

M I N U T E S

Las Vegas, Nevada
September 3, 1975

A REGULAR MEETING of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 3rd day of September, 1975, was called to order by His Honor, Mayor William H. Briare, at the hour of 9:00 a.m., with the following members present:

Mayor	William H. Briare
Commissioner	Paul J. Christensen
Commissioner	Myron E. Leavitt
Commissioner	Roy A. Woofter
Commissioner	Ron Lurie

STAFF PRESENT

City Manager	A. R. Trelease
Deputy City Attorney	Janson F. Stewart
Director of Finance	Marvin A. Leavitt
Director of License & Revenue	Ila M. Britt
Director of Dept. of Community Development	Donald J. Saylor
Director of Public Works	Laurence Hampton
Director of Recreation	Fred Martin
Director of Contracts & Purchasing	J. C. Cathcart
Fire Chief	J. D. Miller
City Clerk	Edwina M. Cole

INVOCATION

Due to an emergency, Rev. R. H. Stukas, Chief of the Hospital Chaplains Corps was not present to give the Invocation.

Mayor Briare declared a moment of Silent Prayer.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given and the meeting called to order by His Honor, Mayor William H. Briare.

DIVISION OF CONTRACTS AND PURCHASING

DIRECTOR - J. C. CATHCART

AWARD OF CONTRACTS

BID No. 75.76 - REED WHIPPLE CULTURAL ARTS CENTER, LAS VEGAS, NEVADA (Public Works)

Mr. Cathcart: We recommend rejection of all bids based on being in excess of the Architect's estimate - material inconsistencies in the proposals submitted - with permission to readvertise with revised proposal documents. Our tentative date for readvertising would be September 8th - pre-bid conference on the 15th and opening on the 26th and, hopefully, to recommend for award on October 1st.

Mayor Briare: Is the Architect present?

Mr. Cathcart: I believe so -

(Responding) - Wayne D. Simonds, Architect.

Commissioner Lurie: I'd like to ask a question - how we can take an estimate of yours and go out to bid and get a bid back of \$700,000.00 over what you originally estimated. Then

you sent us a letter recommending that we reject all the bids. I hope you didn't think we were going to approve \$1,700,000.00 when we approved only \$1,000,000.00 to build the Cultural Arts Center, which the City really needs. How was there such a discrepancy in your figure and those that the contractors came up with?

Mr. Simonds: We had checked electrical, plumbing, lighting, structural, special lighting, heating and all the curtains, etc. that go into this place and we found the difference in our estimates run only about \$22,000.00 difference. It does not take in the fact there is an extreme amount of demolition that had to go on because we, as the Architects, did omit that - but not to the tune of \$700,000.00.

Commissioner Lurie: The two bids that we received - one was for \$1,700,000.00 and one was for \$1,800,000.00 - the contractor didn't mention anything when they went in and bid the job -

Mr. Simonds: When I was talking to some of our consultants we had to use - for instance they had received no phone calls from any of the contractors regarding the special rigging that goes in there. These people that wanted to design the equipment and were not of the proprietary type - they were the ones to supply it - not one of the bidders called in and asked for any prices.

We felt like it was bid so fast - within the time here they had a lot of things they had to write into the contract to protect themselves in the event they had overlooked anything.

I know what you're going to say - not to the tune of \$775,000.00. It's true - let me give you one small example if I may. Most of the contractors had discussed it with me prior to the bidding, and after the bidding, and they said the reason why they dropped out, or why their prices are high, was because they do not like to bid deductive alternates. They like to bid the job as a complete package.

On one item alone, on the galleries, we had a deductive alternate. Our estimate was \$1,500.00. We were asking to take out all partitions, all doors and all the finish related to that gallery. We've double checked and triple checked and \$1,500.00 is a good price, yet the contractors - one bid \$15,400.00 and the other one \$19,621.00. We found out what they had done - they had deducted the steel out of that, which our bid did not require. So that one item alone was a gray area in which the two contractors have failed to understand - or we have failed to make it clear to them.

One contractor had omitted, inadvertantly - left off the deductive alternate - would automatically reject him, leaving us only one bidder and we do not feel it would be justice to the City to recommend that bidder. We have double checked again, as I say, even though we have a \$1,000,000.00 budget, it could conceivably run over that budget - maybe \$1,100,000 or \$1,200,000, at the outside - but not the \$1,700,000.00.

M o t i o n

Commissioner Lurie: Your Honor, I move for the rejection of all bids and permission to readvertise.

Mayor Briare: Commissioner Lurie, would you be willing to hold off on the permission to readvertise until such time as at least the new members of the Board have had an opportunity to consult with the Architect. Just reject the bids and we could have a discussion with the Architect perhaps later this afternoon.

Commissioner Lurie: That would be agreeable with me, and I would so move to reject the bids received under Bid No. 75.76.

Mayor Briare: The motion is to reject the bids. Do you have any further comment?

Mr. Simonds: Yes - we have always been confronted with a very short time limit on this Project because of the opening date for the Bicentennial and, of course, any delay on the part of our fault, or anyone else, is additional time taken off the contract, which automatically increases the cost of the contract.

We are going out, by the way, on this re-bid on two items alone. One is to ask them to give us a price on what it will cost to complete this job by April 1st and the second is to give us a price to finish by July 30th. These are the only two items we are asking for.

If we are going to reject the bids now and if it is up to me, I would like to discuss this this week so that we can get this thing out by Friday because time is of the essence.

Mayor Briare: Did you indicate how you were planning to respecify?

Mr. Simonds: The Plans will stay "as is" - we're taking the Specs and incorporating all of the Alternates and we're clarifying some gray areas in the Specs, and by allowing one more additional month to re-bid this, we will get better prices.

Mayor Briare: The motion is to reject the bids -

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

Mayor Briare: All Bids received under Bid No. 75.76 are REJECTED.

Mr. Cathcart: As I understand it, Mayor, you would like this brought back for Permission to readvertise at a later time?

BID No. 75.79 - THIRTY (30) REPLACEMENT STREET LIGHT STANDARDS (Public Works)
(Estimate: \$8,550.00)

M o t i o n

Commissioner Lurie moved that the recommendation of the City Manager, the Finance Department, the Purchasing & Contracts Division and using department for award of contract under Bid No. 75.79 to ACME ELECTRIC for the low bid in the amount of \$6,444.00, be APPROVED, and the Purchasing & Contracts Division authorized to proceed.

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

PERMISSION TO
ADVERTISE
FOR BIDS
Approved

1. THREE (3) EA. WESTCOASTER 3-WHEEL SCOOTERS - REPLACEMENTS (License & Revenue) - NO SUBSTITUTE
(Estimate: \$6,000.00)
2. ONE (1) EA. RADIAL ARM SAW - 14-INCH W/ATTACHMENTS AND STAND - REPLACEMENT (Public Works)
(Estimate: \$1,400.00)
3. ONE (1) EA. TAPE RECORDER - 20-CHANNEL - REPLACEMENT/UPGRADE (Fire Dept.)
(Estimate: \$19,000.00)
4. DRAGLINE RENTAL - TO CURTAIL EROSION ALONG CEDAR DRAIN - APPROX. 80 HRS. (Public Works)
(Estimate: \$3,200.00)

Mayor Briare: What is Item No. 3?

Mr. Cathcart: It's the 20-channel Recorder for the Fire Services. This is an upgrade replacement of the System they

PERMISSION TO
ADVERTISE
FOR BIDS
(continued)

have, which is quite obsolete. In fact, it's a military-type recorder system they do have - it records all in-coming calls - this would be utilized by both Services.

Commissioner Lurie: Also, have you discussed this with the County in view of Consolidation - their participation in the cost of this - the Alarm System is all centralized now - are we picking up the entire cost or is it going to be split between the City and the County?

Mr. Cathcart: I understand this has been discussed with Finance and with the Fire Chief and that it would be eventually shared by both entities.

Mayor Briare: Is the obsolescence of the present equipment such that it is mandatory that it be replaced now?

Chief Miller: It should be upgraded as soon as possible.

Mayor Briare: You will recall, Chief, at the last meeting there was action taken prohibiting expenditure of anything over \$1,000.00? I believe the thought behind that Resolution was that this has to be absolutely essential in order to conduct Fire Department services.

Chief Miller: The unit is so ineffective right now that it is unplugged. We are faced with the possibility of any incoming calls to our dispatching during the time element the information is received, that we must have a recording of this information, according to the Underwriters and also to protect us against possible suit - the merger of the County with the City two years ago bought our first unit, but it has given us a lot of trouble recently and we've had to discontinue its use and right now we're sitting in a very vulnerable spot. The County, under a year-to-year contract will absorb their portion of the cost when the new contract is redrawn. Our portion of the contract - our portion for this unit at this time - I believe the estimated cost is \$19,000.00. This is very vital if we want to keep our Communications System in line as required and to protect ourselves.

Mayor Briare: Do you know if the Metro Police could receive this?

Chief Miller: They couldn't record this - we have to record every telephone call that comes in - every communication that goes out - that occurs within the four units - which was getting us by on the basis of what we had as one Fire Department control, but now we have additional channels that we have to cover with the merger of the two Departments.

Mayor Briare: You are confident that the Metro Police equipment is not capable of serving this purpose?

Chief Miller: We have a different frequency - they have an altogether different frequency and we have the combined City/County Fire Department frequency, which we can cover, but not the Metro PD. The Metro PD has a set-up that is more elaborate than ours.

Mayor Briare: Are there any other questions by the Commission?

(No response)

M o t i o n

Commissioner Lurie: I move that permission to advertise for bids on the requested items, be APPROVED.

Page 4
Minutes
Regular Meeting
City Commission
September 3, 1975

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

D E P A R T M E N T O F F I N A N C E

MARVIN A. LEAVITT, DIRECTOR

Mayor Briare: Is there anything special on your portion of the agenda, Mr. Leavitt, that you would like to present - other than the routine matters?

BUDGET
AUGMENTATION
Approved

Mr. Leavitt: I don't believe so. The Budget Augmentation is necessary because of (1) Salary Increase to Employees; (2) picking up of additional Health Insurance costs and (3) additional allocation to the Metropolitan Police Department.

See Page 7 of these Minutes

Commissioner Lurie: I move for approval of Items A, B and C.

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

LIABILITY
INSURANCE
Approved

INCREASE OF LIABILITY INSURANCE PREMIUM - PERIOD 7/1/75
TO 1/1/76

Mr. Leavitt: Our Liability Insurance carrier has requested an increase in the premium in the middle of our contract because of the high claims. We don't like to pay it, but the advice of the Southern Nevada Association of Insurance Agents, as well as research on our own, has determined that the best line open to us at this point is to pay it, since we are threatened with cancellation of the insurance if we don't and at this point, for that six (6) months' period we can't afford to go out and re-bid and get an insurance contract in that short a period.

Mayor Briare: What is the amount of the increase?

Mr. Leavitt: It is just over \$10,000.00.

Commissioner Lurie: It really doesn't look like we have too much of a choice - based on the information presented to us in a letter the Company doesn't seem to be too cooperative in wanting to work with us -

Mr. Leavitt: No - they have not shown any signs that they want to, so it appears that if we don't pay it, they will cancel on us, and if they cancel on us we'll have to go outside and get new insurance with a cancellation right behind us, which would increase our premium considerably, I think -

Commissioner Lurie: This has also taken place with Metro and the County and other governmental agencies?

Mr. Leavitt: A lot of them have had their insurance increased recently. When we finally get into this new contract period - on this last one we've had Metro - and Metro rates and losses are higher than ours are - when we go to bid again for the insurance to start the first of January, our rates will be lower because we won't have Metro as a part of this.

Mayor Briare: When were we notified?

Mr. Leavitt: We were notified sometime during the first of August, if I remember correctly. July 29th is the date of the letter.

ITEM	Commission Action	Department Action
<u>II. FINANCE DEPARTMENT</u>		
<u>MARVIN A. LEAVITT, DIRECTOR OF FINANCE</u>		
A. <u>SERVICE AND MATERIAL WARRANTS</u>		
Nos. 31742, H110697, H704297, H704315 to H704361, H704363 to H704364, H704372, H704375 to H704404, and H704407 to H704611, inclusive	Approved as submitted Lurie - unanimous	Director of Finance authorized to issue
In the amount of \$3,411,833.05		
B. <u>PAYROLL WARRANTS</u>		
Nos. 34404 to 35718, inclusive	Approved as submitted Lurie - unanimous	Same as above
For Pay Period Ending August 9, 1975		
In the amount of \$373,322.60		
C. <u>REQUEST PERMISSION TO PUBLISH NOTICE OF INTENTION TO ACT ON BUDGET AUGMENTATION FOR YEAR ENDED JUNE 30, 1976 ON SEPTEMBER 17, 1975</u>	Approved as recommended Lurie - unanimous	Clerk to Publish Director of Finance authorized to proceed
D. <u>INCREASE OF LIABILITY INSURANCE PREMIUM FOR PERIOD 7-1-75 to 1-1-76</u>	Approved as recommended Lurie Commissioner Leavitt abstained	Director of Finance to proceed
E. <u>WITHIN GRADE SALARY INCREASES - 8/24/75</u>	Approved Lurie - unanimous	Same as above

DEPARTMENT OF
 FINANCE
 (continued)

DEPARTMENT OF
FINANCE
(continued)

M o t i o n

Commissioner Lurie: Because of the circumstances, I will move for approval of the increase of the Liability Insurance premium.

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

Commissioner Leavitt ABSTAINED.

DEPARTMENT OF
LICENSE & REVENUE
ITEMS
Approved

Commissioner Lurie: Your Honor, on Page 24, I'd like to take Items "K" and "L", and move for approval of new Store Managers for Grand Central, Inc. and Smith's Food King. They are all in order:

"K" GRAND CENTRAL INC. 2120 S. Decatur PACKAGE LIQUOR	Maurice Warshaw, Chmn of Board Don Mackey, Pres. et al STORE MANAGER: Ted Timmins
"L" SMITH'S FOOD KING STORE No. 365 3830 W. Sahara Ave. PACKAGE LIQUOR BEVERAGE OFF-SALE	Smith's Food King No. 1, Inc. Fred Smith, Pres., et al From: John L. Wilson, Store Mgr. To: Paul J. Robinson, Store Mgr.

Mayor Briare: Are there any comments?

(No response)

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

PUBLIC
HEARINGS

V-31-75
Appeal
Denied

9:30 A.M. (Public Hearing declared open by Mayor Briare)

APPEAL FILED BY MIRA POUTSLER ON BEHALF OF PAUL AND
FAY ZESBLUM AND ROBERT LUND

to action of the Board of Zoning Adjustment in DENYING their request for a VARIANCE to allow eight (8) apartment units where only four (4) units are allowed and to allow the existing 4-plex to be 13 ft. 6 in. from the rear property line where 20 ft. is required, on property generally located at 640 North 9th Street, on the southeast corner of North 9th Street and East Wilson Avenue, in LAND USE ZONE R-3.

Mayor Briare: Is Mira Poutsler present?

Spokesman on Appeal: What we are trying to appeal is the turn-down from an R-3 - which we were wanting an R-4 classification on the corner of Wilson and North 9th Street, approximately across from the old Ninth Street School.

At the present time there are four (4) small studio-type apartments on the rear of the R-3 presently zoned lot. We would like to upgrade this existing property along with adding four (4) additional studio-type units. We feel that in the area that it would tremendously upgrade the present property and along with the property owners going to the south of the property. We realize there are some - even though there are some R-1 single family dwellings in the area, it seems like most of them do have rental units tied into the area - behind, etc. - it seems to be, in my opinion, they are upgrading to some kind of a higher density zoning. We feel this would enhance, especially the looks of this property, as well as that of the adjoining property owners. What plans we have are here.

Mayor Briare: Before I ask if there are those in the audience who have opposition to this, I will ask the Commissioners if they have any questions of you.

Commissioner Leavitt: I'd like to know what Mr. Saylor's recommendation was on this, and why the Board of Zoning Adjustment denied it.

Director, Department of Community Development, Donald J. Saylor: If you will look at the location on the screen - the property is located on the corner - all of that large area in there is zoned R-3 which permits a 4-plex on the lot size they have and, in fact, they are asking for double that amount. In other words, to have twice as many units as permitted under the R-3 zoning and I think the BZA recommended denial on that basis.

Before they made the application for the Variance they discussed with me the best way to go - to ask for a re-zoning to R-4 or the Variance route. I said it was about six of one and a half dozen of the other and in any event you're asking for permission to put twice as many units as anybody else has in the area. They do have, as Mr. Gragson explained, an existing building with four units on it, which comprises about this much of the property (wall map) - to the rear of the property, and they want to add four smaller units on the front. They can get the bare minimum of parking on it by utilizing most of the area for parking.

Commissioner Leavitt: What was your recommendation?

Mr. Saylor: My recommendation was denial.

Mayor Briare: Is there anyone in the audience who wishes to be heard on this?

Page 9
Minutes
Regular Meeting
City Commission
September 3, 1975

V-31-75
(continued)

Willard Terry, 700 North 9th Street: I have a \$75,000.00 home directly across the street from this piece of property that is being discussed. Had I ever thought there would be such a thing as an 8-plex across the street from where I built this home, I would never have built the home there.

I feel that if this was to be approved that it would be to the benefit of the owner at the expense of all other property owners in the area, and I think that everybody in the area is opposed to it. I am bitterly opposed to it myself. As it has been pointed out, there would be twice as many units as exist there now and twice as many units as the Ordinance provides for. It would make a congested thing and would be most undesirable for anyone who lives in the area, in my opinion.

Unidentified Speaker (female): I'd like to read a letter from Tony G. Terry who lives two doors to the north:

See Page 11 of these Minutes

Mayor Briare: The question that is before the Board is shall the appeal be allowed? Any comments by the Commission?

(No response)

M o t i o n

Commissioner Lurie: Based on the recommendation of the Department of Community Development that it does not follow the General Plan as to density, I would move that the Appeal be DENIED.

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

V-32-75
Appeal
Denied

APPEAL FILED BY HARRY E. CLAIBORNE & JAMES J. BROWN, ATTORNEYS, ON BEHALF OF CARMINE V. CATELLO, JR.
to action of the Board of Zoning Adjustment in denying his request to allow outside Commercial Storage where no Commercial Storage or uses are allowed on property generally located between Ellis Avenue and the right-of-way of Interstate No. 15, and westerly of the Catello Tile Company at 1200-1208 South Highland Drive, in LAND USE ZONE R-1.

Mr. Catello: My attorney has been detained in Court - would it be possible to recess this item until he gets here - I'm sure he will be here momentarily.

Mayor Briare: Very well - we will proceed to the next Hearing. (See Page 17 of these Minutes)

V-34-75
Appeal
Approved
Subjec to
Conditions

APPEAL FILED BY STEVE ALLEN
to action of the Board of Zoning Adjustment in DENYING his request for a VARIANCE to allow a 7 ft. high solid block wall in the front yard area where a 4 ft. high block wall with the top 2 ft. 50% open is the maximum allowed, and to allow a 7 ft. high wall in the side and rear yards where a maximum height of 6 ft. is allowed, on property located at 4101 Del Monte Avenue, on the southwest corner of Del Monte Avenue and Hinson Street, in LAND USE ZONE R-E.

