means of sounding community opinion and acceptance of the proposed remedial alternatives. The RAC meeting dates and primary agenda topics are included in the following table.

Meeting Date	Agenda Topic
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²³ The RAC members are as follows: Mike Cyphers, Emergency Management Coordinator, City of Henderson; Janet Dobry, Principal, Gordon McCaw Elementary School; Ron Harbison, the Boyd Group; Jeff Harris, Manager, Clark County Parks & Recreation Dept.; Doug Zimmerman, NDEP; Alice Martz, Executive Director, Henderson Chamber of Commerce; Dr. Ron Meek, Provost, Comm. Coll. Of Southern Nevada/Henderson Campus; Doug Reifsteck, Plant Manager, Ocean Spray; Bob Reynolds, President, Calico Ridge HOA; David Sanchez, Economic Board of Clark County, Senator Hal Smith, Henderson Industrial Citizens Advisory Panel; Dr. Klaus Stetzenbach, Director, Harry Reid Environmental Center, UNLV; Carolyn Titus, Red Rock Audubon Society/Henderson Bird Viewing Preserve; Carrie White, Principal Environmental Planner; Jeff van Ee, Environmentalist; Shauna Welch, Director of Communications, St. Rose Dominican Hospital; Michael Wethington, General Manager, the Galleria at Sunset.

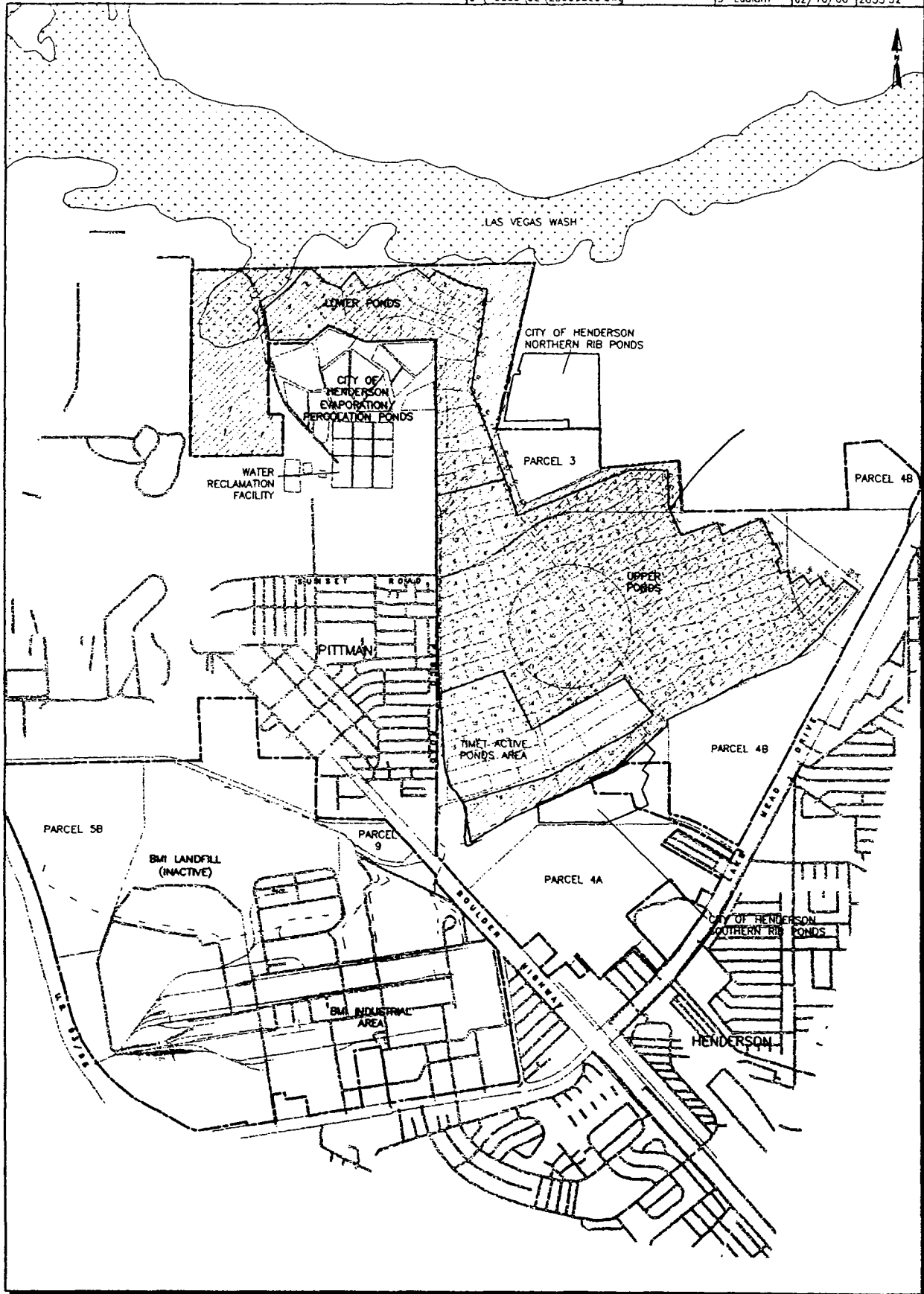
Meeting Date	Agenda Topic
October 6, 1999	Inaugural meeting, historical perspective, overview of site, cleanup goals and role of RAC
November 3, 1999	Site tour and overview of cleanup issues
December 1, 1999	Review and comment on the RAS prior to submittal to NDEP
January 5, 2000	Soil/Groundwater nexus
February 2, 2000	Future land uses at BMI and bird sanctuary
March 1, 2000	Presentation and review of NDEP draft presentation on the RAS.
April 5, 2000	Summary of issues covered during the public meeting on April 4, 2000.
May 3, 2000	Presentation on proposed conveyor system, soil excavation/dust mitigation and landfill construction
June 7, 2000	Presentation of Corrective Action Plan (CAP)
November 1, 2000	Status update of IRMs, and RAS approval process
January 10, 2001	Closure Plan Review
April 4, 2001	Closure Plan Review and Confirmation Sampling Issues

VIII. ROD EFFECTIVENESS

This ROD constitutes NDEP approval of Alternative 4B – soil encapsulation in a dedicated CAMU – as the selected remedy. This Record of Decision is issued and effective this 2nd day of November, 2001.



ALLEN BIAGGI, Administrator
Nevada Division of Environmental Protection



LEGEND

SITE

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FEET

Exhibit 1

Site Map
BMI Common Areas
Henderson, Nevada

Record of Decision

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Upper and Lower Ponds at the BMI Complex**

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Phase I was completed and the results were presented in the Phase I Environmental Conditions Assessment (ECA) Report (Geraghty & Miller, 1993). Following a review of the Report, the NDEP identified a need for a Phase II Environmental Conditions Investigation (ECI) for portions of the Common Areas. In a Letter of Understanding (LOU) dated 15 August 1994, NDEP identified several study items that required additional study and investigation during this second phase.

B. Phase II Investigation

The HISSC and the NDEP entered into the 1996 Common Areas Consent Agreement to address the second phase of work at the Common Areas. The 1996 Common Areas Consent Agreement incorporated by reference the project workplan (*Project Workplan-BMI Common Areas-Environmental Conditions Investigation-Henderson, Nevada* (ERM-West, February 1996) which described proposed ECI (Phase II) activities to characterize the LOU study items. Phase II was completed and the results were presented in the *Draft Environmental Conditions Investigation Report - BMI Common Areas - Henderson, Nevada* (ERM-West, August 1996) (ECIR).

Based on the ECIR, the NDEP requested a Remedial Alternatives Study (RAS) for the Site. The Remedial Alternatives Study for Soils and Sediments in the Upper and Lower Ponds at the BMI Complex (ERM, March 1, 2000) was submitted to NDEP in March, 2000.

C. Future Actions at the Site (Phase III)

As stated in this ROD, cleanup of the Site will proceed under Alternative 4B as identified and described in the RAS. The necessary steps for completing the cleanup after issuance of this ROD include:

- Negotiating and signing a Phase III consent agreement to govern remedial implementation at the Common Areas and Timet active ponds.
- Processing and issuance of a NDEP permit to approve the activities described in the Remedial Action Plan (RAP) (Parsons Engineering Science, Inc. (January 2000). The

RAP will describe design and engineering details of the proposed CAMU and associated monitoring activities. The NDEP intends to include, as enforceable conditions, in either or both the Phase III consent agreement and the RAP permit the following conditions: a) a maximum CAMU volume; b) offsite disposal of any material exceeding the maximum CAMU volume; and c) remediation of all areas within the Upper and Lower Ponds, including the Timet pond area. Additionally, if the following issues have not been resolved at the time of permit issuance or Phase III consent agreement completion they will become permit or consent agreement conditions: a) no offsite use or sale of aggregate without an NDEP approved plan; and b) remediation of existing source areas at the proposed BMI Complex CAMU.

