

MINUTES

Las Vegas, Nevada
August 1, 1973

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 1st day of August, 1973, 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
Commissioner
Commissioner
Commissioner
Commissioner

Oran K. Gragson
Paul J. Christensen
Ron Lurie
George E. Franklin
Harold F. Morelli

STAFF PRESENT

City Manager
City Attorney
Administrative Assistant
Director of Building &
Safety
Director of Finance
Director of License &
Revenue
Director of Parks &
Cemetery
Director of Personnel
Director of Community
Development
Administrator, Purchasing &
Contracts
Director of Public Works
Director of Recreation
Fire Chief
Traffic Engineer
City Clerk

A. R. Trelease
Carl E. Lovell, Jr.
Kenneth A. Bouton

Hank Elder
Marvin A. Leavitt

J. E. Dutton

Al Chadburn
Robt. McPherson

Donald J. Saylor

J. C. Cathcart
Richard P. Sauer
Fred Martin
J. D. Miller
Al Bossi
Edwina M. Cole

INVOCATION

The Invocation was given by REV. JOHN P. LEVENDIS, PASTOR,
CHURCH OF TRUTH:

"EVER LIVING GOD, LORD AND FATHER OF THE
UNIVERSE, WE THANK YOU FOR ALL OF OUR
BLESSINGS. WE ASK THY BLESSING UPON THIS, THE
GOVERNING BODY OF THE CITY OF LAS VEGAS. MAY
EACH MEMBER OF THIS COMMISSION BE ENRICHED
AND STRENGTHENED BY YOUR PRESENCE. MAY ALL
ACTIONS AND DECISIONS TAKEN OR REACHED AT THIS
MEETING BE FASHIONED BY A TRUE UNDERSTANDING
OF ALL FACTS AND ISSUES AND TEMPERED BY A SENSE
OF JUSTICE AND LOVE. GUIDE ALL OF US WHO ARE
CITIZENS OF THIS CITY AND OF THIS NATION TO BE
APPRECIATIVE AND THANKFUL OF THE RIGHTS,
PRIVILEGES AND OPPORTUNITIES WHICH ARE OURS.
HELP US TO ACKNOWLEDGE THESE GIFTS WITH A
THANKFUL HEART AND A HUMBLE SPIRIT - GLORIFY OUR
SUPREME QUEST IN LIFE THAT PEACE PREVAIL IN ALL
NATIONS - MAY IT BEGIN WITH LOVE IN OUR HEARTS.
HONOR AND BLESSED BE THY NAME, OH LORD. AMEN."

PLEDGE OF
ALLEGIANCE

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

AWARD OF
CONTRACTS
Approved

BID No. 73.51 - ANNUAL TRAFFIC PAINT CONTRACT - FISCAL
YEAR 7/1/73 THRU 6/30/74 (Public Works)
(Estimate: \$20,500.00)

Reject

Commissioner Morelli moved that the recommendation of the City Manager, the Purchasing & Contracts Division and using department for rejection of the proposal of Pervo Paint Company under Bid No. 73.51 for failure to have a valid business license and failure to submit paint samples in accordance with the revised technical specifications, be APPROVED.

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

Commissioner Morelli moved that the recommendation of the City Manager, the Purchasing & Contracts Division and using department for award of contract under Bid No. 73.51 to VEGAS PAINT COMPANY for their bid in the amount of \$20,804.80, be APPROVED and the Purchasing & Contracts Division authorized to proceed.

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

BID No. 73.76 - ELECTRONIC VOTE INDICATING SYSTEM
FOR COMMISSION CHAMBERS, CITY HALL (Public Works/
City Hall)
(Revised Estimate: \$5,000.00)

Commissioner Morelli moved that the recommendation of the City Manager, the Purchasing & Contracts Division and using department for award of contract under Bid No. 73.76 to ASTEROID CORPORATION for the low bid in the amount of \$5,500.00, be APPROVED and the Purchasing & Contracts Division authorized to proceed.

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

REPORT

BID No. 73.61 - CITY EMPLOYEES GROUP INSURANCE
(Personnel Department)

Administrator, Purchasing & Contracts, J. C. Cathcart: This is in regard to the Resident Agent - it was awarded last week to Aetna Life Insurance Company and the decision had not been made at that time who would handle the contract. As contained in my memo last week, Aetna submitted to us six (6) carriers, one of whom was disqualified because he was not a Local Agent at that time, and my recommendation I believe is before you. This is based on the recommendation of the actuary, Martin E. Siegel Company - it was that the commission be split equally amongst the five (5) Local Agents.

REPORT -
BID No. 73.61
(continued)

Commissioner Morelli: Now, their commissions go back to community projects - right? The commissions that they receive? The Independent Insurance Association - doesn't all their commissions - don't they put that back into community projects?

Mr. Cathcart: Commissioner, I do not know -

Commissioner Morelli: I believe they do -

Mr. Cathcart: I know only of the recommendation of the actuary - I might state that the Aetna also has a local claims office here.

Mayor Gragson: Now, you award this to five - who is the one party you hold responsible?

Mr. Cathcart: Any, or none, of the five, Mayor. We do have the local claims office to handle the claims. The insurance has been handled by the Personnel Department - I believe they are present if there are any questions to them. When we went to bid we did not know who would have the insurance - we did not know we would have a local claims office, consequently that's why the specifications went out the way they did.

Commissioner Lurie: Did the five companies agree to this? Do they want to come back with recommendations?

Mr. Cathcart: I believe possibly some of them are present and possibly want to be heard.

Commissioner Lurie: I'd like to hear what they have to say if they want to be heard.

Bob Huffman: I represent Clover Underwriters and I would like to start off by answering Mr. Morelli's question. Insofar as I know, and I have committed this to writing on behalf of Clover Underwriters, we are the only Agency that has agreed to participate in donating part of our commission into the Life Underwriters Association of Southern Nevada, provided that those funds are earmarked for an educational purpose. We are interested in maintaining standards of professional competence among the underwriters in this community. The amount would be somewhere, based upon our estimated calculations, between \$750.00 and \$1,000.00 would go to the Life Underwriters. I think that on behalf of perhaps myself and one or two other Agents in town who specialize exclusively in the group business, that the decision of the consultant to handle the appointment of an Agent in this manner would seem to be a little arbitrary - and I see two or three of us who have spent an awful lot of work over a long period of time - I've been working on this particular case, trying to secure bids for the City, over a period of two years. I have worked on the County case for three years - I've worked on the School District from time to time over the last two years - I would say that my personal investment runs into several thousand dollars. I think that one or two other Agents could make substantially the same claim. Now, what we do in a situation like this is - we open this thing up for everybody to come in and for the cost of an 8¢ stamp send a set of specifications out to a particular company - they would come in and enjoy what I

would think would be mostly the fruits of the work of the two or three Agents who have concentrated on all of these governmental subdivisions over a period of years. We could have had fifty Agents involved in this thing if they had known where the Aetna office address was in Salt Lake City and each one of them could have received \$100.00 on the thing - that's what it could have boiled down to. As I say - this kind of puts us in an unusual and unique position and, frankly, we've never been in the position of having our services judged in what we seem to think is an arbitrary manner. As you all know, we have complied with Mr. Cathcart's letter in supplying the requested background information on our Agency and we would assume that the other interested Brokers have done exactly the same thing. Further, we indicated our willingness to appear personally before any panel that would be appointed so that a further study could be made of both the intricacies and the principles of our operation anyway, and let me sum up - I'll just say with all due respect to the Commission and the Purchasing Department - frankly, we find it difficult to imagine that two or more potential representatives could be equally proficient in all respects and, therefore, while we are reluctant to suggest any specific alternative for you today, we do feel that perhaps this thing should be referred - it would be advisable to refer the determination to some sort of special committee for further consideration. Thank you so much for your time.

Commissioner Morelli: Joe - your recommendation was split the commission between the five Agents - right? Is that your recommendation -

Mr. Cathcart: Yes - that's what I had in my memo to you -

Commissioner Morelli: How have we done it in the past? One agent?

Mr. Cathcart: Yes - in the past the insurance carrier named the Agent.

Mayor Gragson: Let me ask you this - are there services other than the commission involved in this, that the local Broker must provide?

Mr. Cathcart: I will have to pass this to the Personnel Department -

Robt. McPherson, Director of Personnel: Yes, the Local Agent would serve as a liaison between the City and the Company, and if we had any problems with the Claims Office, they would help with that. Some of the work that is normally performed by an Agent is done by our actuary at the present time, so they wouldn't have to do that, but there would be some functions they could perform.

Commissioner Morelli: Is there an advantage in having five?

Mr. McPherson: No - the reason the actuary recommended five was because there was no real substantial basis, they felt, where a decision could be made on one. This is a fairly common practice to split it where this is the case.

City Manager, A. R. Trelease: Aetna has indicated that they would make a recommendation to the committee if this Commission so desires.

Commissioner Franklin: They are the ones we look to primarily - our actuaries - aren't they?

Mr. McPherson: Right -

Commissioner Franklin: And we pay them separate and apart from the insurance premiums?

Mr. McPherson: Right -

Commissioner Franklin: And the Broker under this, then, is under no obligation to provide any service - at the most, it would be a voluntary liason with the company -

Mr. McPherson: I think if just one Broker got a commission he would feel obligated to assist us in any way that we would require -

Commissioner Franklin: But he's still their Agent - not ours.

Mr. McPherson: To a point, I think most Agents, including the ones who have indicated . . . would feel a compulsion to assist in whatever we needed them to do.

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

Al Aniello: Gentlemen, I represent the Southern Nevada Independent Insurance Agents Association, and I submitted a bid on their behalf for the group insurance. It has been our practice in the past on all Municipal type business that we have a committee made up of members of our Association to sit on the Boards of the various entities and compile whatever figures are necessary for insurance bids and then have this committee service that insurance when written. All of the commissions are paid into our Association - expense money is paid back - the balance of the commission is used for various projects. Last year our Association donated some \$10,000.00 to _____, \$7,500.00 to the drug abuse work in the community - various sums to the Clark County School District for projects they have of which I am not aware - in total we donated somewhere in the neighborhood of \$25,000 to \$30,000 during the past year. It is our desire to put the commission monies from this group insurance into like work this coming year and through our Association to give whatever help to the City as is necessary to handle their insurance problems.

Mayor Gragson: Who are the "Independent Agents"?

Mr. Aniello: It is made up of all the independent licensed Agents in the community - some sixty (60) different members - that totals, I would say, of some 300 staff people -

Commissioner Franklin: What municipalities are you currently servicing and receiving the commissions?

Mr. Aniello: We are servicing the City of Las Vegas property and casualty insurance - the Clark County School District - Clark County and through our State Association with members both in the north and south, the State Insurance Program.

Commissioner Franklin: I think I am quite familiar with this because I was one of the persons primarily responsible for bringing this into existence - back twenty-five years ago, as a County Commissioner - there was too much talk about political issuance of insurance on governmental projects for the benefit of people in the insurance business who were also politicians - so this was twenty-five years ago that we came up with this solution - we thought that all this County insurance would then be handled by an agent to be selected by you gentlemen, but the proceeds would go to the Association for their benefit for educational and charitable uses -

Mr. Aniello: That's exactly right -

Mayor Gragson: In other words, any agent who is a member of your Association is recognized as an authorized Broker - right?

Mr. Aniello: That is correct, Mayor -

Pat Walker: I am the President of the Southern Nevada Life Underwriters Association. We have a membership of approximately 300 to date. I am also a member of the State Board of the Life Underwriters Association. I speak to you today relative to this matter because we are the co-brokers of the Clark County group insurance program and we enjoy, as co-brokers, a portion of that commission for our educational programs. Consequently there is one Broker here today in the Clover Underwriters who offers a portion of his commission to the Southern Nevada Life Underwriters Association for educational purposes. The National Association of Life Underwriters is dedicated to education and competence in the field of professional life underwriting. Therefore, I submit to you, the Clover Underwriters to be the carrier of the group insurance in question.

Mayor Gragson: Are you with the Clover Underwriters?

Mr. Walker: No Sir, I am not - I am not associated with them at all.

Mayor Gragson: But you are recommending that Clover be selected?

Mr. Walker: Right - the recommendation of the Southern Nevada Life Underwriters Association is to Clover -

Commissioner Franklin: Do you think it would be more beneficial to give half the premium to your organization or to split it up among the sixty independent insurance agents?

Mr. Walker: Well, the Life Underwriting Association - or the Life Underwriter - his field is generally in the field of life - group - pensions - and, consequently, his education and direction is generally regarded as competence in this area -

Mayor Gragson: How does your Association differ, or compare, with the Independent Insurance agents?

Mr. Walker: Well, we are the recognized National Association of whom we have educational programs such as the Life Underwriters Training Council - the College of Life Underwriters. Our objective is professionalism in the field of life underwriting. We basically function in the field of life underwriting - group insurance -

perions - disability income. We are not a casualty insurance underwriter.

Mayor Gragson: An indedendent, or both?

Mr. Walker: An independent would be comprehensive coverage of all types of insurance.

Commissioner Franklin: Just so there would be no misunderstanding, when you talk about the money for education, you are talking about education for the benefit of your own personnel in the insurance field?

Mr. Walker: Right -

Commissioner Franklin: Not general education or educational institutions?

Mr. Walker: No - this would be for the members at our educational programs so that the public of Clark County, in general, would receive more competent professional services which, of course, is a desire, an ambition, of the State Insurance Commission.

Commissioner Franklin: No matter how we cut it up, the premiums paid by the City - of course, some of the employees would pay for their own dependents at a higher rate - but the premiums paid by the City, which is the bulk of the premium, is still taxpayers money. I'd like to see, if there is to be a commission paid, that it is going to revert to the community -

Mr. Walker: We have approximately 300 members - there are 20,000 life insurance licenses, locally, which is kind of an interesting observation. However, many of them are non-resident as well as part-time. Consequently we do not represent them, but the active life insurance man is practicing and providing service to the community and generally a member of the National Association of Life Underwriters.

Leonard Saye: I am here on my own behalf - not on that of any Association. I have been a Broker of record here for the last four years - since 1969 - I have been the Broker of record for the City Employees Association since 1968 and Mr. McPherson made a good point by the fact that there are many occasions when a Broker does have to go to bat for the City and their employees. To answer Mr. Franklin's question regarding the fact that a broker is the insurance company's man rather than the City's man - this may be true of an individual agent, but this isn't true of a broker. We are brokers - we specialize in the group insurance field and our first concern is our client. We can get insurance companies, but it is more difficult to get clients. As far as giving this to an Association or allowing them to participate in it, the total number of licensed brokers in the State of Nevada, as compared to those who belong to these Associations, are relatively insignificant and I think it might be well that you gentlemen know somewhat the history of how this came about. As you are all aware, in the early stages of the summer, the City went to bid for the entire City - both the uniformed groups and non-uniformed. At that time I was the only one who brought Aetna in and this was through extended effort by many telephone calls, by special effort of flying in a proposal and, at the last moment, I came into the

Clerk's office only a couple of minutes ahead of the deadline - I think Mr. Cathcart will verify this - and this was through extended effort. In addition to this, we have been the brokers, as I've said. Now, to follow this up, the Aetna was the low bidder at that time. It is only natural that other brokers realizing they were the low bidder at that time that they would come back and seek bids from Aetna, when they did not have a proposal in on the first bidding. So I feel under these circumstances, along with our qualifications - we do have quality staff and facilities and serve some of the largest cases in Clark County, some with as many members as 6,000 - and we have people in our office that can handle any claim or personnel problem that may arise in the group insurance business, because this is our specialty. Our claims people have experience up to ten years, individually - so, based on these facts along with the fact that I have not received any complaint of not giving a proper service since 1968, and any time there was a problem - of which there were some - I was able to solve them. Any time the City could not get a response from the carrier and I was called upon, I sought to do so. Based on this and the fact that I was the only one who brought Aetna in on the first go-around, I feel that I should be given consideration on this merit. I thank you, gentlemen.

Commissioner Franklin: Mr. Saye; do you know why the original bid, on which you were the low bidder through Aetna, were rejected?

Mr. Saye: I am only assuming now that the purpose was to re-bid on the non-uniformed only, possibly because of the formation of the Metropolitan Police and separation of entities.

Commissioner Franklin: In other words, there was going to be a substantial change in the number of people to be covered because of the Metropolitan Police Department - is that right?

Mr. Saye: That would be my assumption -

Commissioner Franklin: At the time the original bids were called for, you were the only Broker to submit a bid on behalf of Aetna - at that time?

Mr. Saye: That is correct -

Commissioner Franklin: And the bids were opened at that time?

Mr. Saye: That is correct -

Commissioner Franklin: So the figures were revealed to everybody?

Mr. Saye: That is correct -

Commissioner Franklin: Then all of a sudden, on the re-bidding, there were five - six - Aetna brokers coming in bidding Aetna?

Mr. Saye: That is correct.

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

Bob Huffman: Very quickly, if I may - on that last point, Clover Underwriters is also the Broker of record on the - at that time - the Las Vegas Police Protective Association - we normally would have requested a bid through the Aetna, but then as the group was so constituted, we would have been put in the position of bidding against our own group and, frankly, we withdrew and watched that one from the sidelines.

Mr. Saye: I think the fact remains, still, that there was not one submitted.

Mr. Aniello: I disclose that we also submitted the original specifications to Aetna - there was a change of directorship in Aetna from the Riverside Office to the Salt Lake Office. The Manager of the Salt Lake Office got his signals crossed and made the one bid to Mr. Saye - and I have in my file a letter of apology for that oversight -

Mayor Gragson: But it is true that you did not present to the City Aetna's proposal? You presented your request to Aetna -

Mr. Aniello: The proposal, as I understand it, came directly from Aetna and the office in Salt Lake did make an error in listing Leonard Saye on that proposal - when we questioned the listing of the names he sent a letter of apology from the Aetna office -

Mr. Saye: I would like to bring up one more point - it has been some time since the Riverside office has handled proposals for group insurance in this area. Had Mr. Aniello been active in the group business, as I am, he would have known that the office was at Salt Lake to submit proposals for this area. Consequently it was his lack of knowledge that he was unable to provide a proposal, as I did -

Mayor Gragson: This "musical chairs" procedure has to stop -

Mr. Aniello: If you would like to look at our files I think I can show you that we are still getting group proposals out of the Riverside office -

Commissioner Franklin: I would like to ask you - is it true that Mr. Saye was the only agent for Aetna that did submit a proposal on the original bid?

