

MINUTES

Las Vegas, Nevada
October 11, 1972

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 11th day of October, 1972, was called to order by His Honor, Mayor Oran K. Gragson, at the hour of 9:00 a.m., with the following members present:

Mayor	Oran K. Gragson
Commissioner	George E. Franklin
Commissioner	Harold F. Morelli
Commissioner	Alexander Coblentz, M. D.
Commissioner	Hank Thornley

STAFF PRESENT

City Manager	A. R. Trelease
City Attorney	Earl P. Gripentrog
Administrative Asst.	Kenneth A. Bouton
Director of Public Works	Richard P. Sauer
Director of Planning	Donald J. Saylor
Director of License & Revenue	J. E. Dutton
Fire Chief	J. D. Miller
Supervisor, Purchasing & Contracts	J. C. Cathcart
City Clerk	Edwina M. Cole

INVOCATION

The Invocation was given by Rev. John P. Levendis, Pastor, Church of Truth:

"Eternal God, Father of us all, we thank Thee for this moment and for the opportunity to honor and serve Thee through our lives. Bless the members of the City Commission of Las Vegas in the performance of their several tasks. Grant them the strength to fulfill their duties justly and the courage to stand up for truth at all times, and help them to be steadfast and true to the highest ideals and principles which are accepted as inviolate by God and man. Bless the deliberations of this session of the Commission that they may be carried on in the spirit of humility, integrity and love, thereby fashioning the decisions that will be reached into enduring hallmarks of the annals of this Body. We acknowledge Thee as the giver of all good and we accept Thee as the guardian of all men. Therefore we praise, revere and honor Thy Sacred Name, now and always. Amen."

PLEDGE OF
ALLEGIANCE

The Pledge of Allegiance was given and the meeting called to order by His Honor, Mayor Oran K. Gragson.

REQUEST TO
ADVERTISE
FOR BIDS
Approved

Commissioner Franklin moved that the recommendation of the City Manager, the Purchasing and Contract Division and using department to advertise for bids on the following materials, be APPROVED, and the Purchasing & Contract Division authorized to proceed:

ONE (1) ROLL-UP DOOR AND THREE (3) CANOPY-TYPE DOORS FOR
SATELLITE GARAGE No. 2 (Public Works)
(Estimate: \$3,000.00)

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

MINUTES
Approved by
Reference

Commissioner Thornley moved that minutes of the following meetings of the Board of City Commissioners be APPROVED BY REFERENCE and the Mayor and Clerk authorized to sign.

REGULAR MEETING SEPTEMBER 6, 1972

SPECIAL MEETING SEPTEMBER 25, 1972

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

Z-73-72
Approved

ZONE CHANGE Z-73-72 - DON W. AND KATHRYN PINSON

Director of Planning, Donald J. Saylor: The first item before you is the application of Pinson for a change in zoning from R-1 to P-R for property located at the southwest corner of Berkeley and 25th Street. Immediately across the street is the Elementary School - National Guard Armory to the north (wall map) and, of course, the 25th Street/Eastern Avenue transition to the south. The Master Plan does indicate commercial for 25th Street, as a commercial street, and substantial portions of it have been zoned that way - some P-R. This is a request for conversion of a single family home to a professional office use. The plot plan indicates that parking would be in the rear with access from 25th Street. The Planning Commission has recommended approval subject to several conditions. There was a protest factor at the Planning Commission meeting, not in terms of the use, but in terms of the potential traffic problem in connection with the Elementary school children who must cross 25th Street to go to the school. There is a Crossing Guard there and the Planning Commission in recommending approval, took the position that 25th Street is a high traffic carrier - a high use street - and that the incidence of the additional traffic created by this use would be very minor.

Mayor Gragson: Is there anyone present who wants to be heard?

(No response)

Commissioner Morelli moved that the recommendation of the Planning Commission under Z-73-72, be APPROVED, subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. The existing lawn area in the front to be maintained.
3. Conformance to the Plot Plan, as amended, on file in the Planning Department.
4. No signs to be erected in the front yard facing Berkeley Ave.
5. Dedication of necessary rights-of-way and signing an agreement and posting a bond for the installation of off-site improvements, as required by the Department of Public Works.
6. Conformance to the requirements of the Fire and Building Departments.
7. No access permitted from Berkeley Ave. Access allowed only from 25th Street.
8. Landscaping shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping shall be cause for revocation of a business license.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

Z-75-72
Abeyance

ZONE CHANGE Z-75-72 - FRANK SHANE AND HERBERT SCHWARTZ

Property generally located on the north side of East Sahara Ave. between Chapman Drive and S. 17th Street, at 1525 East Sahara.

From: R-2 (2-Family Residence)
To: C-1 (Limited Commercial)
Proposed Use: Retail Sales

(Planning Commission recommends denial)

Mayor Gragson: I have been requested to hold this in abeyance to our next regular meeting due to one of the attorney's being out of town involving proper preparation on their behalf.

