

MINUTES

Las Vegas, Nevada
August 8, 1973

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 8th 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	Oran K. Gragson
Commissioner	Paul J. Christensen
Commissioner	Ron Lurie
Commissioner	George E. Franklin
Commissioner	Harold F. Morelli (excused at approximately 11:40 a.m.)

STAFF PRESENT

City Manager	A. R. Trelease
City Attorney	Carl E. Lovell, Jr.
Dir. of Building & Safety	Hank Elder
Dir. of Finance	Marvin A. Leavitt
Fire Chief	J. D. Miller
Dir. of License & Revenue	J. E. Dutton
Dir. of Parks & Cemetery	Al Chadburn
Dir. of Personnel	Robt. McPherson
Dir. of Community Development	Donald J. Saylor
Metro Police Dept., S.I.D.	Lt. Messinger
Admin., Purchasing & Contracts	J. C. Cathcart
Dir. of Public Works	Richard P. Sauer
Dir. of Recreation	Fred Martin
City Clerk	Edwina M. Cole

INVOCATION

The Invocation was given by Rev. Raymond D. Christenson, Pastor, Community Lutheran Church:

"Dear God, we would ask that you would engage us in responsibility, both as citizens of this community that we would be the critique to this Commission meeting so that the Commissioners would be sensitive to all the needs of this community. We ask that You give them the guidance they need to make the decisions based on the total welfare of our community and guide us all to bring about the healing and the reconciliation that we all need so desperately. 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. 73.78 - TWO (2) EA. 1,250 GAL. PUMPERS FOR LAS VEGAS FIRE DEPARTMENT - (REVENUE SHARING)
(Estimate: (revised) \$80,000.00)

Commissioner Morelli moved that the recommendation of the City Manager, the Purchasing & Contract Division and using department for award of contract under Bid No. 73.78 to AMERICAN LA FRANCE, INC., for the sole

AWARD OF
CONTRACTS
(continued)

bid received in the amount of \$83,972.00, be APPROVED, and the Purchasing & Contract Division authorized to proceed.

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

BID No. 73.79 - ONE (1) ENCLOSED STEP VAN BOOM TRUCK -
BASE BID ONLY (Public Works)
(Estimate: \$26,000.00)

Commissioner Morelli moved that the recommendation of the City Manager, the Purchasing & Contract Division and using department for award of contract under Bid No. 73.79 to W. H. PINGREE COMPANY, in the amount of \$24,965.00, be APPROVED, and the Purchasing & Contract Division authorized to proceed.

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

ZONE CHANGE
Z-11-73
Denied

ZONE CHANGE Z-11-73 - DAYTON DEVELOPMENT COMPANY and
THOMAS BEAM

Property generally located on the south side of the Las Vegas Expressway between South Decatur Blvd. and Valley View Blvd., extending 1,100 ft. south along Decatur Blvd. and 2,100 ft. south of Valley View Blvd.

From: R-1 (Single Family Residence) AND
C-V (Civic)

To: C-1 (Limited Commercial)

Proposed Use: Regional Shopping Center consisting of four (4) major department stores in an enclosed Mall, together with an office complex. The department stores will have tire, battery and automotive accessory facilities including the dispensing of gasoline.

Planning Commission recommends approval, subject to the following conditions:

1. Resolution of Intent shall be in effect until December, 1975, at which time the Resolution of Intent shall expire unless construction of Phase I, including a minimum of two (2) major department stores has commenced.
2. Conformance to the Plot Plan on file in the Department of Community Development.
3. All development proposed on the future development site, as shown on the Plot Plan, shall be approved by the Planning Commission and City Commission prior to construction.

4. If the property owner to the south is willing to dedicate the additional right-of-way needed to extend Bedford Road and Revere Drive north to the south line of the Shopping Center property, the developer shall provide a loop street connecting the north end of Bedford and Revere, either along the south line of the Shopping Center property, or by acquiring property immediately south of the property line.
5. The location of Michael Way on the east of Decatur Blvd. shall be in accordance with the requirements of the Department of Public Works.
6. Landscaping shall be installed along Decatur Blvd., Valley View Blvd., and along the south portion of the development with the first phase of construction, as required by the Department of Community Development.
7. Dedication of necessary rights-of-way and signing an agreement and posting a bond for the installation of off-site improvements, as required by the Department of Public Works. The commercial zoning shall be applicable only to that portion of the property indicated for immediate and future development, and shall exclude that portion of the property indicated for future right-of-way purposes.
8. Conformance to the requirements of the Fire and Building Departments.
9. Landscaping shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping shall be cause for revocation of a business license.

Abeyance from March 28, 1973

4 Property-owner protests
81 Merchant protests

Director of Community Development, Donald J. Saylor: The first item before you is the zone change Z-11-73 in the name of Dayton Development Co. and Thomas Beam for a change in zoning from R-1 and C-V to C-1 for property generally located between Decatur - Valley View - the Las Vegas Expressway on the north and half way to Alta Drive, which is here (wall map). The proposed development is a Regional Shopping Center. Immediately to the south is a single family home development - an elementary school here - the proposed Y.M.C.A. site here. To the east is Water District property where they have physical installations - tanks, etc. A little further north is the Historical Site which has been earmarked for preservation as a Historical Site. As I mentioned earlier, the Freeway is the boundary to the north - north of that is the High School - single family development - an elementary school at this location (wall map). Decatur Blvd., of course, is substantially developed for commercial purposes and the General Plan does call for general commercial in this immediate area. The General Plan, of course, does not reflect the magnitude of the amount of land proposed for commercial under this particular development. This was before

you some time ago at which time it was held in abeyance for the Shopping Center Study, which has been completed. I asked that a member of the firm be here this morning in case you have any questions. I was advised that they would be here. However, I don't know if they are in the audience or not. The Planning Commission recommended approval of the application subject to several conditions. There was a substantial protest from business enterprises and a protest from some of the home owners in the area - they were quite scattered - I think there were four of them - one here (wall map) - the man that lived here that was buying a house in this tract - a property owner here - one up here and one up here.

Mayor Gragson: For our information, is the member of the consulting firm present this morning?

Mr. Saylor: This is Perla Eston from the consulting firm.

(Representative stood and was recognized)

Mayor Gragson: I would like to ask the new Commissioners if they want any further information on what the development is, as proposed. We have gone all through it, but please feel free to ask any questions.

(No response)

Mayor Gragson: I would like to ask one question - do those traffic projections of 45,000 cars a day indicate a movement of 22,000 cars in and 22,000 cars out?

Answer: I believe it is indicated in the Traffic Survey that it would be the 22,000 each way.

Mayor Gragson: Then I will ask at this time if there is anyone present who wants to make any further comments.

Mrs. Eleanor Bill: I work at the Decatur Library - I index the newspapers so I read them very carefully and I was reading the Feasibility Study and I was very pleased with it because it coincided with my views. In my work I talk to many people and I was amazed to find that most people wanted it, but figured that because of the Feasibility Study saying that the best place was nearest the Freeway and Decatur, that it was cut and dried and that the Dayton-Hudson Corporation would be building the Mall there. I explained to most of them that this still had to be rezoned and because they didn't understand that, I decided to get a petition. I've only had a week to work on it in my spare time. I have 414 signatures that I got this week. If I had time, I think I could get 4,000. The people really want it. I have people on West Alta, on West Bonanza, on Apache Lane, on Valley View, on Decatur - I have some of the merchants - I have all of the people who live in the Twin Lakes area - I have the people who live above Decatur - I have people as far across town as Eastern and the people who live in the apartment houses behind the Strip. It is a good cross section of the City and the consensus of the people is that we need a major City-type Mall, which we do not have. We feel that we need something that is far more substantial than what we have, with the growth of the City as it seems to have been in the last four years since I have lived here, and the past eighteen years that my sister and her family have lived here, it has been a tremendous growth, and when a City is growing that fast, we don't need small shopping centers - we need something that really is a major City-type

thing. It is a coincidence that I come from Minnesota where the Dayton-Hudson Company comes from - I've dealt with Dayton's - I know what they are - I have seen their Malls and I think they would be a credit to this community and I know that they do things for their community wherever they are and I think it would be to the advantage of Las Vegas to vote them in -

Mayor Gragson: Now, you have said that the Survey showed that this was the best possible location -

Mrs. Bill: That's what the Feasibility Study said - in the Review-Journal and in the Sunday paper, about two or three weeks ago. As I read it, it said - the Report said that the best place with the growth of the City in the northwest part of town - the best site would be as close to the Expressway and Decatur as possible -

Mayor Gragson: You haven't read the Survey then - just the news article -

Mrs. Bill: Just the news article - and I heard you mention something about the traffic - that was another thing I looked into, and with the State Highway extending the Freeway to Decatur, there would be an off and on ramp on Decatur and this is also very important, to my mind, because I live close to there - it would take the heavy traffic off of our City streets where our schools are and put it right on the Freeway where it belongs. If we had a Mall any place else, the traffic would be prohibitive - it is already heavy on West Charleston - it is already getting heavy on West Sahara - and I think this would be the best spot. Everyone I have talked to is vehemently for it and vehemently against the others, and I would like to present my petition now.

(Petition accepted for the record)

Mayor Gragson: Which others are you referring to?

Mrs. Bill: Well, the reason I got into this - I received a flier on my doorstep way before the first hearing and it stated something - I believe I presented it with my first petition - not in person, because I had to work, but I sent it with a letter and I did send a copy of this flier at that time and it stated something like - Las Vegas didn't need anything more than the Boulevard and the Westland Mall. There were some innuendos in there that seemed to cast aspersions on the Dayton Company without mentioning their name, and that is how I got involved - I didn't like that kind of tactic, so I started my first petition - in my spare time - it wasn't much of a petition - I've worked a little harder on this one this week, because I do believe in it.

Mayor Gragson: Does anyone have any questions of this speaker?

(No response)

Attorney Bruce Beckley: I am an Attorney at Law with the firm of Beckley, DeLanoy & Jemison. I represent the Dayton Development Company, the applicant here, which is a Minnesota corporation, and because since the last hearing upon this matter there are two new members of the City Commission, I would suggest that it might be appropriate to approach this much in the same fashion as though it were originally being presented to this

Commission, and with your permission, we would like to make our presentation in that fashion. I recognize that for yourself, Mr. Mayor, and two of the Commissioners, it may be somewhat repetitive, but I think there is some value to be obtained by making that presentation a second time.

Mayor Gragson: That is the reason I asked the Commissioners if they had any questions -

Commissioner Christensen: If your presentation is going to be the same - we can save a lot of time because I have a transcript of it and have read it - carefully -

Commissioner Franklin: Both of the new Commissioners have read the minutes -

Mayor Gragson: I am going to leave it up to them -

Commissioner Christensen: Like I've said, I've read it thoroughly - it will save a whole lot of time - unless you have something new you want to submit -

Mr. Beckley: May I confer with my client for just a moment?

Mayor Gragson: Yes, you may -

Mr. Beckley: At this point I would like to introduce Mr. Richard Guidera, Vice President of Real Estate for the Dayton Development Company, whom I think you have all met and who has one or two items which are new.

Mayor Gragson: Very well - proceed please -

Mr. Richard Guidera: Mayor Gragson and members of the Commission - I think it is well that we move along - we have covered a lot of ground over the past several years - I think it is almost two years that this Company of Dayton-Hudson and, specifically our subsidiary, Dayton Development Company, has been working on this Project in close relationship with the City, the State and the local regional governments. The plans that are here before you are representative of the work that has gone into this Project over the past almost two years - I believe it may be more than two years at this point. Our proposal, for the record, is to develop this Regional Shopping Center and on the phase basis, as it has been presented to you, we concur with the Planning Commission's recommendations, which include the phasing and the timing of that particular Project. We also would anticipate, if that Center would open with both Ronzone's and Broadway, in all probability, as being the anchors. It is possible that there could be additional, but our anticipation at the moment is a Center of approximately 600,000 sq. ft. in the initial first phase. At this point, Mr. Mayor, I don't know whether or not you have received a copy of a telegram that I received a copy of last night about eleven o'clock -

Mayor Gragson: No, I have not received a telegram.

(Copies of telegram distributed to Mayor and Commissioners)

Mr. Guidera: This telegram is addressed to The Honorable Oran Gragson, Mayor of the City of Las Vegas, City Hall, Las Vegas, Nevada:

"This is to reconfirm to you and the City Commission of the City of Las Vegas the commitment of Broadway-Hale Stores, Inc. to build a 159,999 square foot Broadway Department Store in the proposed Hayton Hudson Shopping Center to be located on the south side of West Fremont between Decatur and Valley View. This is the only site fully meeting our requirements and the recommendations resulting from the recent study by Development Research Associates and is the only site presently being considered by this Company for a Broadway Store within the City of Las Vegas."

/s/ Philip M. Hawley, President

Mr. Guidera: Gentlemen, at this time I have nothing more to say. I do have my associates with me if there are questions.

Commissioner Christensen: You talk about the first phase - how long before the second phase, etc.? Can you give us some kind of a timetable for completion, or do you have anything like that?

Mr. Guidera: At this time, Commissioner Christensen, we do not have a definite timetable beyond the first phase, but I would anticipate in the normal progress of growth that we experienced in the past, it would be in the manner of one or two years - we think possibly the first phase could be extended.

Mayor Gragson: Are there any other questions?

(No response)

Mayor Gragson: Is there anyone else in the audience who has any comments?

Nancy Myer, 6016 Bromley Avenue: I've worked on this for about two days with some friends and we've got about 368 names of people who are very much in favor of the Regional Shopping Center at Decatur and Fremont -

Mayor Gragson: In the general area of where?

Mrs. Myer: The people are primarily from the Charleston Heights area - we feel we definitely need more shopping facilities out that way - we are very much in favor of it.

