

M I N U T E S

Las Vegas, Nevada
February 18, 1976

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 18th day of February, 1976, was called to order by His Honor, Mayor William H. Briare, at the hour of 7:00 p.m., with the following members present:

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

STAFF
PRESENT

City Manager	A. R. Trelease
City Attorney	Carl E. Lovell, Jr.
Director of Dept. of Community Development	Donald J. Saylor
Director of Dept. of Finance	Marvin A. Leavitt
Fire Chief	J. D. Miller
Director of Dept. of License & Revenue	Ila M. Britt
Metro Police, SID	Sgt. J. Ashenfelter
Director of Dept. of Personnel	J. Robt McPherson
Director of Division of Purchasing & Contracts	J. C. Cathcart
Director of Dept. of Public Works	Laurence Hampton
City Clerk	Edwina M. Cole

Mayor Briare: Ladies and Gentlemen, this is the regular meeting of the Las Vegas City Board of Commissioners. We welcome you. We are going to have the Invocation tonight by Rev. Ted I. Kerber of the Las Vegas Rescue Mission, following which please remain standing for the Pledge of Allegiance.

INVOCATION

Rev. Kerber: "Shall we Pray. Our God and Our Father, indeed we Thank and Praise You for this hour that have brought us together tonight. Father, we are Thankful that although You are the God of the Universe, You are still concerned with the affairs of men. And, God, we bring before You tonight this Board of Commissioners and we Pray for clear minds and steady hands and straight thinking tonight that the affairs of the City might be carried on in a gentlemanly way. Father, we would ask that You meet every need represented here tonight. Thus we Pray for this meeting Thy Glory and Honor, in Jesus Precious Name we Pray. Amen."

PLEDGE OF
ALLEGIANCE

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

Mayor Briare: Ladies and Gentlemen and the young people here who probably have not attended one of our meetings before, we are delighted to have you, but I want to make one point clear right now. We have a lot of business to take care of and we are going to ask that you give us your undivided attention. If you feel you cannot give us your undivided attention, then I think any discussions you want to have would best be had outside so we can continue with the very important business before us tonight. We sincerely appreciate your consideration in this matter.

D I V I S I O N O F P U R C H A S I N G & C O N T R A C T S

J. C. CATHCART, DIRECTOR

See Page 3 of these Minutes (Annotated Agenda)

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

MARVIN A. LEAVITT, DIRECTOR

See Page 4 of these Minutes (Annotated Agenda)

PURCHASE OF
EQUIPMENT -
CETA
Denied

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

Mayor Briare: Is Mr. Lipitt in the audience?

(No response)

Mr. Leavitt: This is a request by CETA for \$10,000.00 of Revenue Sharing Funds to use for the purpose of purchasing copy equipment.

May I make one comment with regards to the whole Budgetary situation right now insofar as any recommendation that I might have. During this past week we have trimmed from the regular City Budget about \$1,350,000.00 and, based on this, it is extremely difficult at this point to add any type of additional expenditures. So I feel that I myself, at least, cannot recommend - based on the Budgetary situation - any additional expenditures that we can possibly forego.

I don't feel that I, at this point in time, can recommend this expenditure - at least from a Budgetary standpoint.

Commissioner Lurie: I hope that is not your thinking on the next item also.

Mayor Briare: What is the pleasure of the Board?

M o t i o n

Commissioner Woofter: I move to deny the request.

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

ITEM	COMMISSION ACTION	DEPARTMENT ACTION
<p>I. <u>PURCHASING AND CONTRACTS DIVISION</u> <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> <p>1. Bid #76.3 - Reflectorized Sign Materials (Public Works)</p>	<p>Approved as recommended Lurie - unanimous</p>	<p>Director of Purchasing & Contracts authorized to proceed</p>
<p>*B. <u>PERMISSION TO RECEIVE BIDS</u></p> <p>1. Aluminum Sign Blanks, Various Sizes (Public Works)</p> <p>2. Las Vegas Animal Shelter Paving and Drainage Correction (Public Works)</p> <p>3. 100 Each Traffic Barricades Type II - Replacements (Public Works)</p> <p>4. Replacement Traffic Signal Lamps (Public Works)</p> <p>5. 12" Storm Drain - Commerce to Main St., in the Vicinity of St. Louis Ave. (Public Works)</p>	<p>Items 1 thru 5 Approved as recommended Lurie - unanimous</p>	<p>Same as above</p>

ADDITIONAL FUNDING
TO METRO POLICE
Abeyance

\$60,000.00 ADDITIONAL FUNDING TO ENABLE LVMPD TO HIRE
ADDITIONAL PERSONNEL TO ASSIST IN RESTRAINING VICE RELATED
ACTIVITIES IN THE DOWNTOWN AREA

Mr. Leavitt: On this item, of course, the same Budgetary constraints apply. However, of course, it's a matter of discretion on the part of the Commission whether they would rather have the money spent in this fashion and whether we cut another \$60,000.00 out of the Budget. Right now, even cutting \$1,350,000.00 out of the Budget we're coming up with an ending balance of only about \$100,000.00. So it's a matter that something else be cut if this is approved.

Commissioner Lurie: I'd like to speak on this since I requested it - that this \$60,000.00 additional funding be granted to the Metropolitan Police Department in helping the City with its problems we are having in the Downtown area concerning prostitutes and adult-oriented businesses such as Book Stores, Massage Parlors, Escort Services, Jam Auctions.

The Metropolitan Police Department if requested, would out four (4) people assigned to the License Department and the City Attorney's office to help us in this problem. I believe it is necessary that we spend this extra money to supplement the Police Department's budget so that we might clean up the Downtown area and make it more presentable for those people who frequent the Downtown area.

Commissioner Leavitt: What kind of assurance do you have that this is what those people would be used for inasmuch as the City doesn't have a representative on the Metropolitan Police Commission any more?

Commissioner Lurie: I have discussed this just this afternoon with Undersheriff Jacka and he assures me that these people will be assigned to a specific duty working with the License Department and the City Attorney's office. I believe I can accept his word that these people will be designated for those specific duties.

Commissioner Leavitt: Who is going to have the control? Who is going to control these Officers? Is that going to be out of the Metropolitan Police Department, or the City Attorney's office or the License Department? It's still going to be under the Metropolitan Police, but who is going to determine what they do - where they go and this sort of thing.

Commissioner Lurie: It would all be regulated through the Metropolitan Police Department and its Vice Division.

Commissioner Leavitt: It would be concentrated in the Downtown area - is that correct?

Commissioner Lurie: That is correct -

Commissioner Leavitt: I'd like to hear a little more about our Budget situation on this. Mr. Leavitt, you indicated earlier that there is no money available - is that right?

Marvin Leavitt: That's right unless we cut out expenditures in some other place. I would like to make a comment - we've cut over \$1,300,000.00 from the Budget and, of course, it's difficult . . .

Commissioner Leavitt: Since when?

Marvin Leavitt: Since we presented the original Budget about two weeks ago -

Commissioner Leavitt: That's for the next Fiscal?

ADDITIONAL FUNDING
TO METRO POLICE
Abeyance
(continued)

Marvin Leavitt: That's right - we're talking about the next Fiscal Year.. We've cut that much from it and any more cuts as we get further and further down the line, of course, become more and more difficult to bear. In fact, right now we're at the point where it is going to be very, very difficult to administer the Budget and stay within that limit next year.

Commissioner Leavitt: I understand this request is for now.

Commissioner Lurie: That's right, it is for now. When Mr. Leavitt gets finished I'd like to refer to a memo that the City Attorney gave me before the meeting that might answer some of the other questions as to why we need these people to work with us.

Commissioner Leavitt: This \$60,000.00 would be used between now and the end of this Fiscal Year -

Marvin Leavitt: Of course, as far as our financial condition is concerned, it really doesn't make any difference whether it's used between now and the end of next year except, of course, if the expense is going to continue next year we're going to have to continue the additional. But whether I take the money and have it in the Fund Balance on June 30th, or spend it next year, the money is still gone.

Commissioner Leavitt: The way I understood this thing is that the \$60,000.00 would be used between now and the end of the Fiscal Year - to hire Police Officers for that Downtown area until the end of the Fiscal Year -

Commissioner Lurie: Part of it would come out of this year's Budget and part of it would come out of next year's Budget - the 1976-77 Budget.

Commissioner Woofter: My question is - here we get back to the area of priorities - and I certainly sympathize with Commissioner Lurie and the situation that exists Downtown, but if we are going to grant a little more funding for the Police Department - I can recall when I was District Attorney that there were three cars patrolling a certain cocktail lounge that was a hangout for hookers, and right down the street a 7-Eleven Store was being robbed and there was no patrol car in that area.

My question is - we're going to allot more money to the Metro - as far as my priority is concerned, I'd rather have a patrol car patrolling areas where these robberies keep occurring. There is no question but that the Board is very aware that there are four or five robberies going on of 7-Eleven Stores, Cocktail Lounges - on down the line. If we're going to allot some money I think we ought to consider where is the highest priority - where is the biggest rip-offs going on - the robberies or the hookers downtown.

Commissioner Lurie: I have spent nights out with the Metro, as well as Commissioner Christensen, touring the City and I have to say these people are doing an excellent job with the manpower they have - and there's not an area in Las Vegas or Clark County that doesn't have the proper patrol - all areas are well patrolled.

Commissioner Leavitt: Mr. Mayor, I wonder if we could hold this matter until our next meeting because I would like to have Undersheriff Jacka come to our next meeting so I could ask him some questions as to what these Officers would be doing.

Mayor Briare: If there are no objections to this, we will so rule.

ADDITIONAL FUNDING
TO METRO POLICE
(continued)

Commissioner Christensen: I think in all due respect we should request the Sheriff to send whoever he pleases - he may want to have Undersheriff Jacka here too.

Mayor Briare: That will be the order but I think we might also extend an invitation to the Chairman of the Police Commission

Marvin A. Leavitt: That's all I have, Your Honor.

M I N U T E S

See Page 8 of these Minutes (Annotated Agenda)

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

ILA M. BRITT, DIRECTOR

See Pages 9 thru 15 of these Minutes (Annotated Agenda)

LIQUOR & GAMING -
NEW

**FOXY'S FIREHOUSE CASINO
2423 Las Vegas Blvd., South
GENERAL LIQUOR

*GAMING: 150 Slots
4 "21" Games

Foxy's Jackpot City, Inc.	
Donald S. Gilday, Pres.	25%
Mike V. Stober, VP	25%
Earl Wilson, Treas.	25%
Melvin Wolzinger, Secy.	25%

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

* Subject to final approval by the State Gaming Commission

Mayor Briare: Mr. Gilday would you come forth, please?

Commissioner Lurie: My question is - in my Confidential Report I didn't have a complete investigation. I would like him to answer why we have an incomplete file and why for that reason it is on the agenda.

Attorney Jay Brown: May I respond to that? For the record, Mr. Mayor and Members of the Commission, my name is Jay Brown and I am here this evening on behalf of this application.

Last Wednesday the Nevada Gaming Control Board unanimously approved the application. This is now on the State agenda

ITEM

Commission Action

Department Action

III. MINUTES

- A. SPECIAL MEETING - JANUARY 21, 1976
- B. REGULAR MEETING - JANUARY 21, 1976
- C. REGULAR MEETING - JANUARY 7, 1976
- D. REGULAR MEETING - NOVEMBER 19, 1975
- E. RECESSED REGULAR MEETING - JAN. 12, 1976

Items A thru E
Approved by
Reference
Lurie - unanimous

Mayor and Clerk
authorized
to sign

ITEM

Commission Action

Department Action

IV. DEPARTMENT OF LICENSE & REVENUE

ILA M. BRITT, DIRECTOR

*CONSENT AGENDA

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

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

1. GORMAN HIGH SCHOOL, BOOSTER CLUB -- admission tickets for a bingo party/raffle tickets
2. NICHIREN SHOSHU ACADEMY -- tickets to the movie "Human Revolution"
3. LAS VEGAS AREA COUNCIL, CAMP FIRE GIRLS, INC. -- annual candy sale
4. REX BELL P.T.A. -- a school carnival
5. SWEET ADELINES, INC., LAS VEGAS CHAPTER -- tickets to the annual "Greatest Show on Earth"
6. TEMPLE BETH SHOLOM SISTERHOOD -- raffle tickets; tickets to the annual fashion show
7. KAPPA ALPHA PSI FRATERNITY - tickets to the 2nd annual Sweetheart Ball
8. WEST CHARLESTON LIONS CLUB - general solicitations by mail and personal contact
9. NEVADA AFFILIATE, AMERICAN HEART ASSN, CLARK COUNTY -- annual Heart Sunday drive; business drive; special gift mailings; fashion show and luncheon; cyclethon
10. GAMMA PHI DELTA SORORITY, INC., ALPHA RHO CHAPTER -- tickets to the annual Ebony Fashion Fair
11. SOUTHERN NEVADA BOWLING ASSOCIATION, INC. -- raffle tickets

Items 1 thru 16
 Approved as
 recommended
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

ITEM

Commission Action

Department Action

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

*A. CHARITABLE SOLICITATIONS PERMITS
 (cont'd)

See Page 5

See Page 5

12. AMERICAN BUSINESS WOMEN'S
 ASSOCIATION, DRIFTING DUNES
 CHAPTER -- raffle tickets

13. BETA SIGMA PHI SORORITY, XI
 PI CHAPTER -- a bingo party

14. METRO CROSSING GUARDS --
 raffle tickets

15. DELTA SIGMA THETA SORORITY -
 tickets to a repeat perfor-
 mance of the Black Assembly

16. BASIC HIGH SCHOOL USHERETTES
 sale of advertising in a
 program for a wrestling
 tournament

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

1. DENISE GRACE
 1804 Valley View
 Family Child Care Home - New
 Five (5) children days

Approved as
 recommended
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

*C. GAMING -- Additional

Items 1 thru 11
 Approved
 as submitted
 L - unanimous

Same as above

1. TWO-ONE-NINE CORPORATION
 Lotus Inn Casino
 1213 Las Vegas Blvd South
 2 slots

Commissioner Leavitt
 abstained on
 Item No. 4

2. PANORAMA MARKETS, INC.
 Panorama Market
 4101 West Charleston Blvd
 1 slot

Commissioner Lurie
 abstained on
 Item No. 6

3. PET-CHAR CORP.
 Foodland Market
 1500 East Fremont Street
 2 slots

4. JOHN D. GAUGHAN et al
 California Hotel/Casino
 12 East Ogden
 21 slots

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 Minutes
 Regular Meeting
 City Commission
 February 18, 1976

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

*C. GAMING -- Additional (cont'd)

See Page 6

See Page 6

- | | | |
|--|--|--|
| 5. E. G. & H., INC.

Las Vegas Club
18 East Fremont Street
4 slots | | |
| 6. DISCOUNT SLOTS, INC.

Discount Slots
1501 North Decatur Blvd
2 slots | | |
| 7. UNITED COIN MACHINE CO.

Trophy Room
1440 Las Vegas Blvd South
1 slot

Thaddeus Thudpucker
5100 West Charleston Blvd
1 slot | | |
| 8. AUTOMATIC AMUSEMENTS OF LV

Lady Luck Casino
206 North 3rd Street
4 slots | | |
| 9. ALSTATE COIN MACHINE CO.

Larry's Rancho Villa
2401-A West Bonanza Road
1 slot | | |
| 10. ROMAN INDUSTRIES, INC

Golden Nugget
129 East Fremont Street
1 slot | | |
| 11. MARLAN, INC.

Shifty's Cocktail Lounge
3805 West Sahara Avenue
5 slots | | |

ITEM

Commission Action

Department Action

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

*D. RETAIL TOBACCO -- Additional

1. TERRY'S VENDING
 Shell Inn
 312 North Eastern

Approved
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

E. LIQUOR -- Change of Location

1. D'ANGELO'S BAR SUPPLY
 From: 3111-N So Valley View
 To: 4180 South Jones
 Keg Beer/Home Delivery
 Albert D'Angelo, 100%

Approved
 Lurie - unanimous

Same as above

F. LIQUOR -- New

1. FORTUNATO'S
 106 Las Vegas Blvd South
 Restaurant Beverage
 Frank L./Phyllis R. Doyon

Approved
 Lurie - unanimous

Same as above

G. LIQUOR & GAMING -- New

1. **FOXY'S FIREHOUSE CASINO
 2423 Las Vegas Blvd South
 General Liquor
 *Gaming: 150 slots
 4 - "21" games
 Foxy's Jackpot City, Inc. -
 Donald S. Gilday, Pres 25%
 Mike V. Stober, VP 25%
 Earl Wilson, Treas 25%
 Melvin Wolzinger, Secy 25%

Approved
 subject to
 conditions (without
 prejudice)
 Leavitt
 Commissioners Lurie
 and Woofter voted
 "no"

Same as above

*Subject to final approval by the
 State Gaming Commission

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

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

H. LIQUOR -- Requests for Extension of Closure

1. DAVID'S PLACE
 2127 West Charleston Blvd
 Supper Club

 David I. Silverman

 (Closed 1-12-76. Request for extension of inactive status: 3-5-76 thru 5-3-76.)

2. BOTTLE COLLECTORS LIQUOR SHOP
 1328 Las Vegas Blvd South
 General Liquor

 John R. Horsley

 (Closed 8-25-75 as Copper Penny. Extension for 10-24-75 thru 12-22-75 apprd 10-15-75; extension for 12-23-75 thru 2-20-76 apprd 12-22-75. Request for an extension of inactive status: 2-21-76 thru 4-20-76.)

Items 1 and 2
 Approved
 Lurie - unanimous

Director of Lic. & Rev. authorized to proceed

I. ASTROLOGER -- New

1. CHERIE McLAUGHLIN
 1111 Las Vegas Blvd South,
 Suite 205

Approved
 Lurie - unanimous

Same as above

J. M-7 BUSINESS LICENSE APPLICATIONS

1. C.I.S. CO. (Carr's Insurance Survey Company)
 2933 Industrial Road

 Clifford R. Carr

 Insurance surveys.

2. LAS VEGAS RENTALS
 2315 Las Vegas Blvd So, #11

 Alan Pypkowski

 Rental agency - referrals for rental of apartments, houses, duplexes, etc.

Items 1 thru 4
 Approved
 Lurie - unanimous

Same as above

ITEM

Commission Action

Department Action

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

J. M-7 BUSINESS LICENSE APPLICATIONS
 (cont'd)

See Page 9

See Page 9

3. AUTO DRIVEAWAY
 210 East Charleston Blvd

Leon L. Gelhart

Transporting of autos.

4. R & M MARKETING SERVICE
 1601 East Sahara Avenue

Fred B. McClure, Pres
 Carolyn J. Regan, VP/Treas
 Luther E. Eggertsen, Secy

Sales and product marketing
 management service.

5. AMERICAN SPORTSMAN'S CLUB,
 INC.
 1510 South Maryland Pkwy

Robert A. Harrison, Chmn Bd
 R. P. Van Gytenbeek, Pres
 Darryl D. Pricco, VP-Finance
 Robert J. Good, VP

Sale of private family
 memberships for hunting and
 fishing.

Abeyance
 Lurie
 Commissioner
 Christensen voted
 "no"

3/3/76 Agenda

K. AMBULANCE SERVICE -- Request for
 Increase in RATES

Set Public Hearing
 for 9:30 a.m.
 March 3, 1976

Staff to proceed

Set Date for Public Hearing

3/3/76 Agenda

1. MERCY AMBULANCE
 1710 West Charleston Blvd

Mercy, Inc.
 Burrell Cohen, Pres
 et al

ITEM

Commission Action

Department Action

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

ABEYANCE ITEM -- Tabled February 4th, 1976

L. M-7 BUSINESS LICENSE APPLICATION

1. NEVADA INTERNATIONAL INVEST-
 MENT CORPORATION
 2021 Paradise Road

T. Sergio Dante, Pres
 Vito Capaccio, V.P.
 Ray Blaine, VP/Broker
 Julia F. Dante, Secy-Treas
 Joseph S. Hutchings, Director
 Wayne T. Kruger, Director
 James See, Director

Administrative office for
 the sale of real estate
 owned by the corporation.

Abeyance

3/3/76 Agenda

FOXY'S FIREHOUSE CASINO
(continued)

before the Nevada Gaming Commission tomorrow morning at 10:00 a.m.. Ordinarily the application would not be complete and Special Investigations would not put this on your agenda until the meeting of March 3rd. But because we are prepared to open, and would like to open, prior to March 3rd, we have asked that we be put on this Board's agenda this evening and, graciously, this Commission has seen fit to do so.

So what we would like tonight, Mr. Mayor and Members of the Commission - we'd like to have approval of this application upon condition that the Nevada Gaming Commission approves the application tomorrow.

Mayor Briare: You say that you have already been approved by the Nevada Gaming Control Board?

Mr. Brown: Yes - unanimously, Mr. Mayor.

Mayor Briare: When, actually, are you planning to open your doors?

Mr. Brown: Within the next few days - certainly before March 3rd -

Commissioner Woofter: I'm concerned with the situation - I know and, Jay, you know - there is no way in the world that you ever even get any consideration for approval if you didn't have a full file in front of you if you were before the Gaming Control Board in Carson City.

Mr. Brown: My understanding was, Mr. Mayor - and I don't know if he is in the audience tonight - but Detective Stu Brown was handling this application - it was my understanding from conversation with him that he would be present tonight and the statement was that there was no problem with the application, but that his normal procedure would be not to submit this application until the Nevada Gaming Commission gave its approval.

I inquired of the City Attorney's office to make sure there was no legal reason tonight why we could not be put on the agenda, and why this Commission could not give its approval upon condition of the Nevada Gaming Commission.. Again, if Detective Brown is here . . .

Mayor Briare: Is Detective Brown in the audience?

Mrs. Britt: Sgt. Ashenfelter is here -

Sgt. Ashenfelter, Metro Police: We have the files here - we just didn't have them fully prepared with the normal reports to the Commission. No doubt our reports will be favorable. We anticipated March 3rd, but we were informed it would be on tonight's agenda and we just didn't have the time to prepare all the necessary reports.

Commissioner Leavitt: Is there anything derogatory in your files?

Sgt. Ashenfelter: No Sir -

Commissioner Leavitt: So you would anticipate a favorable Police Report?

Sgt. Ashenfelter: Yes Sir.

FOXY'S FIREHOUSE
CASINO
(continued)

M o t i o n Commissioner Leavitt: I move for approval.

Commissioner Woofter: I'm going to vote "no" on this application on the basis that I'm representing before the Board that we are laying a dangerous precedent. There is no question in my mind but what they are all clear, but are we going to be just a rubber stamp Board as far as Gaming Control is concerned? If that is true, why do they even have to come before us?

Mayor Briare: I'd like to make a comment on that. I don't know if the other members of the Board are familiar with each one of these people individually. I happen to have had the pleasure of knowing each of these gentlemen for a good number of years.

I would wholeheartedly agree with you, Commissioner, in the event these people were strangers, or if they hadn't been here so long. I would like to ask a question since, apparently, there is going to be a difference of opinion on this - a question to Mr. Lovell - that in the event that this motion to approve should fail, what posture does that put these applicants in relative to the City Business License? Obviously, it would mean they didn't get their Business License, but then, what does that do with respect to a March 3rd, or some subsequent meeting thereafter?

Mr. Lovell: Probably the safest thing to do - and I'm glad you brought that up - before this particular motion, Commissioner Leavitt stated . . . there are two ways to do it. Either his motion as it is read, without prejudice, so they can refile after they get the final report, or if it should fail tonight they can ask for reconsideration on March 3rd. As long as you put one of those two things in the record -

A m e n d m e n t Commissioner Leavitt: Then I will make my motion without
M o t i o n prejudice.