Commissioner Franklin moved that the request of the applicant that the application submitted under Z-75-72 be HELD IN ABEYANCE to the next regular meeting of the City Commission on October 18, 1972, be APPROVED, and Staff authorized to proceed.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

MOBILE HOME
PARKS

REQUEST TO WAIVE LAUNDRY FACILITIES AND TO ALLOW TANDEM
PARKING TO SATISFY THE TWO PARKING SPACE REQUIREMENTS IN
A PROPOSED MOBILE HOME PARK

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Relative to off-street parking and laundry facilities for a proposed mobile home park by Ron Richardson, on property generally located southeast of Lamb Blvd. and E. Washington Ave. in Land Use Zone R-T.

Mr. Saylor: This is the one located on the east side of Lamb Blvd. (wall map) south of Washington. We've done this before and we're in the process of evaluating our mobile home parks requirements. At the time they were written they took into consideration the old fashioned, or dependent, mobile home and we are proposing now to write regulations that would apply only to modern mobile homes and restrict any occupancy of any new mobile home parks to modern trailers. Therefore, we feel that the . . . and the present Ordinance does say that the requirements can be waived. We would recommend approval of the waiver, as has the Planning Commission in past actions - of course, adding that stipulation that you've indicated that you wanted added before of "No occupancy of any mobile home unless subjected to a Third Party Inspection".

Mayor Gragson: Is there anyone present who wants to be heard?

(No response)

Commissioner Thornley moved that the recommendation of Planning Staff for waiver of the provision for laundry facilities subject to occupancy of any mobile home restricted to Third Party Inspection, AND to allow tandem parking to satisfy the 2-parking-space requirements, in the foregoing matter, be APPROVED, and the Planning Staff authorized to proceed.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblenz, Thornley and Mayor Gragson voting aye; noes, none.

RESIDENTIAL
PLANNED
DEVELOPMENTS
Change
Approved

AMENDMENT TO RESOLUTION ON DESIGN STANDARDS FOR
RESIDENTIAL PLANNED DEVELOPMENTS BY ADDING:

"PARAGRAPH 3 OF UTILITIES: The electric service box, when located in the front, must be recessed flush with the wall with the meter enclosed by means of an accessible box."

Mr. Saylor: Before you next is a proposed amendment to the design standards for Residential Planned Developments by adding a specification that the electrical service box, when located in the front of the building, that it must be recessed flush with the wall with the meter enclosed by means of an accessible box. The reason this is brought about is the fact that, normally, the electrical service boxes are located at the rear of the building. However, in many of the designs of the townhouses, they are inaccessible from the rear and the Power Company has taken a position that in those cases they will have to be located in the front. When they are in the front of the unit they are not very attractive and this requirement is designed to make them more attractive.

Commissioner Coblenz moved that the recommendation of Planning Staff that "Paragraph Three (3) of Utilities" set forth above as an amendment to the Resolution on Design Standards for Residential Planned Developments, be APPROVED, and Staff authorized to proceed.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

POPULATION ESTIMATE FOR THE CITY OF LAS VEGAS
Acknowledged

Mr. Saylor: The next item is the population estimate as of April 1972 as recommended by the Regional Planning Council. This estimate, of course, is predicated upon the 1970 Census figure and they have arrived at estimates for all of the cities and the County. The figure for the City of Las Vegas is 136, 137. You can either simply accept this as information or, if you wish, adopt it as the official estimate.

Commissioner Franklin: I think we would be on much safer ground if we just note the information and accept it as reported, but not adopt it by official resolution. I don't want to be placed in the position of having it binding on us in any way in some of the distribution of taxes. Just note its reception for purposes of the record.

Commissioner Franklin moved that the estimated population figure of 136,137 for the City of Las Vegas, Nevada, as of April 1972, be entered into the record as a matter of information only.

Mr. Saylor: As long as the Regional Planning Council uses these figures in their information to the Federal agencies, there is no mandatory requirement

Commissioner Franklin: It indicates a remarkable growth in North Las Vegas and I don't want that to be used in our reapportionment at this time by our voluntary act rather than the State Legislature taking other action

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

U-45-72
Set date for
Public Hearing

APPEAL FILED BY SYLVIA THOMPSON - U-45-72
to action by the Board of Zoning Adjustment in denying her application for a Use Permit to allow the operation of a Commercial Child-care Nursery (a maximum of 76 children during the day and 32 at night) on property located at 1704-1718 Santa Paula Drive and 1800-1804 Weldon Place, between E. Oakey Blvd. and E. St. Louis Ave., in Land Use Zone R-1.

Commissioner Franklin moved that a Public Hearing in the matter of the appeal filed under U-45-72 be set for 9:30 a.m., November 8, 1972, and the Clerk authorized to proceed.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