Answer: I think Mr. Cathcart can answer that -

Mr. Cathcart: Yes, Commissioner, that was the only one.

Mayor Gragson: And why are we re-bidding now?

Mr. Cathcart: Some time ago - in fact, a few years back . . .

Mayor Gragson: Why wasn't the bid accepted?

Mr. Cathcart: The last time?

Mayor Gragson: Yes -

Mr. Cathcart: Because we were instructed by the Board to go to bid on a total group insurance for the Police, the Fire and the Non-uniformed employees - at that time we couldn't get the Police and the Fire all to go along with the program, so it was all rejected and we were then asked to readvertise on strictly the Non-uniformed Employees.

Mayor Gragson: What is the urgency in selecting a Broker?

Mr. McPherson: Aetna was here yesterday and they indicated they would like to have a decision this week, if possible.

Commissioner Franklin: But we are covered - Aetna has a claims agent here and the only great problem would be the selection of a Broker who, at this time, is not absolutely indispensable -

Mayor Gragson: Do I understand that Aetna itself would make a recommendation of one out of the five?

Mr. McPherson: Yes Sir - if the Board wants them to do this.

Mayor Gragson: How would they make their selection?

Mr. McPherson: They didn't indicate - they felt they could make a decision - they would prefer not to . . . they could do it this morning if you wanted them to do it.

Mayor Gragson: Frankly, I am confident that every agent here is capable of handling this insurance program.

Commissioner Franklin: I think the first suggestion made by Mr. Huffman is a good one - of appointing a committee and bring it back next week. Obviously we are going to be meeting every week from here on out and I don't think it would cause that much havoc if - now that we've had the input from these gentlemen - and we'll have the benefit of our own personnel - I think perhaps a committee appointed to make a selection - and they can also confer with Aetna without perhaps embarrassing the individual agents - I just think there's a lot to be accomplished by having a committee appointed.

Mayor Gragson: My only problem is is that I don't want to reduce the amount of service to any degree that any one broker can and will provide better than the five. With that in mind, I am going to appoint Commissioners Morelli and Christensen to meet with all interested parties and bring a recommendation back to this Board at the next Regular Meeting.

Committee
appointed
M and L

PUBLIC
HEARING

9:30 A.M.

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

VAC-2-73
Approved

PETITION OF VACATION - VAC-2-73 - WILLIAM E. HOWSE, JR.

Property described as the 20 ft. east/west alley located between Mezpah Drive on the east and the northerly extension of Lot 81, Block 4, of Normandy Estates, Unit No. 1.

Mr. Saylor: This is a continued Public Hearing from you last meeting and involved the proposed alley vacation in this subdivision (wall map). We explained it to you in great detail at the last meeting - brought up the question - the purpose of the vacation was to allow the property owners on the south to buy the lots on the north, and we were instructed to check that ownership to see if it has been done, and it has, in essence - this person owns this lot, this one, this lot, this one, this lot (wall map) - this one does not own the lot immediately abutting to the north - however, this person owns both of these. So, in essence, they are owned by the properties to the south which would clearly allow the purpose of the proposed vacation, and that is to assemble them into parcels.

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

(No response)

Mayor Gragson declared the Public Hearing on VAC-2-73, closed.

Commissioner Morelli moved that the recommendation of the Planning Commission under VAC-2-73, be APPROVED, subject to the following conditions:

1. A 6 ft. block wall to be constructed on the south side of Vegas Drive.
2. Dedication of access rights to Vegas Drive to the City in perpetuity.
3. Dedication of easement along the north 20 ft. of Lots 3, 4, 5, 6 and 7, Block 2, Addition to Normandy Estates Subdivision in perpetuity for access purposes.
4. A 25 ft. setback to be provided from the south line of the 20 ft. wide private drive.
5. Satisfaction of the requirements of the Department of Public Works.
6. Satisfaction of the requirements of the various Utility Companies.

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

SERVICE AND
MATERIAL
WARRANTS
Approved

Commissioner Morelli moved that Service and Material
Warrants Nos.

F-110166
G-100000
G-100001
G-203752
G-203792
G-203910 thru G-203912
G-203918
G-203920 thru 203922
G-203925 thru G-204134
G-402775

in the amount of \$3,181,739.28

AND G-204136
G-204137

in the amount of \$8,104.02, be APPROVED, and the
Director of Finance authorized to issue.

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

PAYROLL
WARRANTS
Approved

Commissioner Morelli moved that Payroll Warrants Nos.
72147 thru 73339, for the Pay Period ending July 14, 1973
in the amount of \$308,132.68, be APPROVED, and the
Director of Finance authorized to issue.

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

MINUTES
Approved by
Reference

Commissioner Morelli moved that minutes of the Regular
Meeting of the Board of City Commissioners, held July
11, 1973, be APPROVED BY REFERENCE, and the Mayor
and Clerk authorized to sign.

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

WITHIN GRADE
SALARY INCREASES
Approved

APPROVED BY THE BOARD OF CIVIL SERVICE TRUSTEES

Commissioner Franklin moved that the following Within
Grade Salary Increases, be APPROVED, and the Director
of Finance authorized to proceed:

ONE YEAR SINCE LAST INCREASE

<u>NAME</u>	<u>DEPARTMENT-CLASSIFICATION</u>	<u>RANGE</u>	<u>NEW STEP</u>	<u>SALARY</u>
Karen L. Blanton	Municipal Court-Sr. Clerk	23	5	331.28
Diane K. Hostettler	Municipal Court-Inter. Clerk	21	3	275.15
Donna M. Heiner	Finance-Keypunch Operator	22	2	273.84
Donald L. Beatty	Fire-Firefighter	31	3	427.31
George K. Bunker	Fire-Firefighter	31	3	427.31
Terry W. Curfman	Fire-Firefighter	31	3	427.31
James S. Dustin	Fire-Firefighter	31	3	427.31
Deloy V. Evans	Fire-Firefighter	31	3	427.31
Roger P. Gurr	Fire-Firefighter	31	3	427.31
Scott Harris	Fire-Firefighter	31	3	427.31
Jerry L. Jones	Fire-Firefighter	31	3	427.31
Gary W. Krueger	Fire-Firefighter	31	3	427.31
Charles A. Riley	Fire-Firefighter	31	3	427.31
Donald E. Sainsbury	Fire-Firefighter	31	3	427.31
David G. Snyder	Fire-Firefighter	31	4	448.68
Daniel R. Walsh	Fire-Firefighter	31	3	427.31
B. Michael Webb	PW/Sanitation-WW Plant Operator	27	4	376.24
Henry Harris	Cemetery-Maintenanceman	24	4	329.69
Roy H. Dullum	Garage-Mechanic	30	4	429.35
Warren G. Hampton	Park-Groundsman	25	5	361.77
Thomas E. Stackhouse	Park-Maintenanceman	24	3	313.99
Lavern Cooper	PW/Eng. Maint.-Custodian Foreman	25	3	328.13
Harold P. Foster	Comm.Develop.-Dep.Dir. of Comm.Dev.	44	2	721.23
R. Ian Ross	City Atty-Asst. City Atty (eff.7/1/73)	49	3	943.72
Joan D. Buckley	City Atty-Dep. City Atty (eff.7/1/73)	44	5	834.91
Don L. Griffith	City Atty-Dep. City Atty (eff.7/1/73)	44	4	795.15
Billy G. Standley	PW/Streets-Maintenanceman	24	5	346.17
Gerald F. Ringler	PW/Maintenance-Carpenter	30	3	408.90
Lawrence S. King	Parks-Groundsman	25	5	361.77

FIRST INCREASE SINCE PROMOTION BASED ON SERVICE DATE

<u>NAME</u>	<u>DEPARTMENT-CLASSIFICATION</u>	<u>RANGE</u>	<u>NEW STEP</u>	<u>SALARY</u>
Deborah McDaniel	Lic. & Rev.-Inter. Clerk	21	2	262.05
George Shumway	Garage-Mechanic	30	2	389.43
Charles Gripp	Fire-Fire Engineer	33	4	489.96
Arthur McGill	Parks-Park Leadman	27	3	358.32
Charles Kajkowski	PW/Eng. Services-Eng. Asst.	30	2	389.43
George Tyrrell	PW/St. Lighting-Electrician (eff 7/1/73)	31	2	406.96

LESS THAN ONE YEAR SINCE LAST INCREASE

Rodolfo L. Novarro	Manpower-Manpower Planner (EEA)	32	2	425.27
Booker T. Evans, Jr.	Manpower-Manpower Analyst	32	4	468.86
Loretta Lopez	City Attorney-Clerk (eff. 7/1/73)	19	3	251.97
William J. Purvis	PW/Eng. Services-Principal Eng.	38	3	581.51
William Bradley	PW/Eng. Maint.-Courier (eff. 7/1/73)	22	5	317.01
* Kenneth Roberts	PW/Eng. Maint.-Custodian	23	4	315.50
Melanie Dobosh	PW/Eng. Maint.-Inter. Clerk	21	2	262.05
Linda Lanza	Planning-Inter. Clerk	21	2	262.05

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

MEDIAN ISLAND
LANDSCAPING
Report

Director of Community Development, Donald J. Saylor: By means of these series of maps we wish to briefly bring you up to date on what has been developed over the past three or four years in terms of median island landscaping, park and recreation development - most all of which utilized Federal participating funds. This map shows the location of the median islands that have been landscaped - Tonopah Highway - Charleston - Decatur - Las Vegas Blvd., South - Maryland Parkway - Eastern Avenue. There are no other projects proposed at this particular time to my knowledge -

Mayor Gragson: There are some requests for water being placed in . . .

Mr. Saylor: That's right - on Eastern, from Charleston south - the Department of Public Works is going to install the water so that future landscaping can take place.

JOINT PARK/
SCHOOL SITES
Report

Mr. Saylor: This map reflects the location of the Elementary School sites that we have developed jointly with the School District, and utilizing Federal funds, to provide a small neighborhood park in all of these areas. All of these have not been developed as yet - most of them have. Those of them that haven't, have been funded so this means they will be developed, within the very near future. I think that this then encompasses

COMMUNITY
DEVELOPMENT
REPORTS
(continued)

all of the Elementary School sites in the City, which allows a conclusion that they all then will have park and recreation facilities on the school sites.

Mayor Gragson: I want to ask a question - do you have the facilities developed for parks and recreation in North Las Vegas - information as to where they are?

Mr. Saylor: No, but I could probably get that -

Mayor Gragson: I wish you would - the reason I want the information is that it seems that Commissioner Aaron Williams is a lot more interested in what the City of Las Vegas doing than he ever was in what he did in North Las Vegas and what he is doing in the County now -

Mr. Saylor: We can develop this information for you, Mayor. I might state this - that some of you will remember, four or five years ago, most of the Elementary School sites in the City had a portion of land developed - where the school building sat and the grounds immediately around the school building, and about half of the land was just vacant desert land - undeveloped completely. Then, through this Program - as I say, when they are all completed - we will have no more barren desert in connection with our Elementary School sites. We have had, of course, the complete cooperation of the School District on this Program.

ADDITIONAL PARK
AND RECREATION
DEVELOPMENT
Report

Mr. Saylor: In addition to the Elementary School sites, this shows the locations of various other Park and Recreation facilities that have been developed. Rotary Park has been expanded - Gary Dexter Park - additional development on Lorenzi - this is the private park - developed as a part of Project Break-Through, which will be dedicated to the City - this is the Heers Bros. Park that was dedicated to the City recently - I don't know the name of this one - it's another one in connection with a Subdivision development. In other words, these three were developed with private funds for City Parks. Freedom Park, developed with Housing Authority funds in Stage I - we are now in Stage II utilizing Federal funds. This is the reservation of this area for the Nature Park. The Tot-Lots on the West Side that are being developed - the Housing Authority development of the Adelair Guy Teen Center at this point (wall map).

Mayor Gragson: On City-owned property?

Mr. Saylor: Right - as was Freedom Park, which they helped develop.

LORENZI PARK
Report

Mr. Saylor: This is a composite of the other three just to give you a visual impact, let's say, of the development that has taken place -

Commissioner Franklin: That's not a composite picture of all of our Parks?

Mr. Saylor: Oh no - just those that have been developed in the last three to five years under our Federal funding program - Heavens, no!

Commissioner Franklin: In other words, that last Composite I there is just a small portion . . .

COMMUNITY
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REPORTS
(continued)

Mr. Saylor: Right - it does not reflect the existing Parks that were not under the Program, of which there are quite a few. Lorenzi Park - we have just received notice of approval of Federal funds for Phase III-B. I am going to back up a little bit and go through the phasing with you. Phase I consisted essentially of the renovation of the Lake and the development of the ball diamonds. Phase II took in the large Picnic/Playground area in between the Lake and the ball diamond, and some of the parking area. Phase III-A covered the development of the Tennis Courts - lighted Tennis Courts - which is under construction at this point in time - also includes fencing of the entire Park. Phase III-B consists of the extension of the Active Recreation Facilities - the Basketball Courts - Shuffleboard and I see something on here that looks like Handball and it will also include the development of additional parking facilities along here and the completion of this area. Incidentally, Phase III-B is the last of the Federal Aid Applications we have under consideration. The next phase in the development of Lorenzi will be the swimming pool complex in here (wall map) which will run, roughly, from \$700,000 to \$800,000. We do not anticipate the availability of any more Federal funds within the near future. In other words, we're not contemplating the submittal of any applications because there are no Programs available. It is true that the BOR - the Bureau of Outdoor Recreation - funding is still in business. However, the funds under that are very limited and must be disbursed through the State. Consequently, the possibility of us getting enough money to go ahead with the swimming pool project is very minimal, in my opinion -

Mayor Gragson: You mean the possibility of getting Federal assistance through the BOR Program?

Mr. Saylor: Right -

Mayor Gragson: BOR doesn't necessarily distribute those funds equally to all political subdivisions -

Mr. Saylor: Not by any means -

Mayor Gragson: So maybe we can develop a strong priority to complete this whole Park and get a little more of the BOR funds than we have been accustomed to over the past -

Mr. Saylor: One of the reasons I wanted to review these with you this morning is to alert you to the fact that the Federal funding - the categorical grant programs, for all practical purposes, at this point in time, is dead - defunct - or whatever you want to call it - we are not in the process of making any more applications - there are no more Programs available. Conceivably, the Better Communities Act will get passed one of these days, and funded, which may open up different sources of funding. But there's a point that I want you to keep in mind - is that future park and recreation development - future landscaping of median islands - as best as I can project it at this point in time, will have to be funded either through the General Fund or through General Revenue Sharing.

Commissioner Franklin: The Better Communities Act - if it is passed - in other words, as I understand it, some of the categorical block grants were deliberately phased out because there was too much Federal control and they were trying to substitute a program of Special Revenue Sharing as opposed to General Revenue Sharing where the same amount of money will be available, but more under the control of the local agency. We should urge, very strongly,

COMMUNITY
DEVELOPMENT
REPORTS

(continued)

our Senators and Congressman to support very actively the Better Communities Act so that we can get that money rolling.

Mr. Saylor: Very definitely, in my opinion, if the Better Communities Act is passed, with sufficient funding of course, it will allow the City a great deal of more flexibility. Many of the dictates that were the primary dictates in the selection of the location of parks - we've always had to predicate it on the basis of showing a benefit to low income minority areas. Obviously, you can't continue to concentrate all your park efforts to one section of the City, whether it be of low income minority or high income minority. As you have said, that is supposed to do away with that type of restriction. Now, the last of the categorical grant programs also reflects on applications for storm drain facilities and sanitary sewer facilities and hopefully this will be covered under the Better Communities Act.

"701" PROJECT

SELECTION OF CONSULTANT FOR "701" PROJECT

Mr. Saylor: We have sent you a memo relative to the selection of a Consultant for "701" Project. At this point in time we would like the Commission to give us some instruction as to how they wish to proceed. Do they want Staff to proceed with the selection or do you wish to make the selection?

Commissioner Franklin: You feel this is something that cannot be done with the Federal money in-house? You think that our best procedure is to go on a consulting basis?

Mr. Saylor: Yes - I might explain that we're not going to have a new General Plan done for the City - obviously, you could not do that - or begin to do it - for that amount of money. In essence, what our Project consists of is - most of the elements are up to date - the Project would bring them all up to date and bundle them up into one package. As I say, we have many of the facets in various stages of completion, but we have reached a point now where we feel it would be much better to engage the services of a firm to put out the final package - and the additional elements that will have to be put in there because of the recent State legislation.

Commissioner Franklin: I am assuming you are familiar with all four of the people that are applying?

Mr. Saylor: Quite well, yes -

Commissioner Franklin: Are all of them available for local interview?

Mr. Saylor: I believe so. They have indicated -

Commissioner Franklin: The contract, if it's awarded - it's going to be a fairly small contract - they would be available for personal interview?

Mr. Saylor: I believe so - I think the fact that it's the City of Las Vegas brings along with it, even though the contract is very small, a greater interest on the part of the firms - I think they

"701" PROJECT
(continued)

would all like to add that to their portfolios.

Commissioner Franklin: I would like to recommend, because we have just gone through an election and have two new members on the Board who have secured an awful lot of in-put in going door-to door, that we appoint the two new Commissioners - that you consider appointing the two new Commissioners to sit with Staff and interview these four and maybe they can be of some help in the selection - also give some ideas to the Consultant as to what you would like to see go into the package. It shouldn't take very long to get them in here for interview - I think the two new Commissioners would be ideal to confer with them -

Mayor Gragson: Is this a joint effort with the Regional?

Mr. Saylor: Not really, Mayor - we had to go through them simply because of Federal requirements, but the City is going to do this Project - part of the total grant that was made to the Regional Planning Council - some went to North Las Vegas for a specific Project - some to the County - the \$55,000.00 is for our Project.

Mayor Gragson: You can determine if they are available for interview and invite the two new Commissioners, or anyone else at this level, who may want to sit in on it.

