

MINUTES

Las Vegas, Nevada  
February 4, 1976

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 4th day of February, 1976, 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

\* Arrived at approximately 9:45 a.m.  
\*\* Arrived at approximately 9:25 a.m.

STAFF PRESENT

City Manager	A. R. Trelease
City Attorney	Carl E. Lovell, Jr.
Director of Finance	Marvin A. Leavitt
Fire Chief	J. D. Miller
Deputy Director, Dept. of License & Revenue	Howard Crow
Director of Manpower	Al Lippit
S.I.D., Metropolitan Police Department	Stu Brown
Director of Personnel	J. Robt McPherson
Director, Purchasing & Contracts	J. C. Cathcart
Director of Public Works	Laurence Hampton
Director, Department of Community Development	Donald J. Saylor
Traffic Engineer	Al Bossi
City Clerk	Edwina M. Cole

INVOCATION

The Invocation was given by Rev. Evan Shea, Pastor, Spiritual Science Mother Church:

"Almighty God, our Heavenly Father, we ask Your Blessing upon this assembly here this morning."

PLEDGE OF ALLEGIANCE

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

PURCHASING & CONTRACTS

J. C. CATHCART, DIRECTOR

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See Page 2 of these Minutes (Annotated Agenda)  
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FINANCE DEPARTMENT

MARVIN A. LEAVITT, DIRECTOR

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See Page 3 of these Minutes (Annotated Agenda)  
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ITEM	COMMISSION ACTION	DEPARTMENT ACTION
<p>I. <u>PURCHASING AND CONTRACTS DIVISION</u></p> <p><u>J. C. CATHCART, DIRECTOR</u></p> <p>* <u>CONSENT AGENDA</u></p> <p>All matters listed under Items A and B are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.</p>		
<p>*A. <u>AWARD OF BIDS</u></p> <ol style="list-style-type: none"> <li>1. Bid #75.100 - Orion Street Drainage Correction (Public Works)</li> <li>2. Bid #REV76.2 - THW Copper Wire and Steel Cable, Various Sizes For Fountain Park BID ITEMS 1 thru 6 ONLY (Public Works)</li> <li>3. Bid #76.4 - Turf Herbicides - Weed Control - Municipal Golf Course</li> <li>4. Bid #76.6 - Furniture - Judges Chambers, Court Room, Clerks; To Furnish New Municipal Court Department Number 3 (Muni Court)</li> </ol>	<p>Items 1 thru 4 Awarded as recommended Lurie - unanimous</p>	<p>Director of Purchasing &amp; Contracts authorized to proceed</p>
<p>*B. <u>PERMISSION TO RECEIVE BIDS</u></p> <ol style="list-style-type: none"> <li>1. Softball, Baseball, Playground and Summer Center Program (Recreation Dept.)</li> <li>2. Repair Parts for Aqua Dial #13 and #14 Gear Cases (Parks Dept.)</li> </ol>	<p>Items 1 and 2 Approved as recommended Lurie - unanimous</p>	<p>Same as above</p>
<p><u>ADDITIONAL ITEMS:</u></p> <p>BID No. 73.118 (2-year contract) - UNIFORMS - NON-UNIFORMED EMPLOYEES</p> <p>BID No. 74.74 (2-year contract) - UNIFORMS - FIRE DEPARTMENT</p> <p>REQUEST PERMISSION TO EXTEND SERVICES UNDER BID Nos. 73.118 and 74.74 THRU JUNE 30, 1976 - ON A MONTH-TO-MONTH BASIS</p>	<p>Approved as recommended Lurie - unanimous</p>	<p>Same as above</p>

ITEM	Commission Action	Department Action
<p>II. <u>FINANCE DEPARTMENT</u></p>		
<p><u>MARVIN A. LEAVITT, DIRECTOR OF FINANCE</u></p>		
<p>A. <u>SERVICE AND MATERIAL WARRANTS</u></p> <p>Nos. 48892 to 48972, A1051, A111049 to A111050, A111053 to A111074, A111076 to A111078, A111087 to A111096, A111103 to A111318, inclusive.</p> <p>In the amount of \$ 2,409,016.84</p>	<p>Approved as submitted          Lurie - unanimous</p>	<p>Director of Finance authorized to issue</p>
<p>B. <u>PAYROLL WARRANTS</u></p> <p>Nos. 47745 to 48891, inclusive</p> <p>For Pay Period Ending January 10, 1976</p> <p>In the Amount of \$361,281.57</p>	<p>Approved as submitted          Lurie - unanimous</p>	<p>Same as above</p>
<p>C. <u>REQUEST BY CETA FOR FEDERAL GENERAL REVENUE SHARING FUNDS IN THE AMOUNT OF \$10,000.00 TO PURCHASE COPY EQUIPMENT.</u></p>	<p>Abeyance</p>	<p>2/18/76 Agenda</p>

RECEIVED  
 FEB 3 8 57 AM '76  
 CITY CLERK

REQUEST BY C E T A FOR FEDERAL GENERAL REVENUE SHARING FUNDS  
IN THE AMOUNT OF \$10,000.00 TO PURCHASE COPY EQUIPMENT

Mr. Leavitt: I have received a request from CETA for Federal Revenue Sharing funds in the amount of \$10,000.00 to purchase copy equipment. We do have because of interest earned and certain projects being less than the amount encumbered, an amount sufficient to provide these funds if it is the desire of the Commission.. It is an expenditure that is legal under the Revenue Sharing Act. Al Lipitt is here to indicate to you any justification for the request if you would like to hear him.

Al Lipitt: We are currently handling between 7,000 and 10,000 people. The Department of Labor has mandated that we maintain a 5-year record of all of these clients, which comes to a file of approximately fifty (50) duplications per individual. We can guarantee running from 10,000 to 12,000 copies a month. Our current expenditure, through contract is approximately \$800.00 to \$900.00 a month.

By purchasing this equipment it reverts to the City upon the Federal Program culminating, plus in about eight and a half months at the current rental, it would pay off this equipment.

We are asking for the purchase of a multilith and a copier.

Mayor Briare: This would be purchased out of General Revenue sharing?

Mr. Lipitt: This would be out of General Revenue Sharing - if it was purchased out of the Federal Grant money, the equipment would become the property of the Department of Labor - we do not have the money in the Grant at this time - there is money for the rent.

This proposal was initially presented to the Community Development Block Grant and it was approved, but there were new Federal regulations that came down from HUD that stated that, in fact, if this was equipment that the City would normally purchase, it could not be purchased through the Community Development Block Grant. At that time I spoke to Mr. Leavitt and found there was money available through General Revenue Sharing and if purchased through General Revenue Sharing, the equipment reverts to the City..

Mayor Briare: If there are Revenue Sharing Funds available . . . we are also aware there were a lot more demands made than the amount available. Mr. Leavitt, do you know what time in the Budget period requests would be made for funds such as this?

Mr. Leavitt: We have, of course, such a huge shortage of operating money next year. Revenue Sharing money can be used for a wide variety of purposes and I'm sure after all is said and done that we will take everything we can get out of Revenue Sharing and put to either supplement operating expenses or else to City capital items.

Mayor Briare: The demand for it exceeds the supply?

Mr. Leavitt: Oh, yes.

Mayor Briare: Is this something we have talked about before?

Mr. Lipitt: This originally came up through the Community Development Block Grant and was essentially approved. At the last minute it was dropped and when I spoke with Mr. Leavitt these monies we are talking about - the Revenue Sharing monies - are excess. These have not been programmed - it's either interest that has accrued on the monies . . . I agree that there are excess demands, but the money was identified back in November were monies that had been appropriated for activities and were either under-spent or interest, so we are not asking to tap

CETA  
(continued)

money that was appropriated for capital items.

Mayor Briare: We have been trying to get together with the Chairman of the Board of County Commissioners, and others, involving CETA. I know you are anxious to get your problem resolved - I think it is going to be necessary to get some of those problems resolved, and this may be one of them.

Commissioner Lurie: I think we should possibly hold this until your Committee meets.

Mayor Briare: Let's do that, if the Board has no objections.

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Mayor Briare: The next portion on our Agenda is that of the License & Revenue Department. Mr. Crow, would you please come forward?

Mayor Briare: Mr. Crow, where is - I am asking this for the record - I know where Mrs. Britt is, but would you state for the record why Mrs. Britt is not in attendance today?

Deputy Director of Lic. & Rev., Howard Crow: She has the flu, Your Honor.

Mayor Briare: Are there any people in the audience here this morning for the purpose of presenting to the Commission their application for a Masseur License or for an Escort Service License?

Response from audience: Yes -

Mayor Briare: Would you please come forward?

Mayor Briare: Mr. Lang, we are going to hold all of the applications for Masseur Licenses and for Escort Licenses. Are your clients here for the purpose of Masseur Licenses?

Attorney Lang: No, Your Honor, they are not.

Mayor Briare: They are here for Escort Licenses (Cherie Gordon, Ann C. Homan, Pamela Johnson and Margaret Ann Orlosky)

Mayor Briare: Mr. Spizzirri, do you wish to join in here?

Attorney Spizzirri: Yes Sir -

Mayor Briare: You have some clients with you?

Mr. Spizzirri: Yes -

Mayor Briare: Would you introduce yourself and also your clients?

Mr. Spizzirri: My clients are Esther Louise Chapman, Aline Benchetrit, Martha Sanchez Chavez and Thelma Jean Gruber.

Mayor Briare: Are they present?

Mr. Spizzirri: Yes, Your Honor, they are present.

Mayor Briare: Would you ask them to come forward?

(Applicants to center microphone)

Mayor Briare: Mr. Spizzirri, I would like to have them identify themselves, for the record, as being present.

(Applicants identified themselves in the following order:

- Esther Louise Chapman
- Martha Chavez
- Aline Benchetrit
- Thelma Gruber

Mayor Briare: Is there anybody else in the audience here in behalf of Escort Services, Escort Licenses and Masseuses and Massage Parlors?

Mayor Briare: Carl Simmons, your application is for a new Escort Bureau License -

Response: And I am Donna Simmons -

MASSEUSE AND  
ESCORT LICENSES  
(continued)

Mayor Briare: For the same new Escort License -

Mayor Briare: I don't know whether you folks heard the statement of Mr. Crow, who is the Assistant Licensing Director, who indicated that Mrs. Britt, who is the Director of Licensing, is ill today.

She has personally talked on the telephone to representatives in southern California of the Schools and also with the Department of Education, relating to some of the schooling that some of you applicants to whom this applies - masseuses - have attended.

She is not here to assist us in this regard. However, this Board is going to hold your Licenses for two reasons: One I have just stated and also for a clarification of value judgments between the Legislative Branch of government and the Judicial Branch of government - the Legislative Branch being the City of Las Vegas and the Judicial Branch being the local District Judges.

So, for those two reasons, Counselors, and also for Mr. and Mrs. Simmons, and any of you others that perhaps are not represented by legal counsel - that is why we are holding these applications.

Thank you for attending. I wanted your names to be on the record here because, as you know, having been held over before, the reason you were held over is because you were not in attendance, and you were directed by our Licensing Department to be in attendance. Now you have chosen to be here and we wanted to have your names on the record as having attended and complied with the appearance .

Mr. Lang: Might I inquire when such clarification might be anticipated?

Mayor Briare: As soon as we can get it. I'm sorry I can't be more specific than that. I can't tell you it's going to be available today, nor can I say it's going to be available tomorrow, but we are going to judicially proceed to a solution to the problems we have, and I can't tell you any more than that.

Mr. Lang: Another date is not being set at this time?

Mayor Briare: Not at this time -

Mr. Lang: We will be notified?

Mayor Briare: You certainly will, Counselor.

Mr. Simmons: I'd like to ask a question - can you explain where this pertains to me in trying to get a License for an Escort Bureau?

Mayor Briare: I'm sorry, the only explanation I am able to give you is that first of all our Licensing Director herself is not present because of illness and, secondly, the clarification of value judgments between the Legislative Branch of government and the Judicial Branch of government is being sought by this Board.

Mayor Briare: We are going to be in recess for a few minutes - Mr. Smith, would you join us please?

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Commissioner Woofter arrived at the meeting at approx. 9:25 a.m.

Meeting reconvened following an approximate 4-minute recess.

Mayor Briare: Mr. Crow, do you have an application from Mr. Charles Bradshaw?

Mr. Crow: Yes, Your Honor -

CHARLES BRADSHAW  
CERTIFIED MARRIAGE AND FAMILY COUNSELOR  
1701 W. Charleston Blvd.

Marriage and Family Counseling -  
Psychological and Intelligence  
Testing Charles I. Bradshaw

Mayor Briare: Do you have any comments on this application Mr. Crow?

Mr. Crow: No, Your Honor.

Mayor Briare: What is the pleasure of the Board?

Commissioner Lurie: I move for approval.

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

Commissioner Leavitt temporarily absent.

Commissioner Leavitt arrived at the meeting at approx. 9:45 a.m.

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DEPARTMENT OF LICENSE & REVENUE

ILA M. BRITT, DIRECTOR  
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See Pages 9 thru 11 of these Minutes (Annotated Agenda)

PRIVATE DETECTIVE  
LICENSE - REINSTATEMENT  
Approved

PHILLIPS ADJUSTERS  
233 South 4th Street

Harold E. Phillips

Commissioner Lurie: Is the applicant here?

Mayor Briare: Are you the applicant?

Answer: Yes Sir - -

Mayor Briare: You are Mr. Harold Phillips?

Answer: Yes.

Commissioner Lurie: I'd like to ask a question. When information was asked for by the Special Investigations Division of the Metropolitan Police Department, you didn't cooperate with them. What was the reason you didn't cooperate and give them the information they needed to process your application?

Mr. Phillips: I'm sorry your phrase "being uncooperative" was brought up, but at the period of time it was turned in for investigation to the Special Investigations there - Det. Wilson - I was in the process of buying some more property. My office is down there in the Bank building, etc and it seems that at a later date there was the thought that I would have this other

ITEM Commission Action Department Action

IV. DEPARTMENT OF LICENSE & REVENUE

ILA M. BRITT, DIRECTOR

\*CONSENT AGENDA

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

\*A. GAMING -- Additional

1. JOHN D. GAUGHAN et al  
 Hotel Nevada/Casino  
 235 South Main Street  
 2 slots
  
2. BALLY DISTRIBUTING CO  
 Coin Castle Casino  
 15 East Fremont Street  
 2 slots  
 Lady Luck Casino  
 206 North 3rd Street  
 1 slot
  
3. PENNINGTON/BENNETT  
 Pioneer Club  
 25 East Fremont Street  
 2 slots
  
4. UNITED COIN MACH CO  
 Money Tree Casino  
 2466 Las Vegas Blvd South  
 6 slots

Items 1 thru 4  
 Approved  
 Lurie - unanimous

Director of  
 Lic. & Rev.  
 authorized  
 to proceed

\*B. RETAIL TOBACCO -- Additional

1. JANIE'S VENDING  
 Club Motel  
 226 South Casino Center Blvd  
 Nomad Motel  
 211 North Casino Center Blvd  
 Paradise Motel  
 2217 East Fremont Street  
 Parkchester Motel  
 112 North 15th Street  
 Uptown Motel  
 813 Ogden

Items 1 and 2  
 Approved  
 Lurie - unanimous

Same as above

ITEM	Commission Action	Department Action
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IV. DEPARTMENT OF LICENSE & REVENUE  
 (cont'd)

\*B. RETAIL TOBACCO -- Additional (cont'd)

See Page 4

See Page 4

2. VILLAGE CATERING

Strip Dealers School, Inc.  
 2401 Las Vegas Blvd South

C. SPECIAL EVENT LIQUOR LICENSES

DeLUCA IMPORTING CO., INC.

Responsible Licensee: Robert Keyser

Beer and Wine Only

Dates and Locations:

February 6th, 1976

Sherm's Discount Liquors  
 1006 East Charleston Blvd

Panorama Market  
 4101 West Charleston Blvd

February 7th, 1976

Albertson's #637  
 1570 North Eastern

Smith's Food King #361  
 1221 East Sahara Avenue

February 12th, 1976

Safeway Store #349  
 4750 Vegas Drive

February 13th, 1976

Smith's Food King #362  
 22 East Oakey Boulevard

Smith's Food King #365  
 3830 West Sahara Avenue

Approved as  
 scheduled  
 Lurie - unanimous

Director of  
 Lic. & Rev.  
 authorized  
 to issue

ITEM	Commission Action	Department Action
<p><u>IV. DEPARTMENT OF LICENSE &amp; REVENUE</u>            (cont'd)</p>		
<p>D. <u>GAMING -- New</u></p>		
<p>1. *TONY'S COIN MACHINE CO.            3111-F South Valley View Blvd            Slot Operator</p>	<p>Approved            subject to            Conditions            Lurie - unanimous</p>	<p>Director of            Lic. &amp; Rev.            authorized            to proceed</p>
<p>Anthony J. Antonacci, 100%</p>		
<p>*Subject to the provisions of the            Planning, Building and Fire codes</p>		
<p><u>Locations:</u></p>		
<p>Charlie's Bar            1511 South Main Street            1 slot</p>		
<p>Clooney's            113 South Casino Center Blvd            1 slot</p>		
<p>Dan &amp; Ray's Terminal Bar            18 Garces Street            1 slot</p>		
<p>The Golden Gate            #1 East Fremont Street            1 slot</p>		
<p>Golden Hotel            200 South 1st Street            1 slot</p>		
<p>Hard Hat Cocktail Lounge            1675 Industrial Road            1 slot</p>		
<p>E. <u>BURGLAR ALARM LICENSE -- Change            of Corporate Officers</u></p>	<p>Approved            Lurie - unanimous</p>	<p>Same as above</p>
<p>1. DIEBOLD OF NEVADA, INC.            4303 South Arville</p>		
<p>From:            R. B. Strawn, Pres/Treas            E. Price Steiding, Exec. VP            Ronald L. Rule, VP/Secy</p>		
<p>To:            R. B. Strawn, Pres/Treas            Vernie A. Pent, VP            Michael A. Vignos, VP/Secy</p>		

property - or my own property and I would be changing, so I said - may we hold that temporarily, but I think there was an immediateness in getting this out of his hands in either requesting approval or denial. There was a pressure of time there.

Mayor Briare: If there are no further questions, what is the pleasure of the Board on Phillips Adjusters?

Mr. DeLoy: I am an employee of Phillips Adjusters. This particular piece of property in question will not be heard by the Board of Zoning Adjustment until the 24th of this month. I can only clarify what Mr. Phillips has already said - we thought perhaps it would be best to have a completed application before the Board for any consideration. However, we'll accept a ruling today.

M o t i o n

Commissioner Woofter: I move to approve.

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

Mayor Briare: The motion failed, your application for a License was not approved.

M-7 BUSINESS LICENSE  
APPLICATION

NEVADA INTERNATIONAL INVESTMENT CORPORATION  
2021 Paradise Road

Administrative	T. Sergio Dante	Pres.
Offices for the	Vito Capaccio	V.P.
Sale of Real	Ray Blaine	V.P./Broker
Estate owned by	Julia F. Dante	Secy/Treas
the Corporation	Joseph S. Hutchings	Director
	Wayne T. Kruger	Director
	James See	Director

Mayor Briare: If there is a representative here of the Nevada International Investment Corporation present, will he please come forth? What is your name, Sir?

Answer: Philip Dante.

Mayor Briare: You are the President?

Mr. Dante: My son is the President - I am Chairman of the Board. It's a family Corporation, Your Honor.

Mayor Briare: You are selling securities?

Mr. Dante: No 0 that's just the name of the corporation. We have property in various parts of Las Vegas and we wanted to be able to sell our own property. My son, the President, is also a licensed real estate man. According to the Licensing Division when we applied for this, they said we didn't even need a License to sell our own property, but I said we wanted one because we were going to have a little administration office and we might have some other people selling - you know - acquire more property and even register as a Broker, and so on and so forth.

Mayor Briare: Are you registered with the State of Nevada?

Mr. Dante: Yes.

Mayor Briare: As a Securities Broker?

Mr. Dante: No - there are no securities involved. It's all real estate.

Commissioner Lurie: Are you going to run a land sales company - is that what your operation is going to be?

Mr. Dante: This is a family corporation, but we have been in land sales - that's in subdivisions you're talking about -

Mr. Dante: This is property that the Corporation owns - like lots in different areas of the City and so on and so forth that we may want to dispose of, and buy other stuff. That's the investment part. There are no securities or anything like that involved.

Commissioner Woofter: It's property that you already own?

Mr. Dante: Yes, we already own it. In essence, we could really operate this out of our home but I wanted to get a Business License in case we expand, or do something more. That's the whole reason for it.

Mayor Briare: Do you live at 2021 Paradise Road?

Mr. Dante: No, that's the business address.

Commissioner Leavitt: Do I understand then you are selling real estate that is already owned by the Corporation?

Mr. Dante: Yes.

Commissioner Leavitt: What kind of real estate?

Mr. Dante: Various stuff - residential lots - there are no homes on them, or anything - just lots - some already zoned industrial - we have some commercial lots . . .

Commissioner Leavitt: Do you plan to have pitch sales?

Mr. Dante: No - absolutely not - it has nothing to do with that type of thing at all - absolutely nothing.

Mayor Briare: What is the pleasure of the Board?

Commissioner Lurie: Mayor, I'd like to get more information on this and I would move that it be held to our meeting of the 18th.

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

See Pages 14, 15 and 16 of these Minutes (Annotated Agenda)

M o t i o n

RESOLUTION  
Adopted as  
Amended

RESOLUTION - CONSIDERATION OF SCOFFLAW GRACE PERIOD ON UNPAID  
PARKING VIOLATIONS

Commissioner Lurie: Mayor, I requested that this Resolution be drafted. As you know, we've had some discussion with the Judges in the use of the Immobilizer and in our meetings with the Judges, City Attorney, Carl Lovell, Ron Warren and myself - Judge Mullen and Judge Brown - we came to the conclusion that the parking citations that have been issued, it would be better if we had them signed, or notarized, as a formal complaint against the individual you receives a parking ticket.

So I requested this Resolution to provide for a grace period between February 1st and March 15th for people who have outstanding parking citations to come in and pay them at face value and not have to pay a penalty.

In the meantime all parking citations that are issued are now being notarized by the individual issuing the citation and the "Boot" will not be used during this grace period. It was agreed on with the City Attorney and I felt that this Resolution should be brought before this Board for adoption.

We have at the present time, as of 1/20/76, 83,700 outstanding parking citations due are due the City of Las Vegas. This is revenue that we need to operate the City on and it is only right that the revenue be brought into the City's Finance Department so we will not have to look to other sources of revenue.