(Petition accepted for the record)

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

George Rudlak: Your Honor and members of the Board of City Commissioners, I represent Roscoe, Incorporated, the developers of Westland Mall. I have appeared before you previously - we do have two new Commissioners - I have not had the opportunity of addressing them before nor have I had the opportunity of making a presentation in the beautiful new Council Chambers you have, which is most impressive, I might say. I think a good portion of my speech has already been eliminated by the fact that Commissioner Lurie and Commissioner Christensen have read the transcripts of the previous hearings. I had, like Mr. Beckley, planned to review some of the arguments that were there presented

but in view of the fact they have had this opportunity for review, I will refrain from doing that and substantially shorten what I have to say. I would like to note that when the Commission, on March 28, 1973, finally decided to order the Feasibility Study, this was very much in conformity with what my client has been urging, and the reason we had been urging the Commission to conduct an impartial Feasibility Study is that we were very conscious of the fact that on the basis of established norms in the Shopping Center industry, a given community can only support so many Shopping Centers - and, of course, I am referring to Regional Shopping Centers, not neighborhood centers - and if the community should be glutted with Centers, then there are dire economic and urban consequences, which can be anticipated as the result. We thought, therefore, despite the criticism that the Commission met on the part of some of the newspapers, they did the right thing and I think the Commission's wisdom in ordering the Feasibility Study has been justified by the Report that was rendered. Now this Report was rendered, primarily, not to determine exactly where the Shopping Center should be located, although that was one of its objectives, but it was ordered and it was submitted for the purpose - for the primary purpose, I would say - to determine whether there is room in this community at this time for one, two or three additional Regional Shopping Centers. That was the real objective of the Study, as I see it, and an incidental objective and a question that the researchers answered, and properly so, was the incidental question as to what would be the optimum place - the optimum general area - not a specific location - not Dayton-Hudson - not Westland Mall - but the general optimum area for the location of a Regional Shopping Center. The Study does answer these questions in a very able manner, I believe, and some of the important conclusions that were drawn by the researchers in the Feasibility Study, are the following, and I am going to quote very brief portions of the Report which I think are the significant findings. First of all, on Page Four, the Feasibility Study finds that:

"Before 1985 . . . the Las Vegas region will be able to support only one major Regional Shopping Center in addition to the existing retail facilities, and the greatest demand for such a facility will be in (what they call) the northwestern areas of the City."

That's conclusion number one. Conclusion number two that I consider significant:

"A Center . . . located in West Las Vegas (not in northwest Las Vegas, but a Center located in West Las Vegas) but easily accessible to North Las Vegas would be able to support 689,500 sq. ft. of retail space by 1975 and 1,124,000 sq. ft. by 1980" - and then they proceed to list three major department stores, one variety, junior department store, one major hardware store, one major super-market and from 40 to 50 smaller shops in this anticipated Regional Shopping Center.

And I might say this almost exactly describes the projected plans of Westland Mall which already having 300,000 sq. ft. of constructed and occupied Center, has publicly announced its intention to proceed with the development of an additional 700,000 sq. ft. of enclosed, air-conditioned, 2-level Mall.

So I think the researchers, more or less, anticipated what Westland Mall had in mind - these are exactly the figures that we are shooting at. Alright, now, conclusion number three: They say "The fastest growing areas of the region are the west and the southeast. Western Las Vegas also has the highest mean income in the region." Now I think all of us who have driven around the area and who have kept tabs on construction in the area, know that this is very definitely true. The real area of development, apart from the Paradise Valley area which is presently served by the Boulevard Mall, of course, and for that reason eliminated by the researchers as a logical area for a further Shopping Center - the fastest growing area is not in North Las Vegas, which the researchers point out as a lower mean income than the rest of the County - the fastest growing area, and also the area with the highest mean income in the entire County, is the western area and I think all of us know of the Spring Valley development there - all of us know of the developments that are being put forth by Pardee-Philips - by Young American Homes and the other major developers of that area. In fact, it is anticipated that about 17,000 new homes will be constructed in the area south of Charleston and west of Decatur within the period of the next two years, according to the statistics that I have seen, that meaning a further influx into the area and meaning a further vast market that would be intercepted by Westland Mall, which is strategically located at the intersection of Charleston and Decatur. Alright, that was another important conclusion, I think, of the researchers. The next, I think, is this, and I'm quoting now - "Since the existing Regional Center is located in the southeastern area of Las Vegas, and since this will adequately serve the population of this area for the near future, the new Regional facility should be located in north or west Las Vegas (not innorth, or nothwest Las Vegas, but in north or west Las Vegas) is what the researchers have said "Neither of these areas will be able to support a Regional Shopping Center alone. Therefore, the Center must be located so as to be accessible to both the western areas of the region where rapid growth is occurring, and the northern Las Vegas area." Their thinking, in effect, is that to support a Regional Shopping Center of this dimension by 1975, the Center should be located in a place which will draw upon the fast-growing, high income western portion of the City, but which will receive support through accessible means of communication from what they call the "north area" which, roughly, coincides with the City of North Las Vegas. Obviously, they don't recommend locating the Center in North Las Vegas because of their other finding that it is the lowest mean income area in the County and that, of course, is an important factor in determining where a major Regional Shopping Center should be located. So what we come up with is this - the Feasibility Study finds that there is room for only one Regional Shopping Center by 1975, yet there will be room for another one by 1985 - but that's a long time away - and they find, furthermore, that it should be located in the western section of the City. I would like to read to you in this connection, before going on to point, from Page 32 of the Feasibility Study because I think there is a rather significant statement there that bears out what I have just said. The researchers say: "Analyzing the growth potential of the two areas in question, it becomes evident that the West Area has much greater future potential than does the North Area. West Las Vegas not only will have rapid population growth, but it also has, and will continue to have, a relatively high average income level (see Table 6). Therefore, the West Area should be considered the primary market area for the new Regional Center. However, it is important to note

that without very significant support from the citizens of North Las Vegas area, the proposed Center will not succeed. Based on the above analysis of Market demand and the supply of existing facilities, therefore, the optimal location for a new Regional Shopping Center would be in the Western Las Vegas Area at a site very easily accessible to both the northwest and of the City where substantial future growth will take place, and to the Northern Las Vegas Area (they mean North Las Vegas) where a large population already resides which is inadequately served by existing or planned shopping facilities." This is their overall conclusion. Now, gentlemen, you heard one lady who circulated a petition speak today. She, of course, indicated that she had not actually read the Feasibility Study. She read, instead, a rather biased and I would say, inaccurate, representation of what the Feasibility Study said, in one of our local newspapers. Now, the local newspapers, for some reason that I can only speculate upon and which I commented on at a previous meeting of the Commission, has taken a rather hostile attitude toward the action of this Commission in ordering the Feasibility Study, and I think that the newspapers are absolutely wrong - I think the Commission had a duty to do exactly what it did and the newspapers for reasons that I can only speculate on, which I think you gentlemen possibly know as well as I, have also taken a rather biased attitude, I would say, in favor of the present applicant and so in the newspaper story - which is really more of an Editorial, I would say, than a news story, the inference was created that the Feasibility Study actually recommends the Dayton-Hudson location, and I think this lady was laboring under that delusion. Well, gentlemen, it certainly does not. I think that all of those good people who signed these petitions intended by signing those petitions, to express a desire for major Regional Shopping facilities in a convenient area. They weren't voting for Westland Mall - they weren't voting for Dayton-Hudson - they were voting for more and better facilities which I think they properly did and I think they should be granted their desire, but we are dealing now with a little more momentous problem as to what this Commission should do within the context of the zoning laws. So I would like to comment a little bit further along this line. To point out to you, gentlemen, that my interpretation, I think, is the correct one - I call your attention to Page 35 of the Feasibility Study. And here in the context of the question of where the Center should be located in terms of accessibility, it's made very clear that no specific location was being recommended by the researchers. Their actual recommendation was that the preferred location would be, and I quote: " . . . the area bounded by Charleston Boulevard on the south, Owens Avenue on the north, Las Vegas Boulevard on the east and Rancho Road on the west." Now, just consider that mentally in your own minds, if you will. It is quite obvious then that it excludes the Rancho-Sahara proposed Center located at the corner of Sahara and Rancho and it is no more partial to Dayton-Hudson than it is to Westland Mall. Both of them lie about two miles west of the general area delineated by the Feasibility Study. All that they are trying to impart is the fact that it should be located in the western part of town - not at this location - not at that location - that's for you gentlemen to decide by your action here today - but in the western part of town and in a manner that will be acceptable to North Las Vegas. Alright - so now we come to the real question here - should it be Dayton-Hudson or should it be Westland Mall, to the extent that you gentlemen are in a position to influence that decision. I think the first and obvious reason why Westland Mall should be preferred by you gentlemen is because - well, it is

two-fold. In the first place, it's already zoned under the existing City Master Plan for a Regional Shopping Center - fifty-five (55) acres of C-1 and ten (10) acres under Resolution of Intent for C-1. No rezoning is required, nor can any required rezoning be denied by the Commission. It's already there - it has a vested right to proceed with this type of development. Point number two - the Center is already partially built and you gentlemen who are all long term residents of this area know something about the history of Westland Mall. Mr. Bill Pecolle had it originally - he developed it over a period of years - he did not try to over-develop it - he tried to develop it as the need for additional facilities in that part of town arose and at the present time, as I've pointed out, there are 300,000 sq. ft. of buildings as well as parking areas - there are thirty-seven (37) existing tenants and the Westland Mall has announced plans for a two-level, enclosed, air-conditioned Mall which will have from two to three major department stores and 60 to 70 additional tenants besides the department stores. So they are already there. On the other hand, Dayton-Hudson doesn't even propose to commence construction until the latter part of 1975. If you will look at your agenda you will see that what the planners have recommended here to the Commission is a Resolution of Intent to permit Dayton-Hudson to start by December, 1975 and at previous meetings they made it very clear that they were not prepared to move now - they are looking to the future. And I will point out to you in a moment that it would really be impossible for them to move out now, and I think I can show you why. For further consideration that we think militates in favor of Westland Mall, as compared to Dayton-Hudson, is the fact that Roscoe, Incorporated, which I represent, in purchasing the Westland Mall from Mr. Pecolle, paid over Seven Million Dollars earlier this year for this development and is prepared to put additional Millions into this development. In an Editorial that appeared last Monday - which I'm sure all of you gentlemen have seen - the Commission was criticized by the Sun for ordering the Feasibility Study, and this statement appears in that Editorial: "When private industry spends its own money to advance community interests, it is the duty of these elected governing bodies to encourage, not hinder", said the Las Vegas Sun. Well, it sounds like very good language, but I'm really not overly impressed with this Editorial which I think - as I stated before - is motivated by the interests of advertisers rather than possibly the interests of the public as a whole. Be that as it may, if we take the Editorial at its face value, then it seems to me that this Commission should encourage Roscoe and not Dayton-Hudson. Roscoe already has its feet wet, so to speak - it has already invested \$7,000,000 on the face of an existing zoning, C-1 - bought with the understanding that it would be able to develop a Regional Shopping Center. It's already in - a Regional Shopping Center - it is already developing it - is ready to go forward with it at this time and it is obvious that being in as deeply as it is, if it is unable for some reason - economic, or otherwise - to proceed with this development it will suffer substantial capital loss. Dayton-Hudson, on the other hand, as we understand it and I stand to be corrected if I am wrong, purchased only a small portion of this 110 acres they seek to have rezoned, and holds the balance under option. So, if we go back to that Editorial - when private money spends its own money to advance community interests it is the duty of the elected governing body to encourage, not hinder" - it seems to me that this is referable to the position of Westland Mall, not of Dayton-Hudson. Obviously, if Dayton-Hudson should for some reason be unable to proceed with this development - the land is still there - it can be developed with

condominium or townhouse development, which would be almost as valuable as a Regional Shopping Center and it would be much more in keeping with the intention of the Master Plan. Roscoe is not in that enviable position - it is already in - it stands to suffer a substantial financial loss if for some reason it is unable to proceed, and I will point out to you in just a moment just what the significance of this is. Let's discuss for a moment the question of accessibility. I took a drive out there through the Dayton-Hudson area last night and looked at it physically - I've passed it before but never very minutely examined it - I'm sure you gentlemen are quite familiar with the area and have probably driven by to take a look at it. The Dayton-Hudson parcel is actually one of the most inaccessible locations in the City of Las Vegas as it now stands. Now I will grant you that with certain improvements of public roads, it may eventually become a very accessible and desirable location. But it is not now an accessible location. In the first place, you travel west on the Downtown Expressway, gentlemen, and you will find, of course, that it ends at about at Rancho Road, about a mile or so before it comes to the Dayton-Hudson property - there it becomes just an ordinary 4-lane road - no longer an Expressway. It is still problematical just how soon the westward expansion of the Downtown Expressway will take place - we know it will take place some day - I know that the Mayor and gentlemen of the Commission have been working on the problem of obtaining funds in order to develop the Expressway, because there have been stories about that in the newspapers, but we have no present assurance as to just how soon that is going to take place. Secondly, the Dayton-Hudson section can only have ready access to the Downtown Expressway if a Full Interchange is constructed at Valley View, and this to be done at Public expense. Now, gentlemen, I think you know what a full interchange costs - I've heard various estimates on it - anywhere from \$750,000 to \$1,000,000. This is what the public is being asked to do to help Dayton-Hudson establish a Regional Shopping Center there. Furthermore, the State Highway Department has not actually approved such an Interchange - that's made clear by Dayton-Hudson's own special case in study - the State Highway Department has merely said that it will give consideration to an interchange at an appropriate time. As all of us know, the Highway Department is still giving consideration to a full interchange at Sahara and Interstate 15, and it hasn't happened so far, so we have no assurance as to whether there will ever be an interchange at Valley View and the Expressway. Moreover, Dayton-Hudson can only have accessibility to eastbound traffic going into Las Vegas along the projected Expressway, if and when it is built, unless a frontage road is constructed to parallel the Expressway. This, again, presumably could be done at least partially at public expense. Alright, now how about accessibility from the other direction - from Decatur and on the south? The Dayton-Hudson people have made no bones about that - they recognize that there is no street there at all at the present time - it's locked in with a series of four streets that dead-end right at the Dayton-Hudson property - they are Portsmouth, Essex, Revere and Bedford and I know that the planners have recommended a turn-around to be constructed at the expense of Dayton-Hudson in the case of Revere and Bedford and for some reason have not made a similar recommendation as to Portsmouth and Essex - so the result would be two dead-end streets there. Moreover, the street that is to be constructed - Michael Way - which will be a completely new street, presumably, would be intended to channel traffic from Decatur into this project - the project being, essentially, however, not oriented toward Decatur but being oriented toward

