

M I N U T E S

Las Vegas, Nevada
March 17, 1976

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 17th day of March, 1976, was called to order by His Honor, Mayor William H. Briare, at the hour of 5:00 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
Deputy City Attorney	Janson F. Stewart
Director, Department of Community Development	Donald J. Saylor
Director, Department of Finance	Marvin A. Leavitt
Fire Chief	J. D. Miller
Director, Department of License & Revenue	Ila M. Britt
S.I.D., Metropolitan Police Department	Stu Brown
Director, Department of Personnel	J. Robt McPherson
Director, Purchasing & Contracts Division	J. C. Cathcart
Director, Department of Public Works	Laurence Hampton
City Clerk	Edwina M. Cole

INVOCATION

The Invocation was given by REV. R. H. STUKAS, CHAPLAIN -
HOPE CHAPLAINS:

"Our Father, we Thank You tonight that You are listening in here with us to answer our prayers. We Thank You when You said if we would return unto You and humble ourselves, You would heal our land. We Thank You, Lord, tonight that You are mindful of our City. We Thank You for it, Dear Jesus. We pray that Thou would help us to live that we may be proud of it too. We Thank You for our City Commission tonight. We pray that Thou would be with them - give them Wisdom and Understanding - help them to make the decisions that should be made - have Your way in each heart. Bless those here tonight who have problems. May they all be solved according to Your Will, we ask in Jesus' Name, 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 members of the City Commission, we are delighted this evening to have in our presence some members of the Boy Scouts of America, Troop 76, and their Scout Master, Mr. John Mangani. It is a privilege to have you folks with us this evening. I have before me, at the request of Commissioner Leavitt, the names of each of you who are here this evening, and I'm going to give this to our City Clerk so that your names may be entered in our records as to your presence here this evening:

Senior Patrol Leader	Jeff Harding
Scouts:	Chuck Craig Wade Bohn Chris Bump Marc Mullins Paul Virchow Ross Farnsworth Jeff Brown Paul Bunker Chad Ficklin

Also, Ladies and Gentlemen, on behalf of the members of the City Commission and myself, we would like to wish you all a HAPPY ST. PATRICK'S DAY.

Mayor Briare: Before we get into the first item on the Agenda, we have a joint Resolution, submitted to the Board for consideration by Commissioner Lurie and Commissioner Woofter. Commissioner Lurie, are you going to present this?

Commissioner Lurie: Yes, I will, Mayor. I would like first to read the Resolution and then have a vote on it. This Resolution deals with a Veterans Clinic scheduled to be opened here in Las Vegas and I will read it:

See Page 3 of these Minutes (Resolution)

M o t i o n

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

Commissioner Woofter: I would second that motion.

Mayor Briare: Are there any further comments?

Mrs. Hollanbeck: As Vice Commander of Navy Mothers Chapter No. 392, Las Vegas, Nevada, I'd like to say that we have discussed this at various times and we are definitely for it. We also have hopes that eventually there will be a full scale Veterans Hospital in this area.

Commissioner Woofter: I agree with you 100%.

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

RESOLUTION

WHEREAS, the need for adequate medical care facilities for the thousands of veterans residing in the Southern Nevada area has long been recognized; and

WHEREAS, veterans organizations, public officials and many other civic minded citizens and organizations have long sought the establishment of such facilities; and

WHEREAS, veterans residing in this area often are required at great cost and inconvenience to travel to distant cities to obtain the medical care and treatment to which they are entitled; and

WHEREAS, as a result of recent meetings in Washington, D. C., of representatives of local veterans organizations, officials of the Veterans Administration and Nevada's Congressional delegation, a time-table for the establishment of such medical care facilities in Las Vegas was set, as follows:

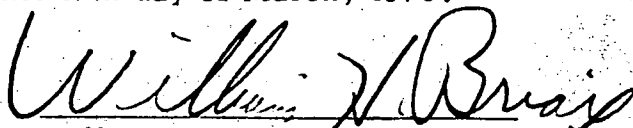
- Solicitation for offers issued June, 1976
- Lease awarded September, 1976
- Begin remodeling September/October, 1976
- Opening of new clinic in the Spring of 1977; and

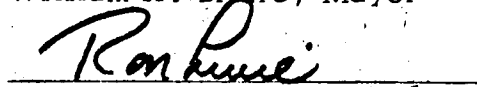
WHEREAS, adherence to the time-table established is in the best interests of all citizens of Las Vegas and the entire Southern Nevada region, and is of the utmost importance to those veterans who presently are deprived of adequate medical care or must obtain same at personal cost and inconvenience;

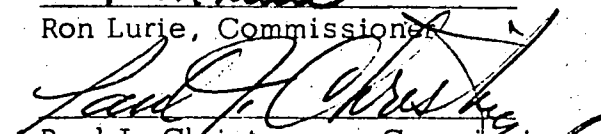
NOW, THEREFORE, BE IT RESOLVED that the Board of City Commissioners of the City of Las Vegas, Nevada, in regular meeting assembled March 17, 1976, does hereby record its support of the proposed medical care facility for veterans in Las Vegas, and further urges that the Veterans Administration and all other agencies, public or private, proceed expeditiously in this matter and that the time-table as set forth be adhered to by all parties concerned.

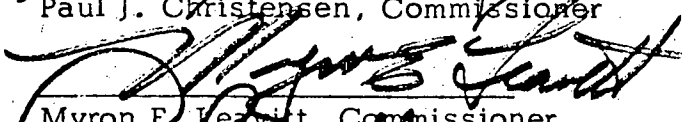
BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to United States Senators Howard Cannon and Paul Laxalt; to Congressman James Santini, and to John D. Chase, M.D., Chief Medical Director of the Veterans Administration in Washington, D.C.

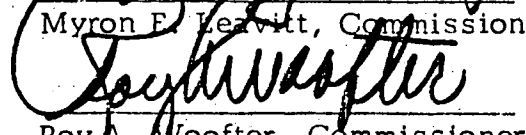
PASSED, ADOPTED AND APPROVED this 17th day of March, 1976.


William H. Briare, Mayor



Ron Lurie, Commissioner


Paul J. Christensen, Commissioner


Myron E. Leavitt, Commissioner


Roy A. Woofter, Commissioner

Attest:


Edwina M. Cole, City Clerk

PURCHASING & CONTRACTS DIVISION

J. C. CATHCART, DIRECTOR

AWARD OF
CONTRACTS
Approved as
recommended

Mr. Cathcart: Your Honor, Items 1 thru 8 are in order, as recommended. I do have one additional item I would like to bring on, if I may:

See Page 5 of these Minutes (Annotated Agenda)

Mr. Cathcart: The additional item is:

BID No. 76.22 - 200 SETS SOFTBALL/BASEBALL BASES - SUMMER PROGRAM (Recreation)

See Page 5 of these Minutes (Annotated Agenda)

PERMISSION TO
ADVERTISE
FOR BIDS

Mr. Cathcart: Under the next Agenda Item I have seven (7) requests. They are in order unless there are any questions on any of those.

Item 7 relative to the City of Las Vegas Vending Machine Concession - this is an abeyance item at your last regular meeting and it is our recommendation that it be removed from the agenda of March 3rd.

This is based on the City Manager's recommendation to stay with the Services of the Blind.

Mayor Briare: I read that Report, members of the Commission, and I'm not entirely satisfied with the Report. I think that anybody that wants to suggest they can do a better job, let them step forward and put it in writing to the City Manager. With all these complaints that have come about these last several months, I would like to be able to see they are going to be corrected, but I don't know of any action that can be taken right now.

But, Mr. Trelease, it is my recommendation - and I don't know that any motions or anything are necessary - but if anybody thinks they can do a better job than that being done, let them come forward and make recommendations as to how they might do it so that you can give them any consideration that might be necessary.

See Page 6 of these Minutes (Annotated Agenda)

DEPARTMENT OF FINANCE

MARVIN A. LEAVITT, DIRECTOR

See Page 7 of these Minutes (Annotated Agenda)

ITEM	COMMISSION ACTION	DEPARTMENT ACTION
<p>I. <u>PURCHASING AND CONTRACTS DIVISION</u></p> <p><u>J. C. CATHCART, DIRECTOR</u></p> <p>* <u>CONSENT AGENDA</u></p> <p>All matters listed under Items, A, B, and C are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.</p>		
<p>*A <u>AWARD OF BIDS</u></p> <ol style="list-style-type: none"> 1. Bid #76.1 - Ogden Avenue Improvements Storm Drain and Intersection Paving (Public Works) 2. Bid #76.5 - Two (2) Each 75" Rotary Mowers - New Equipment (Park Department) 3. Bid #76.7 - Traffic Signal Installation - Jones and Charleston; Oakey and Valley View; Valley View and Sahara - REGIONAL STREETS AND HIGHWAY FUNDED (Public Works) 4. Bid #76.8 - Three (3) Replacement Three-Wheel Scooters (License and Revenue) 5. Bid #76.9 - 2,000 Feet 1-1/2" Fire Hose, and 500 Feet 5" Fire Hose (Fire Department) 6. Bid #76.11 - Repair Parts for Aqua Dial #13 and #14 Gear Cases (Park Department) 7. RFQ 108-1223 - Concealed Weapons Scanning System - ABEYANCE ITEM FROM CITY COMMISSION MEETING OF MARCH 3, 1976 (Public Works) 8. Bid #75.92 - 12" Storm Drain, Commerce to Main, in the Vicinity of St. Louis - BASE BID ONLY (Public Works) 	<p>Items 1 thru 8 Awarded as recommended Lurie - unanimous</p> <p>(Commissioner Woofter did not vote - temporarily absent)</p>	<p>Director of Purchasing & Contracts authorized to proceed</p>
<p><u>ADDITIONAL ITEM</u></p> <p>Bid No. 76.22 - 200 Sets Softball for Summer Recreation Program (Dept. of Rec.)</p>	<p>Approved as recommended Lurie - unanimous</p>	<p>Same as above</p>

ITEM	COMMISSION ACTION	DEPARTMENT ACTION
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I. PURCHASING AND CONTRACTS DIVISION, CONTINUED

*B PERMISSION TO RECEIVE BIDS

1. Base Station and 5 Mobile Radios (Replacements) (Animal Shelter)
2. Dula Center Air Conditioning and Roof Repairs (Public Works)
3. Installation of Partitions and Doors - Fire Station No. 1 (Public Works)
4. Air Conditioning Replacement - Fire Station No. 5 (Public Works)
5. Two-Year Uniform Rental Contract - Service and Maintenance Trades, and Combat Fire Department Personnel, From July 1, 1976, through June 30, 1978 (Various)
6. Basketball Backboards and Tennis Nets - BLOCK GRANT FUNDS (Recreation)
7. City of Las Vegas Vending Machine Concession ABEYANCE ITEM (City Manager)

Items 1 thru 7
 Approved as recommended
 Lurie - unanimous

Director of Purchasing & Contracts authorized to proceed

*C PURCHASE ORDER APPROVAL

1. Request purchase order approval to Econolite Corp., Anaheim, California, in the amount of \$3,451.80, for reflectors, post top mounts, and transformers (Public Works)

Approved as recommended
 Leavitt - unanimous

Same as above

ITEM	Commission Action	Department Action
<p><u>II. FINANCE DEPARTMENT</u></p>		
<p><u>MARVIN A. LEAVITT, DIRECTOR OF FINANCE</u></p>		
<p>A. <u>SERVICE AND MATERIAL WARRANTS</u> Nos. C1057 to C1060, C111886 to C111887, C111892 to C111911, C111921 to C111933, C111937 to C112182, inclusive.</p>	<p>Items A and B Approved as presented Lurie - unanimous</p>	<p>Director of Finance authorized to issue</p>
<p>In the amount of \$ 1,365,264.56.</p>		
<p>B. <u>PAYROLL WARRANTS</u> Nos. 51254 to 52396, inclusive For Pay Period Ending February 21, 1976 In the amount of \$ 361,075.24</p>		
<p>C. <u>PRESENTATION OF 1974-75 AUDIT REPORT BY LAVENTHOL AND HORWATH</u></p>	<p>Accepted 1974/75 Audit as presented Leavitt - unanimous</p>	<p>Dir. of Finance & C/M to comply with recommendations</p>
<p>D. <u>SELECTION OF AN INDEPENDENT AUDITOR FOR THE YEAR ENDED JUNE 30, 1976</u></p>	<p>Abeyance to Recessed Meeting of 3/23/76 - 9:00 a.m.</p>	<p>3/23/76 Agenda</p>
<p><u>III. MINUTES</u></p>		
<p>A. REGULAR MEETING - DECEMBER 17, 1975</p>	<p>Items A and B Approved by Reference Lurie - unanimous</p>	<p>Mayor and Clerk authorized to sign</p>
<p>B. RECESSED REGULAR MEETING - FEBRUARY 10, 1976</p>		
<p><u>ADDITIONAL ITEM:</u></p>		
<p>City of Las Vegas \$3,000.00 share of funds to be used in a Methadone Treatment Program under jurisdiction of the Clark County Health Dept., returned to City as the proposed Program will not proceed.</p>	<p>Check presented to Finance Director by Commissioner Leavitt</p>	
<p>Page 7 Minutes Regular Meeting City Commission March 17, 1976</p>		

PRESENTATION OF 1974-75 AUDIT REPORT BY LAVENTHOL & HORWATH

Mr. Leavitt: Mr. Al Garraway of Laventhol & Horwath is here to present the Audit Report.

Mr. Garraway: Mayor, City Commissioners and City Manager, we have examined the Financial Statements of the various funds and account groups for the City of Las Vegas, Nevada, for the year ended June 30, 1975 as set forth in the Table of Contents of the Report.

Our examination was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

I would now like to present some of our comments regarding certain funds of the City:

GENERAL FUND: The General Fund, which contains the majority of operating funds of the City, had a decrease in its fund balance as of 6/30/74 of approximately One Million Dollars. The fund balance as of 6/30/75 was slightly less than Two Million Dollars, which was down from Three Million Dollars at the beginning of the year. This decline is the result of expenditures increasing at a rate of almost 15% while revenue increased by only 11%. The most significant increase was in the Public Safety function, which increased by more than Two Million Dollars, with 1.3 Million of the increase being attributable to the Metropolitan Police Department and approximately \$700,000.00 attributable to the City Fire Department.

The increase in loss is primarily caused by a decline in revenues.

PARKING GARAGE FUND: With regard to the City's Parking Garage funds, they experienced a decline in revenue, primarily the result of reduced automobile traffic with the addition of other parking garages by private enterprise in the area.

The loss increase to about \$136,000.00, which was about \$60,000.00 greater than the prior year.

With regard to recommendations, as a part of our examination of financial statements for the year ended June 30, 1975, we reviewed and tested the City's system of internal accounting control to the extent we considered necessary.

Our review and evaluation of the City's system of internal control would not necessarily disclose all weaknesses in the system. However, such study and evaluation disclosed the following conditions that we believe need improvement:

PROPERTY & EQUIPMENT: We recommend that the Data Processing system presently installed for accounting for Property & Equipment be REVISED so that additions and deletions are performed through the data processing equipment, and that print-outs are provided for the various additions and deletions during the year. This revised system would provide a complete audit trail of Property & Equipment transactions throughout the year.

ACCOUNTING: We have recommended that the City's accounting system be expanded to provide the detail of revenues and expenditures by the various functions and classifications in the General Ledgers, rather than on separate Revenue and Expenditure Reports.

This would have the effect of providing one Report containing all of the information now included in three separate Reports.

With regards to the status of recommendations that we made the prior year - our recommendations for the year ended June 30, 1974, were either all ADOPTED and placed into effect by June 30th of 1975, or they were ADOPTED and put into effect subsequently to June 30, 1975.

This means that all of our recommendations have been ADOPTED and put into effect, as of the prior year.

In our opinion, the Financial Statement of the City of Las Vegas present fairly the financial condition of the funds and accounts as of June 30, 1975 and the results of their operations and changes in financial position for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the prior year.

I would like to acknowledge the fine cooperation we have received from City Officials and employees in the conduct of our audit. I would also like to express our appreciation to the City Commission to be of service to them.

I would be pleased to answer any questions or if I can supply any additional information, I would be very glad to do so..

Mayor Briare: Any questions by the Commissioners?

M o t i o n

Commissioner Leavitt: I move we accept the Auditor's Report and that we instruct the Finance Director and the City Manager to implement all the recommendations made in that Report.

Mayor Briare: Mr. Marvin Leavitt, are there any comments you would like to make?

Mr. Leavitt: No - we concur with the recommendations. We can adopt them. There are no problems.

Mayor Briare: Mr. Stewart, is there anything else from a statutory standpoint that we need to address ourselves to this morning on this matter?

Deputy City Attorney, Janson F. Stewart: I don't believe so, Your Honor.

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

INDEPENDENT
AUDITOR
Abeyance

SELECTION OF AN INDEPENDENT AUDITOR FOR THE YEAR ENDED JUNE 30, 1976

Mayor Briare: Do you have a recommendation, Mr. Leavitt?

Mr. Leavitt: As in the past, I don't feel it proper for me to make a recommendation as to an Auditor since my Department is principally the one being audited. I think that would be a conflict situation that I would rather not get into.

Mayor Briare: Does the Commission have any comments?

Commissioner Christensen: Are we looking at any particular date on this?

Mr. Leavitt: It should be done before the end of March.

Commissioner Leavitt: We have a Tentative Budget Hearing set for March 23rd - could we do it then?

Mr. Leavitt: Yes.

Mayor Briare: If there are no objections, we will hold this until our meeting of March 23rd. I believe we will recess this evening's meeting to March 23rd.

DEPARTMENT OF LICENSE & REVENUE

ILA M. BRITT, DIRECTOR

See Pages 12 thru 17 of these Minutes (Annotated Agenda)

M-7 BUSINESS
LICENSE
APPLICATIONS

BUREAU OF ASSOCIATED
SERVICES INTERNATIONAL
844 E. Sahara Avenue

Lawrence E. Ita

Engineering Consultations

Commissioner Leavitt: What kind of Engineering?

Mr. Ita: Mechanical.

Mayor Briare: Mrs. Britt, are Mr. Ita's problems resolved with the State?

Mrs. Britt: Yes Sir, he has his State License now as a Mechanical Engineer.

NEVADA DART ASSOCIATION
1100 E. Sahara No. 1-N

Office - for Organizing
& Conducting Dart Shooting
Contests

Joseph Gioeli, Sr.
Sol Bloom

Mayor Briare: Are you Mr. Gioeli?

Answer: That is correct.

Commissioner Woofter: I'd like to ask if this is something like what we have going on out at the Convention Center -

Commissioner Leavitt: What kind of a Dart Game is it?

Mr. Gioeli: It's a Professional Dart Tournament.

Commissioner Leavitt: By machine?

Mr. Gioeli: No - hand throwing.

Commissioner Woofter: You mean something like in England and Australia - they have these dart games throughout the taverns, etc?

Mr. Gioeli: On a smaller level they're organized throughout taverns - on a larger level they're organized through Convention Centers and Hotels.

RENTALS GUIDE
2021 Paradise Road

Jacquelyn Luman

Rental Referrals

Mayor Briare: Mrs. Britt, what is a Rental Referrals?

Mrs. Britt: This is a service where you can go and get a list of available rentals. They are not a Rental Agency in that they don't accept any rents or fees.

ITEM	Commission Action	Department Action
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IV. DEPARTMENT OF LICENSE & REVENUE

ILA M. BRITT, DIRECTOR

*CONSENT AGENDA

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

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

1. NEVADA ASSOCIATION OF LEGAL SECRETARIES -- sale of an "Official Handbook of Nevada Legal Forms"
2. BETHEL BAPTIST CHURCH -- cake sales and dinners
3. GOLDEN GLOVES OF NEVADA, INC ad and ticket sales for the Golden Gloves tournament; ticket sales for the AAU Boxing tournament
4. HENDERSON CHAMBER OF COMMERCE sale of Industrial Days booster and sponsor badges; advertising for the Industrial Days program book
5. HARRY C. LEVY GARDENS CLUB -- tickets for a bazaar
6. SOUTHERN NEVADA SIGHTLESS, INC. -- general solicitations by mail
7. BISHOP GORMAN HIGH SCHOOL, PRECISIONAIRES -- raffle tickets; tickets to a fashion show/luncheon
8. EASTER SEAL SOCIETY FOR CRIPPLED CHILDREN AND ADULTS OF NEVADA, INC -- telethon, bike race, golf tournament, house to house, bike-a-thon, etc.
9. FIRST AFRICAN METHODIST EPISCOPAL CHURCH -- advertising in a program for a women's day program
10. HOMESITE BAPTIST CHURCH -- a rummage sale

Items 1 thru 25
 Approved
 as submitted
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

ITEM Commission Action Department Action

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

*B. GAMING -- Additional

1. MACE GAZDA
 Jackpot Casino
 2410 Las Vegas Blvd South
 53 slots
2. UNITED COIN MACHINE CO
 Bernie's Place
 2327 South Eastern
 1 slot
3. ALSTATE COIN MACHINE CO
 Trophy Room
 1440 Las Vegas Blvd North
 5 slots
4. AUTOMATIC AMUSEMENTS OF LV
 Mug 'N Jug
 1402 South 4th Street
 1 slot

Items 1 thru 4
 Approved
 as submitted
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

C. LIQUOR -- Reclassification

1. JACKPOT CASINO
 2410 Las Vegas Blvd South
 From: Tavern
 To: General Liquor
 Mace Gazda, 100%

Approved
 Lurie - unanimous

Same as above

D. LIQUOR -- Change of Ownership

1. *THE KITCHEN CAFE
 526 South Highland
 Restaurant Beverage
 From: The Kitchen Cafe, Inc
 Gertrude M. Smith
 To: Tag Line, Inc. -
 John P. Hurwitz, Pres -
 50%
 Irene Hurwitz, Secy-
 Treas - 50%

Approved subject
 to conditions
 Lurie - unanimous

Same as above

*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)

E. LIQUOR -- Request for Extension of Closure

1. 7-ELEVEN FOOD STORE #18382
 NE corner 10th and Charleston
 Beverage Off-Sale

The Southland Corporation
 Rod Brehm, District Manager

(Approved 1-21-76. Request
 for extension of inactive
 status: 3-21-76 thru 5-19-76)

Approved
 as submitted
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

F. RETAIL TOBACCO -- New

1. MACE GAZDA
 Jackpot Casino
 2410 Las Vegas Blvd South

2. CHARLES J. GLISSON
 C & G Enterprises
 2017 Madeline Drive

Items 1 and 2
 Approved
 Lurie - unanimous

Same as above

G. BURGLAR ALARM LICENSE -- Change of Business Name and Location

1. From:
 Jack Heath Security Systems
 1501 South Main Street

To:
 BRINKS ALARM CO.
 1720 East Fremont Street

John C. Heath aka Jack Heath

Approved
 Lurie - unanimous

Same as above

H. M-7 BUSINESS LICENSE APPLICATIONS

1. BUREAU OF ASSOCIATED
 SERVICES INTERNATIONAL
 844 East Sahara Avenue

Lawrence E. Ita

Engineering
 consultations.