Mayor Briare: Is Mr. Allen here, or his Attorney?

Page 10
Minutes
Regular Meeting
City Commission
September 3, 0975

Bruce Woodbury, representing Mr. Allen: Members of the Commission, this is Mr. Allen's appeal from his petition for a Variance with regard to a house he is building at the corner of Del Monte and Hinson, asking to be allowed to build a 7 ft. wall in front of his property - actually, all around the property. The problem apparently, if there is a problem, is in regard to that portion of the property fronting upon Hinson. He wishes to build this fence to this height for

V-31-75
(continued)

Law Offices of
COHEN AND TERRY, LTD.
229 NORTH THIRD STREET
LAS VEGAS, NEVADA 89101

ROBERT COHEN
TONY G. TERRY

TELEPHONE
[702] 384-6484

September 2, 1975

Hon. Mayor Bill Briare and
City Commissioners
Las Vegas, Nevada

Gentlemen:

V-31-75

I am sorry that I am unable to be in Las Vegas on September 3, 1975, to enter my opposition to the proposed rezoning of the property on the Southeast corner of North 9th Street and East Wilson, whereby the petitioners seek to rezone property to allow an eightplex on property which is not suitable for such, and which in fact could not properly have more than four dwelling units and still retain the same atmosphere as is found in the surrounding property.

My family and I live three houses directly to the north of this property, and I, along with my neighbors in the surrounding area, feel that the Commission should not grant this petition, ~~and there will~~ ^{would} be a severe deterioration to our area and make it much less desirable for families to live in this neighborhood.

I respectfully request that this Commission deny the application of the petitioners.

Respectfully submitted,

Tony G. Terry
Tony G. Terry

TGT:lg

ADJON TAKEN

Denise
by City
Commissioner
FILE 9/3/75

the purposes of both safety and privacy. As part of his home he is going to build a swimming pool and he and his adjacent neighbors feel that certainly for safety purposes, if for nothing else, this wall should be at least this high. Any child, of course, could get over a 4 ft. fence. So these are the reasons he is very much desiruous of having his fence at least this high.

There has been some objection raised primarily by one or two individuals with regard to the fact that they felt that by having a fence of this height in front of the property on Hinson, that it might obstruct the view down Hinson insofar as traffic is concerned. I would respectfully point out in that regard that Hinson is a street of only about a half a mile in length, between Charleston and Oakey, and very little traffic proceeds through there. Valley View virtually now takes all the traffic through that area.

The fence will be about 15 ft. back from the front line of the property . . .

Commissioner Leavitt: The front is on Del Monte?

Mr. Saylor: The legal front is Hinson - this is an R-E Zone and requires a 50 ft. setback - that's where the 50 ft. setback is - and a 50 ft. rear yard. The house - the part that they use for ingress and egress is on Del Monte, but in terms of the Ordinance, the legal front is Hinson.

Commissioner Lurie: I'd like to ask a question - based on the protest factor of safety, because of the intersection there, would there be any great damage done to your wall if you were to take that corner section and curb it to allow another 5 ft.?

Mr. Allen: I had thought about that the other day and thought it might be a good idea, for safety reasons, and to allow a better view.

Commissioner Lurie: And it would not interfere with the development of your property - allowing you to do what you want to do in your rear yard -

Mayor Briare: Is there anyone here who wishes to protest this request?

Mr. W. B. Smith: I live on Del Monte about 350 ft. from this gentleman's property. I don't know why he wants to flout this. Zoning regulations do not allow a 7 ft. fence. There is no one in this room that has a 7 ft. fence in front of their house. On Page 18 of the new zoning deal - should I read, or do you have a copy? If I may - just to point out - on a corner lot in any R Zone, that when there are two common corners, it is called a corner lot - that no fence, hedge, or anything shall be higher than 30 inches. This is for traffic and safety and this is only a year old.

Here is a man who would like to flout the whole zoning deal and build himself a castle. I have a corner lot and I have a hedge and I try to keep it at 30 inches. It grows so I have to cut it down a couple of times a year. He wants to put up a 7 ft. fence at the front and sides. I believe the Code calls for 4 ft. on the side yard - that means off of Hinson and he can have a 6 ft. fence in the back and at the sides after 50 ft. on a side yard of 4 ft.

I don't know what he's trying to hide over there. I have nothing to hide myself and there are other people over there with corner lots - I'm sure you know where they are - but this says any "R" Zone. There are some 25 ft. corner lots in town - 25 ft. and 50 ft., and the Code says there shall be 25 ft. of 30-inch of brick, cyclone or hedge around 25 ft. on both sides. Why he wants 7 ft., I'll never know.

V-34-75
(continued)

Commissioner Christensen: I'd like to ask a couple of questions. Mr. Saylor, on this type of a piece of property, Hinson is actually, technically, the front, and is where the 50 ft. setback has to come. What are the setback requirements on the Del Monte side? Is that 10% of the width of the lot?

Mr. Saylor: I believe so -

Commissioner Christensen: Then another question I have - the purpose of the wall is to protect the swimming pool, etc. What kind of a setback does a front yard require for a swimming pool? Does that require another variance? Does that have to be back 50 ft.?

Mr. Saylor: I believe the swimming pool is allowed in a front yard area -

Commissioner Christensen: What about the other people on the street that render the intersection somewhat blind - like right across Del Monte on the other corner - you are blinded by foliage on the corner that creates as much, or more, of a hazard than a 7 ft. wall -

Mr. Saylor: They are supposed to be kept trimmed to a height of "x" number of feet from the ground up.

Commissioner Christensen: This block wall he is proposing along Hinson - how far is that back from the curb line of the street? Is that right on it? Where does the block wall actually stand with regard to the traffic on the street?

Mr. Saylor: The corner is here (wall map) - the 7 ft. high wall is at the property line on Hinson - and this is the property line on Del Monte. I don't know where the curb line would be, but it would be in toward the street from this point and this is a 15 ft. radius, I believe, here . . . from the intersection of the two property lines - where the two streets come together. It is more than likely more than that because that's the property line intersection and the curb line intersection would be out here further . . . Under normal design standards, on a 60 ft. street it would be an additional 5 ft. here and 5 ft. here to the curb.

Commissioner Christensen: Then his fence would actually start south of Del Monte by 20 ft. and it would actually be 10 ft. in from the street on Hinson . . . assuming there is parking on that street, it would be even more so.

Commissioner Lurie: Mayor, I would like to amend the application to read that the wall be constructed 6 ft. high and that the wall at the corner of Del Monte and Hinson be re-designed to the requirements, and approval of the Department of Community Development and the Traffic Engineer, and I will so move.

M o t i o n

Mayor Briare: Are there any comments on the motion?

(No response)

Motion carried by the following vote: Commissioners Christensen, Woofter, Lurie and Mayor Briare voting aye; noes, Commissioner Leavitt.

V-38-75
Appeal
Approved

Page 13
Minutes
Regular Meeting
City Commission
September 3, 1975

APPEAL FILED BY PATRICIA A. ROBINSON - V-38-75
to action of Board of Zoning Adjustment in approving the application of JAMES AND DORTHA SHETAKIS, on behalf of PAMELA AND JOSEPH MACCHIAVERNA, doing business as CINDERELLA CARESKOOL, for a Variance to operate a Commercial Child Care Center for 98 children, on property located at 1001 Bedford Road, on the east side of Bedford Road, 297 ft. north of Charleston Blvd., in LAND USE ZONES R-1 AND C-V.

Mayor Briare: In order to expedite this, I would like the applicants, if present, to present their application and then we will call upon the protestants.

Pamela Macchiaverna: Will I have an opportunity to answer their objections?

Mayor Briare: Certainly you will -

Pamela Macchiaverna: I am the owner of the Cinderella Care-skool and we are proposing to put on this property pre-school child care center. Actually I think if you could see the property you would understand why we want to do this.

We originally went over the property - right here (wall map) to see about purchasing a train, which is on the property and when we saw the property, my husband and I knew it really called for a Child Care Center because it is so perfectly arranged for it. It has so many things already built there.

When you look up there you see buildings. I see classrooms. There's a volley ball court - there's a badminton court - there's a croquet court - there's a shuffle board court and that's where I'm going to have my little trucks for the children to play. There's one area up there where there's an outdoor stage, in fact. It is just a perfect area for it.

Also in this area there is needed a Child Care Center - I have picked up signatures in connection with wanting a Child Care Center. The Child Welfare people - both the County and the City - have viewed the property and they said it would be a marvelous thing for this area. You may have watched the news - last Thursday on Channel 13 at five o'clock, they had coverage of the fact that Child Care Centers are very desperately needed all over the country, especially in this area. They suggested that people write to Washington on how to run one. They did happen to use our school as a background for this particular news cut, but it just shows that this is a needed thing in the area.

The objections that were made before and in case the same objections should be brought forth again, was that they did not want a Commercial thing in this area. We are leaving the residence just as it is. We will have our Resident Manager living in the residence so we will not be using that as an entrance. It will be left just as a home so that on the street there will be no difference than if it was just residential.

The Water Company has offered to lease us the right-of-way to Charleston Blvd and we are working on a right-of-way from Hinson, which we should know about shortly. Unfortunately the gentleman in charge of that was on vacation, but he is back now and we should be receiving word. So we will be using either Hinson or Charleston. Let me show you here (wall map) - Charleston comes through to a parking lot - the parking lot is right down here and right here the road goes up to Charleston -

Commissioner Lurie: Is that owned by the Water District?

Mrs. Macchiaverna: Yes -

Commissioner Lurie: Are you planning to use the City-owned property by the Fire Station to gain access, or from the Water Company?

Mrs. Macchiaverna: We are planning to use it from the Water Company, but we are getting it from the City just in case - they have said if we get the Variance, they will lease it to us -

Commissioner Lurie: But you don't have that yet - you are waiting for a decision here today whether or not the Water Company is going to give you access off of Charleston?

Mrs. Macchiaverna: They voted on it and said they would - they just haven't given it to us in writing.

Mayor Briare: Are there any other questions?

(No response)

Mayor Briare: You will, of course, be given an opportunity to make any comment about the objections.

Steve Harris, representing Mrs. Robinson: I have some pictures of the area that might be of help. Three of the pictures are of the residential character of the neighborhood - two show the Charleston entrance that she was referring to and two of them show the Hinson entrance.

As I've said before, I represent Mrs. Robinson and other properly owners similarly situated as Mrs. Robinson, many of whom are here at this meeting in opposition to the granting of this Variance. I would like to have them stand at this time (approximately 30 people stood). Because of the time of this Commission meeting, in the morning, many people opposed to this Variance were unable to make it because of their work hours.

What is involved is that a Variance is requested to operate a Child Care facility for 98 children on property located at 1001 Bedford Road, which is in the Hyde Park area. It is located about 300 ft. north of Charleston Blvd. The Zoning designation is R-1 and C-V. As you will note from the Zoning Regulation book, R-1 is for single family residential structures.

At the last BZA hearing there were approximately 106 signatures on petitions representing 63 property owners that have residential structures in the Hyde Park area, that were recognized by the BZA. Now, at this time, we have 123 signatures on petitions before this Commission opposing the granting of this Variance.

The reasons why these people oppose the granting of this Variance are several. The most important one is that the operation of a Child Care School at this location would set a precedent for other Commercial operations in this area, which could change drastically the residential character of the neighborhood.

And, number two, the noise factor would be intolerable, I feel. You would have 98 children at this location - maybe not now, but at sometime in the future you're going to have 98 children and the operation of this school would be from seven o'clock in the morning until six o'clock at night and the noise it would create would certainly encroach upon other property owners' rights to privacy and the quiet enjoyment of their properties.

And, third, the only present access to the property is from Bedford Road. If this Variance were granted and the access be from Bedford Road, the traffic congestion and safety hazards would be intolerable. There are many children in this area going to and from school, and to stores, and that sort of thing, and it would just be too much of a hazard.

And, finally, the residential property owners' reasoning in opposition to the granting of this Variance in a purely residential area underscores, in my opinion, the lack of a substantial showing of the Cinderella Careskool in meeting the requirements of a Variance as contained Chapter 1, Section 11-1-24 of the Zoning Regulations. If I may refer you to Page 68, No. 3-B and 3-C - I won't quote them - I'm sure you have the book - where it refers to where a Variance should not be granted jeopardizes the safety and welfare of the area and, if granted, it will destroy the residential character of the neighborhood.

In conclusion, it is the sincere hope of the many residential property owners in the Hyde Park area that the City Commission will examine the BZA decision and deny the Variance that would allow the Cinderella Careskool to operate a child nursery facility in a residential neighborhood. Thank you.

Pamela Macchiaverna: Actually I would like to mention each one of the objections he mentioned - that they had 123 signatures. From the surrounding area from people who would like to use the nursery, we have 512 signatures in favor of it.

As far as a Commercial area - he said it would open it up. This is not true. Variance are issued to churches and schools. When you have a school in an area, it does not open it up to Commercial. For instance, we have the Seton Academy which is over off of Maryland Parkway - the area is very residential and has stayed that way. We have the Peter Pan Play School which is on 6th & Bonneville - in a residential area - it has been there for twenty years and has not changed the area at all. Of course, there are some nurseries where the area has gone commercial, but they are located on Charleston Blvd. and it wasn't their fault. If you find one in a residential area it will not be a nursery that changes it because it is the same thing as a school or a church. You don't want children in a Commercial area.

The second thing he mentioned was the noise factor. My children will mostly be in classrooms - they will be outside participating in games, but I really don't think they are going to hear my children playing ring-around-the-rose above the noise of all the children in the Hyde Park Jr. High, which is immediately above us.

Then he said he was worried about our not getting the right-of-way to one of these streets. We get the zoning contingent on that fact - that I would get the right-of-way, because I prefer to have the right-of-way and I will not change the residential character of the neighborhood because I am going to leave the front house just as it is.

The last thing that I wanted to bring up, which was not an argument that he presented - he called it R-1 zoning which is for one house. We have here, and I would like to submit for your examination, some pictures. We have here, actually, a yard which belonged to an estate - very extensively developed and it does not fit in with the neighborhood. Actually it would take about two gardeners and one maintenance man working full time in order to keep it up - which is becoming more and more run-down. It would require someone with quite a bit of money to do this and at this time I don't think anybody who lives in this neighborhood or desire to live in this neighborhood, could afford two gardeners and a maintenance man. So the property is not being put to a good use. It stands out from the rest of the area. It is something that could be in a residential neighborhood and still could be commercial - this would be a private school - a pre-school - a Child Care Center.

Mayor Briare: Thank you. Do the Commissioners have any questions?

Commissioner Leavitt: Regarding this petition with 512 signatures. I've been going through it and I don't see any addresses on Bedford Road on here.

Pamela Macchiaverna: There are some on Bedford - the people next door on either side - a lot of the mothers who happen to live over there and some from the original petition - most of these are people who live in the surrounding areas who might want to use the facility -

Commissioner Leavitt: Some of these live clear over on the other side of town. I might be willing to sign a petition for a Child Care Center for somewhere else, as long as it wasn't in my neighborhood. What about the people in the

immediate neighborhood?

Pamela Macchiaverna: I think there are just three pages of people who just signed because they thought we would run a good nursery, but the others do their shopping or work in that area.

Commissioner Leavitt: What about those in the immediate neighborhood?

Mrs. Macchiaverna: Other than just the ones immediately surrounding us, I don't even know if they were approached to sign this petition. I didn't approach them -

Commissioner Leavitt: You have signature from Bedford, Corey and Baxter, which are in the actual area -

Commissioner Woofter: Baxter is my old neighborhood where I lived for approximately ten years. I would like to add, too, there have been several calls from my old neighbors protesting this . . . I think you have a selling job to do before you get more signatures from your immediate area in support of the school -

Mrs. Macchiaverna: We didn't even approach the people in that area ourselves. What they are objecting to, we're not going to do - we're not going to use that house - we're going to have a different access - there's no adjusting to noise when you are right next to a Jr. High School. I thought they were really unaware - that they didn't understand - they thought if they didn't sign a petition opposing it they were going to wind up with Bars in the neighborhood and that is just not true.

Commissioner Leavitt: There are a lot of those people here today . . . they can be asked.

Commissioner Lurie: I think you have answered a lot of the questions. I believe that the characteristics of the neighborhood should remain residential and not open it up for any type of a commercial business. It was never designed street-wise for commercial and the access has not been obtained from Hinson or Charleston, and I don't think this Board wants to take the responsibility in the years to come whether or not the right-of-way would go back.

I would like to move for approval of the appeal filed by Patricia A. Robinson and reverse the decision of the Board of Zoning Adjustment.

Mayor Briare: Any comments by the Commissioners?

(No response)

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

V-32-75
Appeal
Denied

APPEAL FILED BY HARRY E. CLAIBORNE & HAMES J. BROWN, ATTORNEYS,
ON BEHALF OF CARMINE V. CATELLO, JR. - V-32-75

(See Page 10 of these Minutes)

to action of the Board of Zoning Adjustment in DENYING his request to allow outside Commercial Storage where no commercial storage or uses are allowed, on property generally located between Ellis Ave. and the right-of-way of Interstate No. 15, and westerly of the Catello Tile Company at 1200-1209 S. Highland Drive, in LAND USE ZONE R-1.

Mayor Briare: Mr. Catello, would you come forward now and present your application for appeal?

James Brown, representing Mr. Catello: The original application and the application that is before this Commission applies to a strip of land that heretofore been used as an alleyway. At the time of the original zoning of the Catello Tile Company this land was in a hiatus - it was not owned by the City nor owned by Mr. Catello. It was subsequently acquired by Mr. Catello and is a very limited strip, I think approximately 20 ft. in width and some 300 ft. long. It has absolutely no practical value as residential.

It is presently being used for outside storage for tiles behind Mr. Catello's Tile Company. We, however, would like to advise the Commission that we are not desirous of having the entire strip rezoned as would appear from the application. The only area we are concerned with is the area which is presently enclosed, which is immediately behind the structure of Catello Tile.

Commissioner Leavitt: How is it enclosed?

Mr. Brown: It is enclosed by a fence -

Commissioner Leavitt: Isn't it a wall?

Mr. Brown: Well - a combination - there's a 6 ft. block wall fence to the rear -

Commissioner Leavitt: Against the residential -

Mr. Brown: Against the residential and it is capped by tile caps. The side area connecting the wall to the building is a cyclone fence with woven brown slats which render it not viewable through the fence and is of a color consistent with the structure - barge structure with tile.

There has been considerable opposition by the residents of the area next to Scotch-80 to the Tile Company's original application because these people did not want this area to go Commercial, and they are opposing this particular application in conjunction with their original opposition.

But we are in an area that is going Commercial. We are not in the residential area - this particular structure - we are on Highland right next to the access to the Freeway. Immediately in front of Catello Tile is the Freeway. To the immediate left are uninhabited residences - run-down - and to their immediate left is a Real Estate - I don't know if it is still being used for real estate, but it was originally a Real Estate office - and then Dr. Cherry and a Service Station.

To the immediate right is the road, so there is not going to be any Commercial structure extending on down Highland and to a residential area.

What Mr. Catello wants, and in fact, has to have for the operation of the business is a storage place to the immediate rear of his building where he can store tiles, which are being stored there at the present time - which are Mexican Tiles.