ITEM	Commission Action	Department Action
<p><u>IV. DEPARTMENT OF LICENSE &amp; REVENUE</u>            (cont'd)</p>		
<p>F. <u>PRIVATE DETECTIVE LICENSE --            Reinstatement</u></p>		
<p>1. PHILLIPS ADJUSTERS            233 South 4th Street             Harold E. Phillips</p>	<p>Denied            W            (Commissioners            Christensen, Lurie &amp;            Mayor Briare            voted "no")</p>	<p>Director of            Lic. &amp; Rev.            authorized            to proceed</p>
<p>G. <u>M-7 BUSINESS LICENSE APPLICATIONS</u></p>		
<p>1. NEVADA INTERNATIONAL INVEST-            MENT CORPORATION            2021 Paradise Road             T. Sergio Dante, Pres            Vito Capaccio, V.P.            Ray Blaine, V.P./Broker            Julia F. Dante, Secy-Treas            Joseph S. Hutchings, Director            Wayne T. Kruger, Director            James See, Director</p>	<p>Abeyance</p>	<p>2/18/76 Agenda</p>
<p>Administrative office for the            sale of real estate owned by            the corporation.</p>		
<p>2. IDEAS UNLIMITED OF NEVADA            2419 Las Vegas Blvd South,            Suite 5-A             Emil S. Guy             A general business service.</p>	<p>Approved            Lurie - unanimous            (Commissioner            Woofter abstained)</p>	<p>Director of            Lic. &amp; Rev.            authorized            to proceed</p>
<p>3. ARKCO DEVELOPMENT INC.            1701 West Charleston #301             Fred R. Kassler, Pres            Fred Ahlstrom, VP            Jerry Apelby, Secy-Treas             Property management and            development.</p>	<p>Approved            W - unanimous</p>	<p>Same as above</p>

ITEM	Commission Action	Department Action
<p>IV. <u>DEPARTMENT OF LICENSE &amp; REVENUE</u>            (cont'd)</p>		
<p>H. <u>ESCORT BUREAU LICENSE -- New</u></p> <p>1. *REFINED ESCORT SERVICE            2401 Industrial Road #3</p> <p>C.A.S. Enterprises, Inc.            Donna Faye Simmons, Pres - 90%            Carl Adlen Simmons, VP/Secy-            Treas - 10%</p> <p>*Subject to the provisions of the            Planning, Building and Fire codes</p>	Abeyance	2/18/76
<p>I. <u>ESCORT LICENSES -- New</u></p> <p>1. CHERIE GORDON</p> <p>For: Ladies-In-Waiting            210 East Charleston</p> <p>2. ANN C. HOMAN</p> <p>For: Ladies-In-Waiting            210 East Charleston</p> <p>3. PAMELA JOHNSON</p> <p>For: Ladies-In-Waiting            210 East Charleston</p> <p>4. MARGARET ANN ORLOSKY</p> <p>For: Ladies-In-Waiting            210 East Charleston</p>	Abeyance Items 1 thru 4	2/18/76 Agenda
<p>J. <u>MASSEUSE PERMIT -- New</u></p> <p>1. ESTHER LOUISE CHAPMAN</p> <p>For: Sultan's Palace            2309 L V Blvd South</p> <p>Stricken 1-21-76. Application            resubmitted. Letter received            from applicant requesting that            application be resubmitted;            and, Ms. Chapman stated that            she will be present at the            meeting on February 4th.</p>	Abeyance	2/18/76

ITEM	Commission Action	Department Action
<p><u>IV. DEPARTMENT OF LICENSE &amp; REVENUE (cont'd)</u></p> <p><u>ABEYANCE ITEMS -- Tabled January 21st, 1976</u></p>		
<p>K. <u>BURLGAR ALARM LICENSE -- New</u></p> <p>1. *SPACE AGE BURGLAR ALARM COMPANY        537 East Sahara Ave #210        George F. Weidner, 100%</p> <p>*Subject to the provisions of the Building and Fire codes</p>	<p>Approved subject to Conditions        Lurie - unanimous</p>	<p>Director of Lic. &amp; Rev. authorized to proceed</p>
<p>L. <u>MASSEUSE PERMITS -- New</u></p> <p>1. ALINE BENCHETRIT        For: Sultan's Palace        2309 L V Blvd South</p> <p>2. MARTHA SANCHEZ CHAVEZ        For: Sultan's Palace        2309 L V Blvd South</p> <p>3. THELMA JEAN GRUBER        For: Sultan's Palace        2309 L V Blvd South</p>	<p>Abeyance        Items 1, 2 and 3</p>	<p>2/18/76 Agenda</p>
<p>M. RESOLUTION -- Consideration of scofflaw grace period on unpaid parking violations</p>	<p>Resolution adopted as amended        Lurie        (Mayor Briare voted "no")</p>	<p>Mayor &amp; Clerk to sign        Staff to proceed</p>
<p><u>ADDITIONAL ITEM:</u></p> <p>M-7 BUSINESS LICENSE APPLICATION</p> <p>CHARLES BRADSHAW - CERTIFIED MARRIAGE AND FAMILY COUNSELOR        1701 W. Charleston Blvd.</p> <p>Marriage and Family Counseling - Psychological and Intelligence Testing</p>	<p>Approved        Lurie - unanimous</p>	<p>Director of Lic. &amp; Rev. authorized to issue</p>
<p>Page 16        Minutes        Regular Meeting        City Commission        February 4, 1976</p> <p>Charles I. Bradshaw</p>		

Mayor Briare: Commissioner Lurie, do you feel for those people who by their ignoring the citations and have demonstrated they don't wish to pay - do you think another thirty days is going to change their minds?

Commissioner Lurie: Well, I think in all fairness - I believe it's an opportunity for the people to come in and take care of their obligation. If you are asking my opinion of whether or not I feel people are going to take this opportunity to come in and pay, I would go back to a situation where Judge Mullen tried, a year ago, on warrants that were out for individuals who had moving violations - he gave a grace period - and there was like 7,000 warrants and I think 67 people came in and paid up their obligations. We're giving them an opportunity to come in and pay the face value of the citation, without penalty, and they should take that opportunity because the Judges are going to be strict and add penalties when it comes to giving out the necessary fines to violators.

Commissioner Leavitt: I might ask the City Manager - under the Ordinance that we passed that involved the "Oregon Boot", we were to notify all of these people who had five, or more, outstanding parking citations - is that correct?

City Manager, A. R. Trelease: That is correct.

Commissioner Leavitt: Have they all been notified? I know I read in the paper where we have notified those with numerous outstanding tickets, but have we reached the point now where everybody with five or more have been notified?

Mr. Crow: We are still in the process of doing that right now -

Commissioner Lurie: During this grace period, after the Resolution is adopted, when the next set of Summons go out, there will be a notice in the envelope telling them of the Commission's Resolution and calling their attention to the grace period to come in and pay the tickets at face value.

Commissioner Leavitt: As I recall - the original Ordinance the "Oregon Boot" is only placed on a car that has five or more parking violations - is that correct?

Mr. Crow: That is correct -

Commissioner Leavitt: Then all of these people with five or more will have been notified that unless they pay their parking violations that they are subject to having the Boot placed on their car -

Mr. Crow: This will be put on the notice that goes out -

Commissioner Leavitt: But you haven't completed that yet. By passing this Resolution, would these people who would then be notified - who would automatically come in and pay their fines - would they be excused of the penalties?

Mr. Crow: If the Resolution is adopted -

Commissioner Leavitt: If the Resolution is passed, could that be made part of the Notice to these people that if they do come in and pay their fines between now and March 15th, that the penalties will be excused, and that only those with five (5) or more are going to get the "Boot". I would like to make that a part of the Resolution.

I don't think we've reached the point where we have notified people with a small number of outstanding citations - five or more - we apparently have notified those with 40 or 50 - the point I am making is that we adopt this Resolution with the understanding that between now and March 15th the people will be notified, even those who have only five, or more - that they can come in and pay their tickets without any penalties.

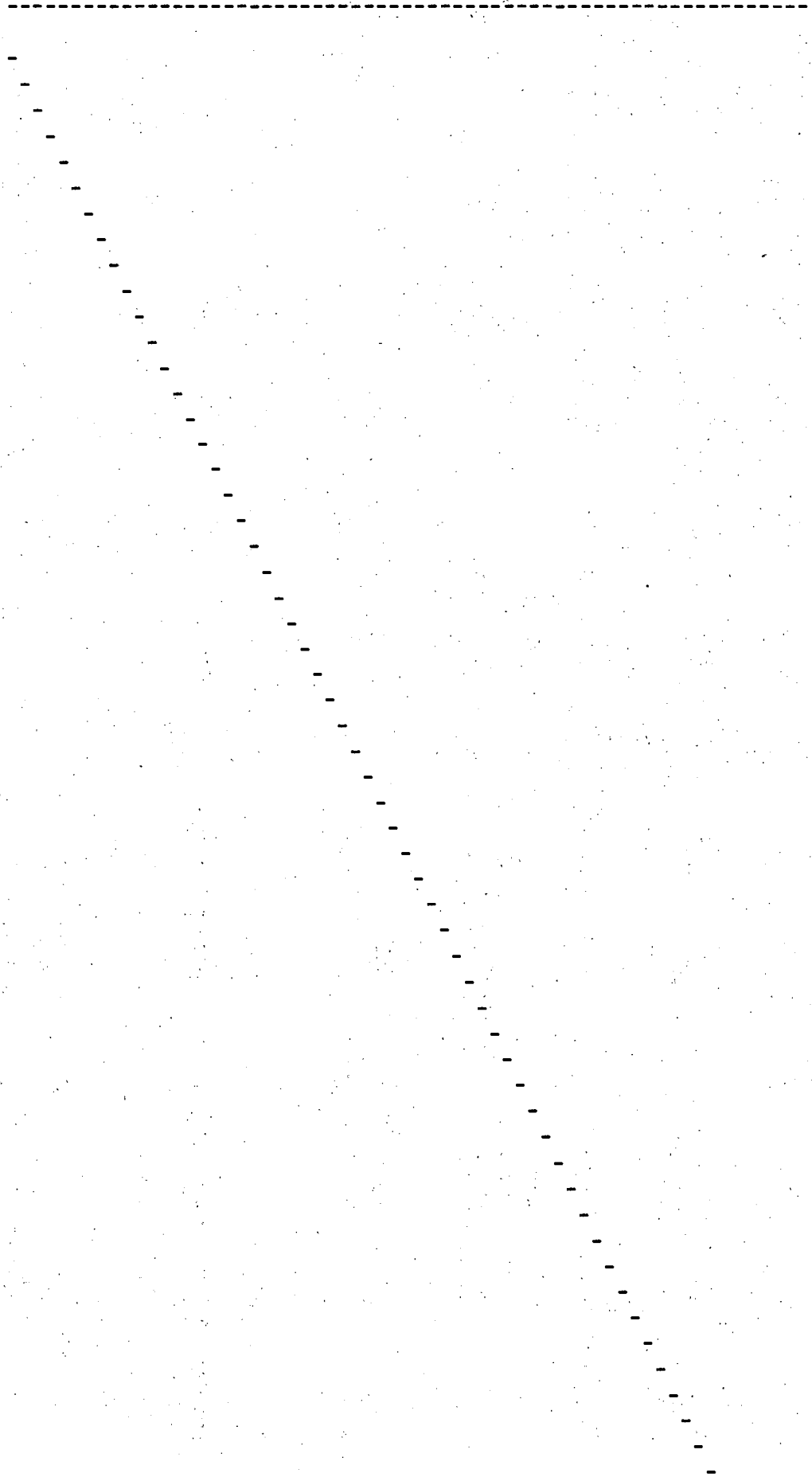
RESOLUTION  
(IMOBILIZER)  
(continued)

M o t i o n

Commissioner Lurie: I would move for adoption of the Resolution.

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

See Page 19 of these Minutes (Resolution)



R E S O L U T I O N

WHEREAS, there are fines due the City of Las Vegas for numerous outstanding parking violations; and

WHEREAS, a procedure is being instituted to strictly enforce the parking laws of the City of Las Vegas; and

WHEREAS, the Board of City Commissioners deems it fair and reasonable to extend an opportunity to those persons presently owing fines for parking violations to pay for such violations at the original face amount of such citations.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Las Vegas, Nevada, as follows:

1. All persons having outstanding parking citations may pay the face amount of such violations, excluding the doubling and tripling penalties imposed by the City Code at any time between now and March 15, 1976.

2. In the event that any person shall fail to avail himself of the opportunity to pay such parking citations by March 15, 1976, the doubling and tripling penalties provided for in the City Code shall be imposed on any and all such citations and persons.

PASSED, ADOPTED AND APPROVED this 4th day of February, 1976.

WILLIAM H. BRIARE, MAYOR

ATTEST:

Edwina M. Cole, City Clerk

DEPARTMENT OF COMMUNITY  
DEVELOPMENT

DONALD J. SAYLOR, DIRECTOR

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See Page 21 of these Minutes (Annotated Agenda)

A-1-76

PETITION FOR ANNEXATION TO THE CITY OF LAS VEGAS

Mayor Briare: Mr. Saylor, did Mr. Foster give you a matter that you are to bring up at this point?

Mr. Saylor: We have had a request for annexation of property that will be incorporated into the City. As required by S.B. 601 we would like permission to refer this immediately to the County Commission for their action under A-1-76.

Mayor Briare: This is just a matter of procedure, is it not?

Mr. Saylor: That's right -

Mayor Briare: First it has to go before the County and then it comes back to us?

Mr. Saylor: That is correct -

Commissioner Lurie: Where is this property located?

Mr. Saylor: Out in the northwest part of the City - it will be a part of the City under S.B. 601, but they want to get going on the development of it.

M o t i o n

Commissioner Lurie: I would so move for referral to the Clark County Board of Commissioners.

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

Z-60-75

ZONE CHANGE Z-60-75 - HOME SAVINGS ASSN.

Mr. Saylor: Next before you is the application of Home Savings Association for a change in zoning from R-E to R-MH, which is a Residence Mobile Home District. This District is the same as a single family subdivision wherein the mobile home owner purchases a standard lot in the subdivision and puts a mobile home on it, as opposed to a Mobile Home Park.

The screen will show you the location out along the Tonopah Highway - it shows the commercial zoning along the Highway - the existing part which is at the corner of Craig and Torrey Pines and the existing Resolution of Intent west of that and a little bit to the south, and then the present application is for the remainder of the property, south to Alexander. There is residential development along the east side of Torrey Pines. The entire area, over to Commercial, has been proposed for a subdivision. However, the only construction that has taken place so far is right on Torrey Pines. Immediately north of that is a Trailer Sales and Repair operation.

The property immediately south of Alexander is all vacant. There is other R-E development to the northwest and further south, as you can see on the screen.

Mr. Saylor: If you will look at the board here (wall map), which is an enlargement of the area - this is Torrey Pines - this is Craig Road. This is the part that has been developed. The green is the portion that is still under a valid Resolution of Intent for the same type of development. They have requested that all of this be rezoned, which would bring it to Alexander. The Planning Commission recommended that only this much of it be rezoned to allow the completion of this part in green. As you can see (wall map) there is a proposed street coming out at this point and they felt it would be better to have the Mobile Home Estates on both sides of the street rather than on the north side only.

This little sliver (wall map) was part of the original, but they did not develop it and consequently the Resolution expired on that and they neglected to pick it up at the time this was done.

Commissioner Leavitt: Do we have in front of us that little sliver in blue there? Is that included in this?

Mr. Saylor: This? (wall map) - yes, that would be included -

Commissioner Leavitt: And the Planning Commission has recommended approval, including that - is that right?

Mr. Saylor: Right.

Commissioner Leavitt: What did they recommend on that line? Did they recommend a block wall?

Mr. Saylor: The Ordinance requires a block wall around this type of development, so there would have to be a block wall here (wall map) - completely around the Park. The Park that is already built has a wall here - and here (wall map).

Commissioner Leavitt: What's south of that line they have made as the boundary?

Mr. Saylor: That's vacant.

Commissioner Leavitt: What is it zoned now?

Mr. Saylor: R-E.

Commissioner Leavitt: So it would be peoples' backyards up against the wall?

Mr. Saylor: Right.

Commissioner Christensen: Where are the entrances to the Park now?

Mr. Saylor: Right up here (wall map). Under this development there is a proposed entrance here on Lorenzi, which is a major, and on Torrey Pines, which is a major.

Commissioner Christensen: And right now they have an entrance only on Craig?

Mr. Saylor: Yes.

Commissioner Lurie: Mr. Saylor, how many lots are under the Resolution of Intent and how many other lots did the Planning Commission recommend?

Mr. Saylor: The Park is approximately 137 lots and under the Resolution of Intent there are 181. They requested 260 more. The Planning Commission recommended for approval, 45 more.

Mayor Briare: Before I ask the applicants because the procedure is to allow the applicants to add whatever they wish to add to the comments of the Director of Community Development - however, for those folks that are in the audience who are here in opposition to this application, I would imagine that many of you perhaps were at the Planning Commission meeting. Are there any of you who were not at the Planning Commission meeting. OK - very well. Mr. Saylor, we have an advantage that these folks don't have - I was watching you - were you indicating on the map there as Mr. Saylor was talking, the area we are actually considering this morning. The point I'm trying to make is that for those folks who were not at the Planning Commission meeting, this might not be as clear to them as to those who were at that Planning Commission meeting. Mr. Saylor, if you will just outline with your pencil the only area that we're talking about this morning. We are talking about 45 lots, which he is outlining right now. I just wanted to be sure that the people who are protesting recognize that the only thing we're concerned with - we're not considering what has been done in the past - but only that matter which is before us now on those 45 lots as generally outlined.

Do any of you have any questions as to what, specifically, we're considering this morning?

OK - then the applicants should be allowed to make any further comments to Mr. Saylor's comments, if they chose to do so.

Mr. Bob Campbell: I don't know if everyone really is clear - the piece up above is already zoned. We concur in the Planning Commission's recommendations. We have no desire to have this (wall map) zoned. What we're talking about is just this one little plot right here - this little row of lots - 45 lots. All of this is already zoned and I think perhaps a great deal of the criticism - the remarks being made - are to keep this from being rezoned, but it is already zoned.

Mayor Briare: That's right - I want to make it very clear to these folks that we're not talking about all of that property which was rezoned in 1973. That area that is shown in green we're not talking about that at all.

Mr. Campbell: The reason for this is to bring the traffic flow through on these streets - all that we're asking is to bring this in here (wall map).

Mayor Briare: I know there are a number of people here in objection to this application. I wonder if you might have selected among yourselves someone to be the spokesman for the objectors.

Richard M. Fankhauser, 4025 N. Torrey Pines: First of all I would like to present to you the Petition which has been signed by home owners in the area, as well as some people in the Mobile Home Park. (Copies of Petition presented to Board)

See Page 23 of these Minutes (Petition)

If you will all look at Page 18 of this Petition you will note there are 362 signatures. All but approximately three of the signatures were obtained from residents and/or property owners within approximately a one mile radius. Only 8 home owners out of 846 refused to sign the Petition. In other words, 99.8% of the home owners within this area are opposed to this rezoning.

Mayor Briare: I notice that a number of these people who apparently live in mobile homes in the existing area . . .

Mr. Fankhauser: Some do, and I will point that out -

Mayor Briare: How many homes are there in the area as opposed to the number of mobile homes?

Mr. Fankhauser: You will notice the addresses of the signatures on Pages 6 and 7. These 24 signatures represent 16 families that

OBJECTION TO PROPOSED RECLASSIFICATION Z-60-75

The undersigned, being affected residents and/or interested parties, do hereby formally object to the proposed reclassification from R-E to R-MH, for use as mobile home residential estates, of that land generally described in Notice of Public Hearing Z-60-75, dated December 24, 1975, as located on the north side of Alexander Road extended between Lorenzi Boulevard and Torrey Pines Drive extending north approximately 900 feet along Lorenzi Boulevard and 1,400 feet along Torrey Pines Drive. Important, although nonexclusive, reasons for such objection are as follows:

1. The increased traffic flow over undeveloped streets which presently pass through residential areas.
2. The serious flood control problems created by diverting "sheet runoff" to Torrey Pines or Alexander as a result of the proposed construction.
- ✓ 3. The inevitable lowering of the already low local water table which necessitates present well owners to incur extra expense in deepening their wells.
4. The increase in the local fire and crime rates due to the increase in population density and the increased demands placed on remotely located fire and police units.
- ✓ 5. The impact which the proposed higher density rezoning would have on the community's ranch-estate life style.
6. The serious overload placed on available school transportation and facilities.

TONY NOUAK

live in Jade Park. Out of 27 mobile homes that I contacted, 16 were opposed to the rezoning and four were undecided and did not want to get involved.

Commissioner Lurie: When you solicited the signatures on this Petition, did the people know that under a Resolution of Intent are another 181 lots that could be developed and that we are talking about only 45 lots here?

Mr. Fankhauser: Yes -

Commissioner Lurie: You made that clear?

Mr. Fankhauser: Yes, I did - One thing I would like to bring out - the intent was to rezone 70 acres which came all the way down to Alexander Road - all the way down here (wall map).

On the face of the Petition it should be obvious that by far the majority of the residents are opposed to the rezoning. From these specifics I don't see how a reputable organization, such as Home Savings, could possibly endeavor, with such a large percentage of residents in the immediate area are opposed to this rezoning. Furthermore, I don't see how you, as our City Commissioners of Las Vegas could consider the rezoning when the majority of the people in close proximity to the respective area, whom you represent, are opposed to this rezoning.

I would like to ask that the people here in opposition to this proposed rezoning, please stand so that we may make a count for the record.

(Approximately 75 to 80 people responded)

Mayor Briare: Thank you very much, folks - you may be seated.

Mr. Fankhauser: I figure that was somewhere around 75 people.

Mayor Briare: I will accept that if you feel it is a proper statement.

Edw. E. Jory  
4017 N. Torrey Pines

I live across the street and I wish to strongly object to this rezoning. My name is Edward Jory and I work for the Federal Government and therefore every few years I've had to move around in order to maintain my occupation. I have lived in several areas - in the Los Angeles area - the San Francisco Bay area - Washington, D. C. - Baltimore, Maryland and several smaller cities. I was shocked when I went to look at the zoning in this city when I went to look at the homes - nice homes on one side of the road and slums on the other side. I found apartments mixed with homes - mobile homes mixed with commercial property, sometimes within a 1-block area. It appeared to me there was very little planning in some areas of Las Vegas insofar as zoning itself is concerned. Now this lack of planning is threatening the last large area in Las Vegas where people are already established on one-half acre, or more, lots, where they can breathe - their children can have horses . . .

Mayor Briare: Mr. Jory, would you please confine your remarks to just what we have under consideration today - the other was there when you moved in . . . I drove out there and I noticed there were not very many homes on Torrey Pines - all of them were new. I thought we were considering 45 lots. These arguments you are presenting are excellent arguments if we had before us a 400 or 500 lot zoning request. You are confusing me and I don't know if you are confusing other people. I have a feeling some people feel we are talking about more than 45 lots. Before we go any further, I want another definition of what, specifically, we are talking about. We're talking about 45 lots and Mr. Jory says these 45 lots, whatever action may or may not be taken here today, is going to have some other ramifications on some other lots

Unidentified Speaker: There's a question as to whether this property has been rezoned or under a Resolution of Intent - all the way back to April of 1973 . . .

Mr. Saylor: I have very clearly stated that that portion shown in green is under a Resolution of Intent -

Mayor Briare: Under a Resolution of Intent the zoning doesn't actually become effective, Mr. Jory - and you are a long time real estate man here - the zoning becomes effective when?

Mr. Jorey: When all the conditions are satisfied -

Mayor Briare: Right -

Mr. Frankhauser: Even though we bought our home there, we are concerned with the zoning around us . . .

Mayor Briare: Well now, that hasn't changed much, has it - I'm speaking more to you because I'm sure you're probably giving a pretty good cross section of what these people are referring to here. Again, I have to recognize the carefulness with which you investigated the neighborhood before you purchased your homes, and all this was in existence, and not I'm not grasping the point you're trying to make relative to these 45 lots.

Mr. Fankhauser: You see - the area in green -

Mayor Briare: What you'd like is to rescind the action on the area in green. That is not our prerogative to do right here -

Mr. Lovell: We cannot address ourselves to anything that is not before us right now -

Mayor Briare: The only thing we're looking at as far as I can see is that kind of jagged line - that strip there - that jagged strip - what they refer to as a "sliver" is what we're talking about.

Mr. Jory: Insofar as property values are concerned, I think most of us will agree that there very well could be a decrease in property values with any more additional mobile homes that are put in and I would like for each one of you to put yourselves and your families in our position with the house and property you've always wanted, and saved for, and now you're being threatened by a potential rezoning and I just wonder how you would feel and how you would react.

Commissioner Christensen: The Resolution of Intent on this green area - has it been extended?

Mr. Saylor: Yes.

Commissioner Christensen: How many times?

Mr. Saylor: They got one in 1974 and one in 1975 -

Commissioner Christensen: That's two extensions, plus the original?