Attorney Brown: The only thing I would answer to Commissioner Woofter is - if Sgt. Ashenfelter was not here tonight and said that the report would be favorable pending the approval of the Gaming Commission, then I could have sympathy for your response. But in light of the fact that Sgt. Ashenfelter has said - I don't want to put words in his mouth - but has said that there is nothing derogatory about it and the Nevada Gaming Commission approves it tomorrow, his recommendation . . . or at least, he would have nothing derogatory to say, I think we would certainly appreciate your support on this motion.

Commissioner Lurie: I just have one thing to say, Mr. Brown - you don't go into Court unprepared - without proper papers and information - and I like to have that information before I vote on an issue, and I have to agree with Commissioner Woofter that I think we're setting a bad precedent when we act on Licenses before we have the full information.

It is probably perfectly alright - I know Don and I know the other applicants here, too, but when we require other individuals to provide us with this information, there is no reason why you can't. The Police Department should have provided us with the information.

A m e n d e d Commissioner Leavitt: I would like to add a condition to
M o t i o n my motion - as stated on the agenda - subject to final
 approval by the State Gaming Commission.

FOXY'S FIREHOUSE
CASINO
(continued)

Commissioner Christensen: I'd just like to point out that if we're establishing a dangerous precedent, we've established it many times in the past. Most recently, the one I can think of were the Race Books at the Fremont Hotel and the Union Plaza, for instance - where we went ahead and approved them prior to the final approval by the State and based on the fact they were legitimate businessmen and known to us for a long time. I would say that was similar to the case here.

Commissioner Woofter: We did have the reports before us though, Commissioner - it wasn't a situation of coming before the Nevada Gaming Commission - we had the reports before us. That's the difference between the Race Books and what we have here before us tonight.

Mayor Briare: If there are no further comments, would you please cast your votes on Commissioner Leavitt's motion to approve?

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

M-7 BUSINESS
LICENSE
Abeyance

AMERICAN SPORTSMAN'S CLUB, INC.

1510 S. Maryland Parkway
SALE OF PRIVATE FAMILY
MEMBERSHIPS FOR HUNTING
AND FISHING

Robert A. Harrison, Chmn Bd
R.P. Van Gytenbeek, Pres.
Darryl D. Pricco, VP - Finance
Robert J. Good, VP

Mayor Briare: Is Robert Harrison of the American Sportsman's Club present? Would you come forward please?
Mrs. Britt, has Mr. Harrison filed his Bond in connection with this application?

Mrs. Britt: Yes Sir, they have.

Mr. Gabriele: Mr. Mayor, I am Rich Gabriele for the American Sportsman's Club - Robert Harrison is in Denver, Colorado.

Mrs. Britt: Your Honor, the Bond has been filed and has been submitted to the City Attorney's office. It needs their approval so it should be subject to that.

Mayor Briare: Mr. Lovell, a Bond has been submitted to your office for review, submitted by the American Sportsman's Club who will be selling memberships? Have you had a chance to review that Bond?

This situation has come up a number of times - as to whether a regular, normal License Bond does, indeed, carry out the intent of the Ordinance for selling Memberships in Clubs - to provide an opportunity for grievance in the event that a member felt he had been hoodwinked -

Mrs. Britt: I believe it has been suggested that the Ordinance be amended to be more specific in regard to what the Bond should cover.

Mr. Lovell: We are working on that Ordinance right now. However, I do not know the status of your particular Bond at this time. If there is some problem with it, I would have had notice so if you are inclined to approve this subject to the provisions of the Ordinance, you can do it that way and it will not take effect until we've had a chance to take a look at the Bond and get back with the Director of Licensing.. Your Ordinance directs that the Bond be approved by the City Attorney's office.

Commissioner Lurie: I have a question - what type of Memberships are you going to sell, and where are these people going to hunt and fish?

Mr. Gabriele: The type of Membership that we will sell is a Family Recreational Membership for the entire family, which gives them the rights to hunt on private land throughout the State of Nevada, Colorado, Texas, Utah, Montana, California. It's a National Organization - the largest of its type in the world.

Mayor Briare: Are you familiar with the problem - the intent - we have relative to your Bond - a substantial Bond to guarantee your Members that you are going to fulfill the promises you make in your Membership sales? If you are not, I would highly recommend that you get with our City Attorney's office and look into it -

Mr. Gabriel: Not in depth . . . I'm not -

M o t i o n

Commissioner Lurie: Your Honor, I move this item be held until our March 3, 1976 meeting.

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

AMBULANCE SERVICE
Set date for
Public Hearing

AMBULANCE SERVICE - REQUEST FOR INCREASE IN RATES

MERCY AMBULANCE
1710 W. Charleston Blvd.

MERCY, INC.
Burrell Cohen, Pres et al

Mayor Briare: The next item involves the setting of a time for Public Hearing for Mercy Ambulance. While Mr. Bell, the Attorney for Mercy Ambulance is coming to the stand, Mrs. Britt, I presume that in accordance with the Ordinance an application can be made for a rate increase at any time Franchisee wishes to make such an application. However - Mr. Lovell, do we have a prerogative or is it mandatory that we hold a Public Hearing? I would like to have some information to determine whether, in fact, we should even call for a Public Hearing.

Attorney Tom Bell: Mr. Mayor, I think the Ordinance calls for a Public Hearing. On behalf of the Company we think it would be appropriate that we do have a Public Hearing so that we can properly present to you the bases for our request.

Mayor Briare: Mr. Lovell, are we required to hold a Public Hearing at their request?

Mr. Lovell: You are required to hold one, regardless of whether they want it or not.

Mayor Briare: I would like to have the materials on this far enough in advance so that we can check it thoroughly because so many times we get the materials the day before the Hearing is scheduled -

Mr. Bell: We will have it to you within a week's time because it is important that this material be presented to you.

It was the consensus of the Commission that the Public Hearing be set for 9:30 a.m., Wednesday, March 3, 1976 and that Staff proceed with the appropriate notices of said Public Hearing..

MERCY AMBULANCE
(continued)

Commissioner Christensen: I would request that we all be given a copy - or a resume - of the information which was presented at the last Public Hearing so that we can review it.

Attorney Tom Bell: If you and the Commissioners desire, whatever we submit in support of this application, we would be delighted to furnish every member of the Commission a copy of it.

Mayor Briare: Please do that.

M-7 BUSINESS
LICENSE

NEVADA INTERNATIONAL INVESTMENT CORPORATION
2021 Paradise Road

ADMINISTRATIVE OFFICE FOR
THE SALE OF REAL ESTATE
OWNED BY THE CORPORATION

T. Sergio Dante, Pres.
Vito Capaccio, VP
Ray Blaine, VV - Broker
Julia F. Dante, Secy-Treas
Joseph S. Hutchings, Dir.
Wayne T. Kruger, Dir.
James See, Dir.

Mayor Briare: This item was held over from the last meeting. Is there a representative of the Nevada International Investment Corporation here? Would you please come forward?

Philip Dante presented himself at the microphone -

Commissioner Leavitt: Is this going to involve the sale of real property owned by the Corporation?

Mr. Dante: Right -

Commissioner Leavitt: Is it going to be out-of-State?

Mr. Dante: No - it's all in the State.

Commissioner Leavitt: Are you a Licensed Real Estate Broker?

Mr. Dante: I have it with a Broker - Blaine Realty. I've mentioned that before.

Commissioner Leavitt: You are selling your own property?

Mr. Dante: I am selling my own property - I just don't have time to do it and I put it in the Corporation. In other words, I don't want all the paper work coming to my home - I'm running a little office - a little administration office - that's all there is to it.

Commissioner Lurie: I believe we also asked for an investigation on this -

Mrs. Britt: The investigation is not complete. I have the partial investigation that was given to you today - one of the reasons we recommend that it be held is because they haven't fully complied with State requirements yet in regards to getting their Articles of Incorporation approved, etc.

Mr. Dante: I have those - the Articles are already approved.

Mrs. Britt: The report I got today was that we didn't have

the word back from Carson City as of this date.

M o t i o n

Commissioner Lurie: I move this item be held over to our March 3, 1976 meeting.

Mayor Briare: If there are no objections, such will be the order and Mr. Dante I suggest that you get with our License Department to be sure all information is before us on March 3rd.

PUBLIC HEARINGS

Mayor Briare: This is the time set for a Public Hearing on Special Improvement District No. 405.

S.I.D. No. 405
Approved

SPECIAL IMPROVEMENT DISTRICT No. 405 - WEST CHARLESTON BLVD. FROM UPLAND BLVD. TO ANTELOPE WAY

UNIT I PARKING LANE
 CURB & GUTTER

UNIT II STREET LIGHTS

HEARING ON FINAL ASSESSMENT ROLL

Mayor Briare: Is there anyone in the audience who wishes to speak on Special Assessment District No. 405?

(No response)

Mayor Briare: Have the record reflect there is no one in attendance to speak on this Special Improvement District No. 405.

Director of Public Works, Laurence Hampton: Gentlemen, everything is in order. I would like to point out that the final cost figures on Unit I were 20% less than originally estimated and on Unit II, the final cost figures were 10% less than originally estimated.

We would therefore recommend that it is in order for you to adopt the Resolution Confirming the Roll and Ordering the Levying of Assessments.

See Pages 23 and 24 of these Minutes (Resolution)

Mayor Briare: What is the pleasure of the Board?

M o t i o n

Commissioner Leavitt: I move for the approval of this phase of Special Improvement District No. 405 and the adoption of the Resolution.

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

V-82-75

APPEAL FILED BY MARY G. THOMPSON AND JOYCE RUSTON - V-82-75 APPLICATION OF LAS VEGAS DUNES, INC.

to action of the Board of Zoning Adjustment in approving a Variance to allow a Motorcycle Racing Track and Motorcycle Obstacle Course Facility (Motocross) on property generally located on the northwest corner of Cimmaron Road (extended) and Log Cabin Way (extended), extending north along Cimmaron Road approximately 1,330 ft. and west along Log Cabin Way approximately 1,320 ft., in Zoning District R-E.

Mayor Briare: Ladies and Gentlemen, to those of you that are here on the appeal of Mary Thompson and Joyce Ruston, if you have had an opportunity to look at the agenda that were made available, it might be that we could have run short - there is a special order written in there that pertains to this particular item. In accordance with the procedure that we intend to follow, we are now going to declare a 10-minute recess for the purpose of the Director of Community Development, Don Saylor, to assist those of you who wish to participate in the testimony before the

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LAS
VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 405

WHEREAS, by Ordinance No. 1683, duly passed, adopted and approved on the 27th day of February, 1974, said Board of Commissioners finally passed on all protests and objections, determined to proceed with said improvements as described in said preliminary proceedings, except as modified and provided in said ordinance, and created said District; and

WHEREAS, the City Engineer, pursuant to directions contained in the resolution of said Board of Commissioners duly passed, adopted and approved on the 21st day of January, 1976, has prepared an assessment roll which contains, among other things, the name of each last known owner of each lot or parcel of property to be assessed, a description of each lot or parcel to be assessed, and the amount of the proposed assessment thereon, apportioned on an area basis as more particularly set forth in Section 4 of said Ordinance No. 1683; and

WHEREAS, said assessment roll was tentatively approved by said Board of Commissioners and filed with the City Clerk on the 21st day of January, 1976; and

WHEREAS, notice of said filing and the public hearing on said assessment roll was duly published and mailed as required by the Statutes of the State of Nevada; and

WHEREAS, public hearing on the amount of assessments was held on the 18th day of February, 1976, with _____ written protests and _____ oral protests having been received.

NOW, THEREFORE, BE IT RESOLVED by that Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof, held on the 18th day of February, 1976, that Assessment Roll No. FINAL 1-1976 as tentatively approved and filed with the City Clerk on January 21, 1976, be, and the same hereby is, validated and confirmed, and is hereby ordered to be filed in the office of, and endorsed by, the City Clerk of said City.

BE IT FURTHER RESOLVED that said Board does hereby determine that assessments for any one project contained in said assessment roll as hereby con-

S.I.D. No. 405
(continued)

firmed does not exceed the reasonable market value of the particular lot or parcel
of land against which the same is levied.

PASSED, ADOPTED AND APPROVED this 18th day of February, 1976.

WILLIAM H. BRIARE, MAYOR

ATTEST:

Edwina M. Cole, City Clerk

City Commission. In order to coordinate and in order to assist you in your presentations to us, and in order for us to be helpful and have a little more understanding of the things you want to bring up, we will now be in recess until 7:50 p.m..

Meeting reconvened at the hour of 7:50 p.m. with the full Board and Staff in attendance.

Mayor Briare: Ladies and Gentlemen, the Meeting is now back in order and we're going to ask, if you please, for your undivided attention to the matter that we are going to now discuss. If we do not have your undivided attention it is going to be to the disadvantage of those people who are trying to communicate with us as to their feelings and wishes regarding the Motocross zoning application.

Anyone who is going to insist on making noise or commenting out loud at the expense of the person who is trying to address us, cat-calls, whistles, boos or cheers, or things like that, are only going to be doing harm to the people you think you are doing good for. So, please, because we realize that not only is this a rather complicated issue, it is very controversial and, in some instances, it can be an emotional one.

We want to give everyone the opportunity within the parameters we've set down in order to be able to conduct the business of tonight's meeting in an orderly way, we do ask that you especially try to cooperate, not only with the Members of the Commission, but also with those of the General Public, who we want to serve in a courteous and efficient manner.

Before we begin our Public Hearing we are going to set time limits only when we start . . . I would like to particularly call to the attention of those people who are going to be heard this evening on this application, to a couple of things that I'm sure have considered, but I think you should review with us a little bit.

First of all, thank you for those of you who are in the audience - obviously from the number of letters we have received - obviously not all the people are not here in the audience because this building would not hold as many people who have written to us and explained their feelings, discussed the pros as well as the cons of this application - we want to thank you for giving us this consideration and letting us know how you feel but, most importantly, to point out some of the very good things you have pointed out. We've had personal visits - personal interviews - each of the Commissioners have talked to people who have feelings on this application, both ways. We have also had a number of telephone calls.

I would like to point out to you that those Members of the Commission that are sitting here - between the members on the City Commission there is over 126 years of living in Las Vegas. That's a long time, combined, for all of us. We know the City. We know where the applicant property is. We know who lives there. We know the Tule Springs area. We know the number of families there but, most of all, probably each one of us knows you in the audience. And these are very important to us because we want you to know that we've read your letters and we've done the things I've mentioned - we're cognizant of the newspaper coverage and the television coverage that has been given to this - we are also cognizant of the arguments that were made before the Board of Zoning Adjustment.

So, please, give us credit for having a pretty good understanding of what this is all about this evening. I lay those remarks on you - if that's the proper way to say it - so that you will know that that we are quite familiar with the application.

We would like to hear on this, first, from the people who are requesting that this be allowed, subject to the time limit that has been indicated, and then we want to hear from those people who are opposed to the application. We have pretty well studied the matter - you might like to review it with us, but it really is not necessary for you to go into every tiny detail. Give us

credit for knowing most of it.

Mr. Saylor, you've been talking to some of the folks here - do you have the names of those people who are going to make the application?

Mr. Saylor: Yes, Mayor - both the applicants and the protestants have indicated that they do have a specific number of speakers and we have the list from the applicant, which is quite lengthy. I have advised them they will have only 20 minutes. That list is headed up with Mr. Emmerson and Mr. Churchfield and then they have about six (6) other people they plan to call in to comment.

Mayor Briare: We are absolutely determined to be fair and impartial to both sides. In order for us to keep that promise it is going to be necessary that we treat each side alike. So these time limits will be rigidly held to and at the end of the hour of presentations the Commissioners will have some discussion as to where we will proceed from that moment.

Commissioner Lurie: The City Attorney has some questions he would like to address to Don Saylor.

Mayor Briare: This time will not count - it will be recorded, but not considered as a part of the time limits.

Carl Lovell: Mr. Saylor, I have a couple of questions regarding this insofar as the Code and what appears in the Board of Zoning Adjustment records and the application. I would like to ask your opinion on this.

With reference to the Variance applications that were filed and the Hearings themselves, from your standpoint of Planning, etc., does the action of the Board of Zoning Adjustment change either the Land Use Plan or the Code?

Mr. Saylor: Any time a Variance is granted for a use not permitted in that zone, I think ipso facto it is granting a zone change. This does not mean to say it legally is not permissible under the Ordinance, but the end result is simply that. You are allowing a use not permitted in that zone.

Mr. Lovell: What I'm concerned about is with reference to the intent of the Code sections themselves and the decision of the BZA whether, from a Planning standpoint, it changes your Land Use Plan, as such.

Mr. Saylor: The General Plan recommends low density residential for this area. Any introduction of a Land Use that is not in accord with that recommendation, obviously, is opposed to those recommendations of the Land Use Plan. The proposed use, under our Ordinance, is allowed only as a matter of right in an Industrial Zone.

Mr. Lovell: I am concerned with the fact that Title II, Chapter 1, Sec. 2, states: Any action of the Board which has the effect of changing the Land Use Plan, or this Code, whether or not such is the intent of the Board, shall be of no force and effect, provided, however, that the Board may recommend to the City Planning Commission, or the Mayor and Board of City Commissioners that either Commission initiate a change in, or amendment, to the Land Use Plan or Zoning Law Regulation.

So what I'm asking you - in order for me to go any further with reference to any legal advice I might think is necessary, I need your opinion from your expertise in Land Use Planning, whether this particular application and the procedure by the BZA changes the Land Use Plan.

Mr. Saylor: I thought I had answered that affirmatively twice now, but I'll try to say it this way - yes. Without question in my mind to allow a Variance which permits an Industrial Use in

an area that is zoned residential estates and which is indicated on the General Land Use Map as low density residential, has, in fact, changed that Plan.

Obviously there is a degree in terms of ramification. The General Plan is just that. It is a General Plan. It is not a specific or a Precise Plan, so I think that what you and/or the Commission is asked to adjudicate here is the effect - will the effect of this Variance, if approved, violate strongly the recommendation strongly, or insignificantly, the recommendations of the Land Use Plan.

But, without question, it has an effect on it and is contrary to it.

Mr. Lovell: In your opinion, as a Planning Specialist, that it would have a significant effect?

Mr. Saylor: Yes.

Mr. Lovell: Mr. Mayor, if that's the case and suggesting that the head of the Department of Community Development, from his comments, indicates that it is a change in the Land Use Plan - the General Plan, as it is usually called - is usually adopted by Ordinance including various zoning categories and zoning laws - then the Board of Zoning Adjustment pursuant to 2-1-2, has gone beyond its ability and jurisdiction, based upon Mr. Saylor's comments if you wish to follow them. In that case, based upon his expertise and his opinion, that the action of the BZA has no force and effect and consequently it has gone beyond what they can do, and it can go no further.

Commissioner Christensen: Does the action of the BZA change any of those rules? Because that's exactly what they do - change the Land Use Plan at every meeting.

Mr. Lovell: That's why I asked Mr. Saylor if, practically speaking, they change it - especially as to the intent . . .

Mr. Saylor: Generally speaking, there are two (2) types of Variances. There's a Variance from certain requirements set forth in the Ordinance. For example, a front yard setback of 25 ft., or a parking requirement or a height limitation. Then there is the other type of a Variance which deals with Land Use, which is a Variance to allow a particular use not permitted under the zoning for that district.

About 90%, let's say, of the actions of the Board of Zoning Adjustment deal with the first set of circumstances - a Variance from setback provisions - height limitations and this type of thing. It is relatively rare when there is what is called a Use Variance such as this that comes before the Board of sufficient significance to have a material effect on the Plan.

Mr. Lovell: Because there are two different types of Variances and this one is significant, should this be more of a reclassification of property than a Variance?

Mayor Briare: Mr. Lovell, please excuse me - I have just indicated to the Ladies and Gentlemen here how much we know about this application and that we are prepared to proceed and listen to the comments and have asked them to give us credit for having a little knowledge. Now, I have to confess I don't know what's going on between you and Mr. Saylor.

(Applause from audience)

Mayor Briare: Please, Ladies and Gentlemen, no more clapping. That was not meant to be frivolous. We have certainly learned that sometimes our own laws cause confusion, as appears to be the case right now. I don't know, Mr. Lovell, what the thrust of these comments are. Consequently, are you thinking of suggesting that we have some alternative - or that we have no alternative to

follow, or that we're not going to be able to do something, or we can do something?

Mr. Lovell: You interrupted me just when he was going to answer me

Mr. Saylor: OK - may I answer the question? I'm glad you brought it up. We run into this paradox every once in a while - should it be a reclassification or a Variance when, in fact, in Staff's opinion neither one is proper.

All you have to do is to look up at the screen and you will see the green which represents R-E Zoning. To apply for Industrial Zoning on that 40-acre parcel, I think concludes itself - that it would have to be considered spot zoning - if it be contrary to the General Plan Staff's obvious conclusion on that would have to be to recommend denial.

The end result, whether you go through the Zoning action or the Variance procedure, the end result is the specific use you are talking about at that specific location.

My answer to your specific question - whether a Zoning application would have been more proper - all I can tell you is that it was discussed with the applicant - we advised him that it was spot zoning, in our opinion, and therefore should not be allowed.

Commissioner Christensen: Is there a difference between Zoning and a Variance insofar as time limit is concerned? In other words, you could put a time limit on a Variance, but you can't put a time limit on a Zone Change, can you?

Mr. Saylor: Yes - you can attach conditions on the

Commissioner Christensen: You can zone something Commercial for six months?

Mr. Saylor: You can attach the same logical time limitations on a Zoning action as you could on a Variance.

Commissioner Christensen: I know that in the past we have attached limitations insofar as an Intent was concerned - to make sure the thing was going to become developed before we approved the final Zoning, which I can readily understand, but what if you want to do something on a trial basis? Can you do that

Mr. Saylor: You could, but you'd run the same risk you would if you did it under a Variance - once the operation was in there it would be extremely difficult to withdraw that approval. However, using that set of circumstances, in Staff's opinion, the Variance becomes more practical - maybe not proper - but may be the more practical way to get at the end result.

Mr. Lovell: I would like to get a "yes" or "no" answer. With reference to this application, and with reference to the BZA action, you as an expert in this field and knowing Title 2-1-2 and with the Land Use Plan and what changes there are thereunder, is it your opinion that the action taken by the BZA significantly changes the Land Use Plan? "Yes" or "no"?

Mr. Saylor: Yes - I thought I had said that three times - I will reiterate - yes.

Mr. Lovell: If that be the case, then your own Code states that the action of the BZA has absolutely no force and effect and is void from the beginning.

Mayor Briare: Where does that put us?

Mr. Lovell: That puts you at a point of recognizing that what the BZA did was wrong. Consequently, it would be my advice that you can't go any further on this thing, or you can refer it back to the BZA, if you wish, to have guidelines pursuant to the Code for them to follow so they can take a proper action, even if they can, and

it depends on what Mr. Saylor would advise them of whether they could consider this thing as a zoning Variance. I don't think they can - it would have to be a reclassification of property. Based on what he says, it appears that our Code indicates they can't do what they did. So you have nothing before you if you follow what I've said.

Commissioner Leavitt: Is the Planning Commission the proper Commission that should do this?

Mr. Lovell: No - if it's an application for a Variance, it would be the BZA, if they can do that. However, from what Mr. Saylor says, they can't do it for the type of result they want. Consequently, if they want to reclassify the property, it would be the Planning Commission.

Commissioner Leavitt: If they wanted to amend their application?

Mr. Lovell: Mr. Saylor, can they amend their application to do something less than change the Land Use Plan and still reach the result they are after?