In the original application when he came before this Board and had the original application granted, this Board limited the height and the use of Catello Tile, so that there would be other businesses in this particular structure, and which there are. There are two other businesses which lease from the same building. At that time the tile that he was using in his operation was considerably smaller than his present operation. The tile at that time was of a mastic type and various tiles that were not compatible with tile to be stored outside. Since then, and as I am sure the Commission is well aware, there has been a recent craze in the industry for Spanish style housing - the Spanish decor. With this comes the Spanish tile - a rounded red tile. Now these tiles are of the type being stored outside. He doesn't have the

physical room inside and they are not boxed tile - they are tiles in various cartons and stacked only two on top of each other, approximately six feet high. These tiles, when stacked, cannot be viewed from the other side of the fence and Mr. Catello would agree to a condition of this Commission that that the stacking of the tile not exceed the height of the surrounding fence.

We don't have an open outside storage - we have a semi-enclosed storage. None of the stacking of any of these articles would be viewable from any of the residential areas on the outside and on the street.

I would advise the Commission that in this immediate area there is considerable outside storage. Directly across the street from Catello Tile is Western _____ with their vans, building supplies and things the whole length of the Freeway - that entire area is all industrial use and is all outside storage.

Mr. Catello has no desire to have that type of storage. All he's concerned about is storage for the height of the wall in an existing enclosed and fenced area. We would limit the application to that.

Commissioner Leavitt: How wide is this storage area?

Mr. Brown: The width goes from the building to the fence and it's all paved and it's approximately 30 ft.

Commissioner Leavitt: The full length of the property?

Mr. Brown: No - it would be the full length of the building and approximately 20 ft. to the south of the building. It represents approximately half the length of that much shown on the diagram (wall map).

Mr. Catello: I was in error when I made the original application, not knowing the surveying terminology, etc., the application was made for this entire area. My intention was to make the application for this area directly behind the building and this 50 ft., which is fronted by a 6 ft. block wall - not this other area here (wall map).

Commissioner Leavitt: Would that be 50 ft. to the south?

Mr. Catello: Yes Sir -

Commissioner Lurie: I have been there when you have had tiles stored outside the fence -

Mr. Catello: I can only tell you what happens - we have trucks coming by and periodically we will put these outside to load on the truck - and there have been times when we have been negligent and have had tiles out there for days on end. They get stacked out there and the truck won't come for two or three days. We can cease to do that. We can make arrangements to hold them until it's time for the truck to come in.

Commissioner Christensen: At the time of the original zoning, weren't there a lot of things that were supposedly required of Catello Tile Company and which haven't been adhered to and which, in fact, have lead to the request for this Variance? Isn't the reason for this Variance because the people objected to not living up to the rules of the original zoning?

Mr. Catello: I am in violation, Sir, of the outside storage - yes.

Commissioner Christensen: How many times has the City had to cite you for being in violation?

Mr. Catello: Just once.

Commissioner Christensen: How many times have they warned you?

Mr. Brown: There is no question that this Variance application was precipitated by the City's citing for the outside storage in what is zoned presently - there is some question as to the zoning - but mostly it would be a residential zoning. Residential zoning applies to what was heretofore an alley - it's about 20 ft. wide and has absolutely no practical purpose for residential -

Commissioner Christensen: The problem we have here with this piece of property, however, is that - correct me if I'm wrong, Mr. Saylor - we have brought on one new complete City Commission since this zoning was granted - at the time this zoning was granted, weren't there several conditions?

Mr. Saylor: There were several conditions on the original approval, precipitated by the fact that the pattern that had been established on the west side of Highland from this property north, was to keep it P-R except right at Charleston - and then this request was for Commercial, which deviated from that pattern. Some of the conditions related to the Catello Tile occupying a portion of the building - the rest of it only for Professional Offices unless special permission could be received from the City. There was to be no access to the rear of the building.

Commissioner Christensen: Is there access to the rear of the building now?

Mr. Brown: There is an access door to the rear of the building - the main access is here on this side (wall map). The tile is being brought in the side . . . this is enclosed also but it is enclosed with a gate - a swinging gate . . . at that time he didn't own this -

Commissioner Christensen: You readily admit here that he is out-growing the space - he has to have more space - and he readily admits to stacking tiles outside until the truck picks them up. Now we are using a figured tile so it is easier to stack that tile all over the place. What we have here is a very limited Commercial granted in a P-R Zone but now it is become more Commercial. The question is - how long will it be until you have tile stacked in the Scotch-80?. That's why he is asking for a Variance - because he has violated a condition of the original zoning.

Mr. Brown: Because he didn't own the land - that property was residential. It was residential at the time he bought it. Therefore, under the residential he could not stack anything . . .

Commissioner Christensen: He had to know what the situation was

Mr. Catello: Let me clarify - maybe there is a misunderstanding here. This dark red area here (wall map) at one time was an alley - it was not owned by me at the time the stipulations were made.

Commissioner Christensen: I'm aware of that. What I'm saying is that you had to know what the character was going to be - when you bought that piece of ground you had to know what it was going to take to get it zoned to where you could use it for outside storage, etc.

Mr. Brown: It had no practical use to anybody else. You couldn't build a house - he couldn't do anything with that 20 ft. strip for a residential purpose - it had absolutely no use to him. It has been used as an alley - the only use that could be put to is the use that Mr. Catello is putting it to at the present time. I would like to bring to your attention that the majority of the protestors are persons who live in this

area over here (wall map) - who live in the residential area - near Scotch-80. The persons who are immediately adjacent to Catello Tile where the fence is up are here today without opposition to this Body giving him the storage as high as the fence, provided it is in the present enclosed area and not to exceed the height of the fence. This is much the same issue that you felt was significant last time. We can bring in persons from the surrounding areas who are not directly affected. The persons who are directly affected, who would be directly affected by any noise, visual obstruction, are next to it.

Mr. Catello: May I make one clarification on this so-called alley? We had no intention when we purchased that alley to use it for storage. The main reason we bought that alley was because after we purchased the property where my building is now, we were threatened by the neighbors to have a Court Order against us - or an Injunction - I don't know the correct terminology - to deprive us from running our sewer and water to Nellis. Therefore, we were forced to buy that alley so that we could have a place in which to put our sewer and water. I really didn't want to spend the money because I really didn't have it at the time, but we had bought the property - we had a substantial investment.

Robert Sparger: I am one of the neighbors directly behind Catello Tile Company - there are three of us here. My property is directly behind and around 73 ft. long. The neighbor to the south is some 90 ft. long, directly behind it. The one to the north I would guess about 40 ft. long. We comprise probably 80% of the area, I would suspect.

Prior to his building being there, I had a view of the Freeway and a weedy alley behind. After he built his building there, he paved the alley - the portion that wasn't paved - it was all broken-up blacktop - cleaned up the area. The building now blocks the Freeway and some of the noise from the Freeway. There has been no noise insofar as his workers are concerned. He has been very cooperative.

As I have said, I think we represent the ones who are contiguous to his property and would be the logical ones to complain.

Mayor Briare: Thank you. I believe there are some people present who wish to speak in opposition to this request -

Mr. Robbins Cahill: I live at 1304 Charmast and I have been asked by a number of the neighbors to represent them here today as their spokesman. I have here a petition signed by 31 of the neighbors and I know there are at least two or three letters that were filed in addition to that -

Commissioner Woofter: Excuse me - when you say "neighbors" - approximately what area are you talking about?

Mr. Cahill: I'm talking about Saratoga Meadows - a complete residential area directly behind Catello Tile on Ellis Avenue and Charmast Avenue.

Commissioner Woofter: In other words, you would be neighbors adjacent to Mr. Sparger who just spoke and said he was directly behind it?

Mr. Cahill: Yes - there are a number surround it and I take exception that all the neighbors adjoining it are in favor of the application. Of course, the people to the north are in favor of Commercial and have always been for it but there are neighbors - and I think there are some here today - there is a half a dozen who came with us and I know there are some others. Could we have those people stand, please? (Approximately 10 people stood) They are in opposition.

Robbins Cahill: Saratoga Meadows is adjacent to this and consists of 28 homes to the northeast of the Scotch-80. It has homes that are not more than six years old and many are only 4 years old, and they are vitally concerned with the development around them. I will leave a copy of this petition for the record, although it was filed at the BZA meeting.

I would like to beg your indulgence for a moment to go back into the history of this because, as Commissioner Christensen mentioned, there was a completely different Board when this fiasco started.

Application was made on October 12, 1972 for C-1 Zoning, before the Planning Commission. It was denied at that time by a unanimous vote of the Planning Commission. It came up then on October 25, 1972 as an appeal to the City Commission. At that time, unfortunately - it's old history now - we relied upon a spokesman to represent us at that meeting but the spokesman was sick and didn't show up. In the minutes of the meeting it reflects the question - why is nobody here?

As a result, they gave this extremely limited C-1 - there was no opposition there - there was nobody there to object. I think there were 33 names on the petition in opposition at that time. They limited the access from Ellis Avenue so there should be no access from Ellis Avenue. There is access there - there is a gate by his own admission - you can get through it and it is in constant use. I can personally testify to that because I have observed it.

There was the restriction that the tenants should all be classified in the P-R Zoning - there were to be no more Commercial tenants in that area. And that a block wall be constructed. I understood that block wall was where a slatted fence is now. The representation was made at that meeting, and the record is there, that he desired only a 1-story building. The City Commission granted this - that's one of the reasons he got this limited Commercial Zoning and we're prepared to live with it. We're not going to bring that portion of it again.

On February 27, 1973 he came to the Planning Commission and appealed for a 2-story building. The Planning Commission again denied that. There was considerable ruckus over that - people came down - there was an extended hearing and he explained why he originally asked for a 1-story building and why now he felt he should have a 2-story building.

He appeared at a City Commission meeting on March 7, 1973 - there's a record of three meetings in there - the first meeting, he came in for approval of a Plot Plan for a 2-story building, and the Commissioner that made the motion to grant this virtually castigated him there and he said - where are the protestors - has anyone been notified of this? He said - no, this is a Plot Plan. He said - we granted your limited Commercial - very limited Commercial and you knew it was limited Commercial - over the objections of these protestors and they didn't show up at this meeting. Now you are trying to back-door your neighbors and come in here and get this 2-story Plot Plan approved. That was held for an answer to a traffic question. It came back on March 21st, two weeks later, and at that time he was denied his request for construction of a 2-story building.

Somewhere along the line in this story, he went to the Planning Director, Mr. Saylor, and asked him how high a 1-story building could be - that he couldn't see why he couldn't build a 1-story building that went high enough so you could put two stories in it. Mr. Saylor asked for an opinion from the City Attorney and the City Attorney gave him the opinion that while the Code was not specific, that such a height would not be proper for a 1-story building, particularly the one at issue. At this point the City Commission denied his request for construction of the

2-story building.

In the meantime there were several of the people - two or three that I know of - it was specified that the tenants has to be of the P-R Zone classification, came in with applications for Commercial there. I know of at least two occasions when that came up and it was only because of a circumstance that someone was here and knew of the situation.

So now he has gone to the Board of Zoning Adjustment for a Variance for the present issue before us and that was unanimously denied. Now he is up here on an Appeal to the City Commission and I would like to call the Commission's attention to this point - at this point - if you deny this, as we hope you will do, he will be back up again because it is an unfortunate thing in a situation of this kind - neighbors get tired - neighbors go on vacations - they get sick - and they are required to come back, and back and back - to fight these things. As somebody told me once when I was in the gaming business - I'm going to get that come hell or high water, because I'm going to live longer than any of these people, and I'm just going to keep coming back. I would beg your indulgence that if he does come back and there is no protest, he may have had some fair warning.

I would like to read - the record is full of promises and mis-statements . . .

Commissioner Leavitt: I appreciate the history, but do you have any specific objections to what he is trying to do now? The record is there as to the background - the question, of course, comes to my mind on two points - is this an unreasonable request to allow him to have that outside storage?

Mr. Cahill: I think, Commissioner Leavitt, it has some bearing - what I was about to read for you - because it has bearing upon the representations made and the promises he made. I will make it just as brief as possible - it is replete with mis-statements and promises that have never been kept.

At the Planning Commission meeting of October 12th, Mr. Catello appeared and said he intended to put in a ceramic tile operation and a very limited retail sales operation. He stated he would not have any outside inventory - everything would be inside the building. That was a statement that was made and is a part of the record.

At the City Commission meeting the verbatim transcript, Mr. Catello said - all this actually is is a business office to operate our business out of. It would even be OK in a Professional Zoning except for our retail, which is very limited . . . tile has to be stored inside and can't be left out in the weather. In answer to the question - is it a one story building, Mr. Catello said - Yes, it is to be a Spanish style 1-story building. Then he came back at the next meeting for a 2-story.

When asked what he would do with the hiatus - the 29 ft. strip - and immediately after this was granted he put up a barricade on that hiatus and that got him into a terrific hassle with the neighbors - some of them would go and tear it down and he'd put it back up - while he was gaining title to this through Court action. With regard to that strip Mr. Catello said it would be used as a buffer zone and that's what the neighbors understood it would be when it was put in there and he acquired it. He stated the only access they had for water and sewer was through this alley. That they had taken possession of that merely to protect the water and sewer easement. At the City Commission meeting he said - we intend to use this property for the expansion of our own personal use -

we merely want to protect the fact that we have to go in that way for our utilities. We'd hate to see that someone else had gone in there and put in a swimming pool.

The rest is replete with statements of this kind - there has been outside storage there, practically from the time he went into business - he admits this. There is storage on the R-1 area to the north between the building and his house to the north there. There is storage on the hiatus on the back . . . and there has been a semi-truck there for a long time. It looks immobile to me - I've never noticed it being moved - it is parked there right in full view of Highland.

I have two pictures here - one is a picture of the access on Desert Lane and the other is the picture of the view from Highland Avenue in to here (wall map). The Building Department issued him a citation on August 14th and gave him ten (10) violations. Some were in reference to the storage - they cited him for storing in the hiatus area - in the area to the north and they found out that the drive at Ellis is being used in excess.

What I mean to point out with this - Mr. Catello is a very pleasing and plausible man - I've been to meetings with him and he soothes the neighbors with these promises. In view of the record, how can you ask us to believe that he will keep the representations he made here? He didn't. The Building Department informs us that there is no regulation if this is granted for storage - there is no limitation as to the height the material is to be stored . . .

Commissioner Leavitt: We could put that condition on it -

Mr. Saylor: You could stipulate a maximum height - however, enforcement would be a problem.

Mr. Cahill: Enforcement has always been the problem - for three years now - I would like to call your attention, also - the Attorney said that directly across the street on Western Avenue was open storage . It is, on Western Avenue, but there's a 45 ft. high Freeway between us and it certainly isn't visible from Western Avenue. I can testify, in addition to the things that are written - I can testify to every one of these. I drive down there on my way to work and I have noticed it because it has been an issue, and particularly last week and this week, I took special notice - on Wednesday of last week - on Friday of last week - I got out - I looked over the fence and observed the storage that was in there. On Wednesday there was building brick - about 5 ft. high and maybe 10 or 15 ft. long - a big stack of building brick stored there between his building and the R-1 property directly to the north of it. I can testify to every one of those. This morning they are stacked to within 3 ft. of that roof of this building. - plainly visible - to the north. All through the week boxes of tile have been stacked - not to the fence height, but to about 3 or 4 ft. of the top of the building - plainly visible. Today they had been removed - or yesterday - I noticed this morning when I came down they have been removed.

On behalf of these neighbors - it has been a long struggle and on behalf of these neighbors I do ask that you deny this application. I think that it is an eyesore to the neighborhood and we cannot rely upon anything that comes up as a part of his promises - he hasn't kept them in the past and I don't know how you can expect us to believe it now. Thank you.

Mayor Briare: Do any of the Commissioners have any questions?

Commissioner Woofter: I'm concerned with this gateway - you represent that this has been in use for loading and unloading?

Mr. Cahill: Commissioner Woofter, I saw the gate open on Wednesday with a pickup truck parked in there - they were working in there. I saw it open on Friday - there was a pickup truck parked in there and I saw it open yesterday with pickup trucks working there. I have another very poor picture of that gate, but it shows very plainly that there is a slatted fence - it is slatted, but you can see through it - you can't distinguish exactly the nature and details . . .

Commissioner Woofter: My real concern with this situation is the fact that I can certainly see where this might create a hazard to the neighborhood as a whole if they are using this for loading and unloading. In the other light, I have to ask the same as Commissioner Leavitt - we have this testimony from neighbors directly behind the operation, and they don't object - and I would certainly put a lot of emphasis on their objection or approval. But this gate I believe would have an effect on the neighborhood. If it's being used I believe it is properly before us and I'd certainly like to hear from Mr. Brown as far as what use is intended in the future if there is an approval made in regards to allowing the storage.

Mr. Brown: According to the testimony, Sir, it has been used and I think there are also some people here who are at the rear that are in full view of Mr. Catello's property - I don't think it is the representation of all of the neighbors.

With respect to the access on Ellis Mr. Catello is perfectly willing to live with a condition that a block wall be placed across there preventing any access whatsoever - the elimination of the gate entirely so that the only access to this property at all would be from Highland. Put up a block wall and make it entirely enclosed so that the only access is from Highland.

I would like to point out that the residents who are here - those who are adjacent are here and have no objection. There is no access to Saratoga from Highland. You have to go all the way down to Scotch-80 or come in from Charleston - these residents have to go out of their way to see Catello Tile - they don't see Catello Tile from their homes. It is clear that the objection that those people have is to Catello Tile - period. It's not the storage - it's to the Commercial aspect of it and it started three or four years ago and it's been at every hearing subsequent. What he needs is something compatible to his businesses operation and if this Commission denies it, he may very well be forced to relocate. He would most assuredly have to cut out that which is currently in the distustry now, that being the Spanish Tile. But as far as any of those residents, I cannot see how they could be adversely affected if this Commission should say - alright you can have the outside storage but it cannot exceed 6 ft. in height and not outside of the narrow fenced area and that you place a block wall across Ellis with the only access from the front of the building.

Commissioner Christensen: Was the block wall that was supposed to have been built orriginally, been built?

Mr. Catello: Yes Sir - -

Mr. Brown: I'd like to make two points - one is that 100% of the people that live adjacent to the area that we are asking for the Variance for, are in favor of it -

Unidentified Speaker (female): The thing that bothers me - Mr. Catello - I asked him over to my house - he's been very fair - the truck is right behind our property. One morning my husband was out there and there was some guy sleeping in the truck. That's the only thing I've asked him to move - whatever they want to have - fine - as long as it's clean - you know, they have that big pile of dirt right behind my house - if they would just move the truck and move the dirt - if they keep their storage at 6 ft. - just as long as I don't

V-32-75
(continued)

see all that garbage and junk - that's how I feel.

Margaret Cahill, 1304 Charmast Lane: I would like to correct a statement that Mr. Catello and Mr. Brown made about the 100% for the defense. I was responsible for getting many of those signatures at the BZA and four of the people as he terms "over the fence" are on signature there.