Mr. Saylor: Right -

Mr. Fankhauser: They've had another extension since Home Savings acquired the property - that's all that we know -

Commissioner Leavitt: Mr. Saylor, I'd like clarification of something in regard to the green area. There has been some indication that the green area can be developed without the 45 lots . . . in other words, the green area can be developed at the present time with mobile park homes, regardless of what we do today.

Mr. Saylor: From a zoning viewpoint - yes - but from an

engineering standpoint . . . .

Commissioner Leavitt: What is the width of the road between the green area and the 45 lots that the Planning Commission approved?

Mr. Saylor: It's a 60 ft. street

Mr. Jory: The minutes dated April 11, 1973 specifically sets out - No. 2 - access to be provided out to Torrey Pines before any further final maps are recorded on the development. That's in the original Resolution of Intent . . . I would assume the Resolution of Intent is subject to that . . .

Mr. Saylor: That has nothing to do with the zoning - they can provide access to Torrey Pines whether this is zoned or not - the only provision on access is that you can't go across residential -

Commissioner Leavitt: I am going to assume, since Mr. Saylor is our Planning & Zoning Director and head of the Department of Community Development, that he's right - that no matter what we do, they can still develop the green area. The original application was for that whole white area -

Mr. Jory: That's correct -

Commissioner Leavitt: And what the people have indicated now is that they would be willing to abide by the Planning Commission's recommendation for the 45 lots only. They asked for more but the Planning Commission didn't give it to them.

Mr. Jory: I would like to point out to you what these 45 lots are so important. Commissioner Leavitt brought up - how wide is the street that runs east and west? This is important - I would also like to point out to you the problems we will have if this is allowed - the problems we have with Torrey Pines, which runs north and south. Mr. Saylor has mentioned two or three times that Torrey Pines is a major street. At this time Torrey Pines is not a major street - we have Tonopah Highway which is a major street . . . we have a proposed Freeway going in west of us - I don't know why Torrey Pines is recognized by Mr. Saylor as a major street. Torrey Pines in that area directly to the east of where they want to put their new street there, is 40 ft. wide.

The City Engineer requested me to drop that street in order to take care of a flood control problem - because of the sheet run-off from the west - I had to drop that street 3 ft. - I had to put a sewer down Alexander for which I had no access for any lots in my subdivision - in order to take care of any problems that might come up in the future . . .

In the event that they did agree to widen that in order for them to be given their zoning, on the northwest corner of the next intersection, there is a Water Company facility that there is not even enough room to cut the street all the way back to the well, which I don't think anybody would allow . . . which means that the people coming down the proposed new street for Jade Park would be turning south - which they do now - you know there is no way to stop people from going the shortest distance between two points - they are going to go south on Torrey Pines . . . all the way down to Cheyenne for their access into town.

Commissioner Woofter: You're talking about those streets and my understanding here, according to Mr. Saylor, no matter what we do here today they can build that street -

Answer: I don't think so -

Commissioner Woofter: My understanding is that that street can be built -

Mr. Saylor: In terms of this down here (wall map) there is no zoning necessary to that that street in - any street that is put in has to be accepted by the City so you always have

final determination. I said Torrey Pines was a major street - by that I meant it is on the Major Street Plan -

Commissioner Woofter: What would be the access to the green area at the present time?

Mr. Saylor: Well, I'm sure they want to make this their immediate access (wall map) - they propose another access at this point . . . I think it is obvious that the traffic flow is going to be toward the east -

Commissioner Woofter: I was under the assumption we were talking about all of the green area and not just 45 lots and at this point I would like to ask Mr. Campbell why he wants the 45 lots on the other side.

Mr. Campbell: What we're talking about right here (wall map) the street is going to come out on Torrey Pines - whether we have Mobile Home Estates or R-1-D. This is going to be developed - we have it under plans now for immediate development. We're talking about putting this street in simply because of the objections held with the 20-inch sewer and water mains that were stubbed off at Torrey Pines now . . . would be to put the wall down along here (wall map). There's going to be no difference in the traffic flow except for the 45 lots up that street.

Commissioner Woofter: What is the reason you want the 45 lots on the other side?

Mr. Campbell: To be able to put these lots to open up into a street, Mr. Woofter. What we want is the wall to come along here (wall map) - wall off this area and to have this street up into the subdivision - the proposed subdivision.

Unidentified Speaker (in audience): I'd like to ask a question - why in two years they haven't done the street if they're so interested in putting a street in?

Mayor Briare: Whatever the answer to that question is is going to be speculation on anybody's part - we're talking about zoning 45 lots -

Unidentified Speaker: The reason they wanted to come out to Torrey Pines is because it's cheaper to get the sewer and the water - that's the reason they haven't developed that big piece up there. That's the only reason.

Mayor Briare: If you feel the answer he gave is not sufficient - whatever is the reason - Mr. Campbell, you're the developer -

Mr. Campbell: That water and sewer will be brought in -

Commissioner Leavitt: He said that in his explanation - he said that's where the sewer and water was -

Mayor Briare: Where they stub in, nothing can change that - the matter before us is what's on top of the ground relative to zoning.

I would like to hear from some of those here who have something different to say than has already been said.

Mr. Jory: I haven't had a chance to see their Final Map, or their engineering map - the way this is designed it appears to me that it is creating a very, very hazardous street flow problem in the event of flood. I would like to repeat - the street that I put in is almost 3 ft. lower than the existing ground in front of that, and changing 60 ft. of that is certainly not going to help anything as far as the houses across the street that are occupied is concerned. We have no run-off

for water south of Alexander. We already have a serious problem from Jade Park - they had a flood problem in there - in the mobile home facility there - currently and in order to solve the problem they kicked a couple of scuffers in the block fence and let it run out onto Torrey Pines, which ran down into the property just 175 ft. south of the intersection of the red and the green there (wall map). I put in two sidewalks - there's another street that should be put in now.

Mayor Briare: Mr. Campbell, did you wish to give an engineering comment on Mr. Jory's remarks about potential sheet water?

Commissioner Lurie: I have one question before Mr. Campbell might want to respond. How many lots do you have there?

Mr. Jory: I have 14 developed - I have the engineering done on 59 - I've got the Tentative Map approved . . .

Commissioner Lurie: Did you give consideration to the sheet flow and flood hazard to prevent your people from having problems?

Mr. Jory: It was very forceably brought to my attention by your Engineer Staff, and it is provided for in my development.

Commissioner Leavitt: What kind of a development do you have?

Mr. Jory: R-E Estates - the least expensive house is \$52,000.00. - We have two old ladies that came in from Los Angeles - they sold an apartment house down there - not old ladies - one of them is about my age - they sold an apartment house down there and put all their available cash in the house that is directly across the street from where you want to open up this floodgate -

Mayor Briare: When she finds out you called her an "old lady" she'll ask you for a refund -

Mr. Jory: We've had one on the corner already ask for a refund - the people have been here a long time and they felt this was already decided by the Planning Commission, so we refunded their money -

Commissioner Leavitt: Where is the LAZY J development?

Mr. Jory: On the east side of Torrey Pines - Alexander is the south street - it runs from Alexander up to about here (wall map).

Commissioner Leavitt: Does it go all the way to the Tonopah Highway?

Mr. Jory: And down to the Tonopah Highway, yes Sir.

Mr. Campbell: Just like every piece of desert that is reclassified and put into housing subdivisions - putting in the housing subdivisions doesn't increase flood dangers with the designed streets - it decreases the flood dangers.

We will meet whatever Mr. Hampton's Department comes up with - we are going to build it to Code and we'll have no problem with engineering or with flood design.

Mayor Briare: Mr. Jory, do you want to answer that because you are a developer - you know - you have already indicated that because of our Engineering Department you had to take some pretty severe measures to protect in that area -

Mr. Jory: I would say it's a dream - I had to develop my own property - I had to put in a sewer - where I could not use the sewer I could understand it. What is Mr. Campbell going to develop? He's going to go out and develop property that isn't his in order to protect the people in LAZY J Ranch Estates? I'm talking about the sheet water -

Mayor Briare: He suggested that the Engineering Department is going to be able to put requirements on there that are recognized requirements, to prevent flooding and that you had to do the same thing -

Mr. Jory: Yes, but I developed my own property and the end of my problem was the end of my property . . .

Mayor Briare: The water that would be coming down that way would be directed inconsistent with engineering practices?

Mr. Jory: I don't know of any way that the City or anybody in the world can force a man to go in

Mayor Briare: Do you have any objection to our Codes - are you saying . . .

Mr. Jory: No, I don't have any objection to your Codes - I have objection to this particular application for rezoning. It's not good engineering - it's no place for a trailer park . . . Tonopah Highway is the entrance to our City, which is a world-wide known City - from the north and if we don't put a stop to it, it's going to wind up looking just exactly like Boulder Highway that comes in from Boulder Dam.

Mayor Briare: When did you acquire that property?

Mr. Jory: Early in 1973.

Mayor Briare: When did you build your houses there?

Mr. Jory: I started them in 1973 -

Commissioner Lurie: The same time the Mobile Home Park was built?

Mr. Jory: No, Sir, the Mobile Home Park was in before I was there, but let me explain to you something: The Mobile Home Park - I would never have believed, and I've been in the real estate business for thirty years that I would have the objection to custom houses, or semi-custom houses, so close to a Mobile Home Park as I have. One of the reasons for the slow sales program that I have there. Secondly there was not as big a problem because all of the traffic flow was down Craig Road to Tonopah Highway. Since then we've been getting a lot of north/south traffic right from Craig Road, down Torrey Pines. That was not a major objection to me at that time. I checked the lot sales at the Trailer Park with the salesman who was in the sales office at that time and he made the statement to me that it was never going to go - that they would never sell the damn lots and that he was looking for a way out, which happened to be true. There are still 13, if my count is correct, unoccupied lots there -

Question: How many are there?

Mr. Jory: 171 - no, 137 - I don't say they are not sold - I'm saying they do not have mobile homes on them.

Gentlemen, I would like you to consider seriously the problem that you are facing right now - this is not like zoning a piece of property to Commercial because there is a need for it. There is no need for this Trailer Park extension here and in the event you approve this zoning, you are going to change the life style of parents and children - people who have moved their families out into this area to live like the pioneers that developed this property. Thank you.

Mayor Briare: I am going to ask those other people who want to speak not be repetitive - you must direct your remarks to the only matter before us, and that is the request for the 45 lots. Keep your remarks directed toward that application - that is the only thing we have to consider here.

Greg Monselle: I wish to apologize for the lengthy remarks we've made, but we were not advised that Home Savings had changed the application to remove the area south of the 45 lots from the application -

Mayor Briare: Would you repeat that?

Mr. Monselle: We were not advised prior to this meeting that Home Savings & Loan has removed from consideration the area south of the 45 lots.

Mayor Briare: So instead of talking about how many lots - we are now talking about 45 lots - how many, originally?

Mr. Monselle: 260 -

Mr. Saylor: The original application was for 260 lots -

Mayor Briare: OK, then we're not talking about 260 lots - we're talking about 45 lots -

Mr. Monselle: Mayor, the problem is, we came prepared to discuss the entire thing and our speeches - our statements - were based upon the entire thing being considered so I'm going to remove what is not applicable here.

My major objections to the trailer park - Mobile Home Estates - is primarily one of the dwindling tax base that mobile homes tend to produce. It has been my experience that mobile homes tend to depreciate over a fairly rapid length of time as opposed to residential construction, and one of my major concerns is that over a period of from 10 to 15 years the tax base in this particular area will decline substantially from the Mobile Home Park, while it will be increasing substantially from the residential property owners around it, in order to provide the same services in the Mobile Home Park as are being provided outside the Mobile Home Park.

My next consideration is - at the present time the street, which I think is supposed to be 60 ft. wide - Torrey Pines - here (wall map) we've got that half of it developed - it's 30 ft. wide to there - the rest of it, we've got that half of it developed - so we've got a 30 ft. wide street that is going to be a major access street for approximately 200 homes and I think that is going to cause some serious traffic problems right in this area. A 30 ft. wide street is what they call a half street and it is not sufficient - I do not feel it is sufficient - to handle the traffic flow from that entire area moving south and east.

One of the other points I would like to make is that when I bought my house - which is located about here (wall map) . . . the Trailer Park itself was not a material consideration because the flow was out that way. It was not a material consideration at that time because it did not affect me where I live. Now, with this zoning application - in this area here whose major access will be out - down Torrey Pines, will affect me. So the difference between what was existing - it was three quarters of a mile away and flowing away from me as to what is proposed - a quarter of a mile away and will flow right towards me.

My next consideration is - what of the development? And as far as our discussions earlier about these 45 lots being a "key" to the development of the entire acreage - and even though, out of pure zoning, it is not a key - I think, economically, it is not feasible for the developer to develop the entire thing without those 45 lots. And, for that reason, I feel like this particular area shown in green (wall map) - it has been there for almost three years - it has been under the Resolution of Intent for almost three years, and nobody yet has done anything, even though Home Savings has had it under the Resolution of Intent, for a year and a half. I certainly feel that by changing the zoning on these 45 lots here, you are

giving them the economic key to develop the entire area which will radically alter the life style of the people in the area.

In closing I would like to say - presently they have 181 lots which they could develop if they wanted to, according to the zoning they have in effect under a Resolution of Intent and personally I don't think they are going to find 230 people to move out there in mobile homes, within three to five years. It would take that long to fill the thing up. My suggestion is to deny the application for the 45 homes and let them, if they want to, develop the balance, which is that already zoned. At such time they are successful in the development of their 181 lots - which I don't think they will be - then they could come in and request a change of zoning on the balance of 260 lots, which is presently Ranch Estates.

Mayor Briare: Thank you. Folks, I want to mention something to you - it is our job here to listen carefully and attentively to both sides of an application - those in favor and those who are opposed. When somebody brings up an objection we want to find out if there is any reasonable solution to that objection. If there isn't, then we have to make a certain judgment based on the answers given. Also various other comments relevant but perhaps not pertinent. We have to confine ourselves to certain guidelines. You people have brought up some very fine points. One point that you brought up would put us in court if we were to use as a reason to deny this, and that is your main objection to this Board even considering approval - and I'm sure that minds have not been made up yet - these 45 lots - is because you want to prevent the rest of the development. Now, I'm not a Judge - but if I were in Court, if this were to happen, and that reason was given - the Court would allow the zoning because of the reason you just stated. I mention that because you must realize we have to consider everything you say, even though it might be used against you.

Tony Novack, 4241 Jory Trail: Mrs. Jensen was taken ill this morning and asked me to read her speech. I notices you have stopped every one who has come up here with their speeches and again I will give you the same reason for it. We were geared to fight the whole thing, which they said they were pushing for. Before I give this speech, I would like to cover a couple of things for myself, please. I'd like to go to the map if I may. Mr. Saylor, would you show me on the map where the line is?

As far as the road going in - none of the maps show a road called Jory Trail, which is the corner I live at - Torrey Pines and Jory Trail. The existing street that comes out will not abut straight into Jory Trail but it's going to be offset from it. We're going to have two streets coming out. It's hard to show you . . .

Mayor Briare: Is that paved?

Mr. Novack: It is paved, the City's signs are up and the City sweeps it. It's part of the development Jory put in with his LAZY J Ranch Estates -

Mr. Saylor: It only goes for about 200 ft. there -

Mr. Novack: My major objection is - I live right on the corner - like you say, sheet run-off things of this nature - I told Mr. Jory I'd take him to court and sue him if he didn't redo my sidewalk. I spent the run-around with the City Hall for a month trying to get a sidewalk put in - over the flooding - it took my sidewalk out - I just put in about \$5,600.00 for a block wall around my half acre and I don't want it to go either.

We've got a problem up there - if this road is allowed to continue in that trailer park and bring it out on Torrey Pines - the comments has brought up by most of the Commissioners and

to the people here - if you knew it was there, why did you move there? We knew it was there. I'm right across the street from the back end of it. But the whole thing is, it didn't affect me. It's sitting on Craig Road - the entrance and exit to it. I don't want that traffic right in front of me - I don't want a block wall right in front of me. There's some people right across the street from me - it's going to completely close them in on three sides.

If I may read Mrs. Jensen's speech now - thank you.

Mr. Mayor and Commissioners:

I am opposed to this rezoning because I don't believe that the impact on the area and the whole City has been totally explored. I wonder if the City's budget has been considered in relationship to this rezoning. It is my feeling that the taxes generated here by turning a desert into a mobile home estates will be great enough to afford the services that will be expected to go along with the growth.

Already the area is mushrooming and we have the feeling we are inadequately served by the Police Department and Fire Department.

Although this particular land being considered is in the City, both City and County budgets are going to be affected greatly. Families all over the County are being asked and forced to adjust their budgets to combat inflation. Several cities have had big problems and are trying to make cut-backs, which are causing even more problems.

I feel that the impact on the whole of Las Vegas to extend services warranted by the growth make it extremely unwise to allow a zoning of this kind. Example: the dense population and the sparse population area at this time. If the services cannot be provided, then the taxes must be adjusted downward thus, in the long run, generating fewer tax dollars than the City could get if they were allowed for the residential estates zoning that is presently in effect.

Because of the consolidation the impact on the County cannot be ignored either. One area that is going to be definitely affected is the County and the School and School transportation. Already the children are being bussed past one school and into another less crowded area. It is all well and good to say - we'll just build a new school out there, but how many years are the children going to have to suffer in over-crowded schools until a new school can be built?

Rezoning was allowed on the Monroe/Nellis area in 1969. Now, seven years later, a school is being built to take the overload off the Ira J. Earl School. The Elementary School in this area has room for only 33 more children before it reaches capacity, and mind, you, these figures are as of December 1975. The Jr. High School and the 6th Grade Center are anywhere from 37 to 181 over capacity. If there is only one child per mobile home that creates quite a burden to provide adequate schooling . . .

You control the budget of your City - I control the budget of my family - it would be wrong for me to take food - to take the food allowance and put it on the gaming tables and let my family go without, or suffer with an inadequate diet from my gambling. I feel it is wrong for you to gamble the City budget in hopes that an expansion of this type means enough taxes for this City to grow at a healthy rate.

Mr. Novack: This, again, is from Mrs. K. Jensen of 3588 North Torrey Pines Blvd. Thank you, gentlemen.

Catherine Lacatis: I'm certainly not a public speaker - my knees are still shaking. I moved there five years ago on an acre of ground and there were eight houses. Now, I'm going to ask a question - when we moved there the green (wall map) was for half acre estates - is that correct?

Mr. Saylor: If you moved there - five years ago did you say?

Mrs. Lacatis: Yes -

Mr. Saylor: Yes -

Mrs. Lacatis: Why weren't we notified that this was being changed?

Mr. Saylor: What is your address?

Mrs. Lacatis: 6375 West Gowan. On the map you go on down toward Torrey Pines - it doesn't show - I live in the first house - at Torrey Pines and Gowan. That's exactly where I live - right there (wall map) - I was not notified nor any of us eight in that area . . . I don't see any need for this trailer park, like the rest. Thank you.

Peter \_\_\_\_\_: I live at 4333 North Torrey Pines. Everybody seems to skip over me. This here (wall map) is my piece of property which will be surrounded on three sides by a wall.

I agree with all the objections here, plus two of my own - mainly, money. I've got about \$60,000.00 tied up in that. It is for sale - it was for sale before this came up, but I'm just wondering if you owned that piece of property and they throw a block wall around three sides of it, I wonder who's going to invest in a piece of property like that for that kind of money. It's going to hit me in the pocketbook.

The second - I'd just like to leave you with one question - is this proposed zone change in the best interests of Las Vegas and to the majority of the affected property owners? Thank you.

Mrs. Frances M. K \_\_\_\_\_: I'm no speaker either, but I am a property owner. I live in Jade Park and am one of the first ones that moved there. We have restrictions we should live up to and there are very, very few people who have lived up to these restrictions, and everything else. I am retired, and there are a lot of others that are retired that moved out there to be quiet and peaceful and have a lovely home for the rest of our lives. This isn't going to be very long with what I've had to put up with the last three years I've lived out there.

We've had robberies - our recreation area is a big farce. If any of you gentlemen would go out there and lean up against our swimming pool wall - be careful! It will fall down on you.

We have two streets that are not through streets, so I get all the traffic in front of my home. We have a Speed Limit Sign out there of 25 mph. - come out there and see our cars! We have mechanical work done on our sidewalks - you can't walk through. We have trailers - we have mobile homes - we have cars all over the lots that people live there . . . we've spent a lot of money - these people who live around there, that have nice homes, but when they moved in these little old mobile homes where there's nine kids living in a single mobile home - and their mothers don't care - they scream about - our child doesn't do no wrong. Don't forget, I live children - I raised a family of my own - I'm a great grandmother, but believe me, when they will stoop to anything to get a lot sold, then I don't like it. And that's what is going to happen to the other 45 lots. I've heard there is going to be as high as 1,300 mobile homes if this keeps going on. I didn't move out there to live in a mobile city, I moved out there to live in a decent Mobile Home Park.

Now, another thing - I have friends that would have loved to move in my Park - they paid a deposit down and got it back because they saw those little dinkey places going out there that were run down - no skirtings - no awnings - or anything else, and they don't intend to put any up there. They've rented lots and they're not keeping them clean - they've got dogs running loose in the streets. I built a wall to keep my little dog in, but the other dogs are big and they jump over my wall. I'm proud of my home and believe me, I want to keep it that way.

The longer I live out there the junkier the place is and when I go down and see some of the other Mobile Parks, I hate it. Look what the Meadows is putting up with? I have two friends who are selling their place to get out of there - they had paid down on lots where I live now, but got their money back because they did not live up to the rules and regulations, and don't tell me they're going to live up to the rules and regulations on the other 45 lots!

Mayor Briare: Mr. Saylor, there is one item here that has come to my attention - Item No. 3 of the conditions put on this application should it receive favorable consideration, which is "Third party inspection of all mobile homes to be placed on the lots." Is that an enforceable stipulation to make?

Mr. Saylor: I believe so, Mayor - Mr. McFarland (Fire Marshall) is that still in force? That third party inspection on mobile homes?

Otto McFarland: Yes . . .

Mayor Briare: That's to make sure that compliance is adhered to - the reason I refer to this is because Mrs. C \_\_\_\_\_ mentioned the fact that when she moved in . . . she is concerned that if this green area were to be developed, might the same thing happen as did happen in Jade Park. The point she brought out is a very good one - is there any way to protect people like Mrs. C \_\_\_\_\_?

Mr. McFarland: Yes, Your Honor - under NRS 477 the State Fire Marshall, two years ago took over the jurisdiction of the mobile homes. Presently all mobile homes must meet with the State requirements, which is adopted - the National Fire Protection Assn. 501.B, which says that the mobile homes must be constructed in accordance with that regulation. Also the new State Law refers to Mobile Home Parks as to what can go in there as to construction but, as to size, no. The size of the mobile home is actually on the Park itself. We have no control over the size.

Commissioner Christensen: How about landscaping and skirting?

Mr. McFarland: No - that is normally taken care of through the Park restrictions.

Question: Mr. Mayor, would you hear from Tom Ely, President of the Jade Park Neighborhood Association?

Mayor Briare: I have a feeling it is going to be something relative to Jade Park -

Answer: Well, they said they had people from Jade Park here - a number of people - and here's a man that occupies a \$50,000.00 property there and I'd like to have him stand up and say what . . . they've had a vote from the people in . . .

Mayor Briare: That's not fair, because we sit up here and we have to be impartial and it is very difficult - sometimes folks make it difficult to be impartial because of certain things they say or do . . . we're trying to get facts from all of you. Some of you have been very good about presenting the facts on zoning.

There are arguments that are not factual that we can prove or back up. Mr. Campbell, let's hear from this person - one more person and then we have to ask some questions up on this side and make some kind of a decision.

Answer: I only met Mr. Ely once before in my life - I know nothing other than that he is President of this Association.

Mayor Briare: I'm going to let this gentleman speak - and this gentleman - and then I'm going to ask the Commissioners if they have any questions they want to ask of anyone on the issue because we can, as you can easily see, let this go on for hours and it's just not accomplishing anything to talk about things that aren't pertinent to this particular application we have before us.