PUBLIC HEARINGS
SET - APPEALS

Mr. Saylor: The next two items involve setting a date for Public Hearings on Appeals from actions of the Board of Zoning Adjustment:

V-35-73

APPEAL FILED BY EDMON HADDAD - V-35-73

to action of the Board of Zoning Adjustment in denying his application for a VARIANCE to allow a Dry Storage Area and to allow Employee Parking in the rear of the building the conjunction with the Macayo Vegas Restaurant, which would eliminate the residential use on property located at 1725 E. Lewis Avenue, on the south side of E. Lewis Avenue between Spencer Street and Bruce Street, in Land Use Zone R-1.

AND

APPEAL FILED BY JOAN WILLIAMS - U-22-73 (HO)

to action of the Board of Zoning Adjustment in denying her application for a Home Occupation Permit to allow the making and selling of custom lampshades on property located at 1909 Howard Avenue on the north side of E. Howard Avenue, between Burnham Avenue and Crestwood Avenue, in Land Use Zone R-1.

Commissioner Morelli moved that Public Hearings on Appeals filed under V-35-73 and U-22-73 (HO) be set for 9:30 a.m., August 22, 1973, and Staff authorized to proceed.

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

CHILD CARE
FACILITY
Approved

APPROVED BY THE CHILD WELFARE BOARD

Commissioner Franklin moved that the following application for a COMMERCIAL NURSERY, be APPROVED, and the Director of License & Revenue authorized to proceed:

THE SMALL SCHOOL
(Sierra Nevada Arms
Apartment Complex)
1966 Genoa Drive

Services and Systems, Inc.
Dr. Verdun Trione, Pres.
Dr. John Vergiels, Secy/Treas

104 Children - Days Only

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

GAMING -
ADDITIONAL
Approved

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

PANTRY PRIDE
2909 W. Washington Ave.
1 SLOT

Games of Nevada

HARD HAT COCKTAIL LOUNGE
1675 Industrial Road
1 SLOT

United Coin Machine Co.

MONEY TREE CASINO
15 E. Fremont Street
1 SLOT

Bally Distributing Co.

FREMONT HOTEL/CASINO
200 E. Fremont Street
2 SLOTS

Games of Nevada

CAROUSEL CASINO
32 E. Fremont Street
1 SLOT

Bally Distributing Co.

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

LIQUOR, GAMING &
RETAIL TOBACCO
Approved

CHANGE OF CORPORATE OFFICER AND STOCKHOLDER

Commissioner Morelli moved that the following application for change of Corporate Officer and Stockholder under existing Liquor, Gaming and Retail Tobacco Licenses, be APPROVED, and the Director of License and Revenue authorized to make the appropriate changes:

CAROUSEL CASINO
32 E. Fremont Street
TAVERN

Marles, Inc.

From:

Albert Garbian, Pres/
Sole Stockholder

To:

Deil Gustafason, Pres/
Director/Sole Stockholder

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

Mayor Gragson: Let the record show that Counsel was present in the person of Tom Bell.

LIQUOR AND
RETAIL TOBACCO
Approved

Commissioner Morelli moved that the following application for new Liquor and Retail Tobacco Licenses, be APPROVED, subject to the approvals of the Planning, Building, Fire and Health Departments:

STOP 'N GO MARKET
25th & Harris
BEVERAGE OFF-SALE

Stop 'N Go Markets of
Nevada, Inc.
F.J. Dyke, Jr., Pres., et al
El Billingsley, Dist. Manager

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

GAMING - NEW
Approved

Commissioner Morelli moved that the following application for a new Gaming License, be APPROVED, subject to the approvals of the Planning, Building and Fire Departments:

ALMAN ENTERPRISES, INC.
2456 Industrial Road
SLOT OPERATOR

Lane G. Fleischer 100%

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

LIQUOR - CHANGE
OF OWNERSHIP
Show Cause
Hearing set

*CHERRY PATCH
2327 S. Eastern Ave.
TAVERN

From:

Roy Coffman

To:

Forty-Niners, Inc.
Larry Gunter, Pres.
Damon Hasler, V.P.
Consuelo Elliker, Stockholder

*Subject to the approvals of the Planning, Building, Fire and Health Departments and final Police Investigation.

Motion

Commissioner Franklin. On this one, Your Honor, I am going to move that the entire matter be referred to the City Attorney's office with the direction that he proceed with an Order to Show Cause to revoke the Liquor License.

Mayor Gragson: Do you have any information as to whether they, as Firemen for the City - that they are operating there as a conflict of interest?

CHERRY PATCH
(continued)

City Attorney, Carl E. Lovell, Jr., No, Your Honor, I don't.

Commissisner Franklin: That's not my major point - I think that is a personnel matter - whether or not they sought prior approval, but the records show, I think, starting on May 1st there has been a total, complete and absolute illegal operation at this bar. The books have been changed to reflect it - written documents were executed by the parties and there has been a total and complete ignoring of the laws of the City of Las Vegas and I don't think it should be allowed to continue. That's why I made the motion - I think it's a very serious violation and the fact that the violation occurred by two City Firemen is an entirely separate matter for the action of the City Manager.

Mayor Gragson: Does the Investigation Division have any comments as to the degree of the violation?

Lt. Compton: I did check into this somewhat, Mayor, and I do feel that the two applicants in question were mislead throughout this entire transaction. I feel that the prior Licensee is the one who is entirely at fault in this matter - not the current Licensees.

Commissioner Franklin: Well, based upon what you say, then you feel that his conduct is such that it should be revoked?

Lt. Compton: It depends on what action this Board takes - if they deny and revoke his license, the next time he comes through our office for a license in the City, we feel that he would receive an unfavorable Police Report based on his actions in this matter.

Commissioner Franklin: Have you seen the supplementary report filed by Sgt. Garraway as to comments made by one of these men?

Lt. Compton: Yes sir -

Commissioner Franklin: That they had enough juice to give everyone hell for trying to close him up?

Lt. Compton: Yes sir - I approved that report - I personally sent it to the Mayor and the Commissioners. I have had a talk with the applicant since that time - they've had a change of attitude -

Commissioner Franklin: Was that remark made?

Lt. Compton: It was made -

Commissioner Franklin: That they had enough juice in the City to really raise hell if they tried to close him up -

Lt. Compton: The statement was made, Commissioner - however, it was made in a moment of anger and they later apologized. They realized later that they did not have that authority - there was no interference, Commissioner, from anyone from the District Attorney's office in this matter -

Commissioner Franklin: I know that - the full statement was that he would get his friend, Roy Woofter, to take care of this matter for him -

Lt. Compton: He got to me first, Commissioner, and it was straightened out.

CHERRY PATCH
(continued)

Commissioner Franklin: My motion still stands. We may vote not to because of other circumstances but I think the seriousness of this at least calls for a public hearing - to revoke the existing license of Mr. Coffman -

Roll call vote:

Commissioner Christensen	Aye
Commissioner Lurie	Aye
Commissioner Franklin	Aye

Mayor Gragson: If this application is approved, there is no license to revoke - who are you calling for the Show Cause on?

Commissioner Franklin: Mr. Coffman and the two people who have been operating May, June and July - totally operating a business without a City license. I think it requires a public hearing - we may after the public hearing decide not to revoke - we may decide to issue because of meritorious circumstances - to issue a license to the two men involved, but I think it is certainly a serious enough matter that it should not be condoned or forgotten.

Mayor Gragson: And you want it to remain closed in the meantime?

Commissioner Franklin: I think we could get this done quickly - there's a very extensive file - very good investigating work went into it - I'm sure Mr. Lovell could set up an Order to Show Cause within a reasonable period of time giving them, the persons to whom we are giving the Show Cause, the time they desire and I'm sure they want as quick a hearing as they can get too because they are closed, but I think it could be expedited.

Mayor Gragson: Now, if I interpret you right - you feel that the new applicants - even though you made the statement about the misunderstanding - are acceptable applicants for this business?

Lt. Compton: Yes, Your Honor - we only have one question which should be answered by the City Attorney - would there be a conflict of interest? If this, then, would not be so, then they would receive a favorable Police Report.

Mayor Gragson: I would ask the City Manager if they cleared this through your office prior to going into this business?

City Manager, A. R. Trelease: No, they haven't.

Mayor Gragson: Isn't that one of the requirements that you have regarding all City employees?

Mr. Trelease: Yes, any outside employment of any kind, Your Honor.

Commissioner Franklin: That's the other point I stated in my motion as a matter for the City Manager to handle -

Commissioner Lurie: Then this motion has to do with revoking the license -

CHERRY PATCH
(continued)

Commissioner Franklin: This motion calls for an Order to Show Cause whether we should, or not -

Commissioner Lurie: You aren't referring to the two gentlemen who are the applicants?

Commissioner Franklin: They will be involved -

Mayor Gragson: In my opinion, if the license is revoked it should include both Coffman and the new applicants -

Commissioner Franklin: That is why we should have a Hearing.

Mayor Gragson: Complete the roll call -

Commissioner Morelli Aye

Mayor Gragson: For the fact that they did not notify our City Manager and get approval is all personnel - if they didn't know - and at least the Department Head knows -

Mayor Gragson Aye

Mayor Gragson: If we could set the date now -

Commissioner Franklin: They are entitled to a reasonable time - ten days -

Mr. Lovell: Set it in two weeks, Mayor, if you please would -

Mayor Gragson: August 15th at 7:00 p.m. - is that the Commission's desire -

Damon Hasler: I am one of the officers of the Forty-Niners, Inc. and I'm just wondering if there is any way we could get this set any sooner. Obviously we don't have a whole lot of money and we've been closed for a week - if it went like two weeks there would be no sense in even applying - we'd be broke.

Mayor Gragson: Your attorney, if you have one - will he be prepared to appear earlier?

Mr. Hasler: Oh yes, he could be prepared today because we have nothing to hide - we can tell you everything we know just right here.

Mayor Gragson: As a City employee, you knew that you needed permission from the City Manager for any other kind of employment?

Mr. Hasler: I didn't know it was the City Manager - we submitted some letters to our Chief -

Mayor Gragson: And the Chief did not submit them to you (City Manager)?

Mr. Trelease: When?

Mr. Hasler: I believe it was on July 13th

Commissioner Franklin: But you've been operating since May 1st.

Mr. Hasler: That's correct - we looked on that application and went down the list of things to do and there was nothing on there

CHERRY PATCH
(continued)

saying that I had to notify the City Manager so when I felt we were in there - that the deal had gone through with - I submitted my letter for outside employment, because Roy Coffman was tied up in the divorce court and we didn't know who the bar was going to go to, so I thought there was no reason to get all tied up because if the Bar goes to his wife, we're out in the street - he was in court - like for thirty days.

Mayor Gragson: Will you need two weeks?

Mr. Lovell: I doubt whether, in fact, Mr. Hasler's attorney would want any less time than that - are there one, or more attorneys?

Mr. Hasler: Just one -

Mr. Lovell: What about Mr. Coffman - he's the one who gives us concern for this Hearing -

Mr. Hasler: I'm sure his attorney could get the stuff together in a day -

Mayor Gragson: OK, the date will remain, then, as August 15, 1973 at 7:00 p.m. unless your attorneys and our attorney can work out an agreeable earlier date, and notify us if you do.

Amended
Motion

Commissioner Franklin: I would amend my motion to state that we retain the date as previously set, but give authorization to the City Attorney to set a prior date to that time by giving six (6) hours written Notice to this Commission.

Z-11-73
8/8/73 Agenda

Mayor Gragson: We've had a request, and Bruce Beckley's office is represented here today, if we could here and now establish a date when we would hear their rezoning application as it relates to the Dayton-Hudson people on the property adjoining Decatur and Valley View.

Commissioner Franklin: The next meeting would be fine with me. If I recall our legal action, we moved to hold the application for rezoning in abeyance pending a Feasibility Study. We now have the Feasibility Study and we might as well face the issue and as far as I'm concerned we can put it on for the next meeting.

Representative: That's fine - we would have people coming from different parts of the country and would want to notify them -

Motion

Commissioner Franklin: I move that we take off the table - or from abeyance - however you want to put it - the application of Dayton-Hudson and that it be placed on the agenda for next weeks' meeting.

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

FREMONT
EXPRESSWAY

STATE HIGHWAY DEPARTMENT

Director of Public Works, Richard P. Sauer: The people from the State Highway Department are here - they are going to talk to you about West Fremont from Rancho to Decatur. As you know, that is State right-of-way and they have jurisdiction over that insofar as construction is concerned. However, they are going to discuss with you the necessity, and the reasons for the necessity, of removing the traffic. We had talked to them at some length before and we had hoped they would be able to keep traffic on this section because of the some odd 11,000 or 12,000 cars per day. But the situation has changed and this is why they are down here to talk to you personally and tell you why.

At the hour of 10:15 a.m. Mayor Gragson declared a 5-minute recess.

Meeting reconvened at the hour of 10:25 a.m. with Full Board and Staff present.

Grant Bastian, State Highway Engineer: Good Morning Mayor and members of the Commission. We appreciate you taking the time to have us appear here this morning. We do have a problem that you may, or may not, be aware of. In order to bring you all up to date, I'll give you a little bit of background on the Project we are speaking about - I'll give you some of the statistics. We are talking about the West Fremont, between just west of Rancho Road to just west of Decatur Avenue - a total of 1.9 miles - 1.9(+) miles. We currently have before us opened bids on this particular section that we estimated would cost us in the neighborhood of 4.9 Million Dollars. That is our Engineering Estimate. This, coupled with the cost of design and the other engineering contingencies of just over a half a Million Dollars - and the right-of-way and utility relocation costs, in the neighborhood of 2.5 Million Dollars, amounted to a total of about 8 Million Dollars that we had obligated on this Project. Like I say - we opened bids on July 19th and received three (3) bids ranging from 5.3 to 5.7 Million Dollars. Actually this is \$436,000.00 over our estimate and to be real honest about it with the current financial situation in the Department, it is money that we just don't have. The money that was programmed to do the Project was programmed out of Fiscal Year 1974 Funds, and it took them all, and the best that we could hope to do is - if it slips now - and we have considered some alternatives and I'll get into those now - that we would be able to construct and re-program additional funds hopefully out of the 1975 Fiscal Year Funds. But it is not quite as simple as that, either, because the current legislation before the National Congress is decreasing the amount of money that we will have available in urban areas. So we are going to feel the pinch even further than we have done in the past because the National legislation is going to decrease the amount of money that we will be able to spend in urban areas. It does have a provision where we will be able to transfer between categories in the urban areas, but we can't transfer from rural money to urban areas, or urban money to rural areas. So we are going to have a problem there. Also we do have facing us the threat of additional impoundments - we are already getting hit

FREMONT
EXPRESSWAY
(continued)

pretty hard through impoundments, but I understand that the President is currently reviewing his executive budget to see if he can't reduce the Federal spending to help curb inflation. So we have done several things - we have explored the possibility of adjusting the contract, under the existing bids, to bring the total amount of money anticipated on the Project within the funds available. We have some additional problems out there that were not included in on the original bids, and that was the erection and provision for additional noise screening - noise provisions. This will add from \$100,000 to \$200,000 to the existing Project. So the basic conclusion on the possibility of operating within the existing bid is - in order to reduce the contract enough to get it within the monies available, we would be violating the fair bidding practices. So we have discarded that aspect. We have also explored the possibility of re-doing our Program, State-wide, in order to free up enough money to provide for the completion of this Project the way it exists. I am sure that you are aware of some of our other financial problems, and taking that big of a chunk out of our State-wide funds, would practically shut us down up north and would throw a lot of our people out of work, and we want to avoid this. So what we have done - we have explored the possibility of removing traffic from this section during the actual construction and we have come up with the following cost savings that I will explain as I go along. We have direct costs in additional materials that would have to be supplied on the contract, of \$115,000.00. Basically, that is in the detours that would be necessary to provide to allow traffic to continue, that would be later removed and not incorporated in the final Project. We have also re-designed the Decatur structures because those were originally designed to be constructed under traffic and as a result the cost of those is quite a bit higher than if we could use conventional construction methods. There is a direct saving there of \$351,000.00, so we have a total of \$466,000.00 that we feel are direct cost savings to the Project if the traffic was removed. Now, in addition to those, you will remember that here now we are getting into the nebulous figures - we feel there would be indirect saving through the streamlining and allowing the contractor flexibility enough to put on a program and have a continuous flow of work from beginning to end. We would anticipate that there would be a possible - and realize that we wouldn't anticipate - it would be possible but not probable - there could be a \$238,000.00 saving there in the phasing and mobilization - extra work in bringing the equipment in and then taking it out a while, while other work is done, and bringing it back in to complete one phase of the work. We feel possibly there would be in the neighborhood of another \$160,000.00 in savings there. So that comes up to just a little bit short of \$400,000.00 additional that would be possible - maybe not probable. In addition to that, we have originally designed a concrete structural section in that area. This, to us, is quite important - as a Department, it is quite important that we go to concrete because experience has shown that the overall maintenance over a long period of time is reduced with concrete over the asphalt surfaces. Under the situation we are currently under now, we are considering, and possibly will go this way - would be to go to a concrete - I mean to an asphalt - surface, which will be a cost saving of roughly \$200,000.00 now. It will cost us later in additional maintenance costs, but we feel that the facility is

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necessary. So what we are saying here now is that you would have a total possible cost reduction of just over One Million Sixty-four Thousand Dollars (\$1,064,000.00). Now, we don't anticipate receiving all of that - what we would anticipate - somewhere in the range of 2/3rds to 3/4ths of a Million Dollars that we could save by removing traffic. In addition to that, we would anticipate the time to complete would be reduced 35 to 50 days. The construction out there is going to be very difficult and the risks of not completing this at the present time are quite great, and it is our recommendation that we go by removing the traffic and re-bid the Project. The fact is, this is our intention unless we have some kind of a violent eruption here today.

Mayor Gragson: Do you mean to tell me that you would violate the fair bidding practice if you negotiated these reductions?

Mr. Bastian: Yes, we do. We feel that they would have to be so massive that really it would be changing the whole character of the work. So, therefore, we feel in order to be fair to every one concerned, we would have to re-bid.

Mayor Gragson: If you take the traffic off, what will be the overall interruption?

Mr. Bastian: The time?

Mayor Gragson: No - where will the traffic be directed?