HOUSING CODE
ASSISTANCE
PROGRAM
Report

Mr. Saylor: Over the past two or three weeks especially we have heard much about the Madison Terrace Apartments and in those comments and discussions, etc., the Housing Code Program has been involved. At this point in time I would like to give you just a very brief progress report on this Program. I have previously, I think, sent you written reports on it. It has been indicated that our approach to it has received widespread attention and it has been the subject of several articles and publications. We have approached it on the basis of assistance rather than enforcement and I think the figures bear out the success of our philosophy on it. In the time that it has been in operation, since 1960, we have operated with two inspectors out of the Planning Department, although it is a team effort with the Building Department and the Fire Department and other City agencies. In that time we have effected the demolition of 824 substandard dwelling units that were beyond rehabilitation. We have effected the rehabilitation of 1,716 units. In other words, these units did not meet Code and through this Program they have now been brought to a point of meeting Code. Additionally, through other types of City action another 670 units that were not rehabitable were demolished. 522 accessory buildings have been demolished under this Program and approximately 1,000 accessory buildings have been rehabilitated. That's just a summary on dwelling units and accessory buildings. Additionally the people in this Program handle many of the complaint actions and have caused the removal of junk cars. At one point in time we had every abandoned junk car in the City removed. That may have been true for only one day, and I don't remember the exact number, but it was several hundred we had removed. This is an on-going Program - when they are brought to our attention we have the procedure established whereby they are removed as soon as possible. It has also been involved in clean-up activities and other types of complaints. We have "made light" of the fact - used it in jest - the fact that the Housing Appeals Board has never met. However, that is due to only one reason and that is because nobody has ever appealed our enforcement action. It is there only for the property owner to use as an appeal action in case he doesn't go along with our requirements.

Commissioner Franklin: Mr. Saylor, on this report will you accept the commendation of this Commission for the work being done under this Program and will you, through yourself to the employees directly involved, extend this commendation also?

Mr. Saylor: With pleasure. Thank you.

MADISON TERRACE
APARTMENTS
Report

Mr. Saylor: I have no progress report on this. As far as I know nothing has changed. We are awaiting the expiration of the legal notice time.

U-44-72
Set date for
Public Hearing

APPEAL FILED BY RICHARD S. MOORE - U-44-72
to action by the Board of Zoning Adjustment in approving the application of the Ahmanson Bank & Trust Company for a Use Permit to allow the construction of a Car Wash and Retail Gasoline Outlet on property generally located on E. Charleston Blvd., between Eastern Avenue and Fremont Street, in Land Use Zone C-2.

Commissioner Morelli moved that a Public Hearing in the matter of the appeal filed under U-44-72, be set for 9:30 a.m., November 8, 1972, and the Clerk authorized to proceed.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

HOUSING CODE
ASSISTANCE
PROGRAM
Report
(continued)

Mr. Saylor: I would like to record one item under the Housing Code involvement that was a little bit humorous, and in one sense of the word, it was not. This was several years ago. We had a situation where an elderly widow, supposedly, was not able to clean her property up so I, and other members of my Staff, went over there one Saturday - and I recall that it was quite hot - and we spent the whole day cleaning the property up - and it was quite a mess - and just about the time we were finished, a couple of teenagers came out from the house - sat down and looked at us - kind of laughed - and said - what did you do this for?

MADISON
TERRACE
APARTMENTS
Report
(continued)

Sister Carol: Excuse me - may I talk to the Madison Terrace situation? I did want to say in behalf of our community groups who have already expressed concern about the matter of Madison Terrace, how grateful we are for the City Commission last week on going ahead with the Resolution sent to Senators Cannon and Bible, expressing their concern, I believe. That was a recommendation that was made after our leaving; if I am correct on that. Also, I wonder if the Commission would consider one of the suggestions that was made at the meeting last week - I think it was a recommendation made by Commissioner Franklin - about contacting Sproul and requesting permission from them to go ahead in and at least clean up some of the debris that is a potential hazard to the children - and I'm talking about especially the big bricks and the glass - glass that is hanging, etc.

Mr. Saylor: I don't know whether the City Attorney has requested that permission or not - It was my understanding, of course, that we were not to go on the property and expend public funds until the expiration of the legal notice -

City Attorney, Earl P. Gripentrog: At the City's expense, we can do it -

Commissioner Franklin: If they have broken glass and actual health hazards to the younger people, then we should at least seek their voluntary permission - even if we have to spend a few dollars to remove those definite dangerous hazards. I think they should be contacted to see if they would consent -

Mr. Gripentrog: If the Commission authorizes the clean-up, I don't see any problem. I am sure Sproul would not sue us for trespassing.

Commissioner Franklin: Yes - I'd hate to be in the position of being a City Commissioner and not do everything in our power and then find that some child was injured -

Sister Carol: I appreciate that very much, Commissioner Franklin.

Mr. Saylor: It is my understanding then that you want us to pursue the matter of the removal of the broken glass -

Commissioner Franklin: The hazardous situations - in other words - not go over there and paint or refurbish or do anything but just remove the hazards -

Sister Carol: Thank you very much.

GAMING -
ADDITIONAL
Approved

Commissioner Morelli moved that the following applications for additional games under existing Gaming Licenses, be APPROVED, and the Director of License & Revenue authorized to proceed:

THRIFTY DRUG STORE No. 113 American Coin Machine Co.
317 E. Fremont Street
1 SLOT

VINCE'S Digital Computing Corp.
4213 W. Sahara Avenue
1 SLOT

FRIENDLY LIQUORS Digital Computing Corp.
1602 North "H" Street
1 SLOT

BRUCE'S LIQUORS, INC. Digital Computing Corp.
2027 N. Revere Street
1 SLOT

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

RETAIL
TOBACCO -
ADDITIONAL
Approved

Commissioner Thornley moved that the following applications for additional outlets under existing Retail Tobacco Licenses, be APPROVED, and the Director of License & Revenue authorized to proceed:

BLUE HEAVEN LOUNGE Western Billiards Vending Co.
2025 E. Charleston Blvd.