Commissioner Leavitt: It would then have to go to the Planning Commission - is that what you're saying? The way I understand it, the BZA was an improper Board for it to be in front of - is that correct?

Mr. Lovell: From what Mr. Saylor says - yes.

Commissioner Leavitt: It should have been the Planning Commission -

Commissioner Woofter: Way down the line, why wasn't this taken care of?

Mr. Saylor: There is nothing that I've said that stops this Board from approving the Variance if they see fit. Now, that's an opinion on my part - it's no more legal than anything else I've given in terms of a legal opinion - I've been told this by the City Attorney's office - not necessarily you - your office, time and time again, that this Commission elected by the public, is the final answer and they can take that action which they please.

Now, when a person comes to us and says - should I apply for a Zone Change or a Variance to do this which I want to do, which is not allowed in the zoning presently on the property, I can only tell them one of two things: You can go through a Zoning procedure or a Variance procedure.

In this particular case it was brought to their attention that the zoning action would constitute spot zoning and probably be completely contrary to the General Plan and everything else.

I reiterate - if it is to be approved, even though I don't think it is proper, it is much more practical to do it under a Variance action because of two things: The time limitation on the development, if you wish to put it there, plus the fact you do not then establish an Industrial Zone, which then leads to the argument of the property owner next door - I've got Industrial Zoning here - why can't I have it on my property? Which, when you get down to the legal question - why can't he?

Commissioner Christensen: Does that also put a limitation on the type - doesn't a Variance indicate a use for Industrial zoning - you could put a factory there, if you rezone it?

Mr. Saylor: You can control it much better under the Variance procedure. I want to reiterate - I don't think it is proper - I think it is much more practical if the end result is a Race Track out there, it is better from several viewpoints to do it through the Variance procedure.

Mayor Briare: Of course, the thing that we're very interested in here is that we do things in a proper manner. We of the City Commission were prepared to proceed this evening and I know that you

folks have been prepared for some time and have been looking forward to making certain presentations to us. However, if I gather the thrust of our City Attorney's points here, no matter what we do, it would be invalid. If this Board should be in favor of the application, it would be invalid. If this Board tonight were opposed to the application, it would be invalid. Mr. Lovell, is that the predicament we are in? Let me put a Part Two to that question - is there any way we can proceed tonight?

Mr. Lovell: Here is the way you can proceed, if you want to -

Mayor Briare: OK - would you please give it to us?

Mr. Lovell: You would have to first - in view of what Mr. Saylor's has said about this having a substantial change on the Land Use Plan - at least that's his opinion, and you've heard my advice - what you will have to do is to make a determination first, by vote, for the record, that in your opinion it does not substantially change the Land Use Plan, which was in the intent of 2-1-2, and you can proceed.

My concern is based upon what he said that the type of Variance that usually comes in on a zoning application is one thing, but when you are going to permanently change it and you are talking about a total zone change, it goes before the Planning Commission.

From what I gather from Mr. Saylor's conversation, that the most correct procedure - which he even agreed with initially, probably wouldn't get on, because it was spot zoning to change it totally, so he suggested if they wanted to take a shot at it, they could go through the application for a Variance. That's what I get from what he said. He also said - that as an expert here - this actually has a substantial change to the Land Use Plan. If that is so, your own Ordinance says that the BZA did the wrong thing and, therefore, you don't have anything before you unless you choose not to follow this advice and make another determination.

Mayor Briare: Would there be any purpose served - but most of all, I hope we would not be going through an exercise of wasting these peoples' time - but would there be any purpose served by proceeding with this Hearing - getting the input from these citizens and people who are concerned about this matter, and then perhaps with some of the input, we on the Board here, would be in a better position to determine if, in fact, we do think it substantially changes the Master Plan; or, in deed, if we do think that it should or should not be allowed - then if there is some legal matter to be determined after our 1-hour limited time, we could then make a recommendation as to whether we think we should refer it back to a Planning Commission meeting it has never been to, or whether it should be referred to anybody you see fit.

I think the Commissioners will concur with me - I am very reluctant to say good-night to all these folks - to ask them to all go home and ask them to come back again some time.

Mr. Lovell: Input is always advantageous. You can, if you like, reserve your decision as to whether it affects the Land Use Plan. If you want to hear evidence from both sides - fine. But if you find it changes that Land Use Plan, you would not have any choice.

Commissioner Christensen: I'd like to have a chance to cross examine the witnesses -

Mayor Briare: Right now?

Commissioner Christensen: Yes - I think it would lay a little more groundwork that I think needs to be pointed out. You've talked about the experience we've had living here - I'd like to bring some of it to the fore here to see if we can't get some enlightenment off that.

Mr. Saylor, do we have any land in the Valley that is zoned - that is vacant - that is new land around the perimeter of the City of Las Vegas that is zoned other than R-E? Is the majority of the vacant land around the perimeter of this City zoned R-E?

Mr. Saylor: I'll answer your second question first. Yes, I think the majority of it is. To answer your first question - Yes - however, there is land that is not zoned R-E, but there's not a great amount of it.

Commissioner Christensen: Is the purpose of zoning this land R-E that we are using R-E in this Valley as a holding zone - that we are holding it at R-E until such time as we determine what the zoning really should be?

Mr. Saylor: I think to a great extent the majority of the land zoned R-E is zoned exactly for that purpose - until a logical pattern of urbanization takes place - not all of it, but a lot of it.

Commissioner Christensen: The fact that you have a sparsely populated area on the edge of town zoned R-E does not necessarily mean that the Master Plan indicates that that is for ever more R-E zoning - it's more of a holding zone - is that correct?

Mr. Saylor: That's right. I would conclude that the fact there's a lot of R-E out there does not necessarily conclude it logically should all stay with that classification.

Commissioner Christensen: What I'm trying to point out here - I've been around here long enough to know that a lot of the R-E property in this town was never meant to be R-E, and won't be R-E once it becomes populated. If it were, this community would be surrounded with R-E property and it would stifle the development totally because you could not go into the R-E zoning. I'm just trying to figure out whether this is one of those areas that is not - there are R-E zones in town that are definitely R-E - they are developed that way and have stayed that way, but we in this community have for years used R-E as a holding zone, where in other communities they use a "U" Zone, which is "unclassified" until such time as they determine what the zoning is going to be . . . I don't think you can annex all the property to the Charleston Park turn-off and specify that is going to be all R-E zoning which is, in fact, what happened..

Commissioner Lurie: I believe we've asked for this review to be made - to bring back a recommendation that property that is zoned R-E out in these areas be brought in at a different zoning so that people who move out there don't believe that everything around them is going to be R-E.

Mr. Saylor: That Ordinance will go to the Planning Commission at its next meeting, or the one after that, for a recommendation to this Commission.

Commissioner Christensen: That's all I have, Your Honor - I just wanted to bring that out . . .

Mayor Briare: Mr. Saylor, do you have the name of the person who is scheduled to speak first on the application?

Mr. Saylor: Mr. Emmerson, Mr. Churchfield and Mr. Brown are going to present the bulk of the applicant's material.

Lester Emmerson: Your Honor and Fellow Commissioners, my name is Lester Emmerson and I'd like these two gentlemen to give their names.

I am Charles Brown.

I am Dan Churchfield.

Mr. Emmerson: I'd like to open this first with all of you looking at our little map. I think we considered it was a flood plain area and I wouldn't consider I'd like to get in that area right here (map) and build myself a home. I don't think it's feasible and I think Mr. Saylor would agree with it. I think this should be a recreation area and this was really and objectively why we bought the land in this area. So I would like that to be considered.

We own the 200 acres at Tule Springs and what we really wanted it for was a Family Recreation Area - some place to put these kids. It's the tale that we've all been through before and we've all heard it here, but this is what we really want to be considered tonight, and keep in mind the flood plain area.

The intended uses not only for our Motocross Track, it's for a Bicycle Track, Horse Trails, Picnic Areas, Barbeque Pits and just a sampling of the people here that number about 2,000 adults and children whose recreation comes from these various aspects.

The second point in the area that we considered was soil conditions. Clay in those dunes is ideal because less water is needed. We considered the dust problem - the winds from the southwest blowing to the northeast. We have in our group approximately 100 horses that would ride the trails within the confines of the Las Vegas Dunes, so we figure that it is compatible for horses, birds and people, and all mankind should live together.

I think that's all I should say for a minute and let my fellow members have a word.

Charles Brown: One of the features that I felt about this program is the safety feature. It gives us a chance to start a school for young kids that are just starting to ride motorcycles - to at least get an idea of what dirt bikes will do - how they could get hurt. We can come up maybe with a 2-hour class a week, or a month - it's a start in showing them some safety features - what not to ride - what not to do. Right now - a father buys his son a motorcycle - he never rode one so sometimes he don't know what to tell him. This gives us an opportunity for this type of thing.

Dan Churchfield: I live on West Cheyenne and Mustang. This is zoned for horses and motorcycles - every house out there has horses and every house out there has motorcycles, and they intend to live together, and they are living together. I have two boys who ride on the acre next to me with motorcycles - I've got two horses within 25 ft. of the fence line. They can exist, and all we ask is a chance to go out there and show you they can exist.

This land out there also is not fit for R-E - it's clayey - it's erosive - when it's wet, it swells - when it's dry, it shrinks. In order to build a house pad on this clay dirt, is a major operation. If you have lived here for as many years as you say you have, and I know you have because I've lived here all my life too, on _____ and Charleston - the Desert Inn Estates out there had the same type problem - erosive soils - and they had to jackhammer the floors up - go in and excavate 2 ft. deep and put in Type II gravel so the floors would stay in place. So it is an erosive type material out there. That's all I have to say at this time.

Commissioner Lurie: I have one question before you sit down - you talk about the kids - the 7, 8 - 14-year-olds, what about some of the other activities that are involved with motorcycle races - the Championship Races, etc. - are you planning on bringing in any of those here?

Mr. Brown: Yes, we would like to bring in some Races and stuff like this, making our kids want to ride this Track because other people that are super-good riders that they can read in a magazine about, have ridden it - their dad can take their time when they're going around that track and he can say - hey, son, you've got to pick up two minutes - the Champion did, you know. He's got a place to be able to do it and that kind of thing is all a contained type of thing - all controlled.

Mayor Briare: Thank you very much, gentlemen - at the conclusion of the Public Hearing, the Commissioners very likely will have questions they will want to ask each of you perhaps, and others, but that would be after the Hearing, and you will have an opportunity to come back after the opponents have had their time to oppose the application.

Mr. Saylor, is there someone else here who is going to speak in favor of the application?

Mr. Saylor: I believe so - they have submitted a list of several people - Jim Pierce, Dick Gifford, Joe Lessig, Linda Loomis, Dave York, Dr. Norm Norda and Lyle Snell.

Mayor Briare: Would you folks like to come forward?

Richard L. Gifford, 543 North Lamb: I am employed by the State of Nevada, Public Service Commission, Transportation and Energy. I am here as a private citizen. I am for the Motorcycle. Five members of my family ride. My purpose here is concerned with the controlled rider - rider education and energy.

In Clark County, December, 1974 - Las Vegas Valley, primarily - had 11,385 motorcycles. 8,835 of those are on the road with license plates. 2,550 are what we commonly know as "dirt bikes" which they don't register every year for license plates, and that is not required.

In December of 1975 - I was in contact with the Department of Motor Vehicles registration as of three o'clock this afternoon - we didn't get a complete computer runout, but through the last ten years we have experienced in this area approximately a 5% growth in motorcycles.

We had 9,277 registered with plates. We had 2,783 dirt bikes. The increase, which made a total of 12,060. I don't want to take up a lot of time - we have a number of speakers here - but the energy aspect - those that are familiar with the Energy Research & Development out of Washington, D. C. - the people in the United States at the National level - we are concerned - it's vital - it's a difference in the life style of this Country. We have all been used to all the gas and everything we want. They have put restrictions on which is mandatory in 1984 that the vehicle we drive on the street get approximately 22.8 miles per gallon of gasoline. The auto industry has recognized that fact. What we know is that the big car which will be sold in 1985 - the family car - will be a 4-passenger Vega. What we know as a Cadillac and Lincoln will be built on a Nova chasis. They have come up with the most transportation in 1985 in the United States primarily will be your feet, bicycles - the bicycle with the little engine on it - motor scooters - motorcycles - electric cars and your little 4-passenger Vega.

Now, in that time element, there has to be a place. Who is going to provide this education for this young generation coming up - knowing how to drive on the highways. Safety - what to do - there has to be a place.

The State of California took the bull by the horns - they got Federal aid - they have one facility in operation today in the lower part. They are starting on a second one in a program with the Federal Government at San Diego, and the third one is planning in the Los Angeles area.

This, gentlemen, is what you are faced with. A teacher - we have a start here - we have a good one, to give these kids and adults a place to go - controlled and they can be educated. Thank you for your kindness.

Mayor Briare: May we have the next speaker, please?

Linda Loomis: I live at 5900 West Tropicana. My husband races but I have no children of my own who do race. I have worked at Mini Bike and Big Moran Races, as well as out at Williams and I'd like to speak in defense of and on behalf of the children, mainly.

I don't think that a lot of the people realize what a great group of kids they are. Recently we lost two very important people in a car accident in California and many of us feel that had we had a good area for these people to ride in, this accident would have never happened.

In behalf of them we raised \$7,200.00 at one Race in selling raffle tickets and what-not, to help their families. The father and the son died in this accident and it was awfully important that we do help them. We've helped two other families who have suffered losses. We have helped build one room at Child Haven - practically every Christmas that I can remember we've helped feed needy families in Las Vegas, and with interests like that, I don't see how they could

do too much that was wrong. I'm sure they don't want to tear up anybody's property. They are just out there to ride in a supervised area. Thank you.

Joe Lessig: I live at 213 Wild Rose in the City. I'm a geologist a graduate of the University of Utah some sixteen years ago. I've lived in Las Vegas for fourteen years. I was formerly the owner and manager of the Soils Testing & Foundation Engineering Lab here in Las Vegas, called the Science Labs. We've conducted tests on this type of soil in this general area for building purposes. It is not the very best to be found in the Valley. It is the type of soil that is amenable to dust suppression with the addition of reasonable amounts of water. It is the type of soil that is extremely useful for this kind of activity. That's about it.

Mayor Briare: Thank you very much. I believe there are going to be some questions of a geological nature - after the Public Hearing is over and questions are being asked - I hope you might give us the benefit of some of your knowledge on these things.

Norman Norda: I live at 1489 Santa Anita Drive. I've thought for a long time - in fact, I confess that I too have had a distorted image of motorcyclers and that's what prompted me to be here at this moment. I am the father of seven children - I'm a professional man - I've been active with young boys for 25 years and it was in this activity the last few years has brought me to the sport of motorcycling.

I discovered the sport through the young boys that I supervise and became interested myself - so far that I became more involved in the motorcycle community, and I have discovered these strange facts that I think a lot of people may not have discovered yet. And that is, as the young lady previously said, I believe that motorcycling is a clean sport that has involved families as a group. In fact, a major Motorcycle Magazine recently conducted a survey and they showed that the average motorcyclist is a 30-year-old man - a family man - has a high school degree - 33% of them have attended college - 8% of them have graduated from professional colleges - 3% divorce rate, compared to our community of near 30%. Now, I'm not saying that anyone who motorcycles is going to be a professional man - that he is not going to get divorced - but what I have seen is that the young people become involved with it - become involved in good, clean competition. There are dangers involved in this sport as in any other sport, and that's why it is important to me to see somewhere it is supervised - well taken care of - for that sport.

I built a home 13 years ago on the perimeter of this City and I did it for the express purpose of being able to spend time in the out of doors, or in the desert, with my own children. And now I'm landlocked, as many people are, so I've been through that same traumatic period of having young people on motorcycles running back and forth behind my home, stirring up dust and so forth, and it was during my early years that I thought - this is a terrible thing to do in a nice area like this.

So what I have discovered is that wouldn't it be kinder to those young people who still enjoy that activity to provide them something and some place where they would not cause that much trouble. For the people who live near an area like this, there will be some sacrifice - just as there will be for people that live near a factory, or near a highway, or near any other growth, but I can see that there are not the problems they imagine there are going to be. For example - the motorcyclist running back and forth in back of the property line - that's the thing that will be controlled with this Park, and I throw my support wholeheartedly with any group that will provide both that area and that training for my children - for my boys.

Mayor Briare: Thank you very much, Dr. Norda, and now may we have the next speaker?

David York: I represent the Oasis Motorcycle Club. We have put on quite a few races the last year and as of this year there is no track left to us to put on Races for the kids or anything else with proper facilities. The Las Vegas Dunes facility is going to be the best because they have the equipment and the knowledge to do it with and we definitely need a place for the kids to ride. Last

year, at Jean, the President come in - we don't have that track any more - we don't have a track to put on Races. In other words, the kids are running around the desert with no facilities to ride on throughout the week and on weekends - they need a supervised area. We definitely need it.

Mayor Briare: Thank you very much - may we have the next speaker please?

Lyle Snell: I'm a teacher at James Cashman Jr. High School. My address is 1009 Nassau. I have been teaching for 21 years - just kids no geology or anything else and in the past 21 years - in the last few years I have started five Jr. High School Cycle Clubs.

Our Club over at Cashman is 91 kinds in the Club, which includes many doctors, lawyers, teachers sons, etc. The thing of it is, in our community right now that bothers me is that all of our facilities have gone from the kids. Very few things are left for the kids to do any more and Cycling is a Club Sport now - it is for mother, father, daughter - there are many girls that ride with our Club - many fathers that ride with them. We have no place any more hardly where the family can go on Saturday - for some people cannot go on Sunday - many in our community cannot race on Sunday - we we need some place to go on Sunday where the community can go and bring each other together - it's a family sport any more - not just one that kids go out race heck in the desert.

Right now I'm talking for 1,500 Moran members. This is the adults. I'm talking for 800 Mini Moran Members which are at Williams or at the other tracks around here. As was just stated, Jean was taken away from us - we don't have Jean any more. The only thing we have left right now is at Boulder City or at Williams and Boulder City can go any time.

What we are talking about is many, many kids being deprived of their family sport - with their families. And this is the thing that bothers me. Most of my kids - about 200 that I am the sponsor for, are not football players - they are not basketball players, but their parents are just as proud of them, and they would like to see them compete in some way, and they would like to be out there with them because no kid is sent to a Race by himself. This is a Family Sport any more - it is not that of a Hells Angels out of California and I would really like to see that some place along the line that we go back and try to help the kids and not worry about many of the other things we have.

Also the Clubs we have in our Schools are Rodeo Clubs, which are very compatible -our Club at Brinley and our Motorcycle Club at Brinley - they go on rides together - so horses and motorcycles can get along together.

This is really about all I have to say, but if you're talking about this, you're talking about the kids and not much more - kids and family recreation. Thank you.

Mayor Briare: Thank you very much. Are you Mr. Piece?

Answer: Yes -

Mayor Briare: Mr. Piece, the time is up -

Mr. Pierce: That's alright - I believe everything has been said -

Mayor Briare: The applicants have 10 minutes at the end of the Hearing. Now, ladies and gentlemen, as soon as the first speaker comes forward Mr. Saylor is going to start his stop-watch on the 30-minute time limitation. However, because you have been so courteous to the applicants, that those of you who would wish to give a round of applause to the applicants, by all means go right ahead and do it.

(Applause)

Mayor Briare: Thank you. Now we have a list of those people who

wish to speak on behalf of the protestants and since the protestants have a little more time at this particular stage of our Hearing, I am not going to ask that they all come forward. I don't know that this list is necessarily the order in which they are going to speak, but I'm going to request that Carl Elgan, Herb Emerson, Louis Miller and Skip Wagner - if they will come forward now we will call on the others who have their names here.

Carl Elgan: I live at 10672 North Four Views Street. Honorable Mayor and Commissioners, I have been requested to represent the appellants appealing this matter.

I am a home owner in the Tule Springs area. We have a little letter for you here - I'd like to read it. It is dated February 18, 1976: "The Honorable William Briare, Mayor, City of Las Vegas - dear Mayor Briare and Members of the City Commission: It has been brought to our attention that you intend to limit our presentation before you here tonight on this question involving granting a Variance to Las Vegas Dunes, Inc.

"We have prepared a presentation which will take 45 minutes to complete. However, for the purpose of expediency, we will comply with the 30-minute ruling that you have established, but we do so under protest.

"We feel that the 30-minute ruling is a direct violation of our Constitutional rights, both as Nevadans and as citizens of the United States; specifically, the ruling violates Article, Section 9 of the Nevada Constitution by restricting our freedom of speech, to-wit: 'No law shall be passed to restrain or abridge the liberty of speech or of the Press.'

"It is also our feeling that this restrictive action violates the First Amendment to the U. S. Constitution, to-wit: 'Congress shall make no law abridging the freedom of speech or of the press or of the right of people peaceably to assemble and to petition the Government for a redress of grievances.'

"It is our opinion that this action is restrict debate on this issue by the very individuals whose homes and lives are involved, violates both the National and the State Constitutions. We believe that you gentlemen were elected to serve the people and listen to us whenever we wish to address your Body, no matter how long that address takes."

And it is signed by the appellants - Joyce Ruston - there's a copy at the Mayor's office - Joyce Ruston and Myra Thompson.

Mayor Briare: Thank you, Mr. Elgan - would you proceed?

Mr. Elgan: The appellants were told by a Board member, Norman Jenkins, just before making his motion for approval that we had not proved that the granting of this Variance would be detrimental to the surrounding properties. According to City Code, 11-1-24 Section 3, the burden of proof rests upon the applicant of a zone Variance.

The applicant, Las Vegas Dunes, was not required to make a substantial showing regarding the other property in the zoning district. We contend that the Board in direct conflict with City Code, Ordinance 11-1-24, Section 2, granted a special privilege to the applicant most certainly not shared by the other properties in the same zoning district.

We respectfully request that you deny this application on the above stated law, or at this point we shall proceed with our presentation.

Mayor Briare: Mr. Elgan, you comment - which is perfectly alright to do, but not being allowed to speak as perhaps you would like to speak . . . I am hoping you are going ahead and speak in opposition to the application. Are you asking for a legal vote here?

Me. Elgan: I am asking for just what I asked for -

Commissioner Leavitt: Would you repeat your request?

Mr. Elgan: Yes - we respectfully request you deny this application on the above stated law, or at this point we shall proceed.

Commissioner Leavitt: Would you read the law again?

Mr. Elgan: Yes - would you like me to read the Ordinance -

Commissioner Leavitt: Yes - the Section you're referring to -

Mr. Elgan: Do I get counted on this?

Mayor Briare: No - stop your clock, Mr. Saylor, because this is a technical matter -

Mr. Elgan: Do you want the Variance read?

Commissioner Leavitt: No - you quoted and said on this basis you wanted us to deny it - is that right?

Mr. Elgan: According to City Code, Ordinance 11-1-24, Section 3 -

Commissioner Leavitt: Do you want to read Section 3 to us?

Mr. Elgan: I'd like to. "Section 3. Required Showing: Before any Variance may be granted by the Board of Zoning Adjustment, the applicant for said Variance shall make a substantial showing that:

"(c) The granting of such Variance will not be materially detrimental to the public safety and welfare or injurious to other property or improvements in the same vicinity . . .

"(a) There are exceptional and extraordinary circumstances and conditions applicable to the property involved, and that such circumstances and conditions do not apply generally to other properties in the same vicinity and zoning district;

"(b) Such Variance is necessary for the preservation and enjoyment of a substantial property right which is possessed by other property in the same vicinity and zoning district and denied to the property in question."

Mayor Briare: Mr. Elgan, apparently the majority of the Board of Zoning Adjustment felt there was substantial indication that such was the case. Mr. Lovell, would you have any comments on that?