Mr. Bastian: Okey - now, westbound traffic would be diverted on to Decatur - eastbound traffic would be diverted on to Decatur and westbound traffic would be diverted on to Rancho. Does that answer your question? There would be no east/west traffic between Decatur and Rancho on West Fremont.

Commissioner Franklin: What is your traffic count in that area now? For that 1.9 miles?

Mr. Bastian: That's right - 1.9 miles - it varies on days of the week and times of the year, but it is bouncing around 20,000 a day.

Commissioner Franklin: 20,000 people are now using that existing route a day that we are being asked to divert to some other area -

Mayor Gragson: What would be the user benefits -

Mr. Bastian: I really can't answer that right now because I don't know. Let me say by delaying it a year, which is just about our only option at the present time - and we try to stay as open-minded as we can - but the only option I feel exists at the present time is to delay a year unless you are going to force us into another lay-off situation, and I've told my people I'll be the first one out the door if there is going to be another lay-off - I think I'll have to be. But if we're talking about a year's delay before this can be handled, then you are talking about the loss of the year's user benefits - you are also going to incur more inflation during that years period, and that could amount to anywhere from Three Hundred to half a Million Dollars.

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Commissioner Franklin: We're only talking about \$400,000.00 right now. All of a sudden you've got a bid in that exceeded your estimate by 8% - that's the problem - right?

Mr. Bastian: Yes -

Commissioner Franklin: That 8% is some \$400,000.00, is that correct?

Mr. Bastian: That's right -

Commissioner Franklin: And if you went ahead with this bid you'd have to find that \$400,000 some where in Highway Primary Funds - is that right?

Mr. Bastian: That's right -

Commissioner Franklin: That might require putting people off work up North?

Mr. Bastian: That's right -

Commissioner Franklin: It might, as you said, take a chunk of your State-wide funds?

Mr. Bastian: I definitely would.

Commissioner Franklin: What is the basic source of all Federal Highway Funds -

Mr. Bastian: Your gasoline tax revenues.

Commissioner Franklin: What is the source of the State of Nevada highway funds?

Mr. Bastian: Gasoline tax revenues.

Commissioner Franklin: Where is, by far, the majority of gas tax funds raised in the State of Nevada?

Mr. Bastian: I think I see what you are alluding to, Commissioner Franklin, and I think it would surprise you to find that the percentage is not consistent with the population. In other words, we are a bridge State - the northern part of the State does receive - does generate a considerable amount of revenue - exactly what that percentage is I wouldn't hazard a guess at this time because I am not that familiar with it, but I'm sure that it won't be relatable to the population, because we've looked at that.

Commissioner Franklin: I'm trying to be not like my usual self - I'm trying to be very calm and quiet on this issue, but way back in April of 1972 I asked our Director of Public Works to come up with some figures on the expenditure by the State Highway Department - both Federal and State funds - throughout the State of Nevada, and the figures that he generated at that time amazed, and even shocked him, at the disproportionate amount of Federal and State monies that were used outside of Clark County -

Mr. Bastian: Would you like an explanation of that?

Commissioner Franklin: I'm just saying - now we come to a Project where the first time in years there's an over-estimate of 8% when you've had - according to information furnished to me - on the past seven or eight contracts the State of Nevada has

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had the benefit of about Three Million Eight Hundred Thousand Dollars (\$8,300,000.00) under estimates of your estimates - now you get one 8% over = \$441,000 - you're talking about rejecting all bids - you're talking about slowing down this Project for one year - you're talking about asking us to divert 20,000 cars per day off an already-established location in order to save some \$400,000.00. That's what it amount to. And that's havoc - 20,000 cars a day being diverted to other areas and in looking at it, to me it looks like one of those streets is going to be pretty much of a residential street - because they're going to find the short-cuts - people are good that way - it just seems to me it's creating a lot more havoc than the some \$400,000.00.

Mr. Crosby, State Highway Engineer: Let me address to that one point, because I think this is sticking in a lot of people's craws down here. I think, by taking the total amount of Federal funds received by the State and then comparing that amount that Clark County itself gets, is being completely unfair because there is a considerable amount of money that is ear-marked specifically for the InterState, and by far the bulk of the InterState mileage is in the northern part of the State. So we have to spend that money there. If you are going to compare then let's compare monies received for the A-B-C-D Programs and see what Clark County is receiving there. Now, we make a deliberate and concerted effort to be sure, as close as possible, over a long period of time, that we spread those A-B-C-D funds in the areas where the revenues are generated. Right at the present time I couldn't tell you exactly whether we are right on the mark of getting Clark County all of the monies it is entitled to, or not, but over the long haul I can promise you that you will receive that money, as close as we can calculate it.

Commissioner Franklin: The date this report was made, on April 27th - Mr. Sauer's report was that within the next six years, starting from that point of view, the State would try to adjust some of these previous inequities and that we would get the best of it for the next six years on our highway program, and yet the first major Project that comes up, we're not.

Mayor Gragson: On your noise barrier and your change to asphalt - there is approximately \$400,000 - the asphalt could be changed any time - could the noise barrier be held off under this contract without any interference with the bid and put in at a later date?

Mr. Bastian: I would have to say that the inclusion of the noise barrier on this particular Project was a concession to a group of people who were going to bring an injunction against the construction of the Project. I think it was the proper thing to do, not only for the community, but for the adjacent property owners, and I feel that should be now renege on that committment, I'm satisfied they would again attempt to get an injunction -

Mayor Gragson: I didn't mean "renege -

Mr. Bastian: Well, the committment has been made -

Mayor Gragson: Hold it off of this specific contract and put it under another one out of 1974-75 funds - this Project won't be completed prior to that date anyway - right? Not renege - just delay -

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Mr. Bastian: But the agreement between the parties at the present time is that we would include it in this existing contract.

Commissioner Franklin: Grant, I don't want you to think I just am picking on the Highway Department - I am - I know you have available to you and can give to me in a very short time, the actual amount of gallonage sold in Clark County as opposed to every other county in the State - they are readily available to you - if you will go back and give a good analysis of need and where the money is generated - I grant you, the Federal government takes money generated in Clark County and order you to put a Freeway across 350 or 400 miles of northern Nevada . . . I see those problems -

Mr. Bastian: Let me correct that statement, though - the State of Nevada has been receiving more Federal aid than we have been contributing, so we're really not taking money out of Clark County and spending it on the Interstate -

Commissioner Franklin: That's because of the Federal ownership in the State of Nevada . . . they're not giving us anything - if you will look at these honestly you can see that we are entitled to substantially more State support than we are getting - not only new construction but the use of the facilities that are built here - the traffic generated here - but to show that I am not talking solely about the Highway Department - I feel exactly the same way about the Entertainment Tax which raises Seven Million a year for the State of Nevada - five and a half of which is raised in Clark County - and it all goes into the State General Fund and not a damn dime comes back here - all throughout the history of the State of Nevada, in the last ten years, we've been generating funds to the State and I just don't think we are getting our fair share back.

Mr. Bastian: Let me make one statement here too - you speak about the large traffic generated that you have here in Clark County and undoubtedly there is, but it would probably surprise you to know that the primary highway between Carson City and Reno carries more traffic than I-15 between Las Vegas and the California State Line. So I think maybe you see one piece of the pie but you really don't have a good perspective of the rest of it because I think a lot of the gasoline revenues are generated up there and I will again make that commitment, and I think that it's one that has attempted to be kept in the past, that we will do everything within our power to keep Clark County receiving their fair share of the State gasoline taxes.

Commissioner Franklin: I find it hard to believe that the traffic between Reno and Carson City is higher than the traffic between here and L.A.

Mr. Bastian: We have traffic counts that will show that -

Mayor Gragson: Now, at the beginning of this Project you anticipated a full interchange at Valley View and the Expressway - now that is reduced and it has reduced the total cost by more than the overage is here - right?

Mr. Bastian: We had to reduce that to even get it into the area where we could program it with Federal funds . . . let me throw in one thing further, and maybe this will sound like a self-serving statement, but I don't know of any other state in

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the Union, except Texas, which happens to be the lowest gasoline tax in the Nation - but I don't know of any other State in the Nation that hasn't received a gasoline tax increase for the benefit of the State since 1955. That was our last gasoline tax increase for the State of Nevada and then it amounted to 1/2 of 1 cent, and I think that the people in Nevada shouldn't be surprised now that we are in financial difficulty - but we are in financial difficulty.

Mayor Gragson: Let me that this - that isn't our fault. We asked for and received support from local people for gasoline tax that the Governor and the State Legislature feel is not needed - the general policy of the politician is "no tax" regardless of the need for it - so you can take that problem right back to the Governor and Carson City -

Mr. Bastian: I was not meaning to infer that it was you peoples responsibility - I was trying to give you a little background of why we are in the predicament we are in -

Mayor Gragson: Maybe the Highway Department hasn't projected their needs sufficiently, either.

Mr. Bastian: Well, we've had a 20-year projection -

Mayor Gragson: I don't mean that you having projected your needs for construction - but made the Governor and Legislature aware of the need for extra revenues . . . that is not really the problem we are facing this morning. I will tell you - it may not do any good - but I strongly oppose a year's delay - you don't have to live every day for the next coming year with these 20,000 people a day who will be inconvenienced by directing the traffic the other way and I think, at least, you have to evaluate this on a users benefit basis there.

Commissioner Franklin: I agree with you, Grant, and I'm sure you've had the advice of the Attorney General - that you can't make any modifications under the bid - once they've been opened - you are in violation of the law - you can't go out and pare them off now because they've been opened. You're going to have to do one of two things, as I see it, and that is you are either going to have to reject all bids and re-bid or find some \$400,000.00 to go ahead with the contract -

Mr. Bastian: That's right - this is the predicament we are in -

Commissioner Franklin: The Mayor says 20,000 people - that's talking about cars - that's 40,000 people because you have at least two persons to a car, average and these 40,000 people a day is something we've got to live with, so my solemn hope is - I know you are on the horns of a dilemma - you have one of two ways to go - that some how, some State funds - even though it may mean diverting them from some other area in the State - that you can find that some \$400,000.00 to get this thing on. That's my hope.

Mayor Gragson: If you change the paving material, you would save \$200,000.00 - right? That would leave another \$200,000. you would have to raise. I would like to say that this is your problem, not ours, but it is one for both of us -

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Commissioner Christensen: If you reject all bids, what happens to the money that you say you already have earmarked for this Project?

Mr. Bastian: We could carry that money over until such time as we could re-bid it. That is what we would anticipate doing - we would re-bid it within a matter of just a couple of months.

Commissioner Christensen: Do you think if you re-bid it - you plan on re-bidding with these changes?

Mr. Bastian: That's right -

Commissioner Christensen: To come in with a lesser bid -

Mr. Bastian: That's right -

Commissioner Christensen: When you bid a job and it comes in under bid, what happens to the money?

Mr. Bastian: Those monies are placed back in to whatever category funds they are in and then they are used on the next project - and we have taken good advantage of the 3.8 Million Dollars -

Commissioner Christensen: If this job does go ahead, as bid, then what does that do to the other jobs - are there other jobs that won't go to bid?

Mr. Bastian: That is what I was referring to - in the northern part of the State -

Mayor Gragson: Let me ask you this - if you change the material, if I get the information right from the information I received from the Highway Department, the Regional Street and Highways and our local Public Works, \$200,000.00 does damn little towards a new bid, and if we change that, that is practically all we are talking about.

Mr. Bastian: Could I suggest something - normally, Mayor, you would be right but with the shoestring operation we've got going now, \$200,000.00 looms awful big - you're saying the \$200,000.00 we could save by changing the structural section - at least 50% of that, possibly more, would be utilized in the additional sound provisions we'll have to make.

Mayor Gragson: Then that's out - I don't know why you even considered that - I thought that was what you were recommending -

Mr. Bastian: The change?

Mayor Gragson: Yes -

Mr. Bastian: We are - we want to take advantage of that along with other things that will bring us within the range -

Mayor Gragson: But you are only going to save half of it -

Mr. Bastian: We're going to have to provide that sound barrier, regardless, so we're not talking, really, \$466,000.00 - we're

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talking something in excess of \$566,000.00 that we're short on this particular bid.

Mayor Gragson: In other words, this sound barrier was not included in the original bid?

Mr. Bastian: No it wasn't -

Commissioner Christensen: What would be wrong with going ahead with this job the way it's bid and pare the jobs up north that it's going to affect? We give them the same opportunity we have to go ahead and re-bid them and shake them down?

Mr. Bastian: We have explored that possibility as well and we see no way that we could do that because of the quantities involved there are set. In other words the road excavation and paving, and there is no way - we have so many miles of wider road to construct - you can't adjust the big items -

Commissioner Christensen: It seems strange that we always have to make the adjustments so they can get by in Washoe County -

Mr. Bastian: Let me correct something here - when we were flush - and I think this is the procedure we've had in the past, and I think we can verify it, we didn't question the request from the City to carry traffic through construction, although we knew at the time that it would cost in excess of a half a Million Dollars - we didn't blink an eye and we wouldn't have blinked an eye if we could have got the job built with the finances available - and we won't again because we are committed to lend every effort we possibly can to work with the City and provide the facilities that they want the way they want it, but it's a two-way street -

Commissioner Christensen: What you are saying is that we have two jobs going - one in the North and one in the South and we're going to have to cut down on the one in the South so the North won't have to be cut down -

Mr. Bastian: Because we feel that amount of money can be easier saved - in fact, if we're going to have to do that, the other job just won't go.

Mayor Gragson: What will be the time schedule of your construction here - how long?

Mr. Bastian: It would be, roughly, around 280 to 300 days - working days.

Mayor Gragson: And, roughly, that is a year -

Mr. Bastian: Yes - just over a year - it will be longer than that if it's built under traffic -

Mayor Gragson: In that area you have the same problems as a home-builder - you don't know, unless you drill every three inches, just exactly what your problems are -

Mr. Bastian: It isn't going to be simple construction - we don't contend that it is - that's one reason we feel there is some saving

to be realized if the contractor doesn't have to worry about the traffic - if he can get his heavy equipment in and go.

Mayor Gragson: What choice do we have?

Mr. Bastian: Well, what alternatives do I have? I feel that it would be a dis-service to the traveling public not to provide this facility as soon as possible -

Mayor Gragson: Let me ask you this, too - I know it has to happen, but doesn't it put the contractors in an unfavorable position to have to turn around and re-bid -

Mr. Bastian: This puts the contractors through the wringer - that's one reason why we have over-estimated - we normally try to estimate over what we feel the bids are going to come in at so that we avoid the remote possibility that it will be outside the limits and we will have to reject all bids. I agree, we really put a contractor through the wringer and, well, hindsight is 20/20 and if I had it to do over, I'd do it different - we'd be having this meeting prior to the advertisement for bids. We honestly thought we would be able to get the bids within the realm of the programmed monies.

Commissioner Franklin: Has the total of two and a half Million for right-of-way already expended?

Mr. Bastian: Yes it has - utility adjustments are in the process but I don't believe they have received all the billings on those yet -

Commissioner Franklin: Are you going to be able to keep that within the \$500,000.00 of the two and a half Million for acquisition -

Mr. Bastian: I'm advised that is the best estimate they can give me right today so I assume they have given it a good thorough review.

Commissioner Franklin: Mr. Sauer, you're on the ground level - you are the expert in this field - can you give us any in-put? I don't know what you can do to help us except discuss it because it's totally in the hands of the Highway Department, but it seems to me to be tragic if this thing can't proceed.

Mr. Sauer: Actually, it's not all that bad - the State was going to only be able to maintain two lanes of traffic - one in either direction - and that's going to mean that about 50% of the traffic is going to automatically leave the road anyway, because if you've been down there in the last week or so where they are constructing the drain at Rancho, with one lane of traffic, the traffic backs up three quarters of the way to Valley View, which one lane of traffic, eastbound. So you know the traveling public is not going to stand for that - they are going to get off of the street. As a matter of fact, I got off of it and I'm one who uses it three or four times a day. They are going to use Washington, which is capable of carrying the traffic, and also Alta. We don't think we're going to try to keep them off of Bonanza because it goes by two schools -

Commissioner Christensen: Did you say Alta?

Mr. Sauer: Alta goes through from Decatur to Highland with no problem, so that is going to carry some of the traffic -

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Commissioner Christensen: It narrows down to a little bitty street between Decatur and Highland, because I live a half a block off of it -

Mr. Sauer: That's true, but it still carries two lanes of traffic without any problem -

Commissioner Christensen: You are putting that past the school also - you are aware of that - on Alta -

Mr. Sauer: There's one school -

Commissioner Christensen: For almost a block there's a school zone -

Mr. Sauer: But the traffic will automatically use Alta as well as Washington and some of it, of course, is going to use Bonanza - there are two schools on Bonanza, though, and the traffic on Bonanza generated from the High School is not good because the kids come down there in their hot-rods. But, in any event, we believe that the streets that we have available, east and west, will be able to carry the traffic -

Commissioner Christensen: And who is going to put Alta back together after you tear it up, because if you route all that traffic on Alta for a year, there isn't going to be any street left - because all you've got is a simple blacktop - no curbing or anything else on that street, for a ways there -

Mr. Sauer: There will be no trucks allowed on Alta . . . we believe the streets we have are going to carry the traffic -

Commissioner Franklin: What you're saying is that there is no solution - that they've got to reject all bids -

Commissioner Christensen: Do you know how many people you are going to irritate running that traffic down Alta?

Mr. Sauer: You cannot keep the traffic off of a street - the public is going to select a street to use where they get the least interference with. They will use Alta up until they start getting interference and then they'll move someplace else. They will go Charleston - they will go Alta - they will go Washington and some on Bonanza.

Commissioner Christensen: I used to use Sixth Street to go north and south but somebody had enough pressure to get that closed off - I wonder if we could do that on Alta -

Mr. Sauer: That was an idea from our Traffic Engineering Department due to the heavy number of accidents that occurred . . .

Mayor Gragson: I've heard that comment - pressure - pressure - time and time again, but I do want you to know that this was a recommendation of our Traffic Department and not due to pressure from any given area.

Commissioner Christensen: Well, when I used the term "pressure" I'm not talking about personal or political pressure - I'm talking about pressures of traffic, accidents, etc. Don't read something into "pressure" that isn't there.

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Commissioner Franklin: Grant, knowing the problems you are going to create for us here, with all the construction and all the problems - can't you dig down somewhere and find that \$400,000.00 and go ahead?