CLARK COUNTY SCHOOL BUS DEPOT Western Billiards Vending Co.
25th St. and Stewart Ave.

HOUSE OF EROTICA Janie's Vending
102 E. Charleston Blvd.

BILL GARDNER'S TEXACO Janie's Vending
298 S. Decatur Blvd.

DOWNTOWN ADULT BOOKSTORE Janie's Vending
516 E. Fremont Street

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

LIQUOR - NEW
Approved

Commissioner Thornley moved that the following application for a new Liquor License (Restaurant Beverage) be APPROVED, subject to the approvals of the Planning, Building, Fire and Health Departments:

JACK DENISON'S COFFEE SHOP John George Denison 100%
502 S. Decatur Blvd.
RESTAURANT BEVERAGE

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

LEWIS HOMES
Bond
Released

RELEASE OF SUBDIVISION BOND

Director of Public Works, Richard P. Sauer: All offsite improvements on the following subdivision have been completed in accordance with agreements and City Standards. All work has been inspected by the Public Works, Fire, Electrical and Sanitation Departments and it is recommended that the improvements be accepted and bond released for this Subdivision:

LEWIS HOMES, LAS VEGAS No. 5
(Lewis Building Co., Inc. - Earl Munson, V.P.)

Commissioner Coblenz moved that the recommendation of the Department of Public Works for acceptance of work and release of bond for LEWIS HOMES, LAS VEGAS No. 5, be APPROVED, and Staff authorized to proceed.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblenz, Thornley and Mayor Gragson voting aye; noes, none.

PEP RALLY FOR
U.N.L.V. FOOTBALL
TEAM - 10/20/72
Approved

City Manager, A. R. Trelease: I think you all have a copy of the following letter in your folders:

"October 4, 1972

"Mr. Art Trelease, City Manager

"Pioneer Citizens Bank of Nevada would like to sponsor a pep rally for the football team of U.N.L.V. on Friday, October 20, 1972. Arrangements have been made with Coach Ireland and Commissioner Weisner for this civic project. However, the project would entail and does depend upon our being able to block off Third Street, between Fremont and Carson, for approximately two hours from 11:00 a.m. to 1:00 p.m.

"All involved feel it is a worthwhile civic project to create support for our U.N.L.V. football team. I realize this is a big order and I will appreciate any assistance you can give us.

/s/ A. Somer Hollingsworth IV
Manager

Commissioner Franklin: The way the team has been going I think they need all the public support they can get -

Commissioner Morelli: They do this in a lot of cities -

Commissioner Franklin: Subject to the recommendations of the Police Department, I would move for approval.

Commissioner Franklin moved that the request of the Pioneer Citizens Bank of Nevada for permission to hold a Pep Rally for the U.N.L.V. Football Team on October 20, 1972, be APPROVED, subject to the following conditions:

1. That no vehicle parking be allowed on South 3rd Street between Fremont and Carson during the time the Rally is taking place. This would entail placing "No Parking in this Block" signs on 3rd Street between Fremont and Carson for several hours before the Rally is to take

place, or to hood the parking meters.

2. That 3rd Street be blocked entirely for all vehicle traffic from Fremont to Carson during the time of the Rally.
3. Traffic Officers to be stationed at Fremont and South 3rd Street and Carson and South 3rd Street, for traffic control during the time of the Rally and to help clear the area after the Rally is over with.
4. That all business owners along South 3rd Street from Fremont to Carson be made aware of the Rally as to the date, time and conditions.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

NEW CITY
HALL PARKING
Discussion

Mayor Gragson: While we are on the subject of communications a letter came from the Governor's Office yesterday stating that they would meet with members of this Board and City Officials on October 21st to discuss parking under the Freeway and asking us to notify them that we will attend, so if you will please let me know who wants to attend -

Commissioner Franklin: Let's make sure we have one of the members of the City Attorney's office there and perhaps research a little bit in case there are any Federal restrictions against using it after we have paid for it - just so we'll be on sound legal grounds - I'd feel a lot happier to have a member of the City Attorney's staff there.

Mayor Gragson: I'd like to have our Traffic & Parking Engineer there also.

CLAIM AGAINST
THE CITY
Denied

City Attorney, Earl P. Gripentrog: The item now before you is a claim by Jane Lodewyck. She claims she was struck by a Meter Molly, and we would recommend denial - this is an additional item -

Commissioner Franklin: When you say - struck by a Meter Molly - actually by a Meter Molly or by equipment driven by a Meter Molly?

Mr. Gripentrog: By the equipment - she says that she was standing by her vehicle, which was parked at the curb, and the traffic control vehicle backed into her knocking her to the ground.

Commissioner Franklin moved that the recommendation of the City's Insurance Adjuster and the City Attorney for denial of the following claim against the City, be APPROVED, and the Clerk authorized to so notify the claimant:

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CLAIM No. 709

Claimant:	Ina Jane Lodewyck
Damage:	Personal injury
Amount:	\$10,000.00

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblenz, Thornley and Mayor Gragson voting aye; noes, none.