I would like to point out that it isn't the question always of just that we see it in the neighborhood - after all, the City felt our property was enough affected that we all received Notices, whether or not we were just over the fence. I think it's a very vital decision because you are opening up outside storage where it is absolutely prohibited by the City Code and the Court trial has already been set for October 1st for violations of the City Code by Mr. Catello. I think his irresponsibility has been pointed out, but I'm wondering, first, wouldn't it be fair to really expect something of Mr. Catello to make some effort to do something about the difficulty?

In the first place the buffer zone was put there to protect that developing neighborhood. Why can not he either give up some of his rental space and use that for storage - why can not h maybe add to the south end of the building for his outside storage? You see what, in essence, he is asking is to set up a Commercial - an Industrial Zone on the west side of the Freeway and I think this would be sad, not only for us with our investments, but I think it would be sad for the City of Las Vegas..

Mayor Briare: Thank you Mrs. Cahill. What is the pleasure of the Board?

M o t i o n

Commissioner Christensen: Under the circumstances and because of past situations in problems of policing and because of the character of the neighborhood, I would move at this time to deny the appeal.

Motion carried by the following vote: Commissioners Christensen, Lurie and Mayor Briare voting aye; noes, Commissioners Leavitt and Woofter.

Mayor Briare: The appeal is denied.

R e c e s s

At the hour of 11:00 a.m. Mayor Briare declared a 5-minute recess.

Meeting reconvened at the hour of 11:05 a.m. with the full Board and Staff in Attendance.

Mayor Briare: I believe there are a good number of people here who are waiting for a hearing on an application for a number of apartments down around Bruce Street. Let me tell you what the order is going to be at the present time so that you'll know you won't have to wait much longer.

We have to take up some Ordinances - there are some licensing matters to take care of - hopefully this will not take more than ten minutes at the most. Then we will go right to the application that so many of you are here awaiting to be heard on. We will now proceed relative to Ordinance No. 1788.

ORDINANCE
No. 1788
Adopted
Page 26
Minutes
Regular Meeting
City Commission
September 3, 1975

ORDINANCE No. 1788 - AMENDED - COMPENSATION ORDINANCE
Committee: Commissioners Lurie and Christensen

Published by Title 8/27/75 in LAS VEGAS SUN
(1st Publication)

Commissioner Lurie: The Committee met on this Compensation Ordinance and I do have an amendment to the Ordinance, which I will read, and then I would like to have it read by Title:

ORDINANCE
No. 1788
(continued)

The amendment is to SECTION 3 - Paragraph (d) - Whenever any employees base salary rate as shown in Attachment "A" is changed as the result of Salary Range, Retirement, Salary Increase or Promotion, the City Commission shall be furnished an information listing of the change.

That is the only change in the Ordinance and we would move the Ordinance out of Committee and recommend that it be read by Title, as amended, and adopted.

An ordinance entitled: " ORDINANCE No. 1788, FIRST AMENDMENT - AN ORDINANCE TO REPEAL CHAPTER 7 OF TITLE I OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, AND TO PROVIDE A NEW CHAPTER 7 OF SAID TITLE I AND CONTINUE TO BE DESIGNATED AS THE COMPENSATION PLAN OF JUNE 29, 1975; PROVIDING A COMPENSATION PLAN TO GOVERN AND REGULATE THE SALARIES AND REMUNERATION OF EMPLOYEES OF THE CITY OF LAS VEGAS; PROVIDING PENALTIES RELATING HERETO; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the Deputy City Attorney. (2nd Reading).

M o t i o n

Commissioner Lurie moved that Ordinance No. 1788, as amended, be ADOPTED, and that the Clerk be authorized to proceed with the second publication, by Title, of said Ordinance No. 1788.

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

ORDINANCE
No. 1789
Adopted

ORDINANCE No. 1789 - Re NOTICES AS TO REMOVAL OF AUTOMOBILE IMMOBILIZERS

Committee: Commissioners Christensen and Lurie

Published by Title 8/27/75 in LAS VEGAS SUN
(1st Publication)

Ordinance No. 1789 moved out of Committee favorably.

An ordinance entitled: ORDINANCE No. 1789 - AN ORDINANCE TO AMEND TITLE X, CHAPTER 21, SECTION 11, SUBSECTION (D) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION BY DELETING SAID SUBSECTION (D) THEREFROM AND ADDING A NEW SUBSECTION (D) THERETO WHICH SHALL PROVIDE FOR NOTICES REGARDING THE INSTRUCTIONS, TELEPHONE NUMBER(S) AND PROCEDURE FOR OFFICIAL REMOVAL OF THE IMMOBILIZER TO BE AFFIXED TO THE WINDSHIELD, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the Deputy City Attorney. (2nd reading)

M o t i o n

Commissioner Lurie moved that Ordinance No. 1789 be ADOPTED and the Clerk authorized to proceed with the second publication, by Title, of said Ordinance No. 1789.

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

ORDINANCE
No. 1790
Adopted

ORDINANCE No. 1790 - LICENSING OF RACE BOOK AND SPORTS
BETTING ESTABLISHMENTS - TO REMOVE OR REPEAL POPULATION
LIMITATION

Committee: Commissioners Woolfson and Leavitt

Published by Title 220.020 in LAS VEGAS, NV

Ordinance No. 1790 moved out of Committee favorably

Commissioner Leavitt: Mr. Mayor, it was my understanding that we were going to have an Ordinance with regard to Bingo too - to eliminate the population requirement on Bingo Licenses. I thought that Ordinance was to be drafted at the same time. Perhaps we should consult with our legal counsel to see whether it should be included in this Ordinance.

Deputy City Attorney, Janson F. Stewart: There are two procedures you can follow. Go ahead and adopt the present ordinance, which will become effective on its next publication, or you can take this Ordinance and amend it.

If you amend it, it would require that we start all over again because it has received its first publication, by Title, so that would delay the adoption of Ordinance No. 1790.

The other alternative is to go ahead and act on this Ordinance now before you and then have another Ordinance such as you have requested and it would follow shortly thereafter - it could be read in today and adopted at your following meeting. I have copies of that Ordinance and I'd be glad to pass them out, but you have those two alternates.

Commissioner Leavitt: The Ordinance that I requested also required that Bingo, Racebooks and Sportsbooks be limited to the area commonly known as the "Red Line District". Is that covered in this Ordinance?

Mr. Stewart: The Ordinance you have in front of you - the one that was read in the last time, eliminates the population requirement only on Racebooks and Sportsbooks.

Commissioner Leavitt: Does that mean that someone could ask for a Racebook or Sportsbook License outside the Red Line area?

Mr. Stewart: It would still be governed by those limitations which are in the Code - in our Code the Red Line is the Downtown area, which is open gaming. We have an area at Sahara and Las Vegas Blvd., South which allows open gaming - we have an area on the West Side -

Commissioner Leavitt: But it would be limited by those areas?

Mr. Stewart: It would be limited by those areas -

Commissioner Leavitt: They couldn't put one out next to Wonderland on Decatur, could they?

Mr. Stewart: No -

Commissioner Leavitt: That's what I meant - all we're removing is the population requirement. You are drafting another Ordinance then with regard to Bingo Licenses?

Mr. Stewart: That's correct, Commissioner.

ORDINANCE
No. 1790
(continued)

Commissioner Leavitt: Then it would be your suggestion that we go ahead and adopt this Ordinance and have another Ordinance on the Bingo Licenses?

Mr. Stewart: I think the preferable procedure would be to adopt the one before you.

Mayor Briare: Would you please read the Title, Mr. Stewart?

An ordinance entitled: "ORDINANCE No. 1790 - AN ORDINANCE TO AMEND TITLE V, CHAPTER 17, SECTION 19 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960 EDITION, BY DELETING THE POPULATION REQUIREMENT FOR RACEHORSE AND SPORTSBOOK GAMING LICENSES ISSUED WITHIN THE CITY OF LAS VEGAS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the Deputy City Attorney.
(2nd reading)

M o t i o n

Commissioner Woofter moved that Ordinance No. 1790 be ADOPTED and the Clerk authorized to proceed with the second publication, by Title, of said Ordinance No. 1790.

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

Commissioner Leavitt: I might comment that the reason I'm requesting that a population ordinance be drawn with regard to Bingo is that is the situation the way it is in the County and I'm trying to move toward the uniformity of the two ordiances.

STATE HIGHWAY
SUPPLEMENTAL
AGREEMENT
Approved

SUPPLEMENTAL AGREEMENT - BETWEEN STATE OF NEVADA AND CITY OF LAS VEGAS (Hwy Agreement No. 162 1-75-015)

Mr. Stewart: This is a Supplemental Agreement to take care of relocating certain sewer lines in relation to the Freeway and its intersection at Jones Blvd.

M o t i o n

Commissioner Lurie: The funds are reimbursable and I will move for approval of the Agreement.

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

Mayor Briare: The Ordinance that has been requested by Commissioner Leavitt regarding the population requirement for Bingo Licenses - are you prepared to read that by Title?

Mr. Stewart: I do have two ordinances which have been drafted. We are not clear on the instructions - I have an ordinance here that eliminates the population requirement of Bingo, along with Sportsbooks and Racebooks. The present one that is drafted is relative to the Downtown area only and hotels that have 100 guest rooms, or more. It doesn't allow these kinds of operations in some of the other isolated districts where we have open gaming . . .

Commissioner Leavitt: Why don't you introduce the Ordinance and then we can make the appropriate changes -

ORDINANCE
No. 1792
Referred

ORDINANCE No. 1792 LICENSING OF BINGO ESTABLISHMENTS re
POPULATION LIMITATION

An ordinance entitled: "ORDINANCE No. 1792 - AN ORDINANCE TO AMEND TITLE V, CHAPTER 17; SECTION 19 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY DELETING THE POPULATION REQUIREMENT FOR BINGO GAMING LICENSES ISSUED WITHIN THE CITY OF LAS VEGAS AND PROVIDING THAT BINGO, SPORTSBOOK AND RACEHORSE BOOK GAMING LICENSES SHALL NOT BE ISSUED UNLESS IN A CERTAIN DESIGNATED AREA OR IN CONJUNCTION WITH A HOTEL HAVING AT LEAST 100 GUEST ROOMS AVAILABLE TO THE PUBLIC; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the Deputy City Attorney, who recommended that it be referred to Committee and that the Clerk be authorized to proceed with the first publication, by Title, of said Ordinance No. 1792.

Mayor Briare appointed Commissioners Woofter and Leavitt as the Committee for Recommendation on Ordinance No. 1792.

Mr. Stewart: It is not on the agenda, but Commissioner Lurie has asked me to introduce Ordinance No. 1791, which changes the meeting time for the second City Commission meeting of the month. This would change that time from 9:00 o'clock in the morning to 7:30 p.m.

Commissioner Lurie: I would like to have that proposed Ordinance read in by Title and referred to a Committee.

An ordinance entitled: " ORDINANCE No. 1791 -AN ORDINANCE TO AMEND TITLE I, CHAPTER 5, SECTION 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, AND CREATING AN AMENDMENT TO TITLE I, CHAPTER 5, SECTION 6 SETTING THE SECOND REGULARLY HELD MONTHLY MEETING OF THE BOARD OF CITY COMMISSIONERS AT THE EVENING HOUR OF 7:30 P.M., EACH 3RD WEDNESDAY OF EACH MONTH; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the Deputy City Attorney, who recommended that it be referred to Committee and that the Clerk be authorized to proceed with the first publication, by Title, of said Ordinance No. 1791. (1st reading)

Mayor Briare appointed Commissioners Lurie and Christensen as the Committee for Recommendation on Ordinance No. 1791.

D E P A R T M E N T O F L I C E N S E & R E V E N U E

ILA M. BRITT, DIRECTOR

See Pages 31 thru 43 of these Minutes

ITEM	Commission Action	Department Action
<u>VII. LICENSE & REVENUE DEPARTMENT</u> <u>DIRECTOR OF LICENSE & REVENUE - ILA M. BRITT</u>		
<p>A. <u>CHARITABLE SOLICITATIONS PERMITS</u> (Approved by the Solicitations Review Board)</p> <ol style="list-style-type: none"> 1. LAS VEGAS FIREMEN'S BENEFIT ASSOCIATION -- tickets to the annual Firemen's ball 2. WINCHESTER SERTOMA CLUB -- collection banks with American Flag lapel pins 3. GRIFFITH METHODIST CHURCH, UNITED METHODIST WOMEN -- a bazaar 4. LAS VEGAS NILE CLUB #2 -- door prize tickets in conjunction with a bazaar 5. FRATERNAL ORDER OF EAGLES, AERIE #1213 -- tickets to a donkey baseball game 6. RUTH FYFE P.T.A. -- a school carnival/ raffle tickets 7. JUVENILE DIABETES FOUNDATION, LAS VEGAS CHAPTER -- tickets for a trip to the 1976 Super Bowl and sale of Christmas cards 8. LAS VEGAS Y.M.C.A. -- tickets to a special event involving a dinner, hole-n-one contest, and Portuguese auction 9. CHAP (COMBINED HEALTH AGENCIES PROGRAM) -- tickets to the Governor's banquet; employee payroll year round solicitation; solicitation of corporations 	<p>Items 1 thru 17 Approved as recommended Lurie - unanimous</p>	<p>Director of Lic. & Rev. authorized to proceed</p>

DEPARTMENT OF
 LICENSE & REVENUE

ITEM	Commission Action	Department Action
<u>VII. LICENSE & REVENUE DEPARTMENT (cont'd)</u>		
A. <u>CHARITABLE SOLICITATIONS PERMITS (cont'd)</u>		
10. ST. JOHN CHURCH OF GOD IN CHRIST -- mail and door-to-door solicitations; sale of dinners; sale of recipe books		
11. LAS VEGAS BREAKFASTER'S LIONS CLUB -- sale of light bulbs and candy door to door		
12. ZOOLOGICAL SOCIETY OF NEVADA -- general solicitations; sale of memberships		
13. ECKANKAR LAS VEGAS SATSANG SOCIETY -- raffle tickets		
14. CLARK COUNTY HUMANE SOCIETY -- collection boxes		
15. LAS VEGAS PRONAOS, A.M.O.R.C. -- raffle tickets		
16. SOCIAL CLUB OF THE ORDER OF AMARANTH, INC. -- sale of baked goods and homemade items		
17. NEVADA ASSOCIATION OF LATIN AMERICANS -- raffle tickets		
<u>Westland Mall Garage Sale - September 20th, 1975</u>		
1. LIONESS CLUB OF CLARK COUNTY		
2. FIRST UNITED METHODIST CHURCH OF LAS VEGAS		
3. MOTHERS CLUB, NELLIS RAINBOW		
	See Page 16	See Page 16
	Items 1 thru 5 Approved as recommended Lurie - unanimous	Director of Lic. & Rev. authorized to proceed

DEPARTMENT OF
 LICENSE & REVENUE
 (continued)

ITEM Commission Action Department Action

VII. LICENSE & REVENUE DEPARTMENT (cont'd)

A. CHARITABLE SOLICITATIONS PERMITS (cont'd)

See Page 17

See Page 17

Westland Mall (cont'd)

- 4. NELLIS RAINBOW ASSEMBLY #25
- 5. CHURCH OF GOD

B. CHILD CARE FACILITY APPLICATIONS (Approved by the Child Welfare Board)

Items 1 and 2
 Approved as recommended
 Lurie - unanimous

Director of Lic. & Rev. authorized to proceed

Family Child Care Homes - New

- 1. JO ANN FLEMING Five (5) children days
 6508 Bannock Way
- 2. YVONNE PARTIN Three (3) children days
 6701 Oveja Street

C. GAMING -- Additional

Items 1 thru 14
 Approved
 Lurie - unanimous

Same as above

- 1. GOLDEN NUGGET Pennington & Bennett
 129 East Fremont
 4 slots
- 2. CALIFORNIA HOTEL & Bally Distributing Co
 CASINO
 12 East Ogden
 9 slots

DEPARTMENT OF
 LICENSE & REVENUE
 (continued)

ITEM	Commission Action	Department Action
<u>VII. LICENSE & REVENUE DEPARTMENT</u> (cont'd)		
C. <u>GAMING -- Additional</u> (cont'd)	See Page 18	See Page 18
3. LOTUS INN & CASINO 1213 L V Blvd South 30 slots	Two-One-Nine Corp	
4. UNION PLAZA HOTEL & CASINO #1 Main Street 6 slots	Bally Distributing Co	
5. WESTERN HOTEL 899 East Fremont 1 slot	United Coin Mach Co	
6. VEGA LIQUORS 2216 East Fremont 1 slot	United Coin Mach Co	
7. RED FEZ 2207 L V Blvd South 1 slot	United Coin Mach Co	
8. REEF LIQUORS 332 West Sahara Ave 1 slot	Nicholas DeLuca	
9. JACKPOT CASINO 2410 L V Blvd South 3 slots	Bally Distributing Co	
10. HONEST JOHN'S 2444 L V Blvd South 1 slot	United Coin Mach Co	

DEPARTMENT OF
 LICENSE & REVENUE
 (continued)

ITEM Commission Action Department Action

VII. LICENSE & REVENUE DEPARTMENT (cont'd)

C. GAMING -- Additional (cont'd)

- | | | |
|-----|---|---------------------|
| 11. | LANDORAY COCKTAIL
LOUNGE
6018 West Charleston
1 slot | United Coin Mach Co |
| 12. | PORT TACK
9 West Charleston
2 slots | Sunset Amusement Co |
| 13. | FRIENDLY LIQUORS
1601 North "H" Street
3 slots | Wilson Coin Mach Co |
| 14. | PORT TACK
9 West Charleston
1 slot | United Coin Mach Co |

See Page 18

See Page 18

D. GAMING -- New Race and Sports Book

- | | | |
|----|--|---------------------|
| 1. | FREMONT HOTEL/CASINO
202 East Fremont | Fremont Hotel, Inc. |
|----|--|---------------------|

Approved SUBJECT TO
 effective date of
 Ordinance
 No. 1790
 W - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

E. RETAIL TOBACCO -- Additional

- | | | |
|----|---|------------------|
| 1. | THADDEUS THUDPUCKER
5000 West Charleston | S. Smith Vending |
|----|---|------------------|

Items 1, 2 and 3
 Approved
 Lurie - unanimous

Same as above

DEPARTMENT OF
 LICENSE & REVENUE
 (continued)

ITEM	Commission Action	Department Action
<u>VII. LICENSE & REVENUE DEPARTMENT (cont'd)</u>		
E. <u>RETAIL TOBACCO -- Additional (cont'd)</u>	See Page 20	See Page 20
2. WIZARD ARCADE Sky Top Vending 4109 West Sahara Ave		
3. FUN FACTORY Sky Top Vending 1024 West Owens		
F. <u>LIQUOR, GAMING & RETAIL TOBACCO -- Change of Business Name and Ownership</u>		
1. From: Western Liquors From: Mary Nicosia To: *KOZY NOOK Clifford M./Lorraine 2202 West Charleston J. Miller General Liquor Gaming: 6 slots	Approved SUBJECT TO Conditions	Director of Lic. & Rev. authorized to proceed
*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations		

ITEM	Commission Action	Department Action
------	-------------------	-------------------

VII. LICENSE & REVENUE DEPARTMENT (cont'd)

I. LIQUOR, GAMING & RETAIL TOBACCO -- Change of Corporate Officers

- | | |
|------------------------------------|--|
| 1. PIONEER CLUB
25 East Fremont | Vegas Vic, Inc.

