

M I N U T E S

Las Vegas, Nevada
April 7, 1976

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 7th day of April, 1976, was called to order by His Honor, Mayor William H. Briare, at the hour of 9:00 A.M., with the following members present:

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

STAFF PRESENT

City Manager	William E. Adams
City Attorney	Carl E. Lovell, Jr.
Director, Dept. of Community Dev.	Donald J. Saylor
Director of Finance	Marvin A. Leavitt
Fire Chief	J. D. Miller
Director of Lic. & Rev.	Ila M. Britt
SID, Metropolitan Police	Stu Brown
Director of Personnel	J. Robt McPherson
Director, Contracts & Purchasing	J. C. Cathcart
Director, Dept. of Public Works	Laurence Hampton
City Clerk	Edwina M. Cole

INVOCATION

The Invocation was given by Rev. J. Kenneth Edwins, Pastor, Reformation Lutheran Church, LCA:

"Let us Pray. Oh, God of Righteousness, lead us, we Pray Thee, in the ways of Peace and Justice and inspire us to break down all depression and wrong, and to gain for every man his due reward, and for every man his due service, that each may live for all and all may care for each other. We Pray Thee, Oh, God, that our Land may be full of store and there be no complaining in our streets and give to all that labor in whatever honorable endeavor, pride in their work, and deep sense of pride in service and an increasing joy, both in supplying need and serving Thee. Grant Wisdom and Guidance to the Mayor and to the City Commissioners for all they seek to do that it may rebound to Thy Eternal Honor and Glory. Amen."

PLEDGE OF
ALLEGIANCE

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

OFFICIAL
ANNOUNCEMENT -
WILLIAM E. ADAMS,
CITY MANAGER

Mayor Briare: First on our agenda this morning is welcome a new City Manager, Mr. Bill Adams. It has certainly been well spread out in the news media that he is the new City Manager and the first item we will take care of today is the official designation at our regular meeting of Mr. William E. Adams as City Manager. Mr. Adams will then have a recommendation for us as to an Assistant City Manager and an Administrative Aide. What is the pleasure of the Board?

M o t i o n

Commissioner Lurie: I move for approval.

Mayor Briare: At the salary stated and the effective date. Are there any comments?

(No response)

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

Mayor Briare: Mr. Adams is now officially the City Manager.

ASST. CITY MANAGER
and
ADMINISTRATIVE AIDE
Approved

William E. Adams, City Manager: Thank you very much Mr. Mayor and Commissioners. I would like at this time then to recommend as the Assistant City Manager, Mr. Richard W. Bunker and as my Administrative Aide, Miss Ruby Eaves, in the Class Schedules as noted.

M o t i o n

Commissioner Lurie: I move for approval as recommended.

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

Mr. Adams: Thank you very much.

PURCHASING & CONTRACTS

J. C. CATHCART, DIRECTOR

See Page 4 of these Minutes (Annotated Agenda)

DEPARTMENT OF FINANCE

MARVIN A. LEAVITT, DIRECTOR

See Page 5 of these Minutes (Annotated Agenda)

FINAL
BUDGET
1976/77

Mayor Briare: Relative to the next item, Mr. Leavitt, the final date this Board can take action is Friday, April 9th - is that correct?

Marvin Leavitt: That's correct.

Mayor Briare: Do you have anything of a positive nature to recommend to us at this time?

Marvin Leavitt: Yes, I have some items that reflect changes between the Tentative Budget and what we propose for the Final Budget. Let me review those quickly with you:

The first thing, we have received no estimate from the State Department of Taxation, which reduced the Cigarette Tax by \$481,000.00. We propose in the Final Budget we would include Utility Franchise Taxes. That was not included in the Tentative Budget.

We are proposing to remove Revenue Sharing from the General Fund to be used for Operating Expenses and have it used only for Capital. We have included the Senior Citizen Center in the Budget for the amount of \$75,000.00 for the operation of the Center.

We have eliminated a \$235,000.00 transfer from the General Fund to the Capital Project Fund. We have reduced Services and Supplies in all departments, some as much as 10%. We have reduced the General Fund by 27 positions over the Tentative, as well as 7 in other Funds.

We have gone through and changed the revenue estimates in a number of categories to reflect the most current information. You might note that the revenue estimates that we had in the Tentative Budget were, in general, too high and we have reduced those slightly based on the current information that we know.

Based on that information, that would give us an Opening Fund Balance this Budget year of \$911,000.00; total Revenues, including that, of \$32,901,575.00; total Expenditures of \$32,901,575

ITEM	COMMISSION ACTION	DEPARTMENT ACTION
<p>I. <u>PURCHASING AND CONTRACTS DIVISION</u> <u>J. C. CATHCART, DIRECTOR</u> * <u>CONSENT AGENDA</u> All matters listed under Items A and B are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.</p>		
<p>*A. <u>AWARD OF BIDS</u></p> <ol style="list-style-type: none"> 1. Bid #76.14 - One (1) Each Enclosed Step Van Boom Truck (Public Works) 2. Bid #76.16 - Aluminum Sign Blanks - Various Sizes (Public Works) 3. Bid #76.17 - Replacement Traffic Signal Lamps (Public Works) 4. Bid #76.19 - Sewer Diversion, Rancho Drive to Vegas Drive, Via Washington Avenue and Robin Street - ALTERNATE BID ONLY (Public Works) 5. Bid #76.20 - Laboratory Equipment and Furniture - Wastewater Treatment Plant (Public Works) 6. Bid #76.23 - Three (3) Refrigerated Composite Wastewater Samplers - Wastewater Treatment Plant (Public Works) 7. Bid #76.24 - Laboratory Equipment - Wastewater Treatment Plant (Public Works) 	<p>Items 1 thru 7 Approved as recommended Lurie - unanimous</p>	<p>Director of Purchasing & Contracts authorized to proceed</p>
<p>*B. <u>PERMISSION TO RECEIVE BIDS</u></p> <ol style="list-style-type: none"> 1. Fencing Materials for Various Ball Fields (Public Works) 2. Digital Delay and Coordination System Analyzer (Public Works) 3. Three (3) Each 3/4 Ton Pickups (Park Dept.) 4. Janitorial Services - C.E.T.A. Facilities - 940 West Owens (Manpower) 5. Two (2) Each Four-Channel Hanki-Talki Radios (Fire Dept.) 6. Annual Requirements (Various) 	<p>Items 1 thru 6 Approved as recommended Lurie - unanimous</p>	<p>Same as above</p>
<p><u>ADDITIONAL ITEM (See Page 30 - Item D-1)</u> <u>Landscaping of new Sr. Citizens Center</u></p>	<p>Approved Lurie - unanimous</p>	<p>Same as above</p>

ITEM	Commission Action	Department Action
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II. FINANCE DEPARTMENT

MARVIN A. LEAVITT, DIRECTOR OF FINANCE

A. SERVICE AND MATERIAL WARRANTS

Nos. C1059, B111594, B111692, B111872, C943835, C1062, C112186, C112192 to C112238, C112240, C112245, C112247 to C112248, C112249 to C112264, C112267, C112269, D112273 to D112289, C112292 to C112562, inclusive.

In the amount of \$ 3,684,281.81

B. PAYROLL WARRANTS

Nos. 52398 to 53539, inclusive

For Pay Period Ending March 6, 1976

In the amount of \$ 348,487.78

C. PAYROLL WARRANTS

Nos. 53541 to 54705, inclusive

For Pay Period Ending March 20, 1976

In the amount of \$ 349,710.83

D. CITY OF LAS VEGAS FINAL BUDGET 1976-77

Items A, B and C
 Approved as
 submitted
 Lurie - unanimous

Director of Finance
 authorized
 to proceed

Action recessed to
 time and date as
 called by
 Mayor Briare

4/8/76 Agenda

including an Ending Fund Balance of \$250,000.00, which is not what we would like to have but based on the conditions under which we are operating, is perhaps the best we can do.

Commissioner Lurie: By Law, we have to show an Ending Balance of 4% of our total Budget?

Marvin Leavitt: The regulation says that you cannot have less than a 4% Ending Balance without explanation. The provision of the regulation provides that you can avoid that. We had a \$63,000.00 Ending Balance on the Tentative Budget.

Commissioner Leavitt: Could I have copies of those figures?

Marvin Leavitt: Yes - I have a copy right here. We worked up all the details but have not yet had the time to put them on the final forms.

Commissioner Leavitt: Does this Tentative Budget include anything for the remodeling of the City Jail?

Marvin Leavitt: The Tentative Budget does not. The Final Budget in the form it is in right now, shows that the Revenue Sharing money is going to be spent for Capital Projects, without specifically identifying any one of those Capital Projects. We can go into the Final Budget in that status with an indication it is all going to be spent for Capital Projects without specific identification, or if the Commission wishes, of course, we can identify those at the time we send in the Final Budget. We can do it either way - however you wish.

Mayor Briare: I have just asked our City Attorney as to the firmness of an action by this Board at a previous date to allocate Revenue Sharing monies toward a specific project. Whether, indeed, that did commit, for that purpose, to the exclusion of all other purposes. Because the meeting was progressing I didn't have a chance to get the Attorney's response to that. Commissioner Leavitt, are you suggesting that we perhaps take this under advisement?

Commissioner Leavitt: This is the first time I've seen this - it's the first time I've had these figures before me -

Mayor Briare: If there is no objection, we will hold this off until a later time, no later, of course, than Friday and maybe even this afternoon. In the event we should get into it this afternoon, we will request that you meet with us.

Commissioner Lurie: Mayor, I just have one comment concerning the increase in Revenues, and I would like to direct that to the City Manager - to make sure that the money due the City is collected, and this has to do with Parking Tickets, License Fees, and not get behind. Also, I would like to see a decrease in Expenditures through your office in clamping down on any unnecessary expenditures of the taxpayers' money.

I think attention should also be directed - and this Board has discussed it before - to the Entertainment Tax that goes to the State. I would like to see this Board pass some sort of Resolution requesting consideration from the State to receive some of this money back down into Clark County so that we don't have to look to other sources or increase any taxes. There is \$11,000,000.00 collected State-wide in Entertainment Tax and over \$9,000,000.00, or 85%, is collected right here in Clark County. We don't receive any of that revenue back and I feel we should receive some of this revenue back so that we can plan our Budget to meet the needs of some of the different agencies that request aid dollars, and also pump some more money into the Metropolitan Police and also our Transportation goals that we have over the next few years. I think this Tax is basically discriminatory and should be returned to Clark County, and I believe that members of this Board should endorse this, and this is what we should be asking the Legislature to do at the next Session.

Mayor Briare: Any other comments?

Commissioner Leavitt: I would like to make an inquiry: I assume the freeze on hiring that we previously imposed, is still in effect?

City Manager, William E. Adams: Yes Sir.

DEPARTMENT OF LICENSE & REVENUE

ILA M. BRITT, DIRECTOR

See Pages 8 thru 18 of these Minutes (Annotated Agenda)

FAMILY CHILD
CARE HOMES
Approved

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

- | | | | |
|----|--|---------------------------------------|----------------|
| 1. | *CAROLYN GRINDLE
2316 Berkley Ave.
*5 Protests | Four (4) children
Two (2) children | days
nights |
| 2. | LOLA MOTT
5608 Bartlett Ave. | Five (5) children | days |

Commissioner Lurie: Are there any protestors here?

Mayor Briare: On the application of Carolyn Grindle, is there anyone present who wishes to speak in opposition to this application?

(No response)

Mayor Briare: What was the nature of the objections?

Mrs. Britt: The objection was that there are too many children in the neighborhood already.

Mayor Briare: What is the maximum number of children that can be care for under this type of application?

Mrs. Britt: Six (6). Also the Ordinance requires that the children be kept either in the house or in a fenced yard. They cannot run loose in the neighborhood.

M o t i o n

Commissioner Lurie: I move for approval on Items 1 and 2.

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

RETAIL TOBACCO -
NEW

5. GARY R. WILKIN
Bongers Head Supply
602 S. Maryland Parkway

Mayor Briare: We may have moved hastily on this item.

Mrs. Britt: This is discretionary with the Board on Retail Tobacco Licenses -

Mayor Briare: Is Gary Wilkin present?