CLAIM AGAINST
THE CITY
Denied

Commissioner Franklin moved that the recommendation of the City Attorney for denial of the claim of William A. Krajec for Attorney Fees, be APPROVED, and the City Attorney authorized to proceed.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblenz, Thornley and Mayor Gragson voting aye; noes, none.

Mr. Gripenrog: I have another additional item - the Revocation Show Cause set for the 13th of October. Attorney Brown filed a request for a continuance based on the fact that his partner, Harry Claiborne, is in Reno on a Federal case and will probably be there for at least two weeks. I think it is a reasonable grounds for continuance.

Commissioner Franklin moved that the recommendation of the City Attorney to grant the request of legal counsel to continue the following matters to 10:00 a.m., Friday, November 3, 1972, be APPROVED, and the City Attorney authorized to proceed:

REQUEST FOR SHOW CAUSE HEARING WHY LICENSE OF
VELVET TOUCH MASSAGE
SALON SHOULD BE REVOKED

and

REQUEST FOR SHOW CAUSE HEARING WHY DR. CLARK SHOULD
NOT BE LICENSED AT THE
VELVET TOUCH MASSAGE
SALON.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblenz, Thornley and Mayor Gragson voting aye; noes, none.

ORDINANCE
No. 1568
Adopted

ORDINANCE No. 1568 - PUBLIC PARKING LOT REGULATIONS
Committee: Commissioners Coblenz and Thornley

Ordinance No. 1568 voted out of Committee favorably

An ordinance entitled: "AN ORDINANCE TO AMEND TITLE V, CHAPTER 24, SECTION 3 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960, TO ALLOW MORE THAN ONE SIGN AND TO PROVIDE SUBSECTION (D) REQUIRING NAME, ADDRESS, PHONE NUMBER OF THE HOLDER OF THE BUSINESS LICENSE TO BE POSTED; PROVIDING SUBSECTION (E) SELF-SERVICE PUBLIC PARKING LOT MANNER AND PLACE OF FEE PAYMENT; PROVIDING SUBSECTION (F) REQUIRING SHOWING OF A NO-TRESPASSING CLAUSE AND PROVIDING FOR IMPOUND FOR VIOLATION THEREOF; TO PROVIDE A NEW SECTION OF SAID TITLE AND CHAPTER TO BE DESIGNATED SECTION 5 TO REQUIRE THAT PARKING LOT OPERATORS MAINTAIN A LOG BOOK RECORDING VIOLATIONS AND PROVIDING THEREIN A SUBSECTION (A) REQUIRING VIOLATION ENVELOPES UPON FIRST OFFENSE; PROVIDING SUBSECTION (B) PROVIDING THAT NO VEHICLE BE IMPOUNDED UPON ITS FIRST VIOLATION; PROVIDING SUBSECTION (C) PROVIDING

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PROCEDURES FOR IMPOUNDING VEHICLES; PROVIDING SUBSECTION (D) PROVIDING NOTICE TO OWNER BY LICENSEE OF IMPOUNDED VEHICLE; TO PROVIDE A NEW SECTION OF SAID TITLE AND CHAPTER TO BE DESIGNATED SECTION 6 TO PROVIDE THAT TRASH CANS BE LOCATED ON PREMISES OF PARKING LOTS AND PROVIDING FOR NOTICE OF THEIR USE BY PATRONS AND FOR VIOLATIONS THEREOF; AND TO PROVIDE A NEW SECTION OF SAID TITLE AND CHAPTER TO BE DESIGNATED SECTION 7 PROVIDING MINIMUM ILLUMINATION STANDARDS FOR CERTAIN PARKING LOTS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by title by the City Attorney. (2nd reading)

Commissioner Coblentz moved that Ordinance No. 1568 be ADOPTED and the Clerk authorized to proceed with the required publications.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

ORDINANCE
No. 934-215
Adopted

ORDINANCE No. 934-215 - REZONING ORDINANCE - Z-81-70 AND Z-66-72

Committee: Commissioners Morelli and Thornley

Ordinance No. 934-215 reported out of Committee favorably

An ordinance entitled: "AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 3 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY AMENDING THE LAND USE PLAN MAP ADOPTED BY THE CITY OF LAS VEGAS AND CHANGING THE ZONING DESIGNATION OF SAID MAP" was read by title by the City Attorney. (2nd reading)

Commissioner Thornley moved that Ordinance No. 934-215 be ADOPTED and the Clerk authorized to proceed with the required publications.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

CITY-OWNED
PROPERTY
Purchase
Approved

OFFER FROM H. R. KNOLLER TO SELL TO THE CITY CERTAIN PROPERTY NEAR TULE SPRINGS PARK

Committee: Commissioners Coblentz and Thornley (Real Estate)

Mayor Gragson: We have a firm offer for the \$13,000.00 and it would certainly be my recommendation and I know it would be at no additional cost to the City for moving the road if you consider time and material and all. Mr. Sauer, do you have any comments on this?