From:
Margaret Elardi, Pres
Frank Schivo
Wendall D. Tingley

To:
Margaret Elardi, 100%
Pres/Secy/Treas |
|------------------------------------|--|

Approved
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

J. LIQUOR & RETAIL TOBACCO -- New

- | | |
|---|--|
| 1. PIONEER CLUB
25 East Fremont
*Package Liquor (for
gift shop at rear of
casino) | Vegas Vic, Inc.

Margaret Elardi |
|---|--|

Approved SUBJECT TO
 Conditions
 Lurie - unanimous

Same as above

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

DEPARTMENT OF
 LICENSE & REVENUE
 (continued)

ITEM	Commission Action	Department Action
<u>VII. LICENSE & REVENUE DEPARTMENT (cont'd)</u>		
N. <u>GAMING -- New (cont'd)</u>		
3. ROMAN INDUSTRIES, INC. Leroy/LaRee Gutknecht 1911 Western Slot Operator	See Page 25	See Page 25
O. <u>RETAIL TOBACCO -- New</u>		
1. CALIFORNIA HOTEL GIFT SHOP Host International, Inc. 12 East Ogden	Items 1 and 2 Approved C - unanimous	Director of Lic. & Rev. authorized to proceed
2. B'S SWEET SHOPPE'S Joseph Barbera 1560 Eastern		
P. <u>RETAIL TOBACCO VENDING -- New</u>		
1. VEGAS VALLEY VENDING Andrew F. Natale 1111 L V Blvd South, Suite 334	Approved C - unanimous	Same as above
Location: Mac Donald Hotel 208 L V Blvd North		

DEPARTMENT OF
 LICENSE & REVENUE
 (continued)

ITEM	Commission Action	Department Action
<u>VII. LICENSE & REVENUE DEPARTMENT (cont'd)</u>		
Q. <u>LIQUOR -- Request for Extension of Closure</u>		
1. LAVICIO'S FOOD STORE National Fast Foods, Inc #28 20 West Wyoming Wayne Edington, Res Agt Beverage Off-Sale	Items 1 and 2 Approved C - unanimous	Director of Lic. & Rev. authorized to proceed
(Approved 7-16-75. Request for 60-day extension of inactive status: 9-14-75 thru 10-28-75.)		
2. THE ZODIAC George/Charles Prock 1825 L V Blvd South Tavern		
(Closed 7-7-75. Request for 60-day extension of inactive status: 9-5-75 thru 11-3-75.)		
R. <u>M-7 BUSINESS LICENSE APPLICATIONS</u>		
1. DATA INPUT SERVICE Donald A. Sada, Pres CORP. Jess H. Bachman, Secy 2636 Westwood Drive Wanda Bachman, Asst Secy	Items 1, 2 and 3 Approved Lurie - unanimous	Same as above
Change of Location. Data Processing service.		
2. ALCOHOLISM TREATMENT Elaine G. Werner PROGRAM 801 Shadow Lane		
Change of Location. Alcoholism counseling.		

DEPARTMENT OF
 LICENSE & REVENUE
 (continued)

Page 42
 Minutes
 Regular Meeting
 City Commission
 September 3, 1975

ITEM	Commission Action	Department Action
<p><u>VII. LICENSE & REVENUE DEPARTMENT (cont'd)</u></p>		
<p>R. <u>M-7 BUSINESS LICENSE APPLICATIONS (cont'd)</u></p>	<p>See Page 27</p>	<p>See Page 27</p>
<p>3. DYNACOMP INC. Roland Fleming, Pres 1800 East Sahara #108 Bruce Cameron, Exec VP Change of Location. Data processing service.</p>		
<p><u>ABEYANCE ITEM -- Tabled at August 20th meeting</u></p>		
<p>S. <u>M-7 BUSINESS LICENSE APPLICATION</u></p>	<p>Application withdrawn</p>	
<p>1. H. A. MANAGEMENT Angel R. Santana SERVICE Heidi A. Horner 1111 L V Blvd South, Suite 210-A Management service for businesses and real estate</p>		
<p>T. <u>COMMUNICATION ITEM -- Request for Reduction of License Fees</u></p>	<p>Approved Leavitt - unanimous</p>	<p>Director of Lic. & Rev. authorized to proceed</p>
<p>1. OMEGA PRODUCTIONS, INC. Letter requesting reduction of license fees for performance of a religious family-oriented play being presented at the Las Vegas High School</p>		

DEPARTMENT OF
 LICENSE & REVENUE
 (continued)

DEPARTMENT OF COMMUNITY
DEVELOPMENT

DONALD J. SAYLOR, DIRECTOR

Z-12-67
Approved

Commissioner Woofter: Your Honor, there is one item - Item D - on the Community Development portion of the Agenda that I would ask be taken out of order and considered first. The gentleman is here, but has to leave:

REVISED PLOT PLAN - Z-12-67 - SAFEWAY STORES, INC.

Mayor Briare: If there is no objection by the Commission, Mr. Saylor, would you present Item D?

Mr. Saylor: This is a minor Plot Plan change on the Safeway Store at Sahara and Valley View - this being Sahara (wall map) - Valley View. It is a request to reduce the wall for the north 45 ft. from 6 ft. to 30 inches to provide more sight access in the vehicular pattern.

The Planning Commission has recommended approval subject to the satisfaction of the Traffic Engineer.

Mayor Briare: That was one of the original conditions?

Mr. Saylor: One of the conditions for approval was that there be a 6 ft. block wall along Valley View - there are houses over here (wall map) - and that there be landscaping in here. There is landscaping they are asking that the north 45 ft. of that block wall be reduced to 2-1/2 ft. high to provide visual access in here at this driveway opening.

Mayor Briare: Does Staff recommend this?

Mr. Saylor: Yes, we feel it is a safety factor.

M o t i o n

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

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

Z-27-75
Denied

ZONE CHANGE Z-27-75 - THOMAS T. BEAM
(395 Protests)

Attorney John Taylor: I am representing both the owner, Tom Beam, and the developer, Leroy Corporation. We are requesting to upgrade the zoning on this particular piece of property - one zoning on each half of it. At the present time the east half is zoned R-2 and the west half is zoned R-3. We are asking for R-3 on the east half and R-4 on the west half.

At the present time under the existing zoning, apartments could be built on this property - a total of 84 - without coming before the various Boards for approval. We are asking for 160 units to be put on this property under the zoning that we have requested.

About two years ago this same piece of property was requested by the same parties - Tom Beam and Leroy Corporation - to rezone it to R-4. At that time, the whole parcel, and we were requesting at that time 180+ units. We were, of course, turned down. That is the reason we are back here today.

We have lowered our sights on this particular property to what we are asking for at this time. It is our feeling that it is compatible and in keeping with the general concept of the area

and the general development of that particular portion of Las Vegas.

At the present time all of the property to the north and northwest of the parcel, is zoned R-3. The property to the west is zoned R-1 - the property to the east is zoned R-1. The property to the south and katty-cornered across the intersection, at Ogden and Bruce, is zoned Commercial as well.

We feel that the Project that we have presented would be a good buffer between the existing zonings, as they are now, and the Commercial that will eventually be developed on that property that is zoned Commercial.

We also feel that the property to the west will become Commercial in not too long a time. This, of course, is an opinion. At the present time there is Commercial up on 15th Street already, which is only a couple of blocks west and of course has crept east from downtown that far at the present time.

We are on two major streets - the intersection of two major streets - Bruce, which is an 80 ft. dedicated right-of-way and Stewart, which is proposed as an 80 ft. right-of-way. One of the stipulations to us for this particular zoning was that we dedicate another 10 ft. on the north of our property for the future widening of Stewart.

I would like to point out that in the development of this property, the building area, which is indicated in the orange color (wall map) covers approximately 25% of the total property, leaving 75% of it open and that is taken up approximately half and half with landscaped areas and the other half with the required parking, which we have met with the required 240 spaces for the number of units that we have.

We do have a 3-story building, but I would like to point out that the third story, or the third floor, has no entrances from the exterior. They are only bedrooms for the second floor apartments.

The greenbelt, or the landscaped area, that we do have on 18th Street, which is residential at this time as R-1, we have minimum setbacks to our building from the existing curb line of some 21 ft. As you can see (wall map) the buildings have off-sets - they are staggered - so they go from that up to about 30 ft. in some areas to the building.

This property has been sitting there for some number of years - vacant - and we feel that a development of this nature would far surpass a development that could be put on there at the present time without any rezoning, and would be to the betterment of the community and to the people that live there at the present time.

As I stated earlier, 84 units could be put on there and the only requirement that would be met at that time would be, of course, your Planning or Zoning requirements as to the setbacks - things of this nature. We have exceeded these in most instances with our buildings as proposed. Again, being developed as one Project, not as individual lots, has its advantages.

Leroy Corporation, as the developer and owner, builds to operate and maintain. They do not build to sell. They have, I believe, every unit they have ever built they still own and still operate and maintain. We feel that all of our Projects are maintained in good order - much better order, I feel than most apartment projects.

We are planning an FHA financed Project here, which has very strict controls as to development and maintenance. This is

not a subsidized program we're using - it is strictly a rent control type of thing, but they are very strict on what they will allow as far as the number of units - open area - and this sort of thing. Also they control the maintenance of the Projects that they have financed.

We feel that this particular location is very well suited for this development. At the present time there are bus routes on both Bruce and Stewart - City bus routes - which, of course, would help the tenants of this particular project.

I believe you will find as the protestants speak here and I'm going, of course, from the prior meeting of the Planning Commission, that the consensus is that apartments are not wanted on that particular piece of property. I would like to re-emphasize and point out, of course, that apartments can be built there - 84 to be exact - without any additional approvals.

We, therefore, ask that you approved the application for our Project.

Mayor Briare: I note there are some 395 protests - I would like to ask those of you who are in the audience who are here to protest if you would be kind enough to raise your hands. Then I would assume that perhaps one or two of you are going to be speaking on this item.

Response: Three of us will speak.

Harry Leonard: I live at 137 North 19th Street. As the gentleman just before me mentioned, he doesn't believe that we want apartments in that particular area, and I'm sure that the people who are here that live in my neighborhood with all agree - we don't.

We have had apartments to the southeast of us on Sunrise Avenue that have turned into - well - places that were really nice places to live - but they have changed. Many of those are people - like so many other places in town - they have moved into that particular area - they have refused to pay their rent - they have torn the places down and even in some instances, notices of eviction have taken some time to get them out of there. They have left the places in a deplorable condition. They have moved to other sections and then the same thing.

We realize that we cannot in any sense of the word stop progress, but in our particular area - for myself - I have lived there for 25 years - I bought - I own my home and I raised my family there. The people that we have in that particular area are in some instances, retired, such as I will be after Friday, and I intend to live there if the particular area will so allow me.

We don't need these particular apartments for this particular reason and if you will note the particular area to which the gentleman just before me mentioned - was between Ogden and Stewart. There is a like area of this particular property I believe it is also owned by Mr. Beam - that would give him the privilege of building a 3-story apartment building in there. The third story, as he said, would be used for bedrooms. We give him that foothold, then the area from Ogden to Sunrise will be also given to him, eventually, for the same purpose.

We have a good neighborhood - we have good members - we have our children there - he says that he wants three times as many units as the original zoning would allow/. He mentions parking facilities. He doesn't mention, however, that a lot of these people that are going to move in there will have children - the mothers - the fathers - the kids - they will all have cars. That is our mode of living today, despite the fact that gasoline is high. They are going to have to find

some place to park and in the particular area they are going to park in will not be sufficient to take care of all of those cars, so what will happen then? They will definitely be on our streets. They'll be racing up and down the streets as they do in many parts of the town.

Having seen the area grow since 1946 to its present condition we know that it is going to happen to our area and this is something we would like to curtail if possible.

I've made a lot of notes - I'm not going to take the time because I know the Commission has a lot more to hear, but in any case, gentlemen, in conclusion refer to an article that was in the paper - the Review Journal of August 14, 1975 - a news item from San Francisco - the Ninth U. S. Circuit Court of Appeals Wednesday upheld the legality of a controversial Community Development Control Ordinance enacted by the City of Petaluma. We realize that we are much larger than Petaluma - but in any case the Judge - because the concept of public welfare is sufficiently broad to uphold Petaluma's desire to preserve its small town character. This, we cannot do. We are a large town, but open spaces and low density of population have to grow at an orderly and deliberate pace, and I believe anyone in these Chambers knows that we haven't grown at a deliberate pace - we have really gone-to-town over the years.

The Circuit Court's decision was greeted enthusiastically that this growth control law was an effort to reduce the environmental deterioration brought on by rapid expansion and the burden it places on the taxpayer to provide new city services. And this is actually the crux of the whole thing. We in our particular area where our money is limited - we cannot fight money. We do not intend to fight money per se, but we'd like to fight the money to the extent that it means something that is going to really override our particular neighborhood - something that we definitely do not need. As far as Petaluma and the implications all over the United States, the decision indicates to me that a City like ours can take a look at itself and decide for itself what it wants so it can plan for orderly growth - protect it against urban sprawl and be able to provide adequate facilities for those particular people who do move in. Thank you.

Commissioner Lurie: Before I could afford to buy my house, I lived in an apartment for many years - the way you make it sound, apartment dwellers are second class citizens - that t they don't deserve . . .

Mr. Leonard: I don't intend to leave that particular thought . . .

Commissioner Lurie: And I would like to correct one other thing - that land is already zoned - they could build without even coming before this Board -

Mr. Leonard: The studio apartments at the present time that are at the corner of Ogden and 15th Street, that is just to the north of the old Hamilton House. This particular area and apartments are so confused as to their trash, garbage, etc. that they are set out on the street. There is no control - no containers - they are open to every canine in the area and noticing that the apartments to the southeast on Sunrise are also so deteriorated . . .

Mayor Briare: Excuse me - I don't think you are addressing yourself to Commissioner Lurie's remarks. Commissioner Lurie has pointed out that that property is presently zoned for apartments.

Commissioner Lurie: They are looking to increasing the density - have more apartments - but basically there's quite a difference from R-3 to R-4 -

Carl Woodbury: I own property at 232 North 17th Street. Also I own an apartment house at 1921 Stewart Avenue. Coming back to Commissioner Lurie - I'm sure it's no fault of any tenant in whatever condition they exist - it is strictly the owner. I want that corrected. Without covering anything that was said by Mr. Leonard, let me just make a few comments:

First of all, we personally feel it is the radical zoning and we can't help but feel that the Leroy Corporation and the Beam family do not have the interest of the area at heart or they would go along with the present zoning on it. I am also an apartment owner, but I have never felt it necessary or had any desire to change the existing conditions there. This property is bounded by three very busy streets, namely Bruce, Stewart and Fremont is just a short distance from there and this additional 400 or 500 people confined in this small area could cause unnecessary congestion.

And when we're talking about parking, let's keep in mind that we are not talking about one or two cars per family - we're talking about boats, recreation vehicles, campers, and what-have-you. So this also could pose a real problem.

Also - it has been brought out, I think - the property is bounded on the east and the west on 18th Street and Bruce, mainly by single family residences, most of which are owner-occupied.

We feel we would ask your cooperation and deny this request.

Ouida B. Garmany: I must apologize - our people work - my people called me and told me - I cannot get off work, so let's let the people who are here speak. They have touched on just about everything I had in mind, with the exception of the inner core of cities dieing. I don't know how many of you travel to the big cities - I have - and we are in an inner core and most of the big cities of the Nation - a lot of them have died from within - too many apartments.

Commissioner Lurie, I, too, have lived in an apartment and I never thought I was a "trashy" person. But the ones we are referring to here - this is a matter of Police record - we read about it in the papers - Police activity down in the Sunrise Apartments. I don't know that the Leroy Corporation will have that type of person - we happen to have drawn some very poor citizens in that area down there.

Mr. Beam already has the zoning - if he put that in, it would be bad enough, but that's done and we can't do anything about that. But don't increase this thing. This will make it so we just can't hardly live there. We have some new "For Sale" signs - our people are just not going to stay there. I'm just a seven year resident - I'm new - but I'm fighting with the rest of them because I want to stay, if I can.

Just don't allow this thing to get too big. I can't think of anything we haven't covered here. You certainly get the impression we don't want more people in our area because people fight among themselves if they get too close and that would be 160 families in one square block. That's what we don't want.

Mayor Briare: Thank you very much. Mr. Saylor, do you have any comments?

Mr. Saylor: Just to correct one impression about the fact that it could be built with apartments now. That is not quite true - the east half is zoned R-2 which limits it to duplexes and, of course, they could not go to three stories on that part of it.

Mayor Briare: Any comments from the Commission?

Z-27-75
(continued)

Commissioner Leavitt: Mr. Mayor, I'd like to move that we follow the recommendation of the Planning Commission, which recommended DENIAL.

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

Mayor Briare: The application is DENIED.

WATKINS MANOR
FINAL MAP
Approved

Mayor Briare: Before we proceed to the next agenda item, Mr. Hampton (Director of Public Works), Commissioner Lurie has requested that you bring on a matter of a Subdivision Plat.

PLAT OF WATKINS MANOR UNIT No. 1
(H.S. Service Corp., Robert Banks, V.P.)

Mr. Hampton: This is an item not on the agenda. It was at one time but was pulled off because we felt there was a problem. This problem has been worked out and we feel that everything is in order now to approve this Final Map of Watkins Manor No. 1.

It is located just south of Washington, east of Lorenzi. We would recommend approval based upon the condition that before Units 2 or 3 will be considered, a satisfactory Agreement must be reached between the Nevada State Highway Department and the Developers regarding access to Lorenzi Blvd. from this development and surrounding developments.

For the benefit of the new Commissioners, this has been a matter that has been discussed in the past regarding access to the West Porter Homes area - this area right here (wall map). The new Freeway off-ramp is shown over here. It is desirable for the people in this area to be able to get off the Freeway at this location.

The Developer has indicated that he is willing to cooperate with the Highway Department but has requested approval of Unit No. 1 so that he may proceed. He will work with the Highway Department to solve his problem.

M o t i o n

Commissioner Lurie: I recommend approval, as recommended, subject to the condition.

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

Z-26-75
Approved

Z-26-75 - ZONE CHANGE - NICK PANDELIS

Mr. Saylor: This is a request for a change in zoning from R-4 to C-1 for property on the west side of South 3rd Street between Colorado Street and California Street, which is in an area recommended for Commercial by the General Plan. This is a Plot Plan of the proposed development showing the utilization of an existing building - alley to the rear - the remainder for off-street parking (wall map). There will be some landscaping in front.

The Planning Commission has recommended approval subject to the following conditions:

1. Conformance to the Plot Plan on file in the Department of Community Development.
2. Conformance to Code requirements and Design Standards of City departments.
3. Installation of 60 ft. of 5 ft. wide concrete sidewalk along 3rd Street and signing an Assessment District Agreement for future street lighting along 3rd Street and for alley paving in the alley, as required by the Department of Public Works.

Z-26-75
(continued)

4. Landscaping and a permanent underground sprinkler system shall be provided, including landscaping in front of the building, as required by the Planning Commission, and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and sprinkler system shall be cause for revocation of a Business License.
5. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.