Mr. Bastian: We've been over this - we've gone over it and if somebody has an answer, we still have an open mind - let me put it that way.

Commissioner Franklin: We are talking about an approximate year and a half program - right?

Mr. Bastian: Yes - it will be in excess of a year -

Commissioner Franklin: Starting of construction will be when?

Mr. Bastian: If the bids went ahead as planned, it would be 325 working days - 20 days from now -

Commissioner Franklin: A month from now, and then 325 working days - a year and a half - right?

Mr. Bastian: Yes -

Mayor Gragson: In other words you are telling us that you could re-bid and your completion date would be about the same -

Mr. Bastian: Just about -

Commissioner Franklin: There's no way we could go ahead - we'd have to have a legal opinion - somehow if we could figure a way out of Revenue Sharing Funds to supplement this thing - rather than have 40,000 people giving us hell - but I think that would be setting a bad precedent - supplement it out of our funds, but I think that would be very dangerous.

Mayor Gragson: And that would be a year before we have any more Federal funds that are not already ear-marked -

Mr. Sauer: I don't want to leave you with the impression that this traffic is going to flow as smooth as cream for the next year and a half - our streets are going to be heavily taxed in that area and you are going to get some complaints - there's no question about it - but I don't, at this point in time, see any possible alternate.

Commissioner Franklin: I think we have Mr. Albright about to address us -

Verne Albright: I'm the attorney for the Nevada Rock & Sand. I also live out in the area of Rancho Road and certainly the prospect of some 20,000 cars that have been going down this Expressway, suddenly going through my neighborhood, is a very unpleasant thought and the fact that you only had two lanes it would certainly alleviate half the problem. As Mr. Sauer has pointed out, two lanes is better than none. It is my understanding from Washington and I would like to ask Mr. Bastian - that the State recently received 6.4 Million Dollars of interim financing funds from the Federal Government and that they have the right to use this money any way they please, either on InterState work

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Opposition

or primary or secondary roads. It appears to me that the State Highway Department has told us they are going to save some money, but in the long run it isn't going to save any money because most of it is going to be eaten up in inflation - we're not going to get a concrete road - we're going to get an asphalt one that's going to require a lot more maintenance. The question narrows down to the point of inconvenience by people being laid off up North if this contract is awarded - he tells us there will be some people that will be laid off up North. Gentlemen, I remind you that if this contract is not awarded - if this bid is not awarded as it should be - there's going to be people laid off right here in Southern Nevada that have been with these contracting firms for twenty years, and a lot of people who would have jobs here, are not going to have them, and I think that should be considered. This is the heavily growing area of our State - the most populous and more industrious, so I urge you to give consideration to that, and certainly I oppose this Board - this Body - entering into any agreement with the State that they would concur in the diversion of 20,000 cars and a delay of this Project.

Commissioner Franklin: This is a point, Grant, this is six and a half Million in Federal funds that are available?

Mr. Bastian: We get that every quarter - the figure that we have received is 6.2 Million, yes - there is a requirement - we can't just spend that any place, and it is committed - and that's the money I am talking about up North -

Commissioner Franklin: Committed where?

Mr. Bastian: Up North -

Commissioner Franklin: You wouldn't be using it on the bids you are about to open tomorrow in the North, would they - isn't this a major bid opening tomorrow?

Mr. Bastian: Yes, it is - we have two bids -

Commissioner Franklin: And this 6.2 Million Dollars is going to be used for those bid openings tomorrow?

Mr. Crosby: That is correct - part of it is. I want to get into this primary funding that you keep talking about. The State of Nevada - you talk about our gas tax revenue - now we made a concerted effort to spend our primary road funds and our secondary road funds according to need. However, we do have some restrictions placed on us by the Federal Government - and we're going to have more restrictions placed on us by the Federal Government when we get the new Highway built, but we have programmed - put No. 1 priority - on completion of the Expressway in the City of Las Vegas, and that comes out of our Primary Road funds. We have other needs throughout the State but we have programmed 51% of our Primary Road funds for Clark County - for the City of Las Vegas - for this Expressway specifically. Our Secondary Road fund, if you are talking about that, we have a formula given to us by the Federal Government that we have to follow. In other words, Secondary funds are rural highway funds and we're supposed to disburse those according to a formula, which we do, to all the counties. Now, we don't get very much money - very much Secondary money so we have to run a credited deficit arrangement - the county accumulates so much money so they can buy the road. Clark County

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(continued)

accumulates the most money of all the counties - \$600,000.00 a year - I think by the time this memorandum was written, that you refer to, they were about two Million Dollars in the hole, so it meant that we had been over-expending on our Secondary Road funds in Clark County. Now, we're going to over-expend as far as the rest of the State is concerned, on our Primary Road funds on this particular Expressway and on the figures that Grant quoted to you is that we have obligated Eight Million Dollars to this particular Project, that's for a mile and nine/tenths when the only amount of money, I think, received in Primary Road funds was five and a half Million Dollars, so we're using 1973-1972 Primary Road funds. Now a lot of these things came about where you get a little bit of distortion in the spending of this money - it came about because of the InterState System, and the Inter-State System is a System which was dictated by Congress and the money comes, by need, wherever the highway is. Population hasn't anything to do with it and you get into certain areas like we do in Las Vegas, we were forced to spend Primary Road funds to complete portions of the Inter-State System - the connections - the downtown Expressway - it was all constructed with Primary Road funds and it was necessary to complete the InterState. You have the same situation in the City of Reno - we had to complete the north/south Freeway, portions of it, in order to complete that InterState System. Both of these Systems are under construction right now in Las Vegas and Reno - what we have attempted to do is to maintain a balanced program throughout the State, recognizing that the need - the traffic needs of the State and recognize that this area does generate the major need and this is where we have focused the major attention - is right here.

Commissioner Franklin: Let me ask you, specifically, because that's what I'm trying to find out - there's a bid opening in Washoe tomorrow - is part of this Six Million Four Hundred Thousand - has that been allocated to this bid opening you've got in Washoe County tomorrow?

Mr. Crosby: That is a Secondary Road fund -

Commissioner Franklin: What if that comes in 8% over the engineers estimate - what are you going to do?

Mr. Crosby: Then we're going to be in real trouble -

Commissioner Franklin: Well, number one - you already have a bid opening on this job - and if you are short - if you can't meet the bid requirements by \$400,000, wouldn't you be apt to call off your bid opening for tomorrow before you get yourselves involved in other legal problems?

Mr. Crosby: That doesn't have anything to do with it, because we're talking about Primary Road funds - we're talking about Second Road funds and we're talking about Inter-State road funds - the money is not given to us to spend any way we want to - it is given to us and we have to spend it in the exact category as indicated by the Federal Government -

Mayor Gragson: But it can be spent there or here -

Mr. Crosby: No - I don't see how Secondary Road funds could be spent here because we don't have a Project ready -

Mayor Gragson: The 6.4 Million could be spent here or there -

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(continued)

Mr. Bastian: You've got to understand that the Federal Government required you to program money for a Project - before they will approve a Project for construction, you've got to have the money in the bank and when you program the money for that Project and realize that these projects that are opening tomorrow were programmed before the bids on this job were even let - I mean, even opened.

Mayor Gragson: Now, what if on that job up there you were fortunate and it comes in \$400,00.00 under your estimate? Which is possible -

Mr. Bastian: That would be a help, Mayor -

Mayor Gragson: Then would you need -

Mr. Crosby: On that one I would have to go back and check the regulations to be sure whether we could go back and re-program monies for that -

Mayor Gragson: You wouldn't have to re-bid this if you had the money - correct?

Mr. Crosby: That's right -

Mayor Gragson: If you had the \$400,000.00 left over by an over-estimate up there, could you bring it down here?

Mr. Bastian: I would have to check with the Feds to see if we could transfer that money and re-program with these funds - you see, they would be in different categories - and whether they would allow us to do that, I would have to check - we do have some flexibility -

Mayor Gragson: A portion of that comes out of this money where you have some flexibility - and part of that is being used on the Reno bid?

Mr. Crosby: That's right -

Mayor Gragson: Then if it is, would it be possible to use part of it here?

Mr. Bastian: This is Cal Berge, Division Engineer for the Federal Highway Administration -

Mr. Berge: Maybe I can clear up some of these points - the 6.4 Million is not dollars - it's spending authority - the State can spend it if they've got the money in that category. The problem is - this is a Primary Project - they can spend part of that 6.4 Million if they've got the Primary funds, but they can't use Secondary funds or Inter-State funds. So we could give them Ten Million Dollars in spending authority and they can spend it if they have Ten Million Dollars in different categories in the bank - if they only have Two Million Dollars in the Bank, then they spend Two Million Dollars.

Mayor Gragson: As a Federal Highway Engineer, what is your thinking on diverting 20,000 cars a day for one year? Does

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(continued)

that meet the approval of the Federal Highway guidelines?

Mr. Berge: Mayor, we don't tell the State Highway Department how to handle the traffic - if they are going to handle the traffic through the Project, then we have some say, but the operation of the State Highway System is up to the State Highway Department. If they can divert the traffic to other roads and streets in the area, that's perfectly OK with us. When you were talking about the Washoe County Project, though, and the Project on the Interstate up at _____ they cannot use the Interstate money on West Fremont and they cannot use Secondary Road money on West Fremont. If you had the Primary funds in the bank for this job then they could spend part of that 6.4 - but that's the problem they have - they don't have the Primary Road funds.

Commissioner Franklin: What is the particular project that the bid opening is on in Washoe tomorrow?

Mr. Bastian: On a section of Greenroute from Pyramid Way to _____ - Secondary -

Commissioner Franklin: That's what I wanted to find out because I know something about that Reno area and I can't see where there's that much difference in the actual usage of that section of land we are talking about and the actual traffic and usage we would have on our Fremont Expressway, so why is that Secondary fund for the benefit of Washoe and ours designated as Primary-

Mr. Bastian: It is an extension of U. S. 95 a Federal System - that one up there is on the -

Commissioner Franklin: Can we take it off the Federal System and use Secondary funds?

Verne Albright: May I ask a question - isn't it possible, if I understand from what he said at the beginning of this discussion, that it is possible if the State Highway Department wanted to do so, take money from another source - another Primary fund source - and use it on this job, if they so decided to do so?

Mr. Bastian: If we had the spending authority - I'm not sure how much we've got there - do you know how much we have (Mr. Berge) - additional Primary funds?

Mr. Berge: I don't think you've got any now - you have all the money programmed -

Mr. Albright: Isn't it true also that normally when a job is 10% over the bid estimate the job is almost always awarded - sometimes even as high as 22%, bids have been awarded - they have been that high over the engineers estimate - the Bureau of Public Roads always approves a 10% over the engineers estimate as a matter of course.

Mr. Bastian: This is normal procedure - anything over 10% we have to get special concurrence from the Federal Highway Administration before we can award - under the current situation it isn't a matter of getting Federal approval - it is to get the funds -

Mr. Berge: Nothing can be awarded until it's financed -

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(continued)

Mayor Gragson: In other words, unless the State Highway Department comes up with the other \$430,000.00, the Federal Government will not allow the awarding of the bid until those dollars are there?

Mr. Berge: Right - the Project has to be fully financed so that when the contract is completed we have a full facility -

Mayor Gragson: Do they have to have funding for contingencies? for an over-ride? Which can happen, and I think does happen -

Me. Berge: We approve change orders - most of the time we say - subject to availability of funds - so that, again, is putting the monkey back on the State's back -

Mr. Albright: If the State did re-program these future projects there is no reason why you wouldn't approve it - isn't that right?

Mr. Berge: The initiative for any program is the State Highway's responsibility. I would like to make one more point, Grant - when you were talking about changing the paving structure from concrete to asphalt, we would not concur in the award unless it was readvertised, because it would be too much of a change.

Mr. Bastian: We appreciate your time - this has dragged out longer than I anticipated, and I do appreciate your time.

At the hour of 11:25 a.m. Mayor Gragson declared a 5-minute recess.

At the hour of 11:35 a.m. the meeting was reconvened with the Full Board and Staff present.

Commissioner Morelli: Do you want any action on this, Mayor?

Mayor Gragson: What action can be take?

Mr. Sauer: You can say you agree or not agree - if you don't agree, they will have to come up with another program -

Request
for
Resolution

Mr. Albright: Mr. Mayor, may I say something. We, as the low bidder, intend to appeal this to the Governor and the Highway Board - the Governor, the Attorney General and the Comptroller. Now if this Commission were to manifest their desire in this matter it would have some effect on the Highway Board. If this Commission, after hearing these things presented by the Highway Engineers, stands mute and doesn't do anything, but its silence is practically admitting that that's alright to divert 20,000 cars. If a Resolution is passed indicating that it is not your desire and that it is your desire that this Project be completed at this time - it has been in the program stage for over ten (10) years - this, then, would have great effect and influence, we feel, on the Highway Board and we would urge you to manifest your will at this time in the form of a Resolution.

Mr. Sauer: Inasmuch as this seems to be in the minds of the

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(continued)

Commissioners - a question as to what stand you should take it may be suggested that this be held off for a few days, because it's not going to make any difference as far as award at this time anyway. In the next few days . . .

Commissioner Franklin: Mr. Albright may have a meeting with the Governor before the next meeting -

Mr. Albright: May I respond to that? Time is of the essence because tomorrow a Two Million Dollar job is going to be bid - we have informed the Governor that we intend to possibly ask for a Restraining Order to prevent any further awards until the Highway Board has an opportunity to review this if the Highway Engineer follows through that he is not going to award this bid. Now it therefore becomes imperative that your manifestation that this be done now - immediately - because the hearing before the Governor will be within the next few days.

Commissioner Franklin: Verne, even if the bids are opened in Washoe tomorrow - doesn't the State Highway Board have to be the awarding authority?

Mr. Albright: No - Mr. Bastian says that as far as he is concerned, he has the power to either award or not award -

Mr. Sauer: I suggest that in the event the Commission needs a little longer to think about this, that the Governor be asked to hold the award of the Project up until the Commission has sufficient time to think about it. The hammer bit doesn't get it - because, that being the case I would strongly recommend - let the job go - rather than hold it off - take the traffic off - but I think the Commission should think about it a little - what stand they should take because Commissioner Christensen has brought up the problem about Alta not being able to handle the traffic because of its construction, etc., etc. The decision is up to you -

Commissioner Franklin: The point I am seriously concerned about - it's just about time we find out what our priorities are as far as our State Highway Department is concerned - if they are available, by whatever legal means - funds are available to complete this project and they feel in their own right to apply these to other projects that are not even bid yet, then we know what the State Highway priority is, and it's about time we find out. If funds are available from any source that have not been legally committed - I'm not talking about programming - I'm talking about legally committed, I want that project to go ahead and I think we should advise the Governor that is the desire - it's my desire, at least.

Mr. Albright: Now is the time to do so, is what I'm saying -

Mayor Gragson: I am sure that this Commission knows at this point what the desire is and with that, I will entertain a motion.

Commissioner Franklin: Do we want a motion or a Resolution -

Mayor Gragson: You can move to adopt a Resolution -

Commissioner Franklin: I move that we do notify the Governor

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(continued)

and the other two members of the State Highway Commission that we feel that the top priority construction in the State of Nevada at the present moment happens to be the Fremont Expressway, and that if any funds are available from any source that will make the construction of this Freeway successful, we think we should be given that first priority and award should be made to complete the Fremont Expressway. I don't know if that covers every aspect of it or not, but I so move.

Roll call vote:

Commissioner Christensen	Aye
Commissioner Lurie	Aye
Commissioner Franklin	Aye

Commissioner Morelli: I talked with Grant before - I asked him about the funding - he said there was no funding available and I asked him about a re-evaluation of priorities in the North and if they would consider it. He said he didn't think the State Department would because they have the bulk up there to not give it to us -

Commissioner Franklin: Members of the Highway Board are elected officials and they come to Clark County to get their votes.

Mayor Gragson: I'm not asking for anything that is not proper - I think it is proper for us to determine at this point by making known to the Governor and State Highway Board, and my vote is "aye"

Commissioner Morelli	Aye
Mayor Gragson	Aye

MICHAEL WAY
Abeyance

MAINTENANCE - 1-1/2 INCH ASPHALT OVERLAY ON MICHAEL
WAY FROM SMOKE RANCH ROAD TO THE TONOPAH HIGHWAY
(Estimate: \$10,000.00)

Mr. Sauer: The next item is the overlay of Michael Road from Smoke Ranch Road to the Tonopah Highway. This road is within the City (wall map) - a little small portion of it is in the County. It is being used by the busses going to Mercury - it is being used by the School Busses - it is quite heavily traveled and is in very bad shape. It is not at a point where we can get an assessment district for it - Regional Street & Highway funds are not available for this because there are areas of higher priority before we can program it. So we are proposing an overlay of the existing surface which has now become quite a traffic hazard, to the tune of \$10,000.00. That will put the road back in sufficient shape to take care of it for a while -

Commissioner Franklin: This is totally within the City?

Mr. Sauer: No - there's a small piece in the County which, if the Commission approves this, we will ask them to participate -

Mayor Gragson: I would suggest making a motion, subject to County participation for their proportionate share, if you want to.

Motion

Commissioner Morelli: I would so move.

Commissioner Franklin: My comments will be on Items 1 and 2

(No. 2 - Widening and 1-1/2 inch overlay on Durango Road from the Tonopah Highway, north for approximately 7,500 ft. Estimate: \$15,000.00)

I would like to have a little bit more time because I can think of a lot of areas in this City that sure as heck require overlays a lot more than out in that area of town. It bothers me - as a policy maker, I'd like a little bit more time - to put this on the agenda on Friday and then being asked to vote on it -

Mr. Sauer: Fine - if the Commission at the same time would come up with some streets you think may need this attention -

Commissioner Franklin: You may have all this information - you may have traffic counts and you may be right - that of all the streets in the City right now that need overlays, maybe these two are the most compelling - I don't know -

Mr. Sauer: We have 95% of our maintainance being taken care of now through the Heater Remix Program - this is much cheaper. The reason we did not put these under the Heater Remix Program but rather under the Overlay Program is because the Heater Remix Program costs about 58¢ a sq. yd. because you heat the material - put the overlay on and tie it all together - you are applying some 15¢ a sq. yd. to the heat. We don't believe the heat is going to do any good in these instances because the roads are not worth that expense, so all we are advotating is an overlay of the existing street which I would say is about 35% of the cost of the Heater Remix Program.