Mr. Sauer: I think it would be a wise investment to buy the property because the cost of the road itself, including the use of our own crews, could be expensive -

Commissioner Morelli: \$13,000.00?

Mr. Sauer: I said \$4,000.00 if I remember correctly out-of-pocket money - this is true but in the construction of a road as most of you know, the cost is in the labor and not the materials -

Mayor Gragson: The blacktop alone would cost the balance -

Commissioner Franklin: Then you have the deed descriptions and everything - all ready to consummate the deal and we will take a Grant Bargain Sale Deed from him for this amount of money - right?

Commissioner Franklin moved that the offer from H. R. Knoller to sell to the City of Las Vegas certain property in the vicinity of Tule Springs Park in the amount of \$13,000.00, be APPROVED, and Staff authorized to proceed.

Commissioner Thornley: OK, we'll move it out favorably.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

Commissioner Thornley: With the condition that this figure of \$13,000.00 represents final and total payment. We are not to be, later, confronted with claims for damages, etc.

Mr. Sauer: I think that the City Attorney's office should take these matters into consideration

9:30 A.M.
PUBLIC HEARINGS

Mayor Gragson announced this to be the time, date and place set for Public Hearing on the following matters; and declared the meeting open for Public Hearing:

V-41-72
Abeyance

APPEAL FILED BY F. D. HOUSTON - V-41-72

to action of the Board of Zoning Adjustment in denying his request for a VARIANCE to allow the operation of an Automotive Repair Garage on property located at 2625 West Sahara Avenue, generally located on the southeast corner of West Sahara Avenue and Teddy Drive, in Land Use Zone C-1.

Mr. Saylor: This is an appeal action from the denial for a Variance by the Board of Zoning Adjustment to allow the operation of an automotive repair garage on property located at 2625 West Sahara. The Freeway is over here (wall map) - this entire area is zoned for a neighborhood shopping center - there are apartments in through here - single family homes in here and the mobile home park further to the south. This is the Reynolds building at this point. The property is occupied by a service station and in conjunction with that there has been an illegal operation of a garage and an automatic transmission repair function. These are not permitted in a C-1 zone. Service stations are allowed to do minor repairs - tune-up work and this type of thing, but not major repair and transmission exchange, etc. The Board of Zoning Adjustment denied it on that basis - that it was not a permitted use in a neighborhood shopping zone. We have a letter of protest from Mable Austin indicating that she has the property directly across the street, which is a 66-unit apartment complex in here (wall map) and she indicates that the property is occupied with a large number of cars scattered around - some of them are being offered for sale and that they are there day and night which, I think, is descriptive of a normal repair function where there are a lot of vehicles standing around.

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F. D. Houston: I am here without legal representation. My attorney had to be in court at ten o'clock this morning. I'd like to plead a hardship case -

Commissioner Franklin: First of all, would you like a continuance in order to have your Counsel here?

Mr. Houston: I think this would be proper, Commissioner Franklin.

Mayor Gragson: Is there anyone present who wants to be heard in opposition to this matter?

(No response)

Commissioner Coblentz moved that the Public Hearing in the matter of the Appeal filed by F. D. Houston under V-41-72, be HELD IN ABEYANCE to October 18, 1972 at the hour of 9:30 a.m.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

V-46-72
Referred

APPEAL FILED BY RON RICHARDSON - V-46-72

to action of the Board of Zoning Adjustment in denying his application for a Variance to allow the operation of a Mobile Home Sales Lot on property generally located on the west side of Lamb Blvd., between Washington Ave. and Bonanza Road, 488 ft. south of Washington Ave., in Land Use Zone C-1. (Under Resolution of Intent)

Mr. Saylor: This is a denial action by the Board of Zoning Adjustment for a Variance to allow the operation of a Mobile Home Sales Lot on property located on the west side of Lamb Blvd., between Washington and Bonanza. This is the parcel in question (wall map). There is a mobile home park on this property - this is proposed for mobile home park development, as the remainder of this. This strip was zoned C-1, I think primarily for the function of allowing retail outlets for the benefit of the mobile home park occupants in the area. The applicant requested that he be allowed to put a mobile home sales lot on the property - a use which is not allowed in a C-1 Zone and, in fact, it requires a Use Permit in a C-2 Zone. I think the applicant indicated that part of the reason was so that the potential occupants would have the benefit of being able to purchase a new mobile home at that location, thereby avoiding the fact if they bought it somewhere else they would have to haul it to the mobile home park. He also indicated that part of the sales would be camper units. The Board of Zoning Adjustment denied the application on the basis that this is not a permitted use in a C-1 Zone.

Mayor Gragson: How far can we go to change the provisions of the ordinance - the use by a Use Permit - to any degree?

Mr. Saylor: In my opinion - no, I don't think it would be the proper use of a Variance to allow something that the ordinance doesn't permit. I think the Variance is usually to be applied in cases where there is an unusual circumstance is involved like an odd-shaped piece of property and this type of thing, but not to allow a use in a zone that is denied by the ordinance.

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Commissioner Franklin: Would this be more fitting for a re-zoning application rather than a Variance?