Approved
 Lurie - unanimous

Same as above

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

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

2. NEVADA DART ASSOCIATION
 1100 East Sahara #1-N

Joseph Gioeli, Sr.
 Sol Bloom

Office - for organizing and
 conducting dart shooting
 contests.

Approved
 W - unanimous

Director of
 Lic. & Rev.
 authorized
 to issue

3. RENTALS GUIDE
 2021 Paradise Road

Jacquelyn Luman

Rental referrals.

Approved
 Lurie - unanimous

Same as above

4. RENTAL COUNTRY
 1111 Las Vegas Blvd South,
 Suite 220

Billie B. Nichols

Rental agency (houses,
 apartments, etc) - referral
 service.

Approved
 Lurie - unanimous

Same as above

ABEYANCE ITEMS -- Tabled March 3, 1976

I. M-7 BUSINESS LICENSE APPLICATION

1. LAS VEGAS ENTERTAINMENT CORP
 1829 East Charleston Blvd

Charles Morse, Pres
 Edna T. Chambliss, Secy-Treas
 Nancy Maley, Director
 Robert Morse, Director

Sale of a "package deal" for
 room reservations at a
 discount.

Application
 withdrawn

Rental Agency (houses,
apartments, etc.)
Referral Service

Mrs. Britt: This is the same type of business that that just preceding.

J. *ESCORT BUREAU LICENSE - NEW
2401 Industrial Road, No. 3

C.A.S. ENTERPRISES, INC.

Donna Faye Simmons, Pres. 90%
Carl Alden Simmons, VP,
Secy/Treas 10%

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

K. ESCORT LICENSES - NEW

- | | |
|-------------------------|---|
| 1. CHERIE GORDON | For: Ladies in Waiting
210 E. Charleston Blvd. |
| 2. ANN C. HOMAN | Same as above |
| 3. PAMELA JOHNSON | Same as above |
| 4. MARGARET ANN ORLOSKY | Same as above |
| 5. CONNIE L. YURESKO | Same as above |

Mayor Briare: In view of the fact the Ordinance was recently adopted, these are taken off the agenda tonight and they are to be handled administratively through the License & Revenue Department.

DEPARTMENT OF COMMUNITY DEVELOPMENT

DONALD J. SAYLOR, DIRECTOR

CHARLESTON
RAINBOW
No. 14
Tentative Map
Approved

TENTATIVE MAP - CHARLESTON RAINBOW No. 14

Property generally located south of Westcliff Drive and east of Buffalo Drive.

Owner/Subdivider:	Sproul Homes of Nevada
Number of Lots:	152
Zoning	R-1

Planning Commission recommends approval subject to the following conditions:

1. Half street improvements be constructed on Westcliff Drive on the portion immediately north of the proposed subdivision if a street design has been approved by the Department of Public Works.
2. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the tentative map within 12 months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within 12 months of the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
3. Street names be provided in accord with the Street Name Policy.

Mr. Saylor: We reviewed this item with you at the last meeting and there was some difference of opinion relative to the design. However, they have submitted a design now which everybody is in agreement with. It's a continuation of the Charleston Rainbow development out at Westcliff and Buffalo and it does provide for a street access to Buffalo and with that it appears, at least between Staff and the developers, everything has been worked out. The Planning Commission recommends approval.

M o t i o n

Commissioner Woofter: I move to approve as recommended by the Planning Commission.

Richard Thompson: I am representing Sproul Homes of Nevada. We are still not in favor of and do not think an access on Buffalo is of any use. We just want that to be noted right now, because it can only go one way and that's to the north.

Mr. Saylor: My apologies - I didn't mean to misrepresent to the Board. It appears there's a lack of communication. We had this map submitted to us today, I believe, showing the street going out to Buffalo.

Commissioner Leavitt: Hasn't it changed from the last meeting?

Mr. Saylor: Yes - at the last meeting they didn't have this (wall map) and we recommended that it be provided. Since that time we've had some discussion with Mr. Kincannon of Sproul Homes. As I say, they submitted this map to us this afternoon which is completely acceptable to us and that's why I represented to you that the problem had been worked out. I wasn't aware that somebody else in the Sproul organization was going to object to it.

M o t i o n
withdrawn

Mayor Briare: We have a motion to approve this -

Commissioner Woofter: I'm sorry, Mr. Mayor - I'll withdraw my motion until we can get some agreement here. It was my understanding from Mr. Saylor that the problem had been resolved - that the developer and Staff had got together, but apparently they haven't.

Mayor Briare: I was going to suggest, Commissioner Woofter, that if the representative here of Sproul does not wish to have a vote on this, that he should so state now because I feel we should follow the recommendation unless one of the Commissioners takes exception to the recommendation. I don't want to get into a discussion, or argument, about the engineering on this.

Mr. Thompson: Mayor Briare, as far as we're concerned, we don't want any more delay at all . . .

Mayor Briare: Then you agree with the recommendation of the Planning Commission?

Mr. Thompson: No - we do not agree with the recommendation of the Planning Commission. We would like either a "yes" or "no" vote on this particular subdivision, but we still feel that access to Buffalo is not necessary.

Mayor Briare: Well, I don't know how this Commission is going to vote, and I don't want to make it sound confusing, but if the Commission should follow the recommendation of the Planning Commission and you want this Project, you have no choice other than to proceed in accordance with those recommendations. You understand that, I'm sure -

M o t i o n
Renewed

Commissioner Woofter: I will renew my motion to approve the Tentative Map of Charleston Rainbow No. 14 as recommended by the Planning Commission.

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

Z-5-76

ZONE CHANGE Z-5-76 - HATTIE MAY PAVLO

Mr. Saylor: I would briefly explain to the Commission that this involves the Hamilton House property, which is located just north of Fremont on the west side of 15th Street. I am sure you are all acquainted with the development. It's been there for a good many years. It is zoned R-4.

Immediately to the east is C-2 Zoning. There is a hotel in there and, of course, there is Commercial zoning toward Fremont - apartment house zoning to the north.

Hattie Mae has requested a zoning to C-2 to allow the development of a hotel, which she can probably better explain to you than I can but, in any event, the Planning Commission has recommended approval subject to the following conditions:

1. Prior to any portion of this property being utilized for Commercial use, the Development Plan shall first be approved by the Planning Commission. All commercial businesses shall be oriented toward North 15th Street or Fremont Street.
2. Installation of concrete sidewalks along the 14th Street, 15th Street and Ogden Avenue sides of the property, as required by the Department of Public Works.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a Business License.

Z-5-76
(continued)

4. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
5. Conformance to Code Requirements and Design Standards of City departments.

Mr. Saylor: There were three (3) protests; two of them, I believe, from property owners further to the north and the single family home owner over here on Ogden (wall map). This is the property in question.

Mayor Briare: What was the nature of the protests?

Mr. Saylor: I think part of it was concern over the fact that at the time we sent the Notices out, we weren't certain as to just what use Hattie Mae was going to put the property to, and I think there was some apprehension as to whether it might go to a Commercial use that would be objectionable to the apartment house development.

Mayor Briare: Is there anyone in the audience who is here to protest this application?

(No response)

Hattie Mae Pavlo: I asked for C-2 because I am planning to make that the first Womens Hotel in the City of Las Vegas - Hamilton House for Women. There is none in this town and I think it's about time we did have one. Every big city has them and we're getting pretty big now. You all know, of course, about the Barbizon Plaza for women in New York - the Martha Washington for women - when I was very young I lived at the Three Arts Club for Women in New York.

The first thing that I would do would be to enclose - put a 6 ft. fence around that for security. It is very necessary. I would have to protect my lovely ladies there. It will be a womens hotel and it will be a wonderful thing, not only for m own sex, but for the opposite sex. The boys have a pretty rough time now if they are decent men and they like to meet nice ladies - and this is where they can.

Mayor Briare: What is the pleasure of the Board?

M o t i o n

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

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

Z-6-76
Approved

ZONE CHANGE Z-6-76 - RICHARD J. AND MARY JO LESENSKI

Mr. Saylor: This is a request for a change in zoning for property located on the south side of East Marlin Avenue, between Eastern and 23rd Avenue, at 2410 E. Marlin. It is zoned R-2. There is R-3 Zoning to the south of it. The south boundary line is the East Leg of the Freeway - which will be immediately to the north.

There is a duplex on the property at the present time, plus a garage at the rear of the property. They are asking permission for R-3 Zoning to make a unit out of the garage, which will then provide the three (3) units. It will have sufficient parking and the Planning Commission has recommended approval subject to the following conditions:

1. Conformance to the Plot Plan.
2. Paved parking shall be provided as required by the Department of Community Development.
3. Installation of sidewalk along Marlin Ave. and signing an Assessment District Agreement for alley paving, as required by the Department of Public Works.

Z-6-76
(continued)

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

Mr. Saylor: There were no protests.

M o t i o n

Commissioner Woofter: I move to approve as recommended by the Planning Commission.

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

Z-7-76
Tabled

ZONE CHANGE Z-7-76 - NORMAN H. HELGESON

Mr. Saylor: This involves property on the west side of Las Vegas Blvd. North, between Adams and Foremaster. This is up near the Lions Club Park and the Mortuary is just about across the street.

The request is to go to C-2 Zoning to allow offices and commercial storage units. It is in keeping with the commercial pattern along Las Vegas Blvd. at that point. The Planning Commission recommends approval, subject to the following conditions:

1. Conformance to the Plot Plan.
2. The parking layout shall conform to the requirements of the Department of Community Development. All parking and driveway areas shall be paved.
3. Construction of retaining walls along the property lines, as required by the Department of Building & Safety.
4. Landscaping and a permanent underground sprinkler system shall be provided, as required by the Planning Commission, and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a Business License.
5. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Dedication of 10 ft. of right-of-way for Las Vegas Blvd., North, as required by the Department of Public Works.
8. Conformance to Code requirements and Design Standards of City departments.

Mr. Saylor: There were no protests.

Mayor Briare: Could you talk about those commercial storage units?

Mr. Saylor: This, I believe . . . there are several throughout the City whereby you can rent a small storage area for the storage of goods, or whatever - a mini-warehouse type of thing -

Commissioner Lurie: It will all be enclosed?

Mr. Saylor: Yes. This is a Plot Plan of the proposed development (wall map) - this being the Boulevard - this is the rest of the property. There is a very substantial difference in grade - in other words, it falls steeply toward the Boulevard. This would be the building - this would be the parking area.

Mayor Briare: And where is the Lions Club Park?

Mr. Saylor: Approximately just to the east of it and about immediately across the street is the Bunker Bros. Mortuary - the new one.

Z-7-76
(continued)

Mayor Briare: Mr. Helgeson, do you plan to maintain that much front yard itself?

Mr. Helgeson: No, I intend to continue building on it -

Mayor Briare: Storage units?

Mr. Helgeson: Right - this part is necessary for a retaining wall -

Commissioner Christensen: Is this where the trailer park is now - or is that a little bit south?

Mr. Saylor: A little bit south of the trailer park.

Commissioner Leavitt: Where is Palm Mortuary on the map?

Mr. Saylor: (wall map) - further north . . .

Commissioner Leavitt: I have a question to ask the City Attorney. I own a piece of property in this area between the Airconditioning and the place to be rezoned. Am I free to vote on this, or should I abstain?

Mr. Stewart: I think if I were you, I would abstain Commissioner Leavitt..

Commissioner Leavitt: I will abstain from voting because I own a piece of property in the area.

Mayor Briare: Mr. Saylor, is this the type of zoning that should be on Las Vegas Blvd., North?

Mr. Saylor: We recommended approval, Mayor. It is in keeping with the pattern that has been established along there. Las Vegas Blvd., North is a major traffic carrier. If you go a little further north you get the Mortuary complexes - then Vegas Village to the east - the blue is Light Industrial - and then, of course, the Cemetery further north.

Mayor Briare: What is that blue item, right there?

Mr. Saylor: There is a service station right on the corner - going immediately south from the corner I thought that was a Used Car Lot.

Mr. Helgeson: I think it is a parking area for Spalding Mortuary -

Mr. Saylor: The mobile home park is in that area being pointed out on the screen, which is just north of this piece. West of that is the Highway Department - yards and what-not.

Mayor Briare: And this is a request for rezoning the entire piece of property -

Mr. Saylor: Right -

Mayor Briare: And that entire piece of property could be used for the construction of these rental storage units?

Mr. Saylor: Right -

Mr. Helgeson: The front will be offices, however -

Mayor Briare: I'm concerned - I don't profess to be a Planner, but I do profess some jealousy for the integrity of the Boulevard as far as it stretches down to North Las Vegas and all the way out to Arden, and I can't picture storage units there -

Z-7-76
(continued)

Mr. Saylor: Let me explain, Mayor: At the present time this is all he has submitted and to the very west end where the difference in the grade is, there is to be a building and some parking (wall map). There will be a driveway in from Las Vegas Blvd. Before he can do any more development on the rest of it, he would have to come back before you for a Plot Plan Review. So the approval at this point in time only allows this construction (wall map)

Mayor Briare: To the rear of the property -

Mr. Saylor: To the rear of the property - the extreme west end, yes.

M o t i o n

Commissioner Woofter: I move to approve as recommended by the Planning Commission.

Mr. Helgeson: Do I have to come back to the Commission to get a Building Permit on that?

Mr. Saylor: Not on this building (wall map) - no.

Mr. Helgeson: If it is C-2 do we have to go through the Commission again for other buildings?

Mr. Saylor: That's right. Everybody does. There is an architectural review process that requires that.

Mr. Helgeson: The Planning Commission, but not the City Commission -

Mr. Saylor: You're asking me and then you're telling me -

Mr. Helgeson: I'm asking a question -

Mr. Saylor: Yes - if there is any type of problem involved, it comes back before this Board.

Mr. Helgeson: Well, is there a problem? If it is zoned C-2 am I not allowed certain buildings?

Mr. Saylor: Yes, you're allowed certain buildings -

Mr. Helgeson: Without coming through this Board - I'm thinking about time -

Mr. Saylor: Let me answer it this way. First of all, if you had had any firmness in your mind as to the development of this property, you should have shown it on this Plan, which you didn't - which tells us you don't know what you're going to do with it yet. Number two, if you go to develop this (wall map) and you submit a Plan that is in accord with the C-2 Zoning, it goes through the Planning Commission - if it provides the proper landscaping, etc., in terms of the Boulevard, and everything is worked out there with no objection, then it doesn't come to this Board, but that presupposes that it provides the necessary appearance for the Boulevard.

Mr. Helgeson: That's all I want to know - that's what I thought -

Mayor Briare: Mr. Saylor, is this what you're saying? If Mr. Helgeson . . . Mr. Helgeson has already said the frontage portion of the property was going to be used for offices -

Mr. Saylor: Right -

Mayor Briare: Now, if he should change his mind, just because he has verbally stated here what he intends, does that become a matter of this application? This record, where he has stated . . .

Mr. Saylor: Well, you can put that in as a stipulation on the approval - the front portion of the property shall be used for offices - and that takes care of the question then.

Mayor Briare: Together with the landscaping, etc.?

Mr. Saylor: Right.

2-7-76
(continued)

Mayor Briare: Commissioner Woofter: Do you want to put that in your motion?

Commissioner Woofter: I would rather, Mayor, that somebody else would make the motion.

Mr. Helgeson: Would you say how much of it? In other words, if I wanted to come a little closer with the storage units -

Mayor Briare: Well, you are trying to renege now . . .

Mr. Helgeson: No, I'm not - really, because I want you to understand it's a steep bank in the back. I can't have offices back there . . .

Mayor Briare: I'm not too terribly impressed with the whole matter. I can't see an application as important as this being presented in this manner. This, in my opinion, is not a proper complete application.

Mr. Helgeson: If I can have the offices in the front, it's alright -

Commissioner Woofter: Mr. Mayor, maybe it would be best to . . . Mr. Helgeson, you sort of represented to Staff and the Commission here tonight that you have intentions of developing the land. Why don't we just hold this in abeyance - table it - until he presents a full Plan for that full property?

Mr. Helgeson: This is all I want to do now - this is the kind of placing I have - it will be a beautiful addition to the City - there's no question about it. Planning will see to that if I don't. I need the answer tonight because I already have a Permit to build the building - and that building is up - I have a use for it.

Mayor Briare: I'm going to leave it in abeyance . . .

Commissioner Woofter: I'm going to make a motion to approve the Plan subject to the conditions set forth by the Staff, as presented to us tonight. That means those storage buildings will be built complete to the extreme end of the property and if there is any further development, then Mr. Helgeson will have to come forward and present that, but there won't be any variance from that which has been presented to us tonight.

Mayor Briare: Then, Commissioner, that would make it unnecessary to stipulate that the front be designated for Commercial, because no permission would be given for anything until Planning approves it.

Mr. Helgeson: May I say that since I made this Plan, I have possible use for another - where that return comes on the side - I have a possible use for a total of . . .

Mayor Briare: Does this Board want to take any action on this application?

Mr. Helgeson: I need that - I thought you were reasonable men - I thought I could kind of bargain with you -

M o t i o n

Commissioner Woofter: I'm going to withdraw my motion to approve and move to table this application.

Mayor Briare: The motion is to table. Are there any comments by the Commissioners?

(No response)

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

Commissioner Leavitt abstained.

Z-8-76
Approved

ZONE CHANGE Z-8-76 - LAWRENCE AND MAY MUSHKIN

Mr. Saylor: The next item before you is the application of Mushkin for a change of zoning at 2421 West Charleston Blvd, from R-1 to C-D. It is on the south side between Rancho and Strong Drive.

It is in accord with the pattern of C-D development along there. It is for an Office use. The Planning Commission has recommended approval subject to the following conditions:

1. Conformance to the Plot Plan.
2. The south 20 ft. of the property shall be dedicated as an easement for a future alley and an Assessment District Agreement shall also be signed for the improvement of this alley as required by the Department of Public Works.
3. A 6 ft. masonry wall shall be provided along the south property line.
4. Landscaping and a permanent underground sprinkler system shall be provided, as required by the Planning Commission, including additional landscaping along the front portion of the property, and shall be permanently maintain in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a Business License.
5. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Conformance to Code requirements and Design Standards of City departments.

Mr. Saylor: This is a Plot Plan of the proposed office use (wall map) - this is the existing building - there will be parking in front and rear - landscaping in the front and they must satisfy all C-D requirements. There were no protests.

M o t i o n

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

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

Z-9-76
Approved

ZONE CHANGE Z-9-76 - CHARLES F. AND DOROTHY F. TEEL

Mr. Saylor: This is the application of Teel for a change in zoning from R-E to C-1 for property located, again, on the south side of West Charleston, but east of Rancho Drive. It is the property immediately adjacent to where David's Place was located. This is a Plot Plan (wall map) of the proposal. It includes the existing David's Place property, which burned down, plus the additional piece to the east. This is the overall development - parking in the rear - a larger building than he had before - landscaping in front. The Planning Commission has recommended approval subject to the following conditions:

1. Conformance to the Plot Plan.
2. This approval shall constitute Plot Plan approval under Z-24-75.
3. A 6 ft. masonry wall shall be constructed along the west and south property lines prior to construction of the proposed Restaurant. The west masonry wall shall be stepped down to 4 ft. in height on the north 30 ft. (immediately south of West Charleston Boulevard) and the top 2 ft. of the fence shall contain ornamental iron, as

Z-9-76
(continued)

required by the Department of Community Development.

6. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a Business License.
7. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
8. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
9. Conformance to Code requirements and Design Standards of City departments.

Mr. Saylor: There were no protests. The property immediately to the west - Stephanie Hurley - did write a letter and ask that certain conditions be included and, with that, she did not protest and those conditions are included in those recommended by the Planning Commission.

M o t i o n

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

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

Z-10-76
Approved

ZONE CHANGE Z-10-76 - NORMAN E. AND GERALDINE E. NASH

Mr. Saylor: Next before you is the application of Nash for a change in zoning at 1805 and 1809 S. Eastern Avenue, which is on the east side between St. Louis and East Oakey.

As you can see on the screen, the property in question is two lots. There have been several changes to P-R zoning along Eastern. This is in accord with that. I think it's the first time we've had two lots together where they were able to work out fairly adequate circulation and parking. This is the Plot Plan (wall map) of the proposal, with parking to the rear. Two of the lots were in when we widened Eastern and we cut back the front yard area substantially.

There was one protest on this and I believe she is here at the meeting.

The Planning Commission did recommend approval, subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Conformance to the Plot Plan.
3. The parking layout shall be revised as required by the Department of Community Development.
4. If these two lots are divided in the future into separate ownership, a joint agreement relative to the common driveway between the buildings shall be created, as required by the Department of Community Development.
5. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a Business License. All areas designated to be landscaped on the approved Plot Plan shall be installed.

6. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Conformance to Code requirements and Design Standards of City departments.

Mrs. Hallenbeck: I have tried many times over the years - this is going into five and a half years - I've tried to get through to you - how bad the situation is concerning the children, and no one listens. In Law, there is something that has to do with "nuisance" - well, this certainly is a nuisance because it occurred to me day before yesterday that repeatedly these people who come in with their P-R zoning are not good neighbors. They borrow everything - and then they tell us what we're going to do with our neighborhood and I was told by a P-R "zoner" he was going to take down my fence. I said - no, you're not going to take down my fence. I know a couple of you here that if anybody told you they were going to take down your fence, you wouldn't take it quietly either - and neither did I.

They have borrowed everything, including coming up to the house and they just help themselves to the water. I said - wait a minute - you're not going to use my water. He said I have to have it to put in the paint to paint the house next door. I said - I can't help it - don't use my water.

And then I found out about these two houses in question. Do you know that even my ladder was used in painting those buildings? Why can't these professional people have their own equipment - have their phones turned on and all that? Day before yesterday a man two doors down was waiting for some furniture, or something - and he came up to use my phone. My daughter said - why don't you get your phone turned on? He said - I'm going to.

Now, this has been going on and on and on. They are just bad neighbors. Now, according to the dictionary, a professional person is a learned person - so couldn't these learned people learn how to be good neighbors?

And another little point: At the Planning Board, this is what my ear heard, I thought. Mr. Nash said - I purchased these pieces of property from the City on the condition that I would convert the houses into Professional structures. And I asked the Board if this what was said - and everybody dummied up. I said to the Chairman - is this what the man said? And he shrugged and said - I don't know. I did an about face and asked Mr. Nash - is this what you said? And he just stared. And before there is anything in writing I would like to research it. Could we find out - is this what happened?

Mayor Briare: Mr. Saylor, did this property used to be owned by the City?

Mr. Saylor: I can't answer that, Mayor, whether we acquired it or . . .

Mayor Briare: Is Mr. Nash here? Did you buy the property from the City, Mr. Nash?

Answer: My name is Larry Norland. That property was purchased from the City - yes.

Mrs. Hallenbeck: With these conditions?

Mr. Norland: No - not with these conditions but with the understanding that is what is happening in the area.