(No response)

ITEM Commission Action Department Action

IV. DEPARTMENT OF LICENSE & REVENUE

ILA M. BRITT, DIRECTOR

*CONSENT AGENDA

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

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

1. PLANNED PARENTHOOD OF SOUTHERN NEVADA -- mail solicitations
2. NEVADA SCHOOL TRANSPORTATION ASSOCIATION -- car washes; candy sales; rummage sale; raffle tickets
3. AMERICAN LEGION POST #8, WOMEN'S AUXILIARY -- a rummage sale; poppy sales
4. DELL H. ROBISON JR. HIGH, SPANISH CLUB -- sale of candy bars
5. AMERICAN CANCER SOCIETY -- house to house drive; celebrity night; special gifts; tickets for a trail ride; memorial program; golf tournament
6. LAS VEGAS YMCA -- a Portuguese auction
7. J. T. McWILLIAMS P.T.A. -- a school carnival
8. NEVADA SAFETY COUNCIL -- the annual "Dollar to Save a Life" campaign
9. FRATERNAL ORDER OF EAGLES, AERIE #1213 -- raffle tickets in conjunction with a Fiesta
10. LAS VEGAS ALUMNAE CHAPTER, DELTA SIGMA THETA, INC -- tickets to a Social Action luncheon
11. CLARK COUNTY COMMITTEE FOR THE AGING, INC. -- tickets for the "Take a Senior to Lunch"

Items 1 thru 22
 Approved
 as recommended
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized
 to issue

ITEM	Commission Action	Department Action
<u>IV. DEPARTMENT OF LICENSE & REVENUE</u> (cont'd)		
<u>*A. CHARITABLE SOLICITATIONS PERMITS</u> (cont'd)	See Page 4	See Page 4
12. KIDNEY FOUNDATION OF NEVADA -- raffle tickets; tickets to a luncheon and fashion show 13. HYDE PARK JR. HIGH, FOODS CLUB -- a car wash 14. CAVENDISH BRIDGE CLUB, INC -- charity duplicate bridge tournaments 15. NEVADA NURSES ASSN, CONSTI- TUENCY III -- raffle tickets; participation in Westland Mall Garage Sale 16. VETERANS OF FOREIGN WARS, POST #9774 -- tickets to a dance 17. WOMEN'S AMERICAN O.R.T. -- a "bank day" 18. EPSILON SIGMA ALPHA SORORITY, ALPHA IOTA #3379 CHAPTER -- the annual "Mile of Pennies" solicitation 19. WOMEN FOR MINOR HOCKEY -- raffle tickets 20. NEVADA CITIZENS FOR THE RETURN OF AMERICAN MISSING -- raffle tickets 21. BETA SIGMA PHI SORORITY, XI BETA CHAPTER -- tickets to the movie "Jack and the Beanstalk" 22. JUNIOR LEAGUE OF LAS VEGAS, INC -- advertising in a monthly newsletter		
<u>Westland Mall Garage Sale -</u> <u>April 3, 1976</u>	Items 1 thru 27 Approved as recommended Lurie - unanimous	Director of Lic. & Rev. authorized to issue
1. AMERICAN ASSOCIATION OF MEDICAL ASSISTANTS 2. JOB'S DAUGHTERS, BETHEL #3 3. DOLPHIN MARINERS 4. BETA SIGMA PHI SORORITY, ALPHA OMEGA CHAPTER 5. ALTRUSA CLUB OF LAS VEGAS 6. CHURCH OF GOD, LADIES AUX. 7. CATHOLIC DAUGHTERS OF AMERICA	Page 9 Minutes Regular Meeting City Commission April 7, 1976	

ITEM

Commission Action

Department Action

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

*A. CHARITABLE SOLICITATIONS PERMITS
 (cont'd)

See Page 5

See Page 5

Westland Mall Garage Sale (cont'd)

8. GIRL SCOUT TROOP #17
9. CLARK COUNTY EXTENSION
 HOMEMAKERS COUNCIL
10. LAS VEGAS JR. RIFLE CLUB
11. AMERICAN FIELD SERVICE, LAS
 VEGAS CHAPTER
12. BETA SIGMA PHI SORORITY, XI
 ALPHA DELTA CHAPTER
13. METROPOLITAN POLICE WIVES
 ASSOCIATION
14. SOUTHERN NEVADA OSTOMY ASSN.
15. AMERICAN ASSOCIATION OF
 RETIRED PERSONS
16. EPSILON SIGMA ALPHA SORORITY,
 ALPHA IOTA CHAPTER #3379
17. TRINITY UNITED METHODIST
 CHURCH
18. RAINBOW GIRLS, MOTHERS CLUB
19. RAINBOW GIRLS, NELLIS #25
 ASSEMBLY
20. 10-8 CB RADIO CLUB
21. LAS VEGAS GRANDMOTHERS CLUB
 #798
22. FIRST UNITED METHODIST
 CHURCH, DUET'S CLASS
23. BOY SCOUT TROOP #205
24. LAS VEGAS PRONAOS, A.M.O.R.C.
25. RAINBOW GIRLS, DAYLITE
 ASSEMBLY #22
26. NEVADA CATHOLIC WELFARE
 BUREAU, INC
27. THE SALVATION ARMY

ITEM

Commission Action

Department Action

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

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

Family Child Care Homes

1. *CAROLYN GRINDLE
 2316 Berkley Avenue

*5-protests

Four (4) children days
 Two (2) children nights

2. LOLA MOTT
 5608 Bartlett Avenue

Five (5) children days

Items 1 and 2
 Approved
 as recommended
 Lurie - unanimous

Child Welfare Officer
 authorized
 to proceed

See Page 7 of
 these Minutes

*C. GAMING -- Additional

1. GNO, INC.

Golden Nugget, Inc
 129 East Fremont Street
 1 crap game

2. ELSINORE CORPORATION

Four Queens Hotel/Casino
 202 East Fremont Street
 17 slots

3. BALLY DISTRIBUTING CO.

Foxy's Firehouse Casino
 2423 Las Vegas Blvd South
 10 slots

Fremont Hotel/Casino
 200 East Fremont Street
 8 slots

Lotus Inn Casino
 1213 Las Vegas Blvd South
 2 slots

4. J. J. PARKER CO.

Dino's Lounge
 1516 Las Vegas Blvd South
 1 slot

Items 1 thru 5
 Approved
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized to
 proceed

ITEM	Commission Action	Department Action
<u>IV. DEPARTMENT OF LICENSE & REVENUE</u> (cont'd)		
*C. <u>GAMING -- Additional</u> (cont'd)	See Page 7	See Page 7
5. UNITED COIN MACHINE CO Bernie's Place 2327 South Eastern 1 slot Fremont Hotel/Casino 200 East Fremont Street 2 slots		
*D. <u>RETAIL TOBACCO -- Additional</u>	Items 1 thru 4 Approved Lurie - unanimous	Director of Lic. & Rev. authorized to proceed
1. LAS VEGAS VENDING CO., INC Crown Inn Motel/Apartments 229 North 7th Street		
2. NEVADA COIN MACHINE CO. Tod Motel 1508 Las Vegas Blvd South		
3. S. SMITH VENDING South Decatur Shell 1625 South Decatur Blvd		
4. W W VENDING CO City Center Motel 700 East Fremont Street Hick's Bar-B-Que 235 North Eastern #106 Orbit Inn Motel 707 East Fremont Street		
E. <u>LIQUOR -- New</u>	Approved W - unanimous	Director of Lic. & Rev. authorized to issue
1. SUNRISE JIFFY MARKET 631 North "H" Street Beverage Off-Sale Lonie B. Chaney, 50% Vernon L. Williams, 50%		

ITEM	Commission Action	Department Action
<p><u>IV. DEPARTMENT OF LICENSE & REVENUE</u> (cont'd)</p>		
<p>E. <u>LIQUOR -- New</u> (cont'd)</p> <p>2. *COHEN & KELLY'S LTD. 300 South 4th Street Tavern</p> <p>Kyle Corporation - Christ Nick Karamanos, Pres/ Treas - 48.5% Harold Lee Feikes, V.P. - 48.5% Keith Michael Leavitt, Secy - 3.0%</p> <p>*Subject to final police investigation. Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations.</p>	<p>Approved subject to conditions Lurie - unanimous Commissioner Leavitt Abstained</p>	<p>Director of Lic. & Rev. authorized to proceed</p>
<p>F. <u>LIQUOR & RETAIL TOBACCO -- Change of Corporate Officers</u></p> <p>1. VEGAS VILLAGE SHOPPING CORP. 1501 Las Vegas Blvd North Beverage Off-Sale Package Liquor Ltd.</p> <p>VEGAS VILLAGE SHOPPING CORP 1717 South Decatur Blvd Beverage Off-Sale Package Liquor Ltd.</p> <p>From: Kenneth J. Sullivan, Jr. - Chmn of the Board/Director; Heber J. Tobler, Pres/Treas/ Dir; R. Lynn Bunker, VP/Secy/ Dir; James K. Seastrand, VP/ Asst Secy/Dir; Lee O. Jackson, VP/Dir; E. Parry Thomas, Dir; Morris Shenker, Director</p> <p>To: Morris Shenker, Chmn of the Board/Director; Heber J. Tobler, Pres/Treas; James K. Seastrand, VP/Asst Secy; R. Lynn Bunker, VP/Secy; Lee O. Jackson, VP</p>	<p>Approved Lurie - unanimous</p>	<p>Same as above</p>

ITEM Commission Action Department Action

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

G. LIQUOR & RETAIL TOBACCO --
Additional Corporate Officer

1. ALBERTSON'S #637
 1570 North Eastern
 Package Liquor Ltd.

ALBERTSON'S #639
 840 North Decatur Blvd
 Package Liquor Ltd.

Albertson's, Inc. -
 J. A. Albertson, Chmn of Bd
 Warren E. McCain, Pres
 Robert D. Bolinder, V Chm Bd/
 Chief Exec Ofcr
 et al

Additional Corp Officer:
 David L. Wolf, VP/Gen Counsel/
 Asst Secy

Approved
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

H. LIQUOR & RETAIL TOBACCO -- Change
of Business Name/Ownership

1. From:
 Sherm's Discount Liquors

To:
 *SKAGWAY'S DISCOUNT LIQUORS
 1006 East Charleston Blvd
 Package Liquor

From:
 Sherman H. Simmons, 100%

To:
 Jobern Enterprises, Inc. -
 Joseph Zwern, Pres - 100%
 Bernice S. Zwern, Secy-Treas
 Lori S. Zwern, V.P.

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

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

I. SPECIAL EVENT LIQUOR LICENSES

1. ST. ANNE'S PARENTS CLUB

Location:
 1813 Maryland Parkway

Date: May 16th, 1976
 Beer and Wine Only

Responsible Licensee:
 Sam C. Sina

2. V.F.W. WILLIAM H. NELLIS
 POST #9774

Location:
 Ryan's Hall
 Oakey/Maryland Parkway

Date: April 24th, 1976
 Liquor

Responsible Licensee:
 Florian S. Ratajczak

Items 1 and 2
 Approved
 as submitted
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized
 to issue

J. LIQUOR -- Request for Extension
 of Closure

1. PORT TACK
 9 West Charleston Blvd
 Tavern

Port Tack, Inc. -
 Robert Kostelecky, Pres/Treas
 etal

(Closed 2-8-76. Request for
 extension of inactive status:
 4-8-76 thru 6-6-76.)