Mr. Saylor: It would appear to me that if this type of use is going to be allowed on Lamb Blvd. at this location, that it would be more proper a Zone Change. I mean - if we are going to take a position that the general - not the neighborhood commercial, but General Commercial, is to be allowed, we should evaluate the entire length of Lamb Blvd.

Commissioner Franklin: My biggest concern that if we are setting a precedent where someone else with this same type of operation can come in - that's what would worry me more.

Mr. Saylor: Well, I'm sure that this pattern could evolve - we've had discussions with other people with mobile home parks that want to have the same type of a facility -

Commissioner Thornley: I think this brings into focus again the latitude that is either being assumed, or accorded, the Board of Zoning Adjustment. Boy! If they can entertain a petition that would, in effect, increase the zoning and at the same time grant a Use Permit, I think this is completely beyond the scope of their authority. I don't think this matter should have even been entertained by that Board. And who makes the determination of what is proper to come before that Board?

Mr. Saylor: Commissioner Thornley, we must accept applications for Use Permits and Variances. A Use Permit application is accepted on the basis that the ordinance does say a Use Permit may be filed. On a Variance, as far as an application being submitted to us, we have taken a position that we must accept all applications and then they have to go to the Board -

Mr. Gripentrog: Are there any protestors present?

(No response)

Commissioner Franklin: My thinking is this - I certainly would be inclined to vote for it as a proper use for that area, but I don't want to establish a precedent. I'd like to have it sent to the City Attorney's office to find out if we can do it, even if we want to -

Commissioner Morelli: I don't think there's anything wrong with it

Commissioner Coblenz: We've got to get it settled.

Commissioner Coblenz moved that the appeal filed by Ron Richardson under V-46-72 be REFERRED to the City Attorney for an opinion relating to the proposed use in the area involved.

Commissioner Thornley: Anything that goes through Planning and comes before this Board - automatically you are setting a pattern for them to go to the Board of Zoning Adjustment and then they need not, unless it's appealed, ever come before this Board, and on these matters I, for one, want to have a say on it.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblenz, Thornley and Mayor Gragson voting aye; noes, none.

U-39-72
Denied

APPEAL FILED BY RICHARD N. KING - U-39-72 (HO)

to action of the Board of Zoning Adjustment in denying his application for a Home Occupation Permit to allow a Real Estate Office on property located at 404 Ramsey Avenue on the southwest corner of Ramsey Street and Bonanza Road, in Land Use Zone R-1.

Mr. Saylor: This, again, is an appeal action on a denial by the Board of Zoning Adjustment for a Home Occupation Permit to allow a real estate office on property located at 404 Ramsey which would be the southwest corner of Ramsey and Bonanza. This is the lot in question (wall map) - this is Tonopah Highway - this is a service station - a Safeway Store here - this is vacant commercial - this is all single family development in here. This is the house in question, on the corner. Mr. King was previously approved for a Use Permit, I believe, for an Accounting use on the property and he has asked also now for a Home Occupation Permit to allow a real estate office. It has not been the policy of the Board to allow real estate offices except in very unusual circumstances, as a home occupation permit and, of course, it brings with it the requirement that having in the window a sign indicating that it is a licensed realtor. One of the criteria in evaluating home occupation permits and, in my opinion, one of the most important, is the fact that there should be no visible outside evidence of the fact that a home occupation permit has been allowed. And I think it's very obvious, even though the nameplate is extremely small, it would have to be in a window and therefore open to the public and they would be aware of the fact. The Board has denied it - we have received four letters of approval from property owners in the area and one in protest. There is a gentleman here who wishes to speak in protest - I believe he has a petition. He asked that I notify him because he has said he is a little hard of hearing.

Unidentified protestant: Gentlemen, I have been living on Ramsey Street for twelve years. I was one of the first in there, and Ramsey Street is about 40 ft. from Bonanza and Tonopah Highway - a busy thoroughfare - that is the first street off of Tonopah. I have letters here from property owners protesting a real estate office there. For one thing, there are too many children playing near this area and another, there will be too many cars parking in front of our properties. Across the street there's a Safeway and a Thrifty Drug Store and a builder put up nine stores - two are rented and seven are vacant. They are ready to be leased or rented. I believe that this is not a place for a real estate office. This man appears to be a wealthy man - he has a late model Cadillac - a late model Lincoln - a Pontiac and an 18-20 ft. Cabin Cruiser, and I'm sure he can afford to rent a store and not encroach on our area. I have letters here in protest -

Commissioner Franklin: Is the basic character of that neighborhood commercial?

Mr. Saylor: Yes and no

Commissioner Franklin: Again are we getting involved in what perhaps should be a rezoning?

Mr. Saylor: This (wall map) is commercial along the Tonopah Highway - however, this entire area here is R-1 and going west

it continues as single family development.