M o t i o n

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

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

Z-28-75
Abeyance

ZONE CHANGE Z-28-75 - CODY BOB BYRD

Mr. Saylor: Next before you is the application of Byrd for a change in zoning from R-2 to R-3 for property located on the south side of Owens between Marion and Nellis Blvd.

If you will look at the screen you will see the property in question, which is presently zoned R-2. Along the frontage of it is Owens Avenue which is a major street. However, backing up to it is R-E zoning and R-E Development, as indicated by the green area. I believe the R-2 strip was put in somewhat as a buffer on the edge of it.

Mr. Byrd is now asking for a change in the zoning from R-2 to R-3 which would double the number of units that would be permitted and also, again, allow apartments rather than duplexes, which is all that would be permitted under the R-2 Zoning.

There were five (5) protests at the Planning Commission meeting from property owners generally located to the south in the R-E area.

This is a Plot Plan (wall map) of the proposed development - a proposed 8-unit building here - here - here - four (4) here and the single family home which he now occupies and which he would continue to occupy.

Bob Byrd: I live at 4879 East Owens. This is my residence in the back (wall map). I built this home myself four and half years ago - then I have three (3) 7/8-acre lots fronting Owens. The Commission was a little surprised when I was just assessed approximately \$3,000.00 for a new water line. These are the three lots (wall map) - \$913.03 per lot is what I have been assessed for a water line.

As you know, Owens is widening - the City just acquired another 10 ft., which makes it a 100 ft. right-of-way. If the curb and streetlights go all the way to Nellis, which I assume they will within the next two to three years, this will assess me on my property, another \$9,000.00. This projects assessments a little bit high.

I didn't realize I had to go from an R-2 to R-3 to build a 4-plex - I got all my drawings prepared - plot plans - came down for a 4-plex and when I applied for a Building Permit on a 4-plex, I found I had to go for a Zone Change. - it's as cheap to go for three lots as it is for one. So I went for a zone change for all three pieces of property.

Page 50
Minutes
Regular Meeting
City Commission
September 3, 1975

I had a little opposition from people directly to the south of me, as has been pointed out, because it is zoned for horses. Directly behind me on all my property, on the south side, I have horses in only one place at the present time - right here (wall map). Jack Harrison is directly behind me - he had an unfortunate accident last year - he was crippled up quite bad - he was a jockey - he rented his

out - a landscaper lives right there behind me - there is no horses directly behind me at all - on the one corner right here (wall map). The protests are over horses.

I have to build apartments. I can't afford this type of assessment for a single family dwelling. If I have to build duplexes, I've got an extra wall every two units, which cost more money, which makes it more blotched up - it doesn't make for as nice a looking apartment complex and I'm just here to ask for the R-3 Zoning.

Mayor Briare: You indicated that you built your home four years ago?

Mr. Byrd: I started it in November of 1970 and finished it in 1972.

Mayor Briare: How long have you owned the property?

Mr. Byrd: Since 1968 - in 1972 I bought this two acres.

Mayor Briare: The reason I was asking - when you bought the property was it zoned R-2?

Mr. Byrd: R-2 all along Owens. There's no objections on Owens at all. I have apartments directly to the west of me - there's a half acre strip between me and a very nice duplex development - I think there are three duplexes there if I'm not mistaken, but they are very well kept and they are beautiful. On further we have some small duplexes - little crackerboxes - right off of Owens which, when they take the right-of-way, they have made them so close I would say in three years they will be gone and there will be new apartment complexes going up there.

Mayor Briare: Is there anyone in the audience who wants to speak in opposition to this application?

Commissioner Lurie: Are you going to build these yourself? Are you a contractor?

Mr. Byrd: I am not a contractor - I have to have a General Contractor . . .

Commissioner Leavitt: Do you have your financing?

Mr. Byrd: It's coming out of my pocket. I have half of it in cash right now and I'm looking to selling my holdings to come up with the other half. I try to shy away from the interest rates. If I have to, I will borrow some money, but at the present time I have enough but when I get to the finish of it, I may have to borrow money, which I have a place to borrow it.

Commissioner Leavitt: Mr. Saylor - that area in red - is that Commercial?

Mr. Saylor: Yes - that's the frontage along Nellis -

Commissioner Leavitt: What about that green area?

Mr. Saylor: That's the Happy Rancho Valley area which is substantially developed with homes.

Commissioner Leavitt: Are there any other multiple uses?

Mr. Saylor: Do you mean in this immediate vicinity, or going further . . .

Commissioner Leavitt: Right there where he wants to put his development.

Mr. Saylor: There are some duplexes - it is zoned R-2 -

Commissioner Leavitt: What is that other area you were pointing to?

Mr. Saylor: That is still zoned R-1.

Commissioner Leavitt: What was the reason for the Planning Commission denial?

Mr. Saylor: I think, essentially, their feeling was that they indicated that he does have R-2 Zoning and he is going to build duplexes if he can't get the R-3 Zoning, and I think the obvious conclusion is that if he gets R-3 Zoning, then the other people that have R-2 have the same argument of going to a higher density, yet you do have the Ranch Estate atmosphere in there. I think their thinking was that the R-2 acted as a proper buffer between . . .

Commissioner Leavitt: Those are all Ranch Estates there in the green?

Mr. Saylor: Right - I'm not saying that all of them have horses, but they all have at least a half acre lot, I believe.

Commissioner Woofter: In other words, if we would go for apartments in here, that would be the first?

Mr. Saylor: Yes . . .

Commissioner Leavitt: What was the recommendation of the Planning Commission?

Mr. Saylor: Denial.

Mayor Briare: I think we are all familiar with that particular area out there with respect to the development. My personal feelings are that I am inclined to go along on some kind of a limited basis, but you really haven't convinced me Mr. Byrd that you really do want 36 units. You are talking about a half a million dollar investment.

Mr. Byrd: I got a little ahead of myself on the financial situation. What I am trying to do is to build one 4-plex - I have the capital to build one 4-plex this year - I'd like to have it completed and occupied by January 1, 1977 - this one right here (wall map). Then, when I get this built, along with my other properties - my other holdings - I can finance something like this, and I would have to come back before the Board again next year for another Zone Change.

I didn't realize I would run into the opposition that I have - I was going to go for one - I said I was going to have to come right back again in the near future for a Zone Change on this one block of property - it is completely level - packed - doesn't have a tumbleweed on it - it was strictly a mess when I bought it - I put water on it - let it soak in to settle the dust and stop an air pollution problem right beside of my house. I do have to get the financing on the 32, but rather than build two duplexes at the present time and blotch it up, I'd like to build the one 4-plex and make it look neater and leave all this room - it won't obstruct my view . . .

Mayor Briare: Mr. Saylor from a procedural standpoint, is it in order for a Commission to consider the possibility of reducing this request to a Variance and allowing a 4-plex on one lot?

Mr. Saylor: I don't believe so. Under our procedures, you could amend it just to involve Lot 10 but you would have to approve it for R-3 Zoning. You could stipulate, however, under the R-3 Zoning it would allow only a 1-story, 4-unit building, but you can't switch it to a Variance. You can amend the application to the one lot for R-3 and put a condition on it that it be the 1-story, 4-unit building.

Mr. Byrd: A 1-story for unit is all I want on this -

Commissioner Lurie: I think in all fairness to you I would like to hold this until our next meeting. I want to go out there and take a look at the entire area.

Mayor Briare: Are there any objections from any of the Commissioners?

Commissioner Christensen: No - but I'd like to ask a couple of questions. I don't mind hold it - I think it might be a good idea. As I understand it, this was R-2 when you bought it. The big reason you want to go to a greater density is because of the expense of the water assessment and the street assessment on the street -

Mr. Byrd: And I've added to my property - the two acres beside me since I built my home -

Commissioner Christensen: Did you say you had just given 10 ft. on Owens?

Mr. Byrd: Yes Sir -

Commissioner Christensen: Did we buy that from you?

Mr. Byrd: Yes Sir -

Commissioner Christensen: How much did we pay for it?

Mr. Byrd: \$1,500.00 for the 10 ft. off the front -

Commissioner Woofter: Mayor, before we vote on that motion, I am inclined to agree with Commissioner Leavitt - I'm susceptible to the 4-plex at this time regarding the 36 units - and I believe the Applicant is agreeable to coming back at some future time. Rather than hold off action, my suggestion would be for Mr. Saylor to give it to Mr. Byrd to start the application in this particular regard - if there is a manner of expediting it.

Mayor Briare: I have the feeling that Commissioner Lurie wants to go out and take a look at this - this could be taken up at the next meeting. If I understood Mr. Saylor correctly, any other action to try to revise this Plan now would have to go back for a public hearing and start the whole thing over.

Commissioner Christensen: The thing that bothers me - you are not ready to look at the 36 but you are ready to look at the first 4 - that's like saying you are not ready to buy the whole car - just the wheel. Actually, you're going to have 36, and if you're not ready to look at the 36 today . . .

Mayor Briare: That whole neighborhood out there right now is pretty open - this is a cautious way if you are not positive one way or the other, this is kind of a half-safe way to proceed, and the applicant seems to be agreeable to a procedure such as that.

Commissioner Christensen: Mr. Saylor, how does the Master Plan show that?

Mr. Saylor: In terms of Land Use, it recognizes, of course, the low density character of the R-E in that area - also recognition that there has to be some type of acknowledgment that it is a major street . . .

Commissioner Christensen: How deep is this property from Owens?

Mr. Byrd: 296 ft.

Z-28-75
(continued)

Mayor Briare: Mr. Saylor, once again - in the event - the request here is to hold it - we're going to find out whether the Commission wishes to hold it or not until the next meeting - however, projecting ourselves into the next meeting, even if the Commission was favorable toward a f-plex, would they legally be able to do it?

Mr. Saylor: Yes. They could not do it under a Variance.

Mayor Briare: Commissioner Lurie has requested that this application be held to the next meeting. Are there any objections to that request?

(No response)

Mayor Briare: Hearing none, it will be held to our next meeting.

Commissioner Leavitt: I would like to have it put on the early part of the agenda - put it back on first so he won't have to wait through the entire meeting as he did this time.

CV-1-74
Abeyance

C-V REVIEW - CV-1-74 - ECHOES OF FAITH MINISTRIES

Mr. Saylor: If you will look at the screen the property in question is in a CV Zone - it is the old Jeep Posse property and it's right next to Fantasy Park - immediately to the west - the rest of the property is in the general area used by the Eagles and some other Lodge uses.

Under the CV Zone public uses are permitted through approval of the Planning Commission and this Body. This first started out, I think, essentially as a Church use and then they asked permission to provide overnight accommodations for people that needed assistance in terms of - I believe alcoholics and I believe people who associated with the use of drugs.

The question came up as to whether this is a proper location for that type of use. There are two buildings on the property one in the rear and one toward the front and I believe the rear building is the one that is to be converted to the use. If this is approved, there will be people staying there overnight.

Commissioner Leavitt: Is that fence still around it?

Mr. Saylor: Yes . . . there is some other use of vacant property immediately behind it, and then the Senior Citizens Project. Immediately to the west, however is Fantasy Park.

Commissioner Lurie: Are there people living there now?

Felix Owens: Yes -

Commissioner Lurie: And these are people who are alcoholics and use drugs?

Mr. Owens: Yes -

Commissioner Lurie: What kind of counseling do you give - what experience do you have to counsel these people?

Mr. Owens: First of all, it is a Christian organization - an inter-denominational Christian organization. We started out on 4th Street about four years ago, working with a very few people - they came in off the streets - they were on drugs - the whole bit. They have been completely rehabilitated. It came to a point where many of these people were coming in, needing the assistance - the problem is this - they can receive a deliverance - they can be taken off of anything but if you let them go back too soon, they will go back into

it - on alcohol or drugs or anything of that nature. So what we want, therefore is an overnight type of facility with a limitation set where we couldn't have more than twenty (20). We're at a disadvantage right now because it's on a twelve type basis and if we can't have it with twenty people, we're not going to be able to handle it with anything else.

Commissioner Lurie: Do they each have individual sleeping accommodations? Or is it a dormitory-type facility?

Answer: Yes - right now we just have some sleeping bags but this is what we're planning on building in the rear.

Felix Owens: I don't want to have it as just a thrown-together type of deal - we want something that the men can be comfortable in - so they can be clean accommodations and something that is not detrimental to the appearance in that area.

Where do you get your financing?

Mr. Owens: From the Body - from the Body of the Church - from the congregation..

Unidentified Speaker - female): We want to keep them on a temporary basis - until they are rehabilitated. We have four (4) full time counselors - we have two couples and a boy, who is with us most of the time, and then we have a secretary who is now working full time.

In this kind of a situation it is almost impossible to help them unless we can keep them - three months or something like that. They are under supervision.

Commissioner Lurie: I'm familiar with drug abuse because I serve on the Committee for the Fitzsimmons House and some of the Half-way Houses we have operating - if you can rehabilitate somebody in three months, then you have an agency that other people better take a look at, because I've seen people who have been at these Houses for eighteen months and they still go back on the hard stuff just the minute they walk out the front door. So my question is - is this going to be someplace where a person can spend one or two nights - and then they are back out on the street - they leave town -

Female Speaker: This is why we'd like to build the facility in the back - there's an old building that had to be worked over and a lot of things we are dealing with the City on. It's hard to say exactly how long it would take for a person, but we do have to be able to help them.

Commissioner Lurie: One of my main concerns is the area where the Park is - haven't these people frequented the Park area where it might be dangerous for people who want to use the Park - where it is going to be a Police problem? That's my main concern - having twenty people who are on drugs or alcoholics who are going to go over there and disturb people who want to use that Park for the enjoyment of the Park.

Answer: This is also in the minds of the City Planning - I don't know if you've ever heard the Teen Challenge - we operate the same way - people have to have a motive - an incentive. Alright, now the situation in the Park is not very good at this time, as you well know. We do have our people under supervision - they are not allowed to have any drugs and they are not allowed to have any alcohol. In other words, I feel that we could be more of a help to the City than a hindrance because really there is a lot of need for this at this time.

Commissioner Lurie: What do you do if these people come back? They have gone out and are back on drugs and come back - would you turn these people over to the authorities or try to rehabilitate them again?

Answer: This is the thing - they are not allowed to stay there and continue this practice. There may be times that they go out and if we feel we are sufficient to try to help them again, we may take them in. But there comes a limit to where you can help them and at that time it would mean the Mental Health Center or different places we've contacted - we try to work with all of these organizations. We realize that we can do only so much on a limited basis, but we do desperately need to be able to help them a little bit, and I feel these men, with supervision, are much better off because they are under supervision - in fact, we have had people who have changed completely - their lives have been changed -

Commissioner Lurie: Who refers these people to your church?

Answer: I don't know - they come to us - we have had some from Catholic Welfare and things like that. If we had the facilities there would be more than we could ever take care of. In fact, it is very difficult to find a place to send these people to and I think the City . . .

Commissioner Leavitt: I'm a little confused - is this a Church or a Rehabilitation Center?

Answer: Yes - we started out on 4th Street trying to work with kids on drugs -

Commissioner Leavitt: Where on 4th Street?

Answer: 1316 South 4th Street, and we were the first agency, I believe, to ever work with drugs before SINDAC came in - we were even taking them by telephone . . .

Commissioner Leavitt: Are you licensed by the State?

Answer: No - we are cooperating with them -

Commissioner Leavitt: What are the qualifications you are requiring of your counselors? Do they have any degrees?

Answer: Well, we do have some associated with us -

Commissioner Leavitt: I'm talking about the ones who work with you - do they have any degrees?

Answer: No, they don't have any degrees. I'm an ordained Minister -

Commissioner Leavitt: You talk about the Church - it seems to be centered on the rehabilitation of alcoholics and drug addicts. I'm not clear in my own mind whether that should be the sole function of a church. I'm not saying it should not be one of them -

Answer: It isn't - this is the thing we are in question on - we have a lot of other . . .

Commissioner Leavitt: Well, rather than get into a lot of details as to your organization, the only question I'm really concerned about is whether it is the proper zoning. Now if this is like the Elks - the Eagles - there are several Lodges . . .

Mr. Saylor: It is zoned CV, which is called a Civic Zone which will allow any type of public use, and this falls within that category. Now, as you say, in that area is the Moose Lodge - the Eagles - Jeep Posse - the Sheriff's Posse -

CV-1-74
(continued)

this is the Senior Citizens -

Commissioner Leavitt: If it was directly for alcoholic and drug rehabilitation, could it be in that zoning?

Mr. Saylor: That is at your discretion - under the CV Zoning it could be considered - - the Church use at this point in time I don't believe is the question - I believe that's already been approved - the overnight accommodations and counseling services are the question.

Mayor Briare: I think I'd like to know a little bit more about the organization that's going to engage in this - would you like this held, Commissioner?

Commissioner Leavitt: Yes, I'd like it held - I wonder if you could give each Commissioner a resume of the organization - how it operates - what are the qualifications of the counselors - what the results have been from the operation on 4th Street - and I'd like to know if there have been any complaints made. What I'm concerned about - Commissioner Lurie mentioned one thing about the Park, but I'm also concerned about the Senior Citizen area directly behind it. I want to know what kind of steps will be taken with regard to security. I know there's a 10 ft. fence around it now -

Answer: We haven't had any problem with any of our people going that far - it's quite a way to the Senior Citizen Center -

Commissioner Leavitt: Directly behind it is another Senior Citizens complex - Archie Grant Park -

Commissioner Lurie: You haven't had twenty people either - you've had three or four so you're talking about a different type of operation. I think it's best that we hold it.

Mayor Briare: If there is no objection then, this will be removed from the agenda and referred to Mr. Saylor. Then, would you comply with Commissioner Leavitt's request and give the Commissioners a complete resume?

Mayor Briare: Commissioners, we are also faced with the problem that we have to break now to be back at a Committee meeting at 1:30 p.m., so we will resume the remainder of the agenda for the Department of Community Development at 2:00 p.m.

R e c e s s

Meeting RECESSED at the hour of 12:30 p.m.

Meeting reconvened at the hour of 2:00 p.m. with the full Board and Staff present.

Z-11-75
Approved

REVIEW OF CONDITION - Z-11-75 - SYLVIA THOMPSON

Mayor Briare temporarily detained. Meeting reconvened with Mayor Pro Tem Lurie.

Mr. Saylor: This involves the property owned by Sylvia Thompson on the west side of Santa Paula, between Oakey and Weldon. On a portion of the property she has a Child Care Facility and a portion of it involves some offices, two of which were approved for a Commercial use by means of a Variance. She recently applied for a P-R Zoning on that property. It was approved with the condition that "the Commercial operations shall be terminated when the current operators of the Commercial Uses discontinue occupancy on the premises."

Page 57
Minutes
Regular Meeting
City Commission
September 3, 1975

What that is trying to say is that - fine - you've got two Commercial uses on there by means of a Variance - we'll give you the P-R Zoning provided that you change it all to P-R when the Commercial Uses fade out.

There was misunderstanding on the exact wording about the current operators of the Commercial Uses as opposed to the current Commercial Uses. For example: One of them is a Beauty Shop and if you were to take the position that the intent was that the current operator, when she leaves that the business has to be terminated, it means then that she is left holding the bag, so to speak, because she couldn't sell the Beauty Shop to somebody else to run as a Beauty Shop.