Approved
 Lurie - unanimous

Director of
 Lic. & Rev.
 authorized
 to proceed

K. RETAIL TOBACCO -- Change of
 Ownership and Business Name

1. From:
 A & J Jiffy Market

To:
 SUNRISE JIFFY MARKET
 631 North "H" Street

From: Big-Al - At Last, Inc.
 Earl Lippe, Pres

To:
 Lonie B. Chaney, 50%
 Vernon L. Williams, 50%

Approved
 W - unanimous

Same as above

ITEM	Commission Action	Department Action
<p><u>IV. DEPARTMENT OF LICENSE & REVENUE</u> (cont'd)</p>		
<p>L. <u>RETAIL TOBACCO -- New</u></p>		
<p>1. COHEN & KELLY'S LTD. 300 South 4th Street</p> <p>Kyle Corp. - Christ Nick Karamanos, Pres/ Treas - 48.5% Harold Lee Feikes, V.P. - 48.5% Keith Michael Leavitt, Secy - 3.0%</p>	<p>Items 1 thru 4 Approved Lurie - unanimous</p> <p>Commissioner Leavitt Abstained on Item 1</p>	<p>Director of Lic. & Rev. authorized to issue</p>
<p>2. JEROME COHEN</p> <p>Bottle Collector's Liquor Shop 1328 Las Vegas Blvd South</p>		
<p>3. JOSEPH TATRO</p> <p>Joe's Union 76 444 South Highland</p>		
<p>4. JAMES H. MURDOCK</p> <p>Economy Service Station 4001 West Sahara Avenue</p> <p>Go-Lo Service Station 1468 East Charleston Blvd</p> <p>Go-Lo Service Station 1624 South Decatur Blvd</p>		
<p>5. GARY R. WILKIN</p> <p>Bongers Head Supply 602 South Maryland Parkway</p>	<p>Approved W - unanimous Commissioner Lurie temporarily absent</p>	<p>Same as above</p> <p><u>See Page 7 of these Minutes</u></p>
<p>M. <u>RETAIL TOBACCO VENDING -- Change of Ownership and Location</u></p>		
<p>1. SKY TOP VENDING</p> <p>From: 3961 L V Blvd South To: 1214 South 3rd St</p> <p>From: Nick Pandelis, Pres/Vp Cheryl Pandelis, Secy-Treas</p> <p>To: Nick Pandelis, Pres/VP Mary Pandelis, Secy Cheryl Pandelis, Treas</p>	<p>Approved Lurie - unanimous</p>	<p>Director of Lic. & Rev. authorized to proceed</p>

ITEM	Commission Action	Department Action
<p><u>IV. DEPARTMENT OF LICENSE & REVENUE</u> (cont'd)</p>		
<p>N. <u>FIRE ARMS PERMIT -- New</u></p> <p>1. VEGAS MATERIALS CO. 2665 South Highland</p> <p>Marllo Hirschi - Pres Bruce Wallis - Vice Pres Harold Earl - Secy</p>	<p>Approved Lurie - unanimous</p>	<p>Director of Lic. & Rev. authorized to issue</p>
<p>O. <u>PRIVATE DETECTIVE LICENSE -- Reinstatement</u></p> <p>1. H. E. PHILLIPS ADJUSTERS 233 South 4th St, Suite 200</p> <p>Harold E. Phillips</p>	<p>Denied Lurie Commissioner Woofter voted "no"</p>	<p>Director of Lic. & Rev. authorized to proceed</p>
<p>P. <u>PRIVATE DETECTIVE LICENSE -- Change of Location</u></p> <p>1. SUNSET DETECTIVES From: 306 North 9th #A To: 900 East Karen #201</p> <p>Clifford R. Eaves</p>	<p>Approved Lurie - unanimous</p>	<p>Same as above</p>
<p>Q. <u>SECONDHAND LICENSE -- New</u></p> <p>1. *NEVADA CYCLE PARTS 950 North "A" Street</p> <p>Frank C. Willey, Jr.</p> <p>*Subject to the provisions of the Building and Fire codes.</p>	<p>Approved subject to conditions Lurie - unanimous</p>	<p>Same as above</p>
<p>R. <u>M-7 BUSINESS LICENSE APPLICATIONS</u></p> <p>1. NEVADA OIL & GAS CORPORATION 1701 West Charleston Blvd</p> <p>Dave GeBron, Pres/Chmn of Bd Sharon GeBron, VP/Secy-Treas</p> <p>Office only - Distribution of stock by means of private placement -- oil wells.</p>	<p>Approved Lurie - unanimous</p>	<p>Same as above</p>

ITEM Commission Action Department Action

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

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

2. ALL STATE TOURS, INC.
 2550 South Rancho Road

 Robert A. Adams - Pres
 Donald J. Adams - V.P.
 Arthur D. Thomas - Secy-Treas
 Glen D. Krug - V.P.

Additional location. Sale of show tickets.

3. BATES & SPRINGER OF NEVADA, INC.
 1701 West Charleston, Suite 300

From:
 Irwin A. Light, Pres
 Fred R. Kassler, Sr. VP
 Jerome Apelby, VP
 Irving Rappaport, Secy-Treas

To:
 Irwin A. Light, Pres
 Shirley Staunton
 Irving Rappaport

Change of corporate officers only. Real Estate and property management.

Approved
 Lurie - unanimous

Director of Lic. & Rev. authorized to issue

Approved
 W - unanimous

Same as above

ADDITIONAL ITEMS:

1. SPECIAL EVENT LIQUOR LICENSE
 THEATRE ARTS SOCIETY, INC.
 Location: Reed Whipple Center
 Date: April 15, 1976 - Champagne
 Responsible Licensee:
 Andrew Tompkins

Approved
 Lurie - unanimous

Same as above

2. LIQUOR - RECLASSIFICATION
 STEAK CORRAL
 1100 L. V. Blvd., South
 From: Service Bar
 To: TAVERN

Approved
 Lurie - unanimous

Same as above

James L./Judith A. Samsel

(continued)

Mayor Briare: I would like to ask the Commission to rescind its action on Gary Wilkin and hold this item for further investigation. Would the Board concur with that?

Commissioner Christensen: I think Mr. Wilkin was here when it was voted on, but apparently he has now left the Chambers -

Mayor Briare: I am going to move then that Item 5 under "L" be reconsidered; that the action taken by this Commission be reconsidered and that this matter be held on the table until such time as an investigation can be completed. I am sorry if Mr. Wilkin left. That is unfortunate, depending on how you feel about the matter.

Are there any comments?

Commissioner Christensen: The only comment I have to make is that I think this might be a good idea, but I think it is only fair to get in touch with the applicant. I can't support a motion like that because we have already acted on it, and he's gone now. He is not here to answer any questions and it would automatically hold him up for a minimum of two more weeks, which seems a little unfair to me.

Mayor Briare: I agree that it is unfair, but under the circumstances that unfairness doesn't bother me in the least, and in order for him to sell cigarette papers - if he is going to be held up for two weeks because he can't sell cigarette papers, without having any tobacco to sell with them, I don't think there's any great harm done there but I do know this, once he gets the License, as we well know as members of this Board, it can be extremely difficult to do anything about it.

Any further comments?

Mayor Briare: The motion is to reconsider this Item 5 under "L", and hold it until such time as an investigation can be completed.

Commissioner Christensen: Is there any chance of notifying him that this is postponed to the end of the agenda to give him a chance to appear?

Commissioner Leavitt: I would have no objection to notifying him now, asking him to appear again this afternoon.

Commissioner Christensen: I would go along with that - to give him an opportunity to be heard.

Commissioner Leavitt: Then if he doesn't show up this afternoon we can reconsider it at that time.

M o t i o n

Mayor Briare: In that event, let me rephrase the motion. Instead of saying "until such time as an investigation can be completed" the action whereby this application was approved, is rescinded. At such time as a member of this Board wants to bring it up, it can be further considered as a new application, whether that be this afternoon, ten minutes from now or two weeks from now. Please cast your votes:

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

Mayor Briare: The motion has been approved. Mrs. Britt, would you please notify Gary R. Wilkin of Bongers Head Supply that the approval of his application has been rescinded.

Mrs. Britt: Yes Sir. At what time would you want him here this afternoon?

Commissioner Christensen: I think it's only fair to have him here when decisions are made and insofar as you request a Police

RETAIL TOBACCO -
NEW
(continued)

investigation, etc., so I would like to have him notified that if he wants to be here this afternoon, we can listen to his plea and he can listen to us as to whether or not we want to request a Police investigation. I think the problem here is that the man was approved and went home. It's kind of unfair to disapprove him and let him sit. This way, at least he knows it can still be handled today, the same as it would have been handled this morning. And I would like to make that request.

Mrs. Britt: We will contact him.

Mayor Briare: To your knowledge, was he here?

Mrs. Britt: I'm not sure whether he was or not, Your Honor.

PRIVATE DETECTIVE
LICENSE -
REINSTATEMENT
Denied

H. E. PHILLIPS ADJUSTERS
233 S. 4th Street, Suite 200

HAROLD E. PHILLIPS

M o t i o n

Commissioner Lurie: Mayor, based on the Police investigation and their recommendation, I move for denial of this reinstatement.

Commissioner Woofter: Before we vote on this, my understanding is that Mr. Phillips has straightened this out with Special Investigations. There seemed to be only one little issue involved here as to why there was this recommendation in the first place, with regard to some real property.

Mayor Briare: Is the applicant present?

(Mr. Phillips present)

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

Commissioner Woofter: Your Honor, I would just like to clarify that - it was my understanding there was only one main concern of Special Investigations and that was in regards who held title or . . .

SID Officer: The concern is who actually owns the business. All the money is coming from Mr. Dante DeLione, the business arrangements for the purchase of the property is through a second party, made by Mr. Dante DeLione, and we informed Mr. Phillips then, and Mr. Dante DeLione, that they should both apply if they are both going to be in business, and he's going to put up all the money and do all the negotiating. To all appearances, that's what the situation is.

Commissioner Lurie: Have you received the escrow papers and loan agreements from the applicant?

SID Officer: No, we have not.

Commissioner Lurie: Then the Report is not complete - it seems like Mr. Phillips and Mr. DeLione don't want to impart information to your department that has been requested -

SID Officer: This is the second time, Commissioner -

Commissioner Lurie: This is the second time this has come before us -

Mr. Phillips: What is the question on the property itself? The property itself - I'm not using it - it is not to be used for the business - it's an if come, and when, anyhow, but as far as the business is concerned, this is a service business as an investigative type of business - and the property itself - however, we did hope to have part of that property released by the City and eventually use it. But at this time we are using an office here and it is not a necessary part of my business - the piece of property that we are talking about.

This is strictly a service business I have maintained and I am

PRIVATE DETECTIVE
LICENSE
(continued)

Licensed with the State since 1960 and am approved by the Attorney General's office - Robert List - I have their approvals right here and it is all in effect through the investigation of the Attorney General and this License No. 9 is still good until June of 1976. I have maintained my License all this time after I left the Bank in 1960. I have a clear name. All I want to do is go to work.

Commissioner Woofter: Well, Mr. Phillips, there seems to be certain things that I understood had been taken care of insofar as what Special Investigations are requesting. Evidently, what they are requesting hasn't been taken care of. I'm just wondering if Commissioner Lurie would withdraw his motion so as to maybe pass the matter, Your Honor, for a couple of weeks and give you time to furnish this information -

Mr. Phillips: May I ask this question: Are we talking about the piece of property -

Commissioner Woofter: I think you can straighten this out with the Special Investigations Division - it is going to have to be done before I would even consider it.

Commissioner Lurie: This is the second time, Commissioner Woofter, that we've sent it back and it seems like each time it goes back to SID he gets a little more belligerent in his attitude -

Mr. Phillips: I can't understand why I'm not allowed to go to work. I have a clean name - I left the Bank in 1960 and have maintained my License - as an investigator it's just a service type of business that I want to handle. It doesn't require a lot of liquid cash - merchandise - or anything like that, Sir.

Commissioner Christensen: The question I had is not so much the real estate transactions - the cash - etc. - it seems to me - what worries me about this whole situation is that they never get a clear answer. It is very difficult for me to consider something for a Police-controlled License that can't give a clear answer to anything. One day it's this and the next day it's that - they check and find out it was something else - go back and are told - I meant something else. I don't see how you can operate with these kinds of answers. I'd have to support Commissioner Lurie's motion for the simple fact that we never did clear anything. Every time it goes back to Special Investigations, the answers change - we've been around the mulberry bush twice on this now -

Mr. Phillips: That piece of property - I put it through escrow and I probably shouldn't have even put it down. That probably would have been the simplest way, but it is in escrow to be in my name - but maybe I shouldn't have even put it down . . .

Commissioner Lurie: What percentage of the business does Mr. DeLione represent?

Mr. Phillips: There's no percentage of business - he is just a Licensed employee is all Dante DeLione is -

Commissioner Lurie: I have been informed that Mr. DeLione is going to be just more than an employee.

Mr. Phillips: No, he isn't, Sir.

Mayor Briare: Do you vouch for his trustworthiness and his reputation?

Mr. Phillips: Absolutely, Sir.

Mayor Briare: Notwithstanding the fact he was arrested for burglary and assault with a deadly weapon?

Mr. Phillips: Yes, without any qualifications.

Mayor Briare: Any further comments?

(No response)

PRIVATE DETECTIVE
LICENSE
(continued)

Mayor Briare: Commissioner Lurie, you were asked the question. Do you wish to respond to the question or do you wish to proceed.

Commissioner Lurie: I wish to proceed with my first motion to deny the application of Harold E. Phillips for a Private Detective License.

Mayor Briare: Any further comments?

(No response)

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

Mayor Briare: The application is denied.