Mr. Lovell: Nothing - What he has just read is what your Code is.

Mayor Briare: It is probably a matter of judgment as to whether in the minds of those members of the Board of Zoning Adjustment - whether there was, in fact, substantial in their minds as opposed to what would be substantial in the protestants minds.

Mr. Lovell: It depends on what is "substantial" - he is correct that the burden is on the person making the application.

Mayor Briare: We will have the record show your comments and statements you made relative to our Ordinance.

Commissioner Christensen: Just between us girls and to get the cards laid out on the table, are you laying grounds for a law suit?

Mr. Elgan: I don't know. I'm as much surprised at what I'm saying as you are. I never thought it would ever come to this.

Commissioner Christensen: The reason I'm asking is - normally, when we get this kind of quotation on our Code and some other interpretation as to what it means, etc., etc., it's by an attorney for a pornographic establishment who is getting ready to sue us, and if that's where you are planning to take us, we could probably shorten up the whole thing and go ahead and go to Court because we'll probably end of there one way or another, and you can get in line with those guys -

Mr. Elgan: What happened, Commissioner Christensen, it was pretty obvious when we got here that the applicants were aware of this

limitation, and we were running until six o'clock to try to re-prepare what we had prepared, and it makes a problem to just shift gears and go on - when there's so many people involved and so many people interested, and come to find out we come here - your Attorney, Mr. Lovell, explains the law, and now we're just going to talk about it. We're going to sit down and have a friendly chat.

Commissioner Christensen: What you've done - you've accused me of violating the law if I don't allow you to keep me up 48 hours quoting the law so that I have to listen to you . . . when the presentation is restricted for one side, I think it's only fair that it be restricted for both sides, to the same amount of time. You're asking for a special privilege . . .

Mayor Briare: Mr. Saylor, please start your watch and Mr. Elgan you may proceed with your presentation.

Mr. Elgan: Mr. Herb Emerson will prove the biology impact on the Zoo and the surrounding area, as well as the financial impact on the Zoo. Mrs. Martha Mathews will attest to the fact that there are thousands of children who enjoy the existing facility at Tule Springs, which are in jeopardy. Mr. Louis Miller will prove that there are inadequate roads and police and fire protection and a detriment to the property values. Mr. T. Wagner will prove the ill effect on plant life. Mr. Dave Bond will prove the detriment of the effect of sound factor. Mr. Mike Ryan will disprove six statements by the developers at the BZA meeting. The decision of the BZA may have been based upon these.

We are all here for the same purpose - compatible development of an area adjacent to Tule Springs Park and the Las Vegas Valley Zoo -not to oppose a Motocross, but to oppose the location of the proposed Motocross of Dunes, Inc.

We are at the location of the proposed Motocross (map). Since the Board of Zoning Adjustment put the burden of proof on us, we have gone to a great deal of time and preparation of this Feasibility Study in order to present the facts so that we won't have a repetition of subjects. We thank you in advance for your undivided attention.

We have not deluged Mr. Saylor with 198 protest letters, as we did at the BZA meeting of January 5th for one reason. Those letters weren't even considered. There were no letters supporting the Motocross. 198 to 0. Six times during the BZA meeting Mr. Jenkins stated that we, the protestors, did not prove - did not convince him that the Motocross would be detrimental. We realize, according to law, that the burden of proof was not ours, but we were told to prove it and with our limited financial means, we have accepted this task and have prepared a presentation.

Supporters of this track have been lead to believe that the property under consideration tonight is this (pointed to on presentation map) illegally graded track, which is actually in the County. This (map) is the property under consideration tonight, which is much closer to residents and borders on the Zoo and City Park.

The City Code prohibits riding a dirt bike within 1,000 feet of a residence - and now a Motocross with perhaps as many as 40 dirt bikes at one time is proposed on the border of the Park and the Zoo within less than 1,500 ft. of a residence. Hundreds of school children worked very hard to get our Zoo going, and continue working to support it. They should have consideration.

The BZA recently rejected a Variance for a permanent Mobile Home because of the R-E Zoning. Now they have approved an application for a Commercial venture in the same zoning district.

The developers have been unable to establish a legal track on their adjacent County property. They have tried to have that County property annexed to the City. This was denied by the County. Now they are trying to have the County re-hear the request for annexation to the City. If necessary, we shall appreciate an opportunity for rebuttal and questions at the conclusion of the Dunes rebuttal and questions.

Mr. Elgan: I call our first interested speaker, Mr. Emerson, Las Vegas Valley Zoo Director. Mr. Emerson has a Bachelor of Science degree in Zoology from the University of Nevada at Las Vegas. Mr. Emerson has accumulated over 20 years of experience in Animal Husbandry and biological pursuits. His research and publications include animal behavior . . . Prior to joining the Zoo staff he was in charge of the animal facility the UNLV. Mr. Emerson has been a member of the Zoo staff since 1973. He has been Zoo Director since August of 1974. Mr. Emerson, please.

Mr. Emmerson: 2511 Athena. In the BZA meeting of 5 January, 1976 Lester Emerson of the Las Vegas Dunes, Inc. stated: "In total summation for Las Vegas Dunes, I talked this evening with Dr. Mauer, a Veterinarian/Surgeon, and he is backed up by other people of expertise, as of today there are no known effects to animals and any type of habitat, pro or con, with all the extensive testing that has been done, there is nothing on record that can show it."

He continued: "Noise is not a factor pro or con because it has never been proven."

Now, there are two choices available to us. Either Mr. Emerson has made no attempt to substantiate his claim, or he has done so and has chosen to ignore the evidence. In either case I suggest his statements of January 5 be labeled for what they are - they are patently false.

There is, and has been for years, ample evidence of the adverse effects of noise on animals' physiological functions and behavior. I offer a selection of examples. Please bear in mind that these studies are but the tip of an iceberg, so to speak. We are limited by time.

In 1939 in the American Journal of Psychology, Vol. 52, page 616, Humphrey & _____ of Queens University reported that they had induced seizures, followed by physical collapse, in rats by subjecting them to the sound of a bell.

With respect to reproduction, in 1960 in the American Journal of Obstetrics & Gynecology, Vol. 80, page 241, _____ & _____ of the Hebrew University, working with rabbits and rats, showed that auditory stimuli ranging from 70 to 110 decibels, depending on frequency, produced unrest and running in circles, as well as changes in oestrus rhythm, physical changes in ovaries and uteri . . . I quote the author - the fertility of both males and females exposed to the audio genic stimuli have proved to be impaired. Audio stimuli induces infertility and interfere with the course of established pregnancy. Both experiments demonstrate that pregnancy is adversely affected by audio genic stimuli. The auditory stimulus used in their experiments falls within the range of that measured by our group - 1/4 mile from a Motocross event.

Line 24, page 469 of Laboratory Animal Science for 1974, _____ Alliston at Purdue University tested the effects of noise on the reproduction in mice. They found that noise at 89 to 95 db, decreased fertilization - increased the embryonic mortality and reduced embryo size after implantation.

Directly relevant is a paper presented to the BLM by Michael Bondello of Cal State, Fullerton, entitled "Determining the Effects of Off Road Vehicle Sounds on Desert _____ and Kangaroo Rats - it showed that exposure to 100 db's was sufficient to rupture the _____ membranes of the Kangaroo Rat which, incidentally, is abundant locally to Tule Springs.

Studying the effects of the Barstow to Las Vegas ORV Race, Jim Gibson found that of 188 creosote bushes in the immediate area, 89 were damaged - some beyond recovery. This takes care of Mr. Emerson's "no damage to the habitat" hypothesis.

The results of this on-going study suggest that irreversible damage is done to the desert eco systems by off road vehicle activity.

On the data to show that vehicular noise is detrimental to the particular animals in our Zoo. I stated an example to the BZA involving a female antelope. I quote from it: I want to tell you about a pronghorn antelope named Annie. Annie was an orphan and she was given to us by Fish & Game to raise, and we raised Annie up to a certain point until Annie began to take adverse effects to noise created by motor vehicles in the vicinity of Tule Springs Park. At this point Annie dashed herself into the fence on about a half dozen occasions to the point where we had to sedate her, chemically and physically - we had to sit on her. I continued to explain: now, I'm not talking to you of the esoteric literature of biology and animal behavior - I am talking to you about something that happened in our Zoo.

Even after this, Mr. Jenkins of the BZA somehow found the nerve to state - it doesn't seem like anybody has brought any actual facts as to what the detriment is, sound-wise, or anything else. I suggest that Mr. Jenkins doesn't grasp the nature of proof.

The Las Vegas Valley Zoo, like other zoological parks, is dedicated to the propagation of endangered species of the world's fauna - - we are honoring our commitment to conservation.

Mr. Churchfield has said that 1,000 new bikes were registered last year in town . . . we have had over 100,000 attendants. I am certain that motorcycle noises in the vicinity will offend our Zoo visitors and affect us at the gate. We cannot exist with a Motocross as a neighbor. We have not asked a great deal of City government, but we are asking this: A vote against the Motocross at Tule Springs and in favor of the continued existence there of the Zoo. Should the track become a reality, I shall have no choice but to suggest to the Zoological Society of Nevada that the State's only Zoological Park be relocated in some other community.

Incidentally, should this come to pass, the expenditures made in the development of the Zoo, which total \$147,023.51, will stand as a potential loss to the community.

Mayor Briare: Thank you, Sir.

Mr. Elgan: We would now like to have Martha Mathews, First Vice President of the Las Vegas Area Council to speak.

Martha Mathews: I live at 1564 Vegas Valley Drive. Mayor and Commissioners, Ladies and Gentlemen, I am here tonight representing the Las Vegas Area Council Parent Teachers Association speaking in behalf of more than 81,000 students in the Clark County Schools.

I feel the issue here tonight - the proposed Motocross Track, is one that we need to consider carefully. The Track itself is a great idea - one we need - but to build it in the proposed location would be a tragic mistake. The Las Vegas Valley Zoo - our Zoo - that nearly every child in every School took part in building - they sold buttons - the sold coupons and made contributions. When it finally became a reality, it was a place to visit on the weekends - it has been a place to go on School Field Trips and a place where families can get together. I can't give you an accurate number of the children, or the Field Trips, that have gone through the Las Vegas Valley Zoo, but I know my own two children and their classes went, with two other classes, last year and there was a minimum of 30 in each Class - there were over 60 kids. Every child that visits the Zoo must feel pride in knowing that we all did this together and Tule Springs has to be one of the rate beauties of our desert. If we could all stop and see it through the eyes of the children - a place where they can run - they can play - they can do anything they want, or nothing at all.

I have accompanied several Field Trips with the children through Tule Springs and watched them sit and do compositions - cook outdoors on an upside-down coffee can - feed the ducks - and an occasional fall into the pond - but what a tremendous experience we all had.

I was glad to hear some of the people tonight talking about the children because I think it's a big issue here. Too often we adults are determined to do things our way - we are not really considerate enough of what a child might think, or how they might react.

✓-82-75
(continued)

It is with a great deal of pride that I am here tonight as a member of the PTA, for the children, and ask for the children of Clark County that you will consider them and help to preserve Tule Springs and surrounding area. Thank you.

Mayor Briare: Thank you, Mrs. Mathews - may we have the next speaker, please?

Mr. Elgan: Next is Mr. T. Wagner - a resident of the Tule Springs area - a plant specialist and is employed by Caesar's Palace as Head Nurseryman.

Mr. Wagner: Mr. Phil Rheinhart, the Chairman, asked for specific information - scientific information - on the subject and I have three different articles that are documents on off-road vehicles that were all made by the University of California - by doctors at the University of California, and this is what he asked for. There are every type of picture involving the area, before and after these motorcycles went through it -

Mayor Briare: Is this relative to the damage that is caused to the plant growth?

Mr. Wagner: Yes, Sir, it is. Not only plant life, but also I have a soil survey from the United States Department of Agriculture - which the chairman opposing us said he was going to grow trees as more or less of a buffer around this area that is supposed to house the track. This area in question I can't see would be any area at all to grow anything in.

I can give you these articles and let you look them over.

Mayor Briare: I believe that Mr. Elgan indicated you are a professional - a plant specialist. Are you telling us then, as a plant specialist, that it would be impossible for them to grow vegetation or to maintain trees or plants in that area?

Mr. Wagner: To maintain trees or plants in that area with the soil in question, I would as a professional disagree with his opinion.

Mayor Briare: Thank you - would you leave your literature with the City Clerk, please.

Mr. Elgan: The next speaker is Mr. Louis Miller, a home owner in the area.

Mr. Miller: I live at 8577 Iron Mountain Road. I retired from the Air Force and bought a home at Tule Springs because I felt that was the area where I wanted to raise my children. When I got back from Overseas, I found myself in a position in a Las Vegas area that I couldn't live with - in the area where I was living before there was a lot of trouble, harrassment and what-have-you. When I moved to Tule Springs I thought I had got away from that, but it seems that I have gotten right back into it again.

Tonight I'm going to speak of the problems of the home owners in the area. We are in complete opposition to the proposed Motorcycle Race Track, and the reasons for this are as follows:

The developers have been offered other land, but it seems like it must be here. Our question is - why?

We are not short of land in Nevada and certainly by now they know it is not wanted here. Why put the Track where it will be a constant problem for all concerned?

This is an area zoned R-E. We who live here in the area bought in good faith and paid good money for it. The area consists of homes, children and horses and, of course, the Las Vegas Valley Zoo and the City Park at Tule Springs. The R-E zoning itself does, in fact, completely exclude this type of a facility and I think you are all aware that this is not a proper use for a Variance.

The Track would mean a large increase in traffic and possibly at a

very early hour. The main access road to the Track - Log Cabin Way, is an 18 ft. wide dirt road and there are houses on both sides. The only entrance to Log Cabin is Homestead Road. The corner of Homestead and Log Cabin is also the Bus Stop for our children that go to school.

The developers' private access road is not accessible for car or truck. When they come out to use the Track, they run their trucks on other peoples' property.

The dust and noise pollution we will have to suffer is obvious. We experienced this with The Mint 400. This will be worse because it will be continuous and in the one place. We would have to endure all of the noises of the races and even if the land would hold enough water to keep the dust down during the races - which is doubtful, we still have to live there.

Police and fire protection is another problem that we see. I believe the City is considering a Volunteer Fire Department at Tule Springs - this would be helpful if it becomes a reality. As things are right now their estimated time for arrival of Fire trucks is 45 minutes to an hour, and the nearest fire hydrant is 5 or 6 miles away. The proposed Track would bring the additional problem of hot engines and gasoline which will create a higher fire hazard in that area.

Traffic control is a major problem in any city but the fact remains that previous calls in the area have taken from one to four hours so if this Variance is granted there would be very little we could do about it.

We feel the proposed Track would be detrimental to our homes, our property values and our very way of life. I can only tell you we know of no one who would like to buy a house next to a Motorcycle Track, or any realtors who has a listing for one next to it. We do know that since the proposed Track has become public knowledge a lot of land is being offered for sale and not one house has been built in the area since then.

If this Track becomes a reality we will suffer the loss of property value, but we will not be alone. The growth of this area will be stunted and every 1/4 acre that one builds on will be that much loss in tax revenue. The only way to prove this loss in property value would be an appraisal. This was checked into. It seems that no place else in the State has a Motorcycle Track in a residential area. There is one Track in California we could have used, but unfortunately it is closed because of lawsuits.

In conclusion we feel we have submitted a substantial showing that the proposed Track will be detrimental to the surrounding area and zoning district, because the roads are already inadequate and the additional traffic of trucks would only serve to make a bad situation worse. Police and Fire protection is insufficient, even without the additional hazards the Track would create. Noise and dust pollution would have a detrimental effect on everyone living in the area. Public knowledge of the Track has, in fact, already started to have an effect upon property values. The zoning does not allow this type of facility - it is not a proper use of a Variance. So we appeal to you - the Officials who are elected - to enforce the Ordinances of this City concerning R-E Zoning, to protect the families who have invested their money and lives in this beautiful area, and that you preserve the natural beauty of the Tule Springs Park so that it may continue to be enjoyed by a majority of the people. Thank you.

Mr. Saylor: There are 3 minutes left, Your Honor.

Mr. Elgan: The next speaker is Mike Ryan, another resident of the Tule Springs area.

Michael Ryan: 8667 West Rambler Way. I would like to clarify a few important, yet incorrect statements, made by the developers at the January 5th BZA Meeting so that your decision will not be based on misinformation as perhaps their was. The following references are from the minutes of that meeting.

On Page 13,, Mr. Churchfield said - I don't know if you know it, but the Las Vegas Jaycees have a Fairgrounds planned out there at Tule Springs. They have proposed a Motorcycle Track on this site. I have a letter from Manny Munoz, Fairgrounds Chairman for the Las Vegas Jaycees, which states:

"Gentlemen: The Las Vegas Jaycees Fairgrounds Committee had considered the Tule Springs area for the site of the proposed Fairgrounds.

"After an extensive study and several discussions with groups such as Community Planning, it was felt this area will not be acceptable as a site for the Fairgrounds.

"I hope this clarifies the position of the Las Vegas Jaycees regarding this matter."

Mr. Churchfield also made the statement - the City of Las Vegas has a Lease with the State Agricultural people and they are going to develop a road on the southeast side of the Gun Club. I have a letter here from the Division of Forestry signed by Mr. Jack Fisher, which says:

"This is in response to your inquiry about the placement of the road to the Nevada Division of Forestry Nursery Complex at Tule Springs. At the present time the final position of the road is uncertain. However, we have determined two possible routes.

"The first is to put the road between the North side of the lake and the existing road which goes to the Mint Gun Club. The second road would be the existing dirt road which commences at the end of the parking lot next to the Zoo, and runs along the East side of the lake. Both sites are on Park property, and are not planned to go beyond the nursery grounds.

"I hope that this answers your question."

Another statement that was made by a proponent of the Track - in answer to the noise, I haven't heard mention of that jet noise out there - what do the animals do every time a jet goes over? We have a letter from Mayor Bobby R. Wright, USAF, who is the Chief of Information Service. He states:

"Nellis aircraft do not pass over Tule Springs enroute to the gunnery ranges. They will, from time to time, pass four miles to the north of Tule Springs enroute to our southern ranges.

"The aircraft also fly over Sheep Mountain enroute to some of the northern ranges. The determining factor is which range they are scheduled to use.

"Hopefully this answers your questions"

Another comment made by Mr. Churchfield . . .

Mayor Briare: I'm going to have to ask that this be made your concluding comment now -

Commissioner Leavitt: Do you want to make those letters part of the record for this Board?

Mr. Ryan: Please just hand them to the Clerk.

See Pages 44, 45 and 46 of these Minutes (Letters)

Las
Vegas
Jaycees

State Fair

2101 east st. louis ave. las vegas, nevada 89104
phone: (702) 457-8832

BOB PHIPPS
Chairman

TOM DELL'ACQUA
Co-Chairman

BOB GILLY
Co-Chairman

AL ARATA
Co-Chairman

MIKE CONWAY
Co-Chairman

ANDY GIBBS
Co-Chairman

MIKE MARRYAT
Manager

LON SNYDER
Commercial Booths

RICK WILK
Participating Clubs

JOHN FISHBACK
Community Show

JOHN SCHWARTZ
Parade

RICK JACOBS
Operations

JIM BAXTER
Finance

LANCE Von ALLMEN
Advertising

STAN HARDY
Special Events

January 7, 1976

Las Vegas City Commisioners
400 Stewart
Las Vegas, Nevada 89101

Gentlemen:

The Las Vegas Jaycees Fairgrounds Committee had considered the Tule Springs area for the site of the proposed Fairgrounds.

After an extensive study and several discussions with groups such as community planning, it was felt this area will not be acceptable as a site for the Fairgrounds.

I hope this clarifies the position of the Las Vegas Jaycees regarding this matter.

Sincerely,



MANNY MUNOZ
Fairgrounds Chairman
Las Vegas Jaycees

MM/ss



ELMO J. DeRICCO, Director
Department of Conservation
and Natural Resources

GEORGE ZAPPETTINI
State Forester

MIKE O'CALLAGHAN
Governor



Address Reply to
~~202 XXXX XXXX XXXX~~
862-7498
XXXXXX

Box 277
Star Route 89038
Las Vegas, Nevada
89101

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF FORESTRY

CARSON CITY, NEVADA 89701

10 February 1976

Mrs. Joy Ruston
10,000 Homestead Rd.
Las Vegas, Nevada 89101

Dear Mrs. Ruston:

This is in response to your inquiry about the placement of the road to the Nevada Division of Forestry Nursery Complex at Tule Springs. At the present time the final position of the road is uncertain, however we have determined two possible routes. The first is to put the road between the North side of the lake and the existing road which goes to the Mint Gun Club. The second road would be the existing dirt road which commences at the end of the parking lot next to the Zoo, and runs along the East side of the lake. Both sites are on park property, and are not planned to go beyond the nursery grounds. I hope that this answers your question.

Sincerely,

Jack C. Fisher, Jr.

Jack Fisher

V-82-75
(continued)

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 57TH FIGHTER WEAPONS WING (TAC)
NELLIS AIR FORCE BASE, NEVADA 89191



30 Jan 76

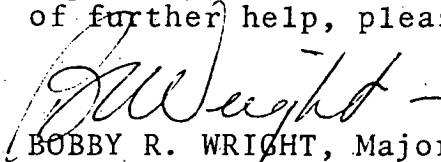
M. Thompson
c/o Merion
1304 Cherokee Lane
Las Vegas NV 89106

Dear Mr. Thompson

Nellis aircraft do not pass over Tule Springs enroute to the gunnery ranges. They will, from time to time, pass four miles to the north of Tule Springs enroute to our southern ranges.

The aircraft also fly over Sheep Mountain enroute to some of the northern ranges. The determining factor is which range they are scheduled to use.

Hopefully, this answers your questions. If I can be of further help, please let me know.


BOBBY R. WRIGHT, Major, USAF
Chief, Information Division

Mr. Ryan: In conclusion we would like everyone to know that ownership of the Park is of no consequence, whether it is owned by the City, the County or the State. It and the Zoo are an asset to the Las Vegas Valley and we intend to defend this natural refuge against any and all incompatible intrusion, or that which is not in accordance with the Comprehensive General Plan.

We can all relocate, but what has taken Nature years to build can not, nor can it be replaced. Where else is there a Zoo in the entire State of Nevada?

We are proud of the area as a whole but particularly pleased with the green respite of Tule Springs Park and the Zoo. Please bear in mind that we have a tremendous growth potential occurring in the northwest portion of the Las Vegas Valley. A motocross in this area is not in the best interests of anyone except those three business men proposing it.

We are determined to not only prevent such a gross and misuse of our Park area, but also to create such a furor that all the citizens of the State of Nevada will know that the largest Park will have defenders defending it.

And since this is a Bicentennial Year, I have one last comment. In many of the Motorcycle Shoppes in town there is beautiful 2 x 3 Red, White and Blue Poster. And it reads: Bicentennial Year Riders meeting February 18, 1976 - 6:30 P.M., City Hall. Does a Motocross have anything to do with the Bicentennial? The answer is a resounding "no". Preserving a historical site in our area certainly is more in keeping with our Bicentennial theme. The developers could not have thought of a more crass exploitation of the Bicentennial than their Poster.

Mayor Briare: Thank you very much, and for those folks who spoke before you, we appreciate the manner in which you gave us your comments. There may be some of you who would like to give a round of applause . . .

(Applause)

Mayor Briare: Thank you very much, Ladies and Gentlemen - now as to the rules we have set up and are trying to carefully follow - and we are following because of the courtesy and understanding you are giving us. I want to repeat a second time how much we appreciate the manner in which you are conducting this Hearing.