Mrs. Hallenbeck: Well, that's what is not happening - most of those places are homes.

Mayor Briare: The fact of the matter now - I don't think there

is any argument that the property now belongs to Norman and Geraldine Nash, and they are the applicants here and whether they are good neighbors or not is something we have no control over. The only item before us is whether this property should be changed from the allowance of a single family residence to the allowance of a professional office.

Mrs. Hallenbeck: But shouldn't that come in under the idea of what is a "nuisance"? I've never brought this point up before.

Mayor Briare: A nuisance, I believe, is a civil matter, but from a zoning standpoint I don't know that we can address ourselves as to whether they are good neighbors.

Mrs. Hallenbeck: Here's another point: Now, like Mrs. Pavlo said at the Planning meeting last week - she wanted to get her zoning to know what she could do on her property - if she could put this hotel in for women - which I'm in favor of, by the way - and we have discussed it in Navy Mothers - I don't understand people on South Eastern Avenue are allowed to go ahead and take out the bath tubs - convert these building and then you people keep saying - Oh, you've already changed your building - well, that's alright - we'll give you a rezoning. It seems to me that Mrs. Pavlo's way would be the proper way. Do you follow what I'm saying?

Commissioner Christensen: Maybe I can shed some light on this - Mr. Saylor, is there a difference in the tax rate between P-R and R zoning?

Mr. Saylor: I would presume so - yes.

Commissioner Christensen: Didn't this same situation occur on Maryland Parkway - when that street was widened - which had to be - didn't the City buy a lot of that property where the property owner didn't want the front yard cut back? Didn't the City agree to buy the property - take the piece they needed and sell the rest, with the idea in mind that that would be P-R along there, but they didn't force everybody into P-R zoning by Ordinance because that would prevent people from living in the homes?

Mr. Saylor: On Maryland Parkway, I don't believe the City purchased any of the properties. However, the situation in terms of not zoning it all P-R was exactly as you have described it because to do so would have penalized the people that wanted to live there, plus increase their taxes, and they may not have been ready to change, but on Eastern we did acquire some, particularly those that fronted on it where we took off a substantial part of the front yard . . .

Commissioner Christensen: It made it useless for homes and that was the purpose behind the whole piece - because they couldn't use it for a home anyway - we damaged the property to a degree they couldn't use it for a home any more.

Mrs. Hallenbeck: Oh, no - there were a lot of them who were tired of fighting you so they just went ahead and sold out, or they had tragedies in their families. I've lived there for 14 years and we know pretty well what's happening in various families up and down the street, and some just finally gave up and sold out.

Mr. Saylor: But there's nothing to prevent anybody from taking bathroom fixtures out of their house -

Commissioner Christensen: I'm aware of that - I'm just trying to figure out if we were actually encroaching into a residential area or if this is designed primarily to become something higher zoned - a more dense zoning than the residential area - but rather than zone the whole street by Ordinance, which would only penalize the people who wanted to stay living there.

Commissioner Christensen: Wasn't that the feeling at the time the street was widened . . .

Mrs. Hallenbeck: And there's another thing about it - we didn't even case the entire neighborhood and we already had more than 51% on a petition against the change in the Master Plan - amending the Master Plan. I don't know what ever happened to that Petition, but right here in my notebook I have a carbon copy of it. But nobody paid any attention. But it is putting the cart before the horse, isn't it - letting people go ahead and change their building - and you say - since you've done this, it's alright - you can have your rezoning? Isn't this backwards? That's what has happened repeatedly -

Commissioner Leavitt: Are these houses rebuilt?

Mr. Norland: There have been new fronts put on them.

Commissioner Leavitt: Are they already put on them?

Mr. Norland: Yes.

Commissioner Leavitt: Has the asphalt been put in?

Mr. Norland: Yes.

Mrs. Hallenbeck: What about the bath tubs?

Mr. Norland: One bath tub is in and one was in such bad shape it was taken out.

Mr. Saylor: But all of the work that's been done could be done under a residential use. I can do it to my house . . . there's nothing to prevent you from putting asphalt over your entire yard if you want to -

Commissioner Lurie: In the transition between Charleston and Sahara on Eastern, what percentage have already been converted to P-R?

Mr. Saylor: I can't answer that right off the top of my head . . .

Mrs. Hallenbeck: No, Sir - what about the Park at St. Louis and South Eastern - that Park there is over four acres of land. It has ball park spaces for football and baseball and it also has kiddie play things. Now, if that isn't a neighborhood, I don't know what is! My son graduated from Valley Hi in 1968 and the crossing man on St. Louis - the same man who was there . . .

Mayor Briare: Where do you live on Eastern?

Mrs. Hallenbeck: 1709 - that man is still up at St. Louis helping the kids cross the street - if that isn't a neighborhood, I don't know what is.

Mayor Briare: Are there any other comments? Mr. Norland, do you have any comments on behalf of the applicants?

Mr. Norland: No - we will stand as submitted.

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 and Lurie voting aye; noes, Commissioner Woofter and Mayor Briare.

ZONE CHANGE Z-12-76 - RANCHO SAHARA FASHION CENTER

Mr. Saylor: This is the application of the Rancho Sahara Fashion Center for a small piece of Commercial zoning immediately north of the existing zoning which is proposed for the Regional Shopping Center. This is the property (wall map) at Rancho and Sahara and the piece you see on the screen there is the part in question now and it is simply to allow access from Rancho to the Shopping Center area. You have to have Commercial zoning to have that type of access.

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

1. The Resolution of Intent shall be subject to the proposed Shopping Center development as approved under Z-108-63.
2. The accessway layout to Rancho Drive and redesign of El Cortez Avenue shall be subject to Planning Commission approval and no commercial uses shall be allowed on this parcel of land except for the accessway.
3. A 6 ft. masonry wall shall be constructed on the north and south sides of this property and shall be stepped down at Rancho Drive, as required by the Traffic Engineer.
4. The street opening design shall meet the requirements of the Department of Public Works.
5. The accessway shall be landscaped and all landscaping and the permanent underground sprinkler system shall be provided as required by the Planning Commission, and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a Business License.
6. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
7. Conformance to Code requirements and Design Standards of City departments.

Mr. Saylor: I can't tell you at this point in time that they are serious about the development of the Shopping Center. However, we have had conversations with them recently and this is one of the things in question. This is Oakey (wall map) - this is Rancho and this is the piece I'm speaking of. It is simply to accommodate a driveway in there. One of the conditions would prohibit it for any other use.

Commissioner Christensen: Does anybody know who the owners are of that piece of ground at the present time?

Mr. Saylor: I would hesitate to try to tell you because it has been in some litigation, although it has been indicated to us that Olson and Tam and that group.

Edward Tricker: If I might be of some help... I am an attorney with the law firm of _____ and we represent the applicant - Rancho Sahara Fashion Center. They are the owner of the entire 125 acres there - both the 72 which is in the pink and also the yellow up there. They are the present owners. There is, of course, an encumbrance against them, but they are the owners of that property.

With respect to the Project itself, the Regional Shopping Center, there is a serious intent to build that Regional Shopping Center there. The gentleman who will be the developer is here from Los Angeles - Mr. Shelton Gordon. He has spoken with a number of major tenants - high fashion stores that are not here in Las Vegas, and one of their absolute criteria before they would commit

to any kind of tenancy here is to have this access in from Rancho so they will have adequate access both from the Sahara side as well as from the Rancho side.

Additionally, the Environmental Commission for the State of Nevada is giving us the registration certificate for the air quality bit - put that in as a condition - that we have the access from Sahara so as to lessen the air quality problems there. So I think in that respect there is a sufficient desire to proceed with this Project.

Commissioner Christensen: The other question I have - if you make that access on to Rancho, what plans do you have for Rancho to make it so it can handle traffic from the Shopping Center? Because right now it couldn't.

Mr. Saylor: I will have to ask Mr. Hampton to answer that, but first I want to point out that they do have access from Rancho further south towards Sahara -

Commissioner Christensen: That's right, but the street is much wider there -

Mr. Saylor: Yes - do you want to answer that Mr. Hampton? I know the plan calls for the widening, I believe up to Oakey, doesn't it?

Mr. Hampton: That is on schedule for widening - I believe it is quite a ways in the future, however - it is a very much needed . . .

Commissioner Christensen: Well, it 4-lane to Oakey now, but beyond Oakey it's 2 lanes - between Oakey and Charleston.

Mr. Hampton: That's where the bottleneck is -

Commissioner Christensen: We would have to cut off the front of some pretty fine homes in there - one of them is owned by the City Attorney.

Commissioner Lurie: Do these people want to participate in the widening of Rancho?

Mr. Hampton: They have never approached us with regard to that.

Mayor Briare: Is the protestant present?

(No response)

Mayor Briare: What is the pleasure of the Board?

Commissioner Christensen: What was the protest?

Mr. Saylor: The protest was from Frank Smith, an attorney, and I believe he lives right here (wall map) but at the time of the hearing on the Regional Shopping Center he represented the Delmonico Subdivision home owners, and himself. One other property owner in here appeared to protest, but with the conditions that were set forth, he was satisfied. I think Frank Smith was at least partially satisfied but still indicated he wanted to be on record as protesting.

Attorney Tricker: I think it might be pointed out to the Commissioner that the letter under which the Planning Commission approved this application does have a number of conditions in it. It is certainly all contingent upon the building of the Shopping Center, and also upon our satisfying them as to the accessway that is designed, and we are required to put up a wall so that the traffic itself will not be a hazard to the people in that development there. So it is our belief there are adequate safeguards with respect to coming in and out there and we will be required to have traffic lights there for controlled access in and out of there.

Commissioner Woofter: I move to approve as recommended by the Planning Commission.

Commissioner Lurie: The only comment I have - I don't believe it is right to have a Resolution of Intent for this request to be included in a Resolution of Intent that goes back to 1963.

Mr. Tricker: I think the reason for that, Commissioner, the Resolution of Intent . . .

Commissioner Lurie: It's been thirteen years and there hasn't been any sign of any development on your part - I don't see why we should . . . and then you talk about traffic lights and that traffic light is going to be within 100 ft. of an existing traffic light that is already on Oakey.

Mr. Tricker: I think, Commissioner, with respect to that Resolution of Intent - as you say, it was done in 1963. The present owners of the property - Rancho Sahara Fashion Center - did not become owners of that property until 1972. First Western was the owner at the initial time and through many of those years. Since that time we have proceeded with what we consider to be all due haste to start this development and, as we say, we are now in a very close stage to talking with major tenants - things are beginning to come into shape. One of the things that is necessary in order for this Regional Shopping Center to be put in there in accordance with the Master Plan is to have this access. Not only is it helpful to the Shopping Center itself and tenants, but also it is helpful in great detail to the traffic pattern of the Shopping Center - getting in and out. That was pointed out to me by the Environmental Commission with respect to the air quality.

Mayor Briare: Are there any other comments or questions?

(No response)

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

Z-13-76
Approved

ZONE CHANGE Z-13-70 - RICHFIELD DEVELOPMENT, INC. AND ETHNEY TAM

Mr. Saylor: Next before you is the application of Richfield Development, Inc. and Ethney Tam for a change in zoning from R-4 to C-1 for property located on the south side of Sahara Avenue, between Richfield and Teddy Drive.

There is Commercial to the west - to the east. Immediately on both sides of this property, however, there are apartments. The proposed use is a Japanese Restaurant as shown on the Plot Plan (wall map) - Sahara Avenue - this is the restaurant property - Japanese Garden in the front - parking.

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Conformance to the Plot Plan on file in the Department of Community Development.
3. The parking layout and any additional parking proposed by the developer shall conform to the requirements of the Department of Community Development.
4. A 6 ft. masonry wall shall be constructed along the rear property line and the south portion of the property shall be buffered as required by the Department of Community Development.
5. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a Business License.

Z-13-76
(continued)

6. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. No signs shall contain exposed neon or flashing lights.
9. Conformance to Code requirements and Design Standards of City departments.

Mr. Saylor: There were no protests at the Planning Commission meeting.

M o t i o n

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

Mayor Briare: Is there a representative of the applicant present?

Commissioner Woofter: Mr. Saylor, did you give any reason why one member of the Planning Commission voted against it?

Mr. Saylor: I believe it was because of the possibility of an adverse effect on the single family home owners to the south in terms of odors and noise from the restaurant. However, none of those property owners appeared at the meeting to indicate they had any displeasure with the proposed use.

Ian Ross: I am an attorney appearing for the applicants, if you have any questions. I believe the matter has been adequately presented by the Director of the Department of Community Development.

Mayor Briare: Any further questions?

(No response)

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

MORMON FORT
Abeyance

RESOLUTION OF THE CITY OF LAS VEGAS AUTHORIZING AN APPLICATION FOR HISTORIC PRESERVATION FUNDS FOR MORMON FORT, PHASE II

Mr. Saylor: This item we would like to have held in abeyance until the next meeting.

Mayor Briare: If there is no objection, it will be held in abeyance.

A-2-75

A-2-75 - LAS VEGAS DUNES, INC.

Mr. Saylor: Under S. B. 601 this was referred to the County Commission. They denied it. Consequently that stopped it and the petitionees then wrote a letter to the Mayor and Commissioners asking that you again refer it to the County but since that time we have the ruling of the District Court.

Our Attorney advises us that you could proceed with the annexation if you would so desire, but they recommend that nothing be done by this Board until we get the Supreme Court decision, because it could - depending on that decision - result in complications.

This is before you at this point in time to see whether or not you wish to proceed or simply table it until after the Supreme Court decision.

Commissioner Woofter: You say there would be complications?

Deputy City Attorney, Janson F. Stewaet: Yes - I think we have to wait until after - well, we received the Notice of Appeal

today, so there definitely will be an appeal on that.

S.B. 601 changes the procedures on annexation and if there is going to be any kind of a reversal of Judge Wendell's decision, you would just be wasting your time to take action today on it.

Commissioner Woofter: What are the odds on that?

Mayor Briare: Mr. Churchfield, you certainly have a right to make an application for annexation, but I don't think there's any question, is there, that this is for the purpose of enlarging on enlarging on the Moto-cross proposal, and I don't know whether it's going to serve any purpose to get into a whole new discussion on a matter that was pretty fairly reviewed several meetings ago.

I want to go in accordance with the laws that are in existence - sans S.B. 601 - what demonstration has to be made to the City to prevail upon the City to commence an annexation proceeding.

We know what Mr. Churchfield and his associates want to do, but are there some convincing arguments other than the Moto-cross to be used for a Petition to Annex?

Mr. Stewart: You can, of course, consider the use as one of the major considerations - your ability to provide Municipal services - that's one of the issues.

Mayor Briare: This is what I'm not sure of. I don't mean to be unfair to you as an applicant - you certainly have the right to ask, but we all know specifically it is that you want to do and it has been pretty clearly demonstrated there are no services out there. And it has been pretty clearly demonstrated that the people in the area are very much opposed, etc., etc. I'm not so sure that - as I understand annexation proceedings historically - that there is any compelling reason why the City should even consider taking this property in under what we already know as to its proposed use.

Mr. Churchfield: You had a 100% vote on it three or four months ago. The only reason we're back up here now is that we have been notified to go in front of the County . . . when we got the approval from the City of Las Vegas we were under the impression the City of Las Vegas was handling our application at the Clark County Commissioners. We hadn't been notified of the meeting and they voted 100% against us -

Commissioner Woofter: This was approved at one time, wasn't it?

Mr. Churchfield: That's right - for annexation, and it was sent to the County. The County rejected it -

Mr. Saylor: Commissioner, let me explain: Under S.B. 601 it is stipulated that no annexation could take place without approval of the County. The Petition for Annexation was submitted to this Board. Staff said - it is completely surrounded by City, so it appears logical for it to be annexed. But before you went any further, your position was - why spin our wheels until we find out if the County is going to act on it, so you referred it to the County.

Commissioner Woofter: With a vote for approval -

Mr. Saylor: No vote. It was referred to the County get their blessing -

Commissioner Woofter: I recall Commissioner Leavitt saying the understanding was he was voting for this annexation, but with the realization that didn't mean he was voting for a Moto-cross.

Mr. Saylor: That's right. We didn't take it there to represent the Petitionees. We referred it to the County and asked them to put it on their agenda. We didn't know what agenda it would be on. What they're saying is that when it came up on the County agenda they were not there to speak in their behalf. Whether or

not that's why the County turned it down, I don't know.

They now have asked that you refer it again to the County, but in view of Judge Wendell's decision, that is not a requirement. You can proceed on that without. But, in the meantime, if you proceed now, if there is a reversal by the Supreme Court, then S.B. 601 would prevail again - you would be in the middle of the annexation and would have to start all over.

Mayor Briare: Those people who were opposed to a Moto-cross in that area, including certain members of this Commission, recognize that it might be that the applicants will fair better - it might be, I don't know - that they will fair better before this Board than they would for the same thing before the County Board. And there's only one reason in the world that I can think of - and you tell me if I'm wrong, Mr. Churchfield - as to why you want to be annexed is because the County may not give you a Use Permit to use it for a Moto-cross, where the City, by a split vote, did give you.

Mr. Churchfield: We are completely surrounded by the City, first of all - 100%. So we want in the City. We've got a piece of land that's in the County. We want in the City because we want a complete package out there. The 80 acres - we want it to join. In order for us to use it for a Moto-cross track we'd have to come back and ask permission.

Right now we're dealing with two entities - the County and the City and we would just as soon deal with one. 85% of our property is in the City - 25% is in the County.

Mayor Briare: How many acres are we talking about?

Mr. Churchfield: We're talking about 30 acres, and it's landlocked - 30 acres out of the 80 - it's landlocked - there's no way of getting to it unless we go over City property or by our private access road. All we're asking is to be annexed into the City. It's a natural, whether we use it for a Moto-cross or not.

Mayor Briare: What I'm trying to avoid - there are some people here - I suspect they are here - what I'm trying to avoid - if this Board - let me think positively for a moment for your benefit, because I'm going to vote against it - should this Board approve the commencement of all the proceedings that are necessary, including a Public Hearing, to annex this property, I think we are wasting a lot of everybody's time, effort, etc., because we're going to go through the whole thing again. And we're not going to be talking about the merits of annexation, or no annexation - it's going to be another argument about whether a Moto-cross should be there or shouldn't be there. That is not the subject before us.

The subject before us is an annexation proceeding, not a Use proceeding. Is there anything in the statutes, or whatever, to consider this a simple annexation - it's just going to be a simple matter of whether this property is going to be zoned for the use of a Moto-cross, or whether it shouldn't. Why go through all the exercise of an annexation unless this Board finds - if they should vote in favor of an annexation proceeding - that it should be used for a Moto-cross? Why go through all the business of having Hearings and people upset and more lawsuits, and all?

Mr. Stewart: No. 1, they want annexation and (2) I suppose they will come back for the Use later . . .

Mr. Churchfield: Mr. Mayor, you said you would vote "no" on it but you voted "yes" once - it's the same piece of property to be annexed and you knew that we would be in front of you for a Moto-cross track at that time. You knew exactly what we were coming back for - not this time you get up and say - I am going to vote against it.

Commissioner Leavitt: Do you want to go forward with the exercise when it might not even be legal?

Commissioner Leavitt: What has happened is that we have just had our City Attorney tell us that his advice is not to do anything on this because of the uncertainty of the Law - until that 601 Bill is decided by the Supreme Court.

The way I understand it is that if we go ahead with the - if we go ahead and proceed this way and S.B. 601 is unconstitutional - we proceed under the old annexation proceeding and then the Supreme Court says S.B. 601 is constitutional, then where are we?

Mr. Churchfield: I would come right back and file for annexation under the S.B. 601 again.

Commissioner Leavitt: Right - but don't you think you ought to wait until it's decided so you know which way to go?

Mr. Churchfield: Well, when we applied for this thing I thought we would be in front of the County again - since we submitted this letter, this Law has changed - or there's a "hold" on it, or whatever you want to call it - a Court decision. We didn't know when we applied for this thing that the Court was going to throw out S.B. 601, and we went into the County with the same type situation - that we may be deannexed, or annexed, down the line later on.

Commissioner Christensen: Let me ask you another question: Would you still request this be annexed if these ladies prevail in their lawsuit?

Mr. Churchfield: Yes, because if we can't use the property, we're going to sell it.

Commissioner Christensen: And you figure it would sell better . . .

Mr. Churchfield: Absolutely -

Commissioner Christensen: Would it be a burden to wait until - when is it anticipated the Supreme Court will have a ruling on that - we have to have something by the middle of next month . . .

Commissioner Leavitt: It has to be by April 15th to be of any value -

Commissioner Christensen: In order to satisfy the election requirements, etc., the Supreme Court should have a decision some time in April. Would it be an inconvenience to wait until April and start these proceedings then under whichever Law is appropriate at the time? Would that be a problem?

Mr. Churchfield: Well, we don't like to wait -

Commissioner Christensen: But you can see the position we're in - we would be going through this thing two more times and I have a hard time seeing the need for that, especially whatever we do - if we start anything today, it could be thrown out and we have to start over again - so that's why I wonder if it wouldn't be better for all of us concerned that we wait until after April 21st - then determine which direction it has to go - then submit your application so that we can process it either one way or the other.

Question: Suppose that stays in the County and we do something out there that the County don't like. How can they get to that piece of property when it is totally landlocked by City property - fenced, and everything else?

Commissioner Christensen: You mean if they prosecute you for building something on there they didn't like?

Answer: Or anything - if we went out there and done anything on that piece of property - the County has no way of getting in there, outside of cutting across our property -

Commissioner Christensen: It would think it would be a legal

question of whether or not they would have access over your private land . . .

Mr. Churchfield: Well, like if some kid got hurt out there, or anything like that - this is one of the things on this piece of ground - it's a "No Man's Land" - the County don't have anything close to it so they could care less about it. The City does abut us, and that;s why it is wiser for us to go into the City.

Commissioner Leavitt: Mr. Mayor, I would like to move that we hold this matter for our April 21st meeting. At that time we ought to have some kind of clarification as to what the Law is. That would be the third Wednesday in April and that's the very latest the Supreme Court will rule - they have to make a ruling by April 21st, because that's ninety days before the last day for filing, and that's when the Districts have to be firm. So at least at that point we ought to have some kind of an idea of where we stand.

Mr. Churchfield: Would we be on the agenda for that meeting?

Commissioner Leavitt: I am asking that it be held and placed on the agenda for that date.

Commissioner Woofter: With the understanding that we could vote on it on the 21st of April, I would go along with Commissioner Leavitt.

Mayor Briare: The matter to be voted on then would be to just commence proceedings . . .

Commissioner Leavitt: Under whatever would be the status of the Law at that time.

Mayor Briare: I don't know what else this Board can do at this time -

Mr. Churchfield: Well, if it;s all you can do - it's all you can do . . .

Commissioner Leavitt: It is what our City Attorney has recommended.

M o t i o n

Mayor Briare: Please cast your votes on the motion to hold it until April 21, 1976.

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

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

Mr. Saylor: Commissioner Woofter, did you want me to bring on the matter of the Subdivision?