M-7 BUSINESS
LICENSE
APPLICATION
Approved

1. NEVADA OIL & GAS CORPORATION
1701 W. Charleston Blvd.
Office only. Distribution
of stock by means of private
placement. Oil wells.

Dave GeBron, Pres/Chmn of Bd
Sharon GeBron, VP/Secy-Treas

Mayor Briare: Are the applicant present?

(Mr. GeBron present)

Mayor Briare: Is your business predicated upon a License from the Secretary of State?

Mr. GeBron: I have already gone to the Secretary of State . . .

Mrs. Britt: We have a letter from the Securities Commission stating that his operation does not require a State License. They have checked it out.

Mayor Briare: Any comments by the Commission?

(No response)

M o t i o n

Commissioner Lurie: I move for approval.

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

Mayor Briare: The application is approved.

PUBLIC
HEARINGS

9:30 A.M.

Mayor Briare: This is the time set for the Public Hearing that are going to be held this morning, and I hereby declare this meeting now to be open for said Public Hearings:

STATE OF
NEVADA -
PRE-RELEASE
CENTER
Discussion

CAPTAIN CLYDE SPRAGGINS, SUPERVISOR, SOUTHERN NEVADA PRE-RELEASE CENTER

Mayor Briare: Is Captain Spraggins present?

(Captain Spraggins present)

Mayor Briare: Thank you, Captain. I believe you have some comments that were solicited by this Board and Commissioner Woofter in particular. Would you like to present them to us at this time?

Capt. Spraggins: Yes, what would you like to know? My entire Program, or the proposals, or what are the problems?

Commissioner Woofter: I'd like a little briefing on it because it appears that a lot of members of this community do not know what the Program revolves around - the object, and on down the line.

Capt. Spraggins: Alright - the Nevada State Prison received a Grant in the amount of \$450,000.00 through LEAA Funds, for the operation of a Pre-release Center, to be located in the Las Vegas area.

The object of the Pre-release Center is that people from the Nevada State Prison, who are to receive parole dates to go out on parole, with 90 days, or less, to do - people who are mostly from the Las Vegas area and have families in Las Vegas and have job connections or something in Las Vegas, would come to this Center.

We operate it where a man can go out during the day time, or at night time, and work. We charge them \$5.00 a day to live at the Center. This includes room and board. Before the man is gainfully employed, he works this off inside the Center so he doesn't build himself up a debt. The object is that the man can establish a bank account - get on a paying basis - get his feet on the ground - get to know his parole officer - know who is going to work with and then we would hope that when he goes out and leaves the Prison, he won't return. That's the goal.

Commissioner Woofter: Captain, the location - why was this certain area picked as the location for this Pre-release Center, on Highland?

Capt. Spraggins: We wanted a location which was close enough to town, close enough to where the people would have to work. We wanted a location which was not in the middle of a residential area - in the middle of a housing area. It was a location that provided plenty of room for our needs. It has bus service. It was felt that the public, as such might not be upset about us living in this particular area. Also, Jackie Gaughn, the owner, let us have the building for the rent we could afford to pay out of the Grant.

Commissioner Woofter: Were there other locations considered as well as this buildin g?

Capt. Spraggins: Yes - all together I think there were seven (7).

Commissioner Woofter: This does, however, adjoin the residential area on the other side - on Highland?

Capt. Spraggins: I think the closest dwellings are a block away.

Commissioner: Was the attempt of the Program to put it on a "low key" basis? Why I ask that - you've stated over the phone that certain Law Enforcement Officials indeed were aware of the Program and the location. It concerns me as to just how far this knowledge extended since it was members of Law Enforcement that brought it to my particular attention, who were not informed - ones, I feel, who more or less should have direct knowledge so that a certain type of surveillance could be inducted in regards to the Program.

I just wanted to know what has happened in the past - since this was approved, and according to our Planning Director no action could actually be taken directly by the Commission to approve such a location, it seems like since that time you located there - I wasn't aware of such a Program.

Capt. Spraggins: We've had two or three large articles in the daily newspapers. We've had one Sunday feature article. I, personally, have been on TV on the news three different times.

Prior to the opening of this Center, there was a meeting here in Las Vegas with the representatives of Metro and of the Sheriff's office. We write letters every time a man is discharged from the Center on parole, at expiration of sentence - we write a letter to the Sheriff's department and let them know that the man is leaving the prison system - where he intends to locate - address - etc. I've made appearances at Metro here two or three weeks ago - I talked to the graveyard on-coming shift and explained the entire Program to them. Several times I've put out the word to Law Enforcement agencies in the area to stop by and have a cup of coffee and see what we're doing.

Commissioner Woofter: I would certainly encourage you to go back and see if they could make an attempt to filter the word down through the ranks because evidently that's the extent of the knowledge insofar as plain clothes men and uniformed personnel are concerned.

The last question I have, Captain: You don't have any control on, say, who you receive at this facility? In other words, you say these are individuals who already have a parole date. They have already been granted parole and are assigned to the local areas where they hope eventually to locate. But that I mean - do you look over the list of releasees and say - this looks like a good man that I think has a good chance to rehabilitate in the community. Or do you have that opportunity? Or do you just have to take point-blank whoever they send you from Carson City?

Capt. Spraggins: I personally screen and approve or deny everybody coming down. However, the Prison officials can over-ride my decisions if they feel it is necessary.

Commissioner Woofter: How is it that an individual - there's more than one individual - is considered a good risk when he has a rap sheet (I showed it to this Board at the time this was brought to my attention) that has to be at least a yard long? An individual like this, where do you think he has a chance?

Capt. Spraggins: Who are we talking about - Milton Telli?

Commissioner Woofter: We certainly are - Mr. Telli -

Capt. Spraggins: OK - he's going to go out anyway. Here's the thing - these people are going to go out of prison whether we help them or not -

Commissioner Woofter: I agree with you - like those individuals who stole a car and robbed a Bank in Arkansas - they're going to go out eventually, but I don't know about the situation as far as the security is concerned, whether we're giving them a little more

opportunity to resume where they left off. You've already advised that the security is very loose insofar as the facilities over there are concerned - they are able to come and go as they please -

Capt. Spraggins: Under our control . . .

Commissioner Woofter: Well - under control . . .

Capt. Spraggins: Of course, they can run off and steal cars - true. That happens all over the world - people escape.

Commissioner Woofter: The question is - these individuals have shown in the past that they are never going to be rehabilitated. Never! And yet they're part of this Program, the general principle being that we're going to get them down here on a Pre-release Program and get them adjusted so they can become good citizens again.

Capt. Spraggins: This type of Program has worked successfully in other States. This is the first time the State of Nevada has tried it. If we ran it like a jail and kept them locked up, we would lose the object of the whole Program. The Program is to let the man stand on his own two feet - to get a job - to keep working - to pay rent - to establish a bank account. Somewhere the decision is made to give the guy a chance, such as in Milton Telli's case. When I get the men at the Center I work with them - we use all the facilities - we do everything we can to get them placed. Milton Telli is out on parole now - he is employed at Torrey Pines Care Center. I think he's a yard maintenance man.

Commissioner Woofter: For how long?

Capt. Spraggins: Who can tell, Sir?

Commissioner Woofter: Well, I'm not pin-pointing certain problems in the system at your particular location - I think it goes back to the newspaper editorial last night - it reverts back to parole and the fact there should be a re-analysis of the whole system with respect to parole. Up there, there's a jury of his peers that give a sentence for life without possibility of parole and for some reason up there these individuals seem to think they have more knowledge up there than the jury that convicted them to life without parole, and changes to life with parole, and on down the line. I don't know . . . I agree with you - there certainly should be a Rehabilitation Program, but I don't know . . .

Capt. Spraggins: I think this is a good Program and the State needs it. Insofar as changing the system is concerned, I can't do that, Sir.

Commissioner Woofter: It remains to be seen because, as I say, the incident that has been brought to my attention by local Law Enforcement, they are not in agreement whatsoever, as regards the Program so far. And I would certainly, if there is any possibility, ask the Commission, along with Mr. Saylor, to re-analyze and re-evaluate as to whether this is a good location for such a Program to be going on - right smack close to a residential area - an area that is noted by Law Enforcement to be one of the heaviest narcotic-traffic areas in the community -

Capt. Spraggins: Where would you suggest that it be located, Sir?

Commissioner Woofter: Well, I think there should have been a lot more input into it, than went into it, because it is my understanding there wasn't that much input contributed from various organizations as to what a proper location is. I'm not going to sit up here and say - I'd like to put it up on West Charleston - or here - or there - or anywhere. I'd say that with my information there certainly was not that much input solicited to decide that that was a proper location. And there's certainly been a lot of negative reports insofar as that location is concerned since it has

been in operation, and I'd certainly like to have reconsideration.

I don't know what we can do since, as you say, it's State LEAA Funding, but in the control I'd at least like to see us have an interest. That's all I have to say.

Commissioner Lurie: I have one comment to make: I think we all agree that we need a Program to try to rehabilitate these people. I think the problem here is communication. I know I wasn't aware of this Program until I read it in the newspaper about the two individuals who took the car and went wherever they did and robbed a Bank, and then they were brought back. Then it was brought to my attention by Metro Officers who have made arrests and who have put some of these people in the Prison - now they are back here in Clark County without their knowledge.

I think somewhere along the line we have to have a better communications system with State and Local Officials. Let us know about these Programs so we may be able to have some input and help you to establish Program such as this.

Capt. Spraggins: Fine -

Commissioner Woofter: In regard to our Ordinance system, and I believe Mr. Saylor did advise me . . . maybe the best way to handle this is to request the City Attorney's office to draft an Ordinance in such a way that for a facility of this kind there is a need for a Use Permit. This might resolve the problem in the future.

Commissioner Leavitt: Capt. Spraggins, when you receive somebody, how much time is there between the time you receive him and the time he will be released anyway?

Capt. Spraggins: It varies between one week and three months. We can receive a man from the Parole Board, sent to Las Vegas upon an approved Program, which means that as soon as the man has a job - a place to live - he can go out, and this can sometimes be accomplished within a week.

Commissioner Leavitt: Do you have any at more than three months?

Capt. Spraggins: Yes. We have people who are under the direct control of the Parole Department and we have those for six months, or less.

Commissioner Leavitt: But nothing more than six months?

Capt. Spraggins: No Sir.

Commissioner Leavitt: In other words, if somebody is sent to you within six months they would be released anyway?

Capt. Spraggins: Yes Sir.

Commissioner Leavitt: There's nobody there for a longer period of time than that -

Capt. Spraggins: That's right.

Commissioner Leavitt: So, supposedly, the procedure is, and the idea being that since they have only six months left, they won't try to escape - is that the idea behind it?

Capt. Spraggins: No Sir - the idea is to -

Commissioner Leavitt: I know the prime idea is to help them make a place in society, but there's nothing more than six months so it would seem logical then - at least, to me - that if he had only six months left to go on his term, he certainly want to participate in the Program.

Capt. Spraggins: Yes - but some people will skip regardless of how much time - that is something we can't project.

Commissioner Leavitt: I know you've had one escape occur - I'm just curious - how much time was there between the time he was released and when he would have been released?

Capt. Spraggins: We had two men escape with the car that Commissioner Woofter was talking about - one man had three weeks to do before parole and one man had four weeks to do before expiration of sentence -

Commissioner Leavitt: And they both escaped even though they had less than a month left on their terms - is that right?

Capt. Spraggins: Yes Sir - one has now been apprehended in Ventura, California.

Mayor Briare: Capt. Spraggins, how long is the LEAA Grant?

Capt. Spraggins: Two years - then it is anticipated that the State will pick it up.

Mayor Briare: Mr. Saylor, do you recall - was there a length of time put on this Use Permit?

Mr. Saylor: It was allowed . . .

Mayor Briare: It wasn't brought before this Board - it doesn't require any?

Mr. Saylor: No -

Mayor Briare: It was brought here for information purposes only and whether this Board endorsed or objected to it was immaterial -

Mr. Saylor" That's right. I pursued that diligently through the City Attorney's office because I personally was opposed to it because I live in that block away he's talking about, but as a Planner, I didn't feel it was a proper location - but the City Attorney had to rule, evidently, that we had no prerogative in the matter.

Mayor Briare: I don't pretend to make any recommendation, Commissioners, one way or the other. It would appear there are none for us to make, but I imagine if it were to become an objectionable use for that building, a Resolution from this Board to the LEAA would certainly bear some weight when it comes time to renew the request for continuance of the Program.