- Submission and NDEP approval of a Corrective Action Plan (CAP). The CAP will describe the methods for soil excavation from the Upper and Lower Ponds and transport to the CAMU.
- Revision and NDEP approval of a Site Closure Plan (R. Sahu et al., February 2001, revised July 2001). The closure plan will describe methods for post-remedial confirmation sampling and risk assessment. The risk assessment must demonstrate that the Site is suitable for residential uses, considering human exposure to soils and groundwater and potential impacts of soils on ground and surface water.

III. SITE CHARACTERISTICS

A. Chemical Occurrence at the Site

The following constituents have been detected in soil and/or groundwater samples collected during the Phase II investigations conducted at the Site:

- Volatile organic compounds (VOCs);
- Semivolatile organic compounds (SVOCs);
- Pesticides;
- Polychlorinated biphenyls (PCBs) (soil only);
- Metals;
- Perchlorate;
- Radionuclides; and
- Asbestos (soil only).

The ranges of detections are presented in the RAS.

B. Clean-up Goals.

The RAS indicated that concentrations of certain constituents in portions of the Common Area soils exceeded risk-based screening levels for residential uses. Accordingly, remedial action goals which are protective of human health and the environment and allow future residential land use are being established for the Site. In addition, the remedial action goals embody applicable or relevant and appropriate federal and state requirements. Preliminary goals and requirements include the following:

- Post-remediation chemical concentrations in site soils are to have an associated cumulative theoretical upper-bound incremental carcinogenic risk levels no greater than background or 10^{-6} , subject to additional evaluation in accordance with USEPA guidance;
- Post-remediation chemical concentrations in site soils are to have an associated cumulative non-carcinogenic hazard index of 1 or less;
- Radionuclides in Site soils are to have risks no greater than those associated with background conditions or with the USEPA's acceptable levels of 3×10^{-4} , whichever is greater;
- Lead is not to be present at concentrations above USEPA's recommended screening level of 400 milligrams per kilogram for residential land use; and
- Asbestos is not to be present at concentrations above 0.035 percent subject to adjustment based on risk assessment using USEPA procedures.

Adequacy of clean-up will be confirmed based on confirmation sampling results and post-remediation risk assessment that will be conducted in accordance with USEPA methods. The scope of the confirmation sampling program, the methodology to be used in the post-remediation risk assessment and the final remedial goals and requirements will be presented in the Site Closure Plan, which is subject to NDEP approval. (see Section II.C). The Closure Plan must include methodologies to demonstrate that post-remedial soil and ground water conditions are suitable for residential uses and that soils will not adversely affect ground water or surface water.

IV. DEVELOPMENT OF REMEDIAL ALTERNATIVES

Five remedial alternatives were developed for Site soils based on the screening of remedial technologies. These remedial alternatives are more fully described in the RAS (ERM, 2000).

- Alternative 1 - No Action. Under the No Action alternative, no remedial actions of any kind would be implemented at the Site.

Alternative 2 - Institutional Controls / Limited Action. Under this alternative, institutional controls such as the installation of fences and warning signs would be used to limit exposure to impacted soil. Deed notification and deed restrictions would also be placed on the Site. Dust suppression measures would be implemented as part of this alternative.

- Alternative 3 - On-Site Capping of Soils. Alternative 3 combines institutional controls and containment. Under this alternative, all Site soils requiring remediation would be capped in-place. These portions of the Site would also have deed restrictions and/or notifications placed on them.
- Alternative 4 - Excavation of Soils and On-Site Landfill Disposal. Under Alternative 4, all soils requiring remediation would be excavated and disposed in an on-site landfill. Two potential locations for the on-site landfill have been identified. These alternatives are discussed in greater detail in the RAS.
 - Alternative 4A – Site Landfill. Following placement of impacted soils in the landfill, the Site would be developed in accordance with the development plan. However, modifications to the development plan may be required to account for the presence and monitoring requirements for the landfill to prevent exposure to impacted soils within the landfill. Institutional controls, including deed restrictions/notifications, may be implemented for this area to avoid accidental exposures by Site inhabitants and/or workers to impacted soils within the landfill.
 - Alternative 4B – BMI Complex Landfill or CAMU. Under this alternative, soils would be transported from the Site to a dedicated CAMU within the BMI Complex using a conveyor or alternative off-road conveyance system. Under this alternative, the Site could be developed in accordance with the current development plan, without the need for institutional controls within the Site. Future exposures to the soils within the CAMU would be eliminated by access controls to the BMI Complex.
- Alternative 5 - Excavation of Soils and Off-Site Landfill Disposal. Under this alternative, all soils requiring remediation would be excavated and disposed of in an off-site landfill.
- Following excavation in either alternative 4 or 5, soil samples would be collected to confirm that the remaining concentrations of compounds in the soils meet the remedial action goal.

V. EVALUATION OF REMEDIAL ALTERNATIVES

This section summarizes the alternative evaluation findings with respect to the criteria identified in the RAS (ERM, 2000).² A complete evaluation of the alternatives is provided in the RAS.

A. Overall Protection of Human Health and the Environment

Of the five remedial alternatives, Alternative 1 does not fully satisfy the remedial goals. All of the other alternatives satisfy the goal of protection of human health by either: 1) excavation of all soil containing chemical constituents at concentrations that exceed the goal; and/or 2) mitigation of exposure pathways to the impacted soils. In addition, Alternatives 3, 4 and 5 provide protection of the environment.

The selected remedy, Alternative 4B achieves the goals through excavation and disposal of impacted soils in an on-site CAMU within the BMI Complex. The Site would then be restored for development at a higher land use. Because all soils are removed from the Site, the Site can be developed without the need for institutional controls within the developed area.

B. Effectiveness and Permanence

Alternative 1 does not provide short or long-term effectiveness or permanence as no remedial actions would be taken. All of the remaining Alternatives provide short or long-term effectiveness and permanence. Alternative 2 does not provide a permanent barrier (cap) to impacted soils; however, dust control measures and access restrictions would be effective in preventing human exposure to Site chemicals. To alleviate potential concerns regarding the reliability of the access restrictions and dust control measures, a significant monitoring and maintenance program would have to be instituted. Alternatives 3 and 4 are effective and permanent because they provide a permanent barrier to exposure to contaminated soils. Future construction and/or maintenance activities under Alternative 3, 4A and 4B have the potential to disturb the impacted soils. Therefore, Alternatives 3, 4A and 4B would require the implementation of a long-term monitoring and training program. Under Alternative 4B, the potential for future activities which would require the disturbance of impacted soils is believed to be lower than Alternatives 3 and 4A since the CAMU in Alternative 4B is within the industrial complex. Alternative 5 is effective and permanent because all contaminated soils are removed from the Site.

C. Implementability

Alternative 1 is most easily implemented because it requires no action at the Site. The remaining alternatives are all readily implementable, but vary in their complexity. Alternative 2

² The RAS considered soil treatment to reduce toxicity, mobility or volume. In situ and ex situ technologies were evaluated. These technologies did not pass initial screening. Accordingly, soil treatment was not retained as a remedial alternative or carried forward as an express evaluation criterion.

is implementable. Implementation of this alternative would require institution of dust control measures to prevent exposure to off-site receptors during grading activities. A long-term fence inspection and maintenance program would have to be developed as part of this alternative. Alternatives 3 and 4 are implementable. Implementation of these alternatives would require institution of dust control measures to prevent exposure to off-site receptors during soil excavation, transportation, and capping activities. In addition, under Alternatives 4A and 4B, a permit to construct the new CAMU will have to be prepared. A training program and long-term inspection, maintenance, and monitoring program would have to be developed as part of Alternatives 3 and 4. The concerns regarding the increased community exposure to traffic hazards as part of Alternative 5 are a difficulty associated with implementation of this alternative. An extensive transportation plan would have to be created for Alternative 5. As with Alternatives 3 and 4, implementation of this alternative will require institution of dust control measures to prevent exposure to off-site receptors during soil excavation and transportation.

D. Cost

All costs are provided as present worth costs in 2000, the year of RAS submission. Due to the uncertainty associated with the remedial actions, a 10 percent contingency has been applied to the sum of direct and indirect capital costs. In accordance with EPA guidance, a discount rate of 7 percent was used for annual costs. The costs presented below are based on the areal extent and estimated volumes of impacted soils as presented in the RAS. If the required extent of remediation is subsequently revised, these costs may be modified; however, the relative cost differences are expected to remain similar.