Commissioner Woofter: Yes, Mr. Mayor, with your permission -

Mayor Briare: What is it?

JADE PARK
UNIT No. 4
Tentative Map
Approved

Mr. Saylor: It's a Tentative Map of Jade Park Unit No. 4. We couldn't get it on the printed agenda because the Planning Commission didn't have their meeting until Thursday night and normally agenda items have to be in by Wednesday.

It involves a continuation of the Mobile Home Estates area in the vicinity of Craig and Torrey Pines. You will remember that they had requested additional zoning recently, which brought forth a lot of protests. That was denied, but under the existing Resolution of Intent - this is the existing development and this is a continuation of it.

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Minutes
Regular Meeting
City Commission
March 17, 1976

The Planning Commission has recommended approval subject the usual conditions, plus a temporary access out to Craig Road. The Final Map on this subdivision will be before you on the agenda of the Department of Public Works, to follow.

JADE PARK
(continued)

Mayor Briare: This is a matter that has nothing whatsoever to do with the application that was denied?

Mr. Saylor: No. This is under the existing Resolution of Intent.

Mayor Briare: Mr. Hampton, this jumps into your portion of the agenda for approval of the Final Subdivision Plat -

Mr. Hampton: All of the documents are in order and we recommend approval of the Final Map as well.

M o t i o n

Commissioner Woofter: I would move that the Tentative and Final Maps on Jade Park Unit No. 4, be approved as recommended by the Departments of Community Development and Public Works.

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

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

Mr. Saylor: No, Sir.

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

LAURENCE HAMPTON, DIRECTOR

See Pages 42 and 42 of these Minutes (Annotated Agenda)

TRAFFIC
SIGNALS

LEFT TURN SIGNALS AT ALTA AND RANCHO

Mr. Hampton: This item involves a recommendation we have made on the installation of left turn signals at Alta and Rancho. I have supplied the Commission with a brief Report.

This action is the followup of a request by Mr. and Mrs. Mickey Coulon - their request to have the City install these signals.

We do have sufficient material on hand to install the signals but, unfortunately, the controller that is there is only a 3-phase controller and this would require, if a person wanted to make a left turn going west, it would also stop the northbound traffic, as well as the southbound traffic. This would be a very large inconvenience to the traveling public and I think we would be forced into - I shouldn't say "forced" into - but it would be most desirable for us to improve traffic to install a better controller.

This new controller could cost from \$8,000.00 to \$10,000.00. Therefore, we are recommending, if the Commission agrees to proceed with this left turn installation, which does meet the warrants, that they also authorize the purchase of a 4-phase controller so that the traveling public will not be inconvenienced.

Commissioner Lurie: Do you have the money in your account?

Mr. Hampton: Yes -

Commissioner Woofter: I'm familiar with that area - it doesn't seem there is that big a need for a left turn facility -

Mr. Hampton: It does meet the warrants that are set up in the National Standards that we go by, Commissioner.

City Manager, A. R. Trelease: Is that where the five cars have gone through that lady's fence?

Mr. Hampton: That's the main complaint - that there have been accidents there caused because there was not a left turn signal, and she claims I believe that three times within the last many days, cars have gone through her block wall. She lives on the northeast corner.

Commissioner Christensen: I'm familiar with that intersection - I use it all the time and I think it would surprise people to know how much that traffic has increased on Alta - since the time we were working on the east/west - the West Fremont Expressway, and diverted the traffic at the time they were working on it to the other streets, Alta picked up a tremendous volume of traffic. Now, with the advent of the Meadows Shopping Center, it's going to pick up another big load, which is really going to increase the traffic on Alta Drive. There's no question in my mind about it. There are times when from Lacey Lane in, you have to wait several minutes in order to find a break in the traffic to get on to Alta, to go east - which didn't used to be the case.

However, I think it would be a real inconvenience to the travel-

ITEM

Commission Action

Department Action

VII. DEPARTMENT OF PUBLIC WORKS

LAURENCE HAMPTON, P.E., DIRECTOR

*CONSENT AGENDA

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

*A. APPROVAL OF SUBDIVISION PLAT

It is recommended that the following final plat be approved. All engineering designs have been checked and accepted. Fees have been paid, bond has been posted, and agreements signed for this subdivision.

1. Jade Park Unit No. 4 (Home Savings Association, Robert Banks, President.

B. CONTRACT CHANGE ORDER

1. Bid #74.64 - Vegas Heights Improvements Street Construction and Lighting - Bid Group I only, S.I.D. #417. Request by two property owners for a retaining wall in the amount of \$994.75. (Information only)

*C RIGHT OF WAY ITEMS

1. Grant Deed

From: Robert T. Bigelow and Diane M. Bigelow, husband and wife as community property
 To: City of Las Vegas
 For: Portion of Lots 14, 15, and 16, Block 6, Clarks Las Vegas Townsite
 Main St. Bldg. Permit.
 Dedication

2. Grant Deed

From: Harold N. Finkel, Executor of the Estate of Frank Fishman, deceased
 To: City of Las Vegas
 For: Portion of NE-1/4, Sec. 29, T20S, R61E
 Recorded as Instrument No. 558202 in official Book 599 in the office of the County Recorder, Clark County, Nevada on March 1, 1976.

3. Grant Deed

From: Joseph C. Schlageter and Rita Marie Schlageter, husband and wife as joint tenants
 To: City of Las Vegas
 For: Portion of SW-1/4, Sec. 33, T20S, R61E
 Valerie St. Dedication
 Building Permit

Approved as presented
 W - unanimous

P/W to proceed

Ratified issuance of Change Order

Staff to proceed

Items 1 thru 4
 Approved as presented
 C - unanimous

P/W to proceed

ITEM

Commission Action

Department Action

VII. DEPARTMENT OF PUBLIC WORKS (Continued)

*C. RIGHT OF WAY ITEMS (Continued)

4. Grant Deed
 From: William D. Fairchild and
 Charlene M. Fairchild
 To: City of Las Vegas
 For: Portion of SW-1/4, Sec.
 24, T20S, R60E

See Page 20

See Page 20

D. REPORTS

1. Flood Control Report.
 2. Left turn signals at Alta & Rancho.
 3. Postal Service regulations regarding
 mailbox locations.

Abeyance

4/7/76 Agenda

*Approved
 C - Commissioner Woofter voted "no"

Staff to proceed

Adopted Resolution

P/W to proceed

*E. TRAFFIC AND PARKING ITEMS

1. Request of Mr. Robert Carbon, 2308
 Dogwood, for a loading zone for the handi-
 capped adjacent to the Court House. Traffic
 and Parking Commission recommends denial.

Withdrawn by Dir. of
 P/W (for further study)

P/W to proceed

2. Request of Mr. Glenn Neely, Four Queens
 Hotel, to extend existing ten minute hotel
 zone to a temporary twenty minute zone dur-
 ing construction. Traffic and Parking
 Commission recommends approval.

Items 2 and 3
 Approved
 as recommended
 Lurie - unanimous

P/W to proceed

3. Request of Henry Anderson, 1236
 Blankenship, for a variance in the curb cut
 ordinance. Traffic and Parking Commission
 recommends denial.

4. Proposed amendment to ordinance on
 parking of recreational vehicles near con-
 trolled intersections. Traffic and Parking
 Commission recommends approval.

P/W to initiate
 Ordinance amendment

P/W to proceed

*Staff authorized to advertise for bids on
 4-phase control

ADDITIONAL ITEMS:

1. Painting Bicentennial Sign on City
 right-of-way in front of Bridal Shop
 at 624 Fremont Street.

Referred to C/M for
 Policy

C/M to proceed

2. FINAL PLAT - SUBDIVISION -
 PARK BONANZA ESTATES No. 5

Approved
 as recommended
 W - unanimous

P/W to proceed

TRAFFIC
SIGNALS
(continued)

ing public that uses Rancho and Alta to shut off that whole intersection while somebody was making a left turn and if it is the recommendation that we should upgrade that to a signal that has traffic accuated to left turns, etc. - such as we have at Charleston and Rancho, wouldn't we be wiser to put off installing that signal until such time as we can install it properly, rather than install it one way and then change it over?

Mr. Hampton: Well, yes and no, Commissioner. Not to be evasive, but we could start the installation by installing the left turn signals. They would not have to be altered. The only thing to be altered is the cabinet. We just go out in a matter of a few days - once the new controller arrived - change the one controller . . .

Commissioner Christensen: How long before the signal is installed and working one-way will be it before the controller arrives and switched over the other way?

Mr. Hampton: I would estimate no less than 120 days.

Commissioner Christensen: Then why don't we wait until the 120 days are up and install the whole thing all at once so that when we turn that signal on it has the proper equipment in it so that we don't have to train the public one way and then train them back the other way.

Mr. Hampton: I would agree that would be the better way to proceed.

Commissioner Christensen: You can go ahead and install the equipment - get all the trenches dug and the wires laid, etc. - you've got the three months so why not plan the construction so that when the controller arrives, it can be turned on and put into operation -

Mr. Hampton: Plan the turn-on . . .

Commissioner Christensen: Plan the turn-on so it will coincide with the proper equipment. You would get an awful lot of complaints if people had to sit there on Rancho when there's no traffic coming through after one car turned -

Mr. Hampton: That's very true . . . if that's the case then - what I would recommend is that this Board give us authorization to go to bid for the new traffic controller - for a 4-phase traffic controller.

Commissioner Christensen: We have the money in our budget?

Mr. Hampton: We have the money in the budget.

Commissioner Christensen: I would so move.

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

M o t i o n

POSTAL SERVICE
REGULATIONS

POSTAL REGULATIONS REGARDING MAILBOX LOCATIONS

Mr. Hampton: The next item deals with Postal Service regulations regarding mailbox locations.

I have sent a proposed Resolution to the Commission that was prepared jointly by the Staffs of the various local entities. I can't tell you at this time what local entities have adopted the Resolution. I know it will be on their agendas very shortly, if it hasn't already been there.

The only thing that was added to this Resolution that was prepared by the group was the last paragraph - NOW, THEREFORE BE IT RESOLVED: And that was just to recommend some sort of direction as to do with the Resolution after it was

POSTAL
REGULATIONS
(continued)

adopted, if it was voted by this Board to approve.

This is a very serious situation and I think we should do all we can to try to adjust the Postal Service regulations for the benefit of all the citizens in the area.

Mayor Briare: There has to be 122 ways to save money in the Postal Department - this has to be the 122nd worst!

Mr. Hampton: I agree with you 100% -

Mayor Briare: It is unbelievable -

Commissioner Lurie: They are thinking of limiting deliveries to three times a week -

Mayor Briare: And then you'll have to go down and pick up your own mail -

Mr. Hampton: I would like to know whether the Commission feels that last paragraph should be altered to any extent. That was just more or less a recommendation.

Mayor Briare: I think you were very gentlemanly in your wording of that Resolution -

Mr. Hampton: I would agree with that.

M o t i o n

Commissioner Christensen: I move for the adoption of the Resolution.

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

TRAFFIC &
PARKING
ITEMS

1. REQUEST OF MR. ROBERT CARBON, 2308 Dogwood, for a Loading Zone for the handicapped adjacent to the Court House. Traffic and Parking Commission recommends denial.
2. REQUEST OF MR. GLENN NEELY, FOUR QUEENS HOTEL to extend 10-minute Hotel Zone to a temporary 20-minute Zone during construction. Traffic & Parking Commission recommends approval.
3. REQUEST OF HENRY ANDERSON, 1236 Blankenship for a Variance in the Curb Cut Ordinance. Traffic and Parking Commission recommends denial.
4. Proposed amendment to Ordinance on parking of recreational vehicles near controlled intersections. Traffic and Parking Commission recommends approval.

Mr. Hampton: Mr. Mayor, this section of the agenda is noted as a "Consent Item" but I would like to go through these one at a time, if you have no objection.

Mayor Briare: Do you disagree with the recommendations of the Traffic & Parking Commission?

Mr. Hampton: No, we're recommending that the recommendations of the Traffic & Parking Commission be followed.

Commissioner Leavitt: I have a question with regards to Item No. 1 - it says - "for a loading zone for the handicapped adjacent to the Court House". There already is one there.

Mr. Hampton: What they wanted, Commissioner - was not a loading zone, but a stall for the handicapped.

Commissioner Leavitt: Right next to the Bus Stop there's a sign that says "Handicapped Parking Only" - on Carson - right across from our Parking Garage there.

Commissioner Christensen: As a matter of fact, that was installed with the permission of this Commission and I believe the minutes will reflect that it was going to be on somewhat of a trial basis, to see if the attorneys and people using the Courthouse abused it to the point where a handicapped person could never park there - and I've yet to see it empty. I think it should be looked at and studied as to whether it should even be continued - because I think the privilege is being abused. I don't think there are any handicapped people using it - I think it's being used for a place to pull in to run into the Courthouse - people will pay a parking ticket rather than walk a block . . .

Mr. Hampton: This is information contrary to what I've received. Therefore, I would request that this be withdrawn so we can check it out.

Commissioner Leavitt: Hold it and check it out but it seems to me there's a Handicapped stall there already. I don't know who is responsible but, at least, you should check it out.

Mr. Mayor, just as a matter of clarification, I don't think we've followed the required procedure under Item No. 4. The Traffic & Parking Commission has recommended an amendment to our Ordinance and we really should have filled out one of those Pink Slips, but what we're asking for here is that this matter be referred to a Study Committee -

Commissioner Leavitt: It should be referred to the City Attorney's office for a draft to be prepared -

Mr. Hampton: That hasn't been done -

Mayor Briare: Why don't we follow the procedure this Board has established?

Mr. Hampton: Fill out one of the Pink Slips -

Mayor Briare: Send it over to Mr. Trelease - he knows what to do with it from there.

Mr. Hampton: Very well, we will so proceed. I want to apologize for not following the procedure. This is the first amendment we've had since the new policy was established and we weren't that sure what it was.

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

BICENTENNIAL
SIGNS

Mr. Hampton: Yes, Your Honor, there's the matter that has come up in the Downtown area. A Mr. Rod Franklin approached the City with the request to get permission paint a Bicentennial scene in front of the Bridal Shop located on East Fremont Street.

We studied the matter and I sent one of my Staff to his establishment yesterday, who pointed out three objections. And that was the paint could cause someone to slip and fall, since it will be slicker than the asphalt surface - the concrete surface. The 2nd one was that if there was an accident, that the City could be held liable since it is City property and the 3rd, is that it is very difficult to remove that paint once it's put down.

We suggested he find an alternate means of displaying his Bicentennial scene. Apparently Mr. Franklin, in all of his conversation with the various people in the City Hall, understood he did have permission and they proceeded with that project. It was started last night - the white paint is down and Mr. Franklin is here this evening. He has brought with him a sketch of the copy that he would like to put on the sidewalk. It is not completely colored in, but it reads: HAPPY BIRTHDAY AMERICA, 1776-1976.

This would cover the entire width of the sidewalk along the entire frontage of the Bridal Shop. We feel that if the Commission does want to allow this sort of thing, that it should

be approved subject to the following conditions:

1. That the property owner agrees to restore the sidewalk to as close to its original condition as possible within thirty (30) days after the current year, 1976.
2. The property owner will provide and keep in force, at his expense, Public Liability Insurance in the amount of \$100,000.00 to protect against any liability to the public resulting from any accident occurring because of the work referred to above.

The City of Las Vegas shall be named as an additional Insured and a Certificate of Insurance supplied to the City with the provisions that the City will be given a 30day notice prior to termination of such liability insurance.

Maybe Mr. Franklin would like to speak to you on this matter.

Mr. Franklin: First, let me apologize for any work that has taken place. Yesterday after I returned from the funeral of Dr. Hardy, I found that one of our people had already given permission to one of her sons to paint part of the area. We immediately stopped it. At that time I contacted our attorney to see what liability we had at that time because the work had already started. He suggested we contact the City Commission this evening.

We contacted your offices yesterday about this - that we had immediately stopped all work. The objections that were raised were perhaps that the paint would be difficult to remove from the sidewalk. We checked with a number of companies that do this type of work in town, and have been informed that if done properly, it can be removed. The proper way to do this was to put a clear primer sealer underneath the paint, which is a clear color and which would, because of the porous makeup of the cement, would keep the paint from being absorbed into the cement.

Also to preclude the danger of anybody slipping, or anything like that, we propose to place strips that will run vertically with the slope of the sidewalk, at intervals, where people walk. These strips can be replaced throughout the year.

Mayor Briare: I believe this was brought to the attention of this Board only late this evening -

Mr. Franklin: That's right -

Mayor Briare: Late this afternoon, I should say, and I don't know what the Commission feels with regard to it. I am hesitant to just outright indicate approval of it because I think we should be consistent - I am also cognizant of the spirit they are demonstrating here in order to celebrate our Bicentennial. I would like to encourage a position of not disapproving, but that the matter be referred to the City Manager's office and allow them to go ahead and proceed, but to be concerned that there might be additional requests of this nature . . . to establish a policy. In the event it should be determined that there is danger to the public, or whatever, involved in this - given the opportunity to inspect it and look at it from the standpoint of engineering, and the Beautification Committee, and what-all - in the event there should be some negative things brought up, that you be instructed forthwith to return it to its original condition.

Mr. Franklin: Yes Sir -

Mayor Briare: You are authorized to give that assurance?

Mr. Franklin: Yes Sir - yes, I am.

Mayor Briare: Would the Board object to then - referring the matter for future regulations, or whatever, to the City Manager?

BICENTENNIAL
SIGNS
(continued)

Commissioner Christensen: Your Honor, I don't object to that, but that raises another question that I think maybe should be explored along with it. I wonder how many places in town still have a fancy terrazzo sidewalk in front which, when wet, is extremely slippery. You might also explore what the policy is here. The thing that brings this to my mind is that there used to be several Casinos that had that - our store on Fremont Street had that - and I'm sure it was put in with the Building Department's approval because they were there every day we were remodeling. It was a number of years ago so I don't remember all the ramifications of it, but terrazzo sidewalks were very popular for a while - there used to be several in the Casino area. That's one of the problems we had - whenever we mopped, we had to put barricades up until it was thoroughly dry, because when it was wet, it was a hazard. And I don't see too much difference between a painted sidewalk and a terrazzo sidewalk as far as being slippery is concerned. I think that should be included - find out just where we stand on those and what problems we may have there.

Mayor Briare: In the spirit of the Bicentennial, the City went ahead and tried to paint an intersection with some paints that were represented to be ones that would last very long, and it turned out to be very unsuccessful. Your's might turn out to be very unsuccessful after pedestrians walk over it, or anything else that might be determined to not be to the best interests of the City. So that's kind of a broad statement - not in the best interests - and whatever the City Manager and the Public Works Department should regulate along that line, you'd be willing to abide by?

Mr. Franklin: Yes, we will.

Ma yor Briare: Do any of the Commissioners have any comments?

Commissioner Lurie: Just that, hopefully, with the hiring of those additional Officers, maybe the traffic along that side of the street will be cut down -

Mr. Franklin: We feel this is one way we can improve the nature of our area down there - we have kind of a black eye right now.

Mayor Briare: If there are no objections, that's the way we will proceed. Thank you.

PARK BONANZA
EAST No. 5.C
Final Plat
Approved

Mr. Hampton: Mr. Mayor, there's a matter that should be a walk-on and when this policy was made to make the agendas the Wednesday before the Board meeting, the Commission instructed me to - any time a development was to be held up, that it would be proper to bring it before this Commission.

Mr. Jack Kenny is here tonight requesting approval of a Subdivision Plat. It has been checked out - all the bonds are in. He is very much afraid of an oncoming plumber's strike - he wants to get his underground in as soon as possible. I would like to know whether or not you would hear this tonight, or delay it?

Mayor Briare: Is this something that is normally a routine matter?

Mr. Hampton: Yes -

Mayor Briare: No Public Hearings or anything of that nature?

Mr. Hampton: No.

Mayor Briare: What is your recommendation?

Mr. Hampton: Our recommendation is for approval of the Final Plat of PARK BONANZA EAST No. 5.C - Kenny Mobile Homes, Inc.

Commissioner Woofter: Where is it located?

Mr. Hampton: It's right off of Bonanza, near . . .

Mr. Kenny: It's an extension of 5.A and 5.B (wall map) ... I would like to get all of the improvements started - you don't meet again until the 7th of April -

Mayor Briare: Mr. Hampton, this would normally have gone on the portion of the agenda which is a "consent" item?

Mr. Hampton: That's correct.

M o t i o n

Commissioner Woofter: I move to approve as recommended.

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

At the hour of 7:00 P.M., Mayor Briare declared a 10-minute recess.

Meeting reconvened at the hour of 7:15 P.M. with the full Board and Staff in attendance.

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

J. ROBT McPHERSON, DIRECTOR

See Page 49 of these Minutes (Annotated Agenda)

Mayor Briare: Before we go on to the other items on the agenda, Mr. Saylor you sent us each a copy of the Report on the Plaza Landscaping project, consisting of three (3) inter-related projects: No. 1, the Second and Third Floor hanging gardens; No. 2, the Plaza Level perimeter and No. 3, the Plaza focal point.

At a recessed meeting held by the City Commission several days ago this was brought up, and I would ask now if there are any questions or comments by the members of the Commission relative to these three items, and what would be your pleasure?

Commissioner Leavitt: This is the breakdown that Mr. Saylor has given us - is that right?

Mayor Briare: That's right. What is your pleasure?

Commissioner Lurie: What are we voting on?

Mayor Briare: I hope you are voting on Items 2 and 3.

M o t i o n

Commissioner Lurie: I move for approval of Items 2 and 3 as presented.

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

Mayor Briare: Items 2 and 3 are approved, Mr. Saylor.

SCANNING SYSTEM -
MUNICIPAL
COURT

Mayor Briare: Mr. Trelease, did you want to bring up the matter of the Municipal Court Scanning System?

Mr. Trelease: I thought, Your Honor, that was approved under the Purchasing & Contracts portion of the agenda.

Mayor Briare: Well, you make up the agendas and you have an item here that says "Municipal Court Scanning System - Item No. 8"

Mr. Trelease: Yes - you asked for a report as to the number of personnel that would be required and that was exactly the same as the verbal report I gave at the last meeting - two (2) Bailiffs.

Mayor Briare: Do you have something you want to bring up?

Mr. Trelease: No.

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)

Dept/Class	Monthly Cost	Justification
PW/Streets Utility Worker - 2 Title VI (replacement hire) Until 6/30/76	520	Assigned to clean-up crew in West Las Vegas.

2. Federally funded (With Some City Cost)

PW/Traffic	Fed - 783	Assigned to crew as helper installing illuminated street name signs.
Engineering	City - 121	
Elec Trades Hlpr	Total - 904	
Title I (replacement hire) Until 6/30/76		

3. City funded (Replacement Hires)

PW/Services Sr Engineering Asst	1231	Responsible for systems analysis and development in Data Processing Section. Vacancy will result in a curtailment of programming services for outside departments, including certain services for which the City is reimbursed by the Department of Labor.
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4. Temporary Summer Employees

(The staffing requirements below are the same as last year and are included in the current budget, as well as that of '76-77.)