Tom Ely: I live at 6417 Sapphire Street in Jade Park. We polled, or petitioned, the residents of Jade Park in regard to whether they approved or disapproved the zone change here in question. We sent out 137 ballots. We received 104 back. 96 approved. 8 disapproved. 33 - no response. These were all signed and listed street-by-street.

There are some very nice homes in Jade Park. I don't believe the people that surround us realize the effort that goes into that Park in keeping it up. We have the best Home Owners Association in the State of Nevada. Our Articles of Incorporation turn all the powers over to the people - it requires a two-thirds approval of the people . . .

Mayor Briare: I think you're trying to indicate that people who live in mobile home parks are like people that live in any other kind of position . . . you, apparently, have no interest in this other development?

Mr. Ely: We all know when Mr. Jory built there as to the flooding . . .

Mayor Briare: That's the type of information we're interested in here because it pertains to zoning. We just can't discuss the general atmosphere and deal in mobile home parks around the country - just as it pertains to this application

Mr. Ely: The only flooding problem we've had that I know about was when Caesar's Palace was flooded out and water came down Tonopah Highway and washed out a portion - the graveled portion - of Craig Road - down Torrey Pines . . . there are three drain pipes coming out where they knocked a hole in the wall. The Park diverted, actually, water that would have flooded Torrey Pines.

We have security patrolmen there to take care of vandalism -

Mayor Briare: Your security patrol wouldn't have anything to do with this application though, would it?

Mr. Ely: Yes Sir - we would have entered into with Homes Savings recorded restrictions that we have - they would sell under the exact restrictions we have there now - their buyers would become members of our Association - Home Savings has agreed to expand our recreational facility. I am authorized to represent 137 people. Thank you.

J. W. Garheim: My family had had 480 acres out there - we have been paying taxes on that for the last thirty years waiting for the land to develop. Most of the people in that area are now starting to build some very fine homes. I'm not trying to be derogatory about mobile homes - some people have very nice places - there's no question about that. What I'm talking about is that too much zoning in Trailer Estates happens to be affecting the nature of the neighborhood. I don't mean just the fact it is

Trailer Estates there - I think it is going to affect what will happen to the neighborhood in the future and I can speak from experience. About three years ago we had a chance to sell 160 acres for R-1 zoning. He wanted to build 235-I houses in the area, and I refused to sell. It was a good purchase but I refused to sell because the people in the neighborhood were building Ranch Estates and I thought it would be damaging to their neighborhood and their area and the way it was developing.

There's a lot of vacant land between Las Vegas and that area that hasn't developed yet. It hasn't gotten to the point yet where R-1 is comparable out in that area. If you go out there along Cheyenne there are some very nice homes built - people are investing money - they are doing it currently - it's a very active area - it's going in that direction, and even beyond and I think consideration of these people, along with my own, is very important due to the fact that such a large area is compatible to R-E and they want it to remain that way.

When they first went in with Trailer Zoning, I didn't object to it. They were going to develop 40 acres initially. I knew Mrs. H \_\_\_\_\_ that owned that 160 acres and she had been trying to sell, like we had. So we went along with it and made a sale for her and when the gentleman died who was President of the Corporation, it looked like that was going to be the end of it.

Mr. Jory went ahead with his project - I wasn't aware that the zoning had been changed on the west side of that property - I never did get notification of the fact that it had been changed, tentatively. I wasn't aware of it so I can see where a lot of people in that neighborhood weren't.

Now, getting up to current data - I've had two offers in the last few weeks to purchase property for R-E Zoning, right adjacent to Alexander and Torrey Pines there (wall map) and since this zoning proposition has come up with the word they are going to extend the Trailer Park, both of them withdrew their offers. The only reason I'm mentioning that is because I wanted you to be aware of the fact that it is probably going to change the life style pattern in the rest of the development - not just the Trailer Estates.

All that traffic would have to come down Torrey Pines and Lorenzi - even though Lorenzi isn't in at the present time, there's going to be a Freeway close to it with two cloverleaves - one at Cheyenne and one at Craig Road, which will take a lot of the traffic off. And I'm not objecting to the people in the area because it is going to develop whether you like it or not.

But the one thing I'm not too sure about - I went through a 160-acre development on that adjacent land just south about two years ago and tried to develop it into Ranch Estates - I had it all tentatively mapped and everything - and it was my impression that a tentative map, even though it was approved tentatively, was not final until it was approved as a Final Map. In other words, I had to come back in with a recorded subdivision and I'm not sure whether this project is going to be recorded as a recorded subdivision as a Final yet or not. That has to be done yet before it becomes final.

Now, the other thing is - I know that land out there pretty well, insofar as drainage is concerned. The water drains towards Torrey Pines to the east and towards Alexander to the south and it is just my general feeling that the reason they have a sewer going in over to Torrey Pines is to take care of that much sheet water off that large a development. They don't have a large enough sewer line down Craig - it's too high to take care of the drainage so they have to come to the back of it where it's lower land to get enough sewer drainage. I think, really, if you check with engineering - I may be wrong - that is the reason they have to come through.

Mayor Briare: Apparently some time back before all this came up, somebody had some reason to stub-in to that area there -

Mr. Garheim: I'm not talking about the sewer line - I'm talking about the reason they have to go over to Torrey Pines from the back of the Trailer Park is to get low enough - to get the sewer low enough to take the drainage because if they hooked into the sewer at the top of the property on Craig Road, the sewer would be too high to take care of the sheet water coming down at the back of the property. So, really that whole thing, if that's true, is contingent on getting that rezoning so they can get the sewer facilities. That's what I'm saying.

Mayor Briare: As has been said a number of time today, you know the only thing before us are those 45 spaces. All that area south is not before us.

Mr. Garheim: I realize that. The only thing I'm saying is - would it be valid and could it be stopped at this point if it is contingent on having to get the lower sewer. In other words, coming through with the sewer there. That's the point. Those 45 lots are really a thoroughfare for the sewer to go through there and the point I'm making is that the front of the property is so high that they couldn't drain the back water off at the front sewer - if they hooked into the front sewer line.

Mayor Briare: I would imagine someone from the Engineering Department would certainly want to check this -

Mr. Garheim: If they don't get this sewer line in, then they couldn't build the rest of the Park. But that's the decision you are going to have to make.

One further thing I do want to point out - this gentleman who was up here before you just before - his house happens to be the old Hartman house - right here (wall map). They said at the Planning Commission meeting that these people were aware that this was Trailer Parks when they moved in - it was their responsibility and they got stuck by some real estate agent. Well, that is not true. No. 1, that property, as I understood it, and I've been out there a long time, was R-E property, other than what it has been zoned here. I wasn't even aware of the property over here (wall map) being zoned for trailers. This is going to be totally surrounded by the new zoning. If you go for those 45 lots, their house is going to be totally surrounded by a 7 ft. fence - by a Trailer Park - and nobody in God's name would buy that house.

Mayor Briare: The gentleman mentioned that -

Mr. Garheim: Alright - then I say if you're going to go ahead and rezone that, that it certainly should be considered that you are doing it at their expense. In other words, at this time their house is free on all sides except the far side where the existing Trailer Park is - and I think if these people should buy their property, if they are going to get the zoning on the other side, at the people's expense that own the house and invested their money - if they are going to do this, then I say these people should buy their property and alleviate them of this condition because they are really putting a zoning condition on them now that restricts them to be fenced in totally. That's all I have to say.

Mayor Briare: Do any of the Commissioners have any comments of Staff or applicants or of any of the folks in the audience?

Commissioner Leavitt: Mr. Mayor, I have listened to the arguments and the one thing that impressed me more than anything else is the fact that the green area has been under a Resolution of Intent for development for three years and hasn't been developed. In view of that, at this time I move that Zone Change

Z-60-75, application of Home Savings Assn.

A N D

TENTATIVE MAP, JADE PARK No. 3, be DENIED

Mayor Briare: Any comments on the question?

Commissioner Woofter: I would join Commissioner Leavitt with respect to this. I think the feeling of the Commission on this is that until there is good faith shown on the green development, and see what sort of a development it is, to without approval of the request at this time.

Commissioner Lurie: Mayor, the only thing I have to say is - I would just like to comment on a couple of things that were said here. My main concern was the objection of the people who actually live in the Mobile Home Park, because I don't believe that management has lived up to their commitments to these people who have moved in there. I have to agree that until some good faith is shown in the development of the other 181 lots, we shouldn't be considering 45 more.

The other items is that some of the comments made on the streets - on the Master Plan of Streets I know that Torrey Pines is on a quarter section and someday when the funds are available and the area grows, that's going to be a 4-lane road. Some of you who might want to get that information so you'll know how Torrey Pines is going to be developed, and Craig Road also is a quarter section which is going to be an 80 ft. street one day; and Lorenzi and Alexander are both on section lines and will be 100 ft. streets. All of this information is available to you through the Department of Public Works - these streets will some day be developed if the area warrants it.

I feel, again, that the developer, Home Savings, should show some good faith to these people who are presently living in this Mobile Home Park - live up to their obligations before we consider any other.

Mayor Briare: This is probably one of the most difficult public hearings I have participated in because not only do you all feel strongly about these things, but sometimes comments that are made on this side of the table - and we can tell by the reactions - we sit here for hour after hour after hour on these applications, and we have a lot more to go this morning - but as to questions that are asked on this side, sometimes it is disappointing to us to think that it is interpreted differently on the other side. Even though you try to be fair - you try to conduct the proceedings so that everybody has a fair - it might not be equal time because when these Chambers are full from wall to wall and every person feels just as strong on the subject because they live in the area and they want to say something - it sure doesn't help us conduct orderly meetings. So don't think because I might have make you condense your subjects, that anybody is trying to stifle someone else. It's because we are kind of experienced up here - we know what the area is about - we know a lot of the circumstances and when you tell us, in many instances you are not telling us that we haven't either known of our own knowledge or Staff might have already brought it up. So please don't think there is any effort being made to stifle anybody.

The motion is to deny the items on the agenda for the Zone Change and the Tentative Map.

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

At the hour of 11:50 a.m., Mayor Briare declared a 5-minutes recess.

Meeting reconvened at the hour of 12:00 Noon with the Board and Staff in attendance.

Z-62-75  
Approved

ZONE CHANGE Z-62-75 - LOUIS WIENER, JR.  
Attorney for the Estate of Frank Fishman

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

(No response)

Property generally located on the north side of Washington Ave. between Rancho Drive and Robin Street, extending north 1,362 ft. from Washington Avenue:

From R-1  
To C-1

Proposed Use Commercial Office and Retail Complex

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. All buildings shall be limited to one (1) story.
3. No off-premise signs shall be allowed.
4. Dedication of 40 ft. for Washington Ave and 30 ft. for Robin Streets, with a 15 ft. radius corner at the intersection; half street improvements along Washington and Robin, as required by the Department of Public Works.
5. 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 underground sprinkler system shall be cause for revocation of a Business License.
6. Submittal of a landscaping plan prior to or at the same time application is made for a Building Permit.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Conformance to Code requirements and Design Standards of City departments.
9. Conformance to the Plot Plan as amended to reflect the above conditions.

M o t i o n

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

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

Z-63-75  
Approved

ZONE CHANGE Z-63-75 - ROBERT T. BIGELOW

Mayor Briare: Is there anyone in the audience to protest the application of Robert T. Bigelow?

(No response)

Property generally located on the northeast corner of South Main Street and Clark Avenue at 429 South Main Street:

From: C-M  
To: C-2

Proposed Use: APARTMENTS

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

Z-63-75  
(continued)

1. Conformance to Plot Plan on file in the Department of Community Development.
2. Dedication of 5 ft. for Main Street and repair damaged sidewalk along Main Street and Clark Avenue, as required by the Department of Public Works.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a Business License.
4. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
5. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
6. Conformance to Code requirements and Design Standards of City departments.

M o t i o n

Commissioner Lurie: 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-64-75  
Approved

ZONE CHANGE Z-64-75 - MARVIN STRUSSER

Mayor Briare: The next item is an application for rezoning from Marvin Strusser. Is there anyone in the audience here to protest this application?

(No response)

Property located on the southwest corner of S. Maryland Parkway and Jessica Ave., at 1200 S. Maryland Parkway:

From: R-1  
To: C-D

Proposed Use: RETAIL SALES (HOME ACCESSORIES)

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Conformance to the Plot Plan on file in the Department of Community Development.
3. Installation of a concrete sidewalk along Jessica Ave. as required by the Department of Public Works.
4. This action shall constitute approval of an Administrative Variance for an addition to the nonconforming building on the property.
5. The building shall be limited to one (1) story.
6. 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 underground sprinkler system shall be cause for revocation of a Business License.
7. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
8. All mechanical equipment, air conditioners and trash

Z-64-75  
(continued)

areas shall be screened from view from the abutting streets.

9. Conformance to Code requirements and Design Standards of City departments.

Commissioner Leavitt: What items are included in a C-D Zone? What is this going to be - retail sales only?

Mr. Saylor: Yes, it's retail sales and will deal in home furnishings - lamps, paintings - this type of thing.

Commissioner Leavitt: And he can't change that for any other business without coming back before this Board?

Mr. Saylor: That is correct - without the permission of this Board.

Commissioner Leavitt: And nobody protested this application - is that right?

Mr. Saylor: That's right.

Commissioner Leavitt: 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.

M o t i o n

PLOT PLAN REVIEW -  
Z-100-64  
Approved

PLOT PLAN REVIEW - Z-100-64 - RICHARD A. DAVIS

Property generally located at 428 South 1st Street, under Resolution of Intent to C-2.

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

1. Landscaping shall be provided along the South First Street and Clark Avenue sides of the property as required by the Department of Community Development.
2. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. Conformance to the Plot Plan to reflect the above conditions.
5. Conformance to Code requirements and Design Standards of City departments.

Mayor Briare: Is there anyone present in opposition to this application?

(No response)

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-65-75  
Denied

ZONE CHANGE Z-65-75 - CHARLESTON CONTINENTAL VILLAGE, INC.

Mr. Saylor: The property is located out in the eastern end of the City at Lamb and Stewart. If you will look at the screen you will see the parcel that is already zoned R-3, which runs along Stewart. They are asking for a like parcel abutting it to be changed to R-3 to allow apartment house development on both pieces, with an alley separating them.

The Planning Commission has recommended denial of the application. There were some 35 protests at the Planning Commission meeting.

There are single family homes to the east and to the west. As shown on here (wall map) - this is Lamb - this is Stewart - this is the piece already zoned - they are asking for this piece to be zoned R-3 with an alley in between them.

Robert O'Brien: I am Construction Supervisor for Ron Rudin in construction, 5112 West Charleston, Charleston Continental Village, Inc. is a subsidiary company of Mr. Rudin's.

This proposed subdivision of 18 lots is a near image as Mr. Saylor described it. It is designed with the alley to take care of off street parking. We don't feel that this request is out of line. We have brought in the Tentative Map to show you the over all development.

Very frankly we are intruding into a property which is in excess of 40 acres, 150 ft. The entire parcel is under our ownership. We have two items further on on the agenda which are the Tentative Maps for the property that we own to the south.

Totally we are talking about the development of 18 4-plex lots. It will be done in an orderly development - it will not be a helter skelter operation. The design is such that we are asking for approval so that when we get to the development of the property to the south, there is no question in a prospective buyer's mind of what his neighborhood is going to be. In other words, we don't want to have to come back in at a later date and try to lay something on somebody.

If this application would be approved, the prospective buyer would know it and could see it and understand it.

These units are designed to sell under the FHA 203-D Program. They will sell at a price of \$63,450.00. They are designed essentially for owner occupants. We feel that this type of development would develop part ownership and that they would be well taken care of. They are designed as single story units and we feel it is a good development.

For your information we have met with a great number of the people who objected to this. We've explained our position but, frankly, we don't think we've changed any of their minds. But we do want you to know that we have been open and above board and tried everything we could to show them our plans.

Mayor Briare: Do you have any renderings with you?

Mr. O'Brien: Yes Sir, they were submitted with our application. They are single story, 4-plex units - they would front on Stewart . . .

Commissioner Lurie: Is what you're saying that each 4-plex is going to sell for \$63,450.00? That put would each unit at about \$15,000.00 - is that what you're saying? I get that out of the minutes of the Planning Commission meeting - not to confuse the Commissioners by a \$60,000.00 apartment - you are selling four apartments for \$60,000.00 -

Mr. O'Brien: No Sir - not in this particular development. In the later development for the duplexes, each side sells. In this project the entire four units sell to one party for \$62,450.00. We are not selling four individual apartments - there are four units in each one of these.

Commissioner Lurie: That's right - one unit but there are four apartments in each building?

Mr. O'Brien: Yes Sir.

Mayor Briare: It's a kind of an investment venture, isn't it - where a person can live in one unit and rent three?

Mr. O'Brien: That's right - you bet.

Mayor Briare: How many square feet?

Mr. O'Brien: 2,264 sq. ft.

Mayor Briare: Divided by four?

Mr. O'Brien: Right.

Commissioner Lurie: Mr. Saylor, what does the General Plan call for for that area as to density?

Mr. Saylor: I think with the zoning that is already on the property that is the zoning followed on the General Plan, which is our normal urban density . . .

Attorney Monte Morris: I represent the protestants. I want to assure the Commission that we had a vigorous show of strength at the Planning Commission meeting. Because of the time of this meeting, many of them are not able to be here today. There are between 35 and 50 names on the petition of protest and I want to assure you, Mr. Mayor, that they do protest with vigor.

I think Mr. O'Brien has confused the issue. Your Honor was so adamant in hold the last hearing to the issue presented. Now, as I understand it, he has included the Tentative Map with the application. That is what is before this Commission. The only application before the Commission now is that 150 ft. strip as indicated by the marker.

This area around here, Commissioners, is mostly single family residential. You can see that to the right and to the left, and down at the bottom (wall map) of the area are the condominiums, and still that is low density. Across the street to the left is single family residential. That is the nature and the character of this neighborhood - there are churches there and that's the kind of a neighborhood it is. My clients desire that it remain that kind of a neighborhood.

There is very little that can be done about the 150 ft. strip that is fronting Stewart, but they are very concerned that this will be allowed to increase now to 300 ft. We don't want that kind of a thing and I think from Mr. Saylor's explanation you can see it would be very undesirable. And I think Commissioner Lurie put his finger right on it - you have \$15,000.00 units - you have \$30,000.00 units that are homes. You will have no central management of these things. They are going to sell the buildings to whomsoever and allowed to become whatever they may become. The City hired Mr. Saylor and his Staff to plan for these kinds of things, so I am going to refer to their recommendation. They said this is poor planning. They made that recommendation to the Planning Commission and the Planning Commission bought that - to approve this would be poor planning in light of the character of the neighborhood.

Now, all the arguments brought up about the Jade Park can be brought up here. The evaluation of property - the increase in the number of children - the access to parking - the access to the street - I won't go into these things - I will just defer to Staff that said this is poor planning.

We encourage this Commission to adhere to that same idea and as did the Planning Commission, deny this application.

Mayor Briare: Mr. Saylor, do you have the recollection of the first zoning that Mr. O'Brien indicates is in existence, and this is just a mere image? What was your interpretation of that?

Mr. Saylor: Well, the strip along Stewart - what Mr. O'Brien is saying is - we are asking for this to be flopped over so they will have twice as many units as they have now.

Mayor Briare: What kind of units are those?

Mr. Saylor: This is undeveloped (wall map) this is proposed for 4-plexes - it is presently zoned for 4-plexes -

Mayor Briare: But they are not built yet?

Mr. Saylor: No -

Mayor Briare: When was that zoned?

Mr. Saylor: The rest of it is under a Resolution of Intent -

Mayor Briare: When was the frontage zoned?

Mr. Saylor: The frontage is zoned R-3 -

Mayor Briare: When?

Mr. Saylor: Several years ago - I don't remember exactly -

Unidentified speaker (female): I live directly behind this property you are discussing. I was the person who circulated the petition and I spoke with everybody on our block on each side and nobody was aware that this strip was zoned R-3. No one had ever been notified, and since this is supposedly so important, we also feel that it was very important that we be notified of this. Many of the people have lived there for ten years -

Mayor Briare: You were notified of the application that is before us today?

Answer: We were notified of the application of intent to rezone for R-3. We were never notified that that area was zoned R-3 two or three years ago and since this is a stronghold for more zoning to R-3, we would like to know why we were never informed that was zoned R-3 originally.

Mayor Briare: We can't, at this time, really comment on something that happened three years ago as to why you didn't get a letter in the mail. Thank you.

Commissioner Christensen: In all fairness to these questions that have been asked, I think it would probably be in order to have Mr. Saylor explain the ordinance requiring notification and how far it goes, etc. This question keeps coming up - why wasn't I notified. You can pursue that to the degree - to almost any degree you want to, if you want to consider how important it is to you. I could move six miles away and feel it's important to me and say - why wasn't I notified? So, Mr. Saylor, if you would explain how far they notify by letter and how far they notify by newspaper advertisement, etc., it would probably answer a lot of these questions that have been asked.

Mr. Saylor: Under the Law you can either post notice in the newspaper, which few people read, so we also send out Notices. In 1971 when that was rezoned I believe that we sent probably to an area of 300 ft. around the entire parcel which would only take it 300 ft. to the west, where they indicate they live. In the last three or four years, even though the Statutes say 300 ft., we have extended that minimum to 400 ft. but, for example, in connection with the Jade Park item, I think we went at least a half a mile.

Commissioner Christensen: In other words, what you're saying is because this lady lives more than 300 ft. from the original one was granted, she wasn't notified because the Statute requires notification only for the 300 ft.?

Mr. Morris: Mr. Mayor, if I could just make one additional point. I am advised by the residents of the condominiums

that they submitted to the Mayor this morning an additional Petition with some additional certified names on it - that will bring the number of protestants up around 75 or 80, so we'll round it off at 100.

Mayor Briare: Where are those condominiums you are speaking of?

Mr. Morris: They are to the south -

Mayor Briare: I see - what is the density there?

Mr. Saylor: That is R-2, I believe.

Nancy Foutz: I live at 4205 E. Ogden and I am right along the west side . . . everybody I have talked to in the neighborhood objects to it - mainly this 4-plex plan they would like to put through. It sound like they are going in to buy \$15,000.00 homes. There are so many houses along that area right there that have swimming pools - houses I believe that are going anywhere from \$35,000.00 to \$50,000.00 and then you have a family come in and buy a \$15,000.00 unit. That's just not going to work out - it's going to develop into a slum area under those conditions and, of course, the density of population is going to increase and our neighborhood is loaded with kids - you have to drive about 5 mph to get through all the kids playing football, baseball and basketball there in the streets. It just wouldn't work out to put something of that nature in that area.

Mayor Briare: Mr. Saylor - I was probably reading when I should have been looking - on that map you have there (wall map) - and then Mr. O'Brien referred to some future plans they have - please detail that map a little bit for me again -

Mr. Saylor: This is all vacant (wall map) -

Mayor Briare: That is the area on the screen there projected as R-2 PUD -

Mr. Saylor: Right. South of that is the Town House development . . .

Mayor Briare: Mr. Rudin , you own all this property?

Mr. Rudin : Right -

Mr. Saylor: Now, what they're proposing on the remainder of this - they do have a Resolution of Intent to continue the Town House development. They are proposing to go to a zero lot line in accord with this pattern (wall map)

Mayor Briare: OK - I'm up to date now - Mr. Rudin , did you build those Town Houses?

Mr. Rudin : No.

Mayor Briare: Were you thinking of building Town Houses in this area that would be similar in nature to the homes that are there now?

Mr. Rudin : No.

Mayor Briare: What is your intent?

Mr. Rudin : I purchased this property about six years ago - the zoning was on it when I bought it - it was zoned R-3

Mayor Briare: What is the pleasure of the Commission?

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

Mayor Briare: While we have Mr. Rudin before us, Items K and L are on the board now anyway. Is there anyone present who wants to be heard on these applications?