- Alternative 1 has no cost, since no action is taken.
- The total present worth cost for Alternative 2 is estimated to range between \$3,286,000 to \$7,492,000.
- The total present worth cost for Alternative 3 is estimated to range between \$7,021,000 to \$13,806,000.
- The total present worth cost for Alternative 4A is estimated to range between \$13,033,000 to \$17,966,000.
- The total present worth cost for Alternative 4B is estimated to range between \$16,195,000 to \$21,129,000 (subsequently revised to include an additional \$320,000 to address remediation activities associated with the slit trenches).
- Alternative 5 has a capital cost estimated to range between \$22,833,000 to \$33,838,000. No operation and maintenance costs are associated with Alternative 5.

E. Community Acceptance

Community acceptance of the selected remedy is addressed in Section VII. *Public Participation and Community Acceptance*.

VI. SELECTED REMEDY

Based on the evaluation of alternatives presented in the previous subsections, Alternative 4B has been selected as the preferred remedial alternative to achieve the remedial action goals. This alternative consists of the excavation and removal of impacted soils containing chemical concentrations in excess of the cleanup goals. The excavated soils will then be transported to, and placed in, a CAMU to be constructed within the BMI Complex.

Reasons Alternative 4B was selected include:

- The ability to restore all of the property in the Site area with no land use restrictions;
- The elimination of all impacted soils from potential public contact by placing them within a CAMU in the BMI Complex;
- The level of protection provided to the environment (air, surface water, groundwater) by removal of potential sources;
- The use of a conveyor belt or similar off-road conveyance system for transportation, minimizes the transportation risks to the community;

A. Description of the Selected Remedial Alternative

This remedy consists of the excavation and removal of impacted soils to achieve the remediation goal. The excavated soils will then be transported to, and placed in, a CAMU to be constructed within the BMI Industrial Complex. A brief chronological description of the components of this remedial alternative is provided below.

1. Work Area Preparation

Prior to performing soil excavation, access routes to the excavation areas and the CAMU will be created. As necessary, portions of the soil berms present between ponds will be removed to facilitate the ingress/egress of equipment and transportation of excavated soils throughout the Site and to the CAMU. In addition, all underground pipes, electrical conductors, fuel, water and sewer lines in the remediation areas will be identified, and as appropriate, de-energized, locked out, or blinded off.

Currently, a fence line exists around the perimeter of the Upper Ponds to preclude unauthorized access. ERM/BRC expect that it may be necessary to breach this fence during the course of remedial activities. Therefore, as part of the remedial activities, the perimeter fence

line will be rerouted, as necessary, to prevent unauthorized entry to the Site and human contact with impacted soils. A monitoring program has been implemented to identify and repair breaches in the perimeter fence line. This program, which would include any new fence installed as part of remedial activities, would continue until after completion of final remediation.

2. CAMU Construction

The *Remedial Action Plan (RAP), Permit Application for Corrective Action Management Unit (CAMU), Henderson, Nevada* (Parsons, January 2000) presents a more detailed description of the design and construction of the proposed CAMU. As presented in the RAP, the CAMU is designed to contain material excavated under Alternative 4B as well as future material from the area around the TIMET Active Ponds which are the subject of a separate Consent Agreement between TIMET and NDEP (June 1996).

3. Location

The conveyor will be constructed from the proposed CAMU location, and run east, beneath Boulder Highway (through an existing culvert), to a soil staging area within the Site. The *Remedial Action Plan (RAP), Permit Application for Corrective Action Management Unit (CAMU), Henderson, Nevada* (Parsons, January 2000) presents a more detailed description of the location of the proposed CAMU and conveyor system.

4. Corrective Action Plan

BRC must submit an approvable Corrective Action Plan (CAP) to describe the detailed methods for excavating, transporting and conveying soils from contaminated areas to a staging location and then ultimately to disposal at the CAMU.

5. CAMU Operation and Closure

The CAMU will be built, operated and closed according to the standards of the RAP, CAP and Closure Plan. The RAP, CAP and Closure Plan are currently under development. Upon completion the RAP, CAP and Closure Plan will address the following issues:

- Liner and Leachate Collection System;
- Final Cover;
- Monitoring;
- Soil Excavation;
- Confirmation Sampling;
- Soil Transportation and Management; and

- Reporting.

VII. PUBLIC PARTICIPATION AND COMMUNITY ACCEPTANCE

A. Public Participation and Community Acceptance

Public comment and opinion were included in remedy selection and design at various points during the process. Public comment was received through open meetings and written comment periods. The following public notices were given respecting the indicated activities in the table below. In addition, the local press has published numerous articles addressing the Common Areas.

1. NDEP Public Meeting on the RAS

On April 4, 2000 NDEP hosted a public meeting for citizens to learn about the RAS and Alternative 4B as the preferred remedy. Citizens were invited to attend and offer questions and comments about the site and the proposed cleanup plan. Notice of the meeting was provided in the Las Vegas Review-Journal & Sun on March 9, 2000. The meeting was held at the Henderson Convention Center, 200 Water Street, Henderson, Nevada at 7:00 pm. At the meeting the site history was explained, followed by an overview of the site characterization efforts and the results of these investigations. The RAS was then explained along with a summary of each remedial alternative. Alternative 4B was presented as the preferred alternative. The meeting was opened for community input on these issues and attendees were told that written comments could be provided by April 12, 2000. During the open comment session citizens inquired about the nature of the potential hazards at the site, how fugitive dust and other remediation impacts will be handled, how attainment with cleanup up goals will be verified, whether the clean up was protective of human health and the environment, whether verification data will be publicly available and what parties would be performing the work. Responses to these questions and comments were provided at the meeting.

2. Public Meetings Regarding the Environmental Conditions Assessment and Environmental Conditions Investigation

During the Phase I and Phase II activities, NDEP, the HISSC and the individual participating companies conducted a coordinated effort to inform the public about ECA and ECI progress. This coordinated effort included informal interviews of community leaders, the preparation and distribution of a press release describing the Phase I and Phase II processes and their results, and the holding of public meetings as follows:

November 3, 1993 (presentation of the findings of the Phase I ECA Reports);

March 12, 1996 (presentation of the scope of the Phase II ECI workplan);
and

December 1, 1998 (presentation of the results of the Phase II ECI investigation).

All three public meetings were held at the Henderson Convention Center in Henderson, Nevada, and were moderated by NDEP. The meetings were the subject of timely public notice in the major, local newspapers of general circulation. At the meetings, public comment was solicited. As a result of these activities, NDEP and the HISSC gathered information about the public's concerns and information needs regarding the ongoing assessment of the environmental conditions at the Common Areas. Overall, few comments were made at these public meetings. Of those that were made, the ones concerning the assessment of environmental conditions at the Common Areas can be summarized as follows: support was expressed for the complex-wide assessment and remediation program; concerns were expressed about potential delays in the conduct of subsequent phases of the evaluation project; a question was asked about the contents of some of the waste ponds on site; concern was expressed about possible ground water contamination at the site and the potential for off-site migration of any such contamination; and concern was expressed regarding the current status of radiation issues at the site. Responses to these questions and comments were provided at the meetings.

B. Local Government Acceptance

The Henderson City Council formally approved Alternative 4B as the selected remedy at its Regular Meeting on June 6, 2001. A copy of the Henderson City Council acceptance of the preferred remedy is attached as Exhibit 2.

C. Restoration Advisory Committee (RAC)

In order to begin assessing public response to these remedial alternatives, BEC, as the property owner, established a Restoration Advisory Committee (RAC), which began meeting in October 1999 initially on a monthly basis and later on a quarterly basis. The RAC consists of approximately twenty community leaders.²³ The RAC provided an additional means of sounding community opinion and acceptance of the proposed remedial alternatives. The RAC meeting dates and primary agenda topics are included in the following table.

Meeting Date	Agenda Topic
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²³ The RAC members are as follows: Mike Cyphers, Emergency Management Coordinator, City of Henderson; Janet Dobry, Principal, Gordon McCaw Elementary School; Ron Harbison, the Boyd Group; Jeff Harris, Manager, Clark County Parks & Recreation Dept.; Doug Zimmerman, NDEP; Alice Martz, Executive Director, Henderson Chamber of Commerce; Dr. Ron Meek, Provost, Comm. Coll. Of Southern Nevada/Henderson Campus; Doug Reifsteck, Plant Manager, Ocean Spray; Bob Reynolds, President, Calico Ridge HOA; David Sanchez, Economic Board of Clark County, Senator Hal Smith, Henderson Industrial Citizens Advisory Panel; Dr. Klaus Stetzenbach, Director, Harry Reid Environmental Center, UNLV; Carolyn Titus, Red Rock Audubon Society/Henderson Bird Viewing Preserve; Carrie White, Principal Environmental Planner; Jeff van Ee, Environmentalist; Shauna Welch, Director of Communications, St. Rose Dominican Hospital; Michael Wethington, General Manager, the Galleria at Sunset.