	Total Cost	
(1)		
Recreation (Pool Program) Pool Attendant - 20 Jr Clerk - 9 Life Guard - 41 Pool Manager - 8 Pool Supervisor - 1	145,541	To operate, maintain and supervise 7 public swimming pools.
(Playgrounds, Day Camps, Centers) Recreation Aide - 19 Jr Recreation Asst - 32 Recreation Asst - 31 Sr Recreation Asst - 5 Recreation Instructor - 5	137,092	To operate and supervise 20 playgrounds, 5 youth centers, 1 day camp and 1 community school.
(2)		
Parks Utility Worker - 20 Park Attendant - 5	86,081	To maintain 22 lighted ball parks and 4 practice fields. To maintain and monitor Lorenzi Park and Tule Springs.
(3)		
License & Revenue Jr Clerk - 5	2,950	To sell and collect fees for dog and cat licenses.

Items 1 thru 4
 Approved
 as recommended
 Lurie - unanimous

Personnel Dept.
 authorized
 to proceed

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BOARDS & COMMISSIONS - VACANCIES

See Page 51 of these Minutes (Annotated Agenda)

OFFICE OF THE CITY ATTORNEY

CARL E. LOVELL, JR., CITY ATTORNEY

See Page 52 of these Minutes (Annotated Agenda)

A-1-76

RESOLUTION CONTAINING NOTICE OF INTENT TO ANNEX

Deputy City Attorney, Janson F. Stewart: This Annexation Resolution, involves a piece of property between Jones Blvd., Torrey Pines, Lake Mead Blvd. and Vegas Drive - practically surrounded by City property.

There is a difference in this annexation proceeding and the one we had previously in that for this annexation we have received a request in the form of a Petition from all of the property owners. This was sent to the County Commission and they did approve the request for annexation.

It therefore now comes back to you for the adoption of a Resolution of intent to annex and designating publication of Notice as a part of these proceedings.

In view of the fact that the County has already approved this annexation, even if the Supreme Court reinstates S. B. 601, or parts of S.B. 601, we would have complied with the provisions of S.B. 601, so it would be proper to take action on it. I think all of you have received copies of the Resolution.

See Pages 53 thru 56 of these Minutes (Resolution)

M o t i o n

Commissioner Lurie: I move for adoption of the Resolution of Intent to Annex - A-1-76.

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

CONSOLIDATION -
QUESTION

Mr. Stewart: I think now that Commissioner Woofter has some comments on the subject of Consolidation:

Commissioner Woofter: In regards to our last informal Joint Consolidation meeting, I believe all the members of the Commission, as well as yourself, Mr. Mayor, were aware of the fact that I did request members of both the County Commission and the City Commission to consider placing the issue of Consolidation on the Presidential Primary ballot that is due the fourth Tuesday of May. I apologize insofar as getting together with the Commission as to formally laying this out, but I've been out of the City and not had the opportunity to do such. But since time is of the essence in respect that Mr. Colton has advised me that any questions should be submitted by April 5th, I would like to present this to the Commission at this time to consider such. His Honor has advised this Commission that in all probability he will recess this meeting to the 23rd and we could at that time, if not tonight, take a vote on placing such issue on the Presidential ballot. I have advised

RESOLUTION

WHEREAS, the Board of Commissioners of the City of Las Vegas, Nevada, deems it appropriate and in the best interest of the public health, safety, welfare and convenience that certain territory hereinafter described that is contiguous to the City of Las Vegas, be annexed thereto.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof held on the 17th day of March, 1976:

1. That it is the intention of said Board to annex to the City of Las Vegas the following described real property:

Being the Southeast Quarter (SE 1/4) of Section 23, T. 20. S., R. 60 E., M.D.M., Clark County, Nevada.

Saving and excepting therefrom the following described parcel:

COMMENCING at the Southwest Corner of said Southeast Quarter (SE 1/4); thence East along the South line thereof a distance of 660 feet to a point; thence North and parallel with the West line of said Southeast Quarter (SE 1/4) a distance of 660 feet to a point; thence West parallel to the South line of said Southeast Quarter (SE 1/4) to a point on the West line of said Southeast Quarter (SE 1/4); thence South along the last mentioned West line a distance of 660 feet to the POINT OF BEGINNING.

2. That said Board of Commissioners shall meet on Wednesday, the 5th day of May, 1976 at the hour of 9:30 a.m. in the Commission Chambers, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, to conduct a public hearing on the question of such annexation.

3. That the City Clerk be, and is hereby directed to give notice of such public hearing by publication thereof at least three (3) times in the LAS VEGAS REVIEW JOURNAL, a newspaper published in the City of Las Vegas and of general circulation in the above described territory, the first publication to be at least twenty (20) days prior to the 5th day of May, 1976, and not less than six (6) days shall intervene between the first publication and the last publication, and by mailing notice thereof by certified mail return receipt requested, to each record owner of real property within said described territory, said notice to be mailed at the time of the first publication thereof. Said notice shall be in substantially the following form,

to-wit:

"NOTICE OF HEARING ON QUESTION OF ANNEXATION OF TERRITORY WITHIN
PROPOSED LAS VEGAS, NEVADA, ANNEXATION A-1-76

NOTICE IS HEREBY GIVEN to the property owners within the proposed Las Vegas, Nevada, Annexation A-1-76 that:

"The Board of Commissioners of the City of Las Vegas, Nevada, has by Resolution duly passed, adopted and approved on the 17th day of March, 1976, declared its intention to annex to said City the territory within the area generally located west of Jones Boulevard and east of Torrey Pines Drive between Vegas Drive and Lake Mead Boulevard.

"The territory proposed to be annexed is more particularly described as follows:

Being the Southeast Quarter (SE 1/4) of Section 23, T. 20 S.,

R. 60 E., M.D.M., Clark County, Nevada.

Saving and excepting therefrom the following described parcel:

COMMENCING at the Southwest Corner of said Southeast Quarter (SE 1/4); thence East along the South line thereof a distance of 660 feet to a point; thence North and parallel with the West line of said Southeast Quarter (SE 1/4) a distance of 660 feet to a point; thence West parallel to the South line of said Southeast Quarter (SE 1/4) to a point on the West line of said Southeast Quarter (SE 1/4); thence South along the last mentioned West line a distance of 660 feet to the POINT OF BEGINNING.

That said Board of Commissioners shall meet on Wednesday, the 5th day of May, 1976, at the hour of 9:30 a.m. in the Commission Chambers, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, to conduct a public hearing on the question of such annexation.

"A report setting forth the plans for the extension into said territory of all major municipal services presently furnished by the City to its citizens and residents will be available for examination by the public in the office of the City Clerk, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada 20 days prior to the date of the public hearing. Such report shall include:

- a. A metes and bounds description of the territory proposed to be annexed;
- b. An accurate map or plat of such territory prepared under the supervision of a competent surveyor or engineer.
- c. A map or maps of the City and the adjacent territory to show the following information:
 - (i) The present and proposed boundaries of the City.
 - (ii) The present streets and sewer interceptors and outfalls.
 - (iii) The proposed extensions of the present streets and sewer interceptors and outfalls.
 - (iv) The present and proposed general land use pattern into the territory proposed to be annexed.
- d. A statement showing that the territory proposed to be annexed is eligible for annexation under N.R.S. 268.570 to 268.608, inclusive.

"The following is a list of the names and addresses of all record owners of real property within the said described territory and proposed to be annexed thereunder:

Elsie Brodkin
1748 Correa Way
W. Los Angeles, Cal. 90049

Martin F. Brodkin
6256 N. Avers Avenue
Chicago, Illinois 60659

Elsie Brodkin, Executrix for
Estate of Michael T. Brodkin,
Deceased
1748 Correa Way
W. Los Angeles, Cal. 90049

Zerna Brodkin
6256 N. Avers Avenue
Chicago, Illinois 60659

"Any record owner of real property within the said described territory may appear and be heard either in favor or in protest of the proposed annexation at such public hearing and/or may file with the City Clerk a written protest to such annexation at any time within fifteen (15) days after the conclusion of said public hearing.

"Unless a majority of the property owners in the territory proposed to be annexed protest such annexation, either verbally at the public hearing or in writing within fifteen (15) days after the conclusion of such public hearing, the Board of City Commissioners shall have authority to adopt an ordinance extending the corporate limits of the City of Las Vegas to include all or any part of the territory described in this notice.

"By Order of the Board of Commissioners of the City of Las Vegas, Nevada.

DATED this 17th day of March, 1976.

4. That the Director of Public Works and Director of Community Development are hereby directed to prepare and submit to said Board of Commissioners of the City of Las Vegas on Wednesday, the 7th day of April, 1976, a report setting forth plans for the extension into said described territory all major municipal services presently furnished by the City to its citizens and residents, which report shall include, but not be limited to:

a. Metes and bounds description of the territory proposed to be annexed.

b. An accurate map or plat of such territory prepared under the supervision of a competent surveyor or engineer.

c. A map or maps of the City and the adjacent territory to show the following information:

(i) The present and proposed boundaries of the City.

(ii) The present streets and sewer interceptors and outfalls.

(iii) The proposed extensions of the present streets and sewer interceptors and outfalls.

(iv) The present and proposed general land use pattern into the territory proposed to be annexed.

d. A statement showing that the territory proposed to be annexed is eligible for annexation under N.R.S. 268.570 to 268.608, inclusive.

PASSED, ADOPTED AND APPROVED this 17th day of March, 1976.

WILLIAM H. BRIARE, MAYOR

ATTEST:

Edwina M. Cole, City Clerk

CONSOLIDATION
(continued)

the Commission already that both the Secretary of State and the Registrar of Voters have already apprised me that this would be a minimal cost to the taxpayers of the City of Las Vegas - somewhere in the neighborhood of \$500.00.

The question, in essence, would be - and I would ask Mr. Stewart to consider such and be ready to have it in proper draft for the next meeting on the 23rd - would be in the realm of the citizens, or the voters, of the City of Las Vegas having the opportunity to personally approve any form of Consolidation concept that is presented to the State Legislature and the Governor in the future to be signed into law?

It doesn't go into whether the voters of the City of Las Vegas want - or do not want - Consolidation - only the issue that they have the opportunity to speak out themselves - be fully advised of all the concepts of the Consolidation issue, and be able to vote on it before our people in Carson City eventually finalize it and present it to us, as they did in the past, where we have what tools we have to work with to try to get it into a workable Consolidation concept.

Mayor Briare: Commissioner Woofter, you are asking the assistance of the City Attorney's office to make a draft of this question?

Commissioner Woofter: At this present time - yes.

Mayor Briare: If there are no objections by the Board, Mr. Stewart - any Commissioner certainly has the right to make that request - and will you be able to have it by the 23rd?

Mr. Stewart: Yes, Your Honor

NEW BILLS

See Page 58 of these Minutes (Annotated Agenda)

BILL No. 76-17
Adopted
ORDINANCE
No. 1814

BILL No. 76-17 - AMENDING TITLE VI, CHAPTER 1, SECTION 16
re "FIREWORKS"

Committee: Commissioners Leavitt and Christensen

Published by Title 3/9/76 L.V. REVIEW JOURNAL

Bill No. 76.17 moved out of Committee favorably.

Commissioner Leavitt: At this time I would like to recommend adoption of this Ordinance and move for its approval.

Mayor Briare: That is the recommendation of the Recommending Committee?

Commissioner Leavitt: I think there's a split on it.

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Commissioner Christensen: It has come to my attention that there will be in the very near future some guidelines on Fireworks which will effectively prohibit them, State-wide, by the State Fire Marshall. Consequently I think any action on this would be premature because I think we will possibly pass an Ordinance here that will be superceded by State rules, State-wide. I see no purpose in passing this Ordinance.

Commissioner Lurie: Will that be before July 4th?

Commissioner Christensen: Hopefully, in about thirty (30) days.

Mayor Briare: Personally, I would like to hear some arguments in favor of the Ordinance, other than what was proposed by the manufacturer of the Safe & Sane Fireworks who, I am certain, are very much in favor of this Ordinance. Do they have a representative here?

Elmer Chowning: Yes Sir -

Mayor Briare: I've read your report -

Mr. Chowning: I have a supplement to that - I am Elmer Chowning, Area Manager, with my wife, Bonn, for the Red Devil Fireworks Co.

On behalf of many non-profit groups that currently sell - that are currently located within the City Limits and sell outside of the City limits, we feel that it would be . . . it is somewhat of a paradox right now. Everywhere except in the City of Las Vegas to sell fireworks is legal and we feel that since the people purchase the items across Sahara and they just bring them back across.

The type of Fireworks we're talking about - and I'm open for questions - I don't know what you're looking for, but I would be more than happy to answer -

Mayor Briare: You gave us your name and company affiliation, but you didn't give us a home address -

Mr. Chowning: I have been back in forth in the last five years, but I am currently in San Diego - I just graduated -

Mayor Briare: You're here because you want to sell some Fireworks?

Mr. Chowning: Yes Sir. In regard to Commissioner Christensen's statement that in the very near future there's the possibility of Statewide regulation regarding the non-sale of safe and sane Fireworks - that would be issued by the State Fire Marshall's office. He has a regulatory body with power to do so but he has to hold hearings, etc. It is not just a cut-and-dried thing - there will have to be quite a number of meetings, etc., and I don't think it will happen that soon.

Presently there isn't a State law forbidding the sale of safe and sane fireworks.

Commissioner Leavitt: I would just point out, Mr. Mayor, that this Ordinance is stricter than the Federal regulations - Federal regulations do not forbid ladyfingers, which is a small fire cracker, and our ordinances do. I would also point out that this Ordinance does not allow the sale of any exploding device - anything that explodes, cannot be sold. Mr. Stewart, this Ordinance does not allow the sale of anything that explodes, is that correct?

Mr. Stewart: That is my understanding -

Commissioner Leavitt: So what you're approving here - you will notice on Page 3 of the Ordinance lists those items that are approved. You're talking about snakes - you're talking about sparklers - you're talking about cone fountains, and this sort of thing, but without but without report, so there is no explosive device. Federal regulations, actually, are not quite this strict. They allow ladyfingers and exploding devices.

One of the things that that the Federal regulations indicated and the study is in the Congressional Record, was the effect that by allowing these kinds of fireworks, as opposed to firecrackers, there was less of a desire to have the exploding variety. Therefore there's not as much smuggling and bootlegging and what-have-you going on in fireworks. It takes the desire and takes the profit out of illegal fireworks. So, for that reason, I would say among others - and also the fact that the County has had the Ordinance since 1964, and with this Ordinance, if adopted, it would be my understanding that the Fire Department would adopt all of the County Fire Department's regulations, which are extremely strict.

Mayor Briare: Are there any other comments?

Mr. Chowning: I would like to add one other thing - the highest governing body in the land regarding fireworks is the Consumers Products Safety Commission. They did a very intensive study several years ago - I have a copy of the Federal register of this study

and the results of it - and one of the results from the study was that "the result is that the Commission has taken the position that Class E fireworks are safe except for firecrackers, provided they are manufactured within certain specific boundaries relative to construction and contents and properly labeled to inform the user of the dangers and safer manner of handling and using."

So what would happen at the State level is being what the NFPA (National Firefighters Protective Association) - they were against this in the beginning - they submitted their opposition at the Federal level, but it was over ruled.

Fire Chief Miller: Our position is - my entire Fire Prevention Staff's position, because of the loss of homes and fires we've had over the years, is that the model Fire Code Law that the State Fire Marshall is in the process of adopting, which we adopted in 1964, we feel that this should be Statewide and certainly County wide.

We had a meeting with the total Staff recently and we checked with the various agencies - the National Fire Protection Assn., etc., and we have accumulated approximately three inches of data that is the absolute opposite of the other areas surrounding us, for fireworks.

We have to take the position that we feel the City of Las Vegas Ordinance - in the model Fire Ordinance - there is no such thing as "safe and sane fireworks".

Mayor Briare: I am not in agreement necessarily with the philosophy that the gentleman from San Diego mentions about the fact that they are available in the County - I am well aware of the fact they are available in the County - I've got five boys that spend a lot of money in the County buying safe and sane fireworks, the same as a lot of other kids do. But just because it's allowed in the County, it is not necessarily a reason it should be allowed in the City. However, when the comment is made that - at the present time the City prohibits any type - but the City does not enforce that rule because of the proximity in the County it is very difficult to enforce. Do you think that if the State Fire Marshall regulations were to be adopted - say, in the absence of this Ordinance, then would they be enforced?

Chief Miller: We feel, even as a City Ordinance is opposed to it, the surrounding fireworks booths are usually around the City in such a way that we have them located in the outlying areas that we can control them somewhat. We feel if they are allowed to move into the City in its entirety, that we would have a more difficult time enforcing than we do this way.

The State Fire Marshall's law - I think it would carry a lot of weight if it were passed Statewide, if the City holds its Ordinance. But if we change our Ordinance and open it up to the whole County area then we will have . . . I think our position is the same as Carson City and Sparks, Nevada - the same situation occurred in past recent months. Sparks asked that their Ordinance, the same as we are asking that our Ordinance, be held. So did Carson City,

Mayor Briare: Chief, I'd hate to have you ask me this question because I would probably have to take the Fifth Amendment, but are you enforcing the Ordinance during the last Fourth of Julys?

Chief Miller: By the fact that the children go to the booths and bring the fireworks into the City, we have, I think, a pretty strong control there - even by the fact that the Red Devil Fireworks - their procedure is if you mail - or ask to purchase in the City of Las Vegas - you live here and you ask to purchase some fireworks and have them delivered to Arden, Nevada, because if they are delivered to the regular mailing addresses within the City, they will not be distributed. They will notify us and we will pick them up.

We have certain controls on them but we feel we would have better control by retaining our Ordinance.

Mayor Briare: Just before taking the vote on the motion to approve this Ordinance, I want to make a quick statement. I am going to vote in opposition to the motion to approve and it is not because my family doesn't enjoy using them - the only thing that would make me want to vote in favor of them would be a preponderance of requests from the Boy Scouts, from the CYO, from the Nevada Soccer Association, the LDS Church, and from a lot of other organizations who have an opportunity to make some money, along with you, selling these fireworks.

I have had no requests from any organizations to sell these fireworks inside the City and, conversely, in years gone by I have had the experience of these people saying - we can't make it because there are four or five locations on every major street corner, and we can't compete. They will go out there and spend hours and hours and get nowhere.

Please don't take this as a discourteous statement. You could care less about this. You're selling fireworks and - I don't know what the competing company is - there are two companies, I believe, that sell fireworks - if you had one on every single street corner both in the City and the County, you're going to have . . .

Mr. Chowning: I'd like to have a little rebuttal -

Mayor Briare: Certainly - come on up . . . you're going to sell these fireworks for five, six or seven days to any organization that will set up a wooden booth to sell them. I know, because I've seen little kids, or young kids, out trying to sell these things but there's so much competition around they can't make any money for themselves. Consequently, I think what we're doing - we're just making it possible for you to have more competition among our local people, with no competition for the manufacturers of the fireworks.

Mr. Chowning: I would like to say I've been in this type of operation for eight years - within the Southern Nevada area. I've been very conscientious - I've had a very good working rapport with all of the Fire Officials. I have asked them, and I beg to differ with Chief Miller with respect to I've always had a warehouse location - the only company, by the way until recent years to have a location either within a legalized area so that we could invite the Fire Officials and Officials come out prior to sale - check our merchandise and see the whole thing. We are the first to have an orientation - invite every group to come.

In regards to matter of having stands everywhere, I have maintained an exclusiveness - that's why I have not lost a group. I lost one group through a personality clash in five years. If I wanted 100 groups, I could have 100 groups. You know the significance of this year and this season - I have held it for the last three or four years because I'm not drop-shipping the stuff. I see these people all the time and I talk to them - I have a good working rapport with them too. And I want them to make money. I don't want any losers.

So what I do is - first of all, when I have a new group ask me about selling, I say - where are you going to sell? They tell me and I try to protect the other groups. And I tell them - once you're selling, I'll give you that protection.

The other concerns that are selling, they drop-ship them. They come and go, and I don't see any merit to that -

Mayor Briare: Are you saying you won't sell to two competing groups on the same corner, or across the street?

Mr. Chowning: My proximity of location I have mapped - I can show you the dots. It's like I've said - I'm trying to have them make money. I know if they are soured that year, they're not going to do it the next year.

Mayor Briare: How many companies are there, besides yours?

Mr. Chowning: Some of them are not legal that sell here - that's another thing - the companies have to go through a stringent inspection and provide the items and so forth, and some companies have been outlawed in and out of the County because they've pulled some pretty negative items - explosive items. There are approximately three (3) that I know of now.

Commissioner Woofter: Mr. Mayor, I am familiar with the Chowning family . . . like he brought out, even though he has a San Diego residence, he is a sort of local-yokel like a few of us here on the Commission - we've lived here most of our lives and based on his representations and his assurances to the Mayor's questions, I think I would have to second Commission Leavitt's motion.

Commissioner Leavitt: I have a question of the City Attorney. There has been some indication here that the State Fire Marshall is thinking about passing a regulation. If we should pass this Ordinance and the Fire Marshall passed his regulation, the Fire Marshall's regulation would supercede our Ordinance, would it not?

Mr. Stewart: I assume it would -

Commissioner Leavitt: As far as that is concerned, there would be no reason to hold it then because if the Fire Marshall passed his regulation - he may or may not - but if he does, it would effectively stop our Ordinance, is that correct?

Mr. Stewart: I think so.

Commissioner Lurie: I have just one question. I'm concerned about some of these companies who might be boot-legging fireworks in that aren't safe and sane and I think if this Ordinance is passed we should ask these organizations to apply for a Permit. Also we should know where the fireworks are being purchased from so in case they are illegal, they can be notified. That should be in there.

Mr. Chowning: That is a requirement by the County in their present Ordinance.

A Bill entitled: "BILL No. 76-17 - ORDINANCE No.
AN ORDINANCE TO AMEND TITLE VI, CHAPTER 1 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY DELETING THE EXISTING SECTION 16 ENTITLED 'FIREWORKS; DISCHARGING PROHIBITED' AND ADDING A NEW SECTION 16 TO BE ENTITLED ' FIREWORKS' AND INCLUDING PROVISIONS RELATING TO DEFINITIONS, STORAGE, SALE, HANDLING, TIME OF SALE, APPROVED FIREWORKS, MATERIALS NOT TO BE STORED NEAR, FIREWORKS FOR EXHIBITION PURPOSES; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THERewith" was read by title by the Deputy City Attorney. (2nd Reading)

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

7:30 P.M.

REQUEST FOR INCREASE IN RATES FOR AMBULANCE SERVICE BY MERCY
AMBULANCE

(Abeyance from 3/3/76 Meeting)

Mayor Briare: The first item on the agenda for Public Hearing is the request for an increase in rates for the Ambulance Service.