Valley View. Now, Valley View, as you gentlemen know, is at the present time two miles long - it is not one of the major arterials in the City - true, it has been said that it will ultimately be extended southward - it can't be extended northward because it would have to go through the Twin Lakes Subdivision. It dead-ends there. So we're talking about a major Regional Shopping Center - and I heard somebody say there would be an influx of 22,000 cars per day going in and 22,000 cars per day going out, in what is really an impacted area. I think we may properly refer to it as an impacted area and all of the outflow would have to be channeled through Valley View and that portion of it going south would, of course, at the present time dead-end a mile or so to the south at Charleston, right in the vicinity of Hyde Park Jr. High and would create all sorts of traffic hazards to the kids crossing the street there. Moreover - and this is a very important consideration - because of the configuration of the Dayton-Hudson parcel, it will be necessary to have two full traffic control systems, 600 ft. apart from each other - one on the off-ramp from the Downtown Expressway and Decatur and the other one at Michael Way and Decatur. Here, again, just imagine the traffic snarls that we can anticipate as a result. Actually the Feasibility Study shows that more like 3,400 cars per hour can be anticipated in a Regional Shopping Center of this character. That is contained right in the Feasibility Study and that, of course, is a somewhat higher figure than has been quoted to you here. I realize that I'm taking an undue amount of time, but I do think there are some very important considerations. Let me just present this to you - the \$64.00 Question, gentlemen, is - why the taxpayers of this community should be saddled with this very large expense that is being proposed - I don't know whether it's going to be \$1,500,000 or \$3,000,000 - but it's going to be a very large expense, to build the Valley View Interchange - to widen Valley View from a 33 ft. street to an 80 ft. street - to build a frontage road along the north end - to build Michael Way on the south and to install two full sets of traffic signals 600 ft. apart from each other on Decatur? Why should all this be done to assist a private enterprise to develop a private Regional Shopping Center which is totally and completely impacted and inaccessible? Especially when just 3,000 ft. south of this projected Regional Shopping Center, you have Westland Mall, which is already being developed - which has 2,000 ft. of accessibility on Charleston - 2,000 ft. of frontage and I believe 1,500 ft. on Decatur - 1,300 ft. on Arville. It will not create traffic problems - it is already there - you don't have to go to all this expense - why? What real reason is there to say that it should be Dayton-Hudson rather than Westland Mall? This is really not private industry spending its own money to advance community interests - as the Editorial in the Sun suggests - it is just the opposite. It is taxpayers money spent to advance the private interests of a private developer, to the detriment of the Master Plan - to the detriment of the schools in the area - to the detriment of the surrounding low density residential areas - to the detriment of traffic patterns on Decatur and Valley View and, most of all, to the detriment of the taxpaying public. Here is something else I think the Commission must keep in mind in making its determination. As you are aware, First Western Savings & Loan has taken the position that it has the right to develop a 72-acre Regional Shopping Center at Sahara and Rancho on the basis of a 1963 Resolution of Intent. This matter is now before the court. Now unless the City Commission should decide to revoke the Resolution of Intent, which I imagine would result in litigation between the City and First Western, but it wouldn't be anything that the City is not in already, because you are already involved in litigation with First Western over this very question - or unless the court should ultimately decide that

the Resolution of Intent, for reasons that we will not now explore, invalid - the net effect would be if the City grants the Dayton-Hudson application at this time, in spite of the Feasibility Study - and we might say in the teeth of the Feasibility Study - there will be four (4) Regional Shopping Centers in this area in process of construction. You can't stop Westland Mall - not with zoning regulations, at least, because it's already zoned C-1 - it can proceed. The Boulevard Mall already exists as a major Center. If Rancho-Sahara proceeds under the Resolution of Intent and you now grant Dayton-Hudson, then what has happened to the Feasibility Study that you have been so soundly criticized by the newspapers for having authorized? Again, I say you did the right thing, but I think you should consider the recommendations of that Feasibility Study and that, of course, is that there is only room for one more Regional Shopping Center by 1975 - only two more by 1985. I say that as long as the Rancho-Sahara matter is undetermined you gentlemen have no choice - you have to turn down Dayton-Hudson, if you want to follow the recommendation of the Feasibility Study that is. Otherwise, we're going to wind up with four Regional Shopping Centers and all of the economic and urban problems that have been discussed at previous meetings that I will not again review at this time. Now, just one other consideration, and then I'm through. Two other considerations. You may ask why the Westland Mall, which is zoned for Regional Shopping Center development, doesn't just proceed - whatever you do in regard to Dayton-Hudson. Well, it is proceeding, but it is encountering problems in this regard and I would like to hand you gentlemen a letter, which I will also read into the record, which explains what the problem is.

(Mr. Rudiak presented copies of letter to Mayor and Commissioners)

This is a letter dated July 31, 1973 - it is addressed to Mr. Bill Picolle, Westland Mall Shopping Center. Mr. Pecolle, is of course, still an advisor to the Westland Mall Shopping Center. It says: "Dear Bill: I have your letter of July 26th, 1973 with the Report prepared by Development Research Associates for the City of Las Vegas. I want to thank you for sending the Report - it will be useful in our deliberations. As I have discussed with you on the telephone, it is Montgomery Ward's feeling that there will be only one Regional Shopping Center located on the west side in the foreseeable future. Since there are now three locations proposed for zoning, it is impossible for Ward's to specifically commit to any location until it is definitely ascertained that the location will become the Regional Center with one or two department store commitments in addition to Ward's. The reason, of course is that we have previously committed to one location in Las Vegas several years ago, but in subsequence nothing has developed as required above. Once a commitment is made we must include sufficient capital funds in our budget to support the commitment. If funds were allocated for a specific project it would necessarily mean that another project would have to be delayed. Consequently we cannot make a commitment until we are definitely assured that a given project will materialize and within the time period for which the funds are allocated. I am sure that if the City of Las Vegas restricts the zoning for Shopping Center development to your property, you will have little trouble in obtaining other tenancies required for a Regional Center. When that occurs we will be in a much better position to present this to Chicago for management approval. Until then I can do nothing but wait until the dust settles in your area."

George Rudiak (continued): Signed, John H. Burgess, Real Estate Manager, Western Region for Montgomery Ward's. Now this is not only a problem that Westland Mall faces, this is a problem that all four of these projected Regional Shopping Centers will face. In other words, we know on the basis of the Feasibility Study, that there is room for only one Center with two or three or maybe four department stores. If we are going to potentially glut this area with fifteen to sixteen department stores - and that is exactly what is projected if you take the intentions of all four of these Centers into account - then, in effect, will be that none of them will be able to get a major tenant, or more than one or two major tenants. I know that Mr. Guidara has spoken about putting in The Broadway and putting in Ronzone's in his Shopping Center complex. Of course, both The Broadway and Ronzone's - Ronzone's being a subsidiary of Dayton-Hudson - are presently in the Boulevard Mall, as we know. I think there is some question as to whether it would not be wise to diversify - to have perhaps a few other major department stores, like Bullock's or The May Company, or others in the area, and not confine ourselves to what would then become almost a monopolistic situation in which Ronzone's and The Broadway would be the only suppliers for both sides of town and the people would have the opportunity of purchasing only the types of goods that are purveyed by those stores - not that there's anything wrong with those stores - I think they are both very fine stores - but I am suggesting that there be some diversification. Nevertheless, regardless of what Mr. Guidara has told you, I suggest to you that all four (4) of these Regional Shopping Centers are going to have an almost impossible problem of further development unless the Commission follows the recommendation of the Feasibility Study and denies the Dayton-Hudson application now - permit the court to decide what is to be done with the Sahara-Rancho application, because it's before the court now; and then let the chips fall where they may. It is quite obvious that the City cannot support four Centers and I think it would be a grave mistake at this time to grant the Dayton-Hudson application. Thank you for your patience - I'm sorry that I was so lengthy. By the way, I have brochures of the Westland Mall which you gentlemen may be interested in examining.

(Brochures distributed to Mayor and Commissioners
by Mr. Rudiak)

Commissioner Christensen: I'd like to ask a couple of questions, if I may, Mr. Rudiak. This development of Westland Mall - you say that they are planning on constructing a 2-level, air-conditioned Mall - is that in addition to the buildings that are there - are they going to become a part of it - is it going to be redesigned - are the old ones going to be torn down and new ones put up, etc., or how is that to be? How are you going about that, in other words?

Mr. Rudiak: It's in addition, Commissioner Christensen. The buildings that now exist are not contiguous to each other, as you know. There has been a large area reserved there between the two markets - there's ten acres lying to the south. The architectural plans call for locating the 2-level Mall between those two existing buildings -

Commissioner Christensen: When do you plan on proceeding with this?

Mr. Rudiak: They have the matter on the drawing boards now - they announced, publicly I believe, in about in February of this year, if

I'm not mistaken.

Commissioner Christensen: How long has the Shopping Center been there?

Mr. Rudiak: As I have explained, it has been there for a number of years - it has developed gradually for the reason that there wasn't the demand for a Regional Shopping Center, initially, in that area - additional buildings were built as the need arose. At this time a major new developer has become the owner - it has the financial resources to proceed - I think it has something like \$150,000,000 in business in the last two years in real estate transactions -

Commissioner Christensen: Do they have other Shopping Centers?

Mr. Rudiak: I believe they do - I would like to ask Mr. Leonard Ross, of Roscoe, Incorporated, if he would come forward, please.

(Mr. Leonard Ross stepped from the audience)

Mr. Rudiak: May I introduce Mr. Leonard Ross -

Commissioner Christensen: Maybe you can answer my question - where your other Shopping Centers are, etc.

Mr. Ross: We have some Shopping Centers that have been completed and some that are under construction, primarily these are joint ventures and primarily they are in the southwest - one in Brownwood, Texas, which is approximately 200,000 sq. ft., and one in Callene, Texas, which is 195,000 sq. ft. Those are the largest we have been involved in thus far. I would like to answer one question that has been addressed to Mr. Rudiak, and that is - how long has this Center been in existence and why is it presently in the stage that it is -

Commissioner Christensen: I didn't ask you that -

Mr. Ross: The first part - Mr. Pecolle commenced the Center approximately nine years ago and built out additional space as the need arose. I don't think anyone here, or any of the companies who have indicated a desire to develop a Regional Center today, or two years from now - 1975, which the Report suggests - would have considered developing a Regional Center here in Las Vegas nine years ago, or eight years ago, or four years ago - it just wasn't ready. So I don't think we can look at how long the existing facility - the existing Westland Mall - has been there - I think it has to be developed with the need - the need is now and I think the key issue is not what that location should be because of a difference of 4,000 ft. or 8,000 ft. is not really going to mean a thing. It may affect the volume - the business done by the merchants, but that's really not an issue here. I think the issue is simply how many Regional Centers should be on the west side. We have always contended there should be one - the Feasibility Report indicates there should be one - of course, in addition to the Boulevard Mall on the other side of town -

Commissioner Christensen: The reason I asked the question - we continually refer to the Westland Mall as being involved as a Regional Shopping Center and I'm having a hard time visualizing in my mind's eye - I have no pictures or anything to help me . . .

Commissioner Morelli: It's right in front of you, Paul -

Commissioner Christensen: That really doesn't tell me how you can tie the Shopping Center that exists to the new Shopping Center and make anything that is going to have the class, so to speak. In other words, I'm having a hard time seeing anything but straight, square buildings all the way around, fronting on the street, with something in the middle and the something in the middle there are some drawings of, and that's all I've seen so far. It makes me wonder what's going to happen up there.

Mr. Ross: What you have now is approximately 275,000 sq. ft. of a proposed 1,025,000 sq. ft. Even in the Boulevard Mall you will note there are some buildings that are detached from the Mall, as would be the case here. We do intend to, of course, change the facade of the existing facility so that it corresponds with the architectural scheme and the mode for the remaining development. We have studied it and there is no question that it can be tied in and it can be tied in nicely - the land is laid out properly - the spot is excellent - we have gone into it in detail and it can be done without much difficulty at all.

Commissioner Lurie: Your Company has never undertaken a project of this size before?

Mr. Ross: No -

Commissioner Lurie: You have never developed a million sq. ft. Shopping Center?

Mr. Ross: That's correct -

Commissioner Lurie: Let me ask Dayton-Hudson - how many Regional Shopping Centers do you have now?

Mr. Guidara: We have approximately eighteen (18) in the range of approximately a million square feet and we have an additional five (5) at the present time that are on the boards, approved and on the way, and we have several others in various stages.

Mr. Ross: Commissioner Lurie, I would like to point out one aspect - once a major tenant lease is obtained in the development of a Regional Center, does not pose much difficulty. We have probably sixty to 65 letters already on file from smaller tenants, including a Silverwood's, owned by Hart, Shaffner & Marks - smaller than a department store, who have indicated they would like to proceed and would like us to contact them. We have really just kept these in limbo until we do have the majors. Also, we have been approached by various companies, including a company on the New York Stock Exchange with a net worth of \$175,000,000, that has developed a number of Centers including one of the largest in the country, namely the _____ in Hawaii, with their inquiry as to whether we would be interested in a joint venture. We have kept that available but we're not interested because it's not needed.

Commissioner Lurie: I am aware of how difficult it is to obtain tenants, and I feel that's what the discussion is all about right now - which Shopping Center is going to be in existence first

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(continued)

in order to obtain the proper major tenants to build the Center. Those are all the questions I have.

Mrs. Eleanor Bill: Your Honor, may I make a comment in rebuttal to this?

Mayor Gragson: Are you a spokesman for a group?

Mrs. Bill: I would like to answer some of the things that the lawyer said -

Mayor Gragson: Very well -

Mrs. Bill: In the first place, they say that Westland Mall has been developed for a long time and waiting for a feasible time to expand. That is, in effect, true but not really, because my experience since we came here in the Spring of 1970 we were going to go into business and we looked into the Westland Mall as a site for an artificial flower business, which is a Chain Business. With our advisors, we decided against it because it was not built on the lines of a big Shopping Center that would grow into a City-type Mall and even though it was called a Mall, it wasn't the type that we were accustomed to in Minneapolis and St. Paul, and we decided against it. At the time Bill Pecolle told us that he had been trying to get in department stores and he had mentioned the Dayton Company at that time, since he knew we were from Minnesota and he was unable to get department stores as long ago as 1970, so their sudden growth now is not hinged on whether or not another Mall is going to come in - they have been having those problems for years. As for the accessibility, last night during the rush hour going home there was an accident on West Charleston, just a half a block from the intersection into the Westland Mall - a very bad accident. The traffic is getting very bad on West Charleston and with the proposal to make that the Regional Shopping Center, with the growth there, if it comes to pass, the traffic on West Charleston would be prohibitive. That's what I wanted to bring out.