Meeting Date	Agenda Topic
October 6, 1999	Inaugural meeting, historical perspective, overview of site, cleanup goals and role of RAC
November 3, 1999	Site tour and overview of cleanup issues
December 1, 1999	Review and comment on the RAS prior to submittal to NDEP
January 5, 2000	Soil/Groundwater nexus
February 2, 2000	Future land uses at BMI and bird sanctuary
March 1, 2000	Presentation and review of NDEP draft presentation on the RAS.
April 5, 2000	Summary of issues covered during the public meeting on April 4, 2000.
May 3, 2000	Presentation on proposed conveyor system, soil excavation/dust mitigation and landfill construction
June 7, 2000	Presentation of Corrective Action Plan (CAP)
November 1, 2000	Status update of IRMs, and RAS approval process
January 10, 2001	Closure Plan Review
April 4, 2001	Closure Plan Review and Confirmation Sampling Issues

VIII. ROD EFFECTIVENESS

This ROD constitutes NDEP approval of Alternative 4B – soil encapsulation in a dedicated CAMU – as the selected remedy. This Record of Decision is issued and effective this 2nd day of November, 2001.

ALLEN BIAGGI, Administrator
Nevada Division of Environmental Protection

**HENDERSON CITY COUNCIL
COMMITTEE MEETING
June 6, 2001**

I. CALL TO ORDER

Mayor Gibson called the Committee Meeting to order at 7:05 p.m. in the Council Chambers at City Hall, 240 Water Street, Henderson, Nevada.

II. CONFIRMATION OF POSTING

The City Clerk confirmed the Committee Meeting had been noticed in compliance with the Open Meeting Law by posting the Agenda three working days prior to the meeting at City Hall, Emergency Services Facility, Green Valley Library and Community College of Southern Nevada, by publication in the Henderson Home News, and by mailing a copy of the Agenda to everyone appearing thereon and on the Master Agenda mailing list.

III. ROLL CALL

Present: Mayor James B. Gibson

Councilmembers:

Jack Clark
Amanda M. Cyphers
Arthur "Andy" Hafen
Steven D. Kirk

Absent: None

Officers: Philip D. Speight, City Manager
Shauna M. Hughes, City Attorney
Monica M. Simmons, City Clerk

Absent: None

Staff: Robert Murnane, Public Works Director
Steven M. Hanson, Finance Director
Mary Kay Peck, Community Development Director
David A. Kitchen, Deputy City Clerk
Tddie Jackson, Senior Minutes Clerk

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VI. ADJOURNMENT

There being no further business to come before Council, Mayor Gibson, with concurrence of Council, adjourned the meeting at 7:06 p.m.

PASSED AND APPROVED THIS 19TH DAY OF June, 2001

James B. Gibson
Mayor

ATTEST:

Monica M. Simmons, CMC
City Clerk

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IV. ACCEPTANCE OF AGENDA

(Motion) Councilmember Hafen moved to accept the agenda as amended:

Presentations: PR-3 - withdrawn at the request of staff.

Unfinished Business: UB-56 - continued indefinitely at the request of applicant.

New Business: NB-63 - heard immediately following PR-4;
NB-70, NB-73, and NB-74, heard immediately following NB-63.

The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

V. PRESENTATIONS

PR-1	PRESENTATION NEVADA LEAGUE OF CITIES YOUTH AWARDS CHRISTOPHER AGUIAR AND CARISSA AUGUSTINE
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Presentation of Nevada League of Cities Youth Awards to Christopher Aguiar and Carissa Augustine.

(Action) City Manager Philip Speight read the presentations for the Nevada League of Cities Youth Awards which were presented to Christopher Aguiar, 1st place winner, who received a plaque and a \$500.00 check; and Carissa Augustine, semi-finalist, who also received a plaque and a \$300.00 check, by the Mayor and Council.

PR-2	COMMENDATION MERITORIOUS CONTRIBUTIONS SCOTT GINGER
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Presentation of commendation to Scott Ginger for his contributions during his tenure as a Green Valley High School coach.

(Action) City Manager Philip Speight read the commendation for Scott Ginger's contributions during his tenure as a Green Valley High School coach, which was presented to Mr. Ginger by the Mayor and Council.

Henderson City Council Regular Meeting
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and the Clark County Regional Transportation Commission for Gibson Road (I-515 to Boulder Highway).

- (Motion) Councilmember Cyphers moved to concur in the recommendation of staff and approve Third Supplemental Interlocal Contract No. 284c between the City of Henderson and the Clark County Regional Transportation Commission for Gibson Road (I-515 to Boulder Highway). The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-7	FIRST SUPPLEMENTAL INTERLOCAL CONTRACT PIONEER DETENTION BASIN CONSTRUCTION CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT
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First Supplemental Interlocal Contract between the City of Henderson and the Clark County Regional Flood Control District for the Pioneer Detention Basin Construction.

- (Motion) Councilmember Cyphers moved to concur in the recommendation of staff and approve the First Supplemental Interlocal Contract between the City of Henderson and the Clark County Regional Flood Control District for the Pioneer Detention Basin Construction. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-8	PURCHASE OF MODULAR FURNITURE FINANCE AND ECONOMIC DEVELOPMENT PUBLIC WORKS DEPARTMENT
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Ratify purchase of modular furniture and file cabinets for the relocation of the Accounts Payable Division of the Finance Department and Economic Development to the 3rd floor of City Hall based on an existing agreement between the City of Henderson and Knoll, Inc., dated March 29, 2001.

- (Motion) Councilmember Cyphers moved to concur in the recommendation of staff and ratify the purchase of modular furniture and file cabinets for the relocation of the Accounts Payable Division of the Finance Department and Economic Development to the 3rd floor of City Hall based on an existing agreement between the City of Henderson and Knoll, Inc., dated March 29, 2001, in the amount of \$45,995.40, to be funded from Account No. 73-39-51-7202. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson,

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CA-12	REVISED CLASS SPECIFICATION ENVIRONMENTAL SERVICES MANAGER DEPARTMENT OF UTILITY SERVICES
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Revised class specification for Environmental Services Manager.

- (Motion) Councilmember Cyphers moved to concur in the recommendation of staff and approve the revised class specification for Environmental Services Manager. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-13	AMEND STAFF COMPLEMENT ENVIRONMENTAL SERVICES MANAGER DEPARTMENT OF UTILITY SERVICES
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Amend the staff complement of the Department of Utility Services by adding one (1) Environmental Services Manager and deleting one (1) Chief of Utility Operations from Fund 21-36-02.

- (Motion) Councilmember Cyphers moved to concur in the recommendation of staff and amend the staff complement of the Department of Utility Services by adding one (1) Environmental Services Manager to, and deleting one (1) Chief of Utility Operations from, Fund 21-36-02. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-14	REVISED CLASS SPECIFICATION ASSISTANT DIRECTOR OF UTILITY SERVICES DEPARTMENT OF UTILITY SERVICES
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Revised class specification for Assistant Director of Utility Services.

- (Motion) Councilmember Cyphers moved to concur in the recommendation of staff and approve the revised class specification for Assistant Director of Utility Services. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

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Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-18	REVISED CLASS SPECIFICATION BUSINESS SERVICES MANAGER DEPARTMENT OF UTILITY SERVICES
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Revised class specification for Business Services Manager.

(Motion) Councilmember Cyphers moved to concur in the recommendation of staff and approve the revised class specification for Business Services Manager. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-19	AMEND STAFF COMPLEMENT BUSINESS SERVICES MANAGER DEPARTMENT OF UTILITY SERVICES
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Amend the staff complement of the Department of Utility Services by adding one (1) Business Services Manager to, and deleting one (1) Chief of Utility Services from, Fund 21-36-03.

(Motion) Councilmember Cyphers moved to concur in the recommendation of staff and amend the staff complement of the Department of Utility Services by adding one (1) Business Services Manager to, and deleting one (1) Chief of Utility Services from, Fund 21-36-03. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-20	REVISED CLASS SPECIFICATION DIRECTOR OF UTILITY SERVICES DEPARTMENT OF UTILITY SERVICES
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Revised class specification for Director of Utility Services.

(Motion) Councilmember Cyphers moved to concur in the recommendation of staff and approve the revised class specification for Director of Utility Services. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

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carried.

CA-24	APPORTIONMENT REPORT AND FINAL ASSESSMENT ROLL – AMENDMENT NO. 51 LID T-10, SEVEN HILLS PARCEL W, UNIT 3 PUBLIC WORKS DEPARTMENT
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Apportionment Report and Final Assessment Roll – Amendment No. 51,
LID T-10, Seven Hills Parcel W Unit 3, APN's 191-02-411-001 through 067,
(formerly all or a portion of APN 191-02-410-003), dated April 27, 2001.