Attorney Tom Bell: I believe the last time we were here before you you had a Public Hearing on this matter and closed that Public Hearing subject to a report from Mr. Leavitt, your Director of Finance. And if that is the case - which I recall it being - after Mr. Leavitt has concluded with the information he has to give you - whatever that is - I would like to just briefly summarize . . .

Mayor Briare: I believe you are right, Mr. Bell - is that the recollection of the Board - that the Public Hearing which was set, then held, and everybody that wanted to make comments or had anything to say about the request was given the opportunity to do so . . . so this is not a Public Hearing - this now is to receive any reports that the Commission might have requested.

Director of Finance, Marvin A. Leavitt: I have reviewed the Financial Statements for the last ten (10) months of the Ambulance Company. I have also reviewed the Financial Statements for the three (3) months ended January 31st of the Ambulance Company. I have also met with the County representative that conducted an Audit of the Ambulance Company and discussed with him the results of that Audit.

I have reviewed their working papers and I have satisfied myself that the Audit they conducted was thorough; that the information they received was accurate to the point that they explained it to me.

The conclusions I draw are my own, however. During the ten months ended January 31st, the Ambulance Company experienced a huge loss even after certain adjustments made by the County Auditor. It amounted to approximately \$200,000.00. I might explain that this 10-month period in which the present management and ownership took control of the Ambulance Company, during that time made a number of improvements and the financial condition has improved, I would say, during this 10-month period because of improvement management initiated by them.

For the quarter ended January 31st, however, the Ambulance Company shows a profit of approximately \$5,300.00. It appears to me that they are in a situation of getting better in the Ambulance Company, instead of worse. And I might add that this quarter ended in January included only one month of the increased rate previously granted by the County.

I feel at this time it is perhaps premature to grant a rate increase based on a situation that appears to be improving - until we have more experience on which to base it. I don't think the 10-month statement, ended in January, is going to be a representative statement of what the situation will be of the Ambulance Company based on the information that now exists, with improved management.

A good portion of whether an Ambulance Company is successful in their operations depends on how well they can collect their receivables. This has been a terrific problem with the Ambulance Company, but there has been some improvement shown in this area, and I believe right now, based on the information we have available to us right now, that we really need more months of operation to see what the situation is because we're coming out of a quarter where the last financial statements that have been reviewed show a profit.

So it is my opinion, at least, that we are premature at this point in granting a rate increase and I would recommend that you do not grant one at this time.

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(continued)

Commissioner Lurie: I have one question: You said that Mr. Cohen also notified you that the month of February showed a loss. What was that loss as compared with the year previous?

Marvin Leavitt: May I make a comment about accounting records - the County, in their audit, adjustments were made to the records on October 31st in such a manner it is almost impossible to determine the operations of any particular month in the previous period. In fact, the County records now are not the most desirable in the world. It is my understanding they are improving them. It is a very difficult situation to reconstruct what that particular month would have been in the past. A good share of the costs represent bad debts, and to try to isolate bad debts over a month a year ago, using the County records would be a most difficult thing.

It was reported to me today that the month of February showed a loss of \$7,400.00. I have not seen the statement of that loss or made any attempt to verify the figures, because it was not available today - before the meeting tonight anyway.

I might make this comment on a Financial Statement too - the Financial Statement, especially for this type of operation, is somewhat subjective - since a large expense is bad debts - which is whether they are bad or not depends on the person making up the Statement, and so if you want to consider a large portion of them "bad" the financial position looks bad. If, however, you think you can collect them and make a lot of effort to do that, then the financial condition can look better. Financial Statements are not all objective in that nature, and you can adjust them somewhat yourself in the manner in which you present your statement.

Commissioner Lurie: Well, my question was - based on the loss in February compared to the ten months you reviewed, they were losing say \$24,000.00 a month and they brought it down to \$7,400.00 - maybe with the sale of the medical supply business and the better computerized equipment they have to collect their receivables - it seems to me that they have improved around 50%.

Marvin Leavitt: Based on that average, that would be true. I, personally, am not convinced that they cannot operate at a profit at their current rates. Based on profits for the three months ended in January, I am really not convinced by the data we have right now that they cannot operate at a profit.

Commissioner Lurie: And you are convinced that it is premature to grant an increase based on figures you have reviewed and that possibly in three more months the picture is going to be a little clearer?

Marvin Leavitt: That's right - if we can see a picture of three more months of continued losses, even under better management, then I might be more easily convinced.

Commissioner Christensen: You also checked the Ambulance rates in the other communities?

Marvin Leavitt: Yes, I have.

Commissioner Christensen: Does this one fall right in the middle - is it high, or low, or where is it?

Marvin Leavitt: Ambulance rates vary quite a bit - the rate we have now is \$45.00 and on the list I have here, is somewhat higher than a number of the others that we contacted. There's one that goes as high as \$65.00 in a very small community, but \$55.00 would be somewhat higher than the average. San Bernardino, for instance, has \$45.00 - Riverside (140,000 people) has \$40.00 . . .

Commissioner Christensen: These are the ones you surveyed - are these the same ones that they submitted to us?

Marvin Leavitt: I don't know - I haven't seen the list they gave you.

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(continued)

Commissioner Christensen: Did you also look into how many of these had some financial assistance from Police Departments and so forth? How many of those are covered on that kind of pick-ups?

Marvin Leavitt: There were a number of them we contacted did not know the answer to that question. However, a number of those we did contact did not receive any subsidies from the local governments.

Commissioner Christensen: Did they guarantee the bill when the pick-up was called by a local agency, such as the Police Department or Fire Department?

Marvin Leavitt: No. We did find one case where the local government - I can't remember which one it was - did after a reasonable effort was made by them, would guarantee the bill - at least, a portion of it, but that was not the normal case.

Commissioner Woofter: Is there any community in the area that you surveyed that is similar to ours? With the heavy transient factor - to give us an idea in that regard -

Marvin Leavitt: I don't even know of a community that is similar to ours in this respect -

Commissioner Woofter: Say, like Phoenix - I don't know if they would be considered as being heavy transient -

Marvin Leavitt: I don't have any figures so I really don't know.

Commissioner Woofter: I think we have to consider that too.

Attorney Tom Bell: You've been told that we suffered a substantial loss - that's my money and that's Mr. Cohen's money and that's borrowed money that I had to guarantee - basically, the subsidizing of the emergency work in this community, in the hopes that somewhere down the road we would be able to exact reasonable rates that would enable us to perform the service promptly and efficiently for the protection of the people of this community and the tourists as well and make a reasonable profit. I think we are at least entitled to that.

Now, in Palm Springs, California, the base rate is \$60.00. You can go the breadth and width of the State of California and you can find them \$10.00 and \$15.00 higher and you can find them \$5.00 and \$6.00 lower, but in the medium, you're going to come up with a \$55.00 rate no matter how many cities you survey whether it's Portland, Oregon, Arizona or Utah. You go to Portland and it's \$60.00 - in Reno it's \$55.00 and we have a more intense problem than Reno has.

Remember what we have here - and you have to measure also when you're talking about rates, what the quality of the service is that you are rendering. Here is what Mercy is doing: 24 hours a day, 365 days a year, Mercy is handling all of the emergency ambulance service for the City of Las Vegas and the County of Clark. On Washington's Birthday, if the newspapers are accurate, 75,000 tourists were in this community, which is a unique characteristic of this community. It is also an awesome burden and responsibility to care for these people when they fall ill. And we do it effectively - we do it competently.

Each vehicle our dispatch center, wherever it is stationed, is manned with a highly trained emergency medical technician, and in most cases an EMT Paramedic. That, gentlemen, is in the best interest of this community and it's expensive. But I think this community is entitled to that type of service. I think the tourists are entitled to that type of service and if you go through and survey some of these communities that have lower rates, you won't find that type of quality of service.

We have a full time mechanic that rotates those ambulances like you do an airplane, so that the ambulance doesn't break down, or doesn't blow a tire, or doesn't roll over and kill somebody. And since we've had this Company, nobody has died in our ambulance and nobody has been killed, and we've lost a lot of money, and we're asking for a fair and reasonable rate - one that is not out of line with communities similar to this that don't even have the tourist problem.

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(continued)

Attorney Tom Bell: Sure - maybe we made a modest profit, but we have sustained tremendous losses. We're entitled to make a profit in this business. We can't do it for nothing, or break even.

Now, if you go throughout the country - and I've surveyed this - let me answer one of Commissioner Christensen's questions - in Dade County, Florida - that's a tourist-oriented community - that's Miami Beach - the government does, in fact, pay for the "no pays". We're not asking you to do that. But Dade County does and for fifteen years Dade County, Florida, has had a consolidated form of government - has had one ambulance company and has paid the ambulance company for the "no pays" at an approved rate. We're not asking for that.

If you survey the country you'll find that in the emergency field about the best that is being done in Michigan, in Florida, in California, in Arizona, is 70 to 72% collection. Now, I don't care what business you're in, if you can only collect 72% of your . . . if you're in the restaurant business or in the grocery business, or any business, if 30% is gone, you're not going to be in business very long, unless you can exact some reasonable rates that will enable you to compensate for that.

Mr. Cohen and I, hopefully, expect this Company to someday be reasonably profitable, or we wouldn't be in it. Maybe a year ago we should have given it a second thought and not gone into it, but over the past year he and I, personally, have subsidized the emergency work there out of our own firm, none of which we have left, and we think that if you'll give us this reasonable rate, which we already have in the County - which Reno already has - we won't have to come back to you again. We think it's fair - we think it's in the middle - it's not low - it's not high - we have the compounding problem of tourism that we have to take care of - we feel that at the Public Hearing two weeks ago we submitted evidence to you as to what our situation is. We are not out of line with other communities comparable to this one, notwithstanding the fact that we have that added problem of tourism.

I respectfully urge you to give us favorable consideration on this. Please keep in mind that it isn't high - it isn't low - it's right in the middle. We think it's fair and reasonable. Here for a year or so we were under the average rate in the Western States simply because we had a contract with the City that had a 1-year option in it and the former Mayor took advantage of that option, and locked us into the low rate for the additional year. And we're just playing a game of "pitch" up here - we're just trying to get even. We're just trying to pick up some of the losses we have sustained, and we would be happy to report to you in six months, or so, as to what progress we have made and if your Auditor thinks we have done too well with the \$55.00 rate, we'll submit it to you.

I can't say much more than that. I've lived here a long time and I'm proud of the Company that's here. It protects my family - it protects your families - it's a hell of a lot better than I saw ten years ago, or six or seven years ago - I know that when an ambulance goes out now there are two qualified people in it - they know what the hell to do when they see someone injured - whether it be a heart attack or an arm cut off - they know exactly and precisely what to do. If your child is injured, or your wife, or your loved one, competence will take care of them in that vehicle. The vehicle is a \$20,000.00 to \$25,000.00 vehicle, which we have - each vehicle is fully equipped - it's competently manned and for two highly trained personnel and a \$20,000.00 vehicle, a \$55.00 rate is not that high.

And I'm telling you again - I'm being repetitious - it's in the middle in the whole of the United States. Not high and not low. Thank you.

Mayor Briare: How do you depreciate your vehicle?

Mr. Bell: We have a vintage requirement here - with the City we can't have a vehicle that is over 5 years old -

Mayor Briare: So you depreciate it one-fifth?

Mr. Bell Yes - some we own and some we lease, but we have to pay the bill - it all comes out whether you buy it or lease it. It's six of one and a half dozen of another.

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(continued)

Commissioner Leavitt: I notice in the report it indicates that you had a net loss of \$247,337.00 for ten months ending January 31, 1976, but that there was some loss there due to the Medical Supply business and that after adjusting to that loss, your net loss for the last ten months ended January, 1976, was about \$200,000.00 -

Mr. Bell: That is correct - that's because of the emergency - we're talking about the emergency calls - we're not talking about the private calls - we are talking about the emergency work that we are commanded to perform. We can't refuse it -

Commissioner Leavitt: That amounts to about \$20,000.00 a month?

Mr. Bell: That's correct -

Commissioner Leavitt: Is that what your losses were for that ten month period, up until January 31st?

Mr. Bell: That's correct.

Commissioner Leavitt: That's what the audit indicates. However, it also says you are improving and had a net profit for the last three months - is that correct?

Mr. Bell: Well, we've lost and mainly we've lost because of the unreasonably low rate. We're trying to get that rate at a reasonable level, that's all.

Commissioner Leavitt: Let me ask you this - does your - do your losses accrue more in the summer at the height of the tourist season? Or during the winter months?

Mr. Bell: Remember this - Marvin Leavitt made this observation - bad debts - keep this in mind. There is the tourism that really hits us because if you get someone from San Jose, for example, that has to call an ambulance and use it, and then he goes right home. If he owed us \$500.00 or \$600.00 we send it to a lawyer or to a collection agency in San Jose to collect it. But suppose it is only \$55.00 or \$60.00? Nobody is going to take it. We can't effectively collect it. And that's why you have a larger bad debt situation in the emergency service. Someone who orders an ambulance, privately, generally pays for it, but when there's an automobile accident - you send a bill and you don't get any results - you can't submit it to a lawyer - you can't send it to a collection agency - they say, if you'll send all your accounts to us, we'll take it. Maybe we only have one or two in Salem, Oregon. And Tourism does that to us. We feel it's a community responsibility to render the service to tourists - we have to do it - we can't ask for a Credit Card - we can't ask for a credit check - we have to pick the body up that is in the street - or the man out at the Casino when he falls down, or whatever the injury might be - we have to do it regardless of the situation, financial or otherwise. And we're doing it. And we're doing it effectively and we're doing it competently.

Commissioner Lurie: What I would like to interject at this time, Mayor, is that with the Metro - just so the people sitting here don't get the wrong impression about your Company, you are being subsidized \$96,000.00 by the Metropolitan Police Department to do that service. I understand you have asked for an increase to \$120,000.00 from the Metropolitan Police Department and the City has to pay 52-1/2% of that subsidy at the present time. Now you are asking for an increase on top of another increase.

Mr. Bell: Let me explain this to you: The City of Las Vegas and the County of Clark are getting 24 hour a day, 365 days a year of emergency ambulance service that they don't have to worry about for \$96,000.00 a year. I defy you to go to any community that can get it done for that price. We think that is extremely low for the responsibility being carried by a private company rendering a community service. You don't have to sit here and worry about whether there's going to be an ambulance on the street competently manned to pick up an injured person. I know you don't because I know we're doing a competent job. I don't know of one complaint from anyone that knows, that has been made to this Commission or

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(continued)

anyone else that our people are not competent - not efficient - not highly trained and that our vehicles are not fully equipped and that they are not new and in the condition they should be in. And that, in my opinion, is what this community deserves - should have - and the tourist should have it as well. It costs money to do that. We think what we're requesting is reasonable - it's fair - it's in the middle. We think we're very high in the service we are rendering - very high. You travel some day to any community and take a look at their ambulance companies - take a look at their equipment - take a look at the shelter they have - where they sleep and what they do in their spare time - we train them - we educate them - that's what we do, and that's the type of service you're getting in this community.

We want to continue that type of service - we just want a fair rate and I think \$55.00 is a fair rate. We've convinced the County - and that doesn't mean we're going to convince you - but we made a full presentation to them . . . Reno gets \$55.00 and we have a prose problem than Reno has.

Commissioner Lurie: I want to add one other thing - based on what you're talking about service to the community, I have requested of this Board and I am working with the Chief now, of the Fire Department, that our Rescue Units have the same opportunity as the County Rescue people and have paramedic training, because most all of the calls that our Rescue people go on are people who have the training - they stabilize a person and ready a person for transport with your Company. We're looking at the possibility of going through a Paramedic Program in the City of Las Vegas such as the County has at the present time. We feel this is providing a service to the community to save lives as well as property.

I don't agree with your presentation as far as asking for a rate increase. My figures show that with all the cities represented here on this sheet of paper, they add up to like \$41.50 average - I didn't vote for your increase when you came in and asked for an increase from \$35.00 to \$45.00. Maybe I'm speaking too soon, but I'm not going to vote for the increase this time because I don't think at the present time based on Marvin Leavitt's study of your financial condition - and you are improving - I think it's premature that you are in here asking for another \$10.00 . . .

Mr. Bell: I'd just like to mention to you - just in January the City of Glendale replaced the Fire Department paramedic with a private Company that saved the City over \$300,000.00. I'm in favor of paramedics and I'm in favor of the Fire Department having them. We're talking about a cost item - we think we're saving the community an awful lot of money doing what we're doing. We really do. You just have to think what your budget would be if you had to do what we're doing. We're doing it at least from one-seventh to one-tenth less than what it would cost the government.

Commissioner Leavitt: I have a question to ask Mr. Bell: Mr. Bell, would your Company be willing to submit monthly Financial Reports to our Finance Director, and also to members of the City Commission?

Mr. Bell: Monthly? Do you think it needs to be that often?

Commissioner Leavitt: They are prepared monthly anyway, aren't they?

Mr. Bell: Yes, we can do it monthly, or quarterly.

Commissioner Leavitt: And would you also permit frequent and regular audits - say every six months?

Mr. Bell: We've always done that. We've always told you that it's an open order insofar as we're concerned.

Commissioner Woofter: Let me ask you this, Mr. Bell: You are in here asking for the increase - along the line of questioning by Commissioner Leavitt - what if you found that this increase really showed a substantial profit, would you come back in here and say - well, this was too much of an increase, we're ready to come back and modify it down to a smaller amount?

AMBULANCE COMPANY -
RATE INCREASE
(continued)

Mr. Bell: I think, certainly, we would entertain that, but what we would normally do under circumstances such as that - and we've already suggested this to the Metro Police Commission - if that proves to be the case, we would recommend that the subsidy be reduced, or knocked out - depending on the circumstances, naturally,

Mayor Briare: Mr. Leavitt, I have a question as to your report - in the first paragraph, you say: " I have reviewed the Financial Statements of Mercy Ambulance Company and also the working papers prepared by Clark County representatives in an audit conducted by them." I direct your attention to the concluding sentence of that first paragraph: "I have found their audit to be satisfactory and in depth."

Are you referring, Mr. Leavitt, to the audit that the Clark County people did, or are you referring not only to Clark County but also to the financial statements that Mercy Ambulance submitted. When you say "their audit", I am inquiring as to who is "they"?

Marvin Leavitt: I'm referring to the audit conducted by Clark County based on the available information. I took a look at the work Clark County has done and the work that had been done, and it would be impossible for a CPA to issue an opinion on that type of work. In fact I think that is one thing the Company should have to submit to - an audit by a Certified Public Accountant at the end of the year. A number of years ago we got involved in the same situation with the same Company when we were doing work for the Metro Police, and we had the same condition of the records at that time that we're talking about right now - going into the records and the ability to get information from them. I think that is one thing that should happen - it should be required they have an audit by a Certified Public Accountant.

The work the County did was limited in its scope and did not entail the complete financial statements. However, in review of their work I felt they had touched on the points that were necessary in this type of a determination.

Mayor Briare: If there is nothing else, what is the pleasure of the Board?

Commissioner Lurie: Mayor, I said I would make a motion, and I feel that based on Marvin Leavitt's review of the County's audit and his recommendation that he doesn't feel at this time that a rate increase is justifiable, I move for denial.

M o t i o n

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

M o t i o n
d e f e a t e d

Mayor Briare: Your motion is defeated. Mr. Stewart, does that automatically mean that the rate increase is approved, or will that take another motion?

Mr. Stewart: It takes another motion.

Mayor Briare: What is the pleasure of the Board?

M o t i o n

Commissioner Wofter: I move to approve.

Mayor Briare: Are there any comments on the motion?

Commissioner Leavitt: I would like to add an amendment to the motion: That Mercy Ambulance be required to submit an audit by a Certified Public Accountant every six (6) months; said audit to be furnished to the members of the City Commission and the Finance Director.

Mayor Briare: On the motion, as amended - are there any comments by the Commissioners?

Commissioner Lurie: I feel it is unfair to the people of the City to be charged an increase in rates when the City already subsidizes the Ambulance Company through the Metropolitan Police Department. I do not think it is a fair rate increase when we're actually higher

than the average throughout the western cities. I think it's unjustified.

Commissioner Leavitt: Mr. Mayor, I would like to point out the alternative: The alternative is - the Company goes broke and we're going to wind up having to run an ambulance service ourselves and it's going to cost us a lot more than it is right now.

Commissioner Lurie: But the Company has improved considerably by the information presented to us - we were told that in three months they have improved by getting new equipment - new procedures. It is just premature. We ought to give them a little bit more time to show just how much more they can do as far as their collections are concerned . . .

Commissioner Leavitt: That's why I asked that the motion be amended to require that they have a Certified Public Accountant prepare an audit every six (6) months and that we receive a report, along with the Finance Director. If at the end of any six months they are making too much money, we can lower it.

Commissioner Woofter: That's right -

Commissioner Christensen: I have mixed emotions about this: I think it's important to consider one thing. Private enterprise - there is no question in my mind but that private enterprise can do something better than government can. They aren't faced with as many restrictions and consequently can operate more efficiently and I shudder to think of what would happen if the City had to take over the ambulance service, or the County, and I shudder more when I think what would happen if the County took it over because you can bet they would nick us for most of it.

So, either way, considering the taxpayer is going to pay for this ambulance service and I would rather see those using it pay than those not using it, pay. I think it's only fair to put the burden where it is and I think that anybody in private enterprise has a right to make a profit. I don't have to go to the City Commission to get approval to raise my prices when my costs increase, and I don't believe anybody else does that unless they are a government-regulated agency, and this is a private industry that is governed and regulated, and I think with the safeguards that we have in being able to look at their books and change that and hold them in line from making too much profit, is much fairer and more equitable way to do it.

And then - I hate to say this because it might be taken wrong, but I think we've had enough confusion, for many years, over having different rules - different rates - and different everything on the north side of Sahara than we do on the south side of Sahara. Some of the complaints we've had about the Ambulance Company have been over their charges, because possibly the ambulance driver who made out the bill didn't realize that this was one little area where the City lies south of Sahara, and so they charge the wrong rate. We've had them correct some of those.

I don't like to make people pay more for ambulance service any more than the next guy, but I shudder at the alternative of having to take the ambulance service over ourselves.

Mayor Briare: There is going to be two votes so far: The first one is going to be on Commissioner Leavitt's motion to amend by including the requisite for a CPA Audit every six months. Cast your vote on the amendment, please.

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

Mayor Briare: Now we'll have the vote on the motion to approve the Rate Increase, as amended.

MERCY AMBULANCE -
RATE INCREASE

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

(continued)

Mayor Briare: The motion to allow the rate increase is approved.

U-2-76
PUBLIC
HEARING

APPEAL FILED BY ROBERT T. BIGELOW - U-s-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.

Mr. Saylor: Under our Ordinance, apartments may be allowed in a Commercial Zone by means of a Use Permit. An application was made. It was denied by the Board of Zoning Adjustment and has been appealed by the owner and prospective developer.