Mayor Gragson: By the time this overlay is worn out, this Michael Way should be eligible under the Regional Street and Highways and then the entire base of that area will have to be

STREET OVERLAY
PROGRAM
(continued)

rebuilt. This was a "Press Lamb" road -

Mr. Sauer: There's no problem - you can hold these for a month or two -

Commissioner Morelli withdrew his previous motion for approval and moved that the following items be held in ABEYANCE for further study:

MAINTENACE 1-1/2 INCH ASPHALT OVERLAY ON MICHAEL
WAY FROM SMOKE RANCH ROAD TO THE TONOPAH
HIGHWAY

(Estimate: \$10,000.00)

AND

WIDENING AND 1-1/2 INCH OVERLAY ON DURANGO ROAD
FROM THE TONOPAH HIGHWAY NORTH FOR APPROXIMATELY
7,500 FT.

(Estimate: \$15,000.00)

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

EASTERN AVENUE
Final design
Approved

EASTERN AVENUE - FINAL DESIGN APPROVAL

Mr. Sauer: The reason this is being presented to you is because we propose to go to bid on the 13th of August and we wanted to be sure the way is all clear - that you understand exactly what it is, etc. We had a public hearing on the 27th of October, at which time you heard the problems and ruled on them. We have purchased the buildings that you told the people you would purchase. We have subsequently sold them so that it has not cost the City any money. The project includes six (6) lanes with no parking from Ballard to St. Louis - it includes signals at St. Louis and Oakey - it includes raised median islands for the full length of Sahara - it also includes water taps in the median islands to the tune of \$2,500.00, which I shall ask this Commission to approve because if we don't get them in now, we'll never get them in. This will not include the landscaping. The landscaping, as you will note from the letter I sent to the Beautification Committee suggests that they ask for funds from the public, or other agencies, to provide the landscaping. I believe if we don't put the \$2,500 worth of taps in we will forever lose any chance of ever getting that landscaped. The City's participation in this project, including the \$2,500.00 - if this Commission approves that - is in the amount of \$65,600.00, approximately, and this includes street lights on the sections that do not have street lights on them. We don't believe we can go to an assessment district for street lights because of the fact that the people have already paid for them on the side streets - this is on the street they are not fronting on. The over-sizing of the storm drain - the water into the taps - the island painting, because there will be no landscaping at this point in time - the manhole adjustments and the fire hydrant replacement, to the tune of \$27,700.00 - so these are the total of the City's participating share of this project and I would ask for your approval to proceed.

Mayor Gragson: Have funds been budgeted for all of this?

Mr. Sauer: Funds have been programmed.

EASTERN
AVENUE
(continued)

Mayor Gragson: What he was referring to when he said the City had bought some of the properties in that area, we offered the property owners the choice of a total-take or a partial-take. Some of them took the total-take and since then we have disposed of the structures at the same price of acquisition by the City. Normally, this is not done. I will entertain a motion for any part of this, or all. I will say that all but the \$2,500.00 for the water taps we really have no choice on because we have previously made commitments on all of the other phases.

Commissioner Franklin: I would like the City Attorney to give us the information - there is one aspect about this that bothers me, Mr. Sauer, and that's the question of the lighting - that is going to be quite a substantial item that the City is going to pay for - and your basis for this is that they have already paid under an assessment district, but aren't there other people on the same type of a street as Eastern who have had to pay to have their lighting put in through an assessment district?

Mr. Sauer: Yes - but . . .

Commissioner Franklin: Aren't we guilty, then, of giving special benefits by using solely taxpayers funds for people located on this same type of a street, where other people on that same type have to pay for it, and we're using taxpayers funds?

Mr. Sauer: No, I don't believe so - for example, another instance that comes to mind is the one on Decatur where the people, under an assessment district - jointly with the County and the City - they went on providing lights from Tonopah Highway to Vegas Drive -

Mayor Gragson: But the lights were not there, prior -

Mr. Sauer: They were not there prior, nor did the people front on the other street - this was the first time they had paid for street lights - was on Decatur. Now these people have paid for street lights . . . because of the fact they front the side streets they would now be asked to pay for them again on Eastern.

Commissioner Franklin: If only there is a governmental distinction - I don't want to be setting precedents where we require people in some areas to pay and not in others -

Mr. Sauer: We can hold this up until we get an opinion from the City Attorney -

Commissioner Franklin: I have one more question - it has nothing to do with this - I want to know why we have truck traffic on Eastern - I've received letters and petitions and everything else on this - why do we permit truck traffic?

Mr. Sauer: My answer right off the barrel-head is - where else would it go? It couldn't go on 15th Street - 15th or 17th - it's got to go on the only major, or secondary major, north/south street that we have - we have Tonopah Highway - we have Eastern Avenue - Maryland Parkway and 5th Street - those are the only ones which are through major streets -

EASTERN
AVENUE
(continued)

Traffic Engineer, Al Bossi: Going back in history a little - we have throughout the whole City what we call a Truck Route - this permits trucks for delivery over 8 tons. At that time the routes were established, we had not established one in that general southeast area. The trucks were traveling through 15th, 16th and 17th Streets - Maryland Parkway - in all directions - trying to get up into those commercial zones in the North 25th Street area. So the matter was studied by the Traffic & Parking Commission with a recommendation to the Board some two or three years ago, asking that this section of Eastern - which was designated as a major Street - which is an extension of 25th - now all Eastern - be placed on the Truck Route because this would then tie in with the Truck Route System from the south to the north. Since we have done this we have practically eliminated all of the truck traffic in the residential areas. The amount of trucks that go on Eastern is less than 3% of the total -

Commissioner Franklin: You can free-wheel everything you want through there, including the big semi's?

Mr. Bossi: No - anything over 8 tons is controlled . . . the shopping centers all have delivery by the semi-trucks - if they don't use Eastern they have to go through some other routes. We have not designated Maryland Parkway because it primarily goes through a large residential area and that's why Eastern was chosen - because it is an extension of other routes - because it is a major - because it was widened to satisfy that movement and we have eliminated a lot of traffic out of the residential areas -

Commissioner Franklin: In that particular area between Charleston Blvd. and Sahara - Charleston is a truck route - Sahara is a truck route - Boulder Highway is a truck route - and it just seems to me that by making Eastern a truck route, at that time a residential area, we were saving those big trucking companies - a commercial industry - a whole two blocks by allowing them to come down into that area and I just don't know if there was that much advantage to allow the convenience of the semi trucks to go through that area to save a couple of blocks -

Mr. Sauer: If you wish, we can take this back to the Traffic and Parking Commission and see what they think about it now -

Mayor Gragson: Take it back and determine if there are any alternate routes in there -

Mr. Sauer: Would you care to act on the matter of the final design for Eastern Avenue?

Motion

Commissioner Franklin: Yes, and I would so move, including the recently included water taps.

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

6TH STREET &
CHARLESTON
"PORK CHOP"

Mr. Sauer: Your Honor, there has been quite a bit of comment about the porkchop at 6th Street and Charleston - if the Commission desires, we can take it back and see if we can come up with some alternates - or make a study on it - or whatever - this came under the direction of the Public Works Department when it was done - the Traffic Engineer - so if you wish, we can review it again and see what we come up with.

Commissioner Franklin: I didn't bring it up, but I'm sure in favor of it because it's never made any sense to me at all -

Mr. Sauer: It was approved by the Traffic Engineer -

Mayor Gragson: Do you have any comments on that, Mr. Bossi? I will tell you that - it was brought to our attention at that time due to the high number of accidents there. What I am saying is - if it is this Commission's desire, wipe it out - authorize them to do this and then if it is determined after a year, or two, or three, that it should go back in - go through all the heat again.

Mr. Bossi: The area between 6th Street and Las Vegas Blvd. is a high accident area. This particular project stems back some years ago. We had the 6th Street traffic that was increasing rather rapidly because of the few number of traffic arteries north and south. The accidents at the intersection of Charleston and 6th were rising at a tremendous rate - many, many of which were of a serious type, so the people in the south of Charleston - and this goes all the way down to Sahara in that general area - asked that the situation be looked into. We spent quite a number of weeks on the project trying to determine what we could do with this particular traffic. There were other forms of design that were presented to the Traffic & Parking Commission of establishing other types of controls along the areas to the south. In reviewing all of them - we had four or five public hearings - the final plan that was adopted was the one at 6th Street. In installing it we followed up for about another year following and analyzed the effect of this particular island. It did remove the accidents, quite naturally - again, it restored the residential areas to its natural flows. I think at that time the Planning Department was somewhat concerned about the increase in traffic - that because of the increase in the traffic now we ought to change some of our zoning. This matter was acted upon. Now we are faced with the possibility of having to remove it and we will have to caution you - in removing you do have the potential again of the accidents and, further, the traffic on 6th Street does become higher - now you're going to have to install some type of signal control because you're going to get a demand - I cannot cross - consequently you are going to have another signal and you'll have another signal within approximately 300 ft., or less, of the one at 5th Street, which is the same as the one at 4th Street - so now you are going to have three signals in there within about 700 ft.

Commissioner Franklin: What you're saying is that there's not much sense in referring this back to you for further study because you are so convinced it's being handled in the right way?

6TH STREET &
CHARLESTON
"PORK CHOP"
(continued)

Mr. Bossi: I feel, in my own opinion, that it is being handled. It may inconvenience a few people. However, we have to look at it from the point of trying to establish some sense of movement on Charleston with what the demands are and despite themselves, we do have that accident factor there which we are trying to prevent.

Mayor Gragson: Where are your major complaints generated from? I don't think I've had one complaint from one citizen. I have had numerous comments in the Press, but there has never been one citizen in that area who has contacted me with a complaint on it.

Mr. Bossi: The complaints that we've received - and when someone does call and question it over the phone - we try to establish their use of it - try to establish on what basis they complain. The greatest number, we have found, were not individuals who live in the general area - just the fact it inconvenienced them to have to move off of some other street and they could go down 6th Street and go down into Sahara and it would be much more convenient.

Commissioner Franklin: I'm assuming there are two reasons why the Pork Chop was put in there - one was for the prevention of accidents and the other was because certain people living in the area were sick and tired of having transient traffic going by their house in a residential area. I've had no complaints from citizens. I have no position one way or another - I think it's a good solution as it does prevent accidents but I know that area is a little bit sensitive in there and there are an awful lot of people who would like to be able to pick up 6th Street at Sahara and come clear on through -

Commissioner Christensen: I'll tell you a little secret - there's a whole lot of people that pick it up - turn off of 1st Street south to Charleston and work their way up Charleston and then work their way down 5th Street, because it still beats the Strip. I, personally, do that. This whole discussion was brought about I'm sure simply to explain to me my complaints on it. However, I really don't have that much of a complaint on it. My only question and the thing that precipitated this whole argument was when we were discussing the funneling of these 20,000 cars off of the West Fremont Expressway down these other streets - it became apparent that you couldn't remove the traffic from a public street because it was a public street, and I just brought this up as a case in point where you did, in fact, remove the traffic from a public street because somebody didn't want it on there - whether it was the State Highway Department - the traffic was removed from a public street and yet from another public street you tell me you can't remove the traffic - and that's all I wondered about - how come we can in some cases and can't in others. As far as I'm concerned, I don't care about the islands - I go around them now - I've learned how to do it - as Mr. Sauer has suggested, I've found an alternate route. So, as far as I'm concerned, it can lay there - I don't care.

Mayor Gragson: I have no objection whatsoever to removing it. I, personally, would like to see it removed to determine if our decision was proper. Due to the comments that have been made on it, and even though you didn't refer to it as "pressure",

6TH STREET &
CHARLESTON
"PORK CHOP"
(continued)

normally pressure is referred to as certain citizens with prestige and with certain power putting pressure on the Commission to do certain things - what I'm saying is that this was recommended after a lengthy study by the Traffic & Parking Commission before it ever came to us . . .

Commissioner Christensen: I think, Mayor, we are arguing about the same thing - I will restate my position - I really don't care about the traffic island being there. My only question was - how come you can put one there and you can't put one on another street that is going to ham-string the traffic? It was just a comment - I don't think it's going to make any difference anyway because the Highway Department is going to determine what is going to be done on that.

Mayor Gragson: We have traffic islands in a lot of areas where they have come in and wanted to change . . . but if it is the desire of this Commission to remove that, I wish you would move to remove it or quit discussing it every time the subject comes up on traffic. Let's remove it and see what happens.

Commissioner Franklin: This is the first time I've ever had it brought up in the two years I've been here - it's never bothered me in the least - the only thing that nags me a little bit in the back of my mind is the solution to a situation that has a high number of accidents is to put in what we have there at 6th Street - why don't we have them all over town where we have a high frequency of accidents? It bothers me a little that that's the only place in town where that particular type of set-up has been installed to prevent accidents.

Mayor Gragson: Mr. Bossi, would you please explain the reason why?

Mr. Bossi: The City, when it was first laid out, I am sure was laid out without the foresight of the people because they didn't realize the City they were establishing was going to grow to this size. So consequently they made short blocks and they started parallel with the Railroad, which was the general way of doing it. Somewhere along the line somebody realized that that we were going katty-wampus and consequently they said - let's straighten out and go north and south and they went into a grid system of a system of roads. In doing that - in later years - they came along and developed Las Vegas Boulevard on a bias. Consequently over the years we have inherited all of these so-called mistakes. Back in 1940 Mr. Petri established a pretty good study on some of the problems they were facing in 1940. Evidently no one, again, had realized that we had some problems coming in the future. Consequently his report was set aside and not looked at. Strangely enough, over the years - twenty some years later, a new report was made and generated for study and in pulling out that old study and comparing it to the new one, we find that a lot of similarities exist in some of the routes selected to be major routes. Now, you have to move traffic and we have a selected few of what we call major streets that must move it. From 50% to 80% of our total accidents occur at the major intersections - the signalized intersections. We can

6TH STREET &
CHARLESTON
"PORK CHOP"
(continued)

OFFER TO SELL
TO THE CITY
REAL PROPERTY
Abeyance

certainly reduce these by doing many things at the intersections, but I'm sure that the people would not particularly want that because we start the inconvenience factor again and it gets greater and greater. So we have to find a balance somewhere along the line as to how far can we stand accidents as to how much service we can give at the intersection. A lot of the minor streets - we have closed up a few of them on the channelization - in order to keep the minor streets for the local traffic. . . many cities are investigating possibilities of designing islands and closing half-streets - intersections should create a block around a residential area to prevent through traffic and only allow traffic to go into the area that wants to visit or who live there.

Mayor Gragson: Thank you - we will proceed with the Agenda -

Mayor Gragson: Doc Knoller contacted me and asked me if we would be interested - I told him to draft a letter to the City stating desire to sell - if he had a price on it, to designate it and then we would be able to determine whether or not we were interested in it.

"July 23, 1973

"The Honorable Mayor and Commissioners

"This will confirm, in writing, my telephone conversation with Mayor Oran K. Gragson regarding my desire to sell to the City of Las Vegas, my real property consisting of approximately 78 acres, more or less, surrounded on three sides by Tule Springs Park.

"At this time I am willing to accept the same price per acre the City of Las Vegas paid for the 4.1 acres originally acquired from me. Otherwise, as an alternative offer, both of us can have the property appraised and then split any difference between the two appraisals we receive, thereby establishing the sale and purchase price for my acreage.

"I would point out that any appraiser will consider the acquisition of the 4.1 acres as the last sale of contiguous property for establishing a figure on an appraisal at this time. Some appraisers might arrive at a more generous appraisal.

"Kindly place this matter on the agenda for the Commission meeting on Wednesday, the 1st day of August, 1973."

/s/ H. R. "Doc" Knoller

Mr. Knoller: I had an offer on the property of \$3,200.00 an acre - a man wanted to build some half-acre estates, but that was predicated on the proposition that I could furnish the water which my deed claims the City would furnish, if they could, but they just couldn't furnish the water. At one time, I think, the Mayor was the only one on the Commission, in 1969, a woman representing a real estate firm in Los Angeles offered the City \$8,080.00 an acre for Tule Springs. At that time she made me the same offer, providing she could buy Tule Springs. That was \$8,080.00 - well,

LAND ADJACENT
TO TULE SPRINGS
(continued)

the newspaper came out yesterday and said I'm making a fantastic mark-up on this property. I've paid the taxes on it - the Internal Revenue would come in for about \$75,000 - so it's not quite as great as they claim it is.

Mayor Gragson: In it's relationship to Tule Springs Park we should decide if we would be interested in purchasing it. If we aren't, there is no need for any further discussion on it.

Commissioner Franklin: As far as I'm concerned, I would like to have Staff, as far as parks and recreation are concerned, give us their advice whether we need, for future expansion -

Mr. Knoller: This property is right in the center of Tule Springs. It's surrounded on three sides by the Park itself and according to your Master Plan if you really want to plan it right, the City needs it more than I need to sell it to these other fellows.

Mayor Gragson: Let's have the Department of Community Development and the Parks Department make a determination and report back to us as to how much the acquisition of this acreage would enhance our total development out there and if it would be needed. Then, if it is, prior to any discussion we would have to have some appraisal on it.

HOUSING
AUTHORITY
Referred
C and L

"July 24, 1973

"Mr. Arthur Trelease, City Manager

"Guy Activity Center Conversion to Boys' Club Facility

"The Housing Authority Commissioners recently voted to enter into an agreement with the Boys' Club of Clark County for the operation of the above referenced facility.

"The attached agreement with the City, in our opinion, would not preclude any such arrangement, however, a letter from the City indicating agreement to this type of arrangement would be appreciated.

"We, of course, fully realize that once the agreement with the Boys' Club is consummated, the City will no longer be able to furnish recreation aides. This condition will not create a hardship since the Boys' Club has sufficient staff to adequately operate the Center.

"Should you have any questions or desire additional information, please feel free to get in touch with me."

/s/ Arthur D. Sartini
Executive Director

Mayor Gragson: Mr. Trelease, I believe you have this, don't you?