(Motion) Councilmember Cyphers moved to concur in the recommendation of staff and approve the Apportionment Report and Final Assessment Roll – Amendment No. 51, LID T-10, Seven Hills Parcel W Unit 3, APN's 191-02-411-001 through 067 (formerly all or a portion of APN 191-02-410-003), dated April 27, 2001. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-25	BUDGET AUGMENTATION OPERATION EXPENSES MUNICIPAL COURT
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Budget augmentation for the Municipal Court for additional operating expenses.

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CA-28	AUTHORIZATION TO APPRAISE 18.23 ACRES OF CITY-OWNED PROPERTY CITY ATTORNEY'S OFFICE/ PROPERTY MANAGEMENT DIVISION
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Authorization to appraise 18.23 acres of City-owned land designated as Parcel 14, located at the Boulder Highway/I-515 Interchange, APNs 179-34-101-001 and 179-27-401-001.

(Motion) Councilmember Cyphers moved to concur in the recommendation of staff and authorize the appraisal of 18.23 acres of City-owned land designated as Parcel 14, located at the Boulder Highway/I-515 Interchange, APNs 179-34-101-001 and 179-27-401-001, the appraisal fee will be paid in advance by the Clark County Regional Transportation Commission. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-29	AUTHORIZATION TO APPRAISE 123 WEST BASIC ROAD CITY ATTORNEY'S OFFICE/ PROPERTY MANAGEMENT DIVISION
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Authorization to appraise the property at 123 West Basic Road for possible acquisition.

(Motion) Councilmember Cyphers moved to concur in the recommendation of staff and authorize the appraisal of the property at 123 West Basic Road for possible acquisition, in the amount of \$250.00, to be funded from Account No. 50-31-01-6510. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-30	AUTHORIZATION TO APPRAISE 9,340 SQUARE FEET OF CITY-OWNED PROPERTY ATHENS ROAD WEST OF PABCO ROAD CITY ATTORNEY'S OFFICE/ PROPERTY MANAGEMENT DIVISION
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Authorization to appraise 9,340 square feet of City-owned property located at Athens Road, west of Pabco Road, portions of APN's 161-36-801-001 and 161-36-701-001.

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Request for a revocable permit to allow the installation of a painted golf cart crossing in the public right-of-way at Station 37 + 07 on Olivia Heights Avenue in the Anthem Sun City Unit 16 Phase 1 subdivision.

- (Motion) Councilmember Cyphers moved to concur in the recommendation of staff and approve the request for a revocable permit to allow the installation of a painted golf cart crossing in the public right-of-way at Station 37 + 07 on Olivia Heights Avenue in the Anthem Sun City Unit 16 Phase 1 subdivision. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-34	REVOCABLE PERMIT GOLF CART PATH MARKINGS, POINT PLEASANT DRIVE APPLICANT: DEL WEBB COMMUNITIES, INC.
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Request for a revocable permit to allow the installation of a painted golf cart crossing in the public right-of-way at Station 4 + 04 on Point Pleasant Drive in the Anthem Sun City Unit 4 Phase 1 subdivision.

- (Motion) Councilmember Cyphers moved to concur in the recommendation of staff and approve the request for a revocable permit to allow the installation of a painted golf cart crossing in the public right-of-way at Station 4 + 04 on Point Pleasant Drive in the Anthem Sun City Unit 4 Phase 1 subdivision. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-35	REVOCABLE PERMIT GOLF CART PATH MARKINGS, SCOTTS VALLEY DRIVE APPLICANT: DEL WEBB COMMUNITIES, INC.
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Request for a revocable permit to allow the installation of a painted golf cart crossing in the public right-of-way at Station 19 + 94 on Scotts Valley Drive in the Anthem Sun City Unit 4 Phase 1 subdivision.

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Acceptance of a portion of Green Valley Parkway (formerly Maryland Parkway) adjacent to Wolff Elementary School in the Southeast Quarter of Section 35, Township 22 South, Range 61 East, M.D.M., in the Westgate Planning Area.

(Motion) Councilmember Cyphers moved to concur in the recommendation of staff and accept a portion of Green Valley Parkway (formerly Maryland Parkway) adjacent to Wolff Elementary School in the Southeast Quarter of Section 35, Township 22 South, Range 61 East, M.D.M., in the Westgate Planning Area, subject to the following:

- 1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits, or building permits. The City must first execute a written release of applicant's processing waiver and a water service commitment before applicant shall have any claim of entitlement to construct the project or to receive any grading or building permit.**

The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-39	RIGHT-OF-WAY ROW-064-01
	APPLICANT: WPI-EASTERN/HORIZON LLC

Acceptance of a portion of Horizon Ridge Parkway adjacent to Horizon Pointe in the Southeast Quarter of Section 25, Township 22 South, Range 61 East, M.D.M., in the Westgate Planning Area.

(Motion) Councilmember Cyphers moved to concur in the recommendation of staff and accept a portion of Horizon Ridge Parkway adjacent to Horizon Pointe in the Southeast Quarter of Section 25, Township 22 South, Range 61 East, M.D.M., in the Westgate Planning Area, subject to the following:

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(Motion) Councilmember Cyphers moved to concur in the recommendation of staff and accept a Municipal Utility Easement for sewer purposes on the Golf Course (Parcel 4) at Seven Hills in the Northeast Quarter of Section 1, Township 23 South, Range 61 East, M.D.M., in the Westgate Planning Area, subject to the following:

1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits, or building permits. The City must first execute a written release of applicant's processing waiver and a water service commitment before applicant shall have any claim of entitlement to construct the project or to receive any grading or building permit.

The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-42	BUSINESS LICENSE DEAN KENTRIS RV CENTER APPLICANT: DEAN S. KENTRIS
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Application for a Category B, Class I, Secondhand Dealer (Used Automobiles) business license for Dean S. Kentris, dba Dean Kentris RV Center, 6250 Mountain Vista Road, Suite I-3, Henderson, Nevada 89014.

(Motion) Councilmember Cyphers moved to concur in the recommendation of staff and approve the application for a Category B, Class I, Secondhand Dealer (Used Automobiles) business license for Dean S. Kentris, dba Dean Kentris RV Center, 6250 Mountain Vista Road, Suite I-3, Henderson, Nevada 89014, pending required department approvals and payment of fees. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-43	BUSINESS LICENSE PARADISE TEXACO APPLICANT: SOUTHWEST GAMING SERVICES, INC.
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Application for a Restricted Gaming business license for Southwest Gaming Services, Inc., dbat Paradise Texaco, 500 Conestoga Way, Henderson, Nevada 89015.

(Motion) Councilmember Cyphers moved to concur in the recommendation of staff and

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CA-46	ZONE CHANGE AND PLANNED UNIT DEVELOPMENT Z/PUD-74-00 HORIZON/PECOS COMMERCIAL APPLICANT: K & M PROPERTIES
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Rezone from RS-2 (Low-Density Residential) to CN-PUD (Neighborhood Commercial with Planned Unit Development Overlay) on 3.3 acres located at 2799 Horizon Ridge Parkway, in the Westgate Planning Area.

(Motion) Councilmember Cyphers moved to concur in the recommendation of the Planning Commission and staff and approve the request to rezone from RS-2 (Low-Density Residential) to CN-PUD (Neighborhood Commercial with Planned Unit Development Overlay) on 3.3 acres located at 2799 Horizon Ridge Parkway, in the Westgate Planning Area, subject to the following:

FINDINGS OF FACT

- A. The proposal is consistent with the Comprehensive Plan.
- B. The planned unit development is necessary to address a unique situation or represents a substantial benefit to the City, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards, based upon the purposes set out in Section 19.1.4.
- C. The planned unit development complies with standards of Section 19.5.4.
- D. The proposal mitigates any potential significant adverse impacts to the maximum practical extent.
- E. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development.
- F. The same development could not be accomplished through the use of other techniques, such as re-zonings, variances or administrative adjustments.

PUBLIC WORKS DEPARTMENT CONDITIONS

- 1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits. The City must first execute a written release of applicant's processing waiver and a water service commitment before applicant shall have any claim of entitlement to construct the project or to receive any grading or building permit.
- 2. Applicant shall submit a utility plan and a utility analysis for Public Works' approval.
- 3. Applicant shall submit a drainage study for Public Works' approval.