Richard King: I live on the corner of Ramsey and Bonanza. I have lived there for ten years. No. 1, there will be no sign. The only sign that would be there would be on my vehicle. No. 2, I've had a professional accounting license there since 1967. I'm asking for this to do my research - to study my maps - as a further service to my clients. We have no vehicular traffic brought on by this and no pedestrian traffic. I have a petition of approval by 31 property owners, 14 of whom live on this street in question. I offer this as evidence. I also have snapshots of the area and my house on the corner. I'm the only part of that intersection that is not commercial and I'm asking for a Home Occupation Permit rather than a Variance because if I have a Variance I must vacate that as my residence. I use one room for my accounting work. This room would also be used for my maps - my books - my aerials to do my research -

Mayor Gragson: Mr. Saylor, he has said his is the only property at that intersection that isn't commercial -

Mr. Saylor: The property right across the street is residential as well as on all of these streets (wall map)

Mayor Gragson: If you are going to only read your maps, why do you want this Home Occupation Permit?

Mr. King: Mayor, I'm in an economical situation. The late model vehicles that I have - I have a 19 65 Cadillac - I have a 1960 Pontiac and I have a 1969 Lincoln and I have a 1962 boat - I am not affluent -

Mr. Saylor: I believe the Mayor wondered why you needed a Real Estate License if all you are going to do is what you described -

Mr. King: I must have a Real Estate License and a Business License. Now, this is purely economics to survive as a one-man operation because there are many, many realtors that go by the wayside purely because of economics. It is a high mortality profession. Also the stores that were built by Safeway will not allow services. They want nothing but retail outlets and consequently they are having difficulty in renting them -

Mayor Gragson: I wasn't considering whether you could or could not afford it, but you said all that you were going to do was to read the maps and advise your clients that you do the auditing for - I was just wondering why you needed a realtor's license -

Mr. King: Well, if I'm going to sell real estate . . . I go to my clients - I take my clients to the property - we go to the mortgage company - the title company - and this is what I propose.

Commissioner Thornley: In these pictures you have provided - you have signs in the window now -

Mr. King: I have one that says "Notary" - yes -

Commissioner Thornley: And your name -

Mr. King: Right - I took a picture of this sign standing approximately 3 ft. from the window, just as reference, but I find that

all I need is a sign on my vehicle -

Commissioner Thornley: And that would be parked in front?

Mr. King: Parked while I'm there - right.

Commissioner Thornley: Why, if there is going to be no pedestrian or vehicular traffic, why do you need any kind of a sign?

Mr. King: I don't, but for tax purposes it is normal that you have an identification on your vehicle if you're going to deduct part of the use of this vehicle.

Commissioner Thornley: Is this your full-time occupation?

Mr. King: This and my Accounting profession - right.

Commissioner Morelli: Mr. Saylor, aren't we getting into a little dangerous situation on these home occupations, in allowing professional people to work out of their homes? Real estate and accountants and this type of thing? I thought a home occupation was something like a hobby or for an individual who is incapacitated, a cripple who is trying to make a living - a hardship case. I believe that professional people, as such, ought to go out and get an office. If I get into a profession I can't work out of my house - I've got to go out into a commercial area to do my business.

Mr. Saylor: You are quite right, Commissioner -

Commissioner Morelli: In other words, it would be like Commissioner Franklin has said - change the zoning - but I think we are opening up a lot of doors when we allow these kinds of permits.

Mayor Gragson: This was not the intent of the Home Occupation ordinance.

Commissioner Franklin: I have consistently taken the position that it has to be some type of a hobby operation or some hardship case on a Home Occupation Permit.

Mr. King: May I say one thing - I was laid off at Mercury after ten years - late in 1969 - I'm just a beginner at this. Should I reach the point where I can afford a staff, or an office, I will be very happy to -

Mayor Gragson: That was the same comment you made at the time we gave you the other Home Occupation Permit -

Mr. King: This was a part-time accounting practice -

Mayor Gragson: And that you hoped to have within a few years sufficient business to go to a commercial area - that was five years ago.

Commissioner Franklin: I have no objection to him imposing on the characteristic change in the neighborhood on a rezoning, but I don't think it is a proper home occupation.

Commissioner Franklin moved that the appeal filed by Richard N. King under U-39-72 be denied and the action of the Board of Zoning Adjustment be affirmed.

Motion carried by the following vote: Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson voting aye; noes, none.

Commissioner Franklin: There is one question handed to me by a member of the Press - and it's a good one. I did discuss this with Mr. Trelease - What about our Meter Mollies on Veteran's Day?

Mr. Trelease: That is an established legal holiday -

Commissioner Franklin: I think we should change our ordinance - I think we should have in our ordinance any holiday declared by law or by our Governor -

Jim Barrows: Will that be changed before Veteran's Day?

Mr. Trelease: It is a holiday so there will be no Meter Mollies out - I just called the change up yesterday and I don't think it has been drafted -

Mayor Gragson: Then this could be determined to be an emergency ordinance -

Mr. Gripentrog: Yes -

Mayor Gragson: Is there any further business to come before this Board?

(No response)

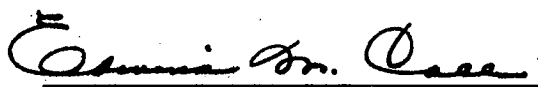
At the hour of 9:55 a.m. Mayor Gragson declared the meeting

ADJOURNED.

APPROVED


ORAN K. GRAGSON, MAYOR

ATTEST:


EDWINA M. COLE, CITY CLERK

APPROVED BY REFERENCE at a regular meeting of the Board of City

Commissioners held on the 11th day of November, 1972.