Mr. Trelease: No, I don't have a copy here of the Agreement - I attached a copy of it to the letter when I sent it out to each of you, and to the City Attorney to determine whether or not

HOUSING
AUTHORITY
(continued)

there is any legal problem in the City allowing them to lease that to the Boys' Club. Assuming there isn't any, it's just a question of policy on the part of the Commission.

Commissioner Franklin: I think it's probably a dangerous policy to turn it over - it just opens up the gate again for other organizations to come in and say - now we want to take over Dula Center -

Mr. Trelease: The Housing Authority owns the building - we own the grounds -

Commissioner Franklin: We own the grounds and the building reverts to the City at the expiration of the time of the use -

Mayor Gragson: I would suggest that before we make a decision that we evaluate the use it would be to the community vs. what it is - we have the Girl Scouts on a dollar a year lease - we have others on a dollar a year lease - this was vacant acreage before the Housing Authority built - what I'm saying, before we make a decision to accept or reject, I think we ought to have the complete information, even maybe to going over to check the degree of activity that the Boys' Club has over there. I will appoint a Committee to do that for us and that Committee will be Commissioners Christensen and Lurie.

HOUSING
ADVISORY
BOARD
Member
Reappointed

Commissioner Franklin moved that Andrew Jackson be REAPPOINTED as a member of the Housing Advisory Board for a three year term expiring September 20, 1973, and the City Clerk authorized to so notify all interested parties.

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

PLUMBER
EXAMINING
BOARD
Five
Members
Reappointed

Commissioner Franklin: All five have expressed a willingness to be reappointed.

Mayor Gragson: It would be my recommendation to reappoint them.

Commissioner Morelli moved that

Aldo Barozzi
Ralph T. Joeckel
Charles C. Englert
C. T. Barnett
Paul Pitryk

be REAPPOINTED to the PLUMBER EXAMINING BOARD for a two year term expiring October 2, 1975, and the Clerk authorized to notify all interested parties.

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

STATE AGREEMENT
No. 233-73-015
Approved

AGREEMENT No. 233-73-015 BETWEEN STATE OF NEVADA AND
CITY re INSTALLATION OF SEWER LINE CROSSINGS OF SAHARA
AVE., BETWEEN DECATUR BLVD. AND RAINBOW BLVD.

City Attorney, Carl E. Lovell, Jr.: Before you at this time is the Agreement between the State and City re the sewer line. This was continued from last week in order for all the Commissioners, and myself, to take a look at the documents on the project itself.

Mayor Gragson: Are there any comments?

Commissioner Franklin: I have some comments. If we had previously approved the location - now looking at the diagram of where they are - where they are crossing Sahara there - it seems to me they are crossing at rather odd streets.

Mr. Sauer: The reason they are put in where they are . . .

Commissioner Franklin: We have three crossings - that's all we're going to put through -

Mr. Sauer: This is the south side of Sahara (wall map) - it's in the County - if we put through more it's going to cost us more money -

Commissioner Franklin: The majority part of our cost then is going to be to benefit in the County -

Mr. Sauer: Well, it continues across the street to serve City/County people -

Commissioner Morelli moved that the recommendation of the Department of Public Works for acceptance of Agreement No. 233-73-015 between the State of Nevada and the City of Las Vegas, be APPROVED, and the Mayor and Clerk authorized to sign.

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

MULTI-USE
LEASE
Approved

Mr. Lovell: This is the Multi-use Agreement between the State Department of Highways and the City which also was continued until this date for the Commissioners and yourself to look at the project, the plans and the agreement.

Commissioner Franklin: That's on our parking - right?

Mr. Lovell: Right -

Commissioner Franklin: I guess we have to deal in good faith with the State of Nevada - the only thing that bothered me in the whole issue was that either party has the option to terminate within ninety days written notice - that disturbed me a little bit - we're going to put that paving in there - it's unusual in that respect - either party can terminate the lease on ninety days written notice - we do need this parking.

Motion

Commissioner Franklin: I would move for approval of the Lease.

MULTI-USE
LEASE
(continued)

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

CLAIM AGAINST
THE CITY
Approved

CLAIM No. CL-789 - BETTY JO WINTER

Mr. Lovell: Nedt before you is a claim against the City filed by Betty Jo Winter and is in regard to a protruding pipe in an assigned parking area for City employees. After discussing it with the appropriate department heads and the insurance carrier as well, it is the recommendation that this claim, which is \$120.15, be paid. Also with the recommendation - and I think it's been taken care of - that the pipe be removed so there will be no more claims.

Commissioner Franklin: She is a City employee?

Mr. Trelease: Yes -

Commissioner Morelli moved that the recommendation of the City Attorney's office that the claim in the amount of \$120.15 filed against the City of Las Vegas by Betty Jo Winter, under CL-789, be APPROVED, and Staff authorized to proceed.

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

SALARY
ORDINANCE
Stricken

Mr. Lovell: This is a request for a Salary Ordinance by Commissioner Franklin in regard to the salaries of elected officials - those who just took office and also, I believe, all elected officials, setting the salaries back to prior to July 1, 1973 figures wherein the Resolution of June 20, 1973 supposedly took effect. I would advise that because of the request by Mr. Franklin to the Attorney General's office and then advised that there was certain information, documents, etc., that he did not have, upon talking with Mr. List on the phone he did become concerned - I did supply him with all of the information relative to it. He did advise us that he would reconsider it - the evaluation - whether, in fact, he will change his mind, of course, remains to be seen. So, right now it is with the Attorney General in order for him to more fully advise concerning the circumstances.

Commissioner Franklin: I merely asked to have this put on for one very simple and obvious reason, and I want to bury this issue - I hate to fight like hell to prove I was wrong to start with - it's a rather difficult position. I want a Court determination now. Obviously we have an opinion from the Attorney General one way - we have an opinion from our City Attorney in the opposite direction and I just hate to be torn between the horns of a dilemma, and the only way to settle this is to get a Court decision. It appears the best way to get that is if we pass that Ordinance reinstating the old salaries, and our Resolution of June 20th was valid, then this Ordinance would become invalid - at least we would have a matter to take to court. If the Resolution

SALARY
ORDINANCE
(continued)

of June 20th was illegal, then this Ordinance can be passed establishing salaries by Ordinance and on that point, I just want to make one thing clear. In 1971 the Legislature adopted and passed a new Charter for the City of Las Vegas. That was in 1971 - the Legislative intent is determined as of the time the Legislators acted upon a particular piece of legislation. Now it didn't become a law, even though enacted in 1971, until 1973. As I say, the Legislative intent was expressed in 1971 when they raised their little right hands and voted on it, and that required that as of July 1, 1973 that all salary ordinances, as far as elected officials were concerned, be done by ordinance. I think they were giving us the message that they wanted it done by ordinance in 1971 and we adopted a Resolution in 1973. This just points out the problem - if by some method - some vehicle - that will get this to court immediately and get it resolved by a court decision as opposed to an attorney's opinion, which are conflicting. That's all I am seeking in this method. If I can get assurances from our City Attorney that such an action will be brought if the Attorney General doesn't rule say by Friday of this week - if he continues his old opinion, obviously we will have to go to court.

Motion

Commissioner Christensen: Your Honor, I feel that as one of the two Commissioners recently elected that are not involved, to vote on this Ordinance would be a violation - for me to vote on this Ordinance would be a violation of the law because I am prohibited from voting on anything that affects my salary during my term of office. Until we find out that this salary increase passed by Resolution - until there is a court test, or something, to determine that this is, in truth, invalid, then I have to move on the assumption that it is valid and, therefore, for me to vote on an Ordinance to rescind the pay raise which someone else voted me would also, in fact, be illegal. And since I should not vote on this and would have to pass my vote, I assume that Commissioner Lurie would have to do the same thing, I would like to move that this be stricken from the agenda, because I couldn't vote on it anyway.

Mayor Gragson: I want to point this out - there was no decision-making body that voted on this who voted themselves a pay raise -

Commissioner Franklin: Mayor, we've discussed this so many times - that's one reason I want this done - the reason I want to get it over because every time I pick up a paper, we've voted ourselves a pay raise, which is flat out not true -

Mayor Gragson: And if you follow the trend, in all probability - and I'll guarantee you and I'll tell the world today, if it was the salary - even the new salary - would not change my decision one iota whether I seek this office another time, or I don't - and if it was the salary only, I wouldn't be interested in it - period!

Commissioner Christensen: You see, Mayor, I feel the same way, but what we're doing here - the reason for my motion is what we're doing here is being asked to vote ourselves . . .

Mayor Gragson: You are correct, but we voted everybody else . . .

Commissioner Christensen: That's very true, but you're asking us - what Mr. Franklin is asking us to do here is to have two-thirds of the Board vote because the other two wouldn't be able to on this situation, I don't believe, legally.

SALARY
ORDINANCE
(continued)

Commissioner Franklin: We have had a ruling by the highest legal counsel in the State of Nevada that the Resolution was illegal -

Commissioner Christensen: Two wrongs don't make a right - two illegal acts don't make one legal -

Commissioner Lurie: He has offered to reconsider and rule on his legal opinion back to the City Attorney -

Commissioner Franklin: I have no assurance that we'll get the Attorney General's opinion -

Mr. Lovell: Well you have assurance from the City Attorney's office since we're the ones who required the information -

Commissioner Franklin: He said he would render an opinion -

Mr. Lovell: He said he would evaluate it and within ten (10) days let us know -

Commissioner Franklin: When was that?

Mr. Lovell: That was last Thursday -

Commissioner Franklin: Last Thursday - then by next Monday, at the very latest, we should then know -

Mr. Lovell: Barring any problems that he ran into with some of the scheduling, I'm sure that's right -

Commissioner Morelli: It's too bad at the time we went through this - we have an attorney on the Board and we had Earl Gripentrog as our City Attorney, and we came up with an illegal act. We should have looked at the change in the State Law to find out if we could pass it by Resolution or we had to pass it by Ordinance. Now we're in a jackpot. As far as I'm concerned, I've got to go along with our City Attorney because that's his function to this Board, and he has written a 27-page report to the Attorney General and I have to wait for that answer.

Commissioner Franklin: I would point out on the question you're raising, that both the City Manager and I very strongly urged that this be done by Ordinance, not by Resolution. What is the motion?

Mayor Gragson: The motion is to strike it. The question that comes to me, legally can you legally move to strike something that you can't legally vote on?

Mr. Trelease: The item, Your Honor, on the agenda is "Request for Salary Ordinance" - not the ordinance itself.

Commissioner Franklin: And I will make my position very well clear - if we haven't heard an opinion contrary to the Attorney General's opinion by Monday of next week, I am quite certain I can find an irate taxpayer among the hundred thousand who have been giving me hell about this who would be willing to see that this matter gets before the court by their own independent taxpayers' suit.

SALARY
ORDINANCE
(continued)

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

Mayor Gragson: I, like Commissioner Franklin, one way or the other, I want a decision.

Mr. Lovell: Mayor, may I be heard for a moment?

Mayor Gragson: Yes you may -

Mr. Lovell: I was not a party to the Salary Resolution either and did, because of the nature of things, come into office after its alleged effectiveness, or not, and then the reconsideration by Mr. Franklin and the request for an opinion. It has been, or seemingly alledged through the Press, at least by some, that I am in favor of my own pay raise and, as a result, I also appreciate and understand that anything I say may be tainted with a little question on anyone's part, especially the citizens - but I ran on a platform and decided to run for office because I was concerned about the questionable government and that I was very concerned about the way the City Attorney's office had been run and that, in fact, it was my opinion that the City Attorney's office is to advise the City Commission and the citizens as to what the law is. It is not my personal desire to retain all of these salaries, but I see a City Charter going into effect on July 1, 1973 - I see a Resolution in effect before that - I see that since 1911 all salaries have been set by Resolution, or by motion - that was even set forth in some of the Charters in 1925 and on - for certain elected officials. My concern also has been for the City employees - all of their salary raises have been by Resolution and, in fact, I have with me today - it just came through the mail from the City Manager's office - certain guidelines set down for an employees resolution - a guideline. So when I see that never in the history of Las Vegas has a salary ordinance been adopted and then I see the situation we have now with the new Charter, calling the shots legally as best I can, we obviously have a problem - not so much ultimately with the desires of the people because if, in fact, they are unhappy I'm sure that their goals can be realized - Whatever those goals are and whatever realization they want as far as the City Attorney's office is concerned, it must be done legally and properly and if the laws and guidelines set down must be followed, whether it would be for salary raises or it would be for zoning variances or would be for the employment of certain people or the termination of other people, if you ever start bending the rule in undoing things that presumptively are valid until they are proven otherwise, then you get more and more questionable government and you get more and more areas where favors and inconsistencies in regulations and inconsistencies in the law occur. I, among all of us here, probably would be more happy to have this resolved than anyone because coming into it without any part of its origination necessarily, and now being thrown into the middle, it's hard for people to evaluate what I say objectively, or to take what I say. But I do want this resolved for the benefit of the citizens - for the benefit of the Commission - but I want it done in an orderly, proper and legal method, and this is why we are, unfortunately, on the horns of a dilemma right now. I just wanted to make those points clear as best as possible and to assure, as much as we can, as far as elected governmental officials go, that we are calling these shots completely legally as we see them without any concern for the salary which I ended up receiving after I ran for another salary, as well as the other two Judges and

SALARY
ORDINANCE
(continued)

ORDINANCE
No. 1599
Stricken

as well as the other two Commissioners. Thank you

ORDINANCE No. 1599 - AMENDING BUSINESS LICENSE
ORDINANCE re ANNUAL REVIEW OF LIQUOR LICENSES
Committee: Commissioners Thornley and Morelli

Mayor Gragson: We have a gentleman here who wants to talk on this matter.

Attorney Herb Jones: This makes the fifth hour - the seventh hour - because I sat here three hours meeting before last and I've sat here four hours today. For the record, my name is Herb Jones and I believe I will give you a little history of this matter I am before you on this morning. I believe I am here in a semi-official capacity. On or about the 15th day of November this proposed Ordinance originally was read as a proposed Ordinance, and at that time Dusty Springston and myself were appointed as a Citizens Committee to work with the Commissioner Committee to see what could be done about this Ordinance. Since that time I have, of course, conferred with Mr. Springston on numerous occasions. I have conferred with the remaining member of the Committee, Mr. Morelli, and with the City Attorney's office. I have come to this conclusion, personally - that there is no need at the present time to adopt the amendment to Ordinance No. 1599. I strongly feel that you have an ordinance at the present time, which has been working for a number of years, and which is working well and which gives you all of the necessary tools with which to enforce all of the matters that should be enforced under your Liquor License Laws. So I see absolutely no need for a change in the Ordinance nor the adoption of this proposed amendment to the Ordinance. So my first recommendation as the citizen member of the committee, would be that you do nothing about this particular Ordinance. At the present time you have a good law - you have one that if some one is deviating from that law he can be called before you and have an Order to Show Cause and if he is not performing under that particular license as he should, you can remove him from the license and take the license away from him. So I see no reason to amend, or change, your Ordinance. That's my number one premise and I stick on that, and I stick on it very hard. I see no reason for it. I see a lot of dangers in new proposed amendment to the Ordinance and went over the one that was proposed and read as of November of 1972 and, believe me, gentlemen of the Commission, that was very, very dangerous. That particular ordinance did not provide for the necessary appeal a person might have if he wished to come before this august Body - in fact, it did not afford him an opportunity to come before this august Body because he had fifteen days in which - from Notice from any person within any department in this City - in the department - who made a complaint against him - within fifteen days he would be out, because if he did not get - there's no provision for him to even come before you and then fifteen days later if his license expired on June 1, or July 1, that was the end of him. He was completely out. And then if he went back and tried in under the Administrative Act, which is your Title V, Chapter 18, Section 12, he might be a month before he even got before you and he is shut down for a month. Besides that - having dealt with your Department for many years I happen to know what tremendous problems they have in processing all the licenses they have - your investigative body has to do that - and then it has to go to Mr. Dutton who has all the paper work - it goes to Mr. Dutton and then for the investigation and approval and then recommendation to you people. Under that existing Ordinance

ORDINANCE
No. 1599
(continued)

you would be in a situation where Mr. Dutton would be processing some several hundred licenses every six months, including all the paper work, and your investigative body would have to investigate everybody. So, basically, that Ordinance - that proposed amendment absolutely is unworkable. Since that time, if you insist on passing a new ordinance - as of a few days ago I got together with your new City Attorney and made some recommendations, which is now entitled Ordinance No. 1599 - Second Amendment, which I believe has taken out some of the dangers that would be imposed by the original proposed ordinance. It, at least, provides for the opportunity of your not having to re-examine, re-file and re-license every liquor license in this particular community every six months, and it also provides for the possibility for a man to have an opportunity to come before this Board - he would have thirty days rather than fifteen days - and provides for an opportunity for him to come before you with a Show Cause Order to show that the complaint made against him was not a valid complaint. So it is, at least, a better ordinance and if you are under any circumstances going to amend your Ordinance, then I would have to recommend that you take the Second Amended Ordinance as prepared by your City Attorney's office yesterday after our conferences in regard to this matter. I conferred with the member of your Committee, Mr. Morelli, also in regard to the four or five major points I felt had to be changed, and they have been incorporated through the cooperation of Mr. Lovell's office - Mr. Lovell and one of his very astute young deputys - so there is a Second Amended Ordinance. I believe now that is one of my longest speeches - you know if I'm ahead I shut up - I can't get a feel out of you guys right now - I'm not sure whether I'm ahead - so I will hold myself for questions now - I'm going to assume I'm about half way there and shut up and let you go ahead and ask me questions in regard to this matter.

Motion

Commissioner Morelli: This was brought last November down by a Commissioner not on the Board now and then we went into a Committee. I believe the original Ordinance is a good Ordinance - I think we would open up some danger points in the amending of the Ordinance by No. 1599, and at this particular time I would move to strike this ordinance from the agenda and refer back to the original Ordinance in its original form. I think that's the best protection we have.

Ordinance No. 1599 voted out of Committee unfavorably.