The applicants, now, in order to make up for their 50% of the time allowed, in accord with the procedure that this Board has had for many, many years, will be able now to make a 10-minute rebuttal and summation of their application. According to our list, Mr. Emerson and Mr. Wilson are going to do that. Would you gentlemen please come forth?

Victor Wilson: I live in Orange County, California. I am the owner and operator of the Mission's oldest Motorcycle Park, called Saddleback Park. It is the original facility of its kind in the United States and has been recognized by the State of California as being one of the leading recreational facilities in California.

I'd like to open this up with some of the preliminary statements that were made, because it's confusing to me. In fact, I have gone through this, not only with our local government, but I am a consultant for the State of California for a Life Insurance Company and for my own private organization for organizing this type of Park, so it is not unusual for me to be in front of people discussing prospective uses for this type of application. We have gone through this at Saddleback Park with a Use Variance.

We are in an area that is not only the City of Orange but also the County of Orange - we are adjacent to the Cleveland National Forest and we are adjacent to two Parks - one is Irvine Lake which is a County fishing facility and the other is a Regional Park

and right across the Valley from us we had a problem, which we worked out - which wasn't there in the beginning - we had one acre estates. These estates from from a minimum of \$150,000.00 to over a \$1,000,000.00 range. I appreciated their position and we worked with them and they find now that our facility, quite frankly, are alleviating a lot of their problems. Before they had these motorcycles running around their own backyards and now they run within the confines of a regulated facility - and I think your developers have indicated they have every intent to regulate this facility and you people have the hammer to enforce that. We've been doing it for eight years.

The Irvine Company is one of the most progressive land companies going. They recognize our facility as being a godsend to their production there - they had cattle chasing - fence breaking and everything else. Since we've had our facility we've practically eliminated that problem within our confines, and because of that the Federal Government and all the County agencies have recognized our facility as being a hell of a good guideline to figure out what's going on with this motorcycle population.

Some people feel that this element has come down from the good old days when Marlo Brandon put on a pair of black leather pants and that's the way this whole thing was generated. In fact, we have found out that after eight years of good hard use, that this is one of the real free recreational media that a lot of Boy Scout agencies, Juvenile Delinquent Officers get these kids out and finally relate to these kids - kids that don't necessarily like baseball or football or some other sports activity. It relates to these people and they enjoy their sports the way they like it.

As I say - we control it - such as Police - Fire and whatever else. We have a tremendous problem down there - we have 700 acres - we have an erosion problem and we have policing problems.

We did a very extensive environmental impact study that cost us nearly \$10,000.00. You talk about an expert - I think I'm probably as good and versed as to the operation of a vehicle park as anybody in the United States. I think I can answer just about any question, in detail, including the gentleman who is concerned about the Zoo. I have passages out of my environmental impact study by experts in the field showing that the flora and the fauna - the foxes and the rabbits and the coyotes love our park and there is no irreversible effect. We have been there long enough to have that experience. You've got to give anything - whether it be a biology test or a chemistry experiment or going to the moon - you've got to subject it to some experience factors.

If any of you gentlemen have questions I think without a doubt I can answer 95% of them, because I am thoroughly experienced.

Mayor Briare: Rather than for us to use your time asking questions, we will save our questions for our own time. You people may go ahead and proceed to your summation.

Mr. Wilson: OK - I am here primarily as an expert witness. I have been in this position many, many times. The most graphic one was when I went to Hawaii and they had a fifty square mile island called Oahu where they had not provided for the motorcycle population which is very small. However, they did dedicate a square mile of land through our presentation for motorcycle activities. This shows, I think, some progressive thinking. I also think that any facility - maybe they don't want that right next to them, but where do you put them? You've got to put them somewhere, and after looking at that site out there, that seems like a logical position. I am not familiar with all of the ramifications of it but from what I can see, I don't see any major problems.

Mr. Emerson: All I'd like to say at this time, other than what Dick has said, is please consider the 2,000 adults and children. Please consider the flood plain area. Give this thing a chance. Give us one shot at it. You are the people with the power - we have to live with the pollution controls - we can do it because we've got the equipment. We have a land committment of \$400,000.00

we'll be in there for another quarter of a million dollars. If we didn't have good intentions, we couldn't get into this aspect of it.

So all I can really say is - give us a chance and give these kids a place. We've got a potential - this time we've got thirteen and fourteen year olds that are potential world champions, and they need a place and we feel this is the area - this flood plain area.

As far as the trees are concerned in this one area, it would probably take 4,000 trees to go around this 80 acres. We don't intend to stop there - we want to go inside and create a paradise - an oasis. There is nothing to stop this Project, other than mankind himself, and I don't think we're going to stop it. We have too much interest at heart and with these kids.

All I can say is - give us a chance.

Mayor Briare: Mr. Saylor, what about the time?

Mr. Saylor: They have two minutes left.

Mr. Emerson: Dr. Lovaas is another gentleman, and I think he's in the audience - the only other man I would have liked to use up the two minutes -

Mayor Briare: Dr. Lovaas, would you please come forward - you have about a minute and a half.

Dr. Lovaas: Your Honor and fellow Commissioners - I think I know most of you, individually or on the fringes. I have lived here for 26 years. I race myself, and my son races. Just a couple of points - I agree with Commissioner Christensen in the 26 years I've lived here, R-E has been a holding zoning for the City.

I belong to the Red Rock Optimist Club - we do sponsor the Cashman Jr. High School Jr. Optimist Motorcycle Club and I do go with them on their rides, and our members do also.

We have donated materials to the Tule Springs facility - we have donated labor and other things to that facility. I do want you gentlemen to realize that this is a needed, regulated facility in an accessible and reasonable location - that it would benefit hundreds and hundreds of families within this area. Thank you.

Mayor Briare: Ladies and Gentlemen, this now concludes our Public Hearing and I hereby declare it closed.

I know that the Commissioners are going to have questions they would like to ask of probably both the applicants and the protestants. I wanted to indicate - Mr. Lovell, now that the Public Hearing is closed I will make this comment that there was a little bit of confusion getting started. The Board does wish to take some kind of action, one way or the other, tonight. What kind of action are we in a position, legally, to take in view of the comments you made previous to the Hearing?

Mr. Lovell: I think it would be in your best interests, for the record, that if you wish to take some action tonight because of the input you received - which is the reason you carried it on - is to state in one of two ways - either a motion indicating that this because of the input and clarification that it does not change the Land Use Plan, and therefore you could go ahead and discuss it, or just indicate in your various comments when you make a motion that you did not think it changed the Land Use Plan and therefore you are making whatever motion you are going to make.

Just put it in the record so that it is clear.

Mayor Briare: Thank you very much, Mr. Lovell. I would like to start off asking a question or two, but I want to clearly indicate because as I mentioned earlier, the Commissioners have given this a great deal of study and a great deal of thought over the past number of days, and I want to assure each and every one of you that nobody,

area site to be located from the nearest dwelling.

However, on Page 17 of this same document, it indicates that the Motorcycle Industrial Council passed a noise resolution . . . and it relates to sound levels. It says - the Council supports the regulations utilizing the following sound levels - I will read the two in 1975 - in 1975 it referred to offroad machines and that's what we're talking about - it says that the Motorcycle Industrial Council noise Resolution supports 86 decibels for all offroad machines manufactured after January 1st. And it says - it is specifically recommended that regulations requiring lower sound emission levels than those above not be imposed . . . Do you have any comment on that?

Mr. Wilson: The only comment I would make regarding noise, and that's probably the one single biggest concern of the entire industry. Noise is probably the thing that has become the most aggressive item on the entire motorcycle scene at this time. The manufacturers - not only the manufacturers of the machines themselves, but accessory products - have become so aware that if they are to continue to enjoy their sport they are going to have to continue to quiet these machines. When we opened our Park we had no silencers at all with decibels in excess of 100 . . . that's a damaging level . . . but there are controls in the Park and we will evict people who do not abide by them. We have started clamping down and I think you are going to see, through the Federal limitations, that these bikes will stop emitting noises at higher than 85 decibels. 85 decibels isn't very loud - and you talk about topography - I can go on all night about that - the terrain you are looking at out there - I know it because I've been around this long enough - the sound is relative to direction - sound does not penetrate through mountains or anything else. I don't see sound being a real big problem out there . . .

Mayor Briare: Do any of the Commissioners have questions of Mr. Wilson?

Commissioner Woofter: Mr. Wilson, I am interested in some of the comments you made insofar as the location of your particular facility - the Saddleback - you mentioned there was certain animal life that exists there - also that there are certain homes of a \$150,000.00 value. When you say "animal life" - is there a Zoo comparable to what we have in close proximity - or does this animal life exist in the forest there?

Mr. Wilson: Our zoning is agricultural and it is primarily grazing land. We are about 10 minutes from Disneyland - we are about 5 minutes from downtown Orange - we have homes within less than a mile of us - substantial homes. To answer your question regarding animal life, we have a substantial number of just ordinary living animals - there are deer - we have a tremendous coyote population - needless to say there are squirrels and rabbits.

Commissioner Lurie: I just have one question - in defense of the book - some of the items you brought up, Mayor, I think I want to carry a little further - it has to do with the format of the commercial motorcycle parks is primarily determined by the terrain - which I think relates back to the paragraph you read concerning the motorcycle park and the 200 miles - the size of it basically has to do with the size of the equipment and in the book that was presented - and you might be able to answer this, Mr. Wilson, for this type of facility, would you recommend anything higher than that?

Mr. Wilson: When we first opened we had no guidelines to go by and we analyzed that very same thing and wonder if we should regulate the size of the bike as to the dilution of wear and tear on the park and the terrain, and all, and after these years of experience have determined that the CC size, first of all, has no bearing on sound - in fact if anything, the smaller CC's are a little bit noisier - insofar as the use of the facility, we have not regulated it because there is no difference in the two bikes - one does not cause any more damage, or problems, than the other.

Mayor Briare: We are going to hand to the Clerk the book called Motorcycle Park Planning & Management published by the Motorcycle

Council in Washington, D. C. - we're going to have that put into the record.

Commissioner Leavitt: I have a question - I notice in your brochure on Saddleback Park that you indicate you have more than 500 acres - is that correct?

Mr. Wilson: That is correct -

Commissioner Leavitt: So your operation is a lot larger than is planned here - is that right?

Mr. Wilson: We do not have the open lands you do out here - we are kind of in between a BLM project and on weekends we have all kinds of bike events - hill climbs - so we're kind of in the middle. The State has indicated to me they would like to have more of the concession-type parks in the future.

Mayor Briare: Thank you very much. I think both sides have presented an excellent case -

Commissioner Christensen: I have some questions of some of these other people. I've got several questions, Mayor, that I've had a hard time relating to when the points were brought up. One of them - I believe it was the gentleman who is the plant expert -

Mayor Briare: Mr. Wagner -

Commissioner Christensen: He mentioned damage to the plant growth and also about the area not being able to grow anything. Is he still here?

Voice from Audience: He had to leave. Mr. Wagner had to leave - he asked me to tell you - my name is Jean Albins - all the information is in the books he gave you and as an expert witness he submitted them as part of his testimony.

Commissioner Christensen: One of the questions I had - there was worry about damage to the plant growth and this is on private property. Is he assuming that in this R-E zone out there the people building homes are not disturbing any plants?

Jean Albins: His statement was that the soil would not sustain plant growth for trees in the buffer zone - they can't grow trees there.

Commissioner Christensen: Somebody mentioned the damage to the plant growth - they mentioned the damage to the creosote bushes . . .

Jean Albins: That was Mr. Emmerson of the Zoo -

Mr. Emmerson: The figures that I gave were specifically in refutation of Mr. Emerson's contention that motorcycles don't do any damage to the environment, or the habitat. That is why I entered those figures into the record.

As long as we're into this, let us consider one more thing. If you locate a human activity, where it's your house, or mine, or the Motocross on virgin desert, or what used to be virgin desert, you will in the course of doing things you will remove some of the plants even though it be by accident and you will also break up the crust. One thing we are dealing with here, being more or less downwind - the prevailing wind will be blowing off this Track onto us - when you disturb the crust - remove the plantings, intentionally or otherwise, you set yourself up for a dust bath.

Commissioner Christensen: What bothers me about this - and I'm not trying to stick up for any one person - I'm just trying to get this clear in my own mind - I would like to think that in order to be fair, everybody has to live by the same rules. What I'm trying to relate to here is that assuming this property is R-E and is not to be used for anything else and the Motocross proposal gets killed, then the same arguments could be used against any development in that area - subdivisions - new streets - or anything that would

disturb the plant life.

Mr. Emmerson: That's right - it's a valid argument no matter who you use it on.

Commissioner Christensen: OK - the other thing - the gentleman said the soil wouldn't support the trees. Then the land also would not be suitable for R-E zoning because who wants a house with no trees?

Mr. Emmerson: I think you'll find a different type of soil around a horse corral than you would around a motorcycle track. I think what Mr. Wagner was getting at - the soil, as is, would not seem to support that much vegetation - particularly trees. What he is getting at, I believe, is that unless the soil is severely amended over a great, huge area, it is difficult to imagine getting that much tree growth in there in time to do us any good - let me defer to these ladies who garden their own places out there -

Mayor Briare: Commissioner, did you want to ask the ladies some additional questions?

Commissioner Christensen: No. As a matter of fact I've visited these ladies homes and I know the soil problems. I think it's a valid point if it's going to require an awful lot of change in the soil to make those trees grow - and that will take time. That I can understand. I was just having a hard time relating to the fact that if trees aren't going to grow around a race track they aren't going to grow around a home either. It's going to take a certain amount of fertilizer, whether it's alongside of a house.

Commissioner Woofter: Dr. Emmerson, I have a couple of questions. You've heard Mr. Wilson testify with regards to the Park down in Orange County, California. In regards to the fact there is a lot of wild life that is in close proximity to his track. Also I note - you may have noted in the Review-Journal and the Sun a couple of weeks ago that right by McCarran there was a study of the land use at McCarran - you saw possibly a bunch of wild life calmly lying right next to the runways, not paying any attention to the huge 747's and what have you. The same with birds and on down the line.

I think you referred to a veterinarian and somewhere in my travel in reviewing this application, I did come across a letter from a veterinarian, in which he stated that - and correct me if I'm wrong - generally speaking that it would have little or no effect insofar as wild life is concerned - as far as reproduction on down the line.

Taking all this into consideration, especially an operation that has been going for approximately eight years, and there are no notable changes as far as the wild life is concerned . . .

Mr. Emmerson: Has that been studied?

Commissioner Woofter: Just the general observations . . .

Mr. Emmerson: I don't accept Mr. Wilson as a Biologist -

Commissioner Woofter: What about this Veterinarian?

Mr. Emmerson: What about him? I'm not being smart, but I question whether anyone who hasn't been in the field and studied specific instances can make a blanket statement that thus and so doesn't hurt the animal life.. Indeed, some of the affects that I have described to you can only be noted upon post-mortem examination, for example.

Commissioner Woofter: You do see cattle, horses and wild life along the runways of various airports - I have observed.

Mr. Emmerson: I will say this, many animals are tremendously adaptable. However, in certain ways I expect that I'm more concerned about the human population than anything else - in the

Zoo environment if we have an animal such as the pronghorn that we had that couldn't handle that environment, we are at liberty to remove it from the premises - and we did -

Commissioner Woofter: Did you determine that it was the noise, for sure?

Mr. Emmerson: Precisely - yes.

Commissioner Woofter: Was there any study made?

Mr. Emmerson: Yes . . .

Mayor Briare: We will stipulate that Mr. Wilson's report is authentic and does have some expertise, because you two could stand up here and argue back and forth the rest of the evening - We're going to take his word for it the same way we take your word -

Mr. Emmerson: The whole study is not just that sentence -

Commissioner Lurie: Mr. Emmerson, the only question - Commissioner Christensen brought it up - and that is the number of people that use the Park and the noise created - does that have any bearing on the animals you have in the Zoo?

Mr. Emmerson: The number of people who use the Park?

Commissioner Lurie: Many private companies have picnics out there attended by 1,000 people, and they do make a lot of noise running through the Park - and they go through the Zoo - I've seen children out there that speaking quite frankly, abuse the animals. To me, this would have an effect on the animals -

Mr. Emmerson: We eject anyone who willfully abuses any of the animals -

Commissioner Lurie: At one time there was a sign out there about the development that the City has planned for Tule Springs in the future - saying a large swimming pool would be built out there - the noise and everything from the kids in a swimming pool - would that have any effect?

Mr. Emmerson: I couldn't say until we started it - I would have to study similar situations -

Commissioner Lurie: You are giving us your own personal opinions -

Mr. Emmerson: No - I've cited the studies - they are in the record -

Commissioner Lurie: Those were using mice and rats -

Mr. Emmerson: One does not experiment on camels and elephants - rats and mice are used to standardize the drugs you take - if they are good enough for you, they should be good enough for them . . .

Mayor Briare: Do you have any further questions to these people before us?

Commissioner Woofter: I have a question to one of the applicants - it doesn't matter who.

Mayor Briare: Mr. Emerson, I imagine you perhaps might want to respond.

Commissioner Woofter: I think the gist of the protests here is the fact they agree - like the Mayor brought out - there is a need for such a facility, but why in their area? Now, that's my number one question - why in this particular area have you decided to build such a facility?

Mr. Emerson: Commissioner Woofter, I think that's a question that everyone should ask. It's because of conditions in that area. These are the conditions that are present there because of the clay

deposits - because of the artesian basin, because of the power at 900 ft. The only other place that a person talks about is are the sand dunes over by the Nellis Base area. These are just dunes - acres and acres of sand. There would be no way to control them. There would be no way to ever put the effort into something like that, as it would be the American Dream to do it with your own land. There could be no other answer.

Commissioner Woofter: Were you ever approached - was there ever a suggestion made of the possibility that you could trade this land for some other land?

Mr. Emerson: I am not familiar with that phase - we purchased the land . . .

Charles Brown: I believe I can answer that - I checked with the BLM on a proposal for a trade, and I reaffirmed this this morning with Mr. Boyle, the District Manager - the only way a trade for this ground could be, is if we found a site that was bordered on all four sides by privately owned ground, then the Statutes say we could trade it. You narrow that down to the fact - is there water there - is there power - who knows within how many miles and the fact you've got four other owners who don't want you there for this type of thing - it more or less rules it out.

Mayor Briare: Mr. Emerson, Commissioner Woofter brings up a very good point - the geologist brought out that because of the nature of the soil, etc., with a reasonable amount of water you could keep it in fairly good condition. You just mentioned the artesian basin. Do you, tonight, have a Water Permit - a Permit to drill a well?

Mr. Emerson: I think a copy of it should be, Your Honor, on your desk - a copy of the Permit with aerial photographs -

Mayor Briare: I see - you are buying a Well Permit -

Mr. Emerson: Yes Sir -

Mayor Briare: Mr. Hampton (Director of Public Works) would you look at this? Is this sufficient to get the kind of well they need?

Mr. Emerson: There should be two documents, Your Honor - one from the Las Vegas Valley Water District and one to purchase the private wells.

Mayor Briare: What does the Las Vegas Valley Water District say?

Mr. Emerson: It's my application to use the construction water and I've paid my fee - it's right there written on the record - I can draw all the water I need - that would be the nearest fire hydrant - we have the availability of our trucks probably to haul 45,000 or 50,000 gallons at a time -

Mayor Briare: Mr. Hampton: Can you tell if this is a sufficient supply of water?

Mr. Hampton: No, I can't, Your Honor because of the fact, it does not give a maximum amount of water that could be drawn.

Mayor Briare: Do you have that information, Mr. Emerson?

Mr. Emerson: No - not the maximum to be drawn - we have our Hearing on ours on February 26th and as far as we know from the Registered Professional Engineer that represents us, we won't be turned down. We will be given our own well. This is just to suffice for the moment and my hauling rights from that Water District Permit there will furnish all the water we need for construction. I am like any other developer - I can use all the construction water I need as long as I pay my fee.

Mayor Briare: And you pay for it a day at a time?

Mr. Emerson: I can do that or pay for it by the year - \$3.00 a day.

Commissioner Lurie: Explain to me a little bit about the Hearing on the well.

Mr. Emerson: Well, Commissioner Lurie, we have probably been eight or ten months going through the hassle of the Well Permit, through our representative, a Registered Professional Engineer, and always throughout the hassle they've always been too busy up in Carson City - probably with consolidation - but they did get around to it and say that they wished a verdict would come one way or another somewhere down the line. So we pin-pointed them in Carson City a week ago. They said they were to be in Las Vegas on February 26th to consider a Well Permit for the Dunes Hotel and ours at the same time.

There are two priorities for water. First, drinking water. The second priority in the USA, recreation. So they have told our representative that we are entitled to water, and we believe them.

Commissioner Lurie: So even with this Well Permit you haven't yet appeared before the Board on your water?

Mr. Emerson: On the 26th -

Mr. Brown: Not if we take that well, we don't -

Commissioner Lurie: That's what I'm getting at - that's what I want to know -

Mr. Brown: If we buy this well, we won't need it -

Commissioner Lurie: That's what I want to know - you don't have to go before the Water Board if you buy this well -

Mr. Emerson: No, we wouldn't have to go - that's right.

Mayor Briare: Are there any more questions?

Commissioner Leavitt: If I understand the City Attorney correctly . . . a motion has to pass that the application would not change the Land Use Plan - is that correct?

Mr. Lovell: I think that would be the best thing to do -

Commissioner Leavitt: Someone has to make that motion and that motion has to pass before we go any further - is that right?

Mr. Lovell: You can do it that way -

Commissioner Christensen: Or it could be a part of the motion -

Mr. Lovell: Yes - it should be in the record -

Commissioner Christensen: I'd like to ask the opponents a couple of questions, if I could - I am primarily interested in the property out there - the home owners - and whether or not we have a problem existing now with motorcycles -

Mrs. Ruston: I would like to answer your questions -

Commissioner Christensen: As I understand it - unless I misunderstand - part of the problem that the home owners have in that area is not only the fear of the noise emanating from the track - and the dust from the track - but also the unauthorized riding through the neighborhood. Is that correct?

Mr. Miller: You are right.

Commissioner Christensen: Does that unauthorized riding exist now?

Mrs. Thompson: Yes, it does.

Mr. Miller: Yes.

Mrs. Ruston: Not only do we have the unauthorized riding, but the developers themselves - who assured us there would not be unauthorized riding - who apparently are unable to use their access road - park

their trucks on other peoples' property - ride their bikes within 1,000 ft. of our homes - create a terrific amount of dust - they do it now - they do it every day -

Commissioner Christensen: The law requires that there be no motorcycle riding within 1,000 ft of a residence - does that also refer to private property?

Mrs. Ruston: I don't know - you're the people who are supposed to know this - not us.

Commissioner Christensen: I'm not sure - that's what I'm trying to find out - somebody quoted from the ordinance that you can't ride within so many thousand feet of a home or dwelling - does that refer to private property also? Are you saying that if I want to ride a motorcycle in my back yard, I can't?

Mrs. Ruston: No - I'm saying that they are, in fact, riding their motorcycles - they are parking their trucks . . .

Commissioner Christensen: Doesn't the ordinance say - without permission of the landowner?

Now I'd like to ask another question: If these developers did put a Motocross on that property and fenced it, would it cut into your riding area? For horses?

Mrs. Ruston: No - there's plenty of area to ride out there -

Mr. Miller: But there is no access road -

Commissioner Christensen: I am aware there is no access road - what I am saying is - do you ride horses on other peoples' private property? Or is that all open BLM land where you ride?

Mrs. Ruston: We have BLM land in back of us . . . no - we don't have to ride on other peoples' property.