I don't know what action, if any, we could take, but we appreciate, Captain, your coming here and explaining in detail and answering questions.

Commissioner Christensen: What is the status of Commissioner Woofter's request for an Ordinance? Did you make that a request, Commissioner Woofter?

Commissioner Woofter: Yes -

Capt. Spraggins: I'd like to say that if any of you Gentlemen are in the neighborhood, stop by and have a cup of coffee and see what we're doing.

Mayor Briare: Thank you very much, Captain -

PUBLIC
HEARING

SPECIAL IMPROVEMENT DISTRICT No. 415
(East Stewart Avenue from 28th Street to Nellis Boulevard)

UNIT I: Parking Lane, Curb & Gutter and Street Lights

Mayor Briare: The meeting is now open for the Public Hearing on Special Improvement District No. 415:

Director of Public Works, Laurence Hampton: This is the Public Hearing for the final Assessment Roll.

Referring to the map to my right, showing the improvements that were installed on Stewart Avenue from 28th Street to Nellis Blvd. The area in blue was in when we started the Project; the yellow indicates the proposed improvements and the green areas are those areas indicating approval of the Project and the two red areas were property owners protesting the Improvement District.

It was decided to proceed with the Project - the Project has been completed - the final Assessment Rolls have been prepared and the costs were detailed in a memo addressed to the Mayor and Commissioners on March 22, 1976, showing that the original estimate was in the sum of \$417,503.07 - the final cost being \$297,692.24, showing a reduction of 28% over the original estimate. There are 19 property owners involved. There have been two written protests, one by Mr. Richard D. Holmberg and one by the M.H.C. Corporation:

See Pages 29 thru 33 of these Minutes (Protest letters)

I will comment on these two written protests which I understand you have copies of, if you would like me to.

Mayor Briare: I see that one of the protestants is represented by counsel -

Mr. Hampton: Yes, Mr. Homberg is represented by Bell, Leavitt & Green.

Mayor Briare: Is there anyone in the audience that wishes to be heard on this Improvement District.

(No response)

Mayor Briare: Have the record reflect there was no one in attendance offering objections. We do have the written objections.

Commissioner Lurie: I would like to comment on one protest - about the legal description contained in the Notice being incorrect. Was that corrected, on the mobile homes?

Mr. Hampton: It hasn't been corrected by the property owner. He is in the process of making a land division - to separate that property that is not zoned for Mobile Home Parks. It is his obligation under the new State Law to provide a legal description to fit the administrative procedure to approve that. Once it has been supplied to us, it will then become a separate parcel.

Commissioner Lurie: Have we denied him a permit to put a Mobile Home Park on that area because of the anticipated Expressway going through there?

Mr. Hampton: In a sense, we have and in sense, we haven't. What the City has done, as I understand it - this part to be clarified by Mr. Saylor - but the original application applied for the whole area to be a Mobile Home Park. The City, and I think rightfully so, took the prerogative that they did not want to rezone that particular small corner, and left it in the original R-E zoning. If he were to come in for a Building Permit to build a house on that corner, there is no way we could deny it but the City does, I feel, have a legitimate prerogative to not rezone something against its own benefit.

S.I.D. No. 415
(continued)

LAW OFFICES
BELL, LEAVITT & GREEN, CHARTERED

A PROFESSIONAL CORPORATION
316 EAST BRIDGER AVENUE
LAS VEGAS, NEVADA 89101

April 2, 1976

RECEIVED

APR 2 4 55 PM '76

CITY CLERK

TELEPHONE
AREA CODE 702
382-5111

STEWART L. BELL
K. MICHAEL LEAVITT
JEFFREY G. GREEN

Board of Commissioners
City of Las Vegas
City Hall
Las Vegas, Nevada

Re: Special Assessment District 415
Parcel No. 060-290-012

Gentlemen:

Please be advised that our firm represents Mr. Richard D. Holmberg and that we have been requested by Mr. Holmberg to file this objection in writing to the proposed assessment.

It is Mr. Holmberg's opinion and position that the assessment of some \$13,000 against his real property is well in excess of any benefit which would accrue to his property by reason of the proposed improvements. Mr. Holmberg further feels that the imposed assessment is extremely untimely and burdensome in light of Mr. Holmberg's past cooperation with the City in matters involving past improvements in the vicinity of his property.

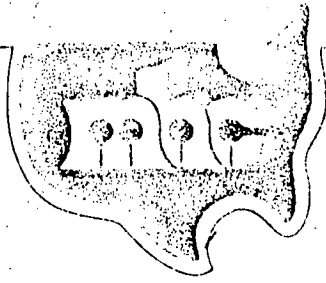
Very truly yours,

BELL, LEAVITT & GREEN, CTD.



K. Michael Leavitt

KML:dg



RECEIVED
APR 10 1976

Copies to:

April 2, 1976 Mayor
Commissioners
City Manager
City Attorney
Jim Gist - Dept. of P/W
City Clerk of Las Vegas 4/6/76 emc
400 East Stewart Avenue
Las Vegas, NV 89101

Subject: Notice of Assessment
Parcel No. 060-290-027
Special Improvement District No. 415

Dear Sirs:

This letter is to register our protest of the assessment notice dated March 3, 1976 relative to the subject property. We previously registered our protest of this assessment in a mailgram to the City Clerk dated November 4, 1974, and in a letter to Mr. Laurence Hampton, Director of Public Works, dated December 11, 1974.

As we have explained before, we believe it is grossly inequitable to assess us for improvements to frontage which we have been denied the use of by administrative action of the City. We have been advised by counsel that we should not be required to pay this assessment unless we are granted the right to use the property. Mr. R. R. Cordain of the Nevada Department of Highways confirmed this view on January 27, 1975 by informing Mr. F. G. Pinjov, Supervisory Right-of-Way Agent, that the City has no right on any basis to deny our company full and unrestricted use of its property at this time, because the proposed highway facility is not scheduled for at least ten years.

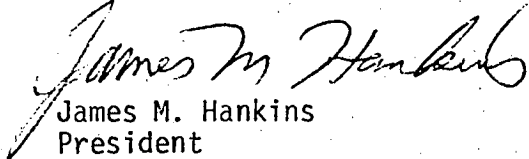
At the time we developed our Rancho Bonanza mobile home park on the subject property, the City denied us the use of that portion of our property along Stewart Avenue where the improvements are now planned, because of the impending construction of a state highway. Therefore, we were forced to exclude the parcel along Stewart of approximately 1.5 acres at the time we developed our mobile home park, and have further been denied the right to develop this parcel for any other purpose. We have been advised by the City that we must leave the property undeveloped and await the construction of the new highway, no matter how long that may be. Meanwhile, the City is attempting to assess us for improvements along this "unusable" portion of Stewart Avenue at a cost to our company of \$7,556.43. We feel the handling of this matter by the City is unjust and, accordingly, we strongly protest the assessment.

City Clerk of Las Vegas
Page two
April 2, 1976

The legal description contained in the Notice of Assessment is incorrect, in that it includes the entire mobile home park property of 22.46 acres. The assessment should relate only to a small parcel of approximately 1.5 acres at the corner of Stewart Avenue and Pecos Drive, which is the area where the improvements are to be made. This parcel has a separate legal description, and is shown on the attached land division map which was sent to us by Mr. Don J. Saylor of the Department of Community Development. We would appreciate your arranging to change the Notice of Assessment and your records to reflect the new legal description of the parcel adjacent to the proposed improvements.

We will be happy to meet with representatives of the City and explain our position in more detail as well as produce documentation to support our case. Please let me know how you wish to proceed.

Sincerely yours,


James M. Hankins
President

ms
Enclosure
cc: Charles W. Deaner, Esq.
190 South Third
Las Vegas, NV 89101

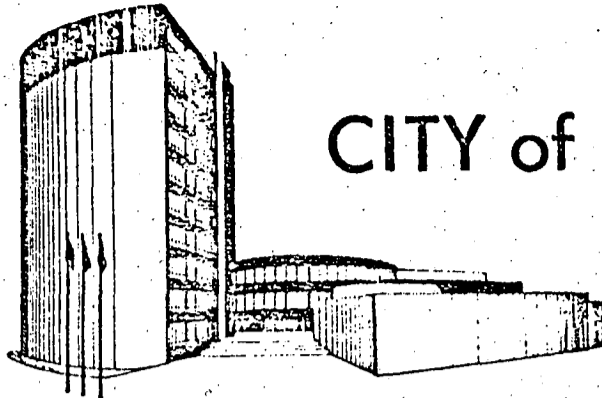
RECEIVED
APR 6 10 48 AM '76
CITY CLERK

MAYOR BILL BRIARE

COMMISSIONERS
PAUL J. CHRISTENSEN
RON LURIE
MYRON E. LEAVITT
ROY WOOFER

CITY ATTORNEY
CARL E. LOVELL, JR.

CITY MANAGER
A. R. TRELEASE



CITY of LAS VEGAS



December 4, 1975

Mobile Home Communities, Inc.
Prudential Plaza, A-360
Denver, CO 80202

Gentlemen:

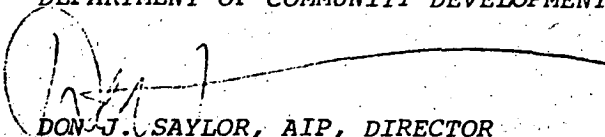
Subject: LD-14-75 - Parcel Map Waiver

Your land division application which creates two parcels on property described as a portion of the Northwest Quarter (NW $\frac{1}{4}$) of Section 31, Township 20 South, Range 62 East, MDB&M, and generally located on the northeast corner of Pecos Drive and East Stewart Avenue has been reviewed.

Please be advised your land division will not require a parcel map. Consequently, you can consider this letter as notification that a parcel map is hereby waived. A copy of the land division map is attached for your reference.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT


DON J. SAYLOR, AIP, DIRECTOR

DJS:HPF:bjw

Attachment

cc Public Works
Arnetta Washington, Assessor's Office

CITY CLERK

APR 6 10 49 AM '76

RECEIVED

400 E. STEWART AVENUE, LAS VEGAS, NEVADA 89101 • (702) 386-6011

Page 32
Minutes
Regular Meeting
City Commission
April 7, 1976

RECEIVED
APR 9 1976
CITY CLERK

PARCEL 6-29-27
M.H.C. REALTY CORP.
(MOBILE HOME COMMUNITIES, INC.)

22.46 AC (PRESENT)
20.92 AC (FUTURE)

DRIVE 30074 B

MHP

NEW PARCEL
1.51 AC

RE

NOTE: EX 2' ALONG FRONT
PROPERTY LINE

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LAS
VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 415

WHEREAS, by Ordinance No. 1746, duly passed, adopted and approved on the 18th day of December, 1974, said Board of Commissioners finally passed on all protests and objections, determined to proceed with said improvements as described in said preliminary proceedings, except as modified and provided in said ordinance, and created said District; and

WHEREAS, the City Engineer, pursuant to directions contained in the resolution of said Board of Commissioners duly passed, adopted and approved on the 3rd day of March, 1976 has prepared an assessment roll which contains, among other things, the name of each last known owner of each lot or parcel of property to be assessed, a description of each lot or parcel to be assessed, and the amount of the proposed assessment thereon, apportioned on an area basis as more particularly set forth in Section 4 of said Ordinance No. 1746; and

WHEREAS, said assessment roll was tentatively approved by said Board of Commissioners and filed with the City Clerk on the 3rd day of March, 1976; and

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

WHEREAS, public hearing on the amount of assessments was held on the 7th day of April, 1976, with 2 written protests and no oral protests having been received.

NOW, THEREFORE, BE IT RESOLVED by that Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof, held on the 7th day of April, 1976 that Assessment Roll No. FINAL 2-1976 as tentatively approved and filed with the City Clerk on March 3, 1976, be, and the same hereby is, validated and confirmed, and is hereby ordered to be filed in the office of, and endorsed by, the City Clerk of said City.

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

S.I.D. No. 415
(continued)

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

PASSED, ADOPTED AND APPROVED this 7th day of April, 1976.

AW

WILLIAM H. BRIARE, MAYOR

ATTEST:

EW

Edwina M. Cole, City Clerk

PUBLIC
HEARING

V-2-76
Appeal
Granted

APPEAL FILED BY CITY BUILDERS, INC. - V-2-76 - APPLICATION OF
PAUL W. AND IMOJEAN MILLER

to action of the Board of Zoning Adjustment in DENYING their
application for a VARIANCE to allow an addition to the existing
residence, 17 ft. from the rear property line where 26 ft. is
required, on property located at 2805 Kings Way, on the south
side of Kings Way between Richfield Blvd. and Wyandotte Street,
in ZONING DISTRICT R-1

Mayor Briare: Is the appellant present?