I am inclined to think it was the intent of the Board not to deal with the present operators, but that they were saying that when the Beauty Shop use ceased, that she couldn't convert it to another Commercial use..

Commissioner Lurie: How long has it been used as a Beauty Shop?

Sylvia Thompson: About a year and a half - Mr. Saylor, there are three (3) businesses, not just two (2). We have a complex there that are all businesses - one is B _____ Confections . . .

Mr. Saylor: It qualifies as an office use, however - it is a permitted use under the P-R Zoning -

Mrs. Thompson: The Beauty Shop has been there a little over a year - and then there is a Dressmaker and _____ Construction in this one triplex - they've been there seven years in one case and eight years in the other cases. It doesn't seem fair - as Mr. Saylor has said - if they want to sell their business they would be restricted by a change of words down here from what was intended up here.

Commissioner Lurie: The Beauty Shop owner wants to sell to someone else . . .

Mrs. Thompson: She wants to be able to sell it in case she wants to - she doesn't want to be restricted - to build up a business and then -

Commissioner Lurie: She has a buyer?

Mrs. Thompson: She did have a buyer, but that buyer bought some place else because of this, and Mrs. Coleman indicated that rather than making the P-R a condition of the Commercial moving out, she would like to see the P-R respected but that the Commercial Uses that are now existing under Variances, remain and when they moved out, no more Commercial Uses could replace them. So, in fact, what she is saying is that as long as there is a Beauty Shop in there, the Variance should go on. And Mr. Saylor also says that this is the way it should be and they asked if it was legal - that it could be stopped.. My interpretation was, and I left the building that day thinking the Uses could go on the same, but then that Use on that certain space was terminated, I couldn't rent it for another use. It isn't fair to my tenants to not be able to sell the business if they want to, if it is to the same kind of an operation.

Commissioner Lurie: That was one of the restrictions, though, in obtaining the original zoning - that if it was sold - it didn't specify if it was just sold to a Beauty Shop - that they would have to come before the Planning Commission to get that Variance extended.

Mrs. Thompson: That's not the way I understood it. The way I understood it was that . . .

Commissioner Leavitt: Do we have a copy of those minutes to see what they say?

Mr. Saylor: She has a copy of the Planning Commission

Z-11-75
(continued)

minutes -

Commissioner Christensen: And the City Commission approved what the Planning Commission recommended?

Mr. Saylor: Right -

Commissioner Leavitt: What is between Oakey and the subject property?

Mr. Saylor: Professional Offices, I believe - At least, that's what used to be there - I think they were real estate offices.

Mrs. Thompson: There is a proposal now, I think - I got a letter the other day - she wants to make her's C-1, and this property I am asking about - our back doors are together - she's on Oakey and we're facing Santa Paula - but the back doors of the buildings are together.

Commissioner Lurie: It seems to me that's where the problem is going to come in - if you have one C-1 along Santa Paula and to allow that one and then to turn down somebody that wants to come in, who is facing on Oakey, it would seem to me that the conditions were put in those minutes for a specific reason. And that was the reason - so that when the use was discontinued the property would go to the P-R Zoning.

Mr. Saylor: Staff feels that - first of all, it is a matter of interpretation - I think the intent was, when and if those specific Commercial Uses ever ceased - the Use ceased - that then it should go to P-R as opposed to the present owners use of it.

Commissioner Christensen: In other words the use could remain the same under a different operator?

Mr. Saylor: Right.

Commissioner Christensen: How would you word that motion?

Mr. Saylor: I think simply to clarify that condition to stipulate - the current Commercial operations shall be terminated when the current use of the Commercial property ceases - rather than occupant. Change it to "use" instead of "occupant".

Mayor Pro Tem Lurie: If there is no further discussion, I will entertain a motion.

M o t i o n

Commissioner Christensen: I so move as stated by Mr. Saylor.

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

Z-10-69
Approved

REQUEST FOR EXTENSION OF TIME - Z-10-69 - RON RICHARDSON

Mr. Saylor: This involves a proposed Mobile Home Park in the east end of town on Lamb Blvd. A portion of it has been developed. The time has expired and they are asking for an extension. The Planning Commission has recommended approval.

Actually our feeling is that we might as well go ahead and Ordinance it for a Mobile Home Park because there is Mobile Home Park development immediately adjacent to the north - there is Mobile Home Park zoning to the east.

Page 59
Minutes
Regular Meeting
City Commission
September 3, 1975

Bob McNutt: I'm the Engineer for Mr. Richardson on this Project and this is, in essence, what we would like to see - by Ordinance. It is developing but because of economics it can't all happen at once. The Planning Commission recognized

Z-10-69
(continued)

M o t i o n

this and recommended to the City Commission that an Ordinance be adopted consummating the zoning on all of the parcel.

Commissioner Woofter: I would move to make such a motion, subject to the conditions recommended by the Planning Commission:

1. Planning Commission approval of a Plot Plan on the remaining property prior to development.
2. Conformance to all conditions of approval on the original Zoning application.

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

Mayor Briare arrived at the meeting at approximately 2:25 p.m.

Z-18-68
Approved

PLOT PLAN REVIEW - Z-18-68 - JOHNNY BIBB

Mr. Saylor : The next item before you is a Plot Plan Review under the C-D Ordinance for a C-D Use out on West Charleston Blvd - 3515 West Charleston.

This is a Plot Plan (wall map) of the proposed development - it's on the corner of Charleston and Darmak - it shows extensive landscaping - the utilization of the existing structure - there will be some renovation to the front of it.

The Planning Commission finds that this is in keeping with the intent of the C-D Zone and has recommended approval subject to the following conditions:

1. The rooms used for instruction shall be located in the main building only, and these rooms shall be sound-proofed.
2. Conformance to the Plot Plan on file in the Department of Community Development.
3. Conformance to Code requirements and Design Standards of City departments.
4. 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 and sprinkler system shall be cause for revocation of a Business License.
5. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.

Mayor Briare: Is this a public hearing?

Mr. Saylor: Not on the Plot Plan. There was a public hearing on the original zoning to allow the C-D.

Mayor Briare: The house is not in use now?

Mr. Bibb: I am in the process of buying it - I'm going to use it for a Music Studio -

Mr. Saylor: Let me clarify - he is involved only in terms of the proposed use under the Plot Plan Review. The zoning took place in 1968 as many properties on West Charleston were zoned C-D subject to the condition that each proposed use come back to you for review.

Z-18-68
(continued)

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

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

O'HARE ROAD
Street
Name
Change

STREET NAME CHANGE - HOMESTEAD ROAD TO O'HARE ROAD

Planning Commission unanimously recommends approval subject to approval by the County Commission of the street name change on the County portion of this street.

Mr. Saylor: I would ask that this be sent back to the Planning Commission - part of it is in the County and the part that is in the County has people living on the Road and they objected to the name change. Somebody said they are going to propose a Road that doesn't have anyone living on it.

Mayor Briare: The matter is then so disposed of at this time.

Mayor Briare: Mr. Saylor, do you have a letter from a member of a Veterans organization about a name change for that property which is located north of Bonanza Road leading down into the Reed Whipple Cultural Arts?

Mr. Saylor: Yes -

Mayor Briare: Is that in a position where it is possible?

Mr. Saylor: Mr. Booth called me about that some time ago and I advised him of the procedures necessary -

Mayor Briare: And you haven't heard back from Him?

Mr. Saylor: No -

AVENUE OF
THE VETERANS
No action

Mayor Briare: That's a discussion, Commissioners, on a request that I believe both Commissioner Leavitt and myself received from the Veterans of Foreign Wars - about the possibility of changing the name of the street where they have their Club rooms, etc., north of Bonanza, and I reluctantly mentioned what the name is now for fear it might give the impression we are changing Casino Center Drive. In that area, of course, Casino Center has no meaning and I think it was the Past President of the VFW wanted to discuss the possibility - I'm sorry, it was the American Legion - wanted to discuss the possibility of calling the Avenue of the Veterans, but you have already explained the procedures to them.

VAC-8-75
Set date for
Public Hearing

PETITION OF VACATION - VAC-8-75 - CLARK COUNTY SCHOOL DISTRICT, ET AL

Property described as generally located north of Sunrise Avenue on the alignment of North 26th Street and extending north 405 ft. from Sunrise Avenue.

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

1. Conformance to Code requirements and Design Standards of City departments.
2. Satisfaction of the requirements of the various Utility Companies.
3. A 10 ft. wide sewer easement be provided centered along the existing 8-inch sewer line in this section, as required by the Department of Public Works.

VAC-8-75
(continued)

4. The vacation not to be recorded until all of the above conditions have been met.

Mayor Briare: Will the Clerk set the appropriate date for that Public Hearing.

Public Hearing set for October 15, 1975 at the hour of 7:30 p.m.

"701" PROGRAM
Contract
Approved

EXECUTIOJ OF CONTRACT WITH LAVENTHOL & HORWATH - 1975-76
"701" PROGRAM

Mr. Saylor: This refers to the contract with our "701" Program consultants. It is a Resolution authorizing execution of the contract..

See Pages 63 and 64 of these Minutes (Resolution)

M o t i o n

Commissioner Leavitt: I move for adoption of the Resolution.

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

INTERGOVERNMENTAL
PERSONNEL ACT
FUNDS

Resolution
Adopted

CITY OF LAS VEGAS APPLICATION FOR INTERGOVERNMENTAL
PERSONNEL ACT FUNDS

Mr. Saylor: Next before you is a Resolution authorizing the City to make application for Intergovernmental Personnel Act Funds. The County will also be entertaining a like Resolution.

Of course, this has to go through the various committees on the Consolidation, but this is the first step to get the City of Las Vegas authorized to make it.

See Pages 65, 66 and 67 of these Minutes (Resolution)

M o t i o n

Commissioner Leavitt: I move for approval of the Resolution.

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

BEAUTIFICATION
COMMITTEE

Items
Referred

COMMUNICATIONS FROM LAS VEGAS METROPOLITAN BEAUTIFICATION
COMMITTEE re:

1. Street and block numbering recommendations.
2. Recommended amendments to the City Sign Ordinance.
3. City's Non-conforming signs - current survey needed.

Mr. Saylor: In line with the mrmorandum I sent to you, a policy was established some time ago whereby these types of items would be placed on my agenda for some type of action by the City Commission.

Item One I would suggest be referred to the Traffic Engineer for his report and recommendation.

Mayor Briare: If there are no objections, it will be so referred.

Mr. Saylor: Item Two refers to the matter of Consolidation, I guess - relative to on-premise sign regulations and they are asking that the City's ordinances be adjudicated with the County's, with the County's prevailing. Conceivably you may wish to - this will be a part of the normal Consolidation effort and you may -

Mayor Briare: We will refer that item to Commissioner Woofter as Chairman of the Consolidation Subcommittee on the legal and drafting of ordinances.

RECEIVED

SEP 2 4 10 PM '75

CITY CLERK

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF LAS VEGAS, NEVADA AND LAVENTHOL AND HORWATH TO PROVIDE MANAGEMENT CONSULTANT SERVICES TO THE CITY RELATIVE TO A HUD 701 COMPREHENSIVE PLANNING ASSISTANCE GRANT

WHEREAS, the City of Las Vegas did submit, together with the Clark County Regional Planning Council and the City of North Las Vegas, a unified application to the Department of Housing and Urban Development (hereinafter referred to as HUD) requesting federal funds under Section 701 of the Housing Act of 1954, as amended; and

WHEREAS, HUD did approve the unified application submitted by the above mentioned entities; and

WHEREAS, the approval by HUD of this application allocates \$49,700 in HUD funds to the City of Las Vegas for the purpose of conducting a management study of the City; and

WHEREAS, based upon the approval by HUD of the application, the City solicited proposals from several management consultant firms; and

WHEREAS, the City Commission did on August 20, 1975, select Laventhol and Horwath, 714 South Fourth Street, Las Vegas, Nevada 89101, to be the consultant for the City's project.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Las Vegas, Nevada:

1. The Mayor of the City of Las Vegas is hereby authorized and directed to execute a contract between the City of Las Vegas and Laventhol and Horwath.

2. The said contract and all conditions contained therein shall first be executed by the Mayor of the City of Las Vegas and there shall be a condition subsequent that should the contract between HUD and the Clark County Regional Planning Council and/or the contract between the City of Las Vegas and the Clark County Regional Planning Council not take effect, that this said contract shall be void.

3. The City Clerk is hereby authorized and directed to attest this contract.

"701" PROGRAM
(continued)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

4. This Resolution to take effect immediately.

PASSED, APPROVED AND ADOPTED this _____ day of _____,

1975.

WILLIAM H. BRIARE, MAYOR

ATTEST:

Edwina M. Cole, City Clerk

(SEAL)

1 A RESOLUTION AUTHORIZING THE CITY OF LAS VEGAS,
2 NEVADA TO SUBMIT AN APPLICATION FOR INTERGOVERNMENTAL
3 PERSONNEL ACT FUNDS FROM THE CIVIL SERVICE COMMISSION

4 WHEREAS, the City of Las Vegas, Nevada (hereinafter referred to
5 as "the City") has been mandated by the 1975 Nevada Legislature to
6 consolidate certain governmental functions with the County of Clark, Nevada
7 (hereinafter referred to as "the County"); and

8 WHEREAS, said Legislature established a special consolidation
9 committee (hereinafter referred to as "Joint Consolidation Committee")
10 comprised of the governing boards of the City and County to implement the
11 said consolidation; and

12 WHEREAS, up to \$60,000 of Federal funds will be available
13 through the U. S. Civil Service Commission in the form of an Inter-
14 governmental Personnel Act of 1971 Grant; and

15 WHEREAS, the City has the necessary legal authority to apply
16 for the Intergovernmental Personnel Act of 1971 Grant on behalf of the
17 Joint Consolidation Committee; and

18 WHEREAS, such assistance is in the best interests of the City
19 and County to establish an integrated personnel agency.

20 NOW, THEREFORE, BE IT RESOLVED:

21 Section 1. That the Department of Community Development and City
22 Personnel Department are authorized to develop an application for an Inter-
23 governmental Personnel Act of 1971 Grant on behalf of the Joint Consolidation
24 Committee.

25 Section 2. That the City can finance 100 percent of its share
26 of the project which consists of in-kind services and \$2500 cash.

27 Section 3. That the Community Development Department has the
28 authority to submit an application to the U. S. Civil Service Commission
29 after the Joint Consolidation Committee has approved the application.

30 Section 4. That the Mayor or Mayor Pro-Tem is empowered to
31 execute the application, contract, and all pertinent documents related to
32 the application.

(continued)

1 Section 5. That the City Personnel Department is hereby
2 authorized and granted such power and authority as is necessary to develop,
3 implement and administer this program.

4 Section 6. That the United States of America and the Chairman
5 of the Civil Service Commission, be and they hereby are, assured of full
6 compliance with the regulations, policies, guidelines and requirements,
7 including FMC Circular Nos. FMC 74-4, FMC 74-7 and OMB Circular No. A-95
8 as they relate to the application acceptance and use of Federal funds for
9 this Federally assisted project.

10 Section 7. That the United States of America and the Chairman
11 of the Civil Service Commission, be and they hereby are, assured of full
12 compliance with the regulations of the Civil Service Commission effectuating
13 Title VI of the Civil Rights Act of 1964 (88-352) and (42 USC 2000d).

14 Section 8. That the United States of America and the Chairman of
15 the Civil Service Commission, be and they hereby are, assured of full
16 compliance with requirements of the provisions of 40 CFR 4.1 et seq., and the
17 regulations issued thereunder.

18 Section 9. The United States of America and the Chairman of the
19 Civil Service Commission, be and they hereby are, assured of full compliance
20 with the provisions of the Hatch Act which limit the political activity of
21 employees.

22 Section 10. That the United States of America and the Chairman of
23 the Civil Service Commission, be and they hereby are, assured of full
24 compliance with the minimum wage and maximum hours provisions of the Federal
25 Fair Labor Standards Act, as they apply to hospital and educational
26 institution employees of State and local governments.

27 Section 11. That the United States of America and the Chairman
28 of the Civil Service Commission, be and they hereby are, assured that
29 safeguards will be established to prohibit employees from using their
30 positions for a purpose that is or gives the appearance of being motivated
31 by a desire for private gain for themselves or others, particularly those
32 with whom they have family, business or other ties.

INTERGOVERNMENTAL
PERSONNEL ACT
FUNDS

(continued)

1 Section 12. That the United States of America and the Chairman
2 of the Civil Service Commission, be and they hereby are, assured that
3 the grantor agency or the Comptroller General through any authorized
4 representative will be given the access to and the right to examine all
5 records, books, papers or documents related to the Grant.

6 Section 13. That the United States of America and the Chairman
7 of the Civil Service Commission, be and they hereby are, assured of full
8 compliance with all requirements imposed by the Federal grantor agency
9 concerning special requirements of law, program requirements, and other
10 administrative requirements approved in accordance with Federal Management
11 Circular No. FMC 74-7.

12 Section 14. That the United States of America and the Chairman
13 of the Civil Service Commission, be and they hereby are, assured of full
14 compliance with the provisions of the Copeland (Anti-Kickback) Act,
15 18 U.S.C. 874, 40 U.S.C. 276c, and the regulations issued thereunder.

16 Section 15. That the United States of America and the Chairman
17 of the Civil Service Commission, be and they hereby are, assured of full
18 compliance with the provisions of the Davis-Bacon Act, as amended, 40 U.S.C.
19 276a, et seq., 276c, and the regulations issued thereunder.

20 PASSED, APPROVED AND ADOPTED THIS 3rd day of September,
21 1975.

22
23
24 
25 WILLIAM H. BRIARE, MAYOR

26 ATTEST:

27
28 
29 EDWINA M. COLE, CITY CLERK

30 (SEAL)

BEAUTIFICATION
COMMITTEE
(continued)

Mr. Saylor: The next item (3) concerns the existence of non-conforming signs and they indicate that a current survey is needed. This normally would be the function of the Building Department. However, Mr. Elder has indicated that he doesn't have the Staff available and they are asking for exploration of the matter on the part of the Commission.

The only thing I could suggest is to refer it to the City Manager and see if there's any staff availability.

Mayor Briare: What kind of a staff do you have to have to make a list of non-conforming signs?

Mr. Saylor: Conceivably you would have to have somebody who had knowledge of the Sign provisions so they could traverse the whole City and make a list of those that don't meet the Ordinance -

Mayor Briare: What is the definition of a non-conforming sign?

Commissioner Christensen: Those signs that overhang a public street?

Mr. Saylor: Yes -

Mayor Briare: Aren't those all done by Variances?

Mr. Saylor: No - these are signs that were in at the time the Ordinance was adopted, but don't conform to the Ordinance.

Commissioner Leavitt: And they have a certain length of time within which to conform -

Mr. Saylor: Right -

Commissioner Leavitt: And that time has expired?

Mr. Saylor: That time doesn't expire until they are put on Notice that they've got a non-conforming sign. Part of them are being handled by the members of the Beautification Committee - whenever they see one they bring it to our attention, or that of the Building Department, but what they are suggesting is that they want Staff availability to go out and survey the entire City..

Mayor Briare: We will just hold this for further consideration.