Commissioner Lurie: You say there is not an access road -

Mr. Miller: No, there isn't -

Commissioner Lurie: There is an access road - on Log Cabin -

Mrs. Ruston: Unfortunately none of the cars or trucks have been able to use it as yet - unless it's a 4-wheel drive. I don't know the definition of the road - it's private.

Mayor Briare: Apparently there are no further questions by the Commissioners. What would be the Commission's pleasure in regard to this application?

Commissioner Wofter: I am ready to make a motion. This is based on not only what we have heard here tonight, but as His Honor has mentioned, we have made a lot of study in this regard, plus the fact that I have not only been out there once - I have been out there several times - like many who have testified here, I grew up here since the age of five.

I agree with practically everybody that testified here. I cannot see any use whatsoever for other than a horse track or a motorcycle track at this location. I cannot see, in view of the geological study we've had, anyone ever contemplating building a home in this particular area.

The noise factor - questions have been posed here in regards to how loud noise should be - there has been quite a study made on the decibel system.

As far as the wind is concerned, naturally it is going to change, but from the times I've been out there that wind has been coming out of the southwest, or the northwest where the majority of the residential area is located.

About the concern of the Zoo - certainly there's concern there - there's concern about the Tree Farm, on my part. I think this has

M o t i o n

V-82-75
(continued)

M o t i o n
(continued)

been alleviated, or the concern is not substantial enough - as was brought out by Mr. Wilson who has had an operation going for eight (8) years right in the middle of a much, much larger populated area than we have before us here this evening - it has been a successful operation - there are homes at a value of \$150,000.00 in close proximity - there is abundant animal life and abundant forestry.

I, at this time, Mr. Mayor, make a motion to DENY THE APPEAL and follow the recommendations of the Board of Zoning Adjustment and, more particularly, to give the operators a chance - I believe they have a 2-year Use Permit that was granted - and if some of these concerns come about, and the operators do not follow through with what they intend and with what they have represented here before the Board, then I say that we in the future bring the matter back and listen to those concerns.

At the present time I don't see those concerns and therefore, again, I restate my motion to DENY THE APPEAL and accept the application and allow the Motorcycle Track to be built there. And I state this too - I've never been on a motorcycle in my life - I've been on several horses and I still believe the need is there in that particular location.

Mayor Briare: Commissioner Woofter, would you preface your motion by saying that it does not change the Land Use Plan?

Commissioner Woofter: I believe that to be correct -

Mayor Briare: That is on the basis of the City Attorney's advice . . . Would the Clerk please have the record so indicate? Are there any comments on the motion?

Commissioner Lurie: I have a comment. I believe when this first came before the Board almost a year ago, I submitted a memo in favor of a Motorcycle Track. I am still in favor of recreation for motorcycle riders. I have to take a quote from Commissioner Christensen and he can elaborate on it a little more if he wishes - the City has always tried to make Recreation available to every facet of the people who live in the community. We provide tennis courts - golf courses - gymnasiums - those types of recreational facilities. I'm surprised the motorcycling people haven't come before us and demanded a track for the City to maintain, which the City just can't afford to do.

I have never changed my position as to how I feel about the Track. I would like to amend the motion made by Commissioner Woofter to have access to this particular piece of property over City-owned property next to the Gun Club and take the access off of Log Cabin Road.

Amendments to
Motion

That that be a part of the motion and the motion be amended to have the access through the piece of property next to the Gun Club, and also subject to the Hearing on the well.

Mayor Briare: Is there any further comment or questions by the Commission on Commissioner Lurie's amendments?

Commissioner Christensen: I'd like to ask a question on the amendment. In recognition of the City Attorney here, Mr. Lovell, I'd like to ask this question: Do they have to have an application in for a right-of-way over City-owned property?

Mr. Lovell: No.

Commissioner Christensen: Thank you.

Mayor Briare: Are there any other questions?

(No response)

Mayor Briare: Alright - we are going to be voting only on the amendment that Commissioner Lurie has proposed, and that is: To amend Commissioner Woofter's motion to the effect that the access.

Amendment
included in
original
Motion

to this property be . . .

Commissioner Christensen: Your Honor - does that require voting on a motion? A vote on that motion would almost be a vote on the total issue. Could that not be combined?

Mayor Briare: I thought we would take a vote right now to see how you all feel.

Commissioner Woofter: Mr. Mayor, I accept Commissioner Lurie's amendment to my motion and make it a part of my original motion.

Mayor Briare: That is perfectly in order, Commissioner Woofter. The only thing - we don't know, and we won't know until the vote is taken, what the final outcome is going to be. It may very well be that there is a feeling that if this application should be approved, then maybe the access road is not properly put there. That will have to remain to be seen because now the motion includes that access road.

Are there any further questions or comments on the motion?

Commissioner Christensen: I'd like to make one comment: Your Honor, I think you covered it a little bit at first - this is one of those situations which we've been in before where I think both sides have some legitimate questions that need to be answered.

I think we are faced with one of these tough decisions you face in an elective audience. We've been threatened with recall over this - I think we've been threatened with law suits indirectly. We're going to make some enemies and we're going to make some friends - no matter how this comes out.

A couple of comments: You mentioned the long time the people have lived here. I've said this before and I'll say it again - I've lived in about seven different places in Las Vegas - I have been driven out of some by the noise - some by population and some because the house just wasn't big enough.

If we had stuck totally to the Land Use that was established in this community, Fremont Street would be residential and the town would have 9,000 people in the whole Valley and I would submit that 90% of the people in this audience would not be here - would not even live in this County. So there is something to be said about progress - there is always the question whether progress is good or bad and I would just hope when we vote on this issue, however it comes out, that it establish some kind of a situation wherein we don't end up with calling each other liars insofar as their testimony is concerned - and who is right and who is wrong - because as far as I'm concerned - both sides testimony has indicated what they think will happen, or what they propose will happen or what they want to make happen. I have not heard one shred of evidence from either side as to what actually will happen, and I don't think we'll have that evidence until it is either put in or not put in. We'll never know.

I just want to make that clear to everybody. I know we've been threatened with a recall movement if we approve this Race Track - North Las Vegas is going through that - we went through it in Las Vegas once before on another controversial issue that filled this house, and I hope the people realize there is no way you can make everybody happy. This is one of those situations where we're going to get sued if we do, and sued if we don't.

Mayor Briare: I'm going to call for the vote as soon as I make this one comment - it is very difficult to do - I appreciate this has been a long Public Hearing - I think we might have taken a little more time than you people did.

I've got a comment in this respect, though. I feel quite strongly about this. There has been three points that have been brought out this evening that certainly have a bearing on this application.

No. 1. Those people who are living out there - they were there first. Now there's no question that there is a need for this facility and I would represent to the Commission this: There is a need, but it can

be fulfilled elsewhere.

I am convinced, although some of my fellow Commissioners don't feel this way - I think there are locations elsewhere in this area that not only would be available, that not only would be acceptable, not only not cause harm to anyone because there would be no one living in the area and, furthermore, would be better than this facility. I think it can be done.

So the question then that we have before us this evening is on the motion to DENY THE APPEAL, which would allow the Motocross. Would you please cast your votes?

Commissioner Christensen: Please state the motion one more time.

Mayor Briare: Alright - a "yes" vote on the motion will allow the Motocross. A "no" vote will be a vote against the Motocross.

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

Mayor Briare: The motion is approved.

(Applause from audience)

At the hour of 10:25 p.m. Mayor Briare declared a 5-minute recess.

Meeting reconvened at the hour of 10:30 p.m. - full Board present.

V-83-75
Appeal Denied

APPEAL FILED BY HIGH J. CONWAY AND BY FRANCES KOEHL - V-83-75
APPLICATION OF DAVID M. COX

to action of the Board of Zoning Adjustment in approving a Variance to allow an existing Non-conforming Single Family Dwelling unit located in the required rear yard area, and to allow an existing Duplex to be maintained on the property, for a total of three (3) units where only one (1) unit is allowed; and to allow three (3) off-street parking spaces where five (5) off-street parking spaces are required, on property generally located at 248 Spencer Street, on the west side of Spencer Street between Carson Avenue and East Charleston Blvd., in Zoning District R-1 (Single Family Residence).

Mayor Briare: Who is present on this Appeal?

Hugh J. Conway: I live at 335 Spencer Street. My objection to this Variance is the fact that it might set a precedent on residences on that street and the street is so narrow right now that when one car is parked on each side of the street, there is very little room for another car to go by. I hate to see a precedent started where there would be one or two other multiple uses on down the street.

Mr. Saylor: Mayor, excuse me for interrupting, but I think as a point of information may clarify. This is a situation wherein the units already exist, and have existed there since the 1940's. At that time, as far as we can construct, they were illegally built.

The applicant went to sell the property recently and FHA requires that anything not in conformance with present zoning be cleared by the City in order to authorize the sale.

So they are not talking about adding any units. They are talking about maintaining a situation that's been there for twenty years, at least.

Mr. Conway: I don't believe the people in the area were aware of the fact that these units were built. I've lived there since 1947 and I wasn't aware of it for some time . . .

Mr. Saylor: They are not proposing to add any units -

Mr. Conway: These are all supposed to be single family dwellings and a single family dwelling is not supposed to be rentals, which this is being used as such.

Frances Koehl: I live at 218 Spencer Street. As I understand it, they are selling the property - I believe he said - so now the property is to be sold and it will be rental property. It will be rented to three different families which will probably have six different cars - most families do. There is not enough off-street parking as it is. Whatever has gone on there before didn't create this problem, I am sure, but when they sell it now to someone who is going to use it only for rentals, it is going to create an entirely different situation.

Mayor Briare: You are suggesting, Mrs. Koehl, that those people should sell their property as a single family property - the same as the other properties in that area?

Mrs. Koehl: That's right, because I believe it will certainly have to reduce the values of the properties in the surrounding neighborhood. I don't see how it can do otherwise when it's supposed to be a single residence area.

Commissioner Christensen: He can't receive a loan without the expense of tearing off all these buildings, Mr. Saylor?

Mr. Saylor: Yes - there's one unit in the rear that would have to cease being used as a rental unit - and the main dwelling was converted into a duplex.

Commissioner Christensen: How long ago?

Mr. Saylor: In the 1940's some time.

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Commissioner Christensen: Then there have been three families living here since then -

Mr. Saylor: As far as we were able to ascertain - yes.

Commissioner Christensen: Just as a matter of clarification, Mayor, because I understood from what the lady said that this was going to create two more families in the neighborhood at this location, and according to this, those two extra families have already been there.

Mr. Conway: In the first place, Commissioner Christensen, it was all one family that was living there. I knew the family very well - Darwin Leavitt - and it was all one family at one time. Later on then, it was rented out - but this, in the beginning - I didn't know when it was built and like I say, I've lived there since 1947. There wasn't much on the street when I moved there.

There are quite a few people here in opposition to it -

Mayor Briare: Mr. Conway, you are the appellant here so you are given the first opportunity to speak. Now we will ask Mr. Cox whose application was approved by the Board of Zoning Adjustment. Mr. Cox, would you please come forward?

Mayor Briare: Mr. Cox, how long have you owned the property?

Mr. Cox: Approximately two years.

Mayor Briare: Did you buy it for rental property?

Mr. Cox: It was my grandfather's. He was the original owner.

Mayor Briare: Do you have anything you would like to say to this Board?

Mr. Cox: Nothing except that the property was acquired in 1942 and had been subdivided then. It was what they called an R-5 then and in an R-5 zone you could build anything you wanted - corals - single family dwellings - as many as you wanted on that property at that time. In 1945 he did build two more other than the single family dwelling that was there. From then on he had those other single family dwellings - his kids - one was in the War - he rented that out to one of his sons and his daughter lived in the other one.

From 1945 up until the present day, they have been rented.

Mayor Briare: Do you live in one of them?

Mr. Cox: I live in the house.

Mayor Briare: You're going to move?

Mr. Cox: Yes

Mayor Briare: Are there any other comments by anyone in the audience?

Mr. Conway: I disagree with his statement that was built in 1945 because that isn't true - all those units were not built in 1945. They weren't built when I moved there and that was in 1947 - those boys used to cut my lawn so I remember very well.

Mr. Cox: Well, I'm giving testimony from my Grandfather and he's the one who built them -

Mayor Briare: What is the pleasure of the Board? The question before us is - shall the appeal be allowed and the application denied?

Commissioner Lurie: What happens if the appeal is upheld? What does he have to do - tear down the existing dwellings that are on that property?

Mr. Saylor: They would have to conform -

Mayor Briare: Couldn't it be classified as a Guest House?

Mr. Saylor: No - not in an R-1 Zone.

Commissioner Christensen: I notice our City Attorney is not with us -

Mayor Briare: He'll be here shortly -

Commissioner Christensen: Alright - I'd like to get a little bit of a legal interpretation here. If these structures were legal when they were built, would we not be subject to a lot of problems if we caused him to tear them down now?

Mr. Saylor: There are provisions in the Ordinance for the removal of nonconforming uses.

Commissioner Christensen: In other words, if we went in and changed the zoning on this we could go in and make everybody remove everything that doesn't fit that zoning -

Mr. Saylor: Within a reasonable length of time - yes.

Mr. Cox: Commissioner Christensen, I'm just asking for a Variance - I'm not asking to rezone the whole thing -

Commissioner Christensen: I'm aware of that, but this gets into the same problem -

Mr. Cox: It has been there for thirty years - why should it change now? It hasn't hurt anybody for thirty years -

Commissioner Christensen: The point I am asking about - if he didn't need a Variance to build it, is it proper to require a Variance to keep them?

Commissioner Lurie: With these units they cannot obtain financing through FHA,

Mr. Cox: That's right - the way it is now on R-1 property you can have only one single family dwelling. There are three on this particular property. They were built legally under R-5 zoning back in 1945. The only way I can get FHA to approve any loan on this house is to reclassify it and get an R-2 on it.

Commissioner Lurie: If I may quote from the BZA minutes . . . "Mr. Foster informed the Board the duplex and rear unit would remain on the property, but the garage/carport structure would have to be removed. He said the nonconforming structure to the rear would have to be removed in 1984 since there is an abatement provision in the Ordinance indicating removal within 40 years and the applicant wants a commitment that the property can remain the same. He said the applicant, however, would not be adding to the property."

I don't quite understand that - we've never come across that before -

Mr. Saylor: Not with any degree of specificity, let me put it this way: Our Ordinance, like every Zoning Ordinance I've ever been acquainted with, contains what are called nonconforming use provisions, which means if you have property that is not developed according to the zone in which it is classified, it is therefore a nonconforming use and generally speaking, there is some type of abatement procedure established whereby within 5 years - 10 years - 30 years - 40 years - whatever - those uses have to be abated.

Sometimes they become nonconforming through a change in zoning or some time of change in regulation - something of that nature. Sometimes they are the result of illegal construction. This happens every once in a while, wherein when somebody wants to sell property and get FHA mortgage insurance, the property is checked by FHA people in accord with the zoning regulations. They ask us if they are in accord and if we say "no", then they will not provide the mortgage insurance unless it can be made legal by means of a Variance.

Mayor Briare: Are there any other comments or questions?

(No response)

Mayor Briare: What is the pleasure of the Board?

If there is no one else to be heard on this matter, I hereby declare the Public Hearing on the matter of V-83-75, closed.

M o t i o n

Commissioner Lurie: Your Honor, I move that the appeal be DENIED and that we follow the recommendation of the Voard of Zoning Adjustment.

Mayor Briare: Here, again, a "yes" vote is going to allow the buildings to stay. A "no" vote will be in favor of Mr. Conway and Mrs. Koehl.

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

Commissioner Leavitt abstained.

ZONE CHANGE Z-67-75 - NIMROD SMITH

Mayor Briare: Is there anyone in the audience to protest this Zone Change?

(No response)

Mayor Briare: Mr. Saylor would you please be prepared to answer any questions the Commissioners might have -

Mr. Saylor: This is an application requesting a change in zoning from R-4 to M in an area that is recommended for Industrial under the General Plan - essentially North Bonanza between the Freeway and the Railroad tracks. We have been making changes to Industrial - several properties have been changed. There are still some residential units in the area, however.

The proposed use is for Bus Storage and Maintenance Yard for a Private Travel Club. The Planning Commission has recommended approval subject to the following conditions:

This is a Plot Plan of the proposed area - "B" Street - McWilliams - it will be fenced - all maintenance will have to take place within the building.

Commissioner Lurie: Mr. Saylor, there was one protest - was that a written protest?

Mr. Saylor: There was a person who got up and spoke about it and it was a little difficult to determine if, in fact, he was protesting but let's consider it a protest - a property owner in the area who indicated - I think not only protesting this, but protesting the other actions that have taken place in that are still residential developments in there. However, as I mentioned, the area is slowly going Industrial under the General Plan.

Mr. Nimrod Smith: I do have a set of the proposed plans in case you might want to look at them. It will be carried out in accordance with the instructions given to us by the Planning Commission.

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. The entire property shall be fenced to a minimum height of 6 ft. as required by the Department of Community Development.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping shall be cause for revocation of a Business License.

Z-67-75
(continued)

4. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
5. All repair work shall be conducted within an enclosed building.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Installation of sidewalks and street lights along "B" Street and McWilliams Avenue, as required by the Department of Public Works.
8. Conformance to the Code requirements and Design Standards of City departments.
9. Conformance to the Plot Plan as amended to reflect the above conditions and as on file in the Department of Community Development.

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, Woofter, Lurie and Mayor Briare voting aye; noes, none.

Commissioner Leavitt temporarily absent

Z-68-75
Approved

ZONE CHANGE Z-68-75 - FIRST WESTERN SAVINGS & LOAN ASSOCIATION

Mayor Briare: Is there a representative of the First Western Savings & Loan present?

Response: Yes Sir -

Mr. Saylor: Essentially this is out in the East Charleston area and is a continuation of the pattern that has been established. There is some single family development there - they have Commercial zoning at the corner - they want to trade off some of the zoning that goes north on Lamb to extend it further on Charleston. It all appears to be a very logical transaction.

I would point out that this is the area we referred to in the previous application as being unsuitable for residential development. There are soil problems but as long as they are recognized they can be successfully dealt with.

The Planning Commission has recommended approval. However, under Condition No. 4, that should also include the improvements on East Charleston which, I believe, are sidewalks, curb, gutter, parking lane and street lights.

Mayor Briare: Are you aware of that, Sir?

Representative of Applicant: I would like a little clarification on that - as to what period of time -

Mayor Briare: You are familiar with the conditions imposed by the Planning Commission and Mr. Saylor has indicated some additional improvements are going to be required -

Mr. Saylor: When you go to develop that portion wherein the offsites are involved, you have to put them in -

Question: But it is not something that will be required immediately? But when we do the development?

Mr. Saylor: Right.

Mayor Briare: If there are no further comments, what is the pleasure of the Board?

M o t i o n

Commissioner Lurie: I move for approval as recommended by the Planning Commission with the additional offsites for East Charleston Blvd.

1. Prior to commencing construction on the Shopping Center, the Development Plan shall be approved by the Planning Commission.
2. The dedication - 40 ft. - and alignment of Marion Drive shall conform to the requirements of the Department of Public Works.
3. Dedication of an additional 10 ft. of right-of-way on the east half of Lamb Blvd., as required by the Department of Public Works.
4. Street lighting, sidewalk improvements and 42 ft. of street improvements shall be required on the Lamb Blvd. and Marion Drive frontages, as required by the Department of Public Works.
5. Conformance to Code requirements and Design Standards of City Departments.

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

STEWART PLACE
Tentative Map
Approved

TENTATIVE MAP - STEWART PLACE

Mr. Saylor: Next before you is the Tentative Map of the portion of the area that will be R-1 outlined on the screen before you. You will see to the northwest of it the existing single family home development. The Tentative Map shown on here is a continuation of that pattern - this is the new part (wall map) - this is the existing - this is the Commercial - the lots are backed up to the Commercial.

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

1. Subject to R-1 Zoning.
2. Conformance to the requirements of the Department of Public Works relative to the alignment and dedication of Marion Drive.
3. No access shall be allowed to Lamb Blvd. from the abutting lots.
4. Construction of a 6 ft. masonry wall along Lamb Blvd. and along the south line abutting the Commercial zoning, as required by the Department of Community Development.
5. Street names to be provided in accord with the Street Name Policy.
6. 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 approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.

Mayor Briare: What is the pleasure of the Board?

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.

ZONE CHANGE Z-1-76 - LEWIS HOMES OF NEVADA

Mr. Saylor: This involves property generally located on the south side of the Las Vegas Expressway, east of Lorenzi Park. However, the whole development extends on south, I believe, to Alta Drive. It is the old La Mesa Tract. They have developed an extensive portion of it as will be generally shown to you on the screen - where the single family homes have already been built. It's a very nice development. That little green spot there is the LDS Church. To the east of it is the Adcock Elementary School and southeast of that is a Junior High School - Garside. West of the church is another single family development. The property north and south of that is vacant. Of course, the north boundary is the Expressway.

When they first applied for the zoning on the overall piece, they did request a portion of it to be R-3. There was a substantial protest factor. They withdrew that and asked for a portion to be a Planned Unit Development, which met with some protest but relatively mild as compared to the protest to the apartments. They have not developed the Town House Development. In fact, part of the area so approved has been put into single family homes, but they now have a strip about 380 ft. deep from the Expressway extending the entire width of their property, which they are asking for Multi Family Zoning on to allow 126 units - a 2-story apartment complex.

Part of their arguments are to the fact that due to the fact it is next to a Freeway, FHA would require certain requirements in terms of buffering the noise, etc., which would substantially increase the cost of the housing.

The Planning Commission has recommended denial, unanimously, of the application. There were some 130 protests. Most of the protests were those normally associated with apartments but, in addition, some of the property owners that had purchased single family homes from the Lewis people, indicated that they had been told at that time there would be no apartments.

This is a layout of the proposed Apartment House Complex (wall map) - this being the Freeway - this being Lorenzi - and the single family homes backing up to it.

Robert Lewis: I am President of Lewis Homes. Basically what he has said is correct. To save time I will avoid talking about the Project but will talk about the issues that came up at the Planning Commission meeting.

It seemed that the basis for denial - there were two (2) factors: One, was this question whether or not we had misrepresented to people that bought in our Tract. At the time we were initially building the project, we had planned to build a Town House Development there. The reason we wanted to have a multi-family project is that we felt that being next to the Freeway isn't so desirable for houses like we've been building.

Since that time we felt that a Town House Project is not a good answer for that piece of land. A number of the Town House projects in town have problems and we since felt that an Apartment Project would be a better use.

The other main argument against it I think was that it was good planning but bad zoning. I believe this is what Mr. Saylor had said and I think the bad zoning came because of the number of people who were protesting it. It is hard for us to understand there is some distinction between renters and people who own. It came out in the Planning Commission meeting that if someone makes out his monthly check and says "rent" on it, that means he is more prone to be a criminal, or his children are more prone to be vandals. This is something we find hard to accept.

Also there was sort of an attitude on the part of a lot of people that now that they are out there they don't want anyone else in that area who doesn't accept their life-style - meaning owning a house and here, again, I don't think this should be a relevant concern for

the zoning. There is a need for apartments and we feel this is a desirable location. It has good access - or will have good access to the Freeway and is sort of close to have houses.

That's all I have - I would be happy to answer any questions.

Sheri Tracy: I am a home owner at 414 Lorenzi. I am also representing the Home Owners Committee. I have to take exception to that because when I purchased my home approximately a year ago . . . this was a verbal kind of agreement that was made when we requested about the area around it.