Mayor Gragson: Thank you - is there anyone else now?

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

Meeting reconvened at the hour of 10:20 a.m. with the full Board and Staff present.

Attorney George Dickerson: Mr. Mayor and Commissioners, I am reminded by Mr. Saylor that for the record I did not identify myself. I am George Dickerson of Dickerson, Miles & Pico, representing First Western. You will note that on your agenda today you do not find that item that has been carried on your agenda all the way through, and that bothered me. I talked to Mr. Lovell and I understand that it has been stricken from your agenda. Therefore, that renders one of the law suits moot, because that was the only problem - the question as to whether or not this Board had a right to review the legislative action of a prior Board, and there has to be some kind of stability as far as legislation is concerned in that all of the provisions that were required by virtue of the legislative act of that former Commission have been satisfied. And with all due respect to Mr. Rudlak and his suggestion to you that you revoke that Resolution of Intent, gentlemen, I tell you that there has been total, absolute and

complete reliance upon that Resolution of Intent. Now, the last time we were with you when Dayton-Hudson was here was an entirely different proposition -

Commissioner Franklin: I think we should make one point clear here - it was my understanding that it was stricken from the agenda merely as a housekeeping act item - every week it would come up here and we'd say - we can't act on that because we're still under injunction - and it was taken off the agenda purely for housekeeping purposes, to be put back on after there has been a court determination.

Mr. Dickerson: Not raising a legal issue?

Commissioner Franklin: That was my understanding - we said - take it off until there is a court determination -

Mr. Dickerson: Is this Board then going to be interested in proceeding as far as that litigation is concerned - concerning the Resolution of Intent - its validity - when the same proposition affects one hundred Resolutions of Intent outstanding? And that's my problem, because now I'm before the court - we are in the other law suits that resulted as a consequence of our proceeding before the Planning Commission and which was financed by Roscoe and which was represented by Roscoe's attorney in those proceedings in court, we are down to only one plaintiff - all of the other resident plaintiffs in the proceedings have withdrawn and the only one who is affected is Frank Smith who, of course, lives in the immediate adjacency of the proposed development. Now I don't know what Frank's position is going to be - we insisted that the attorney, other than Mr. Rudiak, who was representing those people in the area - he withdrew as attorney upon their stipulating to dismiss with prejudice the proceedings as far as they were personally concerned and he substituted in proper person Frank Smith as the sole and only plaintiff in that other law suit. As Mr. Rudiak points out - our position hasn't changed from the first time we came before you. We look at this as a country that is absolutely founded upon free enterprise. We came up before and said - we're not here in opposition to Dayton-Hudson - we came on our merits - they stand on their merits. And that's how we approached it and we don't think that the Survey that you had conducted is in the least detrimental to our proposed development now, because all of the prospects as far as satisfying the administrative procedures are concerned, have been satisfied. We did - we went before your Planning Commission and we got Plot Plan approval and we are ready to go forward. But, by the same token, we have the problem that all the others have with reference to commitments by those who are majors and who are vitally interested in locating, until such time as our litigation is cleared. And that's what we are working on as strenuously as we possibly can, so that that can be concluded. So we are not disturbed in the least by this review and Survey that was conducted because you look at any piece of property with reference to its accessibility to the Freeway, and you couldn't find a location more magnificent than that of Rancho-Sahara, with its service to the north - and as far as the Expressway is concerned, to the west because you're not five minutes away from any portion of the City at the Sahara and Rancho location, off the Freeway, without any expenditure of public money whatsoever as far as any interchanges - widening of streets - the accommodation of crossing, or anything else in that regard. So I only point this out to you that there is before you the problem that the courts will resolve

with reference to right of the Rancho-Sahara to proceed as far as this development is concerned and they are definitely interested - they are definitely going to proceed and we have been instructed to pursue this as far as its legal ramifications are concerned, to its ultimate. But, by the same token, what Mr. Rudiak has said must be taken into consideration by you - and until such time as he mentioned the fact that the Survey indicated that the south boundary was at Charleston, rather than Sahara - doesn't bother me in the least because, as I say, the access off of that Freeway accommodates to the south - accommodates to the north, and with the Expressway, it accommodates to the west and in every direction into this City - once the Expressway is expanded - we serve a multitude of areas by virtue of the location that we are privileged to have as far as this development is concerned - but it is a factor that you must consider - if you are going to be motivated to a conclusion by virtue of the Survey that has been conducted - if you are going to conclude that - well, yes, in fact, there can be but one Shopping Center until 1975 and maybe two by 1985 - if you're going to allow - whatever conclusions you may arrive at differently from that which was arrived at by the Survey team that submitted it - based upon those factors that you know from your own personal knowledge from your acquaintance and living in the community and the vast expanse in population and the marvelous growth that we have experienced that have out-distanced any projections that may have been made heretofore - and what the future may hold for us by virtue of the expansion that we are recently experiencing with 3,600 new additional rooms on the boards, to be opened next year - I say that maybe those of us who are local and have our fingers on the pulse of the local economy and those of us who have experienced in the past the marvelous growth experienced nowhere else, realize that notwithstanding surveys that may have been made maybe we, with our inferior knowledge and expertise, may be the better experts as far as making determinations of this nature. Thank you.

Mayor Gragson: What is the status of these court cases, as of now?

Mr. Dickerson: Right now, Mayor, in the action that was filed by the resident property owners - the resident property owners brought an injunction against us from going before the Planning Commission for the purpose of having a Plot Plan Review. They had a temporary restraining order issued by the court, which was illegal because they gave no notice to us with reference to the fact they were going to the courts. The court extinguished that Temporary Restraining Order by virtue of its invalidity and the way in which it was initially sought. We then went into the hearing on the preliminary injunction aspects of that case - as to whether or not we should be enjoined. In the middle of the proceedings it developed that we had received a letter - or a letter had been sent to First Western from Mr. Roscoe indicating that he would be interested in purchasing our property for the purpose of developing it for a Shopping Center. We immediately raised the issue to the Judge as to whether or not Mr. Rudiak could continue to proceed by virtue of an obvious conflict of interest, because how could he represent the residents, who are opposed to a Shopping Center constructed by anyone, when at the same time Mr. Roscoe had submitted to us an offer to purchase the property for purposes of developing a Shopping Center? Mr. Rudiak had discussions with his client,

- Mr. Greeman had discussions with his client - we came back into court that afternoon and Mr. Rudiak withdrew as counsel. Mr. Greenman asked that the proceedings be continued until he had an opportunity of discussing with his clients their interest in proceeding with the litigation. He did discuss it with his clients - we filed our answer to the proceedings and we counter-claimed for the damages that we have suffered by virtue of the delays that had been occasioned by virtue of the law suit being filed. He was then instructed by - I think there were six - there could have been seven - plaintiffs in the law suit - he was instructed by six of them to dismiss the action as far as they were concerned. He then withdrew himself as attorney of record and he had Mr. Franklin Smith, who is a plaintiff and who is an attorney, to substitute himself and to represent himself in the law suit. Franklin Smith filed a reply to our counter-claim. I've been having discussions with Franklin these past few days with reference to the proceedings in this matter - one way or another where we could get it on the calendar for continuation of the hearings. The only matter remaining now by virtue of the action of the Planning Commission in reviewing the Plot Plan, is a declaratory release aspect of the case, which asks the court to review the Resolution of Intent and declare its validity. We are satisfied as to its validity, as was the City, who was on our side in that law suit. Then as soon as we went before the Planning Commission, the Planning Commission was asked by Mr. Saylor - and I stand here to be corrected by him if I am wrong in this regard - you are allowed to submit this to the Commission if you so desire for their consideration before you take action on it, realizing that the legislative mandate by the Commission that enacted that initial Resolution of Intent provided that the review would not be by a subsequent Commission, but a review as to that Plot Plan was to be by the Planning Commission and so realizing that if the Planning Commission took action before the City Commission first considered it and referred it back for the action to be taken, the administrative process would have been exhausted. The Planning Commission chose to follow that route and they did consider, and they acted upon, and they approved the Plot Plan. After they did that, one of the then City Commissioners asked that the matter be placed upon your agenda so that you could consider the action that was taken by the Planning Commission and so that you too might review that Plot Plan. When that occurred we were satisfied that the administrative process and administrative procedures provided had been exhausted, and there was nothing for you to consider as far as a review of the action of the Planning Commission. So we filed an injunction and we secured a restraining order to restrain you from considering this matter until the injunction was heard. There have been subsequent continuances - as far as the effectiveness of the restraining order upon you until the injunction is heard and because the same issues are involved as far as the validity of the Resolution of Intent, in the first law suit, which has been partially tried, we entered into a stipulation that that first be concluded before the City proceeds with this unless otherwise directed by the City Commission. Now that's the status of the two law suits at the present time, and it will be before the court unless . . .

Commissioner Franklin: If it's still before the court, the one problem that bothers me, George - is there before the court for determination by the court the governmental validity of open-end Letter of Intent? Is that to be determined yet?

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(continued)

Mr. Dickerson: I think, Commissioner Franklin, that's one of the aspects of the declaratory relief -

Commissioner Franklin: Has there been any detrimental reliance on the Letter of Intent because, frankly, I don't like Letters of Intent without an end to them -

Mr. Dickerson: That's where your legislative processes affords you the opportunity of correcting -

Commissioner Franklin: When you get one that is ten (10) years old, the matters covered in that Letter of Intent might be entirely inconsistent now with those ten years before when the Letter of Intent was issued -

Mr. Dickerson: Any time within that ten years the opportunity was afforded this Board to say - wait a minute, this is standing out as a Resolution of Intent without time on it - we don't think it's proper that it be so, so we are called in before the Board with reference as to whether or not it should be revoked.

Commissioner Franklin: I will be asking our Director of Community Development to bring before this Board every single existing Letter of Intent without termination date so that we can give proper notice and put a termination date on them. But speaking on your line of questioning concerning First Western - I do not intend to vote today on Dayton-Hudson . . . if you prevail in court that the Letter of Intent - that there was detrimental reliance on the Letter of Intent is good, then you will have 70 acres, no matter what we do, that is zoned for a Regional Shopping Center -

Mr. Dickerson: That's exactly correct, George -

Commissioner Franklin: Number two - no matter what this Board does, there are 65 acres, or an approximate amount, at the Westland Mall that is zoned for a Shopping Center -

Mr. Dickerson: There is no question about that -

Commissioner Franklin: There is no way in the world that this Board can stop either of those two from going ahead with Regional Shopping Centers -

Mr. Dickerson: Again, though, Plot Plan Review, even on Westland Mall, to be by the Planning Commission -

Commissioner Franklin: At least we're stuck now with two - if you prevail in court - going ahead with a Regional Shopping Center and we have a Feasibility Report that says there should only be one more by 1975 and maybe at the most, a second one by 1985. Now that's the thing that really bothers me because I think we had the right to get that Feasibility Report so that we can make up our minds on economic stability - not economic impact - and I think economic stability is our duty and our function.

Mayor Gragson: I don't think that you, or the fondest optimists

believe they need all of this area zoned commercial for that purpose - whether you know it or not - the way I see it, one of our responsibilities in these offices is to attempt to insure orderly growth and development based on your circulation - traffic circulation patterns - community impact as it relates to churches, schools - the whole total - and not based otherwise, I can assure you now that any decisions that I personally make are not going to be made on the basis of competition, but they will be based upon the impact that I believe one or the other will have on this community.

Mr. Dickerson: Then, Mayor, you get back to my initial statement to this Board at that time. If you will recall, I said - we stand in an entirely different position from Dayton-Hudson because our property has, in fact, been rezoned under a Resolution of Intent and it has been carried on all of your maps - all of your Zoning Maps - on the Regional Street and Highway maps - as a location for a Regional Shopping Center, since 1965. We are prepared and we have these exhibits in court show. Now that wasn't the situation with Dayton-Hudson. They are coming before you for a reclassification of property from a zone that is not permitted to have such construction in it, to a zone that would permit such construction within it. So if that motivates you - if that's one of the factors you are concerned about is the orderly progress and the orderly development of property and how much is available for purpose of development, then of necessity you must take into consideration Westland Mall and you must take into consideration the Sahara-Rancho property, because Westland Mall can go forward by purely bringing in a Plot Plan and approved by the Planning Commission and all that stops us at this point are the proceedings in court, which must be resolved with reference as to whether or not your initial Commission when it enacted its Resolution of Intent delegated the authority to the Planning Commission to make the final approval of that Plot Plan had any authority to do so.

Mayor Gragson: Does anyone have any further comment?

Mr. Rudiak: Your Honor, I didn't think we were here to relitigate what happened in court . . .

Mayor Gragson: We aren't - but those were a part and parcel and I felt that at least we should have the information at this point and they are related to some degree in making his position known -

Mr. Rudiak: Yes - well, I'm not criticizing the Commission for hearing Mr. Dickerson - I think he gave a very eloquent presentation, but I don't agree with one or two points that he made and that is my only reason for rising at this time. In the first place, the main issue that is before the court is the one that Mr. Franklin put his finger on - it is an action for declaratory relief to determine whether that Resolution of Intent was, or was not, valid. Now I don't want to give you a learned dissertation on the law in the matter - we have our opinion of it - we think that for certain reasons it was invalid because it was without time limit and we think it is, therefore, an unlawful delegation of legislative power. But it's for the court to decide - we can't decide that here today. My only point is - this other matter about the restraining order - the preliminary injunction - those are _____ remedies which were, at that time lost because of the particular situation then existing, but the main question is still to be determined by the court. We can't know at this time

whether or not they will honor the Resolution of Intent, which goes back to the very point - if the court should decide in Mr. Dickerson's favor, there would be one more Regional Shopping Center there. That, I think is what we are concerned with. I don't propose to go into some of these other matters that Mr. Dickerson alluded to - I would just say that I am advised by my client, Mr. Leonard Ross, who spoke here briefly before, that there are some inaccuracies with relation to the letter they presented to First Western, and if you wish him to explain that, he would like to appear very briefly for the purpose of clarifying it.