(No response from Audience)

Z-82-71 (Item K)  
Approved

PLOT PLAN REVIEW - Z-82-71 - RON RUDIN REALTY & CONSTRUCTION COMPANY ON BEHALF OF CHARLESTON CONTINENTAL VILLAGE, INC.

Request to allow a major revision to the approved development plan concerning property generally located on the west side of Lamb Blvd. between E. Charleston Blvd. and east of Stewart Ave., in Zoning District R-2 P.U.D. (Resolution of Intent.

Planning Commission recommends approval subject to the following conditions:

1. The 60 ft. streets shall be reduced to 51 ft. and the additional land area shall be incorporated into the rear yards of the lots and into the proposed park area.
2. A 25 ft. building setback shall be provided on the lots abutting the R-1 development to the west.
3. A 6 ft. masonry wall along the west property line shall be required on the portion of the development involved in this request only, and the required block wall to the south of this development shall be constructed when that portion of the property is developed.
4. The street and lot layout and curb cut openings shall be reduced, as required by the Department of Community Development.
5. The overlying Resolution of Intent under Z-52-69 shall be rescinded in its entirety and the requirement for a masonry wall along the south line of this development under Z-82-71 shall be rescinded.
6. A minimum of 50% of the proposed park area shall be improved under the first phase of development, as required by the Park Department. Upon complete improvement of the Park, it shall be dedicated to the City.
7. Fences and accessory structures shall be allowed as required under the General Provisions and R-1 District regulations in the Zoning Ordinance.
8. This application shall be redesignated as R-PD-8 development.
9. Conformance to the Plot Plan, as amended, to reflect the above conditions.
10. All mechanical equipment, air conditioners and utility meters shall be screened from view from the abutting streets.
11. Landscaping shall be provided on the individual lots, as required by the Department of Community Development.
12. Conformance to Code requirements and Design Standards of City departments.

Commissioner Lurie: I have a question relative to Condition No. 6 on the Park. What do you plan on having in the Park besides just grass? And are you going to maintain the Park? Or will you dedicate it to the City upon completion? Explain to me a little bit about the Park.

Mr. O'Brien: Commissioner Lurie, on the Park it is our understanding that the requirement was that we develop it and when the Park is completed and acceptable to your Park Department,

it would be dedicated to the City.

Mayor Briare: Whose understanding?

Mr. O'Brien: It was our understanding -

Mayor Briare: Who gave you that understanding?

Mr. O'Brien: Through your Planning Department - I may be out of line . . .

Mr. Saylor: You're not out of line - they are proposing to develop a Park as a part of their development. When that is completed, they are proposing to dedicate it to the City.

Mayor Briare: Well, what they propose to do and what will actually be done, could be far apart.

Commissioner Lurie: This sounds like we're accepting it already -

Mayor Briare: I don't want to give that impression - we will address ourselves to that at whatever time it comes up, but let's don't give the impression that that's a foregone conclusion.

Mr. O'Brien: It is our intent to develop the Park - hopefully the City will accept it -

Mayor Briare: We're not considering that question right at the moment - right?

Mr. Saylor: This was referred to Parks & Recreation for their comments and recommendations . . . .

Commissioner Leavitt: I move we follow the recommendation of the Planning Commission on Items K and L - Plot Plan Review under Z82-71 AND Tentative Map - Stewart Arms.

M o t i o n

STEWART ARMS  
Approved

TENTATIVE MAP - STEWART ARMS

Property generally located on the west side of Lamb Blvd. 200 ft. south of Stewart Ave., in Zoning District R-2 PUD (Resolution of Intent)

(Item L)

Owner/Subdivider: - Charleston Continental Village, Inc.

Number of Lots: 208

Planning Commission recommends approval subject to the following conditions:

1. Conformance to the conditions of approval under Z-82-71.
2. No access shall be allowed to Lamb Blvd. from the abutting lots.
3. Street names to be provided in accord with the Street Name Policy.
4. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within 12 months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within 12 months of the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.

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

Z-66-75

Referred back  
to Planning  
Commission

ZONE CHANGE Z-66-75 - BANK OF NEVADA, EXECUTOR OF THE ESTATE  
OF ARCHIE C. GRANT, DECEASED, AND TRUSTEE U/W OF ZORA FAYE  
GRANT

Mayor Briare: Is a representative of the applicant present?

Mr. Saylor: They requested and the Planning Commission recommended that it be reduced to R-3 . . .

Martha Hunsaker: My home is at 725 South Sixth Street. We are right across the alley from the second 50 ft. that is being considered for these apartments. We came to the Planning Board meeting and we left with the understanding that the Planning Board had unanimously denied the application.

Now I understand they are asking for an R-3 Zoning. In the Notice we received in the mail they were asking that the zone be changed from R-1 to R-4. We attended this meeting and we left with the understanding that the application was denied. So now, if I might say that the members - one of the members of the Board I talked with about any changes that had come up in regard to this, and they said that they had heard of no changes nor anything of that sort and as they understood it, it was still denied.

So now we would like to know . . . I would like to say a few words - back in 1953, my husband, Walter Hunsaker, and I decided that we would build some apartments of our own, which we did and we chose some land that was already zoned for those apartments. It worked out very nicely - we didn't ask any home owners to go through this rezoning procedure to accommodate us. And having had apartments, we know a good bit of what goes on in the operation of apartment houses, and with tenants.

This plan, at present, is that all of the parking will be entered from the alley. They were asking for 16 apartments and on that basis I will go on - that 16 more cars going and coming in this alley - that is already very busy - would be an impossible thing to put up with, and we're hoping that maybe they can find something that is just a little bit more desirable to use that land for.

They built one 8-unit apartment in the block south of us - it faces Seventh Street, and that hasn't helped this community too much down there. It has been a hazard insofar as the parking goes and the people who own their homes have difficulty in the tenants parking close to their homes. Not only do they have the apartment situation, but they have to call the Police quite frequently to still the goings-on down there, and we can't quite figure that is going to make our homes a more desirable place to live. If they cut the zoning down to R-3 and they have only 8 apartments - they have to furnish extra parking for the extra cars, and most families do have more than one car. I don't know if these are studio apartments and they would confine their tenants to one person per apartment . . .

Mayor Briare: Mr. Saylor, what is the maximum number of units you can have under R-3? That map you have there is a little misleading because that is not the layout they are talking about right now. Do you have a map that would be compatible to the R-3 zoning?

Commissioner Leavitt: I would like to ask a question before Mr. O'Brien answers - is this the area that is now planted with fruit trees -

Mrs. Hunsaker: Yes, it is - and grape vines -

Commissioner Leavitt: And up above is the Grant's old house -

Mrs. Hunsaker: Archie Grant's old home -

Z-66-75  
(continued)

Mr. O'Brien: Your Honor, what happened - when we left the meeting in the same fashion as Mrs. Hunsaker did, our application, we felt, was denied. We received the same correspondence she did which indicated that the final recommendation was for R-3.

At the time we went to the Planning Commission, Mrs. Hunsaker and the neighbors indicated that perhaps we should consider a Professional zoning. We looked at that. We don't think we could do a Professional Office Building on that 100 ft. without making a big parking lot off that corner, and we think that would destroy the residential atmosphere of the neighborhood.

Upon receipt of the stipulations to go to R-3, we did redesign a new plan. We have not submitted it because we had to wait for the action of this morning. It would be our intent - we can live with and we feel we can do a good job with eight (8) units on the 100 ft., with adequate landscaping . . .

R e f e r e d

Mayor Briare: Let me interrupt you for a second - since the Planning Commission had something in mind that nobody else had, and if there are no objections by the members of this Board, we will refer this application back to the Planning Commission.

However, with the admonition that the Planning Commission will notify the same people they notified before, describing the change as clearly as possible because I don't want anybody to be confused in this matter.

V-88-75  
Denied

FINAL ACTION CONSIDERATION - V-88-75

on the approved Variance application of JOSEPH MACCHIAVERNA and MR. AND MRS. JAMES SHETAKIS to allow the operation of a CHILD CARE CENTER on property located at 1001 Bedford Road in Zone District R-1.

Board of Zoning Adjustment approved this application subject to the following conditions:

1. No access from the Bedford Road side of the property shall be allowed, nor shall any use in connection with the Commercial Nursery operation be allowed in the residence fronting on Bedford Road.
2. A 6 ft. high fence shall be constructed between the residence which fronts on Bedford Road and the remainder of the property to the east.
3. Surfaced access shall be provided to this property from West Charleston Blvd. or Hinson Street, and shall be in conformance with the requirements of the Traffic Engineer.
4. Conformance to the Plot Plan, as amended, to reflect the above conditions.
5. Conformance to the Code requirements and Design Standards of City departments.

Mayor Briare: Mr. Jones (Attorney Herb Jones) as you are aware, this application has been before us previously - Mr. Saylor, your agenda says "final action" - what does that mean? Did we not have this before us and take action?

Mr. Saylor: It was before you one time before, and you denied it. According to our Ordinance, then if another Variance is filed, it does not come under the normal procedure whereby the action of the BZA had to be appealed. You had already denied it so it had to come back to this Board for final action. The Board of Zoning Adjustment's position is one of a recommending body.

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Mayor Briare: Mr. Jones, were you representing these people the last time?

Mr. Jones: No, I was not. I don't know who spoke for them

but I would like an opportunity to present it because I've gone to a lot of trouble, and a lot of other people have, to come before you today -

Mayor Briare: This is all very familiar to us in our minds and I was hopeful that you might cover those items which have not been covered before - what makes it better now than what it was denied? Please go right ahead -

Mr. Jones: You have all seen the property, and viewed it and know what we're talking about?

Mayor Briare: Would you like Mr. Saylor to make a presentation on this item?

Mr. Jones: If you are familiar enough with it and you don't wish him to make the presentation - fine. I have no objection to going forward.

Mayor Briare: Please proceed -

Mr. Jones: At this time, just to save some other peoples' I have two young ladies here who wish to speak on this behalf and then I will make my speech when they are through.

Mrs. Duckworth: My name is Barbara Duckworth. I would like to speak in behalf of the Child Care School. I presently have my small child there. I work for the Clark County Juvenile Court Services and because I'm on 24-hour call it is necessary for me to have a Child Care Center that is open 24 hours.

At the present time I am driving 16 miles one way to drop my child off at the care school. I find the facilities to be adequate, I find that the care I have received there is a lot better than care I have received in other places and I see that other working mothers who are the head of households have the same feeling I have.

I have gone through four other Nursery Schools trying to find one that would allow me to have care past 5:30 p.m. My job necessitates that I can't stop at five o'clock and get to the Nursery School. I feel we need this 24-hour Care School in Las Vegas because there are a lot of mothers who need this type of a facility. I have looked at the new facility - it is closer to my house - it would meet my need and I'm sure that of a lot of other working mothers in Las Vegas. Thank you

Linda Spear: I am taking at the present time, my baby to the Care School and I think we have a need for one up by Charleston Heights and that's why I'm here. I have an older daughter that went there for three years until she started school. They did a fine job with her - they prepared her for school. It is a very adequate place. I enjoy the people there - they are nice, friendly people. The kids like it and I really think we have a need for one up there. I drive 14 miles over to the School from where I live now, and this would be a lot closer.

Mr. Jones: I am at a disadvantage because I do not know what was presented to you at the last meeting. So I will have to take a few minutes of your time, probably in repetition.

I have here five letters from people who are in the vicinity - I see you have approximately 25 protests, as listed on the agenda - however there has been some intensive work done since that time among the neighbors, since the last meeting and although I do recognize there are some protestors here, I believe that we have eliminated some of the protests we had before on it. In fact, some of the people have indicated to the people we sent around into the neighborhood, that if we did certain things, they would not longer object.

I would, also, like to direct your attention to the fact that the groundwork has been done with the various departments of the

City. The Health Department - it is our understanding they have - or would approve or at least have no objection to this particular project providing, of course, the fence would be put in and keeping in mind this is going to need a lot of renovation. You would have noticed that when you were out at the property. The Fire Department has indicated some changes - those, of course, are the normal building changes you have to make. And the Child Care Licensing, I thought there would be someone here from that department to speak on our behalf.

Basically I would like to refer - and you have indicated you wanted me to make this very brief - and I believe it has been pretty well set out - the problems that have arisen, on your agenda. Taking Item No. 1 - "No access from the Bedford Road side of the property shall be allowed, nor shall any use in connection with the Commercial Nursery operation be allowed in the residence fronting on Bedford Road." Now, I do not know whether this came up before or not. It was indicated to me that there was a question as to whether or not we could get the access onto Charleston. At 9:45 this morning it was represented to me by my client that she had cleared this with the Water District, so I can represent to you that I personally can clear it - I called Tom Rice this morning at 9:45 - verified it personally with Tom Rice that this matter was brought before the Water Board prior to this time and that he felt that particular motion that had been made for approval at that time was still in effect, as there was no time element on it, and he assured us that we had our ingress and egress to Charleston which, of course, alleviates any need for use for having a commercial address on Bedford, or even having any traffic on Bedford. So that Item, I personally represent to you I made that call to Mr. Tom Rice and he has assured me of that fact.

We have no objection to and have, of course, made representation to the lower Board that the 6 ft. high fence would be constructed separating the front of the property - or, in other words, the residential part of the property - from the area we wish to use for this Day School. So that element has been overcome and the front part will not be used for anything other than a residence and there will be no traffic other than the people who live there in their homes and should not change the demeanor of that particular property at all. So I do not believe there is any adequate reason for any protest in that regard.

Commissioner Leavitt: Did you bring this up before the Planning Commission?

Mr. Jones: Yes - these are the things we agreed to. The 25 protests that you had would have been filed before it went in to Planning and then brought on up. I know there are seven - eight - or ten people here, and there still may be a lot of those other people who wish to protest, but you have to remember that your protests go in at your Planning level and carried on up here. At that particular meeting we made those agreements and that's the reason you see them as conditions. Evidently these were not conditions agreed to at your earlier hearing, but I don't know - I was not present at that hearing. But these were brought up and were elements that were agreed to, to overcome some of the protests from the people who were concerned about it. So, under Condition No. 2 has been agreed to and we are willing to do it.

Of course a surfaced access will be provided into Charleston. I've already referred to that - it reverts back to Condition No. 1.

And conformance to the Plot Plan and conformance to the City codes, I have already spoken to. You never get approval until you do those things, but these people do not object to it.

Now, referring to the property itself: Although you are familiar with it I feel I would not be doing my duty if I didn't point out this particular property to you. This property

(wall map) segregates very easily by putting that fence in there . . . by putting your fence across here you would have this.

You all know what the rest of the property is - I really don't need to define it to you, but we are here now for one reason, and that is the question of - what is good planning for the beneficial use of property? That's what we're here for, at least, I think that's what we're here for.

Now, you have up here at the top (wall map) which would be to the north - you have the playground, or park, or whatever you want to call it - for the Hyde Park Jr. High School and a Park - that completely borders this property - all the way along here and, of course, there's over a 6 ft. fence right here bordering this entire property.

Over here (wall map) you have vacant property with your Fire Engine Station right here with the entrance in through Hyde Park right here.

And here (wall map) you have vacant property again - the Water District property - with the large tower that goes up 75 or 100 ft. and, of course, we have acquired the access right along here or, at least, will acquire it, and I will make that representation to you. But the chicken and the egg have to come together - they're not going to give us the access to the area without, first, we have the zoning. They're not going to give us something we can't use. So, down here is all vacant property with the big tower.

Now, I just cannot conceive how this Board cannot believe that this is good planning for a 100-children school, for children who will be under the supervision of a professional woman who has been a successful school operator, testified to by these two ladies and I could probably get that many more in here - this is a beneficial use of the property - it is a unique property designated by Mr. Hyde in 1956. He states in a letter to Tom Campbell that he and his wife had planned to make this that type of use for young people. He said that this was really Mrs. Hyde's idea, having in mind a very beautifully landscaped area and provide for recreation such as volley ball, tennis, etc. to virtually make it a miniature park for young people . . . Now, in 1956 he designated that and you all know what is there - there's the whole thing.

Surrounding this particular area is also all types of greenery that extends up half the 6 ft. fence around the entire area. So when these people start talking about noise from that playground, anyone know that acoustically, the trees you saw when you went out there . . . so I cannot see how anybody can make a legitimate objection to the use of this property.

I can completely understand the people who live on Bedford that if we were going to occupy the front of that particular building - going to make Bedford a commercial zone - then I would say they had a legitimate reason.

I made inquiry of the Planning Commission prior to the last hearing, and I was informed that they know of no reason why we cannot get an address for this School on Charleston, because of our ingress and egress. So we have a Charleston address - a Charleston ingress and egress - we have a 6 ft. fence with complete planting all around it and an ideal location for people who absolutely need this type of service. That is what I believe, in an area that is surrounded on three sides, by vacant land, is beneficial planning to put property to its best beneficial use.

I respectfully request the opportunity to rebut but I haven't already adequately answered all of your questions.

Commissioner Christensen: I would like to know exactly where you plan this access on Charleston. The reason - and, Mr.

Saylor, perhaps you can answer this question for me - where does that fall between Bedford and Hinson . . . isn't there a light at Hinson? A traffic signal?

Mr. Jones: Yes -

Commissioner Christensen: Isn't that the same corner that Panorama is on?

Mr. Jones: Panorama is way down at this corner (wall map)

Commissioner Christensen: How far is the east property line from Hinson?

Mr. Jones: I would have to guess - I would judge 50 to 75 ft.

Commissioner Leavitt: Can you point to where the Fire Station is on there (wall map)?

Mr. Jones: Right there -

Commissioner Leavitt: What's the distance, then, from Hinson to the point where you are talking about for ingress and egress?

Mr. Jones: Right there (wall map) -

Commissioner Christensen: The reason I'm asking the question - how wide is Charleston? 100 ft.? 120 ft.? I live fairly close to the area and the reason I'm asking the question is because we have a situation that has existed for many years on East Charleston where they blocked off Sixth Street because the traffic was so heavy that you couldn't handle the turning on to South Sixth off of Charleston right next to the Strip Stoplight and before you got to the Seventh Street light. It appears to me like we're almost doing the same thing here. We're creating an ingress and egress which is almost tantamount to a street coming off of Charleston Blvd. in the middle of a block, which gives you one half a block to clear that traffic and I wonder if there isn't going to be a hazard getting on and off of Charleston a half a block from the stoplight one direction, and half a block from another street - Bedford - that runs in the other direction - would there be a problem, for instance, getting out of the Westgate Shopping Center's parking lot? Would there be a hazard getting out of there? You are talking about a 6-lane 45 mph street -

Mr. Jones: We could solve that by putting a sign right there at our entrance - Right Turn Only . . .

Commissioner Christensen: I'm trying to look at it from the standpoint of the traffic - where would I go if I were coming out of there? Mr. Saylor, has the Traffic Division looked at what kind of a situation this would create on Charleston and given us any kind of a recommendation on it?

Mr. Saylor: I don't believe so -

Commissioner Christensen: Condition No. 3 says: "Surfaced access shall be provided to this property from West Charleston or Hinson . . ." Did you plan on going in from Hinson too? If you couldn't get on to Charleston, or how does that fit in?

Mr. Jones: Unfortunately for me and my clients, I believe that the people would have a legitimate complaint, Commissioner, if we put the people - if we started using this (wall map) and everybody parking up here . . .

Commissioner Christensen: That's Bedford - I'm talking about Hinson - I was wondering what you had planned on Hinson -

Mr. Jones: We had discussed that, I believe, one time before

but then I've got to come back to you people and see if you'll deal with me, because there is adequate alongside the Fire Station there - there's an adequate area - and we can make that particular . . . change our parking area from here (wall map) . . .

Commissioner Christensen: It would require an easement from the City to the Fire Station property -

Mr. Jones: And make this (wall map) our entrance without any problem at all but that, of course, necessitates us getting that easement from you people. This is a general plan anyway the way it is right now - we still have to come back before you for our Building Permits, Improvement Permits and everything of that nature, so if that were the problem, this area here could be designated as parking, rather than this and we could put this to beneficial use. But we did recognize the legitimate complaint of the people having a business address on Bedford and a traffic situation on Bedford.

Mayor Briare: Thank you, Mr. Jones, and you will have an opportunity for rebuttal. Are there people in the audience of want to be heard on this application - in opposition?

Leonard A. Baylor: I live at 4300 West Charleston and as the crow flies, about 350 ft. in the opposite direction - a northeasterly direction from this location. I tried to contact individuals - the owner of the property - at the address the other day and there was no one home, apparently, and I couldn't see inside the concrete wall fences and the barriers and the sign in the alley said "Property Protected" - so I didn't go any further on it. However, I am familiar with the front end of the property and I have no objection pro or con other than reference to the fact that it is not clear why they don't use the Bedford frontage of the property.

Mayor Briare: You have that answer now, don't you?

Mr. Baylor: You bet.

Mayor Briare: Were you originally a protestor?

Mr. Baylor: No protest - just a general interest in the community and that particular area.

Mayor Briare: You are not indicating any favor, nor are you entering an objection -

Floyd Keller: My property is located at 4213 Cory Place, in Hyde Park. A number of people could not be here today because of work schedules - some of them were ill.

Regarding the rear entrance does not discount the liability to the citizens in Hyde Park. This issue was resolved once before by this Commission. It was against it. There is not a rule to prevent a commercial organization from entering on Bedford Road - they have never received permission to operate that proposed center. A block fence and shrubbery would not prevent a great deal of sound dissemination in the area. The building facility which is there now at 1001 Bedford Road, is to the convenience of the applicant. However it is located in an improper area. It is a residential area there. Let's keep it that way. Residential nurseries - some other location - for instance, the area in between Safeway and Fletcher Jones.

The proposed entrance to the area on Bedford Road I think is right close to the yards which exist out there, which means the entrance would be contiguous to those lots, right close to Bedford Road, rather than near the other street where the red light is. Thank you very much.

Glen S. Spaulding. 4313 Alpine Place. I was one of the original protestors . . . even with the changes they have proposed; I maintain the same position that Mr. Keller does - that that is a residential area - I have lived there for about 23 years now, and I think it's a nice area to live in. I think that would be an encroachment that would be unacceptable and also the hazard generated by the access from Charleston, I think would be wholly unacceptable.

Those lots are 100 ft. deep there in Hyde Park and that would then put the access about 100 ft. from the Bedford Road turn-off from Charleston and, as has been pointed out, there would be quite a hazard when you duck right out of the lot there from Panorama Market on Hinson Street - get in there and get out into traffic again, and although there is a median there, I think it wouldn't be at all acceptable to have than cut to permit access across it - it would be just double-death for anyone trying it.

So, for these reasons, I and quite a number of the neighbors there, whose names I have if you want them, still protest their entrance into this. Thank you.

Robert Coulter: I live on the property immediately to the north of the proposed Child Care Center at 931 Bedford Road. This came up before this Commission at one time before and at that time, as I understand it, it was proposed as a Day Care Center. I have lived there since 1962 - I've raised my family there and, of course, I knew the Shetakis' when they lived there and their family, I knew Carl Hyde - Carl Hyde developed that property - I think you will all agree - over-developed the property and consequently he has more in the property for a residential area that could possibly ever get out of it.

I feel sorry for that - however, Carl had a dream - he wanted a home - a place he could enjoy - he and his wife wanted a place they could bring people in to enjoy the wonderful environment.

I would like to point out where I live in relationship to this property. This is Bedford Road (wall map) - my property comes clear back here - back to the trees and storage area. Our bedroom is right here, approximately 15 ft. on the other side of that wall.

Now when Carl used the train - when the Shetakis' and other tenants have used that train, on an occasional basis, I never had much objection. I raised a family and I know kids make noise and all that type of thing. The swimming pool - they had boys and they loved to swim and they swam even late at night, but it was not something that was every day, and I understood that and I appreciated that.