All of the home owners in both of the Lewis Subdivisions, are very much opposed to the apartment complex kind of thing. It would increase the transient trade. I am not questioning that rental people are vandals. We lived in an apartment for a number of years before we purchased this home here in Las Vegas, but there is some question about the transient people who are normally associated with apartments, plus an additional amount of traffic. There is a 25 mph zone on that street, which is rarely obeyed anyway because people use it to get between the Fremont Expressway and West Charleston - the additional traffic it would create, especially coming down West Charleston and crossing through where the children are in that area - also the children who are coming from the Junior High and Grade School.

The home owners there, who are also very active in voting, are very much opposed to this and there would be no problem whatsoever in getting a good number of signatures on petitions . . .

Lamond R. Mills: I am an attorney and I was asked to represent a group of home owners, as I did at the earlier Hearing, presenting a petition with 160 signatures of home owners in the immediate area, in protest.

I think in answer to Mr. Lewis' problem as to what to do with that property, since some of it is abutted by the Freeway - there have been several things done with other parcels of property close to the Freeway, or Expressway, and that is to build some type of retaining wall which would cut out the sound. You could build the wall and a small park. You could do as they did along Alta - that is, they built the Singingwood Homes, which is a less expensive home, right around the heavily traveled street of Alta and then the Stonegate homes which are further back in.

I think there is reason to go over many of the objections that the citizens feel out there. They are concerned about the transitory nature of apartment dwellers. I think those of us who deal in criminal law are aware of the problems in areas that have apartments. I think they are concerned about the Schools and all the facilities out there. They are concerned about the property, I think, more than anything else. This is not the kind of thing where there was some undeveloped property with rather vague expectations that would be put into single family units - rather that was specifically owned by the developer and when the people bought that property, they were told specifically, many of them (1) that it would be single dwelling - others were told that it would be either single dwelling or Town House. The citizens are asking that Lewis Homes be made to live up to the promises made in the neighborhood.

Sheri Terry: Could I make one more comment? And this is not representative of anyone else, necessarily - during the time I lived in an apartment - it was one of the more expensive apartments in Las Vegas, we were burglarized eight times in one year. That's a major factor in buying a home in a residential area. So I, personally, would hate to see them put in the apartments.

Mr. Lewis: There is one point I would like to mention - as far as the actual density - the number of people who would be living there - we're not changing it from what had already been approved. The apartments would have the same number of units that the Town House Project would have had, or less. So as far as the traffic, etc., it would not be increased by having the apartments.

Z-1-76
(continued)

Motion

Mayor Briare: What is the pleasure of the Board?

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

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

U-2-76
Set Date for
Public Hearing

APPEAL FILED BY ROBERT T. BIGELOW - U-2-76 - APPLICATION OF GEORGE CROCKETT (on behalf of Robert Bigelow)
to action of the Board of Zoning Adjustment in denying a USE PERMIT to allow a 118-unit apartment complex in a commercial zone on property generally located on the west side of Rancho Drive, between West Bonanza Road and the Las Vegas Expressway, 180 ft. south of Bonanza Road, extending south along Rancho Drive 400 ft., in Zoning District C-1.

7:30 p.m., March 17, 1976, was the date set by the Commission for the Public Hearing on the appeal filed under U-2-76, and the Clerk was authorized to initiate the appropriate proceedings.

DEPARTMENT OF PUBLIC WORKS

LAURENCE HAMPTON, DIRECTOR

See Page 71 of these Minutes (Annotated Agenda)

M.P.D. VEHICLES

UTILIZATION OF CITY VEHICLE PAINTING FACILITY BY CLARK COUNTY - METROPOLITAN POLICE DEPARTMENT

Mr. Hampton: Next before you is a discussion item relative to a letter that was received by the City from Mr. Bunker, Director of Automotive Services for the County of Clark in which he was requesting that the City paint facility, when they have some spare time, paint the Metropolitan Police Department vehicles to a black and white at a standard rate of \$12.50 an hour. This amount would not include any body work - in addition to the cost of the materials, making a total of - it is estimated at 14 hours per vehicle - a total cost of \$175.00, plus materials.

We can do this as long as it is done on a "spare time" basis.

Commissioner Lurie: I think we ought to wait until we get a Court decision on the Consolidation matter before we enter into any such agreement with the County.

Commissioner Christensen: Your Honor - I have another question on this. I realize they are going to pay, but you are going to pay 52-1/2% of it. The thing that bothers me is that I opposed the color of these Police cars when they became the Metropolitan Police Department. Now they're going to go back to the Black and White which I recommended they keep. They not only charged the City 52-1/2% to paint them brown and white - now they're going to charge us 52-1/2% to paint them back to Black and White. I can't see it. Let them order the Police cars when they are new, Black and White, and leave the others brown and white and phase them out gradually rather than stick us with that cost again.

Commissioner Lurie: I agree with Commissioner Christensen because I fought the same battle with them when we were on the Police Commission - we tried to maintain the color as it was - the Black and White - I agree that we shouldn't have to pay this 52-1/2% again to have them repainted.

M o t i o n

Commissioner Christensen: If you want that in the form of a motion, I move we deny it.

Commissioner Leavitt: Would the money for the painting of these cars come from the County budget or the Metro budget?

Mr. Hampton: Metro -

Commissioner Leavitt: That answers your question -

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Mr. Hampton: That is my understanding, Commissioner. There is also one other clarification that Mr. Bunker indicated, and that was the vehicles would only be repainted if they were involved in an accident or as the result of something like this.

Commissioner Leavitt: Suppose we deny this and they then have the cars painted by a private concern - we're still going to end up paying the 52-1/2% - right?

Mr. Hampton: For a larger fee - yes.

Commissioner Leavitt: For a larger fee - this way at least we'll get some of the money back -

ITEM

Commission Action

Department Action

VII. DEPARTMENT OF PUBLIC WORKS

LAURENCE HAMPTON, P.E., DIRECTOR

*CONSENT AGENDA

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

*A. RELEASE OF BOND

It is recommended that the performance bond posted for improvements at the following site be released. All work has been completed in accordance with city standards. It is recommended that the work be accepted and the bond released.

1. Location: Westside of Decatur south of Washington Ave.
Use: Winchell's Donut House
Builder: Winchell's Donut House
Surety: Employers Mutual Liability Ins. Co. of Wisconsin
Amount: \$750.00
Bond No.: 2050140402068

Approved as recommended
Leavitt - unanimous

Clerk to proceed

(Commissioner Woofert not voting - temporarily absent)

B. CONTRACT CHANGE ORDER

1. Bid No. 74.64, SID #417, Vegas Heights Improvements. Change Order #2 covers 6 items in the total amount of \$17,250.19.

Approved as recommended
Lurie - unanimous

Staff to proceed

(Commissioner Woofert not voting - temporarily absent)

*C. RIGHT OF WAY ITEMS

1. Grant Deed
From: Personalized Pool Service, Inc., a Nevada Corporation
To: City of Las Vegas
For: Portion of NE-1/4, SE-1/4, Sec. 29, T20S, R61E
Bonanza Rd. Dedication Building Permit

Approved as recommended
Lurie - unanimous
(Commissioner Woofert not voting - temporarily absent)

P/W to proceed

D. DISCUSSION

1. Utilization of city vehicle painting facility by Clark County (M.P.D.).

Abeyance

3/3/76 Agenda

E. REPORTS

1. Oversizing of 731 lin. ft. of sewer line on Raincloud Drive from 8" to 10: VCP - Sproul Homes area. Approximate cost - \$1530.00

Approved
Lurie - unanimous

P/W to proceed

2. Request of Michael Hollingshead at 5105 Smoke Ranch Rd. to hook into the city sewer from outside city limits.

Approved subject to applicant signing SID Agreement
Lurie - unanimous

Staff to proceed

ADDITIONAL ITEMS:

1. REPORT - FLOOD DAMAGE - (FEB, 1976)
2. REQUEST OF COMMISSIONER LURIE FOR REPORT ON ACCESS TO PROPOSED MOTO-CROSS FACILITY

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POLICE VEHICLES
(continued)

Mr. Hampton: That would be good logic - yes.

Commissioner Leavitt: In other words, we would have to go to bid and a private concern gets the money and the City taxpayers will wind up paying 52-1/2% . . .

Mr. Hampton: That's right -

Commissioner Leavitt: That's kind of like biting your nose off to spite your face.

Mr. Trelease: If we repainted only those that had been in an accident, how many would that be?

Mr. Hampton: I was amazed - I asked him how many of those there were and I recall him saying approximately one a week required body work.

Commissioner Christensen: I would change my motion that we deny this and that the City go on record as opposing any expenditure of the City's share of the Police funds to paint cars. We are talking about, tonight, thousands of dollars to hire more Vice Officers, and still we're going to paint cars, and I just can't see it. I think we ought to establish some priorities and I'm very sorry that the City has no more jurisdiction over the Police Department and can't even help them establish those priorities, but I certainly think we can go on record as to what our feelings are, and I will so move.

A m e n d e d
M o t i o n

Commissioner Christensen: Your Honor, I call for a split of the motion.

Mayor Briare: Alright, the first portion of the motion is to deny -

Commissioner Leavitt: The first motion was to deny and then we have a motion to go on record that we oppose - I ask that this be a split motion -

Mayor Briare: The motion is to deny the request that the City do the painting of the Metro Police cars - at \$175.00.

Mr. Hampton: They feel that is the best price they could get on the private market. We feel it would take about 14 hours per car at our rate of \$12.50 - that's two colors.

Mayor Briare: It takes 14 hours?

Mr. Hampton: That's what we told them - as a maximum.

Commissioner Leavitt: So you would charge them the maximum on each car?

Mr. Hampton: That's right - no body work or sanding - just painting.

Mayor Briare: What was your recommendation, Mr. Hampton?

Mr. Hampton: I didn't make any -

Commissioner Christensen: Are you indicating that I can't combine those two motions?

Mayor Briare: Commissioner Christensen - you want the cars to stay the same color they are right now?

Commissioner Christensen: No - I don't see any purpose in repainting those Police cars every three years. If they decide to change the color, in two years they will all be changed without having to go to this expense. That's what I can understand - we're short of Police Officers - the Police Department tells us that eighteen times a day, and now they're going to stick 52-1/2% of the cost of painting those cars coming out of the City to paint them Black and White . . .

POLICE VEHICLES
(continued)

and now we're going to turn around and pay 52-1/2% to take them away from Black & White to Tan & White and now we're going to paint them Black & White again - 105% of the cost of painting the cars by the taxpayers - and I think that's wrong.

Commissioner Leavitt: I'm saying that if we don't do it this way. the Metropolitan Police Department will go to private bid and the City will still end up paying what you're talking about - the 105%, and we'll get nothing back. This way, at least the City will be reimbursed -

Mayor Briare: I think, Commissioner Leavitt, that Commissioner Christensen doesn't want to pay any of it . . .

Commissioner Leavitt: That's fine, but we're not on the Police Commission and we don't make that decision -

Mayor Briare: But we can sure let them know that we don't -

Commissioner Leavitt: That's why I want the motion split.

Commissioner Lurie: Why don't we hold this until the meeting of March 3rd when we can have the Chairman of the Metropolitan Police Commission here, and the Undersheriff here and get their input on this matter.

Mayor Briare: If there are not objections, that will be the order - to hold this matter to our Meeting of March 3, 1976.

Mayor Briare: You might invite Mr. Bunker in addition to a representative of the Sheriff's Department and the Metro Police.

SEWER LINE
OVER SIZE
Approved

OVERSIZING OF 731 LIN. FT. OF SEWER LINE ON RAINCLOUD DRIVE FROM 8-INCH TO 10:VCP - SPROUL HOMES AREA - APPROXIMATE COST \$1,530.00

Mr. Hampton: This is standard procedure. The developer is responsible for putting in an 8-inch sewer, but to serve the general area we require a 10-inch and this cost represents only the additional cost of the pipe.

We would recommend approval. I would like to carry it one step further. Inasmuch as we know that this development is going to proceed to the west, this 731 ft. is just in this one area here (wall map). They have plans to carry this forward to the west in two more developments.

We are prepared to bring this back to you at subsequent meetings, but it might eliminate a lot of red tape and paper work if you were to approve it - the concept of the oversizing for the additional two (2) tracts, which will probably be in within a short period of time. It is estimated it would involve 2,000 lin. ft. at a cost of \$4,200.00 but, with inflation, it may go over the \$4,200.00.

Mayor Briare: Is this up for a change in size after the subdivision has already been approved?

Mr. Hampton: No - we need the extra capacity in order to carry the sewerage from other areas -

Mayor Briare: Isn't it standard procedure to put in the size of pipe commensurate with needs of the neighborhood?

Mr. Trelease: This line will serve other than just this subdivision -

Mr. Hampton: What he is building requires only an 8-inch sewer - the reason we recommend the 10-inch is because of other development in the area - what we need to oversize is what we might call the transmission line that will take sewerage

SEWER LINE
OVERSIZE
(continued)

that will take sewerage through this particular tract . . .

Commissioner Lurie: Isn't there an Ordinance requiring a certain size pipe?

Mr. Hampton: Yes. there is -

Commissioner Lurie: Don't you think we should amend that Ordinance to require the larger pipe?

Mr. Hampton: I'm not sure it would be fair inasmuch as in some area our transmission line should be a 42-inch line. It wouldn't be fair to have a developer put in a 42-inch line that might serve 10,000 people to the west of him -

Mayor Briare: It would be awfully fair if he wanted to put in a subdivision.

Mr. Hampton: Well, that's like if we wanted to relate it to a road - any developer that is going to use the Freeway, it isn't fair to have him put in part of the Freeway, because everybody uses the Freeway -

Mayor Briare: I don't think your comparison is pertinent to the case. You have a 10-inch line going down through a piece of property and a subdivider wants to come in do a whole brand new subdivision, but because of his subdivision he requires only an 8-inch line - does that automatically means now that the City has to go into partnership with them by paying the additional cost of the lines to connect to the mains?

Mr. Hampton: That's right -

Mayor Briare: That doesn't sound right -

Mr. Hampton: If the City didn't have other development in the area that require a 10-inch line, it should go in. If the City does have other development in the area that require the 10-inch line, it isn't the developer that has caused the additional size - maybe it's development two miles away that requires the additional capacity.

Mayor Briare: And this is common practice as to the policy of the City for years and years?

Mr. Hampton: Yes -

Mayor Briare: Any further comments?

M o t i o n

Commissioner Lurie: I would move for approval.

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

FLOOD DAMAGE -
REPORT

Mr. Hampton: I would like to report on the flood damage which we suffered over the last weekend storm. It was relatively minor. The area hardest hit was the Reed Whipple Center ballfield area on Las Vegas Blvd. The total damage totals \$6,880.00. A lot of that will be in-house labor. The biggest item is the asphalt concrete amounting to about \$4,000.00. I'm sure you want this repaired and it might be proper at this time to go on record as to your endorsement on that item.

M o t i o n

Commissioner Christensen: I move for approval.

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

Commissioner Lurie: I have one item I would like to bring up at this time. I think you all, as I did, receive a letter from Mr. Kline regarding the Senior Citizen Center. He has brought up a good point in the letter - on the wood floor. Could you bring us back a report at our next meeting concerning that matter, and a recommendation.

SURVEY FOR
PROPOSED
MOTOCROSS
Abeyance
for Report

Mayor Briare: I have one thing for the Department of Public Works. I'd like to see if we could muster a majority of your votes to proceed with an in-house study to determine the feasibility of a Motocross on City and BLM property just off of Nellis Blvd., which would be of service to the other side of the City in addition to the one the majority of this Board approved this evening. That is the particular area which I was referring to. The only ones who could oppose this would be the jackrabbits. Do you have somebody who could go out and look at that property for that purpose?

Mr. Hampton: We could prepare a report - yes.

Mayor Briare: Would that meet with the approval of the Board?

Question: What area are you talking about, Mayor?

Mayor Briare: You know where Curley Price's tract is - all of that area in there. As a motorcyclist myself I know that would be - for we conservative people who are not used to going up mountains and down the other side -

Since I hear no objections, we will proceed on that basis, Mr. Hampton.

DEPARTMENT OF PERSONNEL

J. ROBT McPHERSON, DIRECTOR

See Page 76 of these Minutes (Annotated Agenda)

ITEM

Commission Action

Department Action

VIII. DEPARTMENT OF PERSONNEL

BOB MCPHERSON, DIRECTOR

A. AUTHORIZATION FOR TEMPORARY POSITIONS AND/OR REPLACEMENTS

1. Federally funded (No City Cost)

<u>Dept/Class</u>	<u>Monthly Cost</u>	<u>Justification</u>
(1) Finance Keypunch Operator Title VI (replacement hire) Until 6/30/76	759	To handle work load in keypunch area of data processing.
(2) PW/Streets Utility Worker Title VI (replacement hire) Until 6/30/76	520	Assigned to clean-up crew in West Las Vegas.

2. City funded (Replacement Hires)

(1) Youth Affairs Stenographer	759	The only position in this classification in department. Presently filled on temporary basis.
(2) Recreation Recreation Leader	904	Assigned to Doolittle Center. Needed to maintain center on night shift.

B. COOPERATIVE AGREEMENT - CITY OF LAS VEGAS
 PERSONNEL DEPARTMENT/CLARK COUNTY PERSONNEL
 DEPARTMENT

Items A and B
 approved
 as recommended
 Lurie

(Commissioner Leavitt
 voted "no")

Staff to
 proceed

Abeyance

3/3/76 Agenda

OFFICE OF THE CITY ATTORNEY

CARL E. LOVELL, JR., CITY ATTORNEY

REED WHIPPLE
CULTURAL ARTS
CENTER

CULTURAL ARTS CENTER

Commissioners Lurie and Christensen appointed by Mayor Briare as City Commission Members of a Joint City/County Committet 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.

Mayor Briare: Commissioners Lurie and Christensen, do you have a report on your efforts?

Commissioner Lurie: I'll make a report on that, Mayor: As you know, the County Commission met and the recommendation from the Administrator was to deny the City's request for participation toward a Cultural Arts Center.

Commissioner Christensen and I have met and we would like to recommend to this Board our recommendation on whether or not we should proceed. We feel after discussing the budgetary problems that the City has, with the Finance Department, and the City's position as far as our Debt Service is at the present time, we feel that the Cultural Arts Center is a much needed facility in the City of Las Vegas and would get a tremendous amount of use. We therefore would recommend that the City borrow the necessary funds to renovate the Cultural Arts Center and proceed with the necessary plans.

Mayor Briare: Commissioner Lurie, you say that your recommendation is to borrow the "necessary funds" . . .

Commissioner Lurie: It would have to be voted on by this Board that we borrow \$1,400,000.00.

Commissioner Leavitt: Do I understand that the Tax Commission has already approved \$1,000,000.00?

Mayor Briare: That's right -

Mr. Trelease: It would take a new application by this Board.

Commissioner Lurie: And that would be our recommendation. We feel that the City has to have some capital projects - at the present time we don't have that many going - our Debt Service is low and we feel that the obligation for the City is to proceed with the renovation of the Cultural Arts Center.

Mayor Briare: Commissioner Lurie, have you and Commissioner Christensen given any thought to the remote possibility that perhaps the County would join with the City in supporting a Bond Issue for an amount greater than this, where the citizens of the entire County and not just those citizens inside the City of Las Vegas would be called upon to pay for a Cultural Arts Center which the County residents enjoy in an amount greater than 50%? Do you think there's any merit in even discussing that with them?

Commissioner Lurie: Well, it was discussed with the Chairman of the County Commission - on a Bond Issue - and he was speaking mainly of a Bond Issue for a Sports Complex. I feel that the two should be separate - a Cultural Arts Center and a Sports Complex should be kept separate - and a Bond Issue at the present time I don't believe would pass.

Commissioner Christensen: Your Honor, we've got a situation here where the Consolidation issue is in the hands of the Court. If the

(continued)

Consolidation gets on, the City will pay for that -

Mayor Briare: I get your message - right. I'm going to support Commissioner Lurie's motion, but I want it to be noted that I don't think \$1,400,000.00 is enough - that we should probably go for at least \$1,750,000.00. If we can get approval for \$1,750,000.00 then I think we can move on this but, Commissioner, I'm afraid if you ask for only \$1,400,000.00 that we are going to be faced with the exact same situation we were last time, which has delayed us to this point. And that is, when we go out to bid and when you determine the things you are going to need, every job we ever get into costs more than what you originally estimated - contingencies, etc., so what we're going to end of doing - we're going to go ahead and go through the exercise of getting permission to borrow - then we'll borrow - I would like to see it amended to \$1,750,000.00.

Commissioner Lurie: I would agree with you, Mayor. With the bids we've had come in on the revised plans, I feel that the \$1,400,000.00 would be sufficient but because of unforeseen labor negotiations or increase in material costs, that possibly we should go to \$1,750,000.00. I would accept that.

Mayor Briare: Commissioner Christensen, I very much appreciate the statement you made because you are absolutely right. If we are Consolidated, then the residents of the new City of Las Vegas will pay for it and I am confident they will be happy to do so. Any further comments?

Commissioner Leavitt: This would be approval to make the application?

Commissioner Lurie: That's correct - to make the application to the Tax Commission.

Commissioner Leavitt: I'm going to vote against the motion and the reason I'm going to vote against it is that I don't think we should borrow that money, that way. It has been my belief that there are other priorities and that we can build one building that can take care of the Sports Complex, the Downtown Convention Center and a Cultural Arts Building - it can all be built more economically in one building and I think the matter should be put to the vote of the people in a Bond election, presidential preference primary, so they can express their desire one way or another whether we should proceed.

As you know, there has been some talk in regard to a Sports Complex and a Convention Center for the Downtown area. We've spent \$20,000.00 on a Study how to improve the Downtown Area, and that was one of the recommendations - a combination Sports Complex, Convention Center in the downtown area. I think it would be a lot easier to add a Cultural Arts Hall to that complex, rather than do it separately and end up building a Cultural Arts Center and then a separate Sports Complex and a separate Convention Center. That is why I will vote against the motion.

Mayor Briare: Commissioner Leavitt, I think you bring up a good point. However, I have the understanding that if we do not have the unanimous vote this Board, we cannot make an application for the type of funding we're talking about.

Mr. Trelease: I think it's a majority of the entire membership -

Mayor Briare: Just a simple majority?

Mr. Trelease: It would take three of a 5-member vote -

Mayor Briare: It was my understanding to apply for this type of funding it took a unanimous vote, but apparently that is not the case -

Mr. Trelease: It used to require a unanimous vote -

Mayor Briare: I concur with Commissioner Leavitt with respect to the Sports Arena and the Convention Center. However, I think that is further down the road than the possibility of a Cultural Arts Center. Inasmuch as it doesn't take a unanimous vote, we can go ahead and cast our votes.

CULTURAL ARTS
CENTER
(continued)

Commissioner Leavitt: For the reasons I expressed, you're going to end up having two - maybe three - buildings when one building could be built to handle the whole thing.

Commissioner Christensen: I would comment on this: This vote is to make the application - is that not correct?

Mayor Briare: That is correct -

Commissioner Christensen: If we make the application and it's approved, this Board also has to vote to borrow the money, and some Bank Board has to vote to lend it to us . . . the City is going to have to demonstrate its ability to pay and if by that time we have plans for better support, or whatever, for a Convention Center and a Downtown Sports Complex, and this can be included in it, then we can still work it out at that time, but I think it should be pointed out that we are not building a Cultural Arts Center with this vote. We are checking to see if we can get the financing - that's what we're doing.

Commissioner Leavitt: I have a question for our Legal Counsel - if we make an application for a Cultural Arts Center and it is approved by the Tax Commission, can we use the money for anything else?

Mr. Lovell: No.

Mayor Briare: Any additional comments?