(Mrs. Miller present)

Mayor Briare: Have the Commissioners reviewed this matter as
presented to us by the Department of Community Development?

Do you have anything to add, Mr. Saylor?

Would you like to make any comments, Mrs. Miller? Your request was
denied by the Board of Zoning Adjustment and you are appealing it on
the basis of the arguments that have been presented to us and I
don't know whether or not you are aware of those arguments that
have been presented to us.

Mrs. Miller: I didn't read his letter.

Commissioner Lurie: I'd like to say something, Mayor: I believe
on this application Mrs. Miller requested an addition to her home.
She contacted a Contractor who was supposedly to get the necessary
Permits and when he called for a final inspection, just before they
poured the concrete, it was discovered at that time that the setback
wasn't at the proper distance. Therefore the BZA denied Mrs.
Miller's request but I believe that the Contractor is the one who
made the error, not Mrs. Miller. I believe that the City ought to
check on some of the other projects he has going to see if he is
abiding by the Codes and Ordinances.

Mayor Briare: Mr. Saylor, will you take note of that? What is the
pleasure of the Board? Shall the appeal be granted or denied?

M o t i o n

Commissioner Lurie: I would move for the approval of the appeal.

Mayor Briare: If there are no further comments, the Public Hearing
on the appeal under V-2-76 is now closed.

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

PUBLIC HEARING

V-4-76
Appeal
Granted

APPEAL FILED BY KENNETH F. JOHANN - V-4-76

to action of the Board of Zoning Adjustment in DENYING his application for a VARIANCE to allow a Caretaker's Residence in a Professional Office Zone where no residential use is permitted, on property located at 1604 South Maryland Parkway, on the west side of Maryland Parkway between East Oakey Blvd. and Franklin Ave., in ZONING DISTRICT P-R (Professional Office)

Mayor Briare: Mr. Saylor, before we take up the next three items, which seem to all be similar in nature, would you answer the question that seems to be raised on each one of these: What is the objection to using a Commercial-type, or an Office-type, building for limited living purposes?

In each instance it would appear - and I'm talking about all three of them - and there might be exceptions - but generally speaking before we go into each one of these, because your recommendations on V-7-76 and V-8-76 would appear there would be no harm done by allowing a certain residential use, whereas on V-4-76, your opinion seems to be different..

Mr. Saylor: On Items V-7-76 and V-8-76, Mayor, if it's a type of business wherein they are open twenty-four hours, I feel that it is not only logical, but proper to allow for a live-in type of manager/watchman combination. I think this is common practice in connection with this type of business.

On V-4-76, however, in connection with Professional Offices, we feel that it's no more proper to have someone living in a professional office than it would be to allow a professional office use indiscriminately in residential areas. The nature of the Professional Office Zone was to allow a transition from one use to the other and we just don't think it is logical to have your cake and eat it too. If the property is to be used for a professional office, then our Ordinance specifies that all residential occupancy would cease. Otherwise, you would get into a mixed use situation and that's partially what Planning and Zoning is all about - to separate the uses, rather than mix.

Mayor Briare: Not to prolong the discussion, or discuss logic with you - but doesn't it seem illogical that a place that is open for 24 hours should be allowed to have a limited amount of living accommodations for watchmen - for anti-burglary purposes? If it's open 24 hours anyway? And then for a place that is not open 24 hours that they not be allowed the same privilege?

Mr. Saylor: No - in my way of thinking this is not necessarily illogical because in connection with a 24 hour business, they are also functioning as a business operator. It's not just a security measure, whereas in connection with the residential occupancy in terms of the Professional Office, it is strictly a residential use.

Mayor Briare: OK - I wanted your comments on all three of these items as they relate in that particular manner.

Is the applicant present on the appeal under V-4-76?

(Mr. Johann present)

Please have the record reflect there are three letters on file in favor of granting this appeal.

Mr. Johann: Gentlemen, I have a petition here signed by 21 of my neighbors. Three of them are my immediate neighbors. I have a picture here of the property. I am Kenneth Johann and I reside at 711 East Twain. The issue is my office located at 1604 Maryland Parkway.

I was probably one of the first persons that had the opportunity of having a P-R zoning on Maryland Parkway. I have to say it is also

(continued) one of the nicest. I've had quite a number of problems over the past with vandalism - break-ins - fires. It's a mixed area. I would say it's probably 68% residential and the balance going P-R. In other cities you will find where the owner of a grocery store lives upstairs, or a doctor has an apartment adjacent - maybe in a duplex. This is a mixed area where you have hair styling, real estate offices, data processing - a gun shop along Maryland Parkway.

I just feel that at this time and day, sometimes a caretaker is necessary, especially when they see it's a Real Estate Office - there are funds there - there's equipment - typewriters, etc.

I would appreciate your every consideration. Thank you.

Commissioner Lurie: Do you pay this caretaker?

Mr. Johann: It's kind of a trade-out. There are no cooking facilities.

Commissioner Lurie: With no kitchen facilities, he's just going to sleep there? From the time you close your office at five o'clock he would be there until eight the next morning?

Mr. Johann: Yes.

Mayor Briare: Is there anyone present who wishes to speak in protest to this application?

Crystal Paine: I live at 1410 Maryland Parkway. I agree with what the applicant has said because when he took that over, it was a mess. The building was in a disreputable condition and he has really made it one of the show places on Maryland Parkway. He has also maintained it as such - his sign is very tastefully done -

The reason I am objecting to this - I've lived at 1410 Maryland Parkway for 25 years, and it has been discouraging to see our area go the way it has because some have certainly not kept their places up.

On the letter I received, it states that there is no residential use permitted in a professional office. You can check with the Nevada Real Estate Commission and find out that the applicant was licensed in 1954 and I can't understand how anyone who has been licensed for 22 years in Real Estate, would not be aware of this Ordinance. I know of one of the properties in the area that is up for sale. There was a buyer who, if he could have lived there, would have bought the property because he was going to open his business. I gather that the sale fell through. There's a house next door to me, to the north, and it is for sale and there is also a building on the back of this property that was originally used to put five boys in. Now, this was 25 years ago. It was a big room and had bathroom facilities.

I feel if it is allowed to have someone live there, I'm really going to have problems and we have kept our place up. We really have. I guess you can say that I'm old-fashioned - I guess the word now is "square", but I think when rules and regulations are made, they have to be abided by. We have always taught our kids - this is the Law and you walk the straight and narrow.

That apartment has been rented for some years, I would say. There's evidence of cars there, of people living in the back. Complaints have been made to City Hall and we haven't gotten any place, and that's one of the reasons - in fact one of the residents was told that a Cease & Desist Notice was sent to the applicant. I assume copies of this were made by whatever department in City Hall sent this. Nothing ever came of it - it was a year ago last month that we appeared before the City Planning, and the Chairman that night said - you just keep calling City Hall, and that's when we had our lesson in futility, because nothing ever came of it.

I gather from what the applicant said that there would be minor compensation if he has a caretaker there - with his living there, that

would provide part of it.

Now, there are 30 listings of properties by this applicant. Surely there would be some place there that he could put a caretaker, or a watchman, and not open this area for something like this. We really are going to be opened up to more requests of this kind from people who want to sell their properties and have the buyer live on the premises.

There will be a parking problem. Of the 17 businesses listed, the only one that has a 60 ft. frontage for parking - because there is no way from the way that building is built out on both the north and south sides, for there to be parking in the back. All the other businesses have paved parking in the back and have access to it.

There are 36 home owners and renters in this area - this goes from where the gun shop is on down to Oakey. You're just opening us up by allowing this, because if you let someone live there, it stands to reason there are going to be people come to see him in cars, and our parking problems are really getting bad . . .

Mayor Briare: Excuse me, Mrs. Paine - would you suggest then that a person who lives in a facility such as this is described, where there are no kitchen-type facilities . . .

Mrs. Paine: There's a hotplate there - it could be used . . .

Mayor Briare: Alright - maybe I should say kitchen facilities - a hotplate you can put in your front room, if you wanted to -

Mrs. Paine: I know what you mean, Mayor Briare, but I oppose it very strongly and there are others that because of working - and a lot of people are retired - you've got people there that have lived there as long as I have - and longer - and we can't afford to move. My husband only has a little more than two years before retirement and I just can't see him burdened with buying another home and assuming that expense.

Mayor Briare: I don't get the connection of this application, as it stands, and you're having to move. His neighbors to the north - to the south and in back have gone on record as not objecting to this -

Mrs. Paine: You will find the one neighbor is on record as approving this particular man who is living there now. She is not interested in having anyone else. And insofar as his break-ins are concerned, I guess I'm one of the few who haven't had one - I haven't got anything anybody wants.

A Real Estate office approximately three or four doors to the south of me has been broken into a couple of times and one time a truck backed up to the back - broke in - and completely wiped them out. As a result of that, they lost the people that were sharing the office space with them.

I have a suggestion. I have checked with an alarm system. In our house, about a year ago, we were given an approximate installation charge of between \$400.00 and \$500.00, with payments of \$20.00 a month. I have checked with our State Farm Agent and he wasn't too sure about a professional office, but on a residence you get a 10% discount on your insurance premium. It might be well to have the applicant check that one out. I think his best bet is to have a watchman there every night during the closing hours, in his office complex - not living in the back because there were people back there when he had the fire. It wasn't noticed until about 10:30 at night by a passing motorist, and as I understand it, there was a young boy asleep at the time where the fire took place. Our Firemen had no way of knowing there were people living back there because it was against the Ordinance.

Mayor Briare: Thank you, Mrs. Paine.. Is there anyone else wishing to make a protest to this application?

(No response)

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

Commissioner Woofter: Your Honor, I have listened to the comments of Mr. Saylor as well as Mrs. Paine. I believe that Mr. Saylor is correct in general principle as far as someone occupying a residential area in an office building, but I think that goes to the individual himself - if the owner of the property had the intention of living there.

M o t i o n

Mr. Johann has advised us this is a caretaker situation, where he has no intent whatsoever now, or in the future, of ever residing there, and if he wants to stand the expense of such, I believe it is a whole new ball game, and I would make a motion to grant Mr. Johann's appeal.

Mayor Briare: Are there any comments on the motion?

(No response)

Mayor Briare: Hearing none, I declare the Public Hearing on V-4-76 closed and ask that you cast your votes.

Commissioner Leavitt: Mayor, I have a question of the City Attorney: I have a piece of property one block north of the subject property that is zoned P-R. What is your advice as to my voting on this issue?

Leonard Smith, Deputy City Attorney: Because of the proximity of the property and the zoning, it would be my advice, in order to avoid a potential conflict of interest, that you would abstain on the vote.

Commissioner Leavitt: For that reason, I will abstain.

Mayor Briare: Are there any other comments?

Commissioner Lurie: The only comment I have - I'm going to vote against the motion, but I would like it known that I agree with Staff, that the policy of the City should not allow residential occupancy in professional offices, and I believe this is just going to open it up to more applicants for this type of mixed use.

Mayor Briare: The motion is to grant the appeal.

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

Commissioner Leavitt abstained

PUBLIC HEARING

V-7-76
Approved
Appeal

APPEAL FILED BY RICHARD SEYMOUR ON BEHALF OF PATRICK J. O'KELLY
V-7-76

to action of the Board of Zoning Adjustment in DENYING his application for a VARIANCE to allow a residential unit in a commercial storage unit complex on property generally located on the east side of North "A" Street, between Owens Avenue and Washington Avenue, 316 ft. south of Owens Avenue, extending east 450 ft., in ZONING DISTRICT M (Industrial).

Mayor Briare: Are Mr. Seymour or Mr. O'Kelly present?

Richard Seymour: I am from San Diego representing Mr. O'Kelly.

I would like to say that he has worked with and helped develop a storage unit in four states, and now coming to Las Vegas - the one thing in common that almost all of the buildings have - and I say "almost" - there were a couple of occasions where they did not have live-in quarters - those are the manager's units, or sometimes so-called - and those specific areas had problems. We have always recommended that they have the live in, or a manager, unit within the storage compound.

Basically, there are three reasons: One is from the security standpoint and the other is to assist the people when they do bring some items in to put into storage . . .

Mayor Briare: What is the nature of your living unit? Would it be a mobile home?