But I am concerned about having 24-hour Child Care Center right immediately next door to where I live. My bedroom is something in the neighborhood of 30 ft. from that train track - the train and track is an iron-to-iron contact - it makes a lot of noise - it has an engine that makes a tremendous amount of noise - you can hear it a block away when it's running.

The swimming pool is like any other swimming pool, and again, I wouldn't object to that, but my objection mainly is to the noise and the congestion in an area that is already zoned for R-1.

I am concerned about the traffic problem that has already been brought up - being a Safety Engineer myself I would be concerned about trying to get on and off of Charleston because, believe me, since 1962 we've had trouble getting on and off Bedford onto Charleston, and when you live in that area you know what kind of a problem that is.

Even using a Hinson address, I think would still cause

traffic and noise congestion problems going in and out of that property. We talk about having child care for 100 children - that's 100 cars a day in and out of that place and that's going to create a lot of noise - and 24 hours a day that's a lot of disturbance in a residential area.

I just plead my case with you and I feel it is not in the best interests to have a Child Care Center in an R-1 Zone where they are residential uses on both sides of it. I definitely am not against the Child Care Center - I feel that the plan as presented would make a lovely Child Care Center, but not at 1001 Bedford Road.

Mayor Briare: Thank you Mr. Coulter. Mr. Jones, would you like to add anything now?

Mr. Jones: Yes, Your Honor, I'd like to point out that when you speak of a 24-hour day Child Care Center, anyone would realize that you would not have the children out after dark.

You will notice the number of rooms there are there - the areas which will be designated for the training and for the area for the children. There are about four or five buildings. These children will not be out there after dark and, of course, the plan is that you do not have control of children after dark - you keep them inside. Of course, in the summer time they may be out a little bit late - I've been out there - they've been playing baseball until ten o'clock at night.

So the objection on the 24 hours - there is no intention to have children out in that area other than the normal time when children would be out on the park area. It is impossible to have them out any other time because these are small children. So that particular objection I do not believe is well taken.

I, of course, realize this is rather a - I've got my neck out and when I feel I may have some problems, I like to fight - but, obviously, the people who are in the planning situation twice have voted that this is good planning beneficial use. It has come up before you twice, with a recommendation from planning. Having been here many hundreds of hours, I have no illusion about the fact that you are the final say. That they only recommend. But when you talk about beneficial use of property, and good planning, those people designate this type of thing and they go into it pretty carefully and I really feel - what are you going to do with the property? Without you put it to a beneficial use? You have this entire area here (wall map) that is bounded on the left by bare ground - you have this entire area here bounded by bare ground and you have this area bounded on the north by grass and park and kids who are playing football - basketball - baseball - volley ball and what have you and it, obviously, is good planning, and that's what we're here for. Putting the property to beneficial use.

Gentlemen, I know that I take a chance of offending you, but obviously I've got to get the point home - this is good planning, and that's what we're asking. It isn't an emotional problem - It's not an emotional problem for me because I'm going to charge my fee, one way or the other, win or lose. It isn't a question of that at all - it's a question of what is good beneficial use?

We've met what we thought were the original problems. We went back to the Water District and I don't make any statement before this Board without I know they are accurate and that's the reason why - although it had been represented to me three times by my client - I called Tom Rice, so that I could represent it to you. We've met the problems they first came in and objected to. Now, they are still intermingled with emotions - but emotions have no place in this particular problem - it's a planning problem and a matter of putting land to a beneficial use. Or you can leave it bare, gentlemen, and you can leave a lot of places bare in Las Vegas if you're going to say

there will be no Variances - be no Zone Changes - because somebody doesn't like it - you just can't stop the beneficial use of something just because people don't like it. It's either good planning or bad planning. If you tell me it is not good planning, then I have to shut up and you vote for it. I have to say you are the final people to determine whether it's good or bad planning to make a beneficial use of this property. What else are you going to do with it?

Mayor Briare: Thank you, Mr. Jones - I know that you realize that sometimes judgment as to what is, and what is not good planning comes before us quite frequently and there seems to be differences of opinion sometimes to what we do. There may or may not be a difference of opinion between you and this Board now. That, of course, remains to be seen. Are there any comments or questions from the Commissioners?

Commissioner Lurie: Your Honor, I'd just like to make a comment - and I will also make a motion. First of all some of the people who spoke in favor of the facility seem to think there is some confusion about the credibility the Commission might have about strict compliance under the Child Care License, and I think that's incorrect. It's not a question of credibility - I understand she runs a fine Child Care Center at another location, and I don't really appreciate those types of remarks when the issue we're addressing ourselves to is whether or not it is good planning and good zoning to have a commercial-type venture in a residential neighborhood. I made the motion before to deny the application because I felt that the characteristics of the neighborhood have not changed to allow Commercial.

I will make the same motion to deny this application on the same basis. I don't feel that the traffic problem is solved by having an access from Charleston - that's not going to eliminate the people when they leave, or enter, the facility to not go through the Hyde Park area - using it as an access - and I just can't agree that it's good planning and good zoning. If there are remarks by the other Commissioners they can make them, but I move that this application be denied.

M o t i o n

Commissioner Woofter: I would like to join Commissioner Lurie on the concern for the traffic. That is really my sole concern. I lived in Hyde Park approximately twelve years and that Bedford Road does extend from Charleston over to Alta, and it's a straight shot. That is really a concern of mine having lived in that area, that this would be the natural exit for people picking up children there. The streets in Hyde Park - nobody has mentioned that - but they are not the widest we see in Las Vegas. Many of them are very narrow streets, and that is my concern, along with the number of children and what have you, it still hasn't been resolved in my mind.

Mayor Briare: If there is nothing further by the Commissioners, would you please cast your vote on the motion to deny.

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

Z-21-75  
Approved

REQUEST FOR EXTENSION OF TIME - Z-21-75 - GERALD MOFFITT

Property generally located on the southeast corner of East Charleston Blvd. and South 6th Street, at 1001 South 6th Street and 622 E. Charleston Blvd., C-1 Zone.

No previous extensions.

Planning Commission recommends approval of a six (6) month extension of time, subject to the following condition:

1. All requirements imposed by Ordinances adopted subsequent to the initial approval of this application shall be adhered to.

M o t i o n

Commissioner Lurie: 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.

ROBARTS ESTATES  
Tentative Map  
Approved

TENTATIVE MAP - ROBARTS ESTATES.

Property generally located on the northeast corner of Oakey Blvd. and Hinson Street. R-1 Zone.

Owner/Subdivider: Paul Robarts  
Number of Lots: 14

Planning Commission recommends approval subject to the following conditions:

1. Waiver of the 400 ft. cul-de-sac length.
2. Construction of a 6 ft. masonry wall along Oakey Blvd.
3. The proposed median planter at the cul-de-sac street shall conform to the requirements of the Park Department and the Department of Public Works.
4. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the tentative map within 12 months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within 12 months of the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
5. Street names to be provided in accord with the Street Name Policy.

Mr. Saylor: You will remember that this was involved in a Zone Change recently, at Hinson and Oakey. They originally proposed to come out on Oakey and that was redesigned to come out on Hinson. Everything is in accord with the zoning action but there is one thing I should bring to your attention - they are proposing a planter in the middle of this cul-de-sac (wall map) and, of course, our Park Department takes exception to that. They don't feel that the City should be responsible for the landscaping on these small residential streets. I have brought it to your attention with the suggestion that you eliminate median.

Commissioner Lurie: On the waiving of this 400 ft. cul-de-sac length - what does this do to the requirements of the Water District? I've been reading about . . .

Mr. Saylor: They haven't imposed that yet, Commissioner Lurie. The 300 ft. thing that the Water District is trying to get on, as far as I know, has not been officially adopted. This is just slightly over 400 ft.

Mr. Robarts: This proposed restriction by the Water District may never come into effect - in the County, the length is over 500 ft.

M o t i o n

Commissioner Christensen: I will move for approval subject to deleting the median island, and as otherwise approved by the Planning Commission.

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

BUS SERVICE  
Complaint

Melvin Saxe: I live on 11th Street and what I wanted to talk to you about is a bus service. You have one bus service that goes up to the Strip and the other busses either run once an hour or don't run at all. Your busses stop at nine o'clock at night - we have to go to other areas, like to the Veterans Administration in Henderson - or if you want to go to the University or if you want to go to any other area at all, other than the one bus service - the Strip Bus - you can't get any transportation. If you could get a bus, it's once an hour and in some areas you can walk there in from 10 to 20 minutes. If you miss a bus, it's a 2-hour wait.

What I would like to suggest would be a satisfactory bus service. I did go to the Bus Company and tried to talk to them -

Mayor Briare: This is going to have to be handled by the City Manager and if you will go to the 8th Floor he will see you about this right now.

At the hour of 1:30 p.m. Mayor Briare recessed the meeting to the hour of 2:30 p.m.

At the hour of 2:30 p.m. the meeting reconvened with the full Board and Staff in attendance.

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DEPARTMENT OF PUBLIC WORKS

LAURENCE HAMPTON, DIRECTOR

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See Pages 61 and 62 of these Minutes (Annotated Agenda)

CONTRACT  
CHANGE ORDER  
Approved

BID No. 74.64 - SPECIAL IMPROVEMENT DISTRICT No. 417

VEGAS HEIGHTS IMPROVEMENTS - BID GROUP I: Additional cost of Paving Asphalt in the amount of \$24,630.20.

Mr. Hampton: This is the result of the escalation clause which was put in the contract allowing the City to pay for whatever inflationary costs there were in one item, and that one item is Paving Asphalt. Paving Asphalt was awarded on the basis of \$70.00 per ton. We have invoices from the supplier that the price has gone up to \$80.22 per ton.

We estimate that if the price remains the same, the additional cost of this particular item would be \$24,630.20. We feel there is really no choice we have in the matter except to pay it since the Contract provides for it. If we didn't have the escalation clause in the original Contract we wouldn't have received any bids.

Mayor Briare: Is there anything in there that would make it mandatory for them to go out to bid - do they have to shop around or just buy it . . . .

Mr. Hampton: They have to supply three invoices - three bids.

Commissioner Christensen: Who supplied this?

Mr. Hampton: The one that was low was Douglas Oil Company.

Commissioner Lurie: Does this affect any of the property owners insofar as the Improvement District is concerned?

Mr. Hampton: No this would be all the City's cost because we're paying for all the asphalt - they pay for only the curb and gutter and sidewalk - I'm sorry - they are paying for sidewalk and streetlights - the City is paying for the curb and gutter.

M o t i o n

Commissioner Lurie: I move for approval as recommended.

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

CLARK COUNTY  
SANITATION DIST.

REQUEST FOR APPROVAL TO ALLOW THE CLARK COUNTY SANITATION DISTRICT TO DIVERT SEWERAGE - APPROXIMATELY 4 TO 5 MGD - TO CITY PLANT

Page 60  
Minutes  
Regular Meeting  
City Commission  
February 4, 1976

Mr. Hampton: They are having difficulties in some of their operations at the Sanitation District Plant and they have written us a letter requesting that, as we have in the past, we treat approximately four to five million gallons a day of their sewerage.

They have stated in their letter they would like to divert this flow for the next twelve (12) months. The contract states that it can only be treated as long as it doesn't jeopardize our own operation -

Mayor Briare: How much time does it need for cancellation?

ITEM

Commission Action

Department Action

VII. DEPARTMENT OF PUBLIC WORKS

LAURENCE HAMPTON, P.E., DIRECTOR

\*CONSENT AGENDA

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

\*A. APPROVAL OF SUBDIVISION PLAT

It is recommended that the Amended Plat of Spanish Oaks No. 2 be approved. Bond was posted and agreements were signed in connection with the original final plat submission.

Approved as submitted  
 Lurie - unanimous

P/W to proceed

B. CONTRACT CHANGE ORDER

1. Bid #74.64, S.I.D. #417 - Vegas Heights Improvements, Bid Group I. Additional cost of Paving Asphalt in the amount of \$24,630.20.

Approved as recommended  
 Lurie - unanimous

Staff to proceed

\*C. RELEASE OF CONSTRUCTION CONTRACT

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

Approved as recommended  
 Lurie - unanimous

Clerk and P&C to proceed

1. Bid No.: 75.90  
 Contractor: George Bernadot Co.  
 For: Retaining Walls, Reed Whipple Park  
 Notice of Completion: December 16, 1975  
 Release Date: January 20, 1976

\*D. RIGHT OF WAY ITEMS

1. Grant Deed  
 From: Harold N. Finkel, Executor of the Estate of Frank Fishman, deceased  
 To: City of Las Vegas  
 For: Portion NE-1/4, Sec. 29, T20S, R61E Robin St. Dedication Recorded as Instrument No. 545501 in official Book 586 on January 4, 1976 in the office of the County Recorder, Clark County

Items 1, 2 and 3  
 Approved as recommended  
 Lurie - unanimous

P/W to proceed

ITEM

Commission Action

Department Action

VII. DEPARTMENT OF PUBLIC WORKS (Continued)

\*C. RIGHT OF WAY ITEMS (Continued)

See Page 20

See Page 20

2. Quitclaim Deed

From: Mini-Price Motor Inn,  
 a Nevada Corporation  
 To: City of Las Vegas  
 For: Portion of NE-1/4, Sec.  
 8, T21S, R61E  
 Kingsway. Dedication.  
 Building Permit

3. Grant Deed

From: Charles F. Henze and  
 Violet M. Henze, hus-  
 band and wife as joint  
 tenants  
 To: City of Las Vegas  
 For: Portion of Lots 39 and  
 40 in Block 4, Boulder  
 Dam Homesite Addition,  
 Tract No. 2  
 Stewart Ave. Dedic-  
 ation. Bldg. Permit

D. REPORTS

1. Approval to allow Clark County Sanita-  
 tion District to divert sewerage (approx-  
 imately 4 to 5 mgd) to our plant.

Approved (on "as-can"  
 basis)  
 Lurie - unanimous

\*P/W to proceed

2. Offer to purchase adjacent surplus  
 right of way on Rancho Road by Deseret  
 Federal Credit Union.

Approved  
 Lurie - unanimous  
 (Commissioner Christensen  
 abstained)

P/W to proceed

\* Director of Public Works authorized to  
 notify City of North Las Vegas of  
 increase in rates

ADDITIONAL ITEM:

At the request of Commissioner Lurie,  
 Department of Public Works to check all  
 City-owned Parking Lots and proceed,  
 where deemed necessary, to repair cracks,  
 etc., and re-stripe.

Approved

P/W to proceed

Mr. Hampton: Just a 24-hour notice. I would recommend that we accept this flow on the condition - with the clear understanding - that we will accept only as much as we can for as long as we can, rather than putting any specific time on it.

Commissioner Lurie: And how much per gallon are we going to be charging?

Mr. Hampton: We have charged them in the past \$25.00 per one million gallons. We have evaluated the costs from 1975 - we feel we would have a legitimate - and the contract does provide for us to charge at a fee based upon the current operational cost. We feel this would be at 91.12 per million gallons.

M o t i o n

Commissioner Lurie: I would move for approval at the charge of \$91.12 per one million gallons.

Mr. Hampton: One further comment, gentlemen - I shouldn't have stopped where I did - it may be that if we are charging the County this much, we should consider raising our cost to North Las Vegas.

Commissioner Christensen: I would go for that -

Amended Motion

Commissioner Lurie: Please include that in the motion.

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

RANCHO ROAD - SURPLUS  
RIGHT-OF-WAY  
Approved

OFFER TO PURCHASE ADJACENT SURPLUS RIGHT-OF-WAY ON RANCHO ROAD BY DESERET FEDERAL CREDIT UNION

Mr. Hampton: This matter was referred to the Land Sales Committee - Commissioners Christensen and Lurie - we had the property appraised - there was a formal offer made by the Deseret Federal Credit Union of \$2,500.00 and I would recommend that we accept their offer.

Commissioner Lurie: The Committee also recommends that the City accept this offer -

Mayor Briare: What is this piece of property - an odd-ball piece?

Commissioner Christensen: What is property is - originally the road was going to go around through there. That was going to be the main traffic artery. They went to the corner of Rancho and Charleston and went through there instead, so this diagonal that cuts off by the Hospital and cuts into Rancho over at approximately Palomino - they've got that right-of-way in there and there are two or three property owners on the southwest portion of that - and this property is excess right-of-way that will not be used now because we re-routed the street in a different direction. Part of their thinking on that offer is that it is no good to anybody else because it's good only for parking and there's a 25 ft. sewer easement on it also.

Mayor Briare: And they've offered to pay the appraised value?

Commissioner Christensen: I don't know what the figure is - I think it's substantially less than the appraised value because the appraised value I don't think took into consideration the other factors. If we sold that property to anybody else, we would have to provide them with access, because you would land-lock them by selling that property - because it's right-of-way now. So if they chose not to buy it, we would just have to leave it vacant and it would become an eyesore. If we sell it to them then they have to improve it - put in the curb and gutter - finish the street, etc.



DEPARTMENT OF PERSONNEL

J. ROBT McPHERSON, DIRECTOR

TEMPORARY POSITIONS  
AND/OR  
REPLACEMENTS

Mr. McPherson: The City Manager's office and our Department has reviewed again this list and have pared it down a little bit more from the last meeting. We feel, in line with our current Budget problems, that these probably would be the bare essential that we would recommend to you.

The first group is at no City cost - these are strictly Federally funded:

A. FEDERALLY-FUNDED (No City Cost)

Dept/Class	Cost (Mo.)	Justification
1. FINANCE Management Analyst I (In accordance with C/D Block Grant Funding)	1,404	Make financial analyses requested by various Consolidation Committees. Assist with preparation of Budget. Responsible for Consolidated Grant accounting
2. MUNICIPAL COURT Intermediate Clerk - 2 Title VI (replacement hire) until 6/30/76	726	To handle overall workload, particularly Counter work
3. HUMAN RESOURCES Intermediate Clerk - 2 Title VI (replacement hire) until 6/30/76	726	One (1) is assigned as Receptionist for EOB. The other is assigned to the Local Advisory Council as approved by the CETA Exec. Board

Commissioner Lurie: These are all Title I, II's and VI's?

Mr. McPherson: Yes - for example - the first job to help with our Budget work - the second is vitally needed in the Court . . . because the Court being a revenue agency to some extent. But this first group, there would be no cost on and we would recommend approval of those.

Mayor Briare: Any comments?

(No response)

M o t i o n

Commissioner Lurie: I move for approval of Items 1; 2 and 3.

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

Mr. McPherson: The second group are replacement hires. We can take these one by one if you want an explanation on it. The first one, for example, the Registration Fees will probably defray the expenses .

On No. 3, we really have an obligation with the "Maintenance of Effort" Agreement with the Federal Government - plus, that position is pretty vitally needed in the Department of Community Development.

The Fourth is a revenue-generating position, and the Fifth is the only stenographic help Mr. Cathcart has in that Department.

TEMPORARY POSITIONS  
AND/OR  
REPLACEMENTS  
(continued)

Commissioner Lurie: I move for approval of Items 1 thru 5:

B. CITY FUNDED (REPLACEMENT HIRES)

	Dept/Class	Cost	Justification
1.	RECREATION	90	Teach Judo at Teen Center. Registration fees will defray expenses
2.	RECREATION Sr. Rec. Asst. (until 5/24/76)	420	Assigned to run Handicap Center at Lorenzi Park
3.	COMMUNITY DEVELOPMENT Steno	759	Current workload necessitates filling position. In addition needed to help with the "Maintenance of Effort" Agreement with the Federal Government under the C/D Block Grant Program
4.	LICENSE & REVENUE Parking Enforcement Officer	865	This is a revenue-generating position
5.	PURCHASING & CONTRACTS Steno	759	The only position in this classification in Dept. One clerical position was transferred to another Dept.

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

Commissioner Woofter: I just have one question - you say these Parking Meter Pollies - that it's a revenue-generating position - are we just creating a position and what parking meters they cover and that this covers their salary - is that what we're saying?

Mr. McPherson: Well, let's put it this way - if the position is uncovered - they have to cover a certain number of meters and it would probably require overtime to do this . . .

Commissioner Woofter: It looks like they are stumbling over eachother at times . . . when I came back from lunch from Court they were about ready to put one on my car down in the garage -

Mayor Briare: Mr. Lovell, would you bring your request on now?

Additional Position  
City Attorney's  
office

City Attorney, Carl E. Lovell, Jr.: Because of the Municipal Court, we created a Clerk position in our office. We have advertised to fill it, and filled it by one who was already in our office, then quit. Therefore we don't have any net gain and we have that position open. Because of the additional Court we would like to get that filled and get your approval for it now, if we could also.

M o t i o n

Commissioner Lurie: I move this be approved.

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

TEMPORARY POSITIONS  
AND/OR  
REPLACEMENTS  
(continued)

Commissioner Lurie: I have one thing I would like to bring up before you leave, Mr. McPherson. In connection with these hires I think more consideration has to be given to filling jobs from within departments. I can't believe that every department in the City and County is under-staffed - that people can't be moved around. We should have the qualifications of all these people in personnel files and maybe some of these people who are working in Parks are qualified to work in Community Development - or somebody qualified in Community Development is also qualified to work in Public Works.

I think we have to start looking at that because I feel that with Consolidation somewhere down the line there might be some lay-offs and we might start to try to place some of these people in jobs in other areas - in different departments.

Mr. McPherson: We are routinely checking with the County - additionally, we are going to propose a Civil Service Rule to accomplish some of these transfers between the entities so we wouldn't have a hang-up under the Civil Service Ordinance and this sort of thing to make a free flow between the entities.

Mayor, there is one other thing I would like to bring up - I think it's in your folders - an Informational Supplement to the 2/4/76 Agenda:

Mayor Briare: Yes - I have a copy of that -

Mr. McPherson: These are Federally funded positions that are not on the Agenda, the reason being that the City Manager's office and our Department, after taking a hard look at it, and we all recognize the funding will probably expire June 30, 1976 on these positions.

As they become vacant we would recommend that we not fill them except where they are absolutely critically needed.

Additionally, you will notice on "B", some of these do require City contribution.

See Page 68 of these Minutes (Supplement)

Now, if we don't fill them, we will lose the funds and there is an argument - and I think Mr. Hampton wants to be heard on this - that this does give some people work that would be otherwise unemployed. But I think at some point in time we are going to have to take a stand on this, so our recommendation would be not to fill them.

Commissioner Leavitt: These funds would only go through June 30th?

Mr. McPherson: As far as we know now - it could get extended.

Director of Public Works, Laurence Hampton: We appreciate the problem of having to lay these people off, most likely, on June 30th but there are some very critical jobs that we feel they could be doing between now and then, particularly the ones that are at no cost to the City - the clean-up crew. Of course, we can still operate a clean up crew but it's not going to be as effective as it would be with two of these people.

We do feel there are two positions even more critical than that - that is for P/W Construction - the Rod and Chain Worker. What we try to do is to have 4-man crews. Without this man we would have a 3-man crew and in case there was someone sick, we've really shot down the effectiveness of this crew. It would only be an \$82.00 a month cost to the City.

And the same way with the Drafting Aid - this is in our

TEMPORARY POSITIONS  
AND/OR  
REPLACEMENTS  
(continued)

INFORMATIONAL SUPPLEMENT TO 2/4/76 AGENDA

A. FEDERALLY FUNDED REPLACEMENTS (NO CITY COST)

<u>Dept/Class</u>	<u>Monthly Cost</u>	<u>Justification</u>
PW/Streets Utility Worker - 2 Title VI Until 6/30/76	520	Assigned to clean-up crew in West Las Vegas.
Fire Intermediate Clerk Title VI Until 6/30/76	726	Assigned to Fire Prevention Bureau to perform clerical functions -- answer phones, type, file, etc.