(No response)

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

Mr. Lovell: We were directed through the City Manager's office to begin preliminary proceedings, etc. for a Bond - application for Bonds for a Cultural Arts Center and we've started working with the Bonding Attorneys in Denver. Do we need to pursue that with reference to a Sports Complex, or anything else?

Commissioner Leavitt: I don't see how you can, in view of the vote just taken -

Mayor Briare: I wonder if this is the proper Body to look towards a Sports Complex - it would seem that a Convention Center on a G.O. Bond Issue for the entire County - funded in whatever way, because I've never heard anybody make a commitment as to how they intended to fund a large Bond Issue like this.

Commissioner Leavitt: It was my request that you proceed with that, but in view of the vote that was just taken, I don't see any reason to pursue it any further.

CLAIM AGAINST
THE CITY
Denied

CLAIM AGAINST THE CITY BY DWAIN CORHN - WRONGFUL ARREST AND
DETENTION

Mr. Lovell: This is a claim, actually, against the Metropolitan Police Department - also directed toward Clark County and the City of Las Vegas on false arrest -

Mayor Briare: Is it a routine denial?

Mr. Lovell: Yes.

M o t i o n

Commissioner Lurie: I move for denial as recommended.

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

BOULEVARD
MERCHANTS
ASSOCIATION
Agreements
Approved

HOLD HARMLESS AGREEMENT re BOULEVARD MERCHANTS' ASSOCIATION AND
BALCOR REALTY INVESTORS

a n d

EXHIBITOR AGREEMENT re BOULEVARD MERCHANTS' ASSOCIATION

Mayor Briare: This is a standard Agreement, isn't it Mr. Lovell?

Mr. Lovell: Right.

Mayor Briare: This is going to be a real nice event - I'm sure the Commissioners have reviewed this with Mr. Hampton. It's going to be very good Public Relations for the City.

M o t i o n

Commissioner Lurie: I move for approval as submitted.

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

WASHINGTON AVENUE
Resolution
Adopted

RESOLUTION OF APPROVAL BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS FOR THE IMPROVEMENT OF WASHINGTON AVENUE

Mr. Hampton: This is an Agreement required by the Federal Government. It is actually an extension of the off-ramp on the I-15 going east across the Railroad -

M o t i o n

Commissioner Lurie: I move for approval.

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

HOUSING
AUTHORITY
Agreement
Approved

AGREEMENT BETWEEN THE HOUSING AUTHORITY AND THE CITY OF LAS VEGAS

Mr. Lovell: This is an Agreement between the Housing Authority and the City of Las Vegas - it is a Funding Contract for the Senior Citizens regarding the Housing Authority itself.

M o t i o n

Commissioner Lurie: I would move for approval of the Agreement.

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

BALLOT QUESTIONS
Abeyance

Mr. Lovell: The next item is with reference to Ballot Questions concerning obscenity and the legalizing of prostitution for the Presidential Primary.

Mayor Briare: When is the deadline on that, Mr. Lovell?

Mr. Lovell: April 1st - at least, that's what Stan Colton advised me yesterday.

Mayor Briare: If it meets with the approval of the Board, this is going to be REFERRED to a Committee consisting of the Mayor and the four City Commissioners and we will meet as a Committee at a time to be set sometime before March 3rd. We will be recessing this evening and I will ask the Clerk to get in touch with each of the Commissioners for the purpose of having this Committee meeting. There are a number of things we have to go over, but because of the hour, Mr. Lovell, it's a little difficult to go on them right now.

If that meets with the approval of the Board, such will be the order.

SPECIAL
IMPROVEMENT
DISTRICT
No. 405

Resolution
Adopted

RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LAS VEGAS, NEVADA, SPECIAL
IMPROVEMENT DISTRICT No. 405

See Pages 82 and 83 of these Minutes (Resolution)

Mr. Lovell: This Resolution was referred to by Mr. Hampton earlier in the Meeting and it is recommended that you adopt the Resolution.

M o t i o n

Commissioner Leavitt: I move for adoption of the Resolution.

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

REGIONAL STREET
& HIGHWAY
COMMISSION

Cooperative
Agreements
Nos. 59 & 60
Adopted

Mr. Lovell: These are last minute walk-on items received through the City Clerk's office from the office of the Regional Street & Highway Commission, as follows:

RSHC COOPERATIVE AGREEMENT No. 58 - CONSTRUCTION OF INTERSECTION - VALLEY VIEW AND OAKLEY BLVD.

a n d

RSHC COOPERATIVE AGREEMENT No. 60 - CONSTRUCTION OF INTERSECTION - CHARLESTON AND JONES BLVD.

M o t i o n

Commissioner Lurie: I move for the approval of Cooperative Agreements Nos. 59 and 60 as submitted by the Regional Street & Highway Commission.

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

BILL
No. 76-8

1st Reading &
Referred

BILL No. 76-8 - ORDINANCE No.
re LAS VEGAS SENIOR CITIZENS CENTER DIRECTOR

Mayor Briare: The next two items are with reference to the Senior Citizens Center and it is my intention to refer these to a Committee. Is there anything in particular you would say on these, Mr. Lovell?

Mr. Lovell: No - nothing in particular - I will read the first new Bill by Title:

A Bill entitled: "BILL No. 76-8 - ORDINANCE No. AN ORDINANCE TO AMEND TITLE I OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING THERETO A NEW CHAPTER 24 ENTITLED 'LAS VEGAS SENIOR CITIZENS' CENTER DIRECTOR'; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the City Attorney who recommended that it be referred to Committee and the Clerk authorized to proceed with the first publication, by Title, of said Bill No. 76-8. (First Reading)

Mayor Briare appointed Mayor Briare and Commissioner Woofter as the Committee for Recommendation on Bill No. 76-8.

BILL No. 76-9
First Reading
& Referred

BILL No. 76-9 - Ordinance No.
re SENIOR CITIZENS' ADVISORY BOARD

A Bill entitled: "BILL No. 76-9 - ORDINANCE No. AN ORDINANCE TO AMEND TITLE II OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING THERETO A NEW CHAPTER 12 ENTITLED 'SENIOR CITIZENS' ADVISORY BOARD'; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the City Attorney who recommended that it be referred to Committee and the Clerk authorized to proceed with the first publication, by Title, of said Bill No. 76.9. (1st Reading)

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LAS
VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 405

WHEREAS, by Ordinance No. 1683, duly passed, adopted and approved on the 27th day of February, 1974, said Board of Commissioners finally passed on all protests and objections, determined to proceed with said improvements as described in said preliminary proceedings, except as modified and provided in said ordinance, and created said District; and

WHEREAS, the City Engineer, pursuant to directions contained in the resolution of said Board of Commissioners duly passed, adopted and approved on the 21st day of January, 1976, has prepared an assessment roll which contains, among other things, the name of each last known owner of each lot or parcel of property to be assessed, a description of each lot or parcel to be assessed, and the amount of the proposed assessment thereon, apportioned on an area basis as more particularly set forth in Section 4 of said Ordinance No. 1683; and

WHEREAS, said assessment roll was tentatively approved by said Board of Commissioners and filed with the City Clerk on the 21st day of January, 1976; and

WHEREAS, notice of said filing and the public hearing on said assessment roll was duly published and mailed as required by the Statutes of the State of Nevada; and

WHEREAS, public hearing on the amount of assessments was held on the 18th day of February, 1976, with _____ written protests and _____ oral protests having been received.

NOW, THEREFORE, BE IT RESOLVED by that Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof, held on the 18th day of February, 1976, that Assessment Roll No. FINAL 1-1976 as tentatively approved and filed with the City Clerk on January 21, 1976, be, and the same hereby is, validated and confirmed, and is hereby ordered to be filed in the office of, and endorsed by, the City Clerk of said City.

BE IT FURTHER RESOLVED that said Board does hereby determine that assessments for any one project contained in said assessment roll as hereby con-

firmed does not exceed the reasonable market value of the particular lot or parcel of land against which the same is levied.

PASSED, ADOPTED AND APPROVED this 18th day of February, 1976.

WILLIAM H. BRIARE, MAYOR

ATTEST:

Edwina M. Cole, City Clerk

Bill No. 76-9
(continued)

Mayor Briare: There are two minor changes - one in each Ordinance - that consists of approximately the same language. If these changes were to come back from the Committee I'm going to name for the Recommending, those changes can be adopted at the next meeting, with the Ordinance?

Mr. Lovell: Yes.

Mayor Briare: Then both of these Ordinance will be referred to a Recommending Committee consisting of Mayor Briare and Commissioner Woofter.

BILL No. 76-11
1st Reading
& Referred

BILL No. 76-11 - ORDINANCE No. _____
AN ORDINANCE ADDING CERTAIN PROVISIONS RELATING TO THE OPERATING REQUIREMENTS OF MASSAGE ESTABLISHMENTS

Mr. Lovell: This is a massage parlor ordinance - you've had it before you - it's by Mr. Smith concerning operating requirements of Massage Parlors.

Mayor Briare: Massage Parlors or Escort Bureaus?

Mr. Lovell: This is on Massage Parlors. The Escort Bureaus was incorporated into the old Ordinance itself. What this does, in addition to certain requirements for clean under garments - as well as certain sanitary requirements - laundry sheets, towels, etc., it also requires that there be certain written agreements between the passage parlor operators and the patrons - it is supposed to clearly state the type of services to be performed - the length of such services - the amount of money, etc. It also is to additionally include a statement in clear and concise language that prostitution is illegal in the City of Las Vegas, County of Clark, and is punishable both by fine and imprisonment - that no act of prostitution shall be performed in relation to the services contracted for.

Mayor Briare: Was that the Title?

Mr. Lovell: No, that was merely an explanation.

Mayor Briare: Would you read it by Title?

A Bill entitled: "BILL No. 76-11 - ORDINANCE No. _____
AN ORDINANCE TO AMEND TITLE V, CHAPTER 29, SECTION 9 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING THERETO A NEW SUBSECTION, DENOMINATED SUBSECTION (F), ADDING THERETO CERTAIN PROVISIONS RELATING TO THE OPERATING REQUIREMENTS OF MASSAGE ESTABLISHMENTS REQUIRING WRITTEN CONTRACTS OF SERVICES BETWEEN MASSAGE ESTABLISHMENTS AND THEIR PATRONS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO 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 that the Clerk be authorized to proceed with the first publication, by Title, of said Bill No. 76-11.

Mayor Briare appointed Commissioners Lurie and Leavitt as the Committee for Recommendation on Bill No. 76-11.

Mayor Briare: I would like to ask, Mr. Lovell, if it could be recommended to this Recommending Committee - or that you comment to the Committee - as to whether \$25.00 is enough for an investigation fee. I am convinced that it is not sufficient to even come near the actual cost of conducting the necessary investigations.

Number two - I don't know what the age limit is here - but in the Escort License - and I'd appreciate it if you would make a note of this - eighteen (18) years of age is the minimum age for an escort. However, in Nevada may an 18-year-old enter into a cocktail lounge or bar?

Commissioner Christensen: No -

Mayor Briare: No - it has to be twenty-one (21) doesn't it? I don't want any of these escorts to get into trouble, because if they go to a cocktail lounge with somebody that hires their services, I don't want them to be in trouble so I think they should be twenty-

BILL No. 76-11
(continued)

one (21). Is that arbitrary and capricious?

Mr. Lovell: It may be against the Law, perhaps - the last Legislature determined 18-year-olds to be adults except to go into bars and casinos.

Mayor Briare: Well - who are these escort services made available to? I think there is justification. Please give your consideration to whether it perhaps might be more proper to have the age at twenty-one. Also include criminal liability. Do we have impuned criminal liability under our Escort and our Massage Ordinances?

Mr. Lovell: It is in the Escort Ordinance as it is written right now and it will be in the Massage Ordinance when amended.

Mayor Briare: And lastly, Mr. Lovell, do you feel that ninety (90) days is sufficient time - we are mandated to take action within 90 days - if it takes longer than that for the investigation is that just the City's tough luck, or should it be 90 days from the date the investigation is completed?

Mr. Lovell: It is just the tough luck of the City, thus far, under the Ordinance. The reason this was put in here is because there was input from Licensing and SID that seemed to be a reasonable time and the Courts have indicated we are going to have to act within a reasonable time and make it mandatory - otherwise throw that part of the Ordinance out.

BILL No. 76-10
1st Reading
and Referred

BILL No. 76-10 - ORDINANCE No. _____
AN ORDINANCE CONFIRMING THE PROCEEDINGS TAKEN IN PROVIDING FOR CERTAIN STREET IMPROVEMENTS WITHIN SPECIAL IMPROVEMENT DISTRICT No. 405

A Bill entitled: "BILL No. 76-10 - ORDINANCE No. _____
AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN PROVIDING FOR CERTAIN STREET IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT No. 405; 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 ACTION 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, who recommended that it be referred to Committee and the Clerk authorized to proceed with the first publication, by Title, of said Bill No. 76-10. (1st Reading)

Mayor Briare appointed Commissioners Christensen and Woofter as the Committee for Recommendation on Bill No. 76-10.

BILL No. 75-14
Adopted
(Ordinance
No. 1805)

BILL No. 75-14 - ORDINANCE No. _____ 1ST AMEND. - AMENDING TITLE II, CHAPTER 5, OF THE CITY CODE BY DELETING THE ENTIRE CHAPTER AND ADDING A NEW CHAPTER 5, SECTION 1-20, ENTITLED "CHILD WELFARE BOARD"
Committee: Commissioners Christensen and Leavitt

Published by Title 1/26/76

L.V. REVIEW-JOURNAL

Bill No. 75-14 - First Amendment, moved out of Committee favorably

A Bill entitled :BILL No. 75-14, ORDINANCE No. 1805 - AN ORDINANCE TO AMEND TITLE II, CHAPTER 5 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY DELETING TITLE II, CHAPTER 5, SECTIONS 1 THROUGH 16 IN ITS ENTIRETY, AND ADDING A NEW TITLE II, CHAPTER 5, SECTIONS 1 THROUGH 20, ENTITLED 'CHILD WELFARE BOARD'; PROVIDING FOR 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)

BILL No. 75-14
(continued)

Commissioner Christensen moved that Bill No. 75-14 Ordinance No. 1805 - First Amendment, be ADOPTED and the Clerk authorized to proceed with the 2nd publication, by Title, of said Ordinance No. 1805.

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

BILL No. 75-15
Adopted
(Ordinance No. 1806)

BILL No. 75-15 - ORDINANCE No. 1806 - FIRST AMENDMENT - AN ORDINANCE PROVIDING FOR AN EXEMPTION FROM POPULATION LIMITATION ON LIQUOR LICENSES FOR CERTAIN COMMERCIAL ESTABLISHMENTS HAVING A MINIMUM AMOUNT OF INVESTED CAPITAL AND IMPROVEMENTS
Committee: Commissioners Woofter and Lurie

Published by Title 2/1076

L.V. REVIEW-JOURNAL

Bill No. 75-15, Ordinance No. 1806 - First Amendment, moved out of Committee favorably.

A Bill entitled: "BILL No. 75-15 - ORDINANCE No. 1806 - FIRST AMENDMENT - 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 SUBSECTION 5 THERETO PROVIDING FOR AN EXEMPTION FROM THE POPULATION LIMITATION ON LIQUOR LICENSES FOR 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. (2nd Reading)

Commissioner Woofter moved that Bill No. 75-15 - Ordinance No. 1806, First Amendment, be ADOPTED and the Clerk authorized to proceed with the 2nd publication, by Title, of said Ordinance No. 1806.

Commissioner Christensen: Mayor, I'd like to comment on this: I will probably support the motion - however, we discussed at some length, and I would still like to pursue it, that possibly changing the Liquor License Ordinance and not putting quite so many of this type of restrictions on it . . . we have a lot of problems under our Liquor License where we are selling our Liquor Licenses - people who are holding Liquor Licenses are selling them back and forth. I know I have discussed this with Commissioner Woofter - I'd like to make it so that these Liquor Licenses are not such saleable items - if the person has the proper location, etc. we would grant the License but if he does not, that he not be allowed to carry one around in his pocket.. I don't think that helps the situation.

Mayor Briare: Commissioner Christensen, would you like to serve on that Committee - and I ask which member of the Board would like to serve with Commissioner Christensen on this Committee to study and come up with recommendations? I do believe you will probably have a lot of people who will want to discuss it, obviously - when you get into the Liquor Industry. Who will serve with Commissioner Christensen?

Commissioner Woofter: I will -

Mayor Briare: Commissioner Woofter will serve with you, Commissioner Christensen. The motion then is to adopt this Ordinance. Are there any further comments?

Commissioner Leavitt: I notice that the dollar sign is missing in Line 1 of the second paragraph. I assume that will be corrected prior to publication.

Mayor Briare: Mr. Lovell, please have the dollar sign inserted there. Any other comments?

(No response)

Motion carried by the following vote: Commissioners

Bill No. 75-15
(continued)

Christensen, Leavitt, Woofter, Lurie and Mayor
Briare voting aye; noes, none.

BILL No. 76-4
Adopted
(Ordinance
No. 1807)

BILL No. 76-4 - AMENDING TITLE V, CHAPTER 23 OF THE CITY CODE RE
ESCORT BUREAUS, ESCORTS AND ESCORT RUNNERS
Committee: Commissioners Leavitt and Christensen

Published by Title 2/10/76

L.V. REVIEW-JOURNAL

Commissioner Leavitt: In view of the fact that we have received another amendment to the Escort Bureau Ordinance, which is 76-12, I'd like to hold this and do it all at once.

Mr. Lovell: Commissioner Leavitt, 76-12 was preliminarily given to you yesterday. However, this morning we took 76-12 and included it into this one -

Commissioner Leavitt: The provisions of 76-12 are included in this Ordinance then?

Mr. Lovell: Yes -

Commissioner Leavitt: If that's the case then we would like to report favorably on the Ordinance and request that the Ordinance be read by Title and put to a vote.

A Bill entitled: "BILL No. 76-4 - ORDINANCE No. 1807 - FIRST AMENDMENT - 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 PROPERTY 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.
(2nd Reading)

Commissioner Leavitt moved that Bill No. 76-4, Ordinance No. 1807 - First Amendment - be ADOPTED and the Clerk authorized to proceed with the 2nd publication, by Title, of said Ordinance No. 1807.

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

REPORTS FROM STUDY COMMITTEES

See Page 88 of these Minutes (Annotated Agenda)

BILL No. 76-7
Referred
to City
Attorney

BILL No. 76-7 - AMENDING TITLE VI, CHAPTER 2 SECTION 5 OF THE CITY CODE TO PROVIDE THAT NO PERSON SHALL BRING ANY ANIMAL UPON THE GROUND OF ANY PUBLIC PARK
Committee: Commissioners Lurie and Leavitt

Commissioner Lurie: I don't quite understand this Ordinance because the way the title reads - "No person shall bring any animal upon the grounds of any Public Park". That isn't what we were requesting - we were requesting about the Leash Law - about people letting their dogs run loose in a Public Park - we didn't say anything about "animals upon the grounds of any Public Park".

John Bradley: I'm from the Las Vegas Dog Obedience Club and I would like to know if the Ordinance states "except as otherwise provided"? We would just like some explanation -

Commissioner Lurie: We're going to correct that tonight -

Mr. Bradley: Yes - because we train 400 obedience dogs a year and we just want to get that clarified -

Commissioner Lurie: That's why I'm asking for some clarification.

ITEM

Commission Action

Department Action

XIV. REPORTS FROM STUDY COMMITTEES

A. BILL No. 76-2 -- An Ordinance by the City of Las Vegas, Nevada, electing to come under the provisions of the Metropolitan Cities Incorporation Law, Chapter 648, Statutes of Nevada 1975, pursuant to Section 3(1) of said Chapter

Committee: Full Board of Commissioners with Commissioner Leavitt as Chairman

Abeyance

3/3/76 Agenda

B. BILL No. 76-5 -- Amending Title XI, Chapter 3, of City Code re Regulations and Requirements for Off-Premise Signs

Committee: Commissioner Lurie and Mayor Briare

Abeyance

3/3/76 Agenda

C. BILL No. 76-6 -- Amending Title XI, Chapter 3, of City Code re Regulations for On-Premise Signs and Prohibiting Roof Signs

Committee: Commissioner Lurie and Mayor Briare

Abeyance

3/3/76 Agenda

D. BILL No. 76-7 -- Amending Title VI, Chapter 2, Sec. 5, of City Code to provide that No Person shall bring Any Animal upon the grounds of any Public Park

Committee: Commissioners Lurie and Leavitt

Referred back to City Attorney for redraft

3/3/76 Agenda

E. CULTURAL ARTS CENTER - FUNDING FOR DEVELOPMENT THEREOF

Committee: Commissioners Lurie and Christensen (as City members of Joint City/County Committee)

See Page 19

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XV. CITIZEN PARTICIPATION - PUBLIC APPEARANCES

DOGS RUNNING LOOSE COMPLAINT by Rose Rickman
 1237 Melville (Phone 878-0426)

City Manager to contact

AT THE HOUR OF 12:05 A.M. THIS REGULAR MEETING RECESSED TO 2:00 P.M., FRIDAY, FEBRUARY 27, 1976 (JOINT CITY/COUNTY COMMISSION MEETING)
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Bill No. 76-6
(continued)

Commissioner Lurie: We are referring this back to the City Attorney's office

CITIZEN PARTICIPATION

Mayor Briare: This is the time in the meeting when we ask for citizens participation:

Mrs. Rose Rickman, 1237 Melville (Phone 878-0426): Mr. Mayor, I've called your office - I've tried to get in touch with a Commissioner - I would like to know one question: As a taxpayer and as a member of this City a lot longer than some of the people that is right here, I would like to know why your Body sets here and makes laws with no intent to enforce them.

I have called the City Attorney's office . . .

Mayor Briare: May we have your name please -

Answer: I am Rose Rickman - and I am talking about you have not done a thing about dogs running loose and in my area, any afternoon, from one o'clock until seven or eight o'clock - if you want to come down I'll give you the choice of any one on the street.

Mayor Briare: Where do you live, Mrs. Rickman?

Mrs. Rickman: I live at 1237 Melville - that's in the Westleigh Tract. On this side there's a white German Sheperd - on that side there's another white German Sheperd and across the street there's a German Police Dog - they are turned loose - my reason for coming in tonight is that today I finally had it. I came very close to hitting a little girl to keep from hitting three dogs. I hit none of them, but I have fought with the Dog Pound - I have fought with the Police Department and I come up with one answer: We will do anything in the world, Mrs. Rickman, if you will sign the complaint. That isn't what your Ordinance says. Your Ordinance says that a dog is not to run loose - is that correct, Mr. Mayor?

Mayor Briare: I believe it is -

Mrs. Rickman: Then may I ask, please, without poisoning the dogs, what are we supposed to do to keep them out of our yards and out of the middle of the streets?

Mayor Briare: Mrs. Rickman, we appreciate the fact you've been here many, many hours tonight and Mr. Trelease, if you will give him your phone number, we are going to have Mr. Trelease tell you exactly what's going to happen, perferably tomorrow..

Mrs. Rickman: Really, Mr. Mayor, I didn't come here to abuse anyone but I'm a little bit tired because I've been trying for almost two years to get something done about the dog situation. Thank you, Mr. Mayor.

RECESS

At the hour of 12:05 a.m. Mayor Briare declared this Regular Meeting of the Board of City Commissioners RECESSED to 2:00 p.m., Friday, February 27, 1976.

APPROVED

William H. Briare
WILLIAM H. BRIARE, MAYOR

ATTEST:

Edwina M. Cole
EDWINA M. COLE, CMC
CITY CLERK

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APPROVED BY REFERENCE at a Regular Meeting of the Board of City

Commissioners held on the 5th day of May, 1976