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

ORDINANCE
No. 1644
Abeyance

ORDINANCE No. 1644 - REVOKING ORDINANCE No. 1619 re RETAIL
DEMONSTRATION SALES STORES
Committee: Commissioners Christensen and Lurie

Mr. Lovell: In regard to Ordinance No. 1644 revoking the Ordinance concerning Retail Demonstration Sales Stores, the Supreme Court granted a Writ of Prohibition to Erik Rasmussen et al - therefore ordering issuance of the license in regard to this matter that came up some time ago. The basis at the time and one of the Court's concerns was the lack of activity in record of opposition by the City Attorney's office. They also

ORDINANCE
No. 1644
(continued)

ruled that there was no jurisdiction in the District Court to rehear the motion or to further concern, or take evidence in regard to what I did on behalf of the Commission prior to my taking office, and subsequent thereto as well. Therefore, we are left with this situation - that there is nothing in the record that the former City Attorney put in, in opposition, and all of the things that I did before taking office and that we did subsequent to that, are not of record and, therefore, on appeal there's nothing, in my opinion, that would be meritorious in our favor for a reversal in favor of the City. Therefore, it would be the suggestion of the City Attorney's office that we do not pursue the appeal and, more importantly, not attempt to try to restrain the jam auctions if, in fact, you do wish to continue with the appeal if you don't think it has any merit - there is absolutely nothing in the record to support the City's position. Therefore, this Ordinance No. 1644 concerning the revocation of the Ordinance No. 1619 then becomes a policy decision on your part, mainly, in fact, whether you want to attempt to try to revoke or repeal the ordinance about retail demonstration sales activities or if, in fact, because we do have some of them now and they will be allowed no matter what we do with this Ordinance, that we be able to continue with the privileged license and amend it, if necessary in your views, to insure consumer protection and benefit of the citizens - without detriment to them - by regulation, amendment or otherwise.

Commissioner Franklin: I think you're dead right, Carl - the fact that there is no opposition in the original record before the lower court, I don't know what the Supreme Court can do. It is more or less a consent matter and you're stuck with it so it looks to me that the Supreme Court, even if you continue the appeal, is going to order the issuance of the Writ of Mandamus of the two licenses - we had three before us but only two appealed - right?

Mr. Lovell: That's correct -

Commissioner Franklin: So we are stuck at the present time with two -

Mr. Lovell: The issuance of two licenses - right.

Commissioner Franklin: And they will be issued. Now, have you had a chance to thoroughly review Ordinance No. 1619? Do you think there's enough heat in that one that regardless of these having been issued, that it is a pretty tight regulatory ordinance, or not?

Mr. Lovell: I think there's sufficient teeth in there - however, I think some comment by some of the Commission that you all would like to look at it and they, individually, as well for suggestions for possible further amendment especially if, in fact, after they have been allowed to actively pursue their license in the business, if there is some problem, or some weakness, in the Ordinance we could take a look at it at that time.

Commissioner Franklin: If we repeal Ordinance No. 1619 now - if this ordinance would apply . . . we have, in effect, created a monopoly of two men in this field -

Mr. Lovell: That's right -

ORDINANCE
No. 1644
(continued)

Commissioner Franklin: And it will prevent anybody else from coming in and applying - but we have created a monopoly on the two that were issued.

Mr. Lovell: That's correct, and there may even be a question in regard to whether we can give the monopoly to these people since, originally, the right to do this was a privileged license position - so if we attempt to knock somebody else out - a 4th individual, or a 3rd - then they may want to come in and say - you had no right to cut us off -

Commissioner Franklin: The 3rd one has already applied - at the time. We could by appealing it do away with any further applications -

Mayor Gragson: The reasoning projected behind the drafting of this ordinance was that they could operate anyway under the old Ordinance and this would be a protection in there so that we could have some enforcement over their activities. If we rescind this Ordinance can we - are we still required to issue a license - an unprivileged license - under the old Ordinance?

Commissioner Franklin: That's what really worried me, and I was not, as you know, the Commissioner advancing that possibility, and it really bothers me because . . .

Mayor Gragson: I have opposed this Ordinance tooth and toenail all the way . . .

Commissioner Franklin: After hearing the evidence of how this auctioning is done, I'm not too sure, because it is not an auction - they do not allow bidding - and I'm not too damn sure that they couldn't come in under a General Business License - for the operations they say they conduct - without any bidding of any kind - merely sell it in a certain manner -

Mayor Gragson: You say they don't ask for bids -

Commissioner Franklin: They don't -

Mayor Gragson: Yes, they do - when asking for bids - you bid \$99.00 - or \$42.00 - someone says - yes - how many wants it? It is bid -

Commissioner Franklin: I would like an opinion from the City Attorney's office whether that is an auction - that's the only other fear I have - I think that at that time they couldn't come in and get a business license - a merchandise license - as long as they don't engage in a bidding procedure - allowing a higher bid - not just a different method of selling a product at a flat rate, and if that's true - and that's possible - then I would rather have Ordinance No. 1619 because this, at least, has some teeth in it.

Mayor Gragson: "Demonstration" - "Merchandise Demonstration" was developed by the proponents - in other words, by "demonstration" you can get out of the auction . . . but that's the only reason they brought in "merchandise demonstration" . . . let's hold this until we get some information on it -

Mr. Lovell: Very well -

CITY LICENSE
REQUIREMENT -
BIDDING

PROPOSED POLICY ON REQUIREMENT FOR A CITY LICENSE
FOR BIDDING PURPOSES

Committee: Commissioners Franklin and Lurie

Motion

Commissioner Franklin: We're ready - this is policy, not an ordinance - and we had another example today where a bid was some \$800.00 low - one of the primary reasons it was rejected was because they didn't have the City license prior to bidding. This is going to be the recommendation of the Committee - that we insist on a City license before awarding, but we don't think it should be required before bidding, and I would so move.

Mayor Gragson: I'll tell you though - I don't know why you even insist on it - why don't you just ask for a \$10.00 privilege - a \$5.00 privilege - a \$100.00 privilege - because they'll come in and bid - if they get the bid they'll pay whatever the license is - if they don't get it they won't pay a dime and, in essence, they have no license - what I'm saying if you don't have a requirement of a City license prior to bidding - not after bidding - after they have received the bid - it's a sham otherwise -

Commissioner Franklin: It's a sham now being utilized, at least, on my knowledge, on two bids - one last week and one now - \$4,000.00 less - it's being used by our local merchants to effect higher bid prices -

Mayor Gragson: I have no objection if you wipe it out -

Commissioner Franklin: On \$4,000.00 difference last week which was rejected solely and only because of the City license . . . I just moved that we require a City license prior to the award but not prior to the bid.

Mayor Gragson: Do you mean prior to the opening -

Commissioner Franklin: Prior to the award -

Commissioner Christensen: If he gets the award, he must have a license -

Commissioner Franklin: And to get the award he's going to have to take it because we have a bid bond and he would have to forfeit the bid bond, because we're not waiving the requirement for a bid bond - that has no bearing on it.

Motion carried by the following vote: Commissioners Christensen, Lurie, Franklin and Morelli voting aye; noes, Mayor Gragson.

CITY COMMISSION
MEETINGS

PROPOSAL THAT AT LEAST ONE REGULAR CITY COMMISSION
MEETING PER MONTH TO BE A NIGHT MEETING - ALSO WHETHER
TO CONTINUE WEEKLY MEETINGS OR RETURN TO TWICE EACH
MONTH

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Minutes
Regular Meeting
City Commission
August 1, 1973

Commissioner Lurie: I sent a memo out that I would like to request a Commission meeting one time a month to be held in the evening. I would like to suggest that this meeting be held on the fourth Wednesday at seven o'clock, p.m.

CITY COMMISSION
MEETINGS
(continued)

Commissioner Franklin: You still want to continue the weekly meetings?

Commissioner Lurie: Yes -

Commissioner Franklin: Four meetings a month?

Commissioner Lurie: Yes - four meetings a month and one at night -

Commissioner Franklin: The first four Wednesdays because we sometimes have five Wednesdays in a month -

Commissioner Lurie: The fourth meeting to be a night meeting -

Mayor Gragson: Seven or seven-thirty? I know many people have trouble getting out from their jobs - getting something to eat and back down here by seven o'clock -

Commissioner Lurie: I just made a recommendation for seven o'clock -

Commissioner Franklin: I would prefer seven o'clock -

Motion

Commissioner Lurie: I would like to make a motion that starting in September that we hold one meeting, to be held on the fourth Wednesday at seven o'clock, p.m.

Mayor Gragson: And that's on the fourth Wednesday of the month?

Commissioner Lurie: Yes -

Mayor Gragson: You said the fourth meeting -

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

Commissioner Morelli: I vote "aye", but I'm not in favor of night meetings -

L.V. BUS
ROUTES

City Manager, A. R. Trelease: Your Honor, there is something that the Traffic Engineer should call to your attention concerning the busses.

Director of Recreation, Fred Martin: This gentleman would like to speak first -

ART EXHIBIT

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Minutes
Regular Meeting
City Commission
August 1, 1973

Chico Alvarez: I am the Vice Chairman of the Nevada State Council on the Arts and I wanted to ask if the City could participate through the Recreation Department in improving a piece of property located on Main Street - the west side of Main Street - where Lewis deadends into it. There is a project called the "Art Train" which is being brought out here from Michigan. It's in Elko this week - it will be in Reno next week - it will be here from the 22nd of August to the 30th - open to the public. It's a museum - Art Museum - on wheels that has made a tour of the eight western States. The problem is, we have obtained a siding there, which is adjacent to this property - the property is owned by the Union Pacific and we have permission to use a portion of it for the public to go from the street to the train, while it's here, but the property is just dirt - full of some chuckholes, which will

ART EXHIBIT
(continued)

have to be leveled and maybe some woodchips, or something, put down to keep the dirt down. We anticipate a large segment of the community will visit the Museum while it's here, so I am asking the City if they will, through their Recreation Department, approve the funds necessary for extra overtime work on the part of City employees to help us prepare this so that it will be comfortable for the people.

Commissioner Franklin: How many days will the Art Train be on the siding?

Mr. Alvarez: It arrives on the 19th - it will be open to dignitaries - the Governor's wife is the General Chairman of this project for the State - she will officially open it on the evening of the 21st - it will be open for ten days to the general public - the 22nd through the 30th -

Mayor Gragson: This area - are you preparing it for automobile traffic or just foot traffic?

Mr. Alvarez: Just foot traffic.

Commissioner Franklin: I think it's a good idea - I would just say if there is any problem leave it to the City Attorney as to whether or not the City has the right to spend taxpayers funds to improve the privately owned property of the Railroad. If it meets with the approval of the City Attorney's office, I will so move. How much are we talking about, Mr. Trelease?

Mr. Trelease: I have no idea -

Mr. Alvarez: I have met with Mr. Bruce Trent and Mr. Fred Martin and they might have some idea of what is involved -

Fred Martin: We've looked at the site but we have to get with Mr. Alvarez and decide just exactly what he has in mind -

Amended
Motion

Commissioner Franklin: Then I would move that it be referred to Staff and brought back here at the next meeting

Mr. Alvarez: It's less than three weeks from now -

Mayor Gragson: Very well - now, Mr. Bossi -

L.V. BUS
ROUTES

Traffic Engineer, Al Bossi: Some three or four months ago we had received word from the Transit System that they had to move out of the Union Plaza and relocate to some area in the downtown area to service those people riding busses. At that time we presented to you a Plan that we felt would be the most operative - the least resistive, we felt - and would still service the people of Las Vegas in the Downtown. Following that, the Board recommended this one (wall map) as the accepted route and the Transit Company submitted to the Public Service Commission permission to move. We received word yesterday that the Public Service Commission has approved the Plan, and that it will be effective on August 13th at 6:00 a.m. To refresh your memories and for the benefit of the new members of this Board, we'll go over it here. The Plan here is not to establish a terminal, but a transfer station. The only site that we could pick that would satisfy the movements of the bus for connections without adding additional cost, was the location at 6th Street between Carson and Bridger, on the west side. There's a large parking lot in this area, to the southwest corner, and there's a motel - and there's a building here (wall map) - principally, the larger area is in the

L.V. BUS ROUTES
(continued)

parking lot section. They can, using the parking lot section - skipping the motel - and going over into this area - they can put about six busses to maneuver in order to provide the interchange of passengers. Basically, the most important route - which everyone seems to be more interested in - is the Strip Bus. Now, the Strip Bus will come up Las Vegas Blvd. to Bridger, make a righthand turn on Bridger - left on to Sixth and a left on to Carson, and stop on the north side of Carson just before reaching Las Vegas Blvd., as a drop point only. In other words - they will not be used as a pick-up - it will be only a drop point to enable someone to get off who wishes to make a transfer to some other route along the area. The Bus then will cross Las Vegas Blvd. on to Third Street - make a righthand on Third and a righthand on to Fremont and stop on the south side of Fremont between Third and Fourth, and there we would establish a Bus Stop pick-up and dropping for the Strip Bus only. The Bus then would continue to Fourth, make a righthand turn - lefthand on Carson and turn back to the Transfer Station - stop momentarily on Carson to pick up any passengers that may have transferred from some other route - continue around to Bridger - make a lefthand turn on Bridger and Fifth and continue on out. One advantage this does have - it eliminates the left turns off of the Boulevard on to the streets, which was one of the large complaints of the drivers - that they had difficulty in making a left turn off the Boulevard. This will eliminate any of that type of movement. One of the other would be the West Side Bus - it would come down Main to Carson, stop at the Courthouse and discharge passengers, or pick up - whatever may be the case - continue over to the Transfer Station - pick up or drop anybody who desires to transfer here - circle the block - come up Fifth Street to Fremont - pick up anyone in this area who is shopping in this vicinity - continue right on to Ogden - stop here at Third Street to pick up anybody that may come out of the Casino area - continue to Main and make a righthand turn and proceed to the West Side. The other important routes that we have are those that come in from Salt Lake or the College Park. The first one would be the Kelso Turner one - this is the College Park (wall map) and the Salt Lake is the black line - where it comes straight in on the Boulevard - make a left here - circle the block and return right back on Las Vegas Boulevard. Kelso Turner would come down to Third - stop at Third and Fremont - continue around - drop anybody on transfer - come back on the north loop on Third - come back up and back out to the area on Stewart and end up on Bonanza and into the Kelso Turner area. The other route - the one coming from Hyde Park would come up to the Courthouse - make a righthand turn - drop passengers off for the Downtown - come over to the Transfer Station - pick up anybody who desires to transfer - go back then to the Hyde Park area. The blue line represents the Huntridge Bus - it would come down into the Boulevard - make a left and go into the Trasfer Area - back out and make a pick-up at Seventh and Fremont. The busses in the downtown we would bring in - as you can see here - we bring in the Golfridge, so we actually bring into the Downtown area four routes at the corner of Third and Fremont for the convenience of the people who wish to go to either the Casino section or to the Shopping area. The other routes would circulate the block here at Sixth and Las Vegas Blvd. - Carson and Bridger - and have stops on Fifth Street and then Fremont. The only one that will not pass in the General Downtown to convenience, is the Huntridge and because of its timing is the only reason we

L.V. BUS ROUTES
(continued)

couldn't conveniently get it into the Downtown.

Commissioner Franklin: This is the considerate opinion of all the people involved this is the best Plan?

Mr. Bossi: This was the best we could find in the Downtown area, for service.

Commissioner Franklin: In other words . . .

(Tape flipped to Side 2 at this point)

Mr. Bossi: In talking with the Bus Officials yesterday, at the time they approved this, you realize they have to come out of the Union Plaza - they have been kicked out, literally - so they have to go to some position and the only way they can do it is to go to this area. Now, they also indicated to us that they are now studying another Plan for a bus routing, in which they will set up Transfer Stations throughout the area. As an example - it may not be a true - I'm just using it as an example - let's say you are in the Hyde Park area and you want to come Downtown. Basically, what would happen is that the bus out of that area would come across on to Charleston and stop at Las Vegas Blvd. to let you off - you would transfer to the Strip Bus that has come into the Downtown. That bus, instead of coming into the Downtown would continue on to the east to other points. In essence, you wouldn't have all the busses come into the Downtown - you'd have a very limited number come into the Downtown, so that if you want to come into the Downtown, you will have to work your way in through a transfer system, as some of the major cities do. And if you want to leave the Downtown to get back into some shopping area, then it would be a matter of transferring again somewhere out in the outlying area. This is a Plan they are looking into. They say there will be some added costs to the program but they feel it will give more benefits to the people of Las Vegas - they feel that it will service, not only the Downtown, but the outlying shopping districts and everywhere else - wherever people wish to go -

Commissioner Franklin: It will diminish the traffic into the Downtown area for the Downtown merchants -

Mr. Bossi: It will diminish the busses - it will diminish the number of people who come into the Downtown - yes - because we do have the extra load because of the transfer, but it will not eliminate the possibility of getting to the Downtown if you desire to go.

Mayor Gragson: It will eliminate the number of busses - it will not necessarily eliminate the number of people -

Mr. Bossi: No - anyone who desires to come into the Downtown can come in - it will eliminate the number of people who will pass through the Downtown -

Commissioner Franklin: Right now it looks to me like we have almost as many routes as we have busses -

Mr. Bossi: We have nine routes -

Commissioner Franklin: You have ten routes handled by sixteen busses.

L.V. BUS ROUTES
(continued)

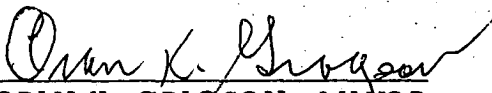
Mr. Bossi: The new proposal that they wish to present to the Public Service Commission - they feel will provide more service in the residential areas to some shopping area that they wish to go to.

Mayor Gragson: I want to clear up one article that was in the paper - there is no way - and I don't care what the report was or who reported it - that I opposed it - I want that clear -

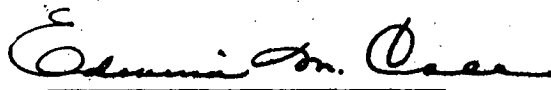
Mr. Bossi: There was one opposition that showed up at the Public Hearing before the Public Service Commission.

There being no further business to come before the Board, at the hour of 1:30 p.m. Mayor Gragson declared this Regular Meeting ADJOURNED.

APPROVED


ORAN K. GRAGSON, MAYOR

ATTEST:


EDWINA M. COLE, CMC
CITY CLERK

Approved by Reference at a Regular Meeting of the Board of City

Commissioners held on the 22nd day of August, 1973.