Mr. Seymour: No -

Mayor Briare: It would be incorporated right into the major structure?

Mr. Seymour: Yes - the project, that borders on "A" Street, and from the front of the building there is no way possible to detect there is even a family unit there. We have provided a nice landscaping treatment out in front because of your environmental region. There is no problem with any parking and the assistance that an individual can give to the public, which is definitely required in this type of a storage unit.

Mayor Briare: Mr. Saylor, were there any objections to this application? This is a Public Hearing. Is there anyone in the audience who wishes to speak in protest to this application?

(No response)

Mayor Briare: Do the Commissioners have any comments or questions?

Commissioner Lurie: Mr. Saylor, this is the same situation we had on the facility down on Bonanza?

Mr. Saylor: That's right.

Commissioner Lurie: I move for approval of the appeal under V-7-76.

Mayor Briare: The Public Hearing relating to V-7-76 is now closed - please cast your votes:

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

M o t i o n

PUBLIC HEARING
V-8-76

Appeal
Approved

APPEAL FILED BY WILLIAM E. HART - V-8-76

to action of the Board of Zoning Adjustment in DENYING his application for a VARIANCE to allow residential quarters for a Security Guard/Office Manager in conjunction with a commercial storage unit (mini-warehouse) operation on property generally located on the west side of North Nellis Blvd. between Stewart Avenue and East Bonanza Road, 1300 ft. south of Bonanza Road and extending west from Nellis Blvd. approximately 900 ft. in ZONING DISTRICT C-2 (General Commercial)

Mayor Briare: Is Mr. Hart present, or a representative of Mr. Hart?

Response: I am William Hart, 1729 East Oakey, and my situation is basically the same as the last one before you.

Mayor Briare: Is there anyone present who wishes to speak in objection to this application?

(No response)

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

(No response)

Mayor Briare: The Public Hearing on V-8-76 is now closed.

M o t i o n

Commissioner Woofter: I move for approval of the appeal.

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

PUBLIC HEARING

V-10-76
Abeyance

APPEAL FILED BY ROBERT K. WHITNEY - V-10-76 - APPLICATION OF ROBERT C. AND MURIEL M. KOENIG

to action of the Board of Zoning Adjustment in DENYING their application for a VARIANCE to allow building setback deviations on four (4) separate parcels of land, as follows:

1. Lot 11 and the west 20 ft. of Lot 12.
To allow the construction of a residence to the rear property line, where a 30 ft. rear yard setback is required, and to allow a 7 ft. side yard setback where 9 ft. is required.
2. Lot 13 and the east 40 ft. of Lot 12
To allow the construction of a residence to the rear property line, where a 30 ft. rear yard setback is required.
3. Lots 14 and 15
To allow the construction of a residence to the rear property line where a 30 ft. rear yard setback is required.
4. Lots 16, 17 and 18
To allow the construction of a residence to the side property line where a 5 ft. side yard setback is required, on a lot containing 5,861 sq. ft. in area where 6,000 sq. ft. in area is required

Mayor Briare: I might mention for the benefit of anyone in the audience that we have a very comprehensive description of the action of the Board of Zoning Adjustment - it goes into a lot of detail on these applications - so you might be wondering how we can become so familiar with it by just listening to the applicant - papers have been given to us containing many of the things that we discuss. We try to do our homework -.

Mr. Whitney, you are the appellant -

Mr. Whitney: Right - I am the buyer of the land - it hasn't been completed as yet. I have some additional petitions that I wish to submit appealing the decision of the Board of Zoning Adjustment.

(Petition passed to Mayor Briare)

I also have some layouts of the development that I am going to be referring to, and I would like the Commission to look those over as well. I also have a map there that indicates where the people are that are approving in the petition here.

Basically, what this amount to is that by deep study it appears the property can be developed into four sites, but that the houses because of the setback requirements, become quite small and not desirable for my purposes. What I'm trying to do is to up-grade this in regards to a development, mainly for my own residential use and in-house use of my Company.

The request for setback against the Expressway is because the Expressway is undesirable - number one - or a detriment, and I would like to put up a 9-1/2 ft. wall in conjunction with the building and block that area off completely, and then put an inner solarium which makes an inside/outside living along that area there.

If the Commission has any questions, I'd like to answer them.

Commissioner Leavitt: Who owns the property?

Mr. Whitney: Robert Koenig owns the property. I have an offer to purchase on the property, subject to being able to get this Variance, and other things.

Commissioner Leavitt: Who is going to build that project?

Mr. Whitney: Myself - I will be the owner and the builder.

Mr. Saylor: He is the proposed builder of the Project -

Commissioner Leavitt: What is this we now have before us?

Mr. Saylor: I haven't seen that - I presume it's a recapitulation of this (wall map) -

Mr. Whitney: That shows a small set-up of it - yes, and it also shows the location of the people who have approved - in yellow.

Commissioner Leavitt: You are the applicant then?

Mr. Whitney: Well, your laws state that if the property has not been transferred over, that the owner of the property at that time is the applicant. I made the application for the owner of the property.

Commissioner Leavitt: Who are the protestors?

Mr. Whitney: There are some protestors present.

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

(Show of hands by several)

Mayor Briare: While she is coming up, would you please clarify something for us, Mr. Saylor? There was a request for a rezoning, I believe at our last meeting, that was in the same immediate neighborhood, and there was a statement made that evening about a promise that was made by the State Highway Department - certainly not by the City - for a Park site. Have you been able to determine that such a promise was ever made to these people?

Mr. Saylor: As far as I know, this was not done. As you know, the property was offered to the City some time ago - for the City to buy it for a Park site, but Staff felt it was not a proper shape and size or location for a Park, but there has never been as far as I know any evidence, or promise, or anything else by the City that there be a Park there.

Mayor Briare: I'm certain that our records indicate the City never promised anything in the way of a Park there . . . the reason I mention this is because there were some suggestions that a Park should be built there and I wanted to clarify the fact that it had not been committed.

Claudia Trujillo: I live at 201 El Dorado Street and I have something lengthy, so I hope you will bear with me. I've got it written on paper so I don't forget anything.

My family and I have resided at 201 El Dorado Street for almost 13 years. During that time, we have had to come before you, or your predecessors, in protest against those who would have this community believe that nothing more than to do good and wonderful things for us in our particular little tract. You will recall that we were up before you just two weeks ago.

Each time we sit back and try and relax and go about with the business of everyday living - somebody new pops into the picture with a guaranteed proposal for our little neighborhood, and we're back before you once more. I was about to sit back there and let my neighbors talk, but I came first because I felt that I had something to say that these people don't.

Prior to the time of moving to El Dorado Street, we had the distinction of being the only family left in that neighborhood that occupied a home on Austin Avenue, which is the proposed site that this gentleman wants to build these homes on. Our residence was at 2613 Austin Avenue. It was an excellent buy when we purchased the home in February of 1961. Dollar for dollar, you couldn't beat it anywhere. It was close to the parochial school we wanted our children to attend - the church we wanted to attend - we were totally delighted with this great neighborhood and surrounding area.

Mrs. Trujillo: We septna small fortune, for us, for a lot of custom built-ins - very expensive carpeting - professional landscaping - the whole package. OK - three and a half years later my husband let in this gentleman representative from the State, who informed us that we were going to be relocated - the State had plans for us - a Freeway was going to go through. He was a very rude, insolent man and my husband, for the first time in his life, asked him to leave our home.

We spoke to our neighbors up and down Austin Avenue and they all felt the same. They were very intimidated - they all panicked and sold very quickly. We hired a local attorney - I believe John Mendoza at that time - and tried to hang in there because we thought, after seeing the plans - our property is where the pencil is (wall map) - it was the one that was least affected by the Freeway - right there at that little point.

We saw the plans and we thought - why do we have to move? With all this we've been through, why do we have to get out? They said - no - nobody can ever, ever build there - the State said.

After much dickering with Carson City, Mr. Mendoza said - well, that's it - they call it the law of eminent domain. Once they do that, you've had it - unless you go to the Supreme Court - you can't fight the law of eminent domain - what is good for society is supposed to be good for us. The only thing that we had left - the State did, in fact - the State's representatives did say there would be a Park there. Whether it was in writing or not, that verbal committment was made over and over by many people. They dealt with us shoddily - gave us what they felt was a fair price - not a good one - so we resigned ourselves and said - this is it - we've got to find another place.

Luckily a house one door away - on El dorado Street - there was just one house between the house we formerly own and the one we now own. It was up for sale. We thought about it. We didn't want to uproot our children. My husband had been on the road in Los Angeles - he is a musician - this is the first time we had roots. We decided to purchase the house at a price \$6,000.00 higher than the original selling price, because homes had gone up during that time, with a 35% monthly increase in our house payments. OK - we settled for that - we settled for the Freeway being there. The only solace was that the Park would be there - our kids could still go to the same school and we could still have our same friends.

Mayor Briare: Mrs. Trujillo, excuse me for interrupting you . . . are you going to now get to the specific application?

Mrs. Trujillo: OK - now the State, or somebody, has decided to sell that land that they said could not be sold for the purposes of building, or anything, to some one - 10 years later - and we're supposed to sit back and say - how nice - 10 years later they decide to let somebody build homes there - where we had our home.

I object to what has been perpetrated upon us and I suggest that this gentleman the property has been sold to is refunded his money and that the State, or whatever governing body is in control now, shows some good faith and get that Park in - as promised - and leave us alone.

Commissioner Leavitt: I have a question of Mr. Saylor: Did the State own this property - was it part of the condemnation proceedings?

Mr. Saylor: I have to assume that the State acquired all of that on the south side of Austin and sold the remainder, which is the parcel in question now.

Commissioner Leavitt: At the time the State acquired it, they removed all of the improvements?

Mr. Saylor: They all had houses on the lots, and they removed those -

Commissioner Leavitt: Including Mrs. Trujillo's -

Mrs. Trujillo: We said good-bye to our home at five o'clock in the morning - one morning - it just went right down the street -

Commissioner Leavitt: In other words, it's bare land right now -

Mr. Saylor: Bare land - it's a remnant of right-of-way acquisition.

Mrs. Trujillo: Where the Park is supposed to be

Commissioner Leavitt: And the owners are the ones who acquired it from the State?

Mr. Saylor: I don't know that they acquired it from the State - somebody did.

Commissioner Leavitt: Obviously somebody had to buy it from the State -

Mr. Whitney: The State put it up for auction and he bought it at auction, is what he did.

Mrs. Trujillo: I have a further objection - they do these things in private, residential areas without even consulting the people who live there. This just seems to be going on all the time around our particular area.

Mr. Whitney: The State is obligated to advertise the property for sale at auction, and it was set up that way.

Commissioner Leavitt: Inasmuch as it was a State sale, there wouldn't have been any promises as to the zoning on it -

Mr. Saylor: No -

Commissioner Leavitt: They took it "as is" -

Mr. Saylor: Right. I't zoned R-1.

Commissioner Leavitt: Let me ask you this: What could they do with the property now without any zoning? Without doing anything, what could they do?

Mr. Saylor: That gets into the legal field. I will qualify my answer by saying I think they have, as a matter of right, the ability to develop it. It would mean they could not put as large a house on it as they are proposing to do.

Commissioner Leavitt: How many units could they put on there if we did nothing?

Mr. Saylor: I can't answer that . . .

Commissioner Lurie: There's another map on the back showing what can be put there without any action by this Board. There could be three residences built on that piece of property. We are not here this morning for a zone change because the land is zoned R-1 - just for a Variance to allow the difference in the setbacks.

Mr. Saylor: He has evidently submitted in his package to you showing that he could put three rather odd-shaped houses on there, without any setback variances being involved.

Commissioner Leavitt: And there's no way we could build a Park there unless we purchased the property?

Mr. Saylor: That's right.

Commissioner Leavitt: What I'm trying to get at is - the only thing he is here for is actually to add another unit there -

Mr. Whitney: No - four units could be built there now -

Mr. Saylor: Subject to certain setback variances -

Commissioner Christensen: I can appreciate your concern over what has happened in the past, but it is obvious there's not much we can do about it. It has happened in the past and we obviously don't have any control over the State. The question I have is - in taking

into consideration the fact that the City can't force the State to do anything, and the fact that - I don't know if there was a verbal agreement made - you say there was and there is no reason to doubt you, but we have researched and we can't find anything like that - is it your contention there should be nothing built there - that that probably should be left vacant?