It involves the property on the west side of Rancho, between Bonanza and the Freeway. The property is zoned Commercial. It is vacant with the exception of the corner, which has a service station on it. There is Commercial across the street - to the east - to the north - to the northwest - all of the pink is Commercial (wall map). Immediately abutting, however, to the west is single family development and there is a tier of lots whose back yards back up to the west property line of the proposed development.

I did send to you a report on it, together with a little map which I believe accurately described the surrounding area. I have a Plot Plan of the proposed development, which is for a 3-story apartment building, accommodating - the request was for 118 apartments but under the Ordinance they could have only 115 - a 115-unit complex - adequate offstreet parking. This is where the single family homes back up (wall map) to it. We say 3 stories - there is 67 ft. between this line and the rear line of the single family home owners (wall map).

I believe that almost all, if not all, of the property owners in the subdivision immediately to the west did at the Board of Zoning Adjustment meeting protest the application. As I described to you in the report, I think protests were essentially one of additional traffic; (2) the introduction of transients into the area and (3) the people who backed up to it felt their privacy would be violated by the 3-story building.

Mayor Briare: Is the appellant present?

Answer: My name is Bob Bigelow. I represent Mr. George Crockett who is the owner of record. I am the developer of the proposed project.

Mayor Briare: You, of course, were present at the Board of Zoning Adjustment meeting when objections to your application were brought up. Did you offer any solutions to those objections?

Mr. Bigelow: Yes -

Commissioner Leavitt: What were the bases for the objections?

Mr. Saylor: As I explained to you, in the report I sent to you Commissioner, I think there were primarily three main bases: (1) the increased traffic in the area (2) the introduction of transients into the area and (3) the property owners that immediately back up to the rear felt that the 3-story apartment building would violate the privacy of their backyards.

Commissioner Leavitt: How is it zoned now?

Mr. Saylor: It is zoned Commercial.

Commissioner Leavitt: What could be put on it now - any type of commercial?

Mr. Saylor: Any kind of a retail use. There's a service station on the immediate corner. Other than that it's vacant, but it is zoned C-1 and almost any type of store could be put there. Under our Ordinance you can have apartments in a Commercial area by means of a Use Permit.

Commissioner Leavitt: How much distance is there between the back of the proposed apartment house and the single family dwellings?

Mr. Saylor: 67 ft. -

Commissioner Leavitt: What is the maximum you could have there? If he were to change his plans, what is the maximum he could have there? Say 75 ft. from the wall to the back of the apartment house - could that be done?

Mr. Saylor: It is conceivable that this could be moved a little bit further (wall map) - quite a bit further. By that I mean if you took all the parking from the front and if there was a possibility of angling it at the rear, you could pick up another 42 ft. in here (wall map) but I'm not that positive that that type of a design could be worked out. It appears like it probably could.

Commissioner Leavitt: One of the main objections from the home owners, as I read it in your report, was that apartment house tenants could be looking down into their backyards. Mr. Bigelow, would you be willing to eliminate the third floor? Would that help any?

Mr. Bigelow: Yes, we would.

Commissioner Leavitt: Completely eliminate the third floor?

Mr. Bigelow: Yes.

Commissioner Leavitt: Would you be willing to move your building 10 ft. further towards Rancho?

Mr. Bigelow: To where we would set 75 ft. instead . . .

Commissioner Leavitt: Instead of the 65 ft.?

Mr. Bigelow: Yes.

Commissioner Leavitt: How about planting a row of trees along that back end there so that the people living in the apartment house wouldn't be able to look in somebody's backyard?

Mr. Bigelow: Yes, we would maintain whatever landscaping the Commission requested.

Mayor Briare: Would you point out for me, with your pointer, as you proceed west on Bonanza, where is El Dorado?

Screen Operator: This is El Dorado right here (screen) - this is the Freeway and the on-ramp is right here.

Commissioner Leavitt: You said the number one protest was because of the traffic - that's why I asked how it was zoned - you could any kind of a commercial venture in there, couldn't you - a store?

Mr. Saylor: Right. C-1 uses - retail outlets -

Commissioner Leavitt: How about a liquor store or a tavern?

Mr. Saylor: I believe they are permitted in a C-1 Zone -

Commissioner Leavitt: I'm not suggesting that is what you use your property for - I'm just trying to find out whether or not the traffic is really a legitimate protest, because if he could use the land for something else now that would generate more traffic - that's really not a legitimate protest. And the idea that it would attract

transients into the area - you would probably have more transients if you had a Bar, or a Tavern.

In other words, do I understand right now without having to come before us, he could put a commercial development in there?

Mr. Saylor: Right - it has been C-1 for quite some time.

Mayor Briare: Do you have anything you would like to add, Mr. Bigelow:

Mr. Bigelow: I was going to discuss the various points . . .

Mayor Briare: The procedure that we have in these Public Hearings for the benefit of any of you folks who might be here for the first time, is to first of all have the application presented to us and then have the applicant offer whatever comments he wants to make; and then we'll call upon anyone in the audience who wishes to speak in opposition to this application and then in the event that some comments have not already been made, the applicant is given the opportunity to answer, or comment, on the objections that were given. That's why some of the questions have been asked as to what has taken place to possibly resolve some of the differences of opinion. Is there anyone here who wishes to come before us and speak in objection to this proposal?

Lobretto Ramos: I live at 304 Ramsey Street. I was handed this Petition signed by 135 residents. I live at 304 Ramsey which is directly behind the proposed 3-story apartment building. Before we go into the issue of having no privacy, which relates to all of us, the traffic congestion was brought up by Commissioner Leavitt. Briefly, I would like to state that at the present time for about two hours they have to post a Motorcycle Policeman at the northwest corner of Bonanza there because of the excessive traffic conditions that exist because of all of the State buildings that were put in behind us there - next to K-Mart - I'm sure you are familiar with that.

We have no objections to Mr. Bigelow's beautification of the area and all of that, but we do have this traffic congestion. To begin with, there are a lot of accidents there because of the traffic congestion. I live on Ramsey Street - my kids go to Western Hi School and it used to take us three to four minutes to get there. Now we get out to Ramsey Street and we can't get out of there for twenty to thirty minutes. We have to go all the way to El Dorado and spend another seven or eight minutes trying to squeeze in. People are rushing to work in the morning - they are late - with the people going to work in the morning we are just bottlenecked in there. That is one of the main reasons why the traffic situation was brought up.

The traffic going north on Rancho Road - the left lane turn there will accommodate about 12 cars. In the mornings, and at noon and in the afternoons they have 50 or 60 cars piled up all the way back to the off-ramp. Now, you are going to put 150 more cars that would be required for these people to transport themselves - you can imagine what's going to happen. We're going to have a lot more accidents. They are allowed two exists out of the parking area - now you're going to get from 120 to 150 cars out of there in the morning and back in the afternoon with safety?

The 135 signatures include all the people that letters were sent to by the Planning Department. Insofar as reducing it down to two stories, we don't object to a business going in there but we do object to apartments. It was specified by Mr. Bigelow that these are not family dwellings - they are for adults - single - no families in the apartments - that he has maintained that status throughout his other projects, which is commendable, but this is a family area. There are a lot of children there - there are a lot of kids who have grown up in that community - we have never had any problems of any kind with our teenagers. This is just my observation - it has been . . .

Another thing before I forget - just north of El Dorado, Ramsey and the other one, they have a shopping center there. They promised us they would beautify that so we would have a beautiful shopping center there. There are a number of houses there and we look at nothing but

garbage cans because they put all the trash containers and everything at the back of the stores, facing our side of the street.

I'm sure Mr. Bigelow has good intentions and I'm not against progress, but to bring in this type of individuals - and he indicates they will be employed south of there, which indicates the Strip - the Casinos - and the element of people who would be going in there will be very undesirable characters for this type of a residential family area. For fifteen years we have never had any problems with our adolescents. We've had mischevious kids but they are all good students in college and universities - good citizens - no dope problems in that area. He has stated he will allow no families in there - just adults.

And the increase in traffic - we already have a bad bottleneck problem. Thank you.

Mayor Briare: Mr. Trelease, would you please check back and find out what the requirements were where that Safeway Store is located? Because that is a problem, and unless it's called to our attention it can go uncorrected. I am very familiar with that area - I travel it frequently and I do know that that Safeway Store is kind of a mess. I think they should be reminded of what the requirements are.

La Jenne Dukes, 300 El Dorado Street: Regarding Commissioner Leavitt's comments - I know you live on the other side of town - the former Mayor and the former Commissioners have taken away from our tract half of Lorenzi Park which was to have been a Park for all our children in that area. When it was sold they tried to put in apartments there and our whole group has fought and fought and fought for years. They have kept the apartments out and it is now zoned Commercial as the City sold it out from under us, without our permission, and it is now the Welfare Office, and everything.

So that at eight o'clock in the morning - at twelve noon at one o'clock in the afternoon and at five o'clock in the afternoon, it is impossible to walk across Bonanza. Bonanza is a 2-lane street. It is not a highway.

Further, the State took the homes - where you see the little tiny area at the bottom (wall map) - took the nine homes out of there - made the people move - sold the homes. The City then said it was zoned cul-de-sac and we were to have a Park -

Commissioner Leavitt: Was that when they put the Expressway through?

Mrs. Dukes: Right - because they allowed Twin Lakes to come in - Twin Lakes Village - to come in and since they had twenty-one homes on the other side, where the Expressway was supposed to be, it was cheaper to sell our homes - condemn them - and they were taken away. So El Dorado, Ramsey and Delemar were all to be cul-de-sacs and it was in the plans and if you'll check back about twelve years ago, those were all cul-de-sacs. That little place down there (wall map) was to have been a Park. Now we have people coming in and wanting to put four homes in there, which will be before you in a couple of weeks.

Then he wants to come along and put in an apartment house with all these people going only south. You can't even get in there. Ramsey - in order to get on to Bonanza - has to come to El Dorado. Were you to make three cul-de-sacs there and give us our Park like we were promised, then the traffic would be a little bit less.

I realize in two years there will eventually be an on-ramp at Valley View because the traffic up and down Bonanza is impossible. Everywhere is traffic, and if he brings in those apartments with all those people, there is no way you can get across Rancho to make a left hand and go back up to Bonanza and get into his. You cut across traffic the whole way.

Commissioner Leavitt: The question that I raised were the issues that has been raised in the hearing - I didn't realize there was opposition to the apartments, per se.

Mrs. Dukes: The opposition - we have been down to City Hall . . .

Commissioner Leavitt: Your opposition, as I understand it, is to apartments, per se?

Mrs. Dukes: Right -

Commissioner Leavitt: You would have no objection to a commercial development there?

Mrs. Dukes: No - the problem with the apartments is the transient people and if you will check with the Metro Police Department - our tract and the tract immediately behind us, has the lowest delinquency rate and we have probably the greatest concentration of Police personnel living in that area.

Commissioner Christensen: You people keep talking about the "transients". For my own edification I'd like to see the hands of everybody here who hasn't at one time lived in an apartment . . .

Mrs. Dukes: Three months - when we first moved here sixteen years ago -

Commissioner Christensen: Did that make you a bad

Mrs. Dukes: But he's not having family people -

Commissioner Christensen: I didn't have a family either when I lived in an apartment -

Mrs. Dukes: They are all going to be working south - they are going to fly over Rancho instead of making a u-turn . . .

Commissioner Christensen: Regardless of that - I just raise the point because I'm sure that nearly everybody has lived in an apartment at some time or another during their life, and I don't consider myself a bad citizen because I had to live in an apartment because I was a transient in the community - for the first four years I was married I was a transient in every community I lived in, and I always lived in an apartment - I didn't have a family - and it sure didn't make me bad. I think everybody has probably gone through that, so it makes me wonder a little bit about that - because what you're saying - you are accusing apartment dwellers of being a bad element.

Mrs. Dukes: No - but when apartments disintegrate and not kept up - when they start disintegrating - you know the quality of the people changes - it shifts -

Mr. Bigelow: May I interrupt and perhaps clarify a few points?

Mayor Briare: You are going to be given the opportunity to respond to some of the objections that have been made. We allowed you to go ahead and make your presentation in toto. We are going to allow them to make their presentations in toto and then you will have your chance to answer.

Jack Benedict, 308 Ramsey: I moved in there in 1960. We've spent a lot of money on our house - all of us did in that tract, and for this gentleman to come up here and put a 35 ft. wall completely around that tract, with a 67 ft. alley that the Metro can't see what's climbing over these fences - to get after our wives - these crooks and whatever, is completely out of place. We have had no crime on Ramsey Street whatsoever because it's open - we've got plenty of Metro protection - we have plenty of passers-by - there's been no burglaries - no rip-offs - no nothing down there.

We moved out there with the understanding there wasn't going to be anything around that neighborhood - as Commission Christensen has said - apartment dwellers are not bad - I didn't say they were bad - I lived in one when we first came here until the houses were built so we could move. In 1960 there were no houses to move into.

We've spent a lot of time and a lot of money - the 64 families in this tract alone, are going to be affected. That's excluding the

traffic problems. If they put up them apartments they are going to put up a blank wall facing the rear of our properties, so that anybody at all that needs a TV, or wants to rape a woman, he can climb over that wall and nobody is going to see him from the street. My God - this is our home. We've been here for years.

Of course, Mr. Ramos has brought up the subject of the traffic - there's no point in re-hashing that, but before you consider putting another 230 cars going out of a 20 or 30 ft. driveway on to the southbound Tonopah Highway going into the City, in addition to everything else - you should go out there and take a look at what you are getting into.

All of my neighbors along the street have fruit trees - vegetable gardens planted. What kind of a chance have we got when we're completely blocked in for the kids - and you know there are going to be kids over there - visitors - and drunks - climbing over the fences and throwing stuff in the swimming pools that these people pay four, five or six thousand dollars for. You've seen it happen other places, and so have I.

Just one more thing. You're talking about a 75 ft. setback from our back fence. It will be 75 ft. of junk and garbage cans if I understand your diagram correctly there.

Commissioner Leavitt: Mr. Saylor, where is the area for trash?

Mr. Saylor: Right at this location (wall map) -

Mr. Benedict: That's just great - right against our back wall we have 75 ft. for garbage cans - junk cars parked there . . .

Mayor Briare: Those kinds of comments are not called for. How do you know what kind of cars are going to be parked there? Why don't you be -

Mr. Benedict: I'm trying to, Mayor, but . . .

Mayor Briare: This man has been a citizen of this community for some time too and he, like yourself, deserves some respect. You don't know that these things are going to happen. You are making people feel like they are pretty unhuman and perhaps the only human ones are the ones living in that area, and that's not the case -

Mr. Benedict: No - I don't mean to imply that at all -

Mayor Briare: That's really unfair - we are trying to look at it in an unemotional manner, based on good zoning. Your arguments are well taken, but I think you ought to confine them to the facts -

Mr. Benedict, I'm sorry, Mr. Mayor, I guess I got a little carried away -

Mayor Briare: Sure you did - you live in the area - you have a right to be concerned.

Mr. Benedict: We've put a lot of blood, sweat and tears in that - I just hate to see us barricaded in with apartments.

Mayor Briare: The reason I say that is because you would give the impression that because garbage has to be stored somewhere and junk heaps are going to be there, and so forth - that would make it sound like anyone who could possibly favor an application such as this would favor junk heaps and garbage cans. You're drawing conclusions for a brand new project and that is not what is before us -

Mr. Benedict: I just wanted to bring to your attention that on our street there have been no robberies or anything of that nature because it's open to plain sight - that's all.

Commissioner Christensen: May I ask this gentleman one question? You mentioned surrounding the tract with a block wall. Are you

referring to his apartments, or the tract homes?

Mr. Benedict: The apartments - he said he wanted three stories - later on he said he would drop it down to two stories - that's a 35 ft. wall building. The building would be 35 ft. tall, to be best of my recollection -

Commissioner Christensen: 35 ft. is pretty high for two stories, isn't it?

Mr. Benedict: He's going to have to bring it up so he can get some water drainage off that tract down there at Charleston Heights - he can't certainly build level where that property is now - that's a sink-hole. That flood water comes down Bonanza . . .

Commissioner Christensen: Are you talking about 35 ft. from the ground level or 35 ft. from the present level?

Mr. Benedict: He will have to bring that compacted soil up - you can't set a building on that stuff the way it is now.

Commissioner Christensen: I think I follow you now - what you're saying is that his building will have to be higher than the neighbors behind it?

Mr. Benedict: No . . .

Commissioner Christensen: Then it won't be 35 ft. above your place because the average ceiling is an 8 ft. ceiling and if you add another three or four feet on top of that for the roof, you're looking at 20 ft., which is a long way from 35 ft.

Mr. Benedict: Alright - he has to put in the parapets - the air conditioning units would be up there - I don't know just how high they will be able to go, but even going up 30 ft., our rear property is surrounded by only a 6 ft. high fence.

Commissioner Christensen: That's what I was wondering - whether you were referring to the fence or referring to the actual building itself.

Mr. Benedict: I was referring to the building. He wouldn't build the building and then build a fence, I wouldn't think -

Commissioner Christensen: Let me ask you another question: The thing that keeps hitting me in my mind is that right now this is Commercial property. Would it be a better situation of people climbing over the fence and ripping off the swimming pools, etc., if that were, say, a 7-Eleven Store there?

Mr. Benedict: It would take more Police protection -

Commissioner Christensen: In other words, you would rather have a Commercial building there, regardless of what it was, than an apartment building?

Mr. Benedict: Yes Sir.

Mr. Lee Darrah: I live at 301 Delemar, one street over. The question I have - he said he was going to make adult units. Now is there a law that requires that this is only adults? Alright, so he could have a lot of working mothers in there with one child, or two children. My point is this: You see that 3-block street there (wall map) that we have - we originally had about 67 houses in there. We have no place at all for the children to play now, except on the street or in their own yards. So we'll say, theoretically, he has 30 or 40% of these units with working mothers - where are these kids going to play? They can't play to the south because the Freeway is going to be there. They can't go to the east because Rancho is there. They can't go to the north because the gas station is there. Now where are these kids going to play? They are going to come on over into our area and they are going to present a traffic problem - will just generally present a juvenile problem and if these are like other apartment dwellers, they are all

going to have dogs. I've got enough trouble with about 10% of my neighbors' dogs now using the area, let alone putting 115 more dogs in there.

One other thing I wanted to bring up and I don't think you, Mr. Mayor, or the Commissioners are aware of it - that is the U-turn there at Bonanza. Mr. Ramos and the other people were talking about right hand turns and left hand turns - alright all those people who are going to come there to that apartment building, unless they come down Bonanza and turn left there on that short light, they will be coming off the Freeway and they're going to have to go up and flip a U-turn . . . and it's going to bottle up an awful lot of traffic. Thank you.

Phil Valva: I live at 300 Ramsey. I have the same thing as anybody else - you want to go to the store - you can't get across Bonanza - there is so much traffic you cannot get across there. Sometimes you have to wait for 20 or 25 minutes.

I have lived there for sixteen years - I have improved my property - I have fruit trees and a nice garden. If they build that building there it will cut all the sunlight off and all my windows are facing that way. If they put up apartments like that you won't have no privacy. You can't open your windows - you can't open your patios because they can look right in your house and they can look right into your yard. I have nice apples and I have nice peaches and I know the kids would be coming right over the wall getting into them. And like he mentioned about dogs - we have enough problems with dogs. I have a dog but I never let my dog out on the street. I keep him in the back yard. Most all of the families who live in there have dogs, but they don't run on the streets. Thank you.

Steve Ehnert: I live at 204 Ramsey. In reference to the traffic problem, we are not against the commercial buildings being put in there because if a commercial building was put in there all of the traffic would be coming from all four directions - from all the residential areas around there. But with these apartment complexes and the people all working primarily to the south, they all have to come from one direction and go toward one direction. That's what is going to create the major traffic problem. With commercial we don't feel there would be that much of a traffic problem - they would be coming from all different directions, and not having to make U-turns.

Bill Trujillo, 201 El Dorado Street: I think every one of us has lived in an apartment building until we had our homes built. This is a very nice neighborhood. If those apartments go up, it is not going to be a nice neighborhood. That is really all I have to say - it's not going to be a nice neighborhood.

Commissioner Leavitt: Mr. Mayor, before there is anything further I would like to ask Mr. Saylor, or Mr. Hampton, to look into that triangle piece to determine what the situation is on it. Because if that has been set aside and promised for a Park, I think we should look into the possibility of developing it as a Park. I don't know whether it's large enough to develop as a Park. Do you know anything about that, Mr. Hampton?

Mr. Hampton: No, I don't. It would have been in the dealings with the Highway Department, but we will check into it -

Commissioner Leavitt: Please check into it and give us a report on it.

Mayor Briare: We will now hear from somebody who hasn't spoken and has something to say that hasn't already been said.

Chuck Alford, 208 Delemar Street: I have been an apartment owner - I have owned several units - and I know what people require when they move into an apartment. They do not own it - they can leave after one month or two if they are dissatisfied. He may start out with a pretty good clientele there, since they will be nice, new apartments and they look nice, but when they find out how difficult it is because of the traffic, etc., they will become transients and move

out and I feel that there will be quite a few vacancies there because of the inadequacies of the neighborhood for apartments.

Eventually he will have to lower the rents of his units and get in a lower class of people. I hate to say "lower class of people" but I mean more transients. Maybe he will have to then revert to families and cramming them into these in order to keep them filled. This is one of my objections.

Gale Moots, 208 Ramsey: First of all, one of the things that I don't think has been brought up is the noise factor. Right across the street is the Rancho Car Wash which we have to live with every morning, from about eight o'clock on. On the other side is the Freeway which we have to live with and now they're going to build 115 apartments right next to us and we're going to have to live with that noise also. I think we've suffered enough.

Another thing, insofar as the Park is concerned, I believe that property was just recently sold to an individual from the City - I believe the City sold it -

Mr. Saylor: That small triangular piece was sold by the State.

Mayor Briare: I think we have probably heard as many original objections on this as there are. Mr. Bigelow -

Mr. Bigelow: How would you all like to hear some new information? I have a rebuttal that is very important, I think.

Addressing the problem, first of all, of the traffic, which is one that has been dwelt on here tonight I think more than the other one or two points that have been talked about. Since the first of March . . . all of these points were hashed over at the BZA meeting the last time and, in fact, I used to be a resident of that street for three years, several years ago, and I was surprised to learn that - I lived at 308 Delemar Street at that time - and I was surprised to learn that intersection had become so much more heavily traveled than I recalled it being. So I made a personal study myself, and my secretary, at different times during the day. We made a special point, each of us being there at different times, logged in our time, logged in the amount of traffic flow, whether or not there was a Policeman there.

I defined Heavy Traffic as being any situation where you couldn't cross an intersection within one traffic light. If it required more than one traffic light to get through an intersection, I defined that as being Heavy Traffic.

I was on that intersection, starting from the 2nd of March clear through until just two days ago, throughout different times of the day, and in the time covered between myself and my secretary, we covered between eight o'clock in the morning and ten minutes past six at night. We felt this represented the time in which we need be concerned about Heavy Traffic.