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19. If any portion of this development for which this zoning was approved is abandoned, the zoning for that portion shall automatically revert to the underlying zoning.
20. Prior to subdividing any portion of this site, applicant shall obtain approval of a tentative map for the entire site, and additional use permits if required.
21. Applicant shall submit to the Community Development Department a floppy disk containing an Auto CAD Release 13 drawing of the site plan with building footprints, driveways, parking, fire hydrants, Fire Department connections and unit numbers prior to issuance of building permits.
22. All aboveground double-detector check equipment, Nevada Power transformers/vaults, and all other aboveground public and privately owned utility equipment and cabinets shall be clearly identified on every site plan submitted for building permit approval. All such equipment, vaults, signs and cabinets taller than 32 inches above street curb height shall maintain a 15-foot setback from the curb on all perimeter streets.
23. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
24. Prior to issuance of a building permit, applicant shall obtain approval of a materials and debris containment plan from the Building Official. Upon issuance of the building permit, the developer shall use and maintain throughout construction of the project a materials and debris enclosure, in accordance with the approved plan.
25. All walls visible from streets, parking lots and common areas shall be constructed of decorative materials and installed by the applicant. The use of colored, common gray or painted CMU block shall not be permitted.
26. Applicant shall submit landscaping and irrigation construction documents for Community Development staff review and approval prior to the issuance of a building permit. Landscape and irrigation construction documents shall include all required common area, parking lot and perimeter landscaping.
27. Unless approved by a phasing plan, all landscaping shall be installed with the first phase of development. All landscaping shall be maintained by the applicant or a property owner(s) association.
28. Applicant shall provide a certificate of occupancy phasing plan prior to issuance of building permits.
29. Applicant shall submit a building and numbering plan for Community Development staff approval prior to issuance of building permits.

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- C. The planned unit development complies with standards of Section 19.5.4.
- D. The proposal mitigates any potential significant adverse impacts to the maximum practical extent.
- E. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development.
- F. The same development could not be accomplished through the use of other techniques, such as re-zonings, variances or administrative adjustments.

PUBLIC WORKS DEPARTMENT CONDITIONS

- 1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits. The City must first execute a written release of applicant's processing waiver and a water service commitment before applicant shall have any claim of entitlement to construct the project or to receive any grading or building permit.
- 2. Applicant shall submit a utility plan and a utility analysis for Public Works' approval.
- 3. Applicant shall submit a drainage study for Public Works' approval.
- 4. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2.
- 5. Applicant shall submit a traffic analysis to address traffic concerns and to determine the proportionate share of this development's local participation in the cost of traffic signals and/or intersection improvements.
- 6. Applicant shall construct full offsites per Public Works' requirements.
- 7. Applicant shall revert and/or merge acreage of existing parcels per Public Works' approval.
- 8. Applicant shall resolve all mapping concerns per Public Works' requirements.

FIRE DEPARTMENT CONDITIONS

The authority for enforcing the Uniform Fire Code is N.R.S. 477.030 and Ordinance Number 1962, as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

- 9. Applicant shall submit plans for review and approval prior to installing any gate, speed humps (speed bumps not permitted) and any other fire apparatus access roadway obstructions. [97UFC § 902.2.2.1, 901.7 and 902.2.4]
- 10. The applicant shall submit fire apparatus access road (fire lane) plans for Fire Department approval. [97UFC § 901.2.2.1 and 902.2]
- 11. The applicant shall submit utility plans containing fire hydrant locations.

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20. Unless approved by a phasing plan, all landscaping shall be installed with the first phase of development. All landscaping shall be maintained by the applicant or a property owner(s) association.
21. Applicant shall provide a certificate of occupancy phasing plan prior to issuance of building permits.
22. Applicant shall submit a building and numbering plan for Community Development staff approval prior to issuance of building permits.
23. Rental vehicles shall be stored only in the areas designated on the site plan presented with this application.
24. Applicant shall comply with all conditions of approval for CPA-38-96 and SP-18-00.
25. This resolution of intent shall carry a two-year time limit from date of City Council approval.
26. Approval of this planned unit development shall be for a period of two years from the date of City Council approval.
27. If any portion of this development for which this zoning was approved is abandoned, the zoning for that portion shall automatically revert to the underlying zoning.
28. Prior to issuance of building permits, the applicant shall submit revised landscape plans to reflect the increased tree size and increased density of groundcover landscaping along "old" Gibson Road by a minimum of 50 percent as shown on the current plan.

PARKS AND RECREATION DEPARTMENT CONDITION

29. Applicant shall provide a bicycle route on Gibson Road per the City traffic engineer with all the signing and street striping as required by the traffic engineer.

WAIVERS GRANTED BY THIS APPROVAL

- a. Planned unit development size of 2.5 acres.
- b. Reduced landscape buffer along "new" Gibson Road to 15 feet back-of-sidewalk.
- c. Reduce the required 15-foot landscape buffer along the "old" Gibson Road to 5 feet back-of-sidewalk.

The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

CA-48	ZONE CHANGE AND PLANNED UNIT DEVELOPMENT ZCO-01-001133 OASIS AUTO SPA APPLICANT: DAVE FARRIS
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processing waiver and a water service commitment before applicant shall have any claim of entitlement to construct the project or to receive any grading or building permit.

FIRE DEPARTMENT CONDITIONS

The authority for enforcing the Uniform Fire Code is N.R.S. 477.030 and Ordinance Number 1962, as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

8. Applicant shall submit plans for review and approval prior to installing any gate, speed humps (speed bumps not permitted), and any other fire apparatus access roadway obstructions.
9. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
10. Applicant shall submit utility plans containing fire hydrant locations. Fire Department approval is based upon the review of the civil improvement drawings, not planning documents. Fire hydrants shall be installed and operational prior to starting construction or moving combustibles on site.
11. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
12. Applicant shall provide a minimum turning radius of 52 feet outside and 28 feet inside for all portions of the fire apparatus access road (fire lane). This radius shall be shown graphically and the dimensions noted on the drawings.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

13. Applicant shall submit to the Community Development Department a floppy disk containing an Auto CAD Release 13 drawing of the site plan with building footprints, driveways, parking, fire hydrants, Fire Department connections, and unit numbers prior to issuance of building permits.
14. All aboveground double-detector check equipment, Nevada Power transformers/vaults, and all other aboveground public and privately owned utility equipment and cabinets shall be clearly identified on every site plan submitted for building permit approval. All such equipment, vaults, signs, and cabinets taller than 32 inches above street curb height shall maintain a 15-foot setback from the curb on all perimeter streets.
15. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
16. Prior to issuance of a building permit, applicant shall obtain approval of a

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Planning Area.

Mary Kay Peck, Community Development Director, stated that this is the site of Bob Miller Middle School, which has been built. The easements have been relocated so these easements are no longer necessary.

Mayor Gibson opened the public hearing at 7:55 p.m., asking if there was anyone present wishing to speak for or against this item.

Lee Ferris, 901 North Green Valley Parkway, representing the applicant, concurred with staff's recommendation.

There being no one wishing to speak, the public hearing was closed immediately.

(Motion) Councilmember Hafen moved to concur in the recommendation of the Planning Commission and staff and approve the petition to vacate a portion of a 36-foot public utility easement in Section 19, Township 22 South, Range 62 East, M.D.M., in the Green Valley Ranch Planning Area, subject to the following:

PUBLIC WORKS DEPARTMENT CONDITION

1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits, or building permits. The City must first execute a written release of applicant's processing waiver and a water service commitment before applicant shall have any claim of entitlement to construct the project or to receive any grading or building permit.

The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

PH-50a	COMPREHENSIVE PLAN AMENDMENT CPA-01-001078 - PUBLIC HEARING
PH-50b	ZONE CHANGE AND PLANNED UNIT DEVELOPMENT ZCO-01-001079 HORIZON RIDGE/GREEN VALLEY CONDOMINIUMS APPLICANT: FREY DEVELOPMENT

- a) Amend the Land Use Policy Plan to High-Density Residential (Conventional);

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Ms. Smith noted that at staff's request, a neighborhood meeting was held on May 8, 2001, from 5:30 p.m. to 6:30 p.m., but no one attended this meeting. There was also no citizen comment at the Planning Commission meeting. In considering providing office buildings on this site, there would be 126,000 square feet of office space, including the parking requirements. This would generate approximately 1,230 trips per day on and off Horizon Ridge Parkway. The proposed for-sale 156-condominium unit project will produce 950 trips per day.

Gary Frey, representing Frey Development, distributed pictures depicting the site as a single-family home development, standing 15 feet away from the property line of the mini-storage. The picture shows that the view from the first floor would be of a 15-to-18- to 20-foot covered parking structure with the lights. The applicant's site plan shows that the closest building would be 50 feet from the wall. Some of the mitigating circumstances include the cost of improvements, as it would not be cost effective to bring in sewer and water for 30 homes.

There being no one else wishing to speak, the public hearing was closed at 8:03 p.m.

Councilmember Clark stated that he does not think 30 homes in this area will provide the kind of volume to attract amenities. He also commented that there has been discussion regarding Anthem acquiring the surrounding land parcels. Although a storage facility is a fairly innocuous use, it is not a pleasant sight to look at over your back wall. He is supportive of this for-sale project, and feels it will provide amenities to the people who live there. Because the site is so deep, he feels it would be difficult to rent offices located in the back.