Mrs. Trujillo: That's right -

Commissioner Leavitt: You can't stop that building if you wanted to -

Mrs. Trujillo: That's the reason everybody is here. We feel like it has been a behind-the-wall type of thing. Nobody ever asked us what we thought and we live there.

Commissioner Christensen: I'm aware of that - that's what I'm saying - since we can't stop them from building, are you representing to us that you would rather have four odd-shaped small houses there or four nicely-shaped houses?

Mrs. Trujillo: My feelings are that I don't want any there -

Commissioner Christensen: If the fact is established there is nothing we can do to keep him from building a house there, then what would you have us do?

Mrs. Trujillo: I really have no comment on that -

Mayor Briare: What Commissioner Christensen is referring to and what Commissioner Leavitt has already referred to, is that Mr. Robert C. Koenig - without even being here - I don't even know if he's here - is he here?

Mrs. Trujillo: No, he's not -

Mayor Briare: Where is he?

Mr. Whitney: Well, he's the seller and I don't know where he is right now -

Mayor Briare: They could walk right over to our Building Department within 500 ft. of here and take out a Building Permit to go out there tomorrow morning and begin building four little buildings that comply 100% with our Ordinances. The Ordinances would force him, in order to comply, to build a weird set of buildings, because of the weird shaped lots. That he could do without coming into this Board - without talking to you - without taking to anyone up here -

Mrs. Trujillo: This is the first place to go to - how do you protest what has already been done?

Mayor Briare: This he could do. Would you concede to that?

Mrs. Trujillo: That he can do that - yes, I know he can do that.

Mayor Briare: Therefore, we could not comply with your request, or suggestion, that nothing we done with that property - just leave it as it is and let the weeds gather - we couldn't do that. Do you follow?

Mrs. Trujillo: Because it's owned by him?

Mayor Briare: Because it's owned by him and he can go to the Building Department and take out Permits and do this. Now, it would seem to me that if that is the situation we are faced with - notwithstanding inequities that the State Highway Department imposed upon you - that's over and done with - we had nothing to say about it then and there's nothing we can do about it now - if that's the case, wouldn't you rather have the best you can get under the circumstances in that area than an empty weed patch or four cracker-box-type buildings? I wonder if you've had the opportunity to look at what is being proposed?

Mrs. Trujillo: Yes, this gentleman has been in our home and showed us the plans.

Mayor Briare: OK - I din't know if you had seen these plans as presented to us -

Mrs. Trujillo: I just felt I had to get this off my chest - this has been going on for ten years now - people just doing things - you know, like Big Brothers - this is like when he walked in and said - you will move. No - would you consider, or . . .

Mayor Briare: I feel this, Commissioners, we are faced with a difficult situation here. However, I believe these folks 100% when they say that some representative of the State Highway Department made representations to them. I don't know how we could prove it, but I take their word for it, but someone has let the State Highway Department go for a long time without getting a little bit insistent about going ahead and performing their promises, and I do believe they did make representation to these folks, especially the ones who were going to have to relocate, that they were going to build a Park there. I don't know who they expected would maintain it afterwards, but I would be very interested in putting the State Department of Highways in a position where they might very well have to refund money to the original owners, and they might very well have to come back and fulfill their promises, for whatever it might cost the State would be of no consideration here because it would have to be a State obligation from the time they put in the Park until 150 years from that time. But if they made special representations I do believe they have an obligation to support the people who do live there.

Mr. Koenig say an opportunity to get a good deal and he was the high bidder and he got the property. In the meantime these folks got involved. I don't know what alternatives we have. It would seem we don't have many, except to try to improve a bad situation. If there is anyone here who has a solution as opposed to saying - we'd rather have weeds there, I'd like to hear them.

LaJean Duke, 300 El Dorado: Mayor Briare and Commissioners, Community Development doesn't even have the plot plan as the State had it. We contacted them and the State refuses to even admit what they have done, but I have sketched on the plot plan the proposed way the State promised it so you can see it.

Can this be delayed until the State is taken care of? Is there anything we can do?

Mayor Briare: Mrs. Duke, is this your writing in red?

Mrs. Duke: Yes -

Mayor Briare: This was based on verbal representations, is that right?

Mrs. Duke: Yes - is there any way this can be delayed, because I'm sure this gentleman - the homes that he showed us are beautiful and the ones he has threatened us with, of course, are not so beautiful - but if we could go back to the State Park that we were supposed to have. The State really did not let us know they were selling the property. All of a sudden we discovered a sign, on the Freeway side - not even any "For Sale" signs on our street at all - the sign was on the Freeway slant so that we didn't know until we happened to go by that it was for sale.. Is there any way this can be delayed?

Commissioner Lurie: Do you want to clarify the statement you made about being threatened? Who's threatening you?

Mrs. Duke: This gentleman - he said if he is not allowed to build the big, beautiful and fancy homes that are against the regulations, that he's going to put in little cheap things in there. I told him - Sir, there are no cheap homes left in Las Vegas - you can't afford a cheap one. He said - they just won't be very nice.

Mr. Whitney: From what I have submitted there - the type of housing I would have to build in case I was denied this Variance would be housing that would be for sale where I could realize some kind of a profit on it - but I did not threaten anybody . . .

Mayor Briare: Mr. Hampton, to your knowledge it would still, surely be a matter of record in the State Highway Department as to who the agent was in charge of going out and making these land acquisitions. Would that be something that would be a matter of record?

Mr. Hampton: The Supervisor for all the Agents would be Mr. Pinjuv, who supposedly would have a record of each transaction. There should be some written documentation as to who was representing the State during these transactions.

Mayor Briare: Would we be inviting some kind of civil action if we were to try to confirm what kind of representations were made by the State Highway Department when they began condemnation proceedings?

Len Smith: I think as long as we kept it within the realm of conferring, we haven't invited anything. If there is a civil action on the part of the land over there now vs. the State - if we got involved . . .

Mayor Briare: What I'm asking - if some action were to be taken to disallow this appeal and these applicants went ahead and took out Building Permits and built buildings that weren't as attractive to the neighborhood as what the applicant suggests, then there really is no civil action that can be taken - by the neighbors?

Mr. Smith: I don't see how any civil action can be taken - whatever action the City takes. The land is zoned. Any civil action would be strictly between the people involved, who are there now, and the State.

Sandra Sedansky: I live at 204 Delemar. I have a petition against the proposed variances from our home owners. There are 54 people on the petition. I think the thing that really bothered us was - as the lady who was up here before said - we had been threatened with the smaller homes. You know - he's either going to build homes up against the Freeway - with no windows in the back or, if we don't let him do that, he is threatening us with these smaller homes. Now, if someone came to your house and said - if you don't let me do what I want, I'm going to do what you don't want - what position would you take?

Mayor Briare: When you say "threaten" - what transpired between them, we can't address ourselves to. I just want to kind of clarify that word "threaten". I know this: If I were living on El Dorado or your street, and I had no choice in the matter - if I'm disappointed in something, I'm going to try to get the best I can get to keep the neighborhood in the manner I foresaw was the best way to do it.

Whether he has windows looking out over the Freeway, or not, is his prerogative. The only ones who might object to it who don't live in your neighborhood and use that Freeway. I would hate for my remarks to suggest that I'm in favor of this particular application. However, I think as a matter of justice and the matter of understanding what the problem is that we are faced with, that maybe the suggestion he has as opposed to the other one, whether you call it a threat or not, is really the best way to go, but I don't want to be convincing to you that there is no resolution to this problem, and that's why I asked our City Attorney's office if they can go right ahead and build cracker-boxes without even talking to you about it. And I don't look at that as a "threat" - I look at it as an alternative.

Mrs. Sedansky: Well, you know that piece of property down at the end - I don't know anything about Variances - but that property is only this wide at the end - how can you build down there without a Variance? I don't know anything about building, but . . .

Commissioner Lurie: We're not talking about zoning here - we talking about a Variance - he doesn't want to have a rear yard - build right up next to the Freeway - he would put up a wall, but still have a front yard. That's what this whole thing is all about - not a rezoning - just a Variance.

Mayor Briare: What is your time element, Mr. Whitney?

Mr. Whitney: I don't have a particular time element, but it's subject to this hearing and what goes on here, and my volition - whether I want to go ahead with it or not.

Mayor Briare: I wish there was some way - you have probably talked with all these folks on an individual basis - but I wish there was some way you could set up a meeting with them and discuss the matter, because I don't see it as a matter where we can legally resolve the problem that would be understandable to the folks that are objecting to it - and it wouldn't be understandable to you if we denied it and allowed you to go in there and build the cracker-boxes.

Mr. Whitney: I went through this procedure with them, but they shut their ears and eyes from me. I went into lengthy detail to draw up what could be done - just basically for this purpose - to show them. I did not have these drawings at the Planning Commission meeting. I drew these up for this Commission because I was appealing here - in fact, it looked like things were going to go down the tube and I'd have to go back to the setback method of building.

Mayor Briare: On any Building Permit application, Mr. Smith, when plans are submitted, it is mandated that those plans be followed as they are submitted - is that correct?

Mr. Smith: I'll defer to Mr. Hampton, but I believe that's the case -

Mayor Briare: Or Mr. Saylor - if somebody comes up and gets approval for a Building Permit, and they submit plans, there can be no deviation from those plans - they have to build in accordance with the plans that were submitted?

Mr. Saylor: That's right, unless they come back in and get permission to deviate, but any deviation would have to be in accord with Ordinance requirements.

Mr. Whitney: I would accept that -

Commissioner Christensen: I've got a couple of questions: I don't know who can answer them - maybe they can - or can't - or whatever: As I understand the protests here, it's a protest against any building. And that is not what is being considered here. What is being considered here is a Variance. The problem as I see it - we've got a petition here - you know, I wonder sometimes about petitions - but this one says: "We, the undersigned, are opposed to the building of four houses as shown on the appeal filed by Robert K. Whitney, application of Robert C Muriel Koenig, dated March 15, 1976."

I can see how they could get a lot of signature to a petition like this because it says "we're objecting to building the houses" - and that's not what we're here for. That is not what is before this Board. They don't have to sign a petition against building the houses because they can build the houses there if they want to. We don't have anything to say about it. I wonder if this petition would have had as many signatures if it had been properly worded - inasmuch as they can build four houses on those lots, do you object to whether or not they have backyard setbacks?

Herman Weiss: I live at 309 Ramsey Street. I have lived there for 16 years. I was one of the first people in there and we have a wonderful area - no problems whatsoever. Last July when we had that heavy rain, Ramsey Street and Delemar was a raging river - I mean, coming off Bonanza - Tonopah - it just poured in there - it is right off Tonopah - Ramsey is. It poured in there for at least 8 hours straight and the water was over the sidewalks all the way down the street, and down at the end of the street - it runs downward - Ramsey is downward - down hill - and down at the end of the street we had at least 15 inches of water that covered the lawns -

Mayor Briare: Are you speaking on the man's application for setbacks?

Mr. Weiss: Yes - there's a hole under the Freeway, but nothing happens there. All the water stayed right there and it was there for more than 24 hours, and when that water subsided, there was tons of sand and mud. Now, that isn't a proper place for building these homes. It should have been a Park, or Parkway -

Mayor Briare: Did you object to the homes that were there when you moved into the tract?

Mr. Weiss: No Sir, but they were proper homes -

Mayor Briare: Excuse me - but we're talking about a Variance for a setback and whether he should have windows overlooking the Freeway. Please confine your remarks to the matter that is before us -

Mr. Weiss: Alright - now Ramsey Street is so narrow for homes - there has to be a sidewalk over in there and there is very little property left for Ramsey Street -

Mayor Briare: And what street do you live on?

Mr. Weiss: Ramsey -

Mayor Briare: Did you move there when the street was the way it is?

Mr. Weiss: I was the first one in there - on Ramsey Street - for 16 years -

Commissioner Christensen: This is the problem I have: What does the depth of the back yard on a new home, on Austin, have to do with the sidewalk on Ramsey?

Mayor Briare: We're trying to confine this so that we don't get too far afield -

Peter A. Vance: I live at 200 Delemar, and perhaps I can clarify a few of these little points for you, Commissioner - I've done just a little bit more study on this than perhaps Mr. Weiss. Perhaps I could even give you a little history on this - a little recent history - on this property. I live right across the corner from where he proposes to build this stuff.

Let's go back about 16 months, or so, ago. The State proposed to sell this property. They stuck a little sign in the ground out there - they said a man was going to be there on "X" date at noon. The man never showed up. My wife was standing right out there waiting for him.

I called the Planning Department before that and I asked