At no time did she, or I, see a Policeman anywhere near that intersection, much less directing traffic in any way. At no time did she, or I, notice that you could not get through that intersection on one traffic light. There was no Heavy Traffic whatsoever during that time period.

(Disagreement voiced from audience)

Mr. Bigelow: This is nothing I have made up - these are legitimate facts that we found to be the case and most of the time the traffic was listed as Light Traffic. We turned off of Bonanza on to Rancho - we tested to see where we might have problems. I have to live with these apartment complexes - I don't build these things for resale. I operate them indefinitely. Now if I'm going to build something and build a problem into a complex that I have to live with, I want to know what it's going to be. And it's going to be important to me, financially, if I create a situation for myself that's impossible for my tenants to live with.

(continued)

Mr. Bigelow: I am more concerned, financially, than anybody else in this room. I stand more to lose by improper judgment.

I contacted Mr. Bossi, the City Traffic Engineer, and I got traffic count information on eight other intersections within a radius of roughly a mile or mile and a half of what was available in that entire area. The traffic count went anywhere from as high as 47,000 cars a day to as low as 28,000 cars a day. That 28,000 count was at Rancho and Washington. The figure for Rancho and Bonanza was 31,800. They were the two lowest counts in the whole district. That is a matter of fact. It is a matter of statistical record. So you don't have to take my word for it about what I found, personally, to be the case and what my secretary found in driving through these intersections.

Now, the point has been brought up here about traffic increase. These people have been informed that the property is zoned C-1 - that a Commercial use can be put in there and, obviously, there's going to be traffic added to the intersection for whatever the use is there. And I might point out that an apartment complex does not consolidate traffic within a specific time frame, as a Commercial establishment might do. This is something to be pointed out.

The subject of privacy was discussed. For your information, someone would have to get up on the roof - climb a ladder - in order to have visual sight at 35 ft. on a 2-story building. The facts are that on a 2-story structure - a standard 2-story apartment building - and this man talked about a parapet - well, nobody ever - a parapet is a little wall at the roof level that extends about a foot or foot and a half above the roof level - the parapet level of our building will be about 20 ft., maximum. Absolute maximum. Window level on a 2-story structure is about 15 ft., and these are standard dimensions.

I have already indicated a 75 ft. setback and a buffer zone of Arizona Cypress which will be ten or twelve feet high, as a barrier in there. I think there are commercial building structures that could be designed that would have windows that would be much, much higher than those in a 2-story apartment structure.

The people discussed the apartment dwellers themselves as being a potentially undesirable group, and we can understand why - the point was made that all of us at one time or another have been apartment dwellers. There was a Police Lieutenant in the audience the last time who referred to the people living in these apartments will be dope-pushers, prostitutes, rapists, thieves and criminals in general - I don't think he left out anybody - that's about the widest spectrum you can possibly include in any kind of a prejudicial case against something.

As I mentioned before, I am the operator of these places. I do not build them and then sell them. I am very concerned who is occupying these apartments. They cause us the trouble first. You know about it first and as I have said before, there will be absolutely no children. The conversation kept directing itself back to the subject matter of children potentially in the complex - these units are going to be predominantly 1-bedroom apartments. There will be a few studio apartments - you just can't operate an adult complex constructed that way - it is impossible.

Now I have a suggestion for the group because I doubt if I've satisfied anybody behind me in this audience, so what I propose is a compromise.

Mayor Briare: Well, comprises aren't exactly made here . . .

Mr. Bigelow: Then I propose that the Commission impose a restriction; and what I suggest the restriction be is this: The restriction would be that if three stories were allowed I would probably design a structure to include some two and some three stories, that I not be allowed to place any windows that would view their properties. In other words, that I could not create any structure that would have a window backing up to the properties - that would face the

residential tract.

I also might mention - the Petition - the number of names on that the last time was 93 names - they have been more active since the last BZA meeting, obviously. I learned that since that time a lot of the people who signed that Petition before were of the same household - in other words, you had one, two or more signatures from the same address . . .

Mayor Briare: We recognize that and I was hoping that you would confine your remarks to a straight rebuttal to their remarks because you had your opportunity to discuss all of this, Mr. Bigelow. We recognize that these Petitions as they are passed to us - as in the case of most Petitions we get - are signed by husband and wife - sometimes a teenage daughter or son -

Mr. Bigelow: And did you notice that some of these signatures were solicited from over a quarter of a mile away?

The facts are - traffic is not a problem. You don't need to take my word for it. You have the City Traffic Division to check that out with. That's a simple fact.

If you want the people to have their privacy protected and restrict upon me the alternative of putting the windows in the structure. If you want me to set 75 ft. back, then impose that. If you want a landscaping restriction, then impose that, but I don't think by not rezoning this - by not allowing an R-4 use in here that the people in the neighborhood are going to solve the problem of development, unless the City wants to buy that property for a Park.

Mayor Briare: Thank you, Mr. Bigelow. Are there any further comments from the Commissioners?

Commissioner Leavitt: I think that as far as setbacks are concerned I think what you would do in that case would be to create a monstrosity. It wouldn't be good design and I don't think it's a good idea. I am impressed by the arguments we have heard here. I am impressed by the fact that an apartment house is going to be in back of somebody's yard. I am also impressed with the fact that it has been zoned for Commercial for a long time.

What we are being asked to do here is to grant a Use Permit in a Commercial Zone for apartments, and I think when we grant a Use Permit, it is very important that consideration should be given to the wishes of the people who reside in the area. In this case the people have resided there for a long period of time.

M o t i o n

At this time I would like to make a motion that the appeal be denied.

Mayor Briare: Are there any comments on the motion?

Commissioner Christensen: Yes, Mr. Mayor, I would like to make a comment: I am going to support Commissioner Leavitt's motion, but I worry sometimes about the things that come out here at some of these meetings - and I spoke briefly on this before wherein the heat of emotions on zoning issues - and Heaven knows I've been in them - statements are made regarding the caliber of people who live in certain areas - in apartments - etc. - statements made about 75 ft. of garbage - this kind of thing.

And I think when this project came along I was one of the first ones, am sure, to drive through the area and kind of check it out - I do that on all of these zoning issues. I happen to know Mr. Bigelow - I've known him for a long time. I knew his parents - I know his mother - I knew his Dad well, and I think it's really only fair to some day drive through some of his projects and look at them. Because I wonder how many people when they found out he was making an application to come into the area, took the time - as I did - to drive through his area and see what kind of a situation he develops. I'm not sure, but he can verify it - I think he is a lifelong resident of this community and if I'm not mistaken he was born and raised within a mile of that particular area on Bonanza

U-2-76
(continued)

Road. I think it is really, before you chastise a person like this, it would be real nice if you would look at the situation because he is not a developer that develops apartments and sells them. We've seen a lot of zone changes to accommodate apartments here. Many of them have been good. Many of them have helped blighted areas. I hate to see these kinds of feelings generated at one of these meetings. In the heat of their emotions people say things they don't really mean.

Commissioner Lurie: I feel that - I'm going to support the motion also - and I think we're going to be doing both the residents of the area and Mr. Bigelow a favor in denying this project. I don't believe that the residents are in favor of it. I think Mr. Bigelow would be unhappy if it were to be approved and have all the problems that I can see ahead of having that type of a complex on that particular corner.

I travel that Freeway maybe three or four times a day coming down to Citu Hall - going back to work - going home, and I just cannot see 115 units with their traffic and getting those cars on to Rancho. I have to agree that it's a bad location for your type of project and you do have nice projects, and I don't think the vote tonight should have any bearing on any of your other projects that have come before this Board.

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

Mayor Briare: The motion carried, the appeal is denied.

BILLS NOS.
76-5 AND
76-6
Stricken

BILL No. 76-5 - AMENDING TITLE XI, CHAP. 3 OF THE CITY CODE
re REGULATIONS AND REQUIREMENTS FOR OFF-PREMISE SIGNS
Committee: Commissioner Lurie and Mayor Briare

BIDD No. 76-6 - AMENDING TITLE XI, CHAP. 3 OF THE CITY CODE
re REGULATIONS FOR ON-PREMISE SIGNS
Committee: Commissioner Lurie and Mayor Briare

Mayor Briare: Commissioner Lurie, what is your pleasure on Bills Nos. 76-5 and 76-6 which are relevant to off and on premise signs?

Commissioner Lurie: Until such time as we have an opportunity to review these proposed Ordinances, I would like them removed from the agenda.

Mayor Briare: If there are no objections, these two proposed Bills will be removed from the agenda.

BILL No. 76-7

BILL No. 76-7 - AMENDING TITLE VI, CHAP. 2 OF THE CITY CODE TO
PROVIDE THAT NO PERSON SHALL BRING ANY ANIMAL UPON THE GROUNDS
OF ANY PUBLIC PARK
Committee: Commissioners Lurie and Leavitt

Mayor Briare: Commissioner Lurie, do you have anything to report on Bill No. 76-7?

Commissioner Lurie: I'm still waiting for the amendment. I would request that we have that amendment by the next meeting.

LIQUOR
ORDINANCES

REVIEW OF CURRENT CITY OF LAS VEGAS LIQUOR ORDINANCES
Committee: Commissioners Woofter and Christensen

Mayor Briare: Commissioner Woofter, do you have anything to report on the City's Liquor Ordinances?

Commissioner Woofter: Just on the one that we did just recently pass, Mayor. In this respect I would like the City Attorney's office to get with Commissioner Christensen and myself in regards to possibly placing this back on the agenda for further consideration by the Commission in respect that I don't believe the language sets out the intention of the Commission.

Mayor Briare: Mr. Trelease, is there some reason why at every meeting all of these things should be listed here? Or should they be left off the agenda until such time as the Chairman of the Committee requests that it be put on? Because we seem to waste an awful lot of time going over these things when the Committee is not quite ready to report.

Mr. Trelease: All that it requires, Your Honor, is a request that they be removed -

Mayor Briare: Very well, I'll have a request in just a minute -

BILL No. 76-13

BILL No. 76-13 - PROVIDING FOR IMMOBILIZATION OF VEHICLES ON
CITY-OWNED AND CITY-LEASED PARKING LOTS
Committee: Commissioners Lurie and Woofter

Mayor Briare: Commissioner Lurie, do you have anything to report on Bill No. 76-13?

Commissioner Lurie: We'll have a report on that for the next meeting Your Honor.

BILL No. 76-14

BILL No. 76-14 - Re MOBILE HOME INSPECTION PERMIT FEES AND
REIMBURSEMENT OF INSPECTION FEES TO THE STATE OF NEVADA FIRE
MARSHAL
Committee: Commissioners Christensen and Woofter

Mayor Briare: I think we can refer that to a Recommending Committee.

BILL No. 76-14
(continued)

A Bill entitled: "BILL No. 76-14 - ORDINANCE No. AN ORDINANCE TO AMEND THE SUPPLEMENTAL DOCUMENT AS CODIFIED IN TITLE IV, CHAPTER 1, SECTION 1, SUBSECTION C, OF THE MUNICIPAL CODE OF LAS VEGAS, NEVADA, 1960 EDITION, AND ADOPTED BY ORDINANCE No. 1724, BY AMENDING SECTION 14, SUBSECTION F OF SAID SUPPLEMENTAL DOCUMENT RELATING TO MOBILE HOME INSPECTION PERMIT FEES AND FOR REIMBURSEMENT OF INSPECTION FEES TO THE STATE OF NEVADA FIRE MARSHAL AND ADDING A NEW SUBSECTION H UNDER SECTION 14 OF THAT SUPPLEMENTAL DOCUMENT RELATING TO REGULATIONS FOR ISSUANCE OF BUILDING PERMITS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the Deputy City Attorney, who recommended that it be referred to a Recommending Committee and that the Clerk be authorized to proceed with the first publication, by Title, of said Bill No. 76-14. (1st reading)

Mayor Briare: This will be referred to a Recommending Committee consisting of Commissioner Christensen and Commissioner Woolfer.

BILLS Nos. 76-15
and 76-16

BILL No. 76-15 - Re UNLAWFUL SALES PRACTICES OF HEALTH CLUBS,
SPAS AND WEIGHT REDUCTION SALONS AND CLUBS

BILL NO. 76-16 - Re LICENSING, INVESTIGATORY FUNCTIONS AND BONDING
OF MEMBERSHIP CLUBS.

Committee: (Bills Nos. 76-15/16) Commissioner Leavitt and
Mayor Briare

Mayor Briare: Commissioner Christensen, do you have a report on these Bills?

Commissioner Leavitt: I would like to hold these, Mayor, for further study.

Mayor Briare: Here is what we'll do on these Ordinances, if it meets with the approval of the Commission: Bill No. 76-14, which was just referred to a Recommending Committee will so state on the next agenda. All the other items will be removed from the agenda until such time as the Chairman of the Study Committee requests they be placed on the agenda.

Mayor Briare: Is there anything further to come before the Board?

PARKING - MEMBERS
OF FEDERAL GRAND
JURY

Commissioner Leavitt: Yes, Your Honor, I have received a petition - I'm sure all the members of the City Commission received the same petition from the Federal Grand Jury Members. They were impaneled in June of 1975 and they have requested have courtesy extended to them in regards to their parking while serving on jury duty.

The jury duty amounts to approximately one day per week and is there any way that the City Manager may give them a sticker, or something, so they would be able to park?

Mr. Trelease: The Department of License & Revenue has been assigned to this - the problem has not been worked out yet.

Commissioner Leavitt: They can't give us the names because it is the Federal Grand Jury, but if we could get them a sticker, or whatever has to be done, so that those people can at least park while they're on jury duty. I do think that's a legitimate request and should be honored.

Mayor Briare: I support your request, Commission, but I'm also going to say that it would be easier to find out who the members of the Grand Jury are by the absence of Parking Permits, because everybody in the City, practically, has a Parking Permit and right now while there's no reason to make a big issue of it, prior to the reissuance of those Exempt Stickers, or whatever they're called, I would like to go on record right now that the City Manager be instructed that prior to the reissuance of those - I realize they have already been issued for this year so nobody is hurting and cause a fuss - but prior to their being reissued next year, that, first of all, it be brought before this Board for a restudy of the whole obsolete system.

EXEMPT PARKING
STICKERS
(continued)

Mayor Briare: We are going to go over some of these old Ordinances - some of them were created back in 1906 -

Commissioner Lurie: We have about 80% too many exempt parking stickets issued. If we have an Ordinance, Your Honor, how did it get so far out of hand and some of these stickers given out without the approval of this Commission?

Mr. Trelease: The Ordinance says that the City Manager shall issue to all the members of the working Press and other officials in Clark County -

Commissioner Lurie: Alright, would you give us a list of all those who don't fit into those catagories that do have stickers? Make that information available to the Commission?

Mayor Briare: We're going to review all of that. Before we get to the citizens who would like to address the Commission, which we are going to do in just a moment, there's a need and I'm sure they're going to be looking for some help from the Commission on this: We saw it tonight and it seems like it is getting more difficult as the days go on. There's a suggestion here by Don Saylor relative to a member of the Board of Zoning Adjustment sitting on the Planning Commission. There is also perhaps, some merit to the suggestion, or possibility, of having a representative of this Board sitting on those Commissions, or in some way try to make it easier for the citizens who come here to proceed orderly through a public hearing. There has to be some suggestions as to how we can do it on a little more streamlined basis, so that these people won't be sitting around for all these hours and hours, as they do.

We have discussed this before - there were some suggestions about getting a time clock - cards to hold up and things of that nature, but they don't seem to be working. It might be that someone in the Planning Department should make an announcement at the Board of Zoning Adjustment when this comes before the City Commission - these are the things you should do from now until you get before the City Commission, so these folks can select a spokesman. This evening wasn't bad, but we've had some that have been very, very time consuming and really nothing is accomplished except that we make people get on edge and emotional about things when they shouldn't.

Commissioner Lurie: Which one of those Boards is established by statute?

Mr. Saylor: The BZA is Charter - the Planning Commission is under the Statutes.

Commissioner Lurie: So, actually, you don't need a BZA Board? If the Commission wanted to hear all of the presentations?

Mr. Saylor: That's right - you do not need to have a Board of Zoning Adjustment. You may elect to do so, which you have done.

Commissioner Lurie: How long as the Board of Zoning Adjustment been in existence?

Mr. Saylor: Eighteen years, probably.

Commissioner Lurie: We might not need a BZA Board - maybe we can hear these matters -

Mayor Briare: We might as well because we're getting them all -

Commissioner Christensen: No, you're not -

Mr. Saylor: You are actually getting only a very small amount of them.

Mayor Briare: Mr. Saylor, do you have anything else?

Mr. Saylor: Did you ratify the appointment of Tom Miller?

BOARD OF ZONING
ADJUSTMENT
Discussion

BOARD OF ZONING
ADJUSTMENT
(continued)

Tom Miller
Appointed
to BZA

Mayor Briare: Does the Commission wish to act on this now?

Commissioner Leavitt: I move that Mr. Tom Miller be named to sit on the Board of Zoning Adjustment as the liaison member from the Planning Commission to the Board of Zoning Adjustment.

Mayor Briare: Are there any objections to that?

(No response)

Mayor Briare: There being no objections, I will ask the concurrence of this Board of this appointment, which I now make. Those in favor of concurring, please cast their votes.

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

TRAFFIC &
PARKING ITEM

Mr. Hampton: Your Honor, we have a gentleman in the audience by the name of Henry Anderson who came tonight to speak on Item No. 3 under the Traffic & Parking Items. He had a little mix-up as to the start of the meeting - he thought it was to be at the normal time, and was informed that at the end of the meeting under CITIZENS PARTICIPATION he would have the right to appear.

Before he does speak, I would like to pass out a map that shows his problem. This shows THE PLACE, which is the name of his establishment. He is requesting an 86 ft. curb cut. This is in the Vegas Heights area and involves the construction project that is currently in progress. We are about ready to pour curb there.

This is contrary to our Code where we have a maximum allowance for a driveway width. The section you see at the bottom is what we would recommend in lieu of the entire area being cut down with a curb cut. This was endorsed by the Traffic & Parking Commission - to deny his request.

Commissioner Christensen: The standard curb cut is 32 ft.?

Mr. Hampton: 24 ft. I'm sorry - 32 ft. is the maximum.

Mayor Briare: Why do you feel you need such a large curb cut, Mr. Anderson?

Mr. Anderson: Because of the way that it's set up. I can only get cars straight across. There's no way I can get them in any other way. The parking that has always been there is the way it is drawn up - you know - straight across. They park straight into the building.

Mr. Hampton: Well, there hasn't been any curb there previously. This will be the first time curb has been installed. They have been just pulling in, as he indicates - more or less 90-degree parking in that whole area.

Commissioner Lurie: Your problem is that you would lose parking space?

Mr. Anderson: Yes, I would lose my parking - the way they want to put it I will lose at least four because nobody wants to pull in there the way they've got it set up. If they pull up in there other way, they will back off and drop off the curb and everything -

Mayor Briare: The danger of this thing is that you would then invite people to back out into oncoming traffic.

Mr. Hampton: That's right -

Commissioner Christensen: And also eliminate any street parking, is that right?

Mr. Hampton: Also eliminate any street parking. There would be provisions there - I would question the loss of 4 spaces because there would be street parking allowed - at least one spot in the middle there -

TRAFFIC &
PARKING ITEM
(continued)

Commissioner Lurie: Have they poured that concrete already?

Mr. Hampton: No. We're waiting for the final action of this Body before the concrete is poured.

Mayor Briare: Is this your drawing?

Mr. Hampton: Yes - that is our drawing.

Mayor Briare: Is there some way we can help him out? Can we design the thing? He might lose a couple of spots, but can he go to angle parking, or something?

Mr. Hampton: Yes, angle parking is what we would recommend.

Mayor Briare: He might lose a couple . . .

Mr. Hampton: No more than a couple, I would say.

Mayor Briare: Would you agree with that Mr. Anderson?

Mr. Anderson: It would be a little rough for me - like with the customers -

Mayor Briare: If you had angle parking and you painted stripes there, you'd lose a couple of places but at least you wouldn't have that problem -

Mr. Anderson: It's only 37 ft. from the curb to the building and it's kind of hard to get it on an angle with only 37 ft.

Commissioner Christensen: You could pick those up on the street -

Mr. Hampton: We would be happy to work with this gentleman and try to lay out the most economical way -

Mr. Anderson: If I could get a driveway, it would be better.

Mayor Briare: Mr. Anderson, why don't you take this to our Engineering Department tomorrow or the next day and, Mr. Hampton, would you help Mr. Anderson to lay out something - how he could paint stripes there and help himself out?

Commissioner Christensen: He is asking for 85 ft. of curb cut?

Mr. Hampton: Right -

Mr. Anderson: That way, it would be the same as it's always been -

Mayor Briare: Mr. Anderson, there are some very legitimate reasons why the Traffic & Parking Commission denied this, which pertain to safety. They are not trying to hassle you. In fact, that's why I've made the suggestion that the Director of Public Works might be able to give you a hand as to how this could be laid out. You might end up with the same amount of parking, or lose one, as opposed to doing it in an unsafe manner. I think that's the best you could hope for.

Mr. Anderson: OK - Thanks, Mayor.

Mayor Briare: Is there anyone else present who wishes to address this Board?

Ida Pinckney: I had a call from Mr. Woofter's office that there was going to be a Resolution to name a Mini Park in honor of my father. He said it would be tonight - I don't know if I'm too late or not.

Commissioner Woofter: It was submitted and then taken off because of a situation which I think Mrs Pinckney is aware of.

Mrs. Pickney: That was my brother - he was supposed to have gotten it settled - and you called me on the phone and told me it would be tonight.

Commissioner Woofter: Right - if I remember correctly there was a second call made to advise you of certain problems in that regard.

Mayor Briare: Is your brother Jimmie Snowden?

Answer: Yes -

Mayor Briare: He wanted to be here at the time when it was going to be finally acted upon.

Mrs. Pinckney: The last information I got from Mr. Woofter was at the office and he said he would notify me -

Mayor Briare: You knew there had been a problem on this? If I'm not mistaken, Jimmie wanted to be notified when, if anything was going to be done. Why don't we try to get word to him . . . let's try to resolve this so that a letter can be sent Jim and also to you. Do you live here?

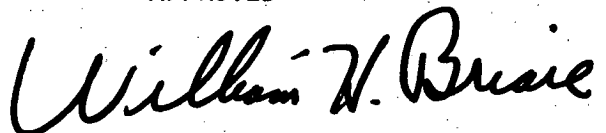
Answer: Yes -

Mayor Briare: What is your mailing address?

Mrs. Ida Snowden Pinckney: 2205 Fair Street, 89106.

There being no further business to come before the Board, at the hour of 9:40 p.m., Mayor Briare RECESSED this regular meeting of the Board of City Commissioners to March 23, 1976 at the hour of 9:00 A.M.

APPROVED



WILLIAM H. BRIARE, MAYOR

ATTEST:



EDWINA M. COLE, CMC
CITY CLERK

Approved by reference at a regular meeting of the Board of City Commissioners held on the 5th Day of May 1976.