Councilmember Hafen agreed that this is a very difficult and challenging parcel to work with, and that the arguments are compelling. He expressed concern regarding setting a trend on the outside of Horizon, and that if this project is approved, other property owners will seize the opportunity to apply for higher density. He does not feel that a low-density project could be developed on this site; however, it would be beneficial to encourage the other landowners to work together and combine properties to develop a low-density project.

Mr. Frey responded that this is a speculative land deal, and has been held by the same entity since 1976. There have been discussions regarding purchasing the adjacent undeveloped properties, but nothing has come of the discussions.

Mayor Gibson stated that he understands the applicant's points to develop their project. This project is involved in the Interstate Mortgage litigation. Experience indicates that investors want all their investment and accrued interest, but by the time an issue is through bankruptcy court, investors will usually get out if they can get most of their money back.

Mayor Gibson stated that the Tuscany Hills project involved 38 or 40 separate

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WEST OF GREEN VALLEY PARKWAY ON THE SOUTH SIDE OF HORIZON RIDGE PARKWAY, IN THE MACDONALD RANCH PLANNING AREA, TO HIGH-DENSITY RESIDENTIAL (CONVENTIONAL).

(Action) Moot due to the denial of PH-50.

PH-52	ACCOMPANYING RESOLUTION FOR PH-50 ZCO-01-001079 HORIZON RIDGE/GREEN VALLEY CONDOMINIUMS APPLICANT: FREY DEVELOPMENT
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, EXPRESSING THE INTENT TO REZONE CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 30, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M. D. B. & M., CLARK COUNTY, NEVADA, LOCATED WEST OF GREEN VALLEY PARKWAY ON THE SOUTH SIDE OF HORIZON RIDGE PARKWAY ON 9.7 ACRES IN THE MACDONALD RANCH PLANNING AREA, FROM RS-2 (SINGLE-FAMILY RESIDENTIAL) TO RM-16-PUD (MEDIUM-DENSITY RESIDENTIAL WITH PLANNED UNIT DEVELOPMENT OVERLAY).

(Action) Moot due to the denial of PH-50.

PH-53	APPEAL - AP-07-01 FOR TENTATIVE MAP - TMA-01-001080 HORIZON RIDGE/GREEN VALLEY CONDOMINIUMS APPLICANT: FREY DEVELOPMENT
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Appeal of the Planning Commission denial for a 156-unit condominium project on 9.7 acres generally located west of Green Valley Parkway on the south side of Horizon Ridge Parkway, in the MacDonald Ranch Planning Area.

See discussion under PH-50.

(Motion) Councilmember Hafen moved to deny, without prejudice, the appeal of the Planning Commission denial for a 156-unit condominium project on 9.7 acres generally located west of Green Valley Parkway on the south side of Horizon Ridge Drive, in the MacDonald Ranch Planning Area. The roll call vote favoring passage was: Those voting Aye: Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: Clark. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

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Mayor Gibson opened the public hearing at 8:52 p.m., asking if there was anyone present wishing to speak for or against this item.

There being no one wishing to speak, the public hearing was closed immediately.

Mayor Gibson stated that it is obvious that a lot of time, effort, and care has been taken in arriving at this recommendation. He summarized that this report recommends the remedial alternative study be adopted. He feels it is extremely important that the remediation activities be confined to the local area where the remediation is done. The thought of 75,000 trucks hauling this material will further complicate problems with transportation in the valley. The 4b alternative affords an opportunity to see remediation of the slit trenches, which is an important goal. Mayor Gibson is persuaded that the report is worthy of the Council's consideration, and stated that activities of the NDEP are appreciated. It is very critical that mistakes are not made regarding this kind of remediation.

In response to a question by Councilmember Clark that nothing would move forward on this site until the slit trench issue is resolved, Mr. Zimmerman clarified that the conveyor system would be part of the overall remedial action plan permit. The slit trenches will also be a component of that permit, and will all come together at the same time.

Councilmember Cyphers stated that the presentation listed a couple of estimated costs for remediation. She asked if these numbers were derived by the applicant or the NDEP, and whether the in-ground testing sources were chosen by the applicant or overseen by NDEP specifically around the slit trenches.

Mr. Zimmerman responded that the estimated costs are presented by the applicant and reviewed by the Bureau of Corrective Actions division. The applicant makes the proposal for the sources, but this division has the final approval process. The NDEP is also involved in the location of the testing areas.

Responding to a comment by Mayor Gibson that a sampling plan would have to be approved, Mr. Zimmerman said yes; both sampling in the characterization phases and in the confirmation sampling plan. Those locations and number of samples have to be approved by the division. Since the applicant is choosing residential development on the site, there is very stringent criteria the NDEP is applying to this. Data needs to be able to demonstrate that areas down to one-eighth of an acre of typical backyard size are safe for a family that will reside there for their lifetime. The NDEP defers to the USDPA standards, which are based on exposure to contaminants. The NDEP has established the range as the most conservative value, 10 to the minus 6.

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Mayor Gibson noted that it is important to reemphasize the fact that this item is a public hearing that affords the citizens and Council an opportunity to give input so that the NDEP can make decisions regarding permitting the application. The City Council is not authorizing anything, but has been involved in intensive discussions, analysis, and research. The City is not the agency that will ultimately grant the permit.

- (Action) The Mayor and Council accepted the report and recommendations by Doug Zimmerman, Bureau Chief, Bureau of Corrective Actions, representing the Nevada Department of Environmental Protection on the preferred alternative landfill. Monica Simmons, City Clerk, will convey a report and the recommendation to the Nevada Department of Environmental Protection.

VIII. CITIZEN'S CONCERNS

1. Ron Hughes, 2903 Rio Sonora Court, questioned whether the City of Henderson or the Nevada Department of Transportation (NDOT) has authority regarding the widening of St. Rose Parkway. He noted his opposition to widening St. Rose Parkway to 8 lanes due to concerns relating to noise, safety, air quality, and decline of quality of life.

Robert Mumane, Public Works Director, explained that the Master Streets and Highways Plan (MSHP) was first adopted in 1978, and St. Rose Parkway was shown as a 120-foot arterial roadway. The MSHP does not identify the relationship between existing homes and the roadway; however, the State plans indicate that the alignment leaves about 65 feet beyond the roadway. He noted that the MSHP is designed to anticipate future transportation needs. After considering the growth of Henderson, signalized intersections, and other studies in the area, it was recommended that St. Rose Parkway be increased to 8 lanes by the year 2007 to adequately handle the traffic. It has been suggested to build 8 lanes at this time rather than 6 lanes now and 2 lanes at a later date.

2. Brett Cheek, 449 Rumford, expressed concern that widening St. Rose Parkway will cause a safety hazard for students needing to cross this very busy intersection to attend Coronado High School. He also noted that the traffic flow on Eastern and the intersection between Eastern and St. Rose Parkway is extremely congested.
3. Geraldine Perry, 506 Rafkin Place, noted that she understands the need for expansion on St. Rose Parkway to 6 lanes, but is opposed to 8 lanes due to increased diesel fumes and noise. She commented that a 20-foot sound wall would completely block the view she had paid a premium for.

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Councilmember Clark stated that it is important that sound attenuation issues are considered before the highway is expanded. He agreed that it would create a huge problem if the highway is under built and would create even larger problems to remedy in the future.

Mayor Gibson asked staff to determine the number of students who will be attending Coronado High School and ensure that the safety issue of students crossing St. Rose Parkway is addressed.

9. Rick Williams, 2499 Sedona; and Jacqueline Bowling, 1144 Glacier Park, expressed concern regarding a development being constructed behind their homes. The development has been built up to a level even with the top of their roofs and Mr. Williams said dirt and construction debris are blowing into his yard and pool. This new development, Encore at Anthem, of 159 homes is also feeding Encore's storm sewers into Mr. Williams' development. Mr. Williams showed a map of the houses in this area and noted that there is a 2-foot diameter storm pipe to drain rainwater. The water from that pipe currently runs down Glacier Park to Deer Season, over to Mirage Lake, down to Summit Grove, and then west in front of Lamping Elementary School. He suggested that the storm sewers should be redirected into an existing 20-foot wide wash.

Mayor Gibson directed Robert Murnane, Public Works Director, to address this drainage issue and report back to the Council and contact these residents with the City's findings. He also directed Mike Bouse, Director of Building, to address the issue regarding construction debris in Mr. Williams' yard.

Councilmember Hafen commented that Joe Damiani, Project Engineer, has looked into this issue. He asked staff to find out the completion date of the Encore at Anthem development.

IX. UNFINISHED BUSINESS

UB-55	STATUS REPORT 71ST SESSION OF THE NEVADA LEGISLATURE CITY MANAGER'S OFFICE
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Receive status report on the 71st Session of the Nevada Legislature.