B. FEDERALLY FUNDED REPLACEMENTS (WITH SOME CITY COST)

PW/Streets Maintenance Laborer Title I Until 6/30/76	Fed. 783 City 45 Total 828	Assigned to street maintenance and repair crew.
PW/Construction Rod & Chain Worker Title I Until 6/30/76	Fed. 783 City 82 Total 865	Assigned to survey crew.
PW/Services Drafting Aide Title I Until 6/30/76	Fed. 783 City 82 Total 865	The only position in this classification in division assigned to Right-of-Way, Regional Streets projects and assessment districts.
PW/Design Drafting Aide Title I Until 6/30/76	Fed. 783 City 82 Total 865	Assigned to perform drafting services related to City improvements, such as streets, curbs, gutters, etc.

TEMPORARY POSITIONS  
AND/OR  
REPLACEMENTS  
(continued)

Computer Section and Right-of-Way field and we do have a couple of Regional Street & Highway Projects in process in this right-of-way stage - and these Projects would probably be complete by June 30th. Basically, since they are Federally funded, we would like to recommend that we put on just these four people, in lieu of all the ones listed, with the idea being that if it is going to be difficult to lay people off on June 30th, it's not going to be that more difficult to lay off four additional people - and hope by that time they might find a job someplace else.

Mayor Briare: It would appear that we are talking about less than a \$300.00 cost to the City - the balance to come from Federal funds -

Mr. Hampton: That's right - it would be \$82.00 a month -

Mayor Briare: And be able to help you with some jobs that will either expire, or whatever, before June 30th -

Mr. Hampton: Right -

Mayor Briare: I can appreciate the concern, on the other hand - here again, you tell us they are going to be terminated and when that day comes they come and say - why are you doing this to me - I have all these personal problems, etc. -

Mr. Hampton: There's no reason why we couldn't put it in capital letters and underline it in red -

Mayor Briare: I'm going to ask Mr. Trelease - on the last paragraph of this note you indicate that the positions are not going to be approved for replacement - and that the City will lose the funds and they will be transferred to another agency. Which other agency?

Mr. McPherson: If we didn't take them, Mayor, they would be transferred to the County or to North Las Vegas, because he wants to place the people -

Mayor Briare: It's not they they would go out of State -

Mr. McPherson: No, they would stay in the community, but he has a 30 day limitation if not filled -

Commissioner Christensen: Are these CETA people?

Mr. McPherson: Yes -

Commissioner Christensen: Are these people supposed to be in excess of our normal work force - those that we are supposed to be training?

Mr. McPherson: Yes, these are all replacements for ones we have had on board and we are supposed to be training them -

Commissioner Christensen: Would we be in violation if we were to say right out loud that we can't get along without these people and here's a chance to get the Feds to fund a position we have to have, or are these supposed to be extra positions and we could do without the work and are taking Federal funds just for the purpose of training them?

Mr. McPherson: I think it's a little bit of both.

Mr. Hampton: In the case of the clean-up crew, the first two up there = P/W Utility Workers . . .

Commissioner Christensen: I was thinking more of the other two - the Draftsman and Rod and Chainman -

Mayor Briare: Is there anything further?

TEMPORARY POSITIONS  
AND/OR  
REPLACEMENTS  
(continued)  
M o t i o n

(No response)

Mayor Briare: What is the pleasure of the Board?

Commissioner Lurie: I move for approval.

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

Mayor Briare: They are approved.

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CETA

Mayor Briare: Do you have anything else, Mr. McPherson?

Mr. McPherson: Yes, Mayor, I received a call today from CETA saying there were funds for an additional ten (10) people - new people we have not on board, and asking whether the City would be interested.

Again, my inclination would be to say "no" based on the fact that we would then face the problem down the road, but we could explore it - talk to the departments and see if we could utilize them if that would be the Commission's desire, but I would like to bring these back to the Commission so you are aware of it when it comes up.

Mayor Briare: It's difficult - all these things have to be taken individually - they are all individual cases -

Mr. McPherson: Right -

Mayor Briare: I am very reluctant about a lot of Federal Programs, but once the money is in the bank account - in the City bank account - it would be inconceivable to me to take it out of our account and send it to Washington, D. C. There has to be some responsible Project that you could do where we can get people for a very short time.

Mr. McPherson: In other words, it would be the feeling of the Commission that we should try to utilize these funds as long as we could while they are available? Would that be the general direction you propose?

Mayor Briare: As opposed to sending them to some other governmental entity. What is your feeling on this? That these funds be utilized for the benefit of the City as opposed to sending them back somewhere?

Commissioner Christensen: I really don't have an answer - we get trapped into these Federal funds too often. The Federal Government never gives you a nickel unless they put five strings on it. If you spend any of that Federal money, then the Federal Government can tell you what you are going to do.

Mayor Briare: Philosophically, I couldn't agree more. Philosophically is one thing - economically it just hurts me more than you can imagine to have money in hand -

Commissioner Christensen: It hurts me too, but what are you going to do when somebody says to you - I've got four kids and house payments . . . and now you're laying me off -

Commissioner Lurie: You mentioned ten people - there's not a department in City Hall that wouldn't say they didn't need those ten people, so I think just to create a position and then have to terminate the positions - I don't want to see any more positions than we have now knowing that actually with Consolidation we will be able to fill positions with people we have on board now, rather than create new positions.

Commissioner Christensen: For every Clerk/typist you put on board you have to buy a typewriter, a desk and a chair for, too.

Mr. McPherson: The other issue - of course, it's obvious that if you put Federally funded people on board, then you could eventually effect City-funded or County-funded jobs. This is something else to consider.

Mayor Briare: That you could what?

Mr. McPherson: Well, you could effect - the fact that we're using Federal funds, this could be a reason for eventually laying off City or County people, if there are Federal funds there because we don't have the City or County funds. That

could become an issue and the Unions are concerned with that -  
Commissioner Christensen: We could end up with Federally funded people bumping regular City employees -

Mr. McPherson: It could happen -

Mayor Briare: Doesn't that have to be pretty well resolved before hiring?

Mr. McPherson: Yes - but I'm just saying that before we get into the terms of bringing new people on board, that this is something you should be aware of for consideration -

Mayor Briare: The unemployment picture is so bad that I think we would surely be doing a misservice to some local people if - even if they were menial jobs - or whatever you call it when you go out and clean up the streets - and scrub - and paint, etc. I know of some jobs where we could sure put some people to work until June 30th -

Mr. McPherson: This particular Program would be to September 30th - isn't that right, Mr. Lipitt - these ten new ones?

Mr. Lipitt: Yes -

Mayor Briare: As the Commission knows, there are efforts being made to have a clean-up of the West Side type of Project that would be a 1-shot type of employment. Mr. Lipitt - you've just walked in but you know what funds we're talking about -

Mr. Lipitt: Yes -

Mayor Briare: They can be used just about any way we want, can't they?

Mr. Lipitt: These are public service jobs and stem from the work experience -

Mayor Briare: So a clean-up crew could utilize these funds?

Mr. Lipitt: Yes - in your Public Works Department that is a regular function - you could hire six (6) and call them Maintencemen, Utilitymen - whatever -

Commissioner Lurie: You would have to have a truck - you would have to use gasoline - you would need a supervisor if you're going to put a clean-up crew over there on the West Side -

M o t i o n

Mayor Briare: I don't hear a motion - so I will move that we proceed. Please cast your votes.

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

Mr. McPherson: We will bring the specific locations back to you, but this will give us some direction.

Mayor Briare: Do you have anything else at this time, Mr. McPherson?

Mr. McPherson: No, Your Honor -

FOSTER  
GRANDPARENT  
PROGRAM -  
EOB

Discussion only

Mayor Briare: Now I would like to bring up a thought that might be just a little bit out of order - if the Commission will bear with me.

I believe that each of the Commissioners have been called, or have discussed, or receives notes and letters, etc. from people who are concerned about a Foster Grandparent Program. I think that from talking with several of you prior to today's meeting, that your sentiments are very strong in favor of this type of Program.

It was quite disappointing - I expressed this to David Hoggard - he was quite disappointed that this Program was not brought up when we were called upon to budget Community Block Grants and I was going to ask that you give some consideration to this Program, and while you are considering it, in the meantime, we're going to have to take these funds from some EOB Program in existence now - I don't know if we are in a position to decide which one it should be - however, as far as the West Side School building project is concerned, you have not dispersed any funds from there because you actually haven't got them in hand yet. So would you kind of hold back because it might be that the EOB - they are looking at that building for their offices.

Quite frankly, I would prefer this Foster Grandparent Program to new offices for the EOB, and since this thing just kind of came to a head this morning we really haven't had a chance to discuss this officially, and I'm going to depend on you, Mr. Saylor, to get us some information so by the next meeting we might be a little more knowledgeable. If that would meet with the approval of the Board.

Mr. Saylor, you have the picture - don't you?

HALF WAY HOUSE  
Discussion only

Commissioner Woffter: Mr. Mayor, maybe this is the appropriate time for something I would like to bring up. Since it does deal with communications and Mr. Saylor is still here - somebody advised me that somebody wrote something in regards to this subject this morning in a column - I've been looking into it the last couple of days in regards to this Half Way House Program that was initiated over there at the Walker Furniture - that Store on Highland - in this respect. I did talk to the Mayor before the meeting and he advised me that we, some time ago, approved such a Half Way House at that particular location. I am sort of vague as to what conditions were set forth in this regard.

First of all, Mr. Saylor, do you recall specifically this item?

Mr. Saylor: To a very limited extent, Commissioner. I know when it was first proposed I was perturbed a certain amount - to a certain degree. We, however, reviewed it extensively with the City Attorney's office and I think it was one of those things where we really had little, or no, choice - because it was zoned in such a manner. I realize that I can't give you -

Commissioner Woffter: I just wanted to bring it up for discussion -

Mr. Saylor: Right - I know we were concerned - we did look into it from the legal aspect.

Commissioner Woffter: I've talked with several Metro Officers - particularly in the Detective Bureau - with respect that they weren't even aware that such an operation was going on. I've talked to certain Chief Deputies in the District Attorney's office and they stated they didn't know there was such a Project going on in the respect that there are 24 prisoners from the Nevada State Prison at this particular location who, the Officers advise me, there is little or no supervision going on with respect that there are no uniformed guards. That these

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City Commission  
February 4, 1976

prisoners are here with two to five months left on their sentence - that they have use of certain State equipment - in particular, cars - two stole a certain State car a couple of weeks ago and drove to Little Rock, Arkansas and robbed a Bank. Also that this Program was set up in such a situation that was to more or less to get the convicts, prior to their release, reacquainted with the community - to be in a better position to adjust to the community. One of these individuals - one of the 24 - I have personal knowledge of - dating way back when I was in the Public Defender's office - this is an individual that I even asked for a "rap sheet" on - and I show the Commission - there must be 100 charges - prior convictions and what have you - and this is the type of an individual that needs to be reacquainted to get back into the community.

Also, further, that this Highland Street where they are supposed to be adjusting back to the community - and I don't need to go into that - that is probably one of the biggest areas for the flow of narcotics in there.

So I'm bringing it up to the Commission - I don't know what was told to us at the time that this Program was explained to us, if it was - what conditions - what control - we have on it. But when we don't even have our own local Law Enforcement agencies advised of this Program, where they could be in a position to further survey and control - something is wrong - especially when we have certain incidents occurring that have occurred and certain individuals that supposedly are the type that can be rehabilitated, even though they have over a hundred prior convictions on their rap sheet.

I certainly would like for the Commission to go on record to further explore this Program and find out the complete details and maybe bring it back before the Commission to re-evaluate such so as possibly we could be in a better position to determine whether or not this Program is needed in this community under the loose safeguards that are presently going on in regards to individuals that are still under a Prison sentence.

Maybe I'm the only one in the dark as far as the Commission is concerned, but it really concerns me - like I say - when all the local Law Enforcement agencies are also in the dark. I would like to start the mechanics on it, as well as bringing it back before the Board and see what this Program completely involves, and what we can do to control such.

Mayor Briare: Are you familiar with this, Mr. Saylor?

Mr. Saylor: To a certain extent, Mayor. I knew about it and I was particularly perturbed from a personal viewpoint because I live close by. But, secondly, I know we went into the zoning aspects of it quite thoroughly with somebody from the City Attorney's office and had numerous meetings with the State people and I think the final conclusion was that, legally, there wasn't anything we could do about it.

Commissioner Christensen: I remember when it came up and I think that you and I, Commissioner Lurie, raised the question - if I'm not mistaken, it came up with the old Board - and we raised the question, and it was pointed out very plainly to us that this is commercial zoning out there - I think it's even Industrial -

Mr. Saylor: It's Industrial -

Commissioner Christensen: That it is Industrial Zoning down there and since it was a private piece of property, we had nothing to say about it - they could lease it for that purpose if they wanted to within the framework of our Zoning Ordinance. It never came to this Board for action.

Mayor Briare: There is no Use Permit required?

Commissioner Christensen: No Use Permit required and no action by this Board - it comes under the Ordinance -

Commissioner Lurie: This is the way I understand it - I have had a few of the Detectives speak to me on the subject and they are very upset with the Program because of what it is - a pre-release Program from the State Prison - like Commissioner Woofter has mentioned - and they are very concerned with the type of individuals who are placed at this place - and the two that escaped - this, again, was brought to my attention and then the conversation I had with the Detectives, and I think we should have at the next meeting the people from the State that are here to justify this type of a facility in that location.

Mayor Briare: Would the City Manager please take care of that for us?

City Manager, A. R. Trelease: It will be done - yes, Mayor.

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### C O M M U N I C A T I O N S

Mayor Briare: The next item appearing on the agenda is Communications.

From: NEVADA DAY COMMITTEE  
Dated: January 26, 1976  
Re: CITY'S SUPPORT IN SPONSORING ADVERTISING SPACE  
IN THE '76 NEVADA DAY BROCHURE

Mayor Briare: Members of the Commission are aware that an instructional type piece of literature is being designed and planned for submission to this Board for approval, or disapproval, at a later date - but it is in the works - that would be perhaps referred to as an instructional piece of material for school kids relative to City government, because, as you know, from time to time we have young people come into these Chambers and from time to time the Mayor and City Commissioners are asked to go out to the various High Schools, Jr. High Schools - I had a Third Grade group the other day - and give talks about City government. So a little brochure, or something to that effect, talking about City government that would be of interest to young people is in the design stage. It is not really at this time to present to you for your consideration. However, under Communications we have a request to buy some advertising from the NEVADA DAY brochure, which is an annual event, as you well know in Carson City.

Also there is a gentleman in the audience that turned over some information to the City Manager relating to some advertising. I want to bring that up at this time. Before I make any further comments,, though, if you want to address the Board while we're on the subject, now would be the time to do it.

Larry K \_\_\_\_\_: I'm representing the Las Vegas Voice and the Publisher - I live at 128 Elm Street, Henderson, Nevada. I would like to read this letter to the Commission, in full:

Honorable Bill Briare, Mayor  
City of Las Vegas

Dear Mayor Briare:

The LAS VEGAS VOICE newspaper has been serving the black community of Nevada in the Greater Las Vegas area for thirteen years, will publish its Annual Black History Special edition on Thursday, February 19, 1976.

This Special Issue is dedicated to the scholar and historian, Dr. Carter E. \_\_\_\_\_ author and publisher and founder of the Association

for the Study of Negro Life & History and the father of Negro History Week.

Since the City of Las Vegas has in the past participated in the Black History Annual Edition through advertising, the LAS VEGAS VOICE would like to propose at this time that the City of Las Vegas participate again this year.

Mr. K \_\_\_\_\_: I might mention we are doubling our circulation for this special issue - it will be 24 pages and it will be distributed to schools throughout Nevada and to all the entities - papers throughout the Nation.

In addition to the Ad space in the issue, the VOICE would provide free copy space equal to one half the size of the Ad purchased. I would suggest that this space can be used for an address by the Mayor, with perhaps a Black History Weekm Black Progress or Bicentennial theme, and a similar theme could be used also in the Ad.

The full page rate is \$225.00 - a half page \$125.00. A detailed rate card is enclosed.

The deadline for reserving space for copy is February 13, 1976. Thank you very much for your consideration -

Mr. K \_\_\_\_\_: If I may say so, we could provide space for publicizing that clean-up Program that was just proposed and voted on.

Mayor Briare: Thank you very much for being with us all day today and bringing this up. The reason, members of the Commission, that I brought up this Nevada Day thing at this time - I knew this gentleman was here. I had referred it to the City Manager and I thought now might be as good a time as any to determine what the policy of this Board should be. I asked the City Manager - what is the policy of the City, and he said there was no policy.

It is very difficult sometimes, and right in the presence here of the Las Vegas Sun newspaper and the Las Vegas Review-Journal - some time back - I don't know whether it was the birthday of the Las Vegas Sun or the christening date of the Review Journal, or what, but it seemed that both newspapers had some kind of a special anniversary issue, and I'm sure that you, individually, were called upon, as was I - and it is very difficult to tell a big newspaper - well, I don't care what the City has done in the past, as far as I'm personally concerned, I'm not in favor of buying advertising in the newspapers, to promote City Hall. I think advertising is a fine thing for those people who expect to advertise their product and receive something in return, and that's been my philosophy as long as I've been in public life.

The reason I brought up about this brochure that is in the design stage - it has been there for months and months - it's one of those things that takes a long time - if the City is going to be spending some money for advertising purposes, it should be spent where it's going to do some real good, and, incidentally, I'm not asking you to stand here to rebut this because I know you are not going to like what I'm saying . . . I find it very difficult to justify the expenditure of money for these purposes, where I find it very justifiable to spend taxpayer money for the purpose of helping to educate youngsters - even though that's the School District's problem and they have better sources of money than we do. However, as each of these people know, and for any of you who want to write stories in the Las Vegas Voice, or any other newspaper that, unfortunately, sometimes when we talk to young people - and I have some letters in my office from High School students that would knock you out, as to what they do not know about City government. Then these people when they get to be eighteen

of age and ready to vote and they don't even know what a City Commission is - or they don't know what a Municipal Judge does and they think the City Attorney is out prosecuting people at the Court House. So it's very important, I think, that we do this.

This was a good opportunity to bring that up and I think we ought to establish a policy, or perhaps we should refer it to the City Manager to put it in writing - the pros and cons of this type of activity. Do any of the Commissioners have any comments?

Commissioner Leavitt: I move that your statement be the policy of the City.

Mr. Trelease: What does that involve?

Mayor Briare: Well, the policy is that if monies are going to be spent - if you want to refer to it as "public relations" or instructional material, whether it be devoted to educational purposes or not as opposed to advertising purposes.

Mr. K \_\_\_\_\_: I agree with that wholeheartedly - I've already talked with Mr. Bouton and he said he could provide me with material that was relevant to a Bicentennial theme or to Black Progress in the City government, and I would suggest at this time that if you feel at this time right now when West Las Vegas is going to be looking for all kinds of ways to gain a foothold, economically, and build a secure economic base in the community, that people over there - even school children all over the County as a matter of fact - understand in some way a way they can use the channels that are already open to every citizen, regardless of race, creed or color, to affect changes in our environment. So if the City would consider a full, or half page - not advertisement - not glorified publicity with a bunch of grinning faces making it a happy issue, or something like that - I suggest that instead that Mr. Bouton and myself get together and prepare something educational -

Mayor Briare: There is something in the works now, and I'm sure the Commissioners - if they approve what is already in the works - would be more than happy to furnish you with sufficient copies so that you might want to use them as an insert in your paper, which would be a great service on the part of the VOICE if they would use it - a product that we would produce - and use them as inserts at no charge.

Mr. K \_\_\_\_\_: That can be suggested and if it can be submitted to the Publisher, in writing, I'm sure he will have an answer for you.

Mayor Briare: Thank you very much -

Mr. K \_\_\_\_\_: And this issue, again, will be distributed to all of the Clark County schools, and schools throughout the State - also to newspapers across the Nation.

Commissioner Leavitt: I would add to that, Mr. Mayor - I don't think we should use taxpayers money to advertise in any private newspaper - or any brochure such as the Nevada Day, or newspapers or anything else. I don't think that taxpayers money should be used for that purpose.

Mayor Briare: Suppose we ask Mr. Trelease to draw up a policy of what the Board would agree to -

Commissioner Leavitt: That's fine - I'm just expressing my views -

Mayor Briare: I think it would be very helpful to you, Mr. Trelease, then when people are referred to you, you will be able to quote to them the Official Policy of the Board relevant to advertising - advertising in the pure sense of the word, which is different from disseminating educational

PUBLICATIONS  
(continued)

material.

Mr. K \_\_\_\_\_: Would there be a vote on this?

Mayor Briare: When the policy is put down in writing and brought back before this Board, then the Board would at that time, after looking at what the proposed policy would be, would vote "Aye" or "nay". There is nothing before us to vote on at the moment . . . you are concerned about your deadline?

Mr. K \_\_\_\_\_: Yes Sir - if you could vote on this request -

Mayor Briare: Unless there are any objections from the Board, we are respectfully declining your offer. Are there any objections from the Board?

(No response)

Mayor Briare: There being no objection, your offer is respectfully declined. We appreciate very much it being brought up to us.

BOARDS &  
COMMISSIONS

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See Page 79 of these Minutes (Annotated Agenda)  
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OFFICE OF THE CITY ATTORNEY

CARL E. LOVELL, JR., CITY ATTORNEY

See Page \_\_\_\_\_ of these Minutes (Annotated Agenda)

CONSOLIDATED  
ADMINISTRATIVE  
GUIDE  
(CONSOLIDATION)  
Adoption  
Ratified

RATIFICATION OF ADOPTION OF "CONSOLIDATED ADMINISTRATIVE  
GUIDE"

(Adopted at Joint City/County Commission Meeting of  
January 26, 1976)

Commissioner Christensen: I move that the action of this Board be ratified.

Mayor Briare: Commissioner Leavitt, do you have any comments?

Commissioner Leavitt: I have none.

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

NEW BILLS

BILL No. 76-5

BILL No. 76-5 - ORDINANCE No.  
AN ORDINANCE TO AMEND TITLE XI, CHAPTER 3, SECTION 8, SUB-  
SECTION B, DELETING THEREFROM ZONING DISTRICTS WHERE OFF-  
PREMISE SIGNS ARE PERMITTED, AND AMENDING THE REGULATIONS  
AND REQUIREMENTS OF OFF-PREMISE SIGNS

BILL No. 76-6

BILL No. 76-6 - ORDINANCE No.  
AN ORDINANCE TO AMEND TITLE XI, CHAPTER 3, SECTION 7, SUB-  
SECTION C, REGARDING ON-PREMISE SIGN REGULATIONS BY  
PROHIBITING ROOF SIGNS

ITEM	Commission Action	Department Action
<p><u>X. VACANCIES ON BOARDS &amp; COMMISSIONS</u></p>		
<p>A. <u>SOLICITATIONS REVIEW BOARD</u>          (2-Year Term)</p> <p>One member to be appointed to replace Virgil F. Gilmore (who resigned 12/4/75) for a term expiring <u>12/20/76</u>.</p>	<p>Items A thru D          Abeyance</p>	<p>2/18/76 Agenda</p>
<p>B. <u>LAS VEGAS METROPOLITAN BEAUTIFICATION COMMITTEE</u>          (3-Year Term)</p> <p>Jack L. Cobb - Term expires <u>2/4/76</u>.</p>		
<p>C. <u>BOARD OF ZONING ADJUSTMENT</u>          (5-Year Term)</p> <p>Philip Reinhardt - Term expires <u>2/7/76</u></p>		
<p>D. <u>ELECTRICAL EXAMINING BOARD</u>          (2-Year Term)</p> <p>Terms of the following members expire <u>2/2/76</u>:</p> <p>Rex A. Tynes          Doyen C. Smith          John Benton          Melvin C. Sutton          Aubrey Goldberg</p>		

ITEM Commission Action Department Action

XI. CITY ATTORNEY

A. RESOLUTION naming JAMES SNOWDEN, SR. PARK

Abeyance

2/18/76 Agenda

Also - Presentation of Resolution to SNOWDEN FAMILY

B. NIMLO Agreement

Abeyance

2/18/76 Agenda

C. RATIFICATION OF "CONSOLIDATED ADMINISTRATIVE GUIDE"

Adoption of CONSOLIDATED ADMINISTRATIVE GUIDE  
Ratified  
C - unanimous

CULTURAL ARTS CENTER

Commissioners Lurie and Christensen appointed by Mayor Briare as City Commission Members of a joint City/County Committee to consider ways and means of providing funds for the development of a Cultural Arts Center to serve citizens of both the City of Las Vegas and County of Clark

Commissioner Lurie to proceed

2/18/76 Agenda

Commissioner Lurie asked that consideration be given as to what steps could be taken to stop the flagrant soliciting by prostitutes in the Downtown area

NEW BILLS  
(continued)

Mayor Briare: If any of the Commissioners requested New Bills 76-5 or 76-6, can we hear from them?