Mayor Gragson: I don't feel that has any bearing on it. In other words, I don't feel that his letter, if it was, will influence the court's decision, do you?

Mr. Rudiak: That's why I put it in the form of a question, Your Honor - whether you want to hear from Mr. Ross? If you do, he will be very happy to tell you what actually happened.

Perla Eston of Development Research Associates (making the Feasibility Study): Mayor, may I be heard at this time?

Mayor Gragson: Yes you may - you were going to be asked shortly, but I'm pleased that you are coming up now.

Perla Eston: Everybody seems to be very concerned about accessibility - the representative for Roscoe Company read a statement from the Feasibility Study which delineated an area which would be the most accessible in the City for a Shopping Center location. The portion he read was somewhat out of context - I think it has caused some confusion because another gentleman also mentioned it - and that is that this area bounded by Charleston Boulevard, Owens Avenue, Las Vegas Boulevard and Rancho Road was the only the area mentioned here in terms of accessibility and location - it did not take into account the market considerations - the existing Shopping Center location. In other words, if that were going to be the only Shopping Center in Las Vegas, that would be the place to put it. Later on in the Study, considering these other factors, such as markets and existing Shopping Centers, the Study showed not that particular square as the only location, and I will quote from the Report here:

"From the analysis of access patterns in Las Vegas it is evident that the locations in the Western area most accessible to both the northwestern growth areas and the North Las Vegas area are near the exit/entrance points on the Las Vegas Expressway west of Interstate 15, or near the intersection of Charleston Boulevard and the Interstate 15 Freeway. A direct freeway location is preferable since it makes the site more accessible particularly to residents of North Las Vegas. In the future, as the Las Vegas Expressway is completed, and as the City expands, the Expressway will also provide a significant link to the new growth areas of the northwest as well as extending the potential market area to the northeastern section of the City around the Central Business District."

Perla Eston: That paragraph makes two points, of course, the point of the Freeway and the point that the most accessible place in the City is not the only place for Shopping Centers. What I want to say about that Freeway accessibility also is everybody seems to be neglecting the point that west Las Vegas alone cannot

support a Shopping Center - not until like 1982 and it is very-very important that the people of North Las Vegas, who are now under-served, have accessibility - and good accessibility - to a Shopping Center. Otherwise they will continue to shop in the Down Town - in the Montgomery Ward Shopping Center and in the Boulevard Mall and will completely ignore the new Shopping Center. That is an important consideration. Another consideration that has been ignored in discussing the Feasibility Study has been that we recommended very strongly that the design of the Center be considered because it's important that the Center be well designed, with fully enclosed air-conditioned Malls, in order to be able to compete with the Boulevard Mall, and it's the image of the Shopping Center that is as important as the actual facility.

Commissioner Franklin: I have one question - what do you define as accessibility to a Freeway? Are we talking about an on-ramp onto the property, an off-ramp onto the property or are we talking one block or talking two blocks? Would two blocks be accessibility to a Freeway?

Perla Eston: It would be accessibility but what was mentioned in the City - and I think was made clear in the Study - was that we are talking about a site that you could see from the Freeway and the off-ramp would be right at the site. That is direct accessibility.

Mayor Gragson: I believe you said within three miles . . .

Perla Eston: Within two miles of the Interstate 15 Freeway if it's along the Las Vegas Expressway - three miles to the west -

Mayor Gragson: Are you telling us that it must be along the Las Vegas Expressway -

Perla Eston: No - it is not a must - it is just optimal -

Commissioner Morelli: In other words, it is preferred, but I think if you go around the country, geographically sometimes you cannot see a Regional Shopping Center from an interchange or an off-ramp. You say, in this area it would be preferred to have it that way - right?

Perla Eston: Right -

Mayor Gragson: One example that has been quite successful is our Boulevard Mall -

Perla Eston: Right, but I think you will agree that part of the success of the Boulevard Mall is due to the fact that it is the only Shopping Center in Las Vegas - I don't say that it is imperative that it be located on the Freeway - it is just recommended for this Center - since you have a choice in the matter - be on the Freeway -

Mayor Gragson: Are you recommending - does your Report recommend this site over any other?

Perla Eston: No, it didn't recommend any specific site -

Mayor Gragson: Well, you are indicating by your comments that it did. If it did, I want to know it. If it didn't, I likewise want to know it.

Perla Eston: At the time of the Report I didn't even know about these specific Centers -

Mayor Gragson: I just wanted to know if your knowing of the site of this Center influenced your Report -

Perla Eston: No, it didn't.

Bruce Beckley: I think Mr. Guidara would like to address himself for a moment or two to the question of streets, traffic and costs, Your Honor.

Mr. Guidara: Mayor and Commissioners, the question of the traffic accessibility of the proposed Project that we are offering to the City of Las Vegas, has been brought up. I would like to go back a bit in time - this Project has been in planning over an extended period of time, going back almost two years. The question of the Interchange at Valley View is not a new one. There was a question on that particular Intersection prior to the expression of interest on our part. It was, in fact, if I recall from the State Highway Department hearings that it was removed - at that point the hearings did recommend its removal because of the cost. We are unaware of any public funds coming directly from the City of Las Vegas to that intersection - I believe they come out of the gas tax use funds - they do not come directly from the City. There have been indications as to the cost and the indications have been primarily in the range of approximately three fourths of a million dollars. As far as the present schedule, it is my understanding from correspondence exchanged between Dayton-Hudson properties and the State of Nevada, Department of Highways, Mr. Crosby, Constructural Engineer, Deputy State Highway Engineer, that that intersection is presently No. 2 on the priority list of the State Highway Department. It is recognized that it is not presently funded and we have gone on record with the State that we would participate in that cost. We have not at any time up to this point, indicated to the contrary. Somebody made reference to a frontage road. I am unaware of any frontage road on our site other than Michael Way, which is a street identified by the City and in conjunction with plans being prepared in the City, and we will bear that total cost. We have never indicated to the contrary. The ramps at the intersection of Decatur and West Fremont have always been in that proposed development. They are not there for our purposes. I believe there might have been a suggestion that the frontage road would parallel the ramp - that this street here (wall map) coming from Decatur entering into the ring-road of the Center, may be what was referred to as being a frontage road. If that is what was referred to, that is at our expense. Improvements have been mentioned on Valley View for some time. It is our understanding that Valley View had been proposed for improvements prior to our application. Improvements are not scheduled for our exclusive use. It has been mentioned that the Interchange would be for our exclusive use. The Interchange is clearly not for our exclusive use. At that Hearing in the fall of 1972 there were some 200 residents, by my count, who were present and arguing in behalf of that Interchange and I think the Hearing minutes would clearly identify some of those people and the intensity of their feelings. We were observers at that Hearing - we were studying our program and proceeding accordingly in an orderly fashion. As far as order is concerned, for almost a decade there have been properties that have been zoned and I believe that order would not be disrupted by this development.

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Those properties have had their opportunity. Those properties and this particular parcel cannot be developed without the anchor tenants and I represent that to you. We are ready to proceed and continue in an orderly fashion, and I would like at this point to turn the discussion back to my attorney.

Bruce Beckley: Mr. Mayor and Commissioners, I have listened to Mr. Rudiak now two, or three, or four times. He argues and argues and argues, but his basic premise is competition. That's why he's here and that's why he is urging you to deny this application. It doesn't make any difference which part of his argument you take - he is here representing a competitor to protect that competitor's interest. He tries again and again and again to compare locations between the Dayton-Hudson's proposal and the Westland Mall. That, in itself, is an admission of what he is interested in - is competition. If, however, the comparison is important, I suggest to you that if you accept the findings of your own Report with regard to the preferable location, that the Dayton-Hudson Project location comes out far and away the best, simply because of its proximity to the Las Vegas Expressway. But let's, gentlemen, for a moment get back to this question of competition and what the law is on that. We have a situation here where the Staff has recommended to you - to the Planning Commission first and then to you - that we meet all of the requirements of traffic - streets - and all of the various factors which they felt were important in determining whether or not this application should be granted. During that hearing certain members of the Planning Commission made clear that they understood that they could not appropriately decide this matter on the basis of competition and it is difficult for me to understand that this Commission must now, for the 3rd or the 4th time, listen to and consider these matters competitive when the Planning Commissioners, at least, understood that it was an inappropriate basis. That this is the established law is without any question and I'm not going to read a long legal brief to you, but I do wish to point out two excerpts from the authorities on this matter. One is from R_____ on the Law of Zoning & Planning - the supplement at Page 40-14, and it says:

"increased traffic as well as increases in public facilities affect the public generally and does not create damage peculiar to merchants and members of merchants associations in a central city area so as to vest them or their representatives with the status required to attack the validity of an amendment seeking classification of land to permit a competitive Regional Shopping Center. There must be a valid basis for a finding of damage to attendant businesses or properties, other than that arising from the increased competition. It is not the function of the county zoning ordinances to provide economic protection for existing businesses."

Mr. Beckley: One other quotation from a case - Richardson vs. the Zoning Board of Review of Warwick . . . which says:

"Competent evidence of the existence of a need or a demand for a proposed use is always demonstrative that the Zoning Board's grant is in the public interest. Evidence, however, that there are existing facilities which would render the same service as the proposed use is not

competent unless it can be shown that to allow the proposed use would result in conditions that would be inimical to the public health, safety, morals and welfare."

Mr. Beckley: And, gentlemen, I suggest to you that no such point has been made and can be made here. Gentlemen, in conclusion, I think I need not remind any one of you that Las Vegas is a vibrant, enthusiastic, growing community. You, as Mayor, and you gentlemen as City Commissioners, have been elected and chosen by the people to guide this City's destiny. Presumably you are elected because you are wise, progressive and want to insure the growth of the City in a proper and orderly manner. Presumably you want that growth. Presumably you want a better, more cosmopolitan City and presumably you want to encourage the investment of outside capital, and, lastly, presumably you want Las Vegas to be a better place to live. I say "presumably" because you have not as yet voted upon this application. In my opinion, representing not only Dayton-Hudson, but as a native-born citizen of this community, the votes you are about to cast is a vote on each and all of those presumptions and I say to you without equivocation, that a "no" vote on this Project - blessed as it is by your own Staff - on a significant, proper contribution to this community simply means that those presumptions I have listed are erroneous. It would, I think, then be presumed that you are not wise and progressive - that you do not want the City's growth to proceed in an orderly fashion and that you do not want a better and more cosmopolitan City and that you do not want to encourage the investment of outside capital, that you do not want Las Vegas to be a better place to live. I submit, gentlemen, that you cannot, if you have the best interests of this City at heart, tell Dayton-Hudson - go take your Shopping Center elsewhere. Thank you.

Mayor Gragson: Well, I've had some pretty strong accusations made over the years that I have sat on this Board, but I've never heard one quite that strong to indicate that - if you don't agree with me you don't have the community interest at heart. I will have to say that that is your opinion and you are welcome to it. I will have to say it is an opinion and it is yours and you can evaluate whether it is fact in your own judgment, or it isn't. I've even had calls - and I questioned as to where they came from - numbers of them - you either vote for this or you won't get elected next time - did any other members of this Board get any of those calls?

Commissioner Franklin: Even though I am not going to vote, as was publicly announced the last time we had a session here on this matter, I . . .

Mayor Gragson: What I am saying is - I appreciate your right to make those comments - those arguments -

Commissioner Franklin: Your Honor, sometimes I am afraid by the arguments of counsel - being a lawyer myself I appreciate the arguments of counsel - but all the time in trying to evaluate their statements to me and telling me information to help me make my decision, I am always constantly aware of the fact that they are paid to advance the propositions they are advancing and, obviously, they aren't going to advance positions opposite to that of the client who is paying them. They do provide us with valuable information but each of them are obviously a little bit prejudiced in favor of their particular viewpoint, and we have to take the overall viewpoint.

Mayor Gragson: With that, I am going to call for the vote.

City Attorney, Carl E. Lovell, Jr.: Mr. Mayor, there is one point I would like to bring up here for the benefit of the Commission, especially the newer members - it has been a policy of this Commission that if one were to abstain, then those who do abstain go along with the proposition.

Commissioner Franklin: Mr. Lovell, I'm glad you are bringing that up because I do have to perhaps abstain, but if the vote turns a certain way, my vote will have to be a different way.

Mr. Lovell: I was bringing that up primarily for the two new Commissioners - it has been the policy since early 1950 that this is one of the rules of procedures which this Commission follows. Therefore, to sum it up if, in fact, you wish to defeat a measure you have to vote affirmatively against it.

Commissioner Morelli: Well, we've had this on the agenda before and we've listened to Dayton-Hudson to Roscoe and we've had First Western and the decision of this Board - the question we have before us today is not which one is going to get a Regional Shopping area - the question here is should this particular location be rezoned from R-1 and C-V to C-1. Now with the Planning Commission, who recommends approval - they recommend approval for C-1 in that particular area, and that's true. But in looking at the overall picture of the growth of this community - that's why the City went to the expense of getting a Feasibility Report - on where the growth is - where a Regional Shopping Center should be to serve the fastest growing part of our community. They came up with the conclusion that by 1975 this community could only support one Regional Shopping area. Two by 1985. We don't know what the growth is going to be - how fast or how slow it might be, but in my conclusions - in my convictions of this whole very important project, there is no doubt in my mind but that Dyton-Hudson is a very prestigious outfit from Minneapolis that work in Regional Shopping Centers and that they could do an excellent job here. There is no doubt in my mind that Roscoe, Incorporated can rebuild the Westland Mall, which has a little bit deteriorated - they want to bring it up to a good standard of a Regional Shopping Center. There's no doubt in my mind that ten years ago when they rezoned Sahara-Rancho - the 72 acres there to C-1 - the developers there under First Western - they could come in and do an exceptional job there. That's not the question before this Board today. I have to figure out if we have enough acreage at C-1 in this part of town - in the western part of town - or if we have too much if we go all C-1. I don't want to have blighted areas that cannot be re-used for further development. I'm a little concerned about the Dayton-Hudson property because of various factors. First of all, the grade separation - going to an Interchange - and they so state that if enough traffic is generated in that area, an Interchange will have to be put in. Now, you talk about 1975 for a start - if you put in an Interchange now at between \$750,000 and \$1,000,000, by the time you get to 1975 that could be \$1,500,000. And if this is true, it comes from community money. Whether you want to participate in that, or not, I don't know. There's another factor I'm a little concerned about in that particular area, traffic-wise, we have Valley View that really doesn't go anywhere - it deadends at Washington - it deadends at Charleston -

(continued)

but they do have on the boards, on priority anyway, that they will extend it. Michael Way is not a through street - now it's on the boards to go through. I think on Decatur Boulevard you have less than 600 ft. ingress and egress so you have only one good place to go and that is the Fremont Expressway. Now, you are dealing with an area where there are some schools and, as I understand it, the Environmental Protection Association next month are coming out with very stringent regulations regarding automobile traffic in areas where schools are located and if you are looking at maybe 3,000 cars per hour, you might be running into a problem there with the EPA. So, not going for Westland Mall - not going for First Western and not going for Dayton-Hudson, but looking at this particular development which says to me - they are asking for a zone change from R-1 and C-V to C-1, I move for denial of the zone change in this area.

Motion

Roll call vote:

Commissioner Christensen

No

Commissioner Lurie: I would like to make a few comments before I vote. I appreciate the comments in this area by Mr. Beckley, Mr. Rudiak and Mr. Dickerson. I can't say very strongly on the assumption that we have a very poor Master Plan - a General Plan - of our community and I feel that we are in the process now, as agreed on yesterday, of bringing our Master Plan and General Plan up to date. Right now we have two Regional Shopping Centers zoned already. I feel that, as far as I'm concerned right now, that that's enough. I feel that the City - I was against the Feasibility Study that the City spent money to have made - I felt that the studies made by First Western - by Roscoe and also from our Staff, was sufficient information for the Commission. I also feel that a lot has transpired as far as the streets - the Freeway - the Interchange - which I am also well aware of these problems - I am a member of the Regional Street & Highway Commission and we do have some priorities on Valley View and on the Freeway Interchange at Decatur and I am also aware of the Interchange change because of the Historical site we have on Valley View. I feel until we get our Master Plan up to date, then I'm going to have to vote against this matter today.

Commissioner Lurie

Aye

Commissioner Franklin: At this time because of the very point that Mr. Lovell raised, I will have to defer my vote. I don't abstain at the moment - I have to wait and see what the rest of the votes are.

Commissioner Morelli: In answer to Commissioner Lurie's comments - I know you were against the Feasibility Report - \$9,000 put out by the City, but let's face one thing. It is true that the other feasibility reports by Roscoe and Dayton-Hudson - they had everything in there that we were looking for, but you have to get an unbiased report from the City point of view. If anything ever happened and you took the Dayton-Hudson report and gave them the rezoning, then right away it could have been said . . .

Commissioner Lurie: We should have taken the advice of Staff - Staff should have recommended to us - I am still against having an outside agency come in and tell us how to run our City -

Z-11-73
(continued)

Roll call vote (continued)

Commissioner Morelli

Aye

Mayor Gragson

Aye

Commissioner Franklin: On my vote I now abstain, officially, because of the fact I feel I have a conflict of interest.

Commissioner Franklin

Abstained

At the hour of 11:15 a.m. Mayor Gragson declared a 5-minute recess.

At the hour of 11:25 a.m. the meeting was reconvened with the full Board and Staff in attendance.

LAND ADJACENT
TO TULE SPRINGS
PARK
Offer withdrawn

REPORT ON "DOC" KNOLLER'S PROPOSAL re TULE SPRINGS PARK

For the record, the following letter was referred to:

"August 3, 1973

"The Honorable Mayor and Board of City Commissioners

"I am hereby withdrawing my offer to sell the approximate 78 acres in Tule Springs Park area, to the City of Las Vegas.

"Although it would have been ideal for the City to have acquired this property inasmuch as it is surrounded on three sides by Tule Springs Park, the fact is that I can receive more money and far less abuse from outside parties by selling my property to private parties.

"Thank you for your consideration."

/s/ H. R. "Doc" Knoller

PUBLIC HEARINGS
SET

Mr. Saylor: The following two items are both appeal actions to action by the Board of Zoning Adjustment and should be set for Public Hearing:

VC-128-63

APPEAL FILED BY GWENDOLYN FROMMER FOR JOHN MULL'S MEAT AND DEER PROCESSING - VC-128-63 - EXTENSION OF TIME

to action of the Board of Zoning Adjustment in approving a time extension only until January 10, 1974. The applicant is requesting five (5) years. Property located at 3730 Thom Blvd., between Craig Road and Gowan Road, in Land Use Zone R-E.
AND

V-32-73

APPEAL FILED BY GRACE McCALL CORNELIUS - V-32-73

to action of the Board of Zoning Adjustment in denying her request for a Variance to allow a dental laboratory in connection with an existing dental office and also a residential use on property located at 730 South 9th Street on the northwest corner of Gass Avenue and South 9th Street, in Land Use Zone R-1.

Commissioner Franklin moved that Public Hearings on appeals filed under VC-128-63 and V-32-73 be set for 9:30 a.m., September 5, 1973, and Staff authorized to proceed.

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

CONSULTANT
FOR "701"
PROJECT
Selection
Approved

SELECTION OF CONSULTANT FOR "701" PROJECT

Mr. Saylor: Your Honor, I have one more item that is not on the agenda. We met yesterday - the Committee, Commissioners Lurie and Christensen - with the four (4) consulting firms in terms of our "701" Project and as the result of that meeting the Committee, together with Staff, is prepared to recommend that we utilize the services of the firm of Wilsey & Ham of South Pasadena, California to do this Project - that is the up-dating of the Comprehensive Plan which is funded with "701" funds -

Mayor Gragson: I understood just now that you didn't want any outside advice -

Commissioner Lurie: You did not discuss where the money is coming from -

Mr. Saylor: This is all Federal money - plus our Staff time -

Mayor Gragson: It is tax dollars, regardless of where it comes from.

Commissioner Franklin moved that the recommendation of Staff and the Committee for recommendation that the firm of WILSEY & HAM of South Pasadena, California be designated as the firm to conduct the program for up-dating the City's Comprehensive Plan, under "701" funding, 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.

CHARITABLE
SOLICITATIONS
PERMITS
Approved

APPROVED BY THE SOLICITATIONS REVIEW BOARD

Commissioner Franklin moved that the following applications for Charitable Solicitations Permits, be APPROVED, and the Director of License & Revenue authorized to issue:

ST. JUDE'S RANCH FOR CHILDREN - Tickets to Annual "Night of Stars" Dinner/Benefit Show

ALLIED ARTS COUNCIL - Solicitations for "Michigan Artrain" - A Museum and Artists' Studio on Wheels

LAS VEGAS INDIAN CENTER - Sale of Advertising in Program for an All-American Indian Pow Wow

OPTI-MRS. CLUB OF LAS VEGAS - Tickets to Bingo Party/Sale of Christmas cards

ALSAC - Coin Cannister Solicitations

Charitable
Solicitations
Permits
(continued)

ARCHIE C. GRANT PARK CLUB - Tickets to Annual Bazaar

WOMEN'S AUXILIARY TO BOYS' CLUBS OF CLARK COUNTY -
Tickets to Mexican Fiesta

MUSCULAR DYSTROPHY ASSOCIATIONS OF AMERICA, INC. -
Annual Firefighters "Fill the Boot"; Jerry Lewis Labor Day
Telethon; Coin Cannister Solicitations

CLARK COUNTY CLASSROOM TEACHERS' ASSN. - Advertising
in "Teachers Talk" Paper

UNIVERSITY OF NEVADA ATHLETIC DEPT. - Sale of Season
Football Tickets

ALBERT EINSTEIN HEBREW DAY SCHOOL - Tickets to Benefit
Performance of "Fantasy On Ice"; Tickets to a Bingo Party

LAS VEGAS ART LEAGUE - Solicitations for Prizes for Annual Fall
Art Competition

NEVADA STATE FEDERATION OF GARDEN CLUBS, INC. - Bingo
Party

TRINITY TEMPLE WOMEN'S MISSIONARY COUNCIL - Garage Sale

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

CHILD CARE
FACILITIES
Approved

APPROVED BY THE CHILD WELFARE BOARD

Commissioner Morelli moved that the following appli-
cations for new Family Care Home Licenses, be
APPROVED, and the Director of License & Revenue
authorized to issue:

JEANNE CRANE
1315 Phillips

Three (3) children days

ESTELLE JENKINS
3016 E. St. Louis

Five (5) children days

MADELINE BRYAN
3208 W. Alcoa Ave.

Three (3) children days

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 appli-
cations for additional games under existing Gaming
Licenses, be APPROVED, and the Director of License
& Revenue authorized to proceed:

TOOTS COCKTAIL LOUNGE United Coin Machine Co.
417 Las Vegas Blvd., So.
2 SLOTS

GAMING -
ADDITIONAL
(continued)

JACKPOT CASINO
2410 Las Vegas Blvd., So.
1 CRAP
1 ROULETTE
2 "21" TABLES

Mace Gazda

MONEY TREE CASINO
2456 Las Vegas Blvd., So.
1 SLOT

Games of Nevada

UNION PLAZA HOTEL/CASINO
No. 1 Main Street
8 PAN GAMES

Scott Corporation

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

RETAIL
TOBACCO -
ADDITIONAL
Approved

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

BELLA NAPOLI
3820 West Sahara Ave.

Sky Top Vending

COMMUNITY COLLEGE
737 North Main Street

Sky Top Vending

EVE'S LOUNGE
1415 E. Charleston Blvd.

Sky Top Vending

TERRY'S VILLA
1311 E. Charleston Blvd.

Sky Top Vending

AB'S DRIVE-IN
840 Tonopah Highway

W & W Vending Co.

DORLEAN TERMINALS
316 E. Bridger Ave.

W & W Vending Co.

HIGGINS MOTEL GIFT SHOP
1801 Las Vegas Blvd., So.

W & W Vending Co.

KEG ROOM
2365 E. Bonanza Road

W & W Vending Co.

LAS VEGAS DODGE
824 S. Decatur Blvd.

W & W Vending Co.

LOVE'S AMUSEMENT
1409 E Street

W & W Vending Co.

SULTAN'S PALACE
2309 Las Vegas Blvd., So.

W & W Vending Co.

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

LIQUOR
Approved

ADDITIONAL CORPORATE OFFICERS

Commissioner Morelli moved that the following application for additional Corporate Officers under an existing Liquor License, be APPROVED, and the Director of License & Revenue authorized to make the appropriate changes:

LOVE'S WOODPIT BARBEQUE International Industries, Inc. -
620 E. Sahara Avenue Parent Company of wholly-owned
TAVERN subsidiaries, namely:
 Uniworld Foods, Inc., and
 Love's Enterprises, Inc.

Additional Corp. Officers: Stephen F. Guiner, V.P. and
 General Counsel - Love's
 Enterprises, Inc.

Ron Mesker, V.P. -
Love's Enterprises, Inc. Ralph Jonas, V.P. - Love's
 Enterprises, Inc./Uniworld
 Foods, Inc.

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

LIQUOR
Approved

ADDITIONAL OWNER

Commissioner Morelli moved that the following application for an additional owner under an existing Liquor License, be APPROVED, and the Director of License & Revenue authorized to make the appropriate change:

THE ANNEX For-U-Too Corporation
121-1/2 S. Casino Center From:
TAVERN Robert W. Underhill, Pres. 50%
 Allen Tooley, V.P./Treas. 50%
 Gertrude Underhill, Secy.

To:
Robert W. Underhill, Pres. 49-1/2%
Allen Tooley, V.P./Treas. 49-1/2%
Janet Fay Eichler 1%
Gertrude Underhill, Secy.

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

LIQUOR
Approved

CHANGE OF BUSINESS NAME AND OWNERSHIP

Commissioner Morelli moved that the following application for change of business name and ownership under an existing Liquor License, be APPROVED, and the Director of License & Revenue authorized to make the appropriate changes:

From: From:
Pirata Italian Restaurant Cora Mosca

LIQUOR
(continued)

To: *JAI-ALAI RESTAURANT
825 Las Vegas Blvd., So.
RESTAURANT BEVERAGE
*Subject to the approvals of the Building, Fire and Health
Departments.

To: Anthony Joseph Carideo

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

LIQUOR - NEW
Approved

Commissioner Morelli moved that the following appli-
cation for a new Liquor License, be APPROVED, and
the Director of License & Revenue authorized to issue:

EL RELAMPAGO CUBANO	El Relampago Cubano, Inc.	
MARKET	Juan A. Martinez, Pres.	33-1/3%
2371 E. Bonanza Road	Jose T. Martinez, Secy.	33-1/3%
BEVERAGE OFF-SALE	Huada Hernandez, Tres.	33-1/3%

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

LIQUOR - NEW
Approved

Commissioner Morelli moved that the following appli-
cation for a new Liquor License, be APPROVED subject
to the approvals of the Building, Fire and Health
Departments, and the Director of License & Revenue
authorized to proceed:

SWISS CAFE
1431 E. Charleston Blvd.
RESTAURANT BEVERAGE

Huldrick Stalder

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

LIQUOR & RETAIL
TOBACCO
Approved

ADDITIONAL CORPORATE OFFICERS

Commissioner Morelli moved that the following appli-
cation for additional Corporate Officers under existing
Liquor and Retail Tobacco Licenses, be APPROVED, and
the Director of License & Revenue authorized to make
the appropriate changes:

WHISTLE STOP LIQUORS	Host International, Inc.
No. 1 Main Street	Ross W. Peterson, Secy.
PACKAGE LIQUOR	David Puritz, Dir.
	Hugh Culverhouse, Dir.

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

SLOT ARCADE
OPERATION
Referred
M and L

COMMUNICATION ITEM - REQUEST FOR ORDINANCE AMEND-
MENT TO ALLOW A SLOT ARCADE OPERATION AT 1825 LAS VEGAS
BLVD., SOUTH

(Let the record show that Mr. "Dusty" Springston was in attendance
at this meeting)

Mayor Gragson appointed Commissioners Morelli and

Lurie as the Committee for Recommendation on a request for Ordinance amendment to permit a Slot Arcade operation at 1825 Las Vegas Blvd., So.

Commissioner Franklin: At this time, Your Honor, while we are on this subject, I have requested of the City Attorney since Commissioner Christensen and I had a meeting with him, that he give us a written opinion as to the constitutionality of the "red line". That request was made because of input we've had here by two very reliable Counsels - Mr. Dickerson and Mr. Beckley - in which they have briefed very thoroughly certain questions involving economic impact on zoning and I think this might be the field we are in on the total "red line" concept and, at least, I want to be on sound legal ground and I have asked Mr. Lovell to research whether or not the "red line", the way it is drawn is constitutional or not -

RETAIL
Abeyance

DEMONSTRATION MERCHANDISE SALES LICENSE - NEW

LYNCH'S ENTERPRISES
1825 Las Vegas Blvd., So.

NSA, Inc.
Cecil Lynch, Pres/Secy-
Treas.

Leonard A. Wilson: I am an attorney representing Lynch's Enterprises and we would request at this time that this application be held in abeyance - there are various factors pending at this location.

Commissioner Morelli moved that the request of Counsel for Lynch's enterprises that the application for a Retail Demonstration Merchandise Sales License be held in ABEYANCE.

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

RIGHT-OF-WAY
ITEMS
Approved

Commissioner Franklin moved that the following right-of-way items be APPROVED, and the Department of Public Works authorized to proceed:

GRANT DEED

From: L.A.S., a joint venture comprised of
Kerridge, Ltd., Manchester, Ltd. and
Newcastle, Ltd.
To: CITY OF LAS VEGAS
For: Portion of SW 1/4, Sec. 29, T20S, R62E
Lamb Blvd. dedication - Building Permit

GRANT DEED

From: Melvin L. and Emma L. Sanders
To: CITY OF LAS VEGAS
For: Portion of Lot No. 121-A, Vegas Heights,
Tract Unit No. 4
"H" and Blankenship dedication -
Building Permit

GRANT DEED

From: Stan Krolak
To: CITY OF LAS VEGAS
For: Portion of Lot 14, Block 2, Jubilee Tract
Eastern Avenue Project

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

(At approximately 11:40 a.m., Commissioner Morelli was excused from the balance of this regular meeting)

TOYOTA BUILDING
RENOVATION
Approved

REQUEST PERMISSION TO RETAIN WELLES-KENNEDY TO DESIGN
RENOVATION OF TOYOTA BUILDING WITH REVENUE SHARING
FUNDS

Director of Public Works, Richard P. Sauer: The Commission had asked that we hold the renderings on what could be done on the renovation of the Toyota Building. We have before you now the proposals - three proposals. This one incorporates using bushes - this shows a fence incorporating cut-outs for trees in the fence - this one shows a small planter box about 2-1/2 ft. high - in the rendering we have trees but it can be oleanders, or whatever the Commission would want to think about it - and there would be one ingress so that the cars could come in and go out on the alley.

Mayor Gragson: There shouldn't be any ingress and egress in that area, traffic-wise -

Mr. Sauer: Not egress - ingress could be accomplished -

Mayor Gragson: I mean from a traffic standpoint - loading and unloading -

Mr. Sauer: That's true - this then would tie on to the treatment of the Toyota Building itself - this shows the small planter boxes along there - right at the moment I'm not too sure they could go with this because of the narrowness of the sidewalk -

Commissioner Lurie: What is the amount of money involved?

Mr. Sauer: The total cost, for this proposal, \$1,440.00 - this one would be \$2,875.00 - \$250.00 of that is for the closing of the drives - that's included in each and every one of them - and this one is \$2,515.00 -

Mayor Gragson: What is the size of those planter boxes?

Mr. Sauer: 2-1/2 or 3 ft. - that makes the total cost of the treatment of the garage section, as well as the building, \$21,705.00.

Mayor Gragson: If you don't have the planter boxes, you have to break out the surface there -

Mr. Sauer: The surface of the asphalt and the asphalt has a condition that I'm sure the architect did not take into consideration - there's an underground cable in there running from a light pole, and that might be a problem in putting ground plantings into effect.

Mayor Gragson: I would prefer the one in the middle (No. 2).

TOYOTA BUILDING
(continued)

Mr. Sauer: We can use oleanders - or some other treatment -

Mayor Gragson: Leave it open - check with the committee and the Parks Department -

Commissioner Franklin: At \$550.00 a tree for an olive tree, I have become disenchanted with those -

Mayor Gragson: Now they will need authorization to proceed on the project, if it is the Board's desire - I will entertain a motion to either approve or reject.

Motion

Commissioner Franklin: I would so move - that is to retain Welles-Kennedy to design the renovation of the Toyota Building -

Mr. Sauer: We would not want to go into the design until we get approval for the construction too - \$21,700 is the estimated cost of the completed project -

Commissioner Franklin: I would add that to my motion.

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

OUTSIDE
SEWER
CONNECTION
Approved

REQUEST FOR SEWER CONNECTION FROM AREA OUTSIDE THE
CITY LIMITS

Mr. Sauer: This request comes from Wallace W. and Bernice Campbell who live in the Curtis Park Addition. They have signed an annexation petition and have agreed to all of the usual conditions. It is in order and we would recommend approval.

Commissioner Christensen moved that the recommendation of the Department of Public Works to permit Wallace W. and Bernice Campbell to connect into the City Sewer System from outside the City Limits, subject to the usual conditions, be APPROVED, and the Department of Public Works authorized to proceed.

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

ARTRAIN
EXHIBIT
Approved

ORAL REQUEST AT 8/1/73 MEETING FOR CITY PARTICIPATION IN
ARTRAIN EXHIBIT - 8/22/73 THRU 8/30/73 - REQUEST BY
CHICO ALVAREZ

Director of Recreation, Fred Martin: There's no problem - it's all been worked out and we can handle it -

Commissioner Franklin moved that the request of Chico Alvarez for City assistance in the exhibition in Las Vegas of the ARTRAIN, be APPROVED, and the Director of Recreation authorized to proceed.

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

HEALTH BOARD
REPRESENTATION
Report

"August 1, 1973

"To: Mayor Oran K. Gragson and Fellow City Commissioners

"Re: HEALTH BOARD REPRESENTATION

"The area of health is far too important to the people we represent to be treated lightly. Delegating the responsibility to an appointed person to serve on a board which is an entity unto itself and does not need the approval of the City Commission for any actions it takes is not a good policy.

"To prove my point, Clark County is represented by Commissioner Myron Leavitt; North Las Vegas by Councilman James Seastrang; Henderson is represented by Councilman Jerry Franklin and Boulder City is represented by Councilman Morgan Sweeney.

"The members of the Board of Health have absolute voting powers and there is no control set up to check their activities in behalf of the City.

"The people have elected the Mayor and four Commissioners and expect full and proper representation in all important areas of concern. Surely health and health costs are important enough for at least one elected City Official to handle that responsibility."

"From: Ron Lurie, City Commissioner

Commissioner Lurie: I brought up this item because I was reading through the City's Charter and I don't feel that we are represented on the Board of Health. All the other communities - North Las Vegas, Henderson and Boulder City are all represented by one elected official. I feel that we should have one elected official - that it is our duty to have one on that particular Board.

Mayor Gragson: When this was formulated it was the judgment of the then Commission that we had a doctor - a technical man - representing the City - an attorney representing the City - so that we had both the technical and legal representation. This is funded, as you know, entirely by the County and at least at that level - I'm going to correct that - the local funds received by the Health Department are entirely by the County. They have some matching funds and different funds that come into it. I do think you should decide which one of those two we want to ask to resign and then, at that time, I will . . .

Commissioner Franklin: I don't think we should take any action until their terms are up. It just so happens that the two who are on there now have been on there since the creation of the Health Board, I think. They have been on there a long time. If we decide to make any change, we should allow them to serve out their terms rather than ask for a resignation. There's one thing too that I want to clarify - while the County pays the whole cost we gave up 7-1/2% of the City's ad valorem tax - and that's quite a bit of money - to the County to take over the support of the Health Board. Frankly, I think this Health Department situation is to be explored -

Commissioner Lurie: All that I am asking is that one elected official be represented on that Board.

HEALTH BOARD
(continued)

Mayor Gragson: The size of the Board is established and it is now a full Board. In order to put an elected official on the Board we will either have to wait until their terms are up or ask for a resignation -

Commissioner Lurie: What are the terms for? Two years? Four years? These people have been on there for ten years -

Mayor Gragson: You are mailed, I am sure, copies of the minutes of all of their meetings -

Commissioner Lurie: I've never received any -

Mayor Gragson: I will request that you receive them in the future - I've been receiving them and have felt that the City has been well represented. I have no objection at all to a Commissioner serving on the Board but I do take issue that the City has not been well represented there, because it has.

PLANNING
COMMISSION
Members
Appointed

PLANNING COMMISSION

One (1) additional appointment to be made under provisions of new Law, plus the following:

<u>Appointee</u>	<u>Term expires</u>
Wm. McGarry	August 19, 1973
George Ward	August 6, 1973
Bill Willard	September 6, 1973
Norm Jenkins	July 19, 1973

Mayor Gragson: Norm Jenkins was appointed to fill out an unexpired term and I am going to recommend his reappointment and we also have a vacancy on there so there are only two up right now.

Commissioner Lurie: Do you want me to bring up my recommendation now?

Mayor Gragson: Joe Busch?

Commissioner Lurie: Yes -

Mayor Gragson: I'm sure you all know Joe Busch - he is connected with the First National Bank at the Convention Center Branch. And who did you have, Commissioner Christensen?

Commissioner Christensen: Dr. Robert E. Parker -

Mayor Gragson: I would like to explain to this Commission that when I came on this Board fourteen years ago I have attempted to have all board and commissions representatives of the citizens as a whole and I have felt that on each of the policy advisory boards that we should have a minority representative on it, and George Ward is. As this Commission - if there is other thinking on this, it is your responsibility, not mine. I am going to make recommendations here and you can ratify or deny.

Commissioner Franklin: Mayor, my thinking on that is - and I

PLANNING
COMMISSION
(continued)

Know George Ward very well and I agree with you that we should have a minority member on the Planning Commission. However, on the termination of these terms I think we should go back to the community and see if they have other recommendations -

Mayor Gragson: I don't - I have that request all the time - wanting the community to make the selection but I feel that if we are going to be held responsible for their actions, the decision should be ours. If you want to go back to the community . . . I disagree there . . .

Commissioner Christensen: Under the circumstances, if we approve both of the suggested appointments . . . it would be perfectly all right with me to withhold my recommendation for the next opening -

Commissioner Lurie: Or I could hold mine until the next time -

Mayor Gragson: We need to fill the one vacancy so I will at this time recommend Norm Jenkins and Joe Busch - Norm Jenkins to be reappointed and Joe Busch to fill the vacancy created when the City Commission member was taken off the Board.

Commissioner Lurie: I would so move -

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

ORDINANCE
No. 1647
Referred
L and C

ORDINANCE No. 1647 - AMENDING CERTAIN CIVIL SERVICE
RULES

An ordinance entitled: "AN ORDINANCE TO AMEND TITLE I, CHAPTER 18, SECTION 2 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, ADOPTING AMENDMENTS, CHANGES AND ADDITIONS TO THE CIVIL SERVICE RULES AND REGULATIONS OF THE CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA, FOR THE EMPLOYEES OF SAID CITY, TO AMEND SECTION 230.2 OF SAID RULES TO CHANGE THE PAY POLICY FOR CLASSIFIED EMPLOYEES ON TEMPORARY ASSIGNMENTS; SECTION 310.2 THEREOF TO MODIFY THE CITY'S NEPOTISM POLICY; SECTION 340.9 THEREOF TO CHANGE THE CITY'S POLICY OF VETERANS' PREFERENCE POINTS; SECTIONS 520, 530.1, 530.2, 530.3, 530.4 AND 1220.9 THEREOF TO DELETE CERTAIN DISCIPLINARY MEASURES; SECTION 660 (e) THEREOF TO MODIFY MILITARY PAY POLICY; SECTIONS 670.1(b), (c) AND (d) THEREOF, AND SECTION 670.2 THEREOF TO PROVIDE AUTHORIZATION FOR CERTAIN TIME OFF; AND SECTION 670.6 THEREOF TO CHANGE THE PAYMENT POLICY FOR ACCRUED UNUSED SICK LEAVE; PROVIDING OTHER MATTERS RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by title by the City Attorney, who recommended that it be referred to Committee. (1st reading)

Mayor Gragson appointed Commissioners Lurie and Christensen as the Committee for Recommendation on Ordinance No. 1647.

CHERRY PATCH
License
Approved

CHERRY PATCH - DATE OF HEARING

Motion

Commissioner Franklin: On this item I was the one that moved for a Show Cause in the Cherry Patch matter. I think there was ample grounds in the files presented to us by the S.I.D. for such a move. However, you will recall that Lt. Compton indicated that he didn't feel that the two Firemen were totally at fault. Since then I have ascertained that they were victims of improper legal advice - their attorney has practically admitted to me that he felt he had misinformed them - I can't find anything that would indicate willful misconduct of the two prospective licensees and now that they have been closed for some eighteen (18) days - I think pretty much they were innocent victims and for that reason I would at this time move that we dispense with any public hearing, or Order to Show Cause as to this particular violation. As to their conduct as Firemen, that should be an administrative matter and not be handled by us - but I move that we dispense with the scheduled Show Cause Hearing on the license.

Commissioner Lurie: I thought the Show Cause was on the gentleman who was carrying the license -

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

LIQUOR
Approved

CHANGE OF OWNERSHIP

Commissioner Franklin moved that the following application for change of ownership under an existing Liquor License, be APPROVED, and the Director of License & Revenue authorized to proceed:

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

ORDINANCE
No. 1599

ORDINANCE No. 1599 - AMENDING BUSINESS LICENSE
ORDINANCE re ANNUAL REVIEW OF LIQUOR LICENSES

Page 43
Minutes

Regular Meeting - City Commission
August 8, 1973

City Attorney, Carl E. Lovell, Jr., Your Honor, I have a couple of additional items if the Commission would hear them -

ORDINANCE
No. 1599
(continued)

Mayor Gragson: Very well - proceed.

Mr. Lovell: The first of these additional items would be Ordinance No. 1599. Last week the Commission voted not to adopt either the first or second amendment to Ordinance No. 1599 - in fact, they had the entire Ordinance stricken. I don't believe from having discussed it with Commissioner Morelli (who is not here now) that that was his intention. He wanted to bring the original Ordinance No. 1599 back. We checked with the City Clerk's office and the record indicates that, in fact, the entire Ordinance had been stricken. As the result I have on the agenda today Ordinance No. 1599 for original reading, repeating entirely the new process. In that Commissioner Morelli is not here if you would prefer to wait for a week and see what his comments are, we can. If not, I am ready to proceed with reading it for the first time.

Mayor Gragson: What does it do?

Mr. Lovell: It's the exact same Ordinance - it's the one in regard to renewal of Liquor Licenses on a semi annual basis -

Mayor Gragson: Our motion was to go back to the original that we had prior to this amendment - was the original stricken?

Mr. Trelease: I think your action last week was to report Ordinance No. 1599 out unfavorably -

Commissioner Franklin: It was my understanding we were just knocking it all off completely -

Mr. Lovell: That's where the confusion was - I think Commissioner Morelli thought we were going to go back to the first draft of Ordinance No. 1599 and I think the Commission voted to just strike it entirely.

Commissioner Franklin: Stricken entirely on the basis that the Metropolitan Police Department report to us any violations so that we can still go back over them and if we find one bar having had any arrests we will know about them -

Mayor Gragson: And those reports are to be made to the City Manager and each of the Commissioners - on any arrests or violations, and I will follow up to see that they are.

ORDINANCE
No. 1646
Referred
F and C

ORDINANCE No. 1646 re TRANSFER OF ALCOHOLIC SPECIALIST
FROM SUPERVISION OF CITY ATTORNEY TO SUPERVISION OF
MUNICIPAL COURT JUDGES

Mr. Lovell: This is the amendment to the Ordinance regarding the Alcoholic Rehabilitation Program. Just as a word of introduction, having been in office for just a little over a month now, in view of the activity in the past of the Alcoholic Rehabilitation Program, and in view of the new State Law with regard to the Rehabilitation Program and the law as far as arrests, or protective custody as it is called today, and the original concern and interest on the part of the Municipal Court to have this program, I felt it

ORDINANCE
No. 1646
(continued)

would be proper to do one of several things: Rescind the Program entirely, or take it out of the City Attorney's office and send it to the Municipal Court where its work and responsibility is anyway, or change it to a Drug Abuse Rehabilitation Program. This Ordinance No. 1646 is to change it over to the Municipal Court and put it under the responsibility of the Municipal Court. If, in fact, the Commission would like to have the Ordinance read and then in Committee they can consider the other aspects, that's fine.

Mayor Gragson: Read it by title -

Commissioner Franklin: That's a very good suggestion - put it under our Court where it ought to be.

An ordinance entitled: "AN ORDINANCE TO AMEND TITLE I, CHAPTER 10, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY REPEALING SECTION 3 THEREOF AND CREATING A NEW CHAPTER IN TITLE II ENTITLED 'CHAPTER 12' - ALCOHOLIC ADVISORY BOARD'; TO PROVIDE FOR THE APPOINTMENT OF THE ALCOHOLIC SPECIALIST BY THE BOARD OF CITY COMMISSIONERS AND FOR THE TRANSFERRING OF THE OFFICE OF THE ALCOHOLIC SPECIALIST FROM THE SUPERVISION OF THE CITY ATTORNEY TO THE SUPERVISION OF THE MUNICIPAL COURT JUDGES; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by title by the City Attorney, who recommended that it be referred to Committee. (1st Reading.)

Mayor Gragson appointed Commissioners Franklin and Christensen as the Committee for Recommendation on Ordinance No. 1646

SALARY
RESOLUTION
Report

Mr. Lovell: The next item is just a report to the Commission. My office has not heard from the Attorney General in regard to the salary matters. We called the Attorney General's office yesterday - we called him this morning, both in Carson City and in Las Vegas - he apparently, I believe, is in Las Vegas although he had not been available to talk with on my behalf. I did call him approximately an hour ago during one of the recesses but he was not in the office at the time. Just as a matter of a report, supposedly I hear through the Press and on television that he is still considering it, but that may or may not be relevant if, in fact, the Commission desires other action.

Mayor Gragson: The only reason I've kept quiet on it is that as long as he has it up there for decision I think we should wait now until we officially receive his opinion in writing. If it upholds your contention that it is legal and then if somebody thinks it isn't, it will have to go to court. If it isn't legal then we have no action to take except to recognize the legal opinion . . .

Commissioner Franklin: Of course, I haven't done any research on whether with the City Commission requesting an opinion from the Attorney General and we differ from his, whether or not we are bound by the Attorney General or the City Attorney. Right now that doesn't appear to be the critical issue to me. The critical issue is that even if it goes to Court and it is determined to be an illegal pay raise, we might be personally responsible for it and I don't like to be responsible for those raises out of my own pocket . . . I still think the safest bet is to honor the Attorney

SALARY RESOLUTION
(continued)

General's opinion until he changes it and direct that the salaries be paid based upon the pre-existing salaries because none of the elected officials can lose one dime because when it finally goes to court it's just like money in the bank.

Mayor Gragson: I did inquire on this - and correct me if I'm wrong - but these additional salary amounts are in trust, am I correct?

Mr. Lovell: Yes, Mayor, I have not made any particular announcement - I didn't feel it was necessary - but I had advised the two Judges - discussed it with the Commissioners - and this pertains to myself - that monies in excess, requested anyway, be held in trust in an account so that if, in fact, the court would rule otherwise that it would be returned without any particular problem on anyone's part. The reason that I suggested that that be done, and that it continue to be paid, is because (1) of the opinion and (2) in order to have a judgiciable argument and point of law to take to the court if, in fact, the Attorney General may continue to rule as he did initially - by doing this I think it will encourage several points: One, the fact that the money is in trust and is not in bad faith just being used some other way with the recognition of the elected officials that there may be some change. Second, with the monies being paid we have the judicial argument and therefore it would probably behoove all of those who are included to make sure that the court determination, if it becomes necessary, would be rendered as soon as possible.

Commissioner Franklin: Of course, Mayor, I'm not aware of the private conversations going on in City Hall - this is the first I've heard of this - this is the first moment I've heard about any monies being placed in trust -

Mayor Gragson: Whatever the proper way and the most expeditious way - that's what I'm after -

Mr. Lovell: My purpose in bringing the report to you today is only the fact that we have not heard yet but initially we were told that we would probably hear, hopefully, sometime earlier this week. We have not been able to - Mr. List has been in town and been in other matters as well and has also advised the Press, through the media anyway, that his office is working on it but at the same time knowing the concerns of the Press, obviously, and to the citizens as well as those officials affected, I wanted to report to you that we have not as yet received a reply.

Mayor Gragson: I would make this recommendation - if his report comes in tomorrow, or the next day, that this Board go on record as acting in concert with the City Attorney -

Commissioner Franklin: Mayor, I think we are on safer ground if we just leave it to Mr. Lovell. If the Attorney General does disagree with Mr. Lovell again on his interpretation after reading Mr. Lovell's answer, then I think it's up to Mr. Lovell to come back to us and say - gentlemen, do this or do that -

Mayor Gragson: I go along with that -

ORDINANCE
No. 1644
Stricken

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

(Published by Title on 7/21/73 - LAS VEGAS SUN)

Commissioner Franklin moved that Ordinance No. 1644
be STRICKEN from the agenda and all further proceedings
cease.

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

ORDINANCE
No. 1448
Repealed

REPORT ON ORDINANCE No. 1448 - re CITIZENS COMPLAINTS
Committee: Commissioner Franklin and Christensen

Commissioner Franklin: Commissioner Christensen and myself
met with Mr. Lovell and it was out determination that we
would like to see Ordinance No. 1448 totally repealed and the
former provisions of the Civil Service Code allowing private
citizens's complaints direct to the Civil Service Board, be
reinstated. We will have to have a new Ordinance.

BOYS' CLUB
FACILITY
Approved

REQUEST OF HOUSING AUTHORITY FOR CONVERSION OF GUY
ACTIVITY CENTER TO BOYS' CLUB FACILITY
Committee: Commissioners Christensen and Lurie

Commissioner Christensen: We held a meeting on this and we
are recommending that we go ahead with a contract subject to
the changes the City Attorney suggested making in the contract
and Mr. Lovell can tell you what those changes are -

Mr. Lovell: We suggested certain changes in regard to the
hold harmless provisions - insurance indemnification in case
something should occur there - the fact that the position of the
Boys' Club does not be preventitive of other people coming in
and that it always be open to the public. All of these suggestions
were acceptable to the Housing Authority as well so we are in
the process now of having the Housing Authority re-draft the
contract with our suggested provisions and it should be out next
week.

CITY EMPLOYEE
GROUP
INSURANCE

BID No. 73.61 - CITY EMPLOYEE GROUP INSURANCE - RESIDENT
AGENT
Committee: Commissioners Morelli and Christensen

Commissioner Christensen: Commissioner Morelli and I met with
the Purchasing Department and suggested our recommendation is
that we have Aetna Life & Casualty determine which broker they
want to represent them in their insurance program, along with
their reason for it, delivered to us in a sealed envelope so that
if you do approve this recommendation, you approve their
recommendation.

Mr. Cathcart: Aetna's letter is here - no one has looked at it
yet -

Commissioner Franklin: Did you ask them to designate an
agent -

CITY EMPLOYEE
GROUP
INSURANCE
(continued)

Mr. Cathcart: I would like to read to you the following letter which I sent to Aetna:

"August 6, 1973

"Aetna Life & Casualty
Group Division
455 East 4th South, Fourth Floor
Salt Lake City, Utah 84111

"Attention: Mr. William D. Ryan, Manager

"Subject: Bid No. 73.61 - Contract CLV-1061
Employees Group Insurance - Resident Agent

"Confirming our telephone conversation this date, I was directed by the Insurance Study Committee, Commissioner Morelli and Commissioner Christensen, to have Aetna make the selection of their local representative, as noted in the original Bid Documents, General Conditions, Page 5.

"Your recommendation, along with complete justification of choice, is to be submitted in a sealed envelope, marked confidential, and mailed to the attention of Edwina Cole, City Clerk, Las Vegas, Nevada.

"As this Committee was selected to make their recommendation to the governing Board for final decision, your selection is just one of several methods which may be chosen. If the Aetna selection is the method chosen, at that time your sealed envelope shall be opened and your selection read publicly for the governing Board's consideration.

"We wish to thank you for the attention given to this matter."

/s/ J. C. Cathcart, Administrator
PURCHASING & CONTRACTS

Mayor Gragson: You said "Representative" - singular - am I correct?

Mr. Cathcart: Yes - representative - not plural -

Commissioner Christensen: It was the consensus of the Committee that we were not happy with a 5-way split, so we recommended that it be one, and that they pick the one. That was our recommendation.

Mayor Gragson: Then I will entertain a motion that we either accept or reject their recommended Agent.

Mr. Trelease: It has to be one of the five as recommended the last time -

Commissioner Christensen: It has to be one of the five who were tentatively approved -

CITY EMPLOYEE
GROUP
INSURANCE
(continued)

Motion

Commissioner Franklin: I'll move that we accept the recommendation of Aetna Company, as they do have our Police - they are our Insurance Carrier as of the present time, provided that recommendation does not extend beyond one (1) representative.

Mr. Cathcart: I would also like to add that this would be for a one (1) year policy and if we do extend for an additional year we can make a decision on whether we need an Agent and which way to go.

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

Sealed envelope received from the Aetna Company opened and contents noted by members of the Board

Commissioner Franklin: They don't name one - they suggest one -

Mayor Gragson: My recommendation would be Leonard Saye.

Motion

Commissioner Franklin: I move that we accept Leonard Saye.

Roll call vote:

Commissioner Christensen	No
Commissioner Lurie	No
Commissioner Franklin	Aye
Mayor Gragson	Aye

Commissioner Franklin: It will have to be held until the next meeting so we can break the tie.

Mayor Gragson: Here's the thing - if this one man had not gone to bat, there wouldn't have been any of them able to come in as Aetna agents - OK, we'll hold it in abeyance -

POLICY - CITY
LICENSE FOR
BIDDING PURPOSES
Approved

Mr. Lovell: One more item if I may have about a minute of the Commission's attention - last week the Commission set a policy in regard to bidding procedures and licensing with the requirement that a License would be required before the award of bids, but not prior to bid announcements. In talk with Staff in regard to this there have been a couple of procedural technical problems which have come up and there is, hopefully, a corrective suggestion to get around those from Mr. Cathcart and I thought perhaps the Commission might want to hear him out just for a moment.

Mayor Gragson: OK - proceed.

Mr. Cathcart: I am going by the minutes of the last meeting - I believe it was that all bidders would be required to be licensed prior to award. We've had a procedure set up in the past regarding licensing prior to bid opening - if we could keep these same procedures prior to award, it would greatly relieve some of the problems we have right now - we've only had a formal bid before the Commission - the license requirement is spelled out in the bid package very clearly and also the awards before this Board if they were conditioned on the person being properly licensed

POLICY - CITY
LICENSE FOR
BIDDING PURPOSES
(continued)

within ten (10) days from the date of award, this would relieve the problem of us requiring a recommended bidder to come before this Board and say - you have to get your license, etc.

Mayor Gragson: In other words, if they were the low bidder you couldn't accept it because they didn't have a license -

Commissioner Franklin: What I think Joe is referring to is - No. 1, on those bids which are not the formal bids - where they are done in the area where they can make a telephone call under the Purchasing Act - and obviously, a single source item and we have to go to them to get it -

Mr. Cathcart: We have a regular form that we had in the past asking to approve, or disapprove, the waiving of the City License requirement, which is forwarded to the City Manager's office with the explanation of why -

Motion

Commissioner Franklin: Local bidders have a percentage benefit anyway by virtue of being a local businessman - being able to submit bids much higher - that one on the Nursery where we had the \$4,000.00 difference - and I'd sure move that we alter our previous action so as to conform to the remarks that you have made here today.

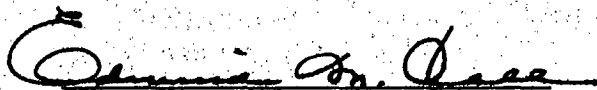
Motion carried by the following vote: Commissioners Christensen, Lurie, Franklin and Mayor Gragson voting aye; noes, none.

There being no further business to come before the Board, at the hour of 12:35 p.m., Mayor Gragson declared the meeting
ADJOURNED.

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


EDWINA M. COLE, CITY CLERK

APPROVED BY REFERENCE at a regular meeting of the Board of

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