(Action) This item was continued to June 19, 2001, at the request of staff.

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- (Motion) Mayor Gibson moved to reappoint Corie Craig to the Community Development Block Grant Program Advisory Committee, for the term June 2001 to June 2005. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

NB-59	WARD I APPOINTMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ADVISORY COMMITTEE (PAC) CITY CLERK'S OFFICE
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Ward I appointment to the Community Development Block Grant Program Advisory Committee to fill the expired term of David Beason, for the term June 2001 to June 2003.

- (Motion) Councilmember Cyphers moved to reappoint David Beason to the Community Development Block Grant Program Advisory Committee, for the term June 2001 to June 2003. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

NB-60	WARD II APPOINTMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ADVISORY COMMITTEE (PAC) CITY CLERK'S OFFICE
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Ward II appointment to the Community Development Block Grant Program Advisory Committee to fill the expired term of Barbara Gomez, for the term June 2001 to June 2003.

- (Motion) Councilmember Hafen moved to reappoint Barbara Gomez to the Community Development Block Grant Program Advisory Committee, for the term June 2001 to June 2003. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

NB-61	WARD III APPOINTMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ADVISORY COMMITTEE (PAC) CITY CLERK'S OFFICE
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Ward III appointment to the Community Development Block Grant Program Advisory Committee to fill the expired term of Jon Hoolihan, for the term June

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A PowerPoint presentation was given by Irene Navis and Jenny Sarton, whereby they encouraged residents to get involved in the public outreach efforts for Yucca Mountain and voice their concerns to their state representatives. A copy of this PowerPoint presentation can be obtained in the City Clerks office.

(Action) The Mayor and Council accepted the report from Irene Navis and Jenny Sarton, representatives of Clark County, regarding the public outreach efforts for Yucca Mountain.

NB-64	RESOLUTION NO. 2608 Z/PUD-74-00 HORIZON/PECOS COMMERCIAL APPLICANT: K & M PROPERTIES
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Mayor Gibson introduced Resolution No. 2608 and City Manager Speight read the Resolution by title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, EXPRESSING THE INTENT TO REZONE CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 61 EAST, M. D. B. & M., CLARK COUNTY, NEVADA, LOCATED AT 2799 HORIZON RIDGE PARKWAY ON 3.3 ACRES IN THE WESTGATE PLANNING AREA, FROM RS-2 (LOW-DENSITY RESIDENTIAL) TO CN-PUD (NEIGHBORHOOD COMMERCIAL WITH PLANNED UNIT DEVELOPMENT OVERLAY).

(Motion) Councilmember Hafen moved for adoption of Resolution No. 2608 as presented. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

NB-65	RESOLUTION NO. 2609 Z/PUD-63-00 BUDGET CAR AND TRUCK RENTAL APPLICANT: MALCO ENTERPRISES OF NEVADA
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Mayor Gibson introduced Resolution No. 2609 and City Manager Speight read the Resolution by title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, EXPRESSING THE INTENT TO REZONE CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M. D. B. & M., CLARK COUNTY, NEVADA, LOCATED SOUTH OF SUNSET ROAD AND WEST OF THE NEW GIBSON ROAD ALIGNMENT ON 2.5 ACRES IN THE MIDWAY

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have a definition for projects of regional significance. This has been accepted by the Southern Nevada Regional Planning Coalition (SNRPC) and forwarded to the local governments for ratification, and will then go back to the SNRPC for approval.

Greg Dale, representing Clarion, stated that Assembly Bill 493 mandates the creation of a definition of projects of regional significance. They have worked very hard over the past couple of months to come up with a definition and a process for addressing those projects. The Council was provided with copies of the report that describe the definitions. There are two types of projects of regional significance: site specific projects and regionally significant infrastructure projects. A notice and comment process has been set up involving site specific projects when they achieve certain threshold criteria in terms of size and located within proximity to adjoining boundaries, specifically a half-mile from jurisdictional boundaries.

Mr. Dale said there are provisions for the notification, comment, and mitigation. They have tried to respect the principle of local autonomy in designing the process. The issue remains a matter of issues between the adjoining jurisdictions. There is nothing in the report that will remove the ability of the City of Henderson to make decisions about site specific projects. The report provides a mechanism for approved communication and coordination among jurisdictions.

Councilmember Kirk commented that Clarion has done a wonderful job defining what needs to be done without making it too restrictive. He appreciates all the work Clarion has done and the positive relationship that has been developed.

(Motion) Councilmember Kirk moved for adoption of Resolution No. 2613 as presented. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

NB-68	RESOLUTION NO. 2614 INTERLOCAL COOPERATIVE AGREEMENT WITH THE CLARK COUNTY SCHOOL DISTRICT REGARDING LUNCHES AND BREAKFASTS CITY ATTORNEY'S OFFICE/ PARKS AND RECREATION DEPARTMENT
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Mayor Gibson introduced Resolution No. 2614 and City Manager Speight read the Resolution by title:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA,
REGARDING AN INTERLOCAL COOPERATIVE AGREEMENT WITH THE
CLARK COUNTY SCHOOL DISTRICT ACTING THROUGH ITS FOOD
SERVICE DEPARTMENT FOR LUNCHES AND/OR BREAKFASTS FROM THE**

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- (Motion) Councilmember Hafen moved for adoption of Resolution No. 2615 as presented. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

NB-70	RESOLUTION NO. 2610 ADMINISTRATIVE AGREEMENT - LID T-13 (CORNERSTONE)
	CITY CLERK'S OFFICE

Mayor Gibson introduced Resolution No. 2610 and City Manager Speight read the Resolution by title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA ACCEPTING A PETITION, APPROVING AND AUTHORIZING THE EXECUTION OF AN ADMINISTRATION AGREEMENT - LOCAL IMPROVEMENT DISTRICT NO. T-13 (CORNERSTONE) BY AND BETWEEN THE CITY OF HENDERSON, NEVADA PUBLIC IMPROVEMENT TRUST AND THE CITY AND MAKING CERTAIN OTHER FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH.

NOTE: Heard immediately following NB-63.

Shauna Hughes, City Attorney, stated that this item comes with a recommendation for approval from the Henderson Public Improvement Trust, which met this afternoon. Two consultants are present to answer questions: Greg Harrington, bond counsel; and Steve Haney, representing Stone and Youngbird, the underwriter. Approval of this item will be the first step toward the creation of a Local Improvement District for the Cornerstone project. She noted that this is slightly different from other LID's because this project involves redevelopment funding.

- (Motion) Councilmember Hafen moved for adoption of Resolution No. 2610 as presented. The roll call vote favoring passage was: Those voting Aye: Clark, Cyphers, Gibson, Hafen, and Kirk. Those voting Nay: None. Those Abstaining: None. Those Absent: None. Mayor Gibson declared the motion carried.

NB-71	BILL NO. 1722 AMEND HMC CHAPTER 2.01 - SALARY RAISES FOR COUNCILMEMBERS TO INCLUDE COST OF LIVING RAISES CITY ATTORNEY'S OFFICE
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Mayor Gibson introduced Bill No. 1722 and City Manager Speight read the Bill by title:

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HEREOF.

NOTE: NB-73 and NB-74 heard immediately following NB-70.

Steve Hanson, Finance Director, stated that a few years ago, the City issued Local Improvement District bonds in the Seven Hills area. At that time, the land was essentially owned by a single development. There was a risk premium attached to the interest rate the City paid on those bonds, which were issued at about 7.5 percent. Due to the construction in this area, and because many of the homeowners are acquiring certain portions of the assessment against those bonds, the risk is being spread out over a number of homeowners. Since the risk has dropped over time, by refunding these bonds and going back out in the market, the City can probably issue between 5 and 5.25 percent interest rate. The homeowners should see a 15 percent reduction in their assessment payments, or approximately \$150 to \$200 a year in savings to an average homeowner. In the district, as a whole, there be about \$6 million savings in interest expense over the life of the bonds.

Mayor Gibson commented that the Council appreciates the significant effort staff has made to watch interest rates and be able to benefit the residents who live in this area.

Councilmember Cyphers stated that this is a perfect opportunity on behalf of the citizens in Seven Hills to show that government is interested to save residents money.

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XI. SET MEETING

Mayor Gibson reminded those present that a special meeting will be held on June 12, 2001, at 6:00 p.m.

The June 19, 2001, Committee meeting was set for 6:45 p.m.

XII. ADJOURNMENT

There being no further business to come before Council, Mayor Gibson, with concurrence of Council, adjourned the meeting at 10:49 p.m.

PASSED AND APPROVED THIS 19TH DAY OF June, 2001

James B. Gibson
Mayor

ATTEST:

Monica M. Simmons, CMC
City Clerk