Mr. Lovell: These were requested - I can't remember just exactly which Commissioner - but it came through from the Beautification Committee subject to your consideration of these Bills have to do with on-premise and off-premise signs.

Mayor Briare: I realize they have to be referred to a Study Committee - but I'm wondering what the pleasure of the Board is. Sometimes ordinances have a way of filtering down onto the table from nowhere. I am always interested in who produces the requests for signs and regulations, etc.

I don't know if it's the pleasure of this Board to receive, for example, from one of the Boards, or Committees, that we have - people who volunteer for services - and they decide amongst themselves that they want a particular Bill introduced. We might have a citizen walking down Las Vegas Blvd. and all of a sudden he might say - we ought to pass an ordinance . . .

Mr. Trélease: Unless we have a signed pink slip, these new Bills can't go on the agenda - those are my instructions to the Clerk -

Commissioner Christensen: May, I've been fighting this for two years and still haven't got what I asked for originally.

I had the same feeling you have and from the first day I came on this Board I wondered where these Ordinances come from, and when they come through I've wondered who requested them and why. I don't think it's too much to ask to have accompanying each new Bill a simple little form that says who has requested it, and why. Because if we know those things and I know - a lot of the background material - I can go ask questions. These, for instance, could indicate the requests had come down from the Beautification Committee to clean up the Sign Ordinance. Then I know what I'm looking at. But a lot of these new Bills - I look at them and wonder - who dreamed this up, and why?

Commissioner Lurie: About a year and a half ago we passed a policy - Commissioners Christensen and Leavitt and the Mayor weren't here, but we did establish a policy whereby all requests for new ordinances have to be accompanied by a slip signed by the City Manager, or a memo by one of the Commissioners. That was the policy if you will refer back to the minutes.

Mayor Briare: Now is a good time to re-establish a policy, or change it -

Commissioner Christensen: I think this has been misunderstood many times . . . I've almost given up trying to get the information by any other way than just going around and ask everybody. It's one of these things that, to me, seems to be very simple to accompany the proposed Bill with a little slip that says: John Doe requests this ordinance because of such-and-such.

Mayor Briare: That should be the rule of this Board, if we wish to adopt it, that anyone wanting a new ordinance should address himself to the City Manager's office. Then the City Manager should issue some kind of a little memo - a short description to each member of this Commission. Then if any member of this Commission wishes that Bill to be introduced, then he can notify the City Manager that that would be the desire of Commissioner Christensen - or the request of Commissioner Leavitt - that Bill No. 76-5 is hereby submitted.

Commissioner Leavitt: I don't think it should appear on the agenda until at least one Commissioner has requested it.

NEW BILLS  
(continued)

Commissioner Christensen: It looks to me like the City Attorney shouldn't draft a new Bill unless he knows who requested it and why it is being requested.

Mr. Lovell: I think what we will do for you - unless you want notice in advance that an ordinance is being prepared - what we'll do, once we get the approval of the City Manager's office that you have requested, or someone else has requested - when we get this thing drafted we will Xerox a copy of that pink slip. I think that probably would be the easiest way to do it.

Commissioner Christensen: I don't think the pink slip is going to give us the information, because the pink slip never tells us why the request is being made, and I think that is just as important as who is requesting it.

Commissioner Lurie: Let me clarify something - I think I signed these pink slips when the Mayor was out of town at the request of the Beautification Committee, and now they can go to a Study Committee. That's how they got on here.

Mayor Briare: In any event, whatever we've got on our agenda today, we can dispose of one way or the other. But, in the future, is this then the ruling of the Board - that anybody that wants an ordinance can submit, in writing, to the City Manager. And then the City Manager can circulate a memo of some sort amongst the members of the City Commission. If a member, or several members of the City Commission would wish to sponsor that particular ordinance, they would notify the City Manager. At that time the City Manager would make a request of the City Attorney's office - give them the information he has so far, and then somebody in the City Attorney's office can contact that sponsoring Commissioner and be a little more specific as to what exactly he wants the ordinance to do, and be able to give us some good legal advice on how we should go about it. Does that sound like a reasonable procedure?

Commissioner Lurie: It sounds like the Legislature -

Mr. Lovell: For the benefit of Commissioner Christensen, who is going to write up an explanation of the need for this thing? The person who wants it - the sponsor - or the City Manager?

Commissioner Christensen: It would be very simple to indicate - let's take an example of one of these ordinances that have to do with massage parlors or escort bureaus - it would be very simple, on the slip, to say - this is an ordinance regulating massage parlors requested by Commissioner Lurie which would take away the provision that we have to require 225 hours of training. OK - now I know what the ordinance is about and who requested it. Then I can go to the sponsor and say - why do you want to remove that? He gives me his reason, and I go for that but I can't go for it - or we can discuss it - or we can possibly amend it. But it seems to me like an awful waste of time to print an ordinance some 30 pages long that we're going to amend because somebody has never seen it until we've printed the 30 pages.

Mayor Briare: Do you feel that the manner I have suggested, Commissioner Christensen, would probably effect what you have in mind?

Commissioner Christensen: You can talk to the American Press - I think there's an old saying, when they write a story it's based on who, what, when and where, or something like that. When I look at a proposed ordinance, that's exactly what goes through my mind - who wants it, and why. If you can answer those two questions, you can decide whether or not you're going to vote on the ordinance.

Commissioner Lurie: Haven't you ever requested any new ordinances?

NEW BILLS  
(continued)

R e f e r r e d

BILL No. 76-7  
Referred

Commissioner Christensen: I've requested two ordinances in the last year and haven't seen either one of them yet.

Mayor Briare: OK - now that the policy has been established, the Bills relative to signs - that would be Bills Nos. 76-5 and 76-6, will be referred to a Committee consisting of Commissioner Lurie and Mayor Briare.

ANIMALS IN PUBLIC PARK

Mayor Briare: This Bill will be referred to a Committee consisting of the introducer, Commissioner Lurie, and Commissioner Leavitt.

BILL No. 75-13  
Adopted

BILL No. 75-13 - ORDINANCE No. 1803  
AN ORDINANCE TO AMEND THE MAJOR STREET PLAN BY DELETING  
THEREFROM "H" STREET FROM CAREY AVENUE TO LAKE MEAD BLVD.  
Committee: Commissioners Woofter and Lurie

Published by Title 1/13/76 L.V. REVIEW-JOURNAL

Bill No. 75-13 moved out of Committee favorably.

A Bill entitled: "BILL No. 75-13, ORDINANCE No. 1803 - AN ORDINANCE TO AMEND MAJOR STREET PLAN MAP ADOPTED BY ORDINANCE No. 1537 ON OCTOBER 6, 1971, BY DELETING THEREFROM "H" STREET FROM CAREY AVENUE TO LAKE MEAD BOULEVARD; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the City Attorney. (2nd Reading)

Commissioner Lurie moved that Bill No. 75-13 - Ordinance No. 1803, be ADOPTED, and the Clerk authorized to proceed with the 2nd publication, by Title, of said Ordinance No. 1803.

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

BILL No. 75-16  
Adopted

BILL No. 75-16 - ORDINANCE No. 1802  
ANNEXATION ORDINANCE - ANNEXATION A-1-75  
Committee: Commissioners Woofter and Lurie

Bill No. 75-16 moved out of Committee favorably.

A Bill entitled: "BILL No. 75-16 - ORDINANCE No. 1802 AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO AND MAKE A PART OF SAID CITY, CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES AND REGULATIONS IN FORCE IN SAID CITY; ORDERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO" was read by Title by the City Attorney. (2nd Reading)

Commissioner Woofter moved that Bill No. 75-16, Ordinance No. 1802, be ADOPTED and the Clerk authorized to proceed with the second publication, by Title, of said Ordinance No. 1802.

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

BILL No. 76-3  
Adopted

BILL No. 76-3 - ORDINANCE No. 1804  
AN ORDINANCE LEVYING ASSESSMENTS FOR SPECIAL IMPROVEMENT  
DISTRICT No. 493 AND CONFIRMING PROCEEDINGS HERETOFORE  
TAKEN IN PROVIDING FOR THE IMPROVEMENTS WITHIN SID No. 492  
Committee: Commissioners Leavitt and Christensen

Published by Title 1/26/76 L.V. REVIEW-JOURNAL

Bill No. 76-e - Ordinance No. 1804, moved out of  
Committee favorably.

A Bill entitled: "BILL No. 76-3 - ORDINANCE No. 1804 -  
AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN  
PROVIDING FOR CERTAIN STREET IMPROVEMENTS WITHIN LAS VEGAS,  
NEVADA, SPECIAL IMPROVEMENT DISTRICT No. 493; PROVIDING FOR  
THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS;  
ASSESSING THE COSTS AND EXPENSES OF SAID IMPROVEMENTS AGAINST  
THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SAID  
IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND  
PAYMENT OF SAID ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT  
PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTIONS  
PREVIOUSLY TAKEN BY THE BOARD OF COMMISSIONERS AND THE  
OFFICERS OF SAID CITY DIRECTED TOWARD THE INSTALLATION OF  
SAID IMPROVEMENTS IN SAID DISTRICT AND PRESCRIBING DETAILS  
IN CONNECTION THEREWITH, AND OTHER MATTERS RELATING THERETO"  
was read by Title by the City Attorney. (2nd Reading)

Commissioner Lurie moved that Bill No. 76-3,  
Ordinance No. 1804, be ADOPTED, and the Clerk  
authorized to proceed with the second publication,  
by Title, of said Ordinance No. 1804.

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

BILL No. 75-15  
1st Reading and  
Referred

Bill entitled: "BILL No. 75-15 - ORDINANCE No.  
AN ORDINANCE TO AMEND TITLE V, CHAPTER 18, SECTION 17(A) OF  
THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960  
EDITION, BY ADDING A NEW SUB-SECTION 5 THERETO, PROVIDING  
FOR AN EXEMPTION FROM THE POPULATION LIMITATION ON LIQUOR  
LICENSES FOR CERTAIN COMMERCIAL ESTABLISHMENTS HAVING A  
MINIMUM AMOUNT OF INVESTED CAPITAL AND IMPROVEMENTS;  
PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND  
REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN  
CONFLICT THEREWITH: was read by Title by the City Attorney,  
who recommended that it be referred to Committee and the  
Clerk authorized to proceed with the 1st publication, by  
Title, of said Bill No. 75-15. (1st reading)

R e f e r r e d

Mayor Briare appointed Commissioners Woofter and Lurie  
as the Committee for Recommendation on Bill No. 75-15.

MESSAGE PARLOR  
EXAMINING BOARD

Mayor Briare: Commissioner Christensen, do you have anything  
on establishing a Massage Parlor Examining Board?

Commissioner Christensen: This isn't an Ordinance yet, is it?

Commissioner Lurie: No - what this was to take a look at the  
County's -

Commissioner Christensen: It was our request to look at the  
County's Massage Ordinance and see if we couldn't incorporate  
it -

Mr. Lovell: Mr. Len Smith of the City Attorney's office is  
here and he has been talking with the Vice Division of Metro,  
as well as the County - if you would like a report from him.

Commissioner Christensen: I would like to hear his report.

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Minutes  
Regular Meeting  
City Commission  
February 4, 1976

MESSAGE PARLOR  
EXAMINING BOARD  
(continued)

Deputy City Attorney, Len Smith: Commissioners, we discussed this upstairs for a while - I was able to secure a copy of that Ordinance that creates the Massage Board for the County. It frightens me a little, to tell you the truth. I think some of the provisions in there are a little weak, at best.

The Board is made up of eight (8) members; five (5) of whom would probably be well suited to sit on such a Board; three (3) of whom are laymen and have, as far as I can tell, no qualifications whatsoever to sit in judgment on a Massage Parlor Board, or some such Board.

I have talked to Mr. Close who has expressed a great enthusiasm to get together on a joint City/County Board. I think it is probably a workable concept, but before it is workable we ought to sit down with the County on their Ordinance and recommend some changes so that we don't create some sort of Board that is immediately ruled unconstitutional. It would just be spinning our wheels.

If we can reach a meeting of minds on some of those provisions -

Commissioner Christensen: What would be the effect if we amended our Ordinance to include the Massage Parlor Board and picked up their five qualified members - even if we had a 5-member Board maybe we would still have the cohesiveness between the two Boards.

Mr. Smith: We could draw up our own ordinance and make certain improvements in what I feel their ordinance is lacking, and use their people. I don't see anything wrong with that. If we use it the way it is now and it was consequently found unconstitutional, what would happen is that we would just revert back to the old Massage Parlor Ordinance without that provision in there.

M o t i o n

Commissioner Lurie: Mayor, I would move that the City Attorney's office be instructed to amend our Ordinance to include the Massage Board.

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

Commissioner Lurie: Also, have a pink slip signed on that so there is no question as to how it originated -

Mr. Trelease: Will you need a pink slip on this proposed amendment?

Commissioner Christensen: No - I think we know what and why and everything -

BICENTENNIAL  
PROJECT -  
FIRE HYDRANTS

Mayor Briare: The Painting of Fire Hydrants Project was introduced by Commission Lurie as a Bicentennial Project. Commissioner Lurie, do you have a report on this?

Commissioner Lurie: I've been waiting for the City Attorney's office - they were going to draft an Agreement to be signed by those individuals who would like to participate in having a Fire Hydrant painted - to follow certain conditions. I don't know if that Agreement is ready yet. One of the conditions was that they repaint the Fire Hydrant after the Bicentennial Year is over. Do you know if that Agreement has been prepared, Mr. Lovell?

Mr. Lovell: No, I don't - I'll find out what the status is -

BILL No. 76-4

BILL No. 76-4 - AMENDING TITLE V, CHAPTER 23 OF THE CITY CODE  
re ESCORT BUREAUS

Committee: Commissioners Leavitt and Christensen

Mayor Briare: Do you have a report on Bill No. 76-4, Commissioner Leavitt?

Mr. Lovell: Again, we have Mr. Smith from our office here who has talked with Metro, and others, regarding the reasons for the possible changes in this Escort Ordinance.

Len Smith: This Ordinance is a re-draft of the Ordinance that was passed some time ago. I went through this, and there were certain provisions in the Ordinance as it exists right now that I felt could be questioned in Court. There is really no reason why we should have them in there and this Ordinance deletes those particular provisions.

There were also things that were missing from the other Ordinance that should have been in it - mainly, Sections that would bring the existing Escort Services under this Ordinance. It wasn't written into the last one - so we added provisions on that.

We added qualifications for even applying for Escort Licenses and redefined the criminal offenses that would prohibit it. We added thereto the requirements of the application, which essentially are the same as the Massage Parlor Ordinance - then we can use the same applications for both.

We added provisions for advertising and we added time limits for filing these applications in this Ordinance - so it should be in pretty good shape.

Mayor Briare: Have you reviewed the material that came from Ila Britt's office of educational requirements - correspondence - etc., from that School over in Southern California?

Mr. Smith: No - I haven't seen that yet, Mayor.

Mayor Briare: Mr. Crow, would you be sure that Mr. Smith gets all that information? There is really a great deal of information there that would indicate that that School down there is just no more of a School than anything - there is a total lack of creditability.

Commissioner Christensen: Does this Escort Ordinance change the requirements that once they meet certain requirements, we must issue the License? Or does it leave the discretion to the Board?

Mr. Smith: It does not change that requirement. If the standards are met under the Ordinance, it is not a discretionary function - it is a mandatory function.

Commissioner Christensen: Why can't you make it discretionary?

Mr. Smith: It would probably invalidate the entire Ordinance.

Commissioner Leavitt: Mr. Mayor, I would recommend that this Ordinance be read by Title and referred to a Recommending Committee.

A Bill entitled: "BILL No. 76-4 - ORDINANCE No. AN ORDINANCE TO AMEND TITLE V, CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING THERETO CERTAIN PROVISIONS RELATING TO ESCORT BUREAUS, ESCORTS, AND ESCORT BUREAU RUNNERS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO, PROVIDING PENALTIES FOR THE VIOLATION HEREOF AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the City Attorney, who recommended that it be referred to Committee and the Clerk authorized to proceed with the first publication, by Title, of said Bill No. 76-4. (1st Reading)

CULTURAL ART  
CENTER - CITY/  
COUNTY EFFORT

Mayor Briare appointed Commissioners Leavitt and Christensen as the Committee for Recommendation on Bill No. 76-4.

Mayor Briare: Gentlemen, there is one other thing I would like to bring up. I am going to appoint a Committee consisting of Commissioner Lurie and Commissioner Christensen to approach the County Commission with the hope that they perhaps would appoint two of their members, to serve on a Committee to try to discover ways and means of participating on an equal basis - or something close thereto - relating to a Cultural Arts Center complex.

Because you both have agreed to serve on this Committee - the time element is extremely tight because should the City and County agree to go to a Bond Issue, and if it should be suggested that that Bond Issue might be taken up at the Presidential Preference Primaries in May, I am advised that you have to move awfully fast in order to have this put on the ballot, which is in the process of being designed and almost at the printshop now.

Furthermore, I have talked with Hal Smith with the Consulting Firm of Burroughs & Smith Company, and he is doing some work you might want to talk about relative to some of the requirements and some of the legalities involved. So, Commissioner Lurie, you're the Chairman of that Committee - since time is of great essence, I'm sure you will be guided accordingly.

Commissioner Lurie: I will, Mayor. I will try to contact the Chairman of the County Commission and set up a meeting with them this week. I personally feel that with Consolidation that the County should participate with us. I have talked to some of the members and I think the idea could become a reality, because some of those I talked to feel that we need a Cultural Arts Center and since it is going to be used by everyone in the community - the City and County have participated in the Potosky League of the gymnasium and the Sr. Citizens Center - there's no reason why we can't get together and participate in a Cultural Arts Center. If they feel the same about this as we do, we may be able to get this thing off the ground.

CITY COMMISSION  
AGENDA FOLDERS

Mayor Briare: Before we get to the Citizen's Participation portion of the agenda, I have marked on my agenda something to be added in here - to comment to the members of the Board - as you well know, today is the first time we've used these books that you have before us for hopefully an easier method of handling the agenda - notwithstanding the long hours we put in this morning which wouldn't seem that any kind of an agenda design would speed that up - but I would like to commend Edwina Cole on designing this agenda and you can enter into the minutes that you officially have the gratitude of the Board for the hard work you've put into this. It is very nicely done. You have again demonstrated your very great proficiency and good judgment in design work.

PROSTITUTION IN  
THE DOWNTOWN AREA

Commissioner Lurie: Mayor, I have one other thing and I really don't know how the Commission can resolve this problem.

I have been contacted since I've been on the Committee to improve the Downtown area - I've been contacted by a lot of the businesses and some of the motel owners in the Downtown area in the general areas of 5th, 7th and 8th Streets - who are concerned about the amount of prostitution and soliciting going on in the streets.

I would like the Board's recommendation on what procedures we can take to try and help these people in eliminating some of these problems, because it is getting worse - it is not getting any better with these people who are working the streets. There

PROSTITUTION  
(continued)

has to be some solution. I think we should try to work with them and eliminate their problems. Maybe the City Attorney has some recommendations - maybe some meetings could be set up with Metro and with the Judges. I think we have to start enforcing some of these laws to eliminate this type of problem we are having on our Downtown streets. Do you have any thoughts on this, Mr. Lovell?

Mayor Briare : I know two things right off, Commissioner, that would help solve the problem - maybe we ought to send a memorandum or something over to the Municipal Courts and indicate that some of these cases should have a little higher priority - instead of being thrown in the bucket for a while - it seems that when they come in - we are following some - you will remember, Mr. Lovell, there are about five or six arrests that we're following on a calendar basis - where they come in - they are booked, etc., and then they don't come to trial for six months - eight months - and then after that by then everybody doesn't seem to care any more.

I doubt if there's a way that this Board could pass a Resolution to the Municipal Judges and say - please, give these poor creatures a little priority - get them into Court - get them into trial - let them have their day in Court but don't give them - they probably have arrest on top of arrest by the time they ever come to trial.

Mr. Lovell: The District Attorney's office, a year ago, and just last Wednesday, or Thursday - all of the Judges and our office got together at lunch time for discussion regarding - after a "guilty" finding that incarceration be had as opposed to a \$50.00 or \$100.00 fine, because the only thing that stops these people, and scares them to death, is jail.

We could not get any commitment out of the Judges for that, but we indicated to them that we would continue to not only talk to them, but to try to show them, that the only thing that is going to scare these people away, or stop them, is if they are going to be thrown in jail - that's it. Fines mean nothing because it is economically advantageous to some of these people to get fined to get back out there to make more. We've tried to convince them of this.

In addition to that - and I might add that as far as for them to have their day in Court - with this new Department 3 we are having at least twelve (12) trials a day, which is 240 a month. In other words, we have increased from 500+ to over 700 trials a month - last month - because of Department 3, so the schedule from arraignment date to trial is coming down and hopefully it will be no more than 60 days.

However, let me say one more thing. I keep saying - I've put it in writing on several occasions too - your frustrations and concerns here have to do with enforcement. You are the Law-makers and Metro the Law-enforcers. They indicate to us that with their budgets that their Vice and Narcotics Bureau is severely under-staffed. And, as a result, the number of people in Vice to cover the entire City and County is so in need of additional manpower, that they cannot take care of Massage Parlors, Escort Bureaus, Adult-oriented Book Stores and Theatres and prostitution on a full time basis, as I have requested, in writing, from them and that you have requested as well.

So, regardless of what the Judges are going to be willing to do

PROSTITUTION  
(continued)

and regardless of how many laws you pass, unless Law Enforcement will be able to utilize its manpower in sufficient numbers to do the enforcement necessary, you won't even get them into Court.

Commissioner Woofter: Commissioner Lurie and I have been talking about this too - that's only one stage. Say your Municipal Court Judge is orientated to giving the jail sentence. That doesn't mean they are going to get the jail sentence. The Defense Attorney is going to appeal that to the District Court - and there you go again - whether the District Court Judges are susceptible to giving jail sentences - as well as the delay occasioned by the appeal system. You're going to have to revamp the whole Judicial System to really get swift justice.

Mr. Lovell: From the Law-makers - the City Commission - to Law-enforcement in the field, through the Judicial System - there's got to be a big revamping of priorities and utilization of manpower - otherwise the trend is going to continue as it has - to your frustration and mine, because we deal with it every day. You say you want to clean up 5th, 6th and 8th Streets - can you get an Officer out of Metro down there - because maybe he's making a "bust" on narcotics. So they are shifting - and don't get me wrong - Vice & Narcotics are already flooded with requests from all types of agencies and all those in the City and County - and the other cities in the Valley - they are doing one Hell of a Job - the problem is - getting to it and the priorities shifting from day to day. So it's something that has to be considered very soon. Otherwise the end results that you want and the end result that we want will be frustrated because we can't get them in Court and then the influence upon the Judges to consider their punishment has to be constant also.

I don't know if I've answered your question - I'm not sure that a Resolution is necessary - just a constant reminder and suggestions to the Judges.

Mayor Briare: Is there anything else to come before the Board at this time?

(No response)


Mayor Briare: Very well, this Board will now be in recess until February 10, 1976 at the hour of 9:00 a.m.

Meeting Recessed at the hour of 4:15 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 on the 5<sup>th</sup> Day of May 1976.