U-59-75
Approved

USE PERMIT - U-59-75 - R. J. COLLET

Mr. Saylor: This involves a Use Permit to allow the operation of an Astrology Practice and Classes on property located at Las Vegas Blvd. and Charleston at the Collet building. This falls within your Resolution area covering the Downtown District so it has to come before you. The Use Permit has been approved by the BZA.

Commissioner Lurie: This is a proper zoning for the Use?

Mr. Saylor: Right - but it's in the area covered by that Resolution and therefore must come before you.

M o t i o n

Commissioner Lurie: I would move for approval.

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

SELECTION OF CONSULTANT FOR ASSOCIATION FOR THE PRESERVATION
OF THE LAS VEGAS MORMON FORT STUDY

Mr. Saylor: The next item concerns the Consultant for the Mormon Fort Study. You appointed Commissioner Christensen as a Committee of one to make that recommendation.

Mayor Briare: Are you ready to report, Commissioner Christensen?

Commissioner Christensen: I would like to appoint Mr. Saylor to make that recommendation -

Mr. Saylor: The firm of Wurster, Bernardi & Emmons, Inc. out of San Francisco in the field of historical preservation. They indicate in their letter that they will cover to some degree, the following:

A proposed restoration plan for the Fort and surrounding area,

Economic feasibility analysis for potential use of the Fort and surrounding area,

Need for historic accuracy if in conflict with re-use potential,

Phasing time schedule based on the availability of finds,

What can be done as a First Phase under presently committed funds,

Expiration and sources of additional funds,

Educational and activities program,

How to generate public interest and enthusiasm,

Costs of completing various aspects of the Program,

A priority program,

Need for continuing historic research -

etc.

M o t i o n

Commissioner Leavitt: I would so move to approve the recommendation of Wurster, Bernardi & Emmons, Inc. as the Consultant firm in the matter of the preservation of the Las Vegas Mormon Fort.

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

V-17-75
Approved

REVIEW OF CONDITION - V-17-75 - BRADLEY BOISJOLIE

Mr. Saylor: Perhaps you will remember that this was before you recently concerning the development over on West Bonanza Road just east of Highland Drive (you can see it on the screen there) - where it is zoned Industrial and part Commercial, and along the north line he proposed an 8 ft. block wall along McWilliams; continuing south on each side I think for 25 ft.

He is now asking that he be allowed to reduce that to a 6 ft. high block wall, instead of the 8 ft.

Mr. Boisjolie: What I had originally wanted to do was to be allowed to build an 8 ft. block wall. At the present time I want to construct it to 6 ft. At a later date I can extend it 2 ft. - I had planned on putting, possibly, some covered storage back there. I just want to be able to build a wall

V-17-75
(continued)

8 ft. high, but at the present time I want to build it
6 ft. high -

Commissioner Lurie: Are you going to put anything on top of
that 6 ft. wall, such as barbwire?

Mr. Boisjolie: Yes -

Commissioner Leavitt: I thought one of the conditions
to the zoning was that it be an 8 ft. wall -

Mr. Boisjolie: I requested an 8 ft. wall -

Commissioner Leavitt: That's one of the reasons I voted
for it - because it was an 8 ft. wall in the back -

Commissioner Lurie: Are you allowed to zone for a 6 ft.
wall and then add to the top of that wall, as a part of
the zoning -

Commissioner Christensen: What would be the effect on the
people across the street? The people on McWilliams?
There's supposed to be an 8 ft. wall there -

Mr. Boisjolie: The people across the street live in public
housing -

Commissioner Leavitt: I'm a little concerned about their
climbing over a 6 ft. wall - I'd feel safer with an 8 ft.
wall. Right in that particular area there are all kinds of
small kids - I don't understand why you just don't go ahead
and put your 8 ft. wall up.

Mr. Boisjolie: At the present time I don't plan on putting
the enclosed area in - I requested the 8 ft. wall but all
I am asking to do now is to build it 6 ft. high, which
conforms to all the other fences around the area - except
mine will be a solid fence where the rest of them are chainlink
I'm not asking for anything out of the ordinary -

Mr. Saylor: He doesn't want to be required to put in the
8 ft. now, which was a condition of the zoning - the Plot
Plan showed the 8 ft. wall. In order for him to get a
Permit to do anything other than that, with the condition
the way it is. He wants to install the 6 ft. now but still
allowed to put the 8 ft. in at a later if he wants to.

M o t i o n

Commissioner Leavitt: I so move - that he can put up a 6 ft.
block wall now and later on, put up the 8 ft. Are you going
to put the wire on the 6 ft. wall?

Mr. Boisjolie: Yes Sir -.

Motion carried by the following vote: Commissioners
Christensen, Leavitt, Woofter and Lurie voting aye;
noes; Mayor Briare.

Mayor Briare: Does that conclude your portion of the Agenda,
Saylor?

Mr. Saylor: Yes Sir.

-
-
-
-

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 72 and 73 of these Minutes

PROPOSED
PROJECTS

REPAIR OF ALTA-VALLEY VIEW DRAINAGE CHANNEL

Mr. Hampton: This is related to the flood of July 3rd - this being Valley View Blvd. (wall map) - we have a channel running down Alta out along the Water District property - it also runs along Vegas Valley.

During the flood it was severely undermined in many areas. I have several pictures over there which I would be happy to show you if you would like to see them.

This is a grouted channel. It looked real well when it was first constructed but in the past few years it has more or less deteriorated. When we had this severe flood, it undermined several areas. It should be repaired as soon as possible, but if we get approval to go to bid on this, we would also recommend that that the City Attorney's office be requested to investigate a possible claim against the original contractor. The grouting was supposed to have been 2-inches thick. After it was torn up, in many areas there was less than 1-inch there.

Commissioner Leavitt: Who was the contractor?

Mr. Hampton: There were two contractors - one was Rico Paving - the name of the other firm I don't recall right now - they did only this small section here (wall map) the majority of the work was done by Rico Paving.

Mayor Briare: Who were the inspectors on the job?

Mr. Hampton: I can't remember the individual's name -

Mayor Briare: A City employee?

Mr. Hampton: Yes Sir. We did take cores all along the route during construction and the cores met specifications. The unfortunate thing that happens on many types of construction projects is that when the inspector is there, everything goes along fine, but if he leaves to go look at another job, or if he's on one end of the job - sometimes what happens on the other end of the job doesn't meet specifications. Unfortunately, our inspectors can't catch everything -

Commissioner Leavitt: Was it asphalt or concrete?

Mr. Hampton: It was a grout, which is a form of concrete. -

Commissioner Leavitt: I know that one of the problems we had in the last flood was the Expressway at Decatur - does this channel drain into that area?

Mr. Hampton: Yes, it does - further on down toward the Golf Course -

ITEM	Commission Action	Department Action
VIII. DEPARTMENT OF PUBLIC WORKS LAURENCE HAMPTON, P.E., DIRECTOR OF PUBLIC WORKS CITY ENGINEER		
<u>A. RELEASE OF SUBDIVISION BONDS</u> 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. Torrey Pines Villas (Fred C. Sproul Homes of Nevada, Inc., William C. Watkins, Vice-President). 2. Cimmaron West (Investors Development & Mortgage Corp., William C. Watkins, President).	Items 1 and 2 Approved as recommended Lurie - unanimous	P/W to proceed
<u>B. RIGHT OF WAY ITEMS</u> 1. Grant Deed From: Lois Bracken Yates, formerly Lois H. Bracken, also known as Louis L. Yates To: City of Las Vegas For: Portion SW-1/4, Sec. 25, T20S, R61E Recorded as Instrument No. 495559 in Official Book 536 in the office of the County Recorder, Clark County, Nevada on July 21, 1975 Bonanza Rd. R.S.G.C. cost -\$17,825 2. Grant Deed From: Robert T. Bigelow and Diane M. Bigelow, husband and wife as community property To: City of Las Vegas For: Portion Lots 11, 12, and 13, Block 6, Clarks Las Vegas Townsite Main St. Dedication. Bldg. Permit	Items 1, 2 and 3 Approved as recommended Lurie - unanimous	P/W to proceed

DEPARTMENT OF
 PUBLIC WORKS
 (continued)

ITEM	Commission Action	Department Action
VIII. DEPARTMENT OF PUBLIC WORKS (Continued)		
B. RIGHT OF WAY ITEMS (Continued)		
3. Dedication From: City of Las Vegas To: The Public For: Portion of S-1/2, Sec. 36, T20S, Range 61E Sunrise Avenue	See Page 29	See Page 29
4. Request permission to acquire parcels for Nellis Blvd. right of way. (\$14,043.00 R.S.H.C. project.)	Approved Lurie - unanimous	P/W to proceed
C. PROPOSED PROJECTS		
1. Repair of Alta-Valley View drainage channel	Approved as recommended Lurie - unanimous	P/W to proceed
D. REPORTS		
1. Sale of excess land to Walter Cosper.		
<u>ADDITIONAL ITEM</u>		
SUBDIVISION PLAT, It is recommended that the Plat of WATKINS MANOR UNIT No. 1 (H. S. Service Corp., Robert Banks, V.P.) be approved. All engineering designs have been checked and accepted. Bond has been posted and agreements signed for this Subdivision. Recommendation conditioned on the acceptance of the following conditions: Before Units 2 or 3 will be considered, a satisfactory agreement must be reached between the Nevada State Highway Dept. and the Developer regarding access to Lorenzi Blvd. from the subject development and surrounding developments.	Approved as recommended Lurie - unanimous	P/W to proceed

DEPARTMENT OF
 PUBLIC WORKS
 (continued)

DEPARTMENT OF
PUBLIC WORKS
(continued)

Commissioner Lurie: This water all came off of Charleston -

Mr. Hampton: That's right. The estimate for the work is approximately \$80,000.00. This includes the repair of all that you see here, including the sidebanks. It may very well be that if the contractor gets in there and finds that the sidebanks are adequate in certain areas, he will not be required to take them out. This would make the total cost less than the estimate.

Commissioner Leavitt: Are you asking for approval?

Mr. Hampton: For approval and permission to go to bid - yes.

M o t i o n

Commissioner Leavitt: I move that we give the Director of Public Works permission to go ahead and in the motion I would also ask that the matter be turned over to the City Attorney for possible lawsuit for failure to comply with the contract provisions.

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

SALE OF CITY-
OWNED LAND
Approved

SALE OF EXCESS LAND TO WALTER COSPER

Mr. Hampton: The last item I have is shown on your agenda as sale of excess land to Walter Cosper. I don't have a plot of this, but I do have this . . . if I may pass them out.

I don't believe Mr. Cosper is here today, but this is a minor item in that it is not a very large area and there is not much money involved.

It involves the excess land we have on Alta, just east of Tonopah. It is the area on the map (wall map) shown in green. We acquired 50 ft. there and our curb plans now call for only 40 ft. Mr. Cosper owns the property to the north and is desirous of purchasing this property.

We would like, in addition - in giving him the green, we need the area shown in red and the area shown in blue, which is only \$11.00 worth of land. The land that he wants is valued at \$1,202.00, so if we were to retain the red and the blue and sell him the green, he would owe us \$990.64 based upon an in-house appraisal. We would recommend the exchange.

M o t i o n

Commissioner Lurie: I'll move for approval as recommended.

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

-
-
-
-
-
-
-

P E R S O N N E L D E P A R T M E N T

J. ROBT. McPHERSON, DIRECTOR

NEW HIRES
Approved

See Page 76 of these Minutes

Mayor Briare: Mr. McPherson, are you here on the matter of "New Hires"?

Mr. McPherson, If you have any questions, I am. This morning we had two Parking Enforcement Officers resign and we would like to add those to the list for your approval, Mayor - these are in the License & Revenue Department.

Commissioner Lurie: Have you reviewed the employees from the County to see if they have excess employees we could bring over?

Mr. McPherson: Yes Sir, we have -

Commissioner Lurie: Like a Recreation Aide?

Mr. McPherson: Yes, we have taken a look at that and it appears that none of those people would be able to perform these functions that are being requested. They have been looked at -

Mayor Briare: That Recreation Aid is only for another month to take care of the tennis courts -

Mr. McPherson: Right -

Mayor Briare: It just seems to me there should be somebody around who could handle that job -

Mr. McPherson: They do that function over in the County - they don't have the Tennis Court Program that we have . . . I think the Commission should be informed, too, that we corrently have about 32 vacancies in our current budget, so we are saving money. I think that is significant to know.

M o t i o n

Commissioner Lurie: I move for approval of the New Hires, as recommended.

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

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

Commissioner Woofter: I've had a couple of calls in connection with the public swimming pools being closed down before school started. I thought they were all open until at least the first day of school.

City Manager, A. R. Trelease: To my knowledge, we maintain them open through Monday -

Commissioner Woofter: The call I had was about a week ago and involved the pool over by Baker - the kids went over there two days in a row and the pool was closed -

ITEM	Commission Action	Department Action												
IX. <u>NEW HIRES</u>	Approved as submitted	Staff to proceed												
<table border="0"> <thead> <tr> <th data-bbox="379 380 585 407"><u>Department</u></th> <th data-bbox="975 380 1131 407"><u>Position</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="379 444 701 472">1. Public Works</td> <td data-bbox="975 444 1454 472">Air-Conditioning Mechanic</td> </tr> <tr> <td data-bbox="379 509 876 537">2. Reprographic Services</td> <td data-bbox="975 509 1575 537">Reproduction Equipment Operator</td> </tr> <tr> <td data-bbox="379 574 801 602">3. License & Revenue</td> <td data-bbox="975 574 1112 602">Auditor</td> </tr> <tr> <td data-bbox="379 639 801 667">4. License & Revenue</td> <td data-bbox="975 639 1112 667">Auditor</td> </tr> <tr> <td data-bbox="379 704 666 732">5. Recreation</td> <td data-bbox="975 704 1266 732">Recreation Aide</td> </tr> </tbody> </table>			<u>Department</u>	<u>Position</u>	1. Public Works	Air-Conditioning Mechanic	2. Reprographic Services	Reproduction Equipment Operator	3. License & Revenue	Auditor	4. License & Revenue	Auditor	5. Recreation	Recreation Aide
<u>Department</u>			<u>Position</u>											
1. Public Works			Air-Conditioning Mechanic											
2. Reprographic Services			Reproduction Equipment Operator											
3. License & Revenue			Auditor											
4. License & Revenue	Auditor													
5. Recreation	Recreation Aide													
<u>ADDITIONAL (requested at Meeting):</u>														
License & Revenue Parking Enforcement Officer (2)														

PERSONNEL
 DEPARTMENT
 (continued)

CITY HALL
COMMISSION
CHAMBERS

Mayor Briare: If it meets with the approval of this Commission, these Chambers will be made available to the County Commission for the purpose of conducting County Commission meetings beginning September 16, 1975 and on every 1st and 3rd Tuesday thereafter until other arrangements, if any, are made.

However, I would like the record to show that it meets with the approval of this Commission. Any 1st or 3rd Tuesday which falls on a Legal Holiday, the County Commission is hereby put on notice that they will not be able to use the Chambers on the next day, which is our regular meeting day. Normally a legal holiday indicates that the next regular business day will be their meeting date.

REED WHIPPLE
CULTURAL ARTS
CENTER

If this meets with the concurrence of the Boare - also the Cultural Arts Center Committee, consisting of the Mayor and City Commissioners, will meet with Dr. Kenny Guinn and other interested parties at 8:30 a.m., this coming Friday (September 5, 1975) in the Mayor's Conference Room.

Mayor Briare: We will now be in RECESS until 10:00 A.M. SEPTEMBER 10, 1975 - regularly scheduled CONSOLIDATION MEETING.

At 3:00 p.m. - in just a few minutes - we will continue with our Public Hearing on the matter of the VELVET TOUCH MASSAGE SALON.

(See Pages 78, 79 and 80 of these Minutes)

N O T E: The continuation of the Public Hearing on the VELVET TOUCH was recorded by a certified Court Reporter and the full transcript of those minutes, covering the Hearing from 3:00 to 6:00 p.m., submitted to the office of the City Attorney and are hereby referred to and made a part hereof.

Meeting RECESSED at the hour of 6:00 p.m.

APPROVED



WILLIAM H. BRIARE, MAYOR

ATTEST:



EDWINA M. COLE, CMC
CITY CLERK

APPROVED BY REFERENCE at a regular Meeting of the Board
of City Commissioners held November 5, 1975.

ITEM	Commission Action	Department Action
IV. 9:30 A.M. -- PUBLIC HEARINGS - (Continued)		

IV. 3:00 P.M. -- SHOW CAUSE HEARING - CONTINUATION
 (Hearing recessed from Regular C/C Meeting on 8/6/75 to Recessed C/C Meeting on 8/11/75; again recessed on 8/11/75 and set for Continuation of Hearing on 9/3/75 at 3:00 P.M.)

Hearing conducted 3:00 p.m. to 6:00 p.m.
 Abeyance to Recessed Meeting of 9/10/75

9/10/75 Agenda

E. MASSAGE PARLOR LICENSE -- Additional Owner

VELVET TOUCH MASSAGE SALON Velvet Touch, Inc.
 2224 East Charleston Blvd.

From: Howard Senor,
 100%

To: Howard Senor and Eton Management Corp., a Nevada corporation owned by Terry E. Gordon, a partnership

(Continued)

SHOW CAUSE
 HEARING -
 VELVET TOUCH

Page 78
 Minutes
 Regular Meeting
 City Commission
 September 3, 1975

ITEM	Commission Action	Department Action
IV. <u>3:00 P.M. -- CONTINUATION OF RECESSED HEARINGS</u>		
F. <u>ESCORT LICENSES -- NEW</u> - (Hearings recessed from Regular C/C Meeting on 8/6/75 to Recessed C/C Meeting on 8/11/75; again recessed on 8/11/75 with Continuation of Hearings to be set for a later date)	Abeyance to Recessed Meeting of 9/10/75	9/10/75 Agenda
1. JEANNETTE THOMAS Applicant for Escort License for: Pleasure Seekers Escorts 2401 Industrial Road		
2. DOROTHY ALBERTA Applicant for Escort License for: Pleasure Seekers Escorts ENGLISH 2401 Industrial Road		
3. DONNA SUE FOSTER Applicant for Escort License for: Pleasure Seekers Escorts 2401 Industrial Road		
4. KAY M. WARE Applicant for Escort License for: SUZIE WONG'S 2450 Industrial Road		
Following Items were "Held in Abeyance" or "Tabled" at 7/16/75 C/C Meeting until Regular Meeting on 8/6/75; again recessed to Recessed C/C Meeting on 8/11/75; recessed at meeting on 8/11/75 with Continuation of Hearings to be set for a later date:		
G. <u>ESCORT BUREAU LICENSES -- New</u>		
1. EMPIRE ESCORTS Roy Francis Jackson 1111 Las Vegas Blvd., So. Suite #206-B	Applicant deceased	

SHOW CAUSE HEARING -
 VELVET TOUCH
 contin ued

(Continued)

ITEM	Commission Action	Department Action
IV. <u>3:00 P.M. -- CONTINUATION OF RECESSED HEARINGS</u>		
G. <u>ESCORT BUREAU LICENSES -- New (Continued)</u>		
2. LADIES-IN-WAITING Howard Senior 1500 East Sahara	Abeyance to Recessed Meeting of 9/10/75	9/10/75 Agenda

PUBLIC HEARING
 (continued)