

M I N U T E S

Las Vegas, Nevada
December 3, 1975

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 3rd day of December, 1975, was called to order by His Honor, Mayor Pro Tem Ron Lurie, at the hour of 9:35 a.m., with the following members present:

Mayor Pro Tem	Ron Lurie
Commissioner	Paul J. Christensen
Commissioner	Myron E. Leavitt

ABSENT (excused)*

Mayor	William H. Briare
Commissioner	Roy A. Woofter

*Attending Annual Conference - NATIONAL LEAGUE OF CITIES

STAFF PRESENT:

City Manager	A. R. Trelease
City Attorney	Carl E. Lovell, Jr.
Deputy Director, Dept. of Community Development	Harold Foster
Director of Dept. of Finance	Marvin A. Leavitt
Fire Chief	J. D. Miller
Director of Dept. of License & Revenue	Ila M. Britt
Director of Dept. of Personnel	J. Robt. McPherson
Director of Division of Purchasing & Contracts	J. C. Cathcart
Director of Dept. of Public Works	Laurence Hampton
Traffic Engineer	Al Bossi
City Clerk	Edwina M. Cole

INVOCATION

The Invocation was given by Rev. Joel Rivers, Pastor, Vegas Valley Christian Church:

"Our Loving Father we thank Thee for this opportunity to witness our Government in action. We Pray that Your Blessing - Your Wisdom - be given to these men that do lead us. We Pray, Our Father, that during this Christmas Season we might remember the reason for the Season, Christ Jesus Name, Amen."

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given and the meeting called to order by His Honor, Mayor Pro Tem Ron Lurie at the hour of 9:35 a.m.

PUBLIC HEARING - 9:40 A.M.

(Recessed from 9:15 a.m.)

VAC-10-75
Approved

PETITION OF VACATION - VAC-10-75 - TRINITY UNITED METHODIST CHURCH

Property described as a 66 ft. wide road reservation (easement) located on the Easterly 33 ft. of Government Lot 12 and on the Westerly 33 ft. of Government Lot 11, of Sec. 1, Township 21 South, Range 60 East MDB&M, generally located 159 ft. West of Jones Blvd. on the south side of West Charleston Blvd., extending South 630 ft.

Planning Commission recommended approval subject to the following conditions:

1. The South 33 ft. be deleted.
2. Conformance to the requirements of the Department of Public Works.
3. Satisfaction of the requirements of the various Utility Companies.
4. Vacation not be recorded until all of the above conditions have been met.

Mayor Pro Tem Lurie declared the Meeting open for Public Hearing on VAC-10-75.

Deputy Director of the Department of Community Development, Harold Foster: This involves the vacation of a roadway easement located southwest of Jones Blvd and Charleston Blvd. as you will see on the screen to your right. It's a north/south segment on the new alignment of Jones Blvd., extending north to West Charleston.

You can see it a little better on the map in front of you (wall map) - this is Jones - Charleston. When the Federal Government sold the Government Lots in the area they reserved a 33 ft. wide easement around each Government Lot. The two property owners on the east side and the Church property on the west side of the easement feel that they do not need it for their purposes. They all have access either on Jones or Charleston, and they are requesting that it be vacated.

The Planning Commission has evaluated it to determine if it is needed for street purposes and found they do not need it. The Planning Commission recommended that the south 33 ft. be deleted because it puts a jog into the 33 ft. easement along the south portion of the property. With the conditions as shown on the agenda, they have recommended approval.

Mayor Pro Tem Lurie: Is there anyone here to protest this Petition to Vacate?

(No response)

Mayor Pro Tem Lurie: The Public Hearing is now closed and I will entertain a motion.

M o t i o n

Commissioner Leavitt: I move for approval as recommended by the Planning Commission.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

Mayor Pro Tem Lurie: At this time I would like to recognize the presence of the Third Grade Class from the GEORGE E. HARRIS SCHOOL and their Instructors. We are pleased to have you here today and hope that you will enjoy the Meeting and will come back again.

PURCHASING & CONTRACTS

J. C. CATHCART, DIRECTOR

See Page 4 of these Minutes (Annotated Agenda)

FINANCE DEPARTMENT

MARVIN A. LEAVITT, DIRECTOR

See Page 5 of these Minutes (Annotated Agenda)

DEPARTMENT OF LICENSE & REVENUE

ILA M. BRITT, DIRECTOR

See Pages 6 thru 11 of these Minutes (Annotated Agenda)

SECOND HAND LICENSE
Abeyance

CHANGE OF OWNERSHIP

UNCLE SHOES

714 North Main Street

From: Charles Elliott Powers
Mary V. Powers

To: Daniel A. Sullivan
Judith A. Sullivan

Commissioner Christensen: Is the applicant present?

Mrs. Britt: Mrs. Sullivan is here.

Commissioner Christensen: Are you going to be the one who operates the store?

Mrs. Sullivan: Yes -

Commissioner Christensen: Your husband is going to maintain his other job and help you when he can?

Mrs. Sullivan: That's right.

Mayor Pro Tem Lurie: What is the pleasure of the Board?

(No response)

Mayor Pro Tem Lurie: Since there is no motion, this item will be held to our next regular meeting, which will be at 7:00 p.m., Wednesday, December 17, 1975.

ITEM

COMMISSION ACTION

DEPARTMENT ACTION

I. PURCHASING AND CONTRACTS DIVISION

J. C. CATHCART, DIRECTOR

*CONSENT AGENDA

All matters listed under Items A, B and C are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.

*A. AWARD OF BIDS

1. Bid #75.93 - Two-Year Elevator Maintenance For City Hall Complex (Public Works)
2. Bid #75.94 - Valves, Wyes, Nozzles, and Various Tools to Outfit 65-Foot Snorkel Equipment #277 (Fire Dept.)
3. Bid #75.96 - 15,000 Tons Type II Base Materials, 1" Size (Public Works)

Items 1 and 3
Approved as
recommended
C - unanimous

Director of
Purchasing &
Contracts
authorized
to proceed

Item 2
Abeyance (at request
of Director of
P & C)

12/17/75 Agenda

*B. PERMISSION TO RECEIVE BIDS

1. 194 Square Yards Carpeting Lower Level Las Vegas Metro Police Dept. (LVMPD)
2. Washington Avenue-Robin Street Sanitary Sewer Diversion (Public Works - Sewer Div.)

Approved
C - unanimous

Director of
Purchasing &
Contracts
authorized
to proceed

*C. PURCHASE ORDER APPROVAL

1. Request purchase order approval to ARMCO Steel Corp., Salt Lake City, Utah, in the amount of \$6,075.00, for Three (3) Replacement Sluice Gates at the Waste Water Treatment Plant. Original designer and manufacturer, sole source. (Public Works - Sanitation)

Approved
C - unanimous

Same as above

ITEM

Commission Action

Department Action

IV. DEPARTMENT OF LICENSE & REVENUE

ILA M. BRITT, DIRECTOR

*CONSENT AGENDA

All matters listed under Items A, B, and C are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.

*A. CHARITABLE SOLICITATIONS PERMITS
(Approved by the Solicitations Review Board)

1. SO NEV INDEPENDENT YOUTH ATHLETIC ASSOCIATION -- raffle tickets
2. DISABLED AMERICAN VETERANS, LAS VEGAS CHAPTER 11 -- sale of "Forget-me-Nots"
3. ST. ANNE'S PARENTS' CLUB -- raffle tickets; tickets to the annual New Year's Eve dinner/dance
4. DOWNTOWN SERTOMA CLUB OF LAS VEGAS -- annual Wheelchair Bowling Tournament admission tickets; sale of advertising in a souvenir journal; solicitation for bowler's sponsor fee
5. ANIMAL ADOPTIONS, INC. -- general solicitations and a radiothon
6. THE CHURCH OF SCIENTOLOGY CELEBRITY CENTER -- sale of copies of church books
7. CLARK COUNTY CLASSROOM TEACHERS ASSN. -- personal and written solicitations for advertising in the "Teacher Talk"
8. VARIETY SCHOOL P.T.A. -- sale of See's candy
9. LAS VEGAS HIGH SCHOOL YEARBOOK "ECHO" -- sale of advertising
10. TRINITY UNITED METHODIST CHURCH WOMEN -- a bazaar
11. S.W.A.P. (STUDENTS WITH A PURPOSE) -- sale of baked goods, crafts, candles and tickets to a review

Items 1 thru 23
Approved
C - unanimous

Director of
Lic. & Rev.
authorized
to issue

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Minutes
Regular Meeting
City Commission
December 3, 1975

ITEM	Commission Action	Department Action
IV. <u>DEPARTMENT OF LICENSE & REVENUE</u> (cont'd)		
*A. <u>CHARITABLE SOLICITATIONS PERMITS</u> (cont'd)		
12. INTNL ORDER OF RAINBOW GIRLS, OASIS ASSEMBLY -- a carnival	See Page 4	See Page 4
13. HYDE PARK JR. HIGH, CHORAL CLUB -- a candy sale		
14. HYDE PARK JR. HIGH, FOREIGN LANGUAGE CLUB -- sale of tupperware		
15. HYDE PARK JR. HIGH, HONOR SOCIETY -- sale of stationery		
16. FOCUS, INC. -- a yard sale		
17. LAS VEGAS AREA COUNCIL OF CAMP FIRE GIRLS, WESTERN #1 area -- sale of handmade items in conjunction with a talent show		
18. LAS VEGAS COMMUNITY BANQUET CLUB -- general solicitations		
19. WOMEN FOR MINOR HOCKEY -- a bake sale		
20. GIRL SCOUTS OF AMERICA, TROOP #65 -- a bake sale		
21. JOHN C. FREMONT JR. HIGH, PTA AWARDS COMMITTEE -- raffle tickets		
22. GIRL SCOUTS OF AMERICA, TROOP #242 -- a popcorn sale		
23. FRIENDS OF THE SOUTHERN NEVADA LIBRARIES, INC. -- raffle tickets		
*B. <u>GAMING -- Additional</u>		
1. J. J. PARKER/OPERATOR Lady Luck Casino 206 North 3rd Street 10 slots	Items 1 thru 4 Approved Leavitt - unanimous	Director of Lic. & Rev. authorized to proceed
2. ROGER WOLFE Kenny's Restaurant 1205 East Charleston Blvd 1 slot		

ITEM	Commission Action	Department Action
<p>IV. <u>DEPARTMENT OF LICENSE & REVENUE</u> (cont'd)</p>		
<p>E. <u>LIQUOR -- Change of Business Name and Change of Corporation Name</u></p> <p>1. From: Olde English Inn</p> <p>To: *LIBRARY BUTTERY & PUB 200 West Sahara Avenue General Liquor</p> <p>From: Yum Yum Tree, Inc.</p> <p>To: Library, Ltd.</p> <p>Donald W. Pettit, Pres - sole officer 80% Rex Littleton, General Manager 20%</p> <p>*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations.</p>	<p>Approved subject to Conditions C - unanimous</p>	<p>Director of Lic. & Rev. authorized to proceed</p>
<p>F. <u>LIQUOR -- Change of Location</u></p> <p>1. *D'ANGELO'S BAR SUPPLY CO. From: 5115 Industrial Road #505 To: 3111-N South Valley View Blvd Keg Beer-Home Delivery</p> <p>Albert D'Angelo, 100%</p> <p>*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations</p>	<p>Approved subject to Conditions Leavitt - unanimous</p>	<p>Same as above</p>
<p>G. <u>LIQUOR -- Change of Ownership and Business Name</u></p> <p>From: Du Bois Restaurant</p> <p>To: EL SAN JUAN RESTAURANT 104 Baltimore Avenue Restaurant Beverage</p> <p>From: Gertrude/Louis DuBois</p> <p>To: Carmen I. Urbina</p>	<p>Approved C - unanimous</p>	<p>Same as above</p>

ITEM

Commission Action

Department Action

IV. DEPARTMENT OF LICENSE & REVENUE
 (cont'd)

H. LIQUOR -- Change of Corporate Officers

1. *THE PIZZA INN
 5117 West Charleston Blvd
 Service Bar

The Pizza Inn, Inc.

From:

Francis J. Spillman
 John A. Spillman
 Roy L. Wise
 Carl Jackson
 Louis A. St. Romain
 Sam B. Elrod
 Raymond E. Kelly
 C. M. Jerry Cain, Res Mgr

To:

Francis J. Spillman, Pres
 Raymond E. Kelly, V.P.
 Robert E. Cotton, V.P.
 Charles B. Cannon, Secy/Gen
 Counsel

Roy L. Wise, Treas
 John A. Spillman, Director
 Gary Price, Res Mgr

*Subject to the provisions of
 the Planning, Building and Fire
 codes and Health Department
 regulations

Approved subject
 to Conditions
 Leavitt - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

I. LIQUOR, GAMING & RETAIL TOBACCO -
Approval of Key Employee

1. SHOWBOAT HOTEL/CASINO
 2800 East Fremont Street

Showboat Operating Co.,
 subsidiary of Showboat, Inc.,
 and Showboat Inc.:

J. K. Houssels, Sr. - Chmn
 of the Board
 Joseph H. Kelly, Vice Chmn/
 Pres
 et al

Frank A. Modica, Gen Mgr
 (key employee)

Approved
 C - unanimous

Same as above

ITEM Commission Action Department Action

IV. DEPARTMENT OF LICENSE & REVENUE
 (cont'd)

J. SPECIAL EVENT LIQUOR LICENSE

1. GERMAN-AMERICAN SOCIAL CLUB
 OF NEVADA
 Location: Lorenzi Park
 Date: December 31st, 1975

 Responsible Licensee:
 William S. Boyd

Items 1 and 2
 Approved
 C - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

2. ST. ANNE'S PARENTS CLUB
 Location: Ryan Hall
 Date: December 31st, 1975

 Responsible Licensee:
 Sam C. Sina

K. RETAIL TOBACCO -- New

1. RICHARD W. OLSEN

 Mars Limited
 1111 Las Vegas Blvd So, "T"

Abeyance

12/17/75 Agenda

L. PRIVATE DETECTIVE LICENSE --
 Change of Location

1. ACME DETECTIVE BUREAU
 From: 114 No 3rd, Suite 223
 To: 120 So 3rd, Suite 9

 Thomas B. Cranford

Approved
 Leavitt - unanimous

Same as above

M. SECOND HAND LICENSE -- Change
 of Ownership

1. UNCLE SHOES
 714 North Main Street

 From:
 Charles Elliott Powers
 Mary V. Powers

 To:
 Daniel A. Sullivan
 Judith A. Sullivan

Abeyance

12/17/75 Agenda

(See Page 3 of these Minutes)

DEPARTMENT OF
LICENSE & REVENUE
(continued)

SECOND HAND LICENSE -
NEW
Abeyance

*WORKING MAN'S PANTS Samuel B. Gutterman
219 North 3rd Street

*Subject to the provisions of the
Building and Fire Codes

Mayor Pro Tem Lurie: Is Mr. Samuel Gutterman here?

(Mr. Gutterman reported present)

Mayor Pro Tem Lurie: Mrs. Britt, isn't this an unusual
location for a Second Hand License?

Mrs. Britt: There is a provision in the Second Hand
Licensing Ordinance for a Specialty Shop that would handle
just one type of second hand item, to be located between
Main and 5th Street, but not on Fremont. There is a conflict
in the Zoning Ordinance.

It was decided that the application should be acceptable and
that the conflict between the two Ordinances would have to be
resolved.

Mayor Pro Tem Lurie: I, personally, feel there is a conflict
and that probably we should hold this until we can get clarifi-
cation on the Ordinances.

Mr. Gutterman: May I say a word, Sir?

Mayor Pro Tem Lurie: - Certainly -

Mr. Gutterman: This matter was brought to the attention of the
City Attorney's office and they felt that I was within the
boundaries as set forth in Sec. 3 of the Code. This was
available at the Licensing Department and before I ever applied
for a License - I went to the Licensing Department and they
assured me that which I wanted to do, was legitimate, and on
that basis I rented the store and came back and made application.
So far I've paid two months rent, plus a security deposit, plus
I've had to pay for a bond - I've had to purchase merchandise -
I've been waiting three months -

Mayor Pro Tem Lurie: Do you have an opinion on this, Mr.
Lovell?

Carl E. Lovell, Jr., City Attorney: I don't have one here -
it was probably Mr. Ahlstrom you talked to -

Mrs. Britt: Yes, I believe he did give us the opinion. The
application that Mr. Gutterman made was acceptable under the
Licensing Code. I believe the City Attorney's office took the
stand that Mr. Gutterman had been put to considerable expense
due to the fact that his application had been accepted under
one portion of the Code, which is the Licensing Second Hand
Ordinance and, therefore, should be accepted.

Mayor Pro Tem Lurie: Most of our Second Hand Licenses are
located on Main Street -

Mrs. Britt: Yes, Sir, that is true.

Mayor Pro Tem Lurie: This would sort of set a precedent to
open the door for other Second Hand Licenses in the Downtown
area -

Mr. Gutterman: No - this is a specialty item -

WORKING MAN'S PANTS (continued)

Mayor Pro Tem Lurie: What is the specialty?

Mr. Gutterman: Working Man's Pants -

Mrs. Britt: It is not a typical Second Hand Store - it will handle only one used commodity.

Mayor Pro Tem Lurie: Just one item?

Mr. Gutterman: That's right.

Mayor Pro Tem Lurie: What is the pleasure of the Board?

Commissioner Leavitt: I think I would like to hold this until the full Board is present.

Mayor Pro Tem Lurie: This item, then, will be held to our regular meeting of December 17th when we will have a full Board.

Commissioner Leavitt: Mr. Mayor, I have a question relative to Mars Limited:

RICHARD W. OLSEN

Mars Limited
1111 Las Vegas Blvd., South "T"

Commissioner Leavitt: I would like to go back to where it appears on the Agenda (Page 9).

Is Richard Olsen present?

Mrs. Britt: I think possibly he was here and left after you voted on his application.

Commissioner Leavitt: We received a supplement to the Agenda and I have just noticed it now. I would like to reconsider the application and request an investigation by Metro on this item.

M o t i o n

I move that our previous action be rescinded and the application held until our next meeting, with a request for Metro to make an investigation.

Mayor Pro Tem Lurie: Mrs. Britt, would you notify him of this action and advise him to be present at the next meeting of this Board?

Mrs. Britt: He will have to come in and pay the Investigation Fee if I understand your request, so it should be held possibly until the investigation is completed.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

M o t i o n

Commissioner Leavitt: Pursuant to Title V, Chapter 16, Sec. 3, I request that an investigation be made of the applicant in this matter, and I so move.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

DEPARTMENT OF
LICENSE & REVENUE
(continued)

M-7 BUSINESS
LICENSE
Stricken

DATA-GENICS
2480 Industrial Road Larry Eugene Moran

ARCHIVAL CONSULTANT - MICROGRAPHIC TECHNOLOGY: MICROFILMING;
PROCESSING AND TRAINING

Mayor Pro Tem Lurie: Is the applicant present?

(No response)

Mayor Pro Tem Lurie: This matter will be stricken from the
agenda until such time as the applicant appears in person.

M-7 BUSINESS
LICENSE
Approved

*THOMAS BYRD, FINANCIAL ADVISOR
1020 West Owens Ave. Thomas B. Byrd

FINANCIAL PLANNING

*Application resubmitted. Letter received from applicant
requesting that application be resubmitted and Mr. Byrd
stated he will be present at the meeting on December 3rd.

Mr. Byrd being in attendance -

M o t i o n

Commissioner Leavitt moved that the M-7 License
for Thomas B. Byrd to engage in a Financial
Planning business operation at 1020 West Owens
Avenue, be APPROVED.

Motion carried by the following vote: Commissioners
Christensen, Leavitt and Mayor Pro Tem Lurie voting
aye; noes, none.

MESSAGE PARLOR -
NEW
Approved

*CHUCK'S ATHLETES HEALTH SPA
302 East Cason Avenue Charles "Chuck" Harris

*Subject to the provisions of the Planning, Building and Fire
Codes, and Health Department regulations.

Jack Anderson: Mr. Chairman and Honorable Members of the
Commission, I'm Jack Anderson appearing on behalf of Mr.
Charles Harris, on my right, who is the applicant for this
Business License. If I might take a minute of your time I
think I can give you some over-view of the proposed operation
that might answer some of your special questions on this.

The business that Mr. Harris seeks a License for is a
small Health Club. It is to be located in the First National
Bank Building here on 3rd and Carson Streets and, basically,
the facility in terms of the operation would be equipped with a
sauna bath, showers, lavatories, dressing rooms, rub-down
room.

It would be a sole proprietorship and 100% of the interest in
it would be by Mr. Harris. Unfortunately the City does not
have a separate Licensing category for Health Clubs - the only
category is under "Massage Parlor" and without commenting,
really, on the operations of current Massage Parlors - the
contemporary connotations are misleading with regard to the
type of facility that Mr. Harris desires to operate.

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It should be clearly understood by this Commission that the
type of operation that Mr. Harris wishes this Business License
for, is a Health Club similar to those that are operated at our
major Strip Hotels and will be of a similar caliber. I think
if you've had the opportunity to see the letters of character
reference that were submitted with Mr. Harris's application,
you would see were not stock formletters from people who

said - yes, I know Mr. Harris - I think he's a good business man. The people who wrote those letters are accepted members of this community - prominent people - who have an extremely high regard for Mr. Harris. In particular - when I talked with Harry Claibourne because Chuck said - I think Harry will write a letter - and when I called him and asked him - Harry said to me - Jack, it sounds to me like you are asking for sort of a personal favor in this matter. I said - well, no - Chuck said that you and he were friends. He said - Jack, we're not just friends - Chuck happens to be one of the finest men that I've ever met. He lived in my home - when I was injured he brought me back to health. He said - anything that I can do for him, I would do because I consider him one of my closest, personal friends.

I think the type of business that Chuck proposes to operate that there is a definite need for a Health facility of this caliber in the Downtown area. I think that from Chuck's experience that he would be one of the finest operators that we could have and that he would be a welcome addition to the business community.

All I can say - and I can give a testimonial a week on this man, but Chuck is an exceptionally fine man. Some of the people say that Chuck is a Legend in West Las Vegas. Some of you might think from a cursory reading that in view of his prize-fighting career it might be a Legend that was built on knocking people down. But the Legend of Chuck Harris running the Chuck Harris All American Boys Club in West Las Vegas has been a Legend of picking people up.

I think he is a fine man and deserves favorable action by this Commission.

Mayor Pro Tem Lurie: Are there any questions by any of the Commissioners?

Commissioner Leavitt: There was a question raised, I see here, yesterday by the License Director. I will have to ask the City Attorney to give me an opinion on it. I received this communication from Ila Britt yesterday - Charles "Chuck" Harris does not meet the educational requirements of Ordinance No. 1780 pertaining to a Masseur or Masseuse. His application is for a Massage Parlor License and he has signed the statement on his notarized application that he will not engage in the practice of massage. Do you want to give us an opinion as to whether or not we can grant that License, Mr. Lovell?

Mr. Lovell: Yes, Commissioner - it may be irony, but under the provisions of the Massage Parlor Ordinance he can be granted a License to be an Owner, but not perform massage or rub-down, and that was one of the questions I was going to ask his Attorney - who was going to be giving the rub-downs or massages? Or, in the alternative, is there any type of information, pursuant to our Ordinance with reference to Massage, where you can show certification, or period of training or other requirements from his past here, or in other places, that might qualify him under the Ordinance? That is the problem you have.

Mr. Anderson: OK - I have two responses to that. One is that Mr. Harris is seeking to be licensed as an Owner and (2) with regard to equivalent training, etc., as set forth in Mr. Harris's letter, he has been for nearly twenty (20) years engaged as a trainer of prize fighters and the operator of the All American Boys Club and in terms of persons that he has worked with, and worked under, he has worked under five of the greatest trainers in the world - has, in fact, trained them.

The application here to be an Owner - one of the things that Mr. Harris . . . if the Commission does not feel that he is

qualified and that the experience he has had is not equivalent of the formal education, he still desires to be licensed as the Owner of this and then would fulfill the formal requirements, if that is your pleasure.

Commissioner Christensen: I would like to ask another question: If he says he is not going to practice massage, what does he have to have a Massage Parlor License for?

Mr. Anderson: He would intend to give rub-downs.

Mayor Pro Tem Lurie: The problem we have here, I think - we have a category of a Health Spa similar to those we have at the Strip Hotels, but it falls under our category of Massage Parlors - which we're definitely having problems with, and I don't think the Board really wants to give a License out for a Massage Parlor per se. For what Chuck wants to do, we don't have any specific category for a Business License - isn't that correct?

Mrs. Britt: We do have a classification for a Health Studio, but in order for them to conduct massage, they have to comply with the Massage Parlor Ordinance. A Health Studio consists merely of machines where you exercise, take sauna baths, etc., and where there is no massage. The problem is that part of his operation is giving massages and therefore falls under our Massage Parlor Ordinance.

Commissioner Christensen: Could I clarify something in my own mind here by digressing for just a second: If you will look on Page 18, Item "L", I notice there is a Use Review which is a request to allow "a therapeutic massage service as an incidental use in conjunction with a Beauty Salon operation" Did they have to have a Massage Parlor License?

Mrs. Britt: They do, and they have picked up all the applications -

Commissioner Christensen: They will have to have a Massage Parlor License?

Mrs. Britt: To conduct massage services in addition to their Beauty Shop - they will be required to do this - yes.

Commissioner Leavitt: You are giving us an opinion now that he doesn't meet the requirements of the Ordinance - is that what you are saying Mr. Lovell?

Mr. Lovell: He can meet the requirements to be an Owner, but he can not give rub-downs, legally.

Mr. Anderson: In fact, that is satisfactory because once he is Licensed as an Owner he can go forward with installing the equipment. In the meantime he can satisfy the formal requirements with regards to the 180 hours -

Mr. Lovell: 225 hours -

Commissioner Leavitt: I move that Mr. Harris be approved as an Owner.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

M o t i o n

See Pages 17 and 18 of these Minutes (Annotated Agenda)

ITEM Commission Action Department Action

IV. DEPARTMENT OF LICENSE & REVENUE
(cont'd)

P. MASSAGE PARLOR -- New

1. *CHUCK'S ATHLETES HEALTH SPA
302 East Carson

Charles "Chuck" Harris

*Subject to the provisions of
the Planning, Building and Fire
codes and Health Department
regulations

Approved (Applicant
as Owner)

Leavitt - unanimous

Director of
Lic. & Rev.
authorized
to issue

Q. MASSEUSE PERMITS -- New

1. THELMA JEAN GRUBER

Applicant for Masseuse
Permit for:
Sultan's Palace
2309 Las Vegas Blvd South

Items 1 and 2
Stricken from
Agenda (Applicants
not present)

2. ALINE BENCHETRIT

Applicant for Masseuse
Permit for:
Sultan's Palace
2309 Las Vegas Blvd South

R. ESCORT BUREAU LICENSE -- Change
of Location

1. LADIES-IN-WAITING*
From: 1500 East Sahara Ave
To: 210 East Charleston

Howard Senior

Abeyance
Leavitt - unanimous

12/17/75 Agenda

*Escort bureau license for
Ladies-In-Waiting, 1500 East
Sahara Avenue, issued per
District Court order dated
11-21-75

ITEM

Commission Action

Department Action

IV. DEPARTMENT OF LICENSE & REVENUE
(cont'd)

ABEYANCE ITEM - Tabled November 19th

S. RETAIL DEMONSTRATION MERCHANDISE
SALES LICENSE -- New

1. *GALLERY OF THE FINE ARTS
2310 Las Vegas Blvd South

Gallery of the Fine Arts,
Ltd.
Terry Gordon, Director 80%
David F. Kaufman, Pres/Dir
10%
Carole Kaufman, VP/Secy 10%

*Subject to the provisions of
the Building and Fire codes

Abeyance

12/17/75 Agenda

T. LIQUOR -- Change of Business Name
and Change of Location

1. From:
The New Hat
1307 North "D" Street

To:
*NEW BROWN DERBY
320 West Monroe
Tavern

Charles Winder, 100%

*Subject to the provisions of
the Planning, Building and Fire
codes and Health Department
regulations

Approved
Leavitt - unanimous

Director of
Lic. & Rev.
authorized
to proceed

DEPARTMENT OF
LICENSE & REVENUE
(continued)

RETAIL DEMONSTRATION
MERCHANDISE SALES
LICENSE - NEW
Abeyance

*GALLERY OF THE FINE ARTS
2310 Las Vegas Blvd., South

Gallery of the Fine Arts, Ltd.
Terry Gordon, Director 80%
David F. Kaufman, Pres/Dir. 10%
Carole Kaufman, VP/Secy 10%

*Subject to the provisions of the Building and Fire Codes

M o t i o n

Commissioner Leavitt: I make the same motion with regard to this item. (Abeyance for a full Board)

Mayor Pro Tem Lurie: Are the applicants here?

Response: Jeffrey I. Shaner appearing for the applicant -

Commissioner Leavitt: I have moved that it be held for a full Board at our next meeting - December 17th.

Mayor Pro Tem Lurie: This item then will be held over to the 17th for a full Board.

Mr. Shaner: May I inquire of the Commission as to why this is being held over to the 17th?

Commissioner Leavitt: I think this is a matter the full Board should vote on rather than just the three of us.

Mr. Shaner: May I ask why?

Commissioner Leavitt: Because of the importance of it.

Mr. Shaner: What is the importance of it that requires the full Board to hear it?

Commissioner Leavitt: Because of the fact that one of the applicants is Terry Gordon - and Howard Senor . . .

Mr. Shaner: Howard Senor is not an applicant on the Gallery of Fine Arts -

Commissioner Leavitt: I am saying - pertaining to both of them - the previous one just ahead of this one - the applicants in these cases, we've had extensive public hearings on the matter. I think the full Board - you ought to have the advantage of having them all present to vote on this matter.

Mr. Shaner: Mr. Commissioner, may I inquire as to why Mr. Gordon would be considered of some importance because of some prior dealings with the Board here?

Commissioner Leavitt: Well, also in view of the fact that our City Attorney has indicated to us that both of these people should be present. Is that correct?

City Attorney, Carl E. Lovell, Jr.: Yes - in fact, there was Notice sent out to the applicant, under the provisions of our Ordinance, that he be here. Is that right?

Director of License & Revenue, Ila M. Britt: There was, indeed -

Mr. Shaner: They are represented by Counsel, Mr. Commissioner. I believe that will suffice. Also, I might point out that there is no ordinance which respect to Item "R" under which you can require this man be brought before the Commission, having met their Zoning, Building and Fire approval.

Mayor Pro Tem Lurie: I would like to have it entered into the record as to why we are going to hold this for a full Board. This Board is seriously concerned with the intentions of the applicant as to what he intends to sell and how he is going to do it.

He has applied for a Retail Demonstration Merchandise Sales License, commonly called a "Jam Auction". Because of the nature of the practices of the two businesses licensed so far, several concerns and actions resulted: (1) The Gaming Control Board eliminated them from gaming establishments. The City passed an Ordinance, now in court over truth and sales requirements. The Legislature passed laws on false advertising and strengthened Consumer Protection Laws in 1975. The Legislature is still studying a uniform statute governing this area. The BBB and COC and citizens have complained about their practices to the District Attorney, the City Attorney's office and State Consumer Affairs - all because of the nature of the businesses.

Therefore I believe this Board is seriously and justifiably concerned about the type of merchandise sold - the method of selling - method of the type of advertising - the background of applicant and present plans, and their employees. (5) the type, nature and names of the complaints - we want them brought before this Board.

Therefore, I would move that this matter be continued until our next meeting.

Another item of why we are going to hold this to be brought back before the Board, is that we want to have the complaints brought to this Board from the District Attorney, the City Attorney, BBB, COC and State Consumer Affairs concerning these types of businesses. (2) to have the applicant present with his employees and at that time have Metro check them through an investigation. (3) to have the applicant explain and show his method of selling and the types of merchandise he is planning to sell. (4) to have the applicant furnish a list of employees who have to submit to Metro for investigation.

Mr. Shaner: Mr. Commissioner, am I to understand that that statement constitutes an legislative which is not contained into the Ordinance? My reading does not indicate that they are.

Mayor Pro Tem Lurie: Well, through our Attorney's office we feel they are covered and these are the items in question that we want answered before we are going to act on this License.

Mr. Shaner: I suggest that you solicit an opinion from your Attorney as to whether or not those items are contained in the Ordinance, and whether the Commission can unilaterally set up standards for Licensing which are not, in fact, contained in the Ordinance which is, in effect, what you're doing, Mr. Commissioner.

Mayor Pro Tem Lurie: I believe we can - this will be answered by our next meeting - we will have an opinion ready.

Mr. Shaner: Have you been given such an opinion?

Mayor Pro Tem Lurie: We have received opinions from the City Attorney's office concerning these types of businesses.

Mr. Shaner: Have those opinions included a list of standards not contained in the Ordinance?

Mr. Lovell: Let me be as objective as I can, Mr. Shaner. I may be wrong - I can be corrected by the Board - but I think their concern from what Mr. Lurie said, and also Commissioner

Leavitt - in addition to having the applicants here is because of the action by the State, the County and the City thus far that they want to discuss with the applicant to make sure the business and the type of operation are acceptable. I think they are justified in that -

Mr. Shaner: Is it my understanding, Mr. Lovell, that the City Commission of the City of Las Vegas may impose by unilateral fiat a set of standards which are not contained in the Ordinance that was apparently duly and properly passed by this Board?

Mr. Lovell: I don't even understand your question -

Mr. Shaner: My question is - Can the City Commission unilaterally set up standards not contained in the regulatory Ordinance?

Mr. Lovell: What kind of standards?

Mr. Shaner: The standards that Mr. Lurie has just read into the record.

Commissioner Christensen: Mr. Shaner - just a minute - let me interrupt here. I'm getting a little weary of having to answer to you in a cross-examination type of situation every time anything comes before this Board where you represent the clients.

I believe this matter was held in abeyance the last time so that we could determine whether, in truth, this was a Retail Demonstration Merchandise Sales License or an Antique Store License, which was represented to us the last time. Yet it is still on the agenda as a Demonstration Sales License.

Consequently that raises some questions. You may not think we have the right under our Demonstration Sales Ordinance to ask these questions, but under the broad powers granted the City Commission by the State Legislature, we have the right to protect the people of this community, and in order to protect the people of this community, we've got to ask questions before we grant a License. And we're going to ask them and I object very strongly the fact that you cross-examine us every time we make a statement or ask a question up here.

You've called us many times as being in a quasi-judicial position - that we have to act as judges - and you are going to have to start treating us like judges. You would never get away with that in District Court, and you're not going to get away with it here.

We've explained our reasons why we want to ask your client some questions. If a Judge in District Court told you that he wanted to ask your client questions, you'd better have the answer or you'd be in contempt of court. I think that situation exists here. We're going to play by the same set of standards. If you're going to insist that we conduct ourselves like a Court room, we're going to insist that you conduct yourself as if you were in a Court room.

I think he has made a valid statement as to the reasons why he wants to hold this in abeyance. I happen to agree with him although I didn't discuss it with him previously, because I don't think the questions we asked the last time have been answered yet. And until they are answered, I'm not going to vote to grant his License, regardless of how much you want to stand up there and try browbeat us legalities -

Mr. Shaner: May I respond, Mr. Commissioner? May I respond to Commissioner Christensen?

Commissioner Leavitt: You can respond to both of us in a minute -

Commissioner Leavitt: What I want to say at this point is this - we are not trying to set up any new standards as you have implied through our statements. What we're trying to do is to have him in here, and question him, and find out just what kind of a business he intends to run.

Now if we don't have the authority, or the right, to bring that man in here and ask him what kind of a business he's going to run, then we don't have any right to even be sitting here - because we certainly have the right to ask him what kind of a business he is going to conduct and the manner in which he is going to conduct it. And that's why I asked that the matter be held - so that he can be present.

Now if it is your decision that you do not want to bring him here before us so we can ask him those questions, then that's your decision, but I think there is no question about the fact that we have the right to ask him what kind of business he's going to run and what kind of an operation it's going to be.

As Commissioner Christensen pointed out, we do have an obligation here to protect the people in the City of Las Vegas, and we do have an obligation to determine what kind of a business is going to be run.

Mr. Shaner: Commissioner - first of all Mr. Lurie read into the record an extensive list of information and remarks which he wanted made part of the record, apparently to determine the suitability of this applicant.

As you gentlemen are well aware, you have enacted an Ordinance which sets forth certain minimal standards. That Ordinance has to be complied with. That Ordinance and the application, which is required under that Ordinance, has been complied with.

What you gentlemen have asked is to set up a series of inquiries, which are not even contemplated by the Ordinance, of which there is no notice in the Ordinance of, and you are asking these people to come in and respond to them when you don't have the authority to do so.

Now we've been through this before - many times. I have indicated to you in many instances that when you do sit as Licensing authorities, you sit in a quasi-judicial capacity.

I have always treated you gentlemen with respect - I will continue to do so, but since you have asked me to play by the Rules, I ask you to do the same. I feel in this instance that you are not playing by the Rules. The Rules are set forth in your Ordinance.

Commissioner Leavitt: Call for the question -

Mayor Pro Tem Lurie: Mr. Shaner, there has been a call for the question -

Mr. Lovell: Mr. Lurie - just for the record, there was a motion by Commissioner Leavitt and a motion by you -

Commissioner Leavitt: My motion was to hold it to the next meeting -

Mayor Pro Tem Lurie: My motion was to hold it to the next meeting so that we can get the proper answers -

Commissioner Leavitt: I will withdraw my motion and let your motion stand.

Mr. Lovell: Your motion had several parts to it --

GALLERY OF THE FINE
ARTS
(continued)

Mayor Pro Tem Lurie: The motion is to hold this until our next meeting on December 17th.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

See Page 18 of these Minutes (Annotated Agenda)

DEPARTMENT OF COMMUNITY
DEVELOPMENT

DONALD J. SAYLOR, DIRECTOR

Z-49-75
Approved

ZONE CHANGE Z-49-75 - ERNEST A. BECKER

Harold Foster: The first item before you involves an application by Mr. Ernest A. Becker and covers a rather large parcel - about 147 acres located west of Jones Blvd. south of Smoke Ranch Road, east of Torrey Pines and north of West Lake Mead Blvd. (On screen).

There are three major streets involved - Jones, Smoke Ranch and Lake Mead, and then a secondary street on the Major Street Plan along the west side of the property. There was a zoning application on the northwest corner for a Planned Development and some R-1 - it was approved. Subsequently there were some questions on how the balance of the property would be developed and Staff requested that he submit an overall development plan, which resulted in this application for zoning on the entire 147 acres.

There are four parcels that are not a part of this application. One is on the southeast corner; one is in the center portion and one is on the northeast which is a construction lot run by Mr. Becker, but not involved in this request. He intends to use it for a construction yard for this development and there is a small site on Smoke Ranch Road.

He has some R-3 zoning to the east that is vacant; single family development to the north with a park development in the center portion of it.

This is the overall Plot Plan (wall map) showing the different types of zoning he has requested. In this area the center represents the R-1 zoning - the brown indicated a Planned Unit Development at about 8 units per acre, both on the Smoke Ranch side and also along the Lake Mead side. These are proposed for the zero lot line concept development where they have a common wall. R-3 along Smoke Ranch - also some along Lake Mead and all along Torrey Pines except at the southwest corner of the property, he has requested some commercial zoning.

The applicant is proposing to utilize a provision in the Subdivision Ordinance whereby he can reduce the R-1 lots 10% and put the accumulated area into a park, which will then be dedicated to the City . . .

Commissioner Leavitt: How large is the Park?

Mr. Foster: 3.7 acres - this is the amount he would be obligated to provide with the reductions for the area in the R-1 zone. We have a memorandum from the Recreation Department indicating they have talked with Mr. Becker and he has indicated he will develop the Park fully to City standards and then dedicate it to the City.

The Planning Commission recommended approval of the request subject to the following conditions:

Z-49-75
(continued)

1. The C-2 portion of the application be amended to C-1.
2. The development plans for each parcel of land shall be approved by the Planning Commission prior to commencing development.
3. The proposed Park shall be dedicated to the City and the size shall conform to the requirements in the Sub-division Ordinance.
4. Satisfaction of the requirements of the Public Works Department relative to drainage.
5. Half-streets of right-of-way shall be dedicated for Smoke Ranch Road (50 ft.) on the north; Jones Blvd. (50 ft.) on the east; Lake Mead Blvd. (50 ft.) on the south and Torrey Pines Blvd (40 ft.) on the west, as required by the Department of Public Works.

CHARLESTON HEIGHTS
No. 51 (Revised)
Tentative
Map
Approved

Mr. Foster: The following item on the agenda is the Tentative Map, essentially for this development as you can see on the map to your left (wall map) - the R-1 and Planned Development portion that is to be subdivided, subject to the following conditions:

1. Approval of the zoning action under Z-49-75.
2. Satisfaction of the conditions of approval under Z-49-75.
3. Design changes as required by the Department of Community Development.
4. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a Final map is recorded within twelve months of the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.

Mayor Pro Tem Lurie: Is there anyone in the audience protesting these applications?

(No response)

Mayor Pro Tem Lurie: Any comments from the Commission?

Commissioner Christensen: I have a couple of questions about this Park - this Park is how big?

Mr. Foster: It is 3.7 net acres.

Commissioner Christensen: OK - now what is going to be the result of this Park? It looks to me like what we'll end up doing is taking that piece of property off the tax rolls and maintaining a Park for the residents of that community that will become a Police problem - just another Circle Park - it's just not that big a Park that it can be fully utilized and end up a grassed area - a no man's land.

Commissioner Leavitt: What are the plans for the development in that Park?

Mr. Foster: I don't think there are any specific plan - I think it is basically landscaping - grassing - maybe some type of small recreation equipment and if the City wanted to expand the uses of it, they could do so when funds are available. We have a City Park in this area (wall map)

which is a Heers Bros. development on the north side of Smoke Ranch and Staff actually utilized the same provision that is proposed here - the reduction of the lot size -

Commissioner Christensen: I'm not sure that's too wise - that's what I'm worried about, because we're running into problems on these little Parks - you've got to Police the Park and it takes almost as many people to Police a little Park as it does that is big enough to use. You can't put a ball diamond in there - you can't put any kind of a recreational facility there. What you've got is a grassed area where the burden of maintenance and policing is shifted upon the City.

Mayor Pro Tem Lurie: All cities now are going to the mini-type Parks. The County has an ordinance now requiring that certain land be set aside in subdivisions for parks. A large park doesn't get the use during the week as a neighborhood park would receive.

Commissioner Christensen: I'm not worried about the amount of use - I'm worried about the type of use - I know what types of use a small park has been put to - and it worries me. Because the County does it, it doesn't always make it right.

Commissioner Leavitt: The County ordinance allows the subdivider to pay cash in lieu of dedicating land for a park . . .

Commissioner Christensen: If I was going to move into that area I'd rather have a bigger lot and not the Park.

Mr. Foster: As Mr. Becker pointed out at the Planning Commission meeting, he felt that many of the people find they do not want the larger lot - so that what he is gearing his market for. And I think this size of a Park site is probably commonly known as a Tot-lot - that's just about it - for the smaller children.

Commissioner Leavitt: Has the Department of Parks and Recreation been apprised of this?

Mr. Foster: Yes.

Commissioner Leavitt: And they want the Park?

Mr. Foster: Yes - there will be, after this is fully developed, a population of 5,000 to 6,000 when it is developed to its full maximum under the zoning, so the General Plan does designate some Park and open space area within this neighborhood. The question is, possibly, the size and it is within the recommended size of the General Plan. It could be larger - there wouldn't be any problem with that.

Mayor Pro Tem Lurie: Is the applicant here?

Ernest Becker, Jr.: I'm Ernie Becker, Jr. of 4405 West Washington Ave.

Commissioner Christensen: Let me explain my question - my question isn't really, I don't think, one for Mr. Becker. I think it's right to have the Park, etc., and he's trying to do what he feels the City wants. My question is - and I'm not adamant about it one way or the other - my question is a question in my own mind as to whether or not the City really wants this kind of a park. That's my problem. I'm sure the Beckers don't care whether we take the Park - it's not a beef with them - it's a question I have in my mind - with the problems we have in our parks, whether we want to take on any more problems - whether we want to take this property off the tax rolls and take on the burden of it -

Commissioner Leavitt: It's not Mr. Becker's fault - he is just complying with the Subdivision Ordinance -

Commissioner Christensen: That's right - it's not his problem - I have no fight with him. I really don't have a fight with anybody on this - I just thought the question ought to be raised - as to just how much value a little neighborhood Park like this is - and how much of a problem it can create for the City in maintenance and policing, etc.

Commissioner Leavitt: Well, I think those things are certainly things that ought to be considered in comparison with the County Ordinance, especially in view of the impending consolidation. Maybe the Parks & Recreation Subcommittee - the Consolidation Committee, could look into this matter.

Mayor Pro Tem Lurie: We have a Citizens Committee assigned to look into the policing problem of Parks, but I don't really think we have a policing problem in the small neighborhood type of parks as we do in our larger parks. I believe that the Beckers have complied with the Subdivision Plan insofar as the open area is concerned and I believe if there is a policing problem it has to be handled by the Metro Police Department.

Commissioner Christensen: Let me ask this question of Mr. Becker: If we approve this and then decided that we didn't need the Park, would this upset your plans?

Mr. Becker: No - they are flexible - we could adjust around that.

Mayor Pro Tem Lurie: I believe one of the conditions is that before anything is approved, before building you have to come back before the Planning Commission for their approval.

Mr. Becker: Yes - for Final Map approval.

Commissioner Christensen: I just wanted to know if it would louse-up his Tentative Map any -

Mr. Foster: No, there is enough area here where we could develop a street pattern . . .

Commissioner Christensen: Then why don't we go ahead and we'll give this Park situation another look from another angle - can we do that?

Mr. Becker: What will it do to the frontages on the lots? Because it will make a difference -

Commissioner Leavitt: We have to approve that Park so he can reduce the size of his lots.

Commissioner Christensen: That's the question I was asking - I perhaps didn't ask it the right way, but that's what I was getting at.

Mr. Foster: I believe they contemplate submitting a Final Map on the portion immediately west of the Park, in the R-1 area, this week.

Commissioner Leavitt: I move we follow the recommendation of the Planning Commission on Z-49-75 and the Revised Tentative Map for Charleston Heights No. 51.

M o t i o n

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

Z-50-75
Approved

ZONE CHANGE Z-50-75 - HAL U. McCORMACK

Mr. Foster: This property is generally located on the west side of South 4th Street - Colorado alongside the north side of the block (screen) - just about in the center portion of the block. There is a commercial pattern that has been developing in this general area - the General Plan calls for it.

The proposal is for an Apartment Hotel, 3-story. This is the elevation (wall map). The Plot Plan (wall map) indicates where the building will be, which is essentially covering most of the lot. They propose that the first floor be for off-street parking with 33 spaces and the top two floors will consist of 66 units for the apartment/hotel arrangement.

The Planning Commission recommended approval subject to the following conditions:

1. Conformance to Code requirements and Design Standards of City departments.
2. Signing an Assessment District Agreement for street lighting on 4th Street and for alley paving, as required by the Department of Public Works.
3. Landscaping and a permanent underground sprinkler system 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.
4. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
5. A minimum of one (1) unit shall be provided without kitchen facilities to allow a "hotel" operation.
6. Conformance to the Plot Plan, as amended, to reflect the above conditions.

M o t i o n

Commissioner Leavitt: I move we follow the recommendation of the Planning Commission.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

Z-68-72
Approved

USE REVIEW - Z-68-72 - NEVADA PROPERTIES REALTY

Mr. Foster: This involves a request to approve a use which has not been approved in the C-D Zone. All uses must be approved by the City Commission - this one is on the north side of West Charleston - Campbell is to the west.

The property is already being utilized for commercial purposes in this C-D Zone. They propose to conduct sewing and needlepoint classes - have some minor sales of related supplies for this operation. The Planning Commission recommended approval subject to the following conditions:

1. Conformance to the Plot Plan on file in the Department of Community Development.
2. Conformance to the requirements of the C-D Zone.

Commissioner Leavitt: I move we follow the recommendation of the Planning Commission.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

M o t i o n
Page 30
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City Commission
December 3, 1975

C-V REVIEW - CV-4-75 - ECONOMIC OPPORTUNITY BOARD

Property located at Washington Avenue and "D" Street (Westside School) for a Day Care Center for a maximum of thirty (30) children.

Planning Commission unanimously recommends approved, subject to the following conditions:

1. This operation shall be limited to a 1-year time limit.
2. The entire building shall be upgraded, as required by the Fire and Building Departments.
3. Conformance to the requirements of the Child Welfare Ordinance.
4. The existing landscaping shall be maintained.
5. Conformance to Code requirements and Design Standards of City departments.

M o t i o n

Commissioner Leavitt: I move for approval as recommended by the Planning Commission.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

ANNEXATION PETITION - A-2-75 - LESTER EMERSON, ET AL

Mr. Foster: This involves that 40-acre parcel just north of Tule Springs Park in the northwest portion of the City. S. B. 601 requires that all annexations be approved by the County Commission prior to proceeding with them. This is the parcel that had the motor-bike dirt track approved out in the County by means of a Use Permit. They didn't perform within the time period so lost the Use Permit. They were before the City Commission requesting permission to go across the Tule Springs property for access to the site. In checking the State Statutes, annexation of land is discretionary on this type of a petition that has been submitted - in this case it's 100% - but it does not need for urban purposes a criteria which would require mandatory proceedings by the City. So, what I'm saying is that it is discretionary on the part of the City - if you wish to proceed on it your next step would be to refer it to the County Commission for action. After that is obtained you may then proceed with setting a date for the Public Hearing.

Mayor Pro Tem Lurie: Is there anyone here who would like to speak on this Petition?

Charles M. Brown: I am a partner of Lester Emerson - he's tied up and couldn't get here today. I didn't quite understand what he was saying about that it would revert back to the County Commission.

Mayor Pro Tem Lurie: Under the provisions of Senate Bill No. 601 the annexation of any property to the City first has to be approved by the County. If we took any action on it today, it would be either (1) to not agree with the application or (2) refer it to the County Commission for approval to be annexed to the City of Las Vegas.

Mr. Brown: You have to get permission from the County now . . .

Mayor Pro Tem Lurie: According to Senate Bill 601 -

Mr. Brown: I thought this has been approved by the County -

Commissioner Christensen: No -

Mr. Brown: It is completely engulfed by City property - we thought it had to be done with the City - there's City property all around it -

Mayor Pro Tem Lurie: That's true, but based on the Legislation that was passed, we do have to have that County permission. Is there anyone else who would like to speak on this application?

Joyce Rustin and Myra Thompson:

Joyce Rustin: I live at 8600 Rustin Road.

Myra Thompson: I live at 8512 Log Cabin Way. We would like, under that revised statute 268 passed in 1967, ask about the extension of services to this parcel since we are in the City also and connected with this parcel by right-of-way, and we would like to know about the extension of services to this parcel. We have been in the City for eleven years and have received no services, other than perhaps the Dog Pound and the Fire Department, which is quite inadequate to say the least. We would like to know about an extension of City services to this area and if a time table has been set up for it.

Mr. Foster: If we proceed on the annexation there will be a report prepared outlining all the services to be provided. This report would be on file in the Clerk's office prior to the Public Hearing.

Mayor Pro Tem Lurie: I believe Statute 268.602 - it applies only to any proximity to Las Vegas to provide the services - if we did agree to annex, whether or not we could provide services under this statute -

Mrs. Thompson: Well, if this is the case - before Mr. Lovell speaks - we would prefer that a written legal opinion be given to us so that our lawyers can study it. One other little point - you know that under S.B. 601 this particular 40 acres - if it is annexed, it is our understanding in 1977 unless there is a special session of the Legislature, it would revert back to the County line . . . now you are going against Legislative intent for that area - that is a rural area and, in fact, if there were to be any changes made, I would very strongly object, but it all be changed back to County. We would like Mr. Lovell to send us a written legal opinion.

Commissioner Leavitt: I would like to have this matter held for our meeting of December 17th and I'd like to refer it to the City Manager's office for recommendation with regard to Legislative intent that has been mentioned here, and also I would like to have an opinion from our City Attorney's office as to the legality of it in view of the Legislative intent. Our City Manager's office to give us a recommendation in view of the fact that if the area would come into the City what services we could provide - and the City Attorney to give us a legal opinion keeping in mind the Legislative intent of S. B. 601. In the meantime we will hold the matter until our meeting of December 17, 1975 for a full Board, and I so move.

M o t i o n

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

A-2-75
(continued)

Mayor Pro Tem Lurie: I think it's important that we do hold this based on S. B. 601, because there are a lot of questions there that have to be answered - and we need clarification on it regarding the providing of the various services to the area, when and if it is annexed to the City.

Mrs. Thompson: And also what the developers would be required to provide themselves.

Z-19-75
Approved

PLOT PLAN REVIEW - Z-19-75 - WALLACE-MONTGOMERY

Mr. Foster: This is a Planned Unit Development in the northwestern portion of the City - Washington to the north. They have a subdivision more or less laid out on a single family basis, but they are zoned for the townhouse zoning. They have two lots they have relocated and changed the setbacks that were originally approved when the development was before this Commission. They are relatively minor adjustments and the Planning Commission has recommended approved subject to conformance to the Plot Plan.

M o t i o n

Commissioner Christensen: I move for approval as recommended by the Planning Commission.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

Z-63-63
Approved

PLOT PLAN REVIEW - Z-63-63 - THE FAMILY CENTER

Mr. Foster: This involves the Shopping Center development southwest of Decatur and West Charleston Blvd. That's where Simonds and I believe a Lucky's Market are. There is a condition along the westerly portion of the development because of the single family homes immediately across the street on the west side of Montclair, that there be no access from the development to Montclair. Subsequent to constructing the required block wall and landscape planter on the street side, someone has apparently knocked a hole in the wall because they wanted access to the Shopping Center site.

The operators of the Shopping Center feel if they repair the wall, this is going to happen again and apparently the people in the residential area to the west desire a walk-way through there.

Commissioner Leavitt: How high a block wall is it?

Mr. Foster: It's a 7 ft. high block wall -

Commissioner Leavitt: Do you mean that someone knocked a hole through a 7 ft. block wall?

Mr. Foster: That's right -

Mayor Pro Tem Lurie: We had the same problem and we had to do the same thing - I think what we're looking at here is just a pedestrian access - no vehicular access -

Commissioner Christensen: Wasn't the purpose of the block wall, originally, to screen the area and the reason for "no access" was due to traffic problems on Montclair? What we're talking about is a pedestrian walk-way so they can get into the Shopping Center from the sidewalk that runs along that wall - is that correct?

Mr. Foster That is true -

Commissioner Leavitt: Are there any back entrances to those two?

Mr. Foster: I don't believe so -

Z-63-63
(continued)

Mr. Foster: We haven't had any complaints from the home owners that they wanted the hole plugged up. Apparently they have no objection to it. I believe you indicated this is the second time this has happened?

Don Walk: I am with the owners of the Shopping Center. This is the second time it's happened, yes.

Commissioner Leavitt: How big a hole?

Mr. Walk: About 5 ft. wide -

Mayor Pro Tem Lurie: I've had the kids knock down 60 ft. of block wall.

Mr. Walk: What we have here is about a 900 ft. long section of block wall, which makes it really very inconvenient for the people who live in the area . . . it will be cleaned up and also the pole that has been requested the Planning Commission will also be installed.

Commissioner Leavitt: To keep from driving through -

Mr. Walk: Exactly - motor bikes -

Commissioner Leavitt: I move for approval as recommended by the Planning Commission, subject to the following conditions:

1. Pedestrian walkway shall not exceed five feet (5ft.) in width and shall contain a steel pole in the center of the walkway.
2. The walkway shall be constructed in an alignment with the side property lines of two residential lots on the opposite side of the street.

Motion carried by the following vote: Commissioners Christense, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

M o t i o n

WESTERN LINEN
SUPPLY
Satellite Parking
Approved

REQUEST FOR SATELLITE PARKING - WESTERN LINEN SUPPLY

Mr. Foster: The Western Linen is proposing to have a large _____ that will encroach into their required parking area. Apparently they have acquired the parcel on the northwest corner of Western and Wall. This is the Interstate Freeway (wall map) - for additional parking - he said they had been using it for quite some time - it has been unimproved - they now plan to pave it and landscape it . They wish to put some of their required parking on the opposite side of the street -

Commissioner Christensen: This is employee parking, isn't it?

Mr. Foster: Right - employee parking. They need 53 spaces - there are 33 spaces proposed on the opposite side which more than compensates for what they are taking.

Commissioner Christensen: I move for approval.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

M o t i o n

TENTATIVE MAP - VILLA TIERRA VERDE UNIT No. 2

Mr. Foster: This is southwest of Oakey and Jones. You will remember on this recorded plat they had a strip of common area to the rears of the Townhouse units. They changed the development plan to construction only detached single family homes on each lot. Then they came back and asked that the common area be incorporated into each lot. This was approved subject to a Reversionary Map being recorded with a re-subdivision of the land.

They filed the Reversionary Map and this is merely a follow-up on the subdivision.

The Planning Commission recommended approval subject to the following conditions:

1. The Reversionary Map be first recorded.
2. Conformance to Code requirements and Design Standards of City departments.
3. Satisfaction of the conditions of the Zoning action - Z-67-72.
4. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the tentative map within 12 months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within 12 months of the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.

Mayor Pro Tem Lurie: What is the pleasure of the Board?

Commissioner Leavitt: I move for approval as recommended by the Planning Commission.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

M o t i o n

Z-17-65 AND Z-6-69
Plot Plan Review
Approved

PLOT PLAN REVIEW - Z-17-65 AND Z-6-69 - ARCHITECTURAL GROUP

Mr. Foster: This involves two properties on South Highland that extend through to Desert Lane. You will see on the screen to your right the subject properties on the east side of Highland Drive - Charleston to the north several hundred feet. The properties were formerly used by Fidelity Realty and involved the two properties.

They now wish to make several changes and renovate the property to improve its appearance. You can see the proposed elevation (wall map) that will enhance the development. They are relocating some of the parking on the property.

They propose three driveways out to Desert Lane - there is a Church across the street - Desert Lane then leads into a residential subdivision.

The Planning Commission felt that they should limit their access to one driveway up on the north half of the property so that most of the traffic would have to go that far south from Charleston Blvd. The applicant is in agreement with that. Also, part of the request is to designate Highland as the front so they can have covered parking spaces along the north and south portions of the property, which will then be their legal rear yards. They do have the two existing buildings.

The Planning Commission recommended approval subject to the following conditions:

1. Access to Desert Lane shall be restricted to one (1) driveway located on the north half of this development.
2. Landscaped planter shall be provided along Desert Lane and landscaping shall be provided on the remainder of the property, as required by the Department of Community Development.
3. The trash area and all mechanical equipment on the building shall be screened from both street frontages.
4. Conformance to Code requirements and Design Standards of City departments.

Mayor Pro Tem Lurie: Were the property owners in the area notified?

Mr. Foster: No. These are relatively minor changes. They did have access on the north half of the lot so there is no change there. There was no access allowed on the south half and this condition will essentially preserve that same access control.

Commissioner Christensen: I have some questions about some of these Conditions that we see on all of these. I know that Condition No. 3 here - don't we have an Ordinance that requires that? Then why do we put this Condition on here?

Mr. Foster: We do, and it is handled administratively - many times because their design does not take this into consideration, we feel just by adding it as a Condition it is a reminder and we have found there is less of a problem when they come in for their Building Permit.

Commissioner Christensen: I feel the same way about Condition No. 4. To me, it is redundant to say "Conformance to the Code requirements and Design Standards of City departments." They have to conform to the Code anyhow -

Mr. Foster: That's true but we've had experience in the past where someone will then take a position that you approved this with only one or two conditions - you didn't say anything about screening. They say - why didn't you bring this up at the meeting if I'm going to have to completely re-do the facade? The Planning Commission and City Commission didn't say I had to do this. This is why we do it. We could change the conditions -

Commissioner Christensen: I was just wondering, because I see this done all the time - it scares me when I see "Landscaping as required by the Department of Community Development" - that gives you a pretty broad range - you could require sixteen palm trees along there according to this. Or, what if you happened to like oleanders? The poor guy who's developing the property has got to go to the Nursery you send him to if you really wanted to pursue this.

Mr. Foster: We don't take that position - we usually let them make the selection -

Commissioner Christensen: I question these things because if I came in for a Building Permit and they told me I had to put in sixteen oleanders . . .

Mr. Foster: We usually do not dictate the type of landscaping they should have. We ask them to submit a Landscaping Plan and then if it looks acceptable, we approve it. If it needs extending in certain areas, we more or less add to those areas where we feel it is needed - on a minimum basis.

Z-17-65 AND Z-6-69
(continued)

M o t i o n

Mayor Pro Tem Lurie: What is the pleasure of the Board?

Commissioner Christensen: I will move for approval as recommended by the Planning Commission.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

Z-18-68
Use Review
Approved

USE REVIEW - Z-18-68 - BLANDA GANN

Mr. Foster: This is another Use Review in a C-D Zone. As I pointed out before, all uses must be approved by this Commission. If they have not been approved before they cannot be allowed before they come before this Commission.

There is a commercial Beauty Salon operation on the property - a relatively large one - it employs over 20 people. The customers want this type of service. The applicant has requested it.

The Planning Commission imposed the following two conditions:

1. No advertising of the massage service shall be allowed on the outside.
2. The massage service shall be incidental to the main use on the property and shall be limited to women customers.

which they felt restricted the operation of a massage parlor substantially and anyone that would not fall within this criteria on another property, would then have to come before this Commission.

They indicated there would be no outside advertising of the massage service and, secondly, that it be an incidental operation to the main use on the property, and it would be limited to women customers.

Commissioner Leavitt: I have a question of the City Attorney in regard to the condition "and shall be limited to women customers". Is that a legitimate legal requirement in view of the Constitution of the United States?

Mr. Lovell: You could very likely run into some real problems there -

Commissioner Leavitt: I don't think you can legally limit it to women customers only - that would be discrimination based on sex. But that is what your intention is - for women only?

Blanda Gann: Right. Our State Board of Cosmetology law indicates that we have a masseuse for female clients and a masseur for male clients and we are not set up for a masseur.

Mr. Lovell: You're not objecting to the fact if you had one there - you are not discriminating by choice - just by persons aboard, is that right?

Blanda Gann: Yes.

Mr. Lovell: There would be no problem under that circumstance, then.

Commissioner Leavitt: Then it is their intention to use it for women customers only?

Mr. Lovell: Yes -

Z-18-68
(continued)

Mayor Pro Tem Lurie: You already have this business in operation now - the Beauty Salon?

Mr. Foster: It will be subject to the Licensing on the massage service which, I guess will come back before you/

Blanda Gann: I would like to show you the establishment that we want to conduct this in. I have built a large Salon at 3215 West Charleston and that shows some of the facilities that we offer. We wish to be a full service Salon and I think the people in the West Charleston area need this service. Here I have over 150 names on a Petition of ladies who are requesting this service. The Petition says: "We, the undersigned, respectfully request that the Beauty Salon be allowed to be licensed for the use of therapeutic massage . . ."

Mayor Pro Tem: Would you please hand the Petition to the City Clerk for the records?

(Receipt of Petition acknowledged)

Mayor Pro Tem Lurie: Are there any further questions by the Commission?

Commissioner Leavitt: You understand, of course, that we are not approving the Massage License at this time. We are merely approving the Use Permit. You will have to come back on the matter of the License -

Blanda Gann: Yes, I understand that.

M o t i o n

Commissioner Leavitt: I move for approval as recommended by the Planning Commission.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

D E P A R T M E N T O F P U B L I C W O R K S

LAURENCE HAMPTON, DIRECTOR

See Pages 39 and 40 of these Minutes (Annotated Agenda)

ITEM

Commission Action

Department Action

VII. DEPARTMENT OF PUBLIC WORKS

LAURENCE HAMPTON, P.E., DIRECTOR

*CONSENT AGENDA

All matters listed under Items, A, B, C, and D are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests

*A. APPROVAL OF SUBDIVISION PLATS

It is recommended that the following plats be approved. All engineering designs have been checked and accepted. Bonds have been posted and agreements signed for these subdivisions.

1. Charleston Rainbow No. 12-B. (Sproul Homes of Nevada, R. B. Cline, President)
2. Charleston Rainbow No. 12-C. (Sproul Homes of Nevada, R. B. Cline, President)
3. Reversionary Map of Boulder Addition to the City of Las Vegas - Block 5, Lots 5, 6, 7, and 8. (National Fast Foods, Inc. Sam C. Meyers, President)
4. Reversionary Map of a Portion to Villa Tierra Verde Subdivision Unit No. 1. (H.S. Service Corporation, Robert Banks, President)
5. Villa Tierra Verde Subdivision Unit No. 2. (H.S. Service Corporation, Robert Banks, President)

*B. RELEASE OF SUBDIVISION BONDS

All offsite improvements on the following subdivisions have been completed in accordance with agreements and city standards. All work has been inspected by the Public Works, Fire, Electrical, and Sanitation Departments. It is recommended that the improvements be accepted for these subdivisions.

1. Charleston-Rainbow No. 11-F. (Sproul Homes of Nevada, R. B. Cline, President)
2. Lewis Homes-Charleston Unit No. 2. (Lewis Homes of Nevada, Earl Monson, Agent)
3. LewisHomes-Charleston Unit No. 7. (Lewis Homes of Nevada, Earl Monson, Agent)
4. Lewis Homes-Las Vegas Unit No. 7. (Lewis Homes of Nevada, Earl Monson, Agent)
5. Charleston Heights No. 49-A. (Becker and Sons, a partnership, E.A. Becker, Agent)
6. Park Bonanza East No. 5-A (John E. Kenney, Jr., an Individual)

Items 1 thru 5
Approved
as recommended
Leavitt - unanimous

P/W to proceed

Items 1 thru 6
Approved
as recommended
C - unanimous

Clerk
to proceed

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DEPARTMENT OF
PUBLIC WORKS
(continued)

ITEM Commission Action Department Action

VII. DEPARTMENT OF PUBLIC WORKS (Continued)

*C. RELEASE OF CONSTRUCTION CONTRACT

The following contractor is requesting release of retention and bond following the expiration of the 35-day lien period. All work has been completed in accordance with contract plans and specifications. Subject to no liens filed in the 35-day period it is recommended that the contract bond and retention be released.

1. Bid No.: F75.73
Contractor: Rico Paving & Grading
For: Nature Park Irrigation
Water Supply

Notice of
Completion: November 4, 1975
Release
Date: December 9, 1975

Approved
as recommended
Leavitt - unanimous

Clerk and P&C
to proceed

*D. RIGHT OF WAY ITEMS

1. Quit Claim Deed
From: Carolyn M. Miller
To: City of Las Vegas
For: Portion Lot 9, Sec. 36, T20S,
R60E
Bartona St. & Mohawk St.
Dedication. Bldg. Permit
2. Right of Way Grant
From: City of Las Vegas
To: Nevada Power Company and
Central Telephone Company
For: Portion NW-1/4, Sec. 30,
T20S, R61E
R/W 8663 - 652
Easement for existing service
Ed Fountain Park
3. Right of Way Grant
From: City of Las Vegas
To: Nevada Power Company and
Central Telephone Company
For: Portion NW-1/4, Sec. 30,
T20S, R61E
Easement for existing well
Ed Fountain Park
4. Right of Way Grant
From: City of Las Vegas
To: Nevada Power Company and
Central Telephone Company
For: Portion SE-1/4, Sec. 27,
T20S, R61E
Easement for underground
power service to Senior
Citizens Center

Items 1 thru 4
Approved
as submitted
Leavitt - unanimous

P/W to proceed

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E. ENCROACHMENT

1. Raleigh Hills Hospital - 5 trees in sidewalk area.

Approved
as recommended
Christensen

P/W to proceed

ADDITIONAL ITEM:

Request of Mayor Pro Tem Lurie that the intersections of Charleston & Jones and Charleston and Torrey Pines be studied for possible installation of STOP signs prior to time when these intersections can be signalized.

12/17/75 Agenda

ENCROACHMENT - RALEIGH HILLS HOSPITAL - FIVE (5) TREES
IN SIDEWALK AREA

Mr. Hampton: I have sent you a memo regarding this matter. It is common procedure to bring encroachments before this Board and, if approved, the City Attorney has a standard form that is prepared expressly for the conditions.

I would recommend approval of this encroachment based upon the four (4) conditions stated in my memo, i.e.:

1. That they be placed a minimum of two feet back of the back of the curb.
2. That the Hospital to be responsible for installation and maintenance.
3. That specific design be approved by both the Public Works Department and Parks Department.
4. That the Hospital hold the City harmless relative to any liability associated therewith.

What they want to do is to put three (3) trees in the sidewalk area along Ogden and two (2) trees along 8th Street.

Commissioner Christensen: That would be between the sidewalk and the curb, in the grass area?

Mr. Hampton: No - it's all solid sidewalk - what they would be doing is tearing out the sidewalk -

Mayor Pro Tem Lurie: Did you see the rendering?

Mr. Hampton: I had a picture, but I lost it. On Ogden Street we have about a 9 ft. sidewalk and on 8th Street it's about 7 ft.

M o t i o n

Commissioner Christensen: I move for approval as recommended by the Department of Public Works.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

4-WAY STOP SIGNS -
CHARLESTON
INTERSECTIONS
Study requested

Mayor Pro Tem Lurie: I have one other thing I would like to have you do for me. In Regional Streets & Highways we approved some signals at our last meeting. I would like to have a study done and a recommendation back to us relative to Charleston Blvd at the intersections of Jones and Charleston and Torrey Pines and Charleston about putting up a 4-way STOP until such time as funds are available to put traffic signals at those locations.

These are very dangerous intersections with numerous accidents. I believe that before we have a real serious accident - at both intersections - that STOP signs large enough for people to see would be placed there.

These signals aren't going to put in until some time next year, and I think that's too late.

Mr. Hampton: I believe on your next agenda you will have the Charleston at Jones up for your approval. We didn't get the one on Torrey Pines, but we will do some more study on it.

See Page 46 of these Minutes (Annotated Agenda)

Mayor Pro Tem Lurie: Mr. McPherson, would you give us your report on the justification for these people?

Director of Personnel, J. Robt. McPherson: On these Federally funded positions, Mayor, there is an argument that we probably shouldn't fill these Federally funded because the funding, of course, expires June 30th. We have looked very carefully at each one of these. The two departments involved - Purchasing & License - and they appear to be needed at this time.

Mayor Pro Tem Lurie: Are these positions going to be filled with the Title II people -

Mr. McPherson: These are Title VI - these are new people.

Mayor Pro Tem: We can't take some the Title VI and fill these positions?

Mr. McPherson: No - these are positions that are being vacated - for example, the License position - it is proposed that the person currently in the Clerk slot go into a City-funded, and that would free up the Federally funded position, so if License does not fill this then it is short a person.

Mayor Pro Tem Lurie: Then with the 34 vacancies that we had, you're suggesting now that we fill some of those positions?

Mr. McPherson: No - these two positions here will be strictly Federally funded - there will be no cost to the City -

Mayor Pro Tem Lurie: That worries me -

Mr. McPherson: The issue I'm raising - then, if it's not refunded June 30th, then we're in the same position again. But both of these positions are, as I've said, are strongly needed by the departments. The City Manager and I have reviewed them very carefully and it appears there is a case for re-filling them.

Mayor Pro Tem Lurie: Any comments from the Commissioners?

Commissioner Leavitt: These are Title VI?

Mr. McPherson: These are Title VI - right.

Mayor Pro Tem Lurie: And these will be funded only through June 30th?

Mr. McPherson: Right. Of course, as was pointed out last week, there is a possibility that Program may be refinanced but we won't know that, probably, until May or June.

Mayor Pro Tem Lurie: OK - what is the pleasure of the Board?

Commissioner Leavitt: I move for approval of the Federally funded positions in the Purchasing & Contracts and License & Revenue Departments.

M o t i o n

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

NEW HIRES - CITY FUNDED

Commissioner Leavitt: I don't have any question about the position in the License & Revenue Department, but what about this Fire Alarm Operator. It says: "Two (2) Fire Alarm Operators on extended sick leave causing excessive overtime pay."

Mr. McPherson: That's essentially true, Commissioner. One has been off on NIC - a back operation - and the other with extended hypertension kidney problems and there is very little likelihood that either of them will be back until the middle of next year. It's costing us time and a half to do the jobs, so it would really save us money by filling them, on a temporary basis.

Mayor Pro Tem Lurie: And what about the Youth Affairs position - is there a grievance filed on this particular position with the Civil Service Board?

Mr. McPherson: There is a grievance filed on this particular position, which the Board heard last night, but she will be off because of an NIC problem until, projected, February of next year.

Commissioner Leavitt: What was the grievance?

Mr. McPherson: The grievance was the withholding of her salary increase.

Commissioner Leavitt: So what you are doing - you want to hire somebody on a temporary basis from December 4th to February 4th?

Mr. McPherson: Right.

Commissioner Leavitt: And they understand that it is temporary?

Mr. McPherson: They understand it is temporary and Mr. Shank has nobody down there to do any clerical work, so he's in a real bind if we don't give him somebody.

Commissioner Leavitt: Then the two Fire Alarm Operators and the Youth Affairs Stenographer realize that they are on temporary hire?

Mr. McPherson: Yes, Sir - that's made very clear on the Personnel action.

Commissioner Leavitt: And the position in the License & Revenue Department is a permanent position?

Mr. McPherson: Yes - the Intermediate Clerk for the License Department is permanent - that's correct.

Mayor Pro Tem Lurie: What did you say about Dean Shank having a work load down there?

Mr. McPherson: He doesn't have anyone to do any typing and that's the primary reason for getting him somebody, because there just isn't anyone there to do it - it's a temporary position -

Commissioner Leavitt: We don't have anybody we could put over there - on loan?

Mr. McPherson: No - we've looked at that real thoroughly and there doesn't appear to be anybody. Other departments are short right now too.

Mayor Pro Tem Lurie: We now have before us the matters of an Intermediate Clerk for the License & Revenue Depart-

(continued)

M o t i o n

ment; 2 Fire Alarm Operators and a Stenographer for Youth Affairs before us. What is the pleasure of the Board:

Commissioner Leavitt: I move for approval as recommended.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

Commissioner Leavitt: Mr. Lovell, I have a question with regards to this one. You say you need an additional attorney to represent the City in the newly created Third Court. You haven't built the Courtroom yet - are they all three operating at the same time? I understood that Judge Horsey was going to use a Courtroom when one is vacant, and at night. Can't we double up that way?

Mr. Lovell: Well - there are two things - I talked with Judge Horsey yesterday and he is going to be in Court on Monday night, Tuesday afternoon, Wednesday night and all day Friday until we finally build his Courtroom and then he will be there all day.

As a result of this, and since he has already started in operation, we are not utilizing our three present attorneys there. When he becomes full time, however, I think we are going to probably need some assistance. We are now utilizing the Civil Division as well in the case of Writs of Habeas Corpus and Appeals to the District Court, as well as any other action of the City's Criminal Division.

What I was thinking - in addition to this - in view of all the other circumstances - is that we be able to be approved for the position because we have the funds - but, if it is possible, depending upon Judge Horsey's schedule, and all others, that we perhaps could hire an individual on a regular part-time basis, if necessary. I mean, if able. If not, then, of course, just hire a regular City attorney - Deputy City Attorney. But right now - you are right - we are operating within our limit, but they have promised by December 17th, I believe, they would have the Courtroom ready.

Mayor Pro Tem Lurie: That's what I was going to ask - if we had a report on the progress of that Courtroom. I know it hasn't been started as of yet.

Mr. Hampton: It actually should be started today and December 17th is a realistic date for completion -

Mayor Pro Tem Lurie: OK - what about the Research Analyst for Licensing/Consolidation?

Mr. Lovell: The request here is by the Criminal Division because now with the three Courts in the Criminal Division plus the District Court, our Law Clerk is required full time there. We need . . . we have the position open - we had two Law Clerks previously and had not filled the one spot, which is still authorized and the funds available - to have him work full time in the Civil Division, to work on Civil matters whether they be Consolidation research or other matters we have going to Court on the Civil end of things.

Commissioner Leavitt: Can't you say that all four of these positions will be connected with revenue-producing activities when you get right down to it, because the new Third Courtroom is going to produce additional revenue and it has to be functioning properly and, of course, obviously in the Licensing, this is revenue-producing.

Mr. Lovell: I might add, Commissioner, that the Finance Department has studied it - the City Manager's office has

studied it - the Court studied it - and all indicated that it was revenue-producing. And then Personnel - it had their approval as well.

Commissioner Leavitt: In fact, if we don't approve this positions, we could be in a position where we could actually be losing revenue.

Commissioner Christensen: What is the net cost projection on this?

Mr. McPherson: The Finance Department estimates that the revenue on a conservative basis from Department III, would be \$15,000 per month. The cost of the personnel for Mr. Lovell's office, as well as what will be on your agenda the next time from the Court, would be approximately \$7,500 per month - so there would be a net of \$7,500.00 a month - estimated.

Commissioner Christensen: Then this would be a profitable move?

Mr. McPherson: Yes, Sir - it would.

Commissioner Christensen: I will move for the approval of personnel requests by the City Attorney, as recommended.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

See Page of these Minutes (Annotated Agenda)

M o t i o n

Re FAIR LABOR
STANDARDS ACT
TRUST FUND
Abeyance

COMMUNICATION:

From: NATIONAL LEAGUE OF CITIES and
UNITED STATES CONFERENCE OF MAYORS

Dated: November 17, 1975

Re: REQUEST FOR CONTRIBUTION TO FAIR LABOR
STANDARDS ACT TRUST FUND

See Pages 47 and 48 of these Minutes (Letter)

Mayor Pro Tem Lurie: I would like to refer this matter to the City Manager for a report back to us at our next meeting on the 17th.

Mr. Lovell: Just as a point of information for you, at the National Institute of Municipal Law Officials in Washington, this particular case came up - this case has to do with the Fair Labor Standards Act for all cities in the country.

As you know, there is a Preliminary Injunction issued by the United States Supreme Court against the Department of Labor, and Federal Government, from operating under their Fair Labor Standards Act. There has been some question whether certain cities, counties, etc., were told to operate under the Fair Labor Standards Law and would have their Federal funds, etc., removed.

Mr. Rhyne, who is Chief Counsel for the National City Attorneys organization, is the one who obtained the Preliminary Injunction out of the U. S. Supreme Court against the Department of Labor of the Federal Government, and indicated that if this City, or any others in Nevada were being told, or that it was suggested to us by any Federal

ITEM	Commission Action	Department Action
<u>III. NEW HIRES</u>		
<u>Federally funded</u>		
<u>Dept/Class</u> Purchasing & Contracts Utility Worker - Title VI (fill vacancy) Until 6/30/76	<u>Monthly Cost</u> 520 <u>Justification</u> To deliver supplies in warehouse	Items 1 and 2 Approved subject to New Hires being fully aware of temporary status Leavitt - unanimous
License & Revenue Clerk - Title VI (fill vacancy) Until 6/30/76	665 To perform clerical work - cashiering	Dept. of Personnel to proceed
<u>City funded</u>		
License & Revenue Intermediate Clerk (replacement for budgeted vacancy)	726 This is a revenue generating position, primarily in areas of parking ticket summons and expanded animal licensing program. To be filled by absorbing Title VI federally funded.	Items 3, 4 and 5 Approved as recommended Leavitt - unanimous
Fire Fire Alarm Operator (2) Temporary - Until 6/30/76	946 2 Fire Alarm Oper- tors are on extended sick leave causing excessive overtime pay.	Same as above
Youth Affairs Stenographer (replacement for bud- geted vacancy) Temporary 12/4/75 - 2/4/76	759 Regular Stenographer is recuperating from an injury.	Same as above
City Attorney Deputy Attorney (create new position)	1997 Need additional attorney to repre- sent City in newly created third court	Items 6 thru 9 Approved as recommended C-unanimous
City Attorney Research Analyst (replacement for budgeted vacancy)	1177 Criminal legal re- search for 3 Muni- cipal Courts & District Courts.	Same as above
City Attorney Research Analyst (create new position) Temporary 6 months	1177 Licensing/ consolidation	Same as above
City Attorney Clerk (replacement for budgeted vacancy)	665 For work load because of third court.	Same as above

AGENDA 12/3/75 - "Communications" Item



NATIONAL LEAGUE OF CITIES

November 17, 1975

The Honorable William Breare
Mayor of Las Vegas
400 E. Stewart Street
Las Vegas, Nevada 89101

Dear Mayor Breare:

One of the most important court cases in the history of Federalism in this nation is now pending before the United States Supreme Court. National League of Cities v. Dunlop is testing the constitutionality of the Fair Labor Standards Act of 1974 and its application to state and local government. This case was initiated in the United States District Court in December, 1974, appealed to the United States Supreme Court on December 31, 1974, where a stay order was executed; argued by NLC Counsel Charles Rhyne in May and ordered by the Court to be laid over for reargument in the Fall term of 1975. The timing for reargument is anticipated in the next 30-60 days.

The costs of this legal action have been borne by voluntary contributions from cities and states. Because of the extensive legal research needed to support a well founded and convincing argument, the legal costs involved in this case have significantly exceeded the voluntary contributions received to date. This short fall is currently in excess of \$100,000. Accordingly, we are seeking your support, as an active member of the National League of Cities and the U. S. Conference of Mayors. We are suggesting a voluntary contribution by size of city, as follows:

- cities in excess of 500,000 population - \$5,000
- cities between 100-500,000 population - \$3,000
- cities with less than 100,000 population - \$1,000

With the hope that you will want to voluntarily participate, we are enclosing a statement for \$3,000. Checks may be made out to the Fair Labor Standards Act Trust Fund and sent to NLC, 1620 Eye Street, N.W., Washington, D.C., 20006. This separate trust fund is exclusively devoted to the costs of the case, will be audited with a statement provided to participants, and any excess revenues at the time of final settlement with counsel will be rebated proportionately to the contributors. The fund has been authorized by the Board of Directors of NLC and is monitored by its Budget and Audit Committee.

We look forward to your participation in this most significant case.

Sincerely,

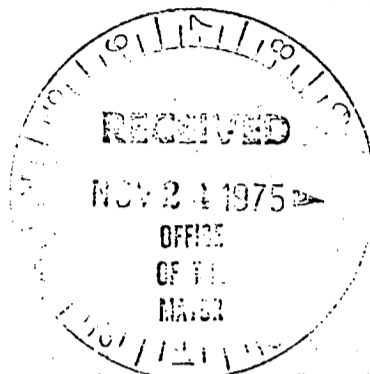
Carlos Romero Barcelo

Carlos Romero Barcelo
President
National League of Cities

Moore Landriau

Moore Landriau
President
U. S. Conference of Mayors

1620 Eye Street, N.W., Washington D. C. 20006 / 202-293-7300



RECEIVED 7

Nov 25 11 27 AM '75

CITY OF LAS VEGAS
ART - CLERK ITEM
AGENDA
B 11/24

COMMUNICATIONS
(continued)

STATEMENT

Fair Labor Standards Act Trust Fund
c/o National League of Cities
1620 Eye Street, N.W.
Washington, D.C. 20006

Suggested city contributions to League expenses

a) Cities in excess of 500,000 population	-	\$5,000
b) Cities between 100,000 and 500,000 population	-	\$3,000
c) Cities with less than 100,000 population	-	\$1,000

The city of Las Vegas \$ 3,000

Please make checks payable to the Fair Labor Standards Act Trust Fund

COMMUNICATION
(continued)

Agency that we should comply with the Fair Labor Standards Act - under this law - they could very well be held in contempt of Court.

I don't know, and I haven't seen, what the request for the contribution would be -

Mayor Pro Tem Lurie: The contribution they're asking for is \$3,000.00. I think we should have a full Board to act on that and I'd like to know how many other cities are contributing. This items will be held

See Pages 47 and 48 of these Minutes (Correspondence)

VACANCIES ON
BOARDS AND
COMMISSIONS
Abeyance

SOLICITATIONS REVIEW BOARD

See Page 50 of these Minutes (Annotated Agenda)

Mayor Pro Tem Lurie: This matter will be held over until the meeting of December 17th.

ITEM Commission Action Department Action

X. VACANCIES ON BOARDS & COMMISSIONS

A. SOLICITATIONS REVIEW BOARD
(2-Year Term)

One member to be appointed to replace Mrs. Erma Sutherland (who has resigned) for a term of office expiring 12/20/76.

ALSO, terms of the following members will expire 12/16/75:

- (1) Rev. Melvin Pekrul
- (2) George Rhodine

Abeyance

12/17/75 Agenda

OFFICE OF THE CITY ATTORNEY

CARL E. LOVELL, JR., CITY ATTORNEY

TRASH CAN
CONTAINER
AGREEMENT
Approved

AGREEMENT BETWEEN CITY OF LAS VEGAS AND NEVADA ENVIRONMENTAL
CONTAINER COMPANY

Mr. Lovell: This is an Agreement between the City of Las Vegas and the Nevada Environmental Container Company. I do not know if you have had occasion to read the Agreement. If not, I would suggest that it be given to the Public Works Department to be studied and then brought back on December 17th.

Mayor Pro Tem Lurie: I believe Mr. Hampton has a recommendation on this for us.

Mr. Hampton: We have studied this Agreement, gentlemen. In fact, most of the major conditions were presented at your last meeting and what the City Attorney's office has done is to incorporate those conditions in the Agreement.

I will be happy to go over those, briefly, if you'd like. I feel the Agreement is in order and the fact that the Agreement provides us a 180-day trial period, more or less, to see how the public reacts to the containers - the overall reaction to the containers. After that period we can abort the Agreement so I really don't think we have anything to lose. I think the sooner we get this improvement, if it is going to be an improvement - and I think it will - I think, the sooner the better. Mr. Brazier is here in the audience this morning if you have any questions concerning the Nevada Environmental Company.

M o t i o n

Commissioner Christensen: I move for approval of the Agreement, as recommended.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

OPINION re
APPEAL

OPINION BY THE CITY ATTORNEY re APPEAL FILED BY H. RAY MORGAN

Mr. Lovell: This has to do with the written opinion out of our office requested by the Board of Commissioners as to Mr. Morgan's appeal concerning the Board of Zoning Adjustment action and the vote of this Board of 2-2.

Our Opinion sets forth what the past action of the Board of City Commissioners has been and which is also the proper law and practice.

It requires that on any items on which the BZA has acted and are appealed here, a majority of the City Commission - which is three (3) - must vote in favor of a motion to have it passed, whatever the motion may be.

In this instance - in case you might remember - it was a 2-2 vote and not a majority. It stands as it was previously and therefore Mr. Morgan would come under the other provision of the Ordinance wherein he would have to wait a four (4) month period from the date of that vote, in which to re-apply.

Commissioner Leavitt: In other words, his appeal cannot be heard? because it failed?

Mr. Lovell: That's right -

Commissioner Leavitt: And there was no appeal from that - Commissioner Woofter requested that it be put back on for reconsideration. It is your opinion that it cannot be put back on for reconsideration - that he will have to wait four (4) months?

Mr. Lovell: That's right -

Commissioner Leavitt: Who was the protestant on this?

Mr. Lovell: Phyllis Silvestri -

Commissioner Leavitt: Did she get a copy of this?

Mr. Lovell: Yes, we sent her a copy.

Commissioner Christensen: Gentlemen, I've got one thing I would like to bring up: We removed an application for a Towing License from the agenda earlier -

Mayor Pro Tem Lurie: Because the applicant was not present -

Commissioner Christensen: The applicant lives in Pahrump and has his representative here if you would care to reconsider it at this time.

Representative" Excuse me sir - the applicant lives here but he is 18 miles on the other side of Pahrump right now - he went out to pick up a family at four o'clock this morning.

Mayor Pro Tem Lurie: That would be the Item 0-1 appearing on Page 10 of the Agenda:

LAS VEGAS TOWING
3780 South Highland

Dick Carrier, Pres.
Charlotte Carrier, V.P.
Mike Carrier, Secy-Treas

CHANGE OF LOCATION - AUTO TOWING AND STORAGE

M o t i o n

Commissioner Leavitt: I move for the approval of Item 0-1 on Page 10 of the Agenda.

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie voting aye; noes, none.

REPORTS FROM
RECOMMENDING
COMMITTEES

See Page 53 of these Minutes (Annotated Agenda)

REPORTS FROM
STUDY
COMMITTEES

See Page 54 of these Minutes (Annotated Agenda)

There being no further business to come before the Board, at the hour of 11:20 A.M., Mayor Pro Tem Lurie declared the meeting A D J O'U R N E D.

ATTEST:

Edwina M. Cole

EDWINA M. COLE
CITY CLERK

APPROVED

Ron Lurie

RON LURIE, MAYOR PRO TEM

Approved by Reference at a Regular Meeting of the Board of City Commissioners held on January 21, 1976

ITEM

Commission Action

Department Action

XIII. REPORTS FROM RECOMMENDING COMMITTEES

A. BILL No. 75-6 -- AN ORDINANCE BY THE CITY OF LAS VEGAS, NEVADA, ELECTING TO COME UNDER THE PROVISIONS OF THE METROPOLITAN CITIES INCORPORATION LAW, CHAPTER 648, STATUTES OF NEVADA, 1975, PURSUANT TO SEC. 3 (1) OF SAID CHAPTER
 Committee: Full Board of City Commissioners, with Commissioner Leavitt as Chairman

Abeyance

12/17/75 Agenda

Published by Title 11/22/75 - LAS VEGAS SUN
 No action prior to 11/29/75
 Action required by 12/22/75

B. BILL No. 75-11 -- PROVIDING FOR THE REGULATION AND CONTROL OF MASSAGE PARLORS AND REQUIRING DIPLOMA OR CERTIFICATE OF GRADUATION FROM RECOGNIZED AND APPROVED SCHOOL OF MASSAGE UPON COMPLETION OF NOT LESS THAN 225 HOURS OF INSTRUCTION
 Committee: Mayor Briare and Commissioner Christensen

Abeyance

12/17/75 Agenda

Published by Title 11/22/75 - LAS VEGAS SUN
 No action prior to 11/29/75
 Action required by 12/22/75

ITEM

Commission Action

Department Action

XIV. REPORTS FROM STUDY COMMITTEES

- A. BILL No. 75-4 -- AN ORDINANCE TO AMEND TITLE V, CHAPTER 28, TO PROVIDE THAT AMBULANCE ATTENDANTS MUST BE 18 YEARS OF AGE OR OVER

Committee: Commissioners Lurie and Christensen

Abeyance

12/17/75 Agenda

XV. CITIZEN PARTICIPATION - PUBLIC APPEARANCES

Mayor Pro Tem Lurie acknowledged attendance of Third Grade Students and Teachers - George E. Harris Elementary School

MEETING ADJOURNED - 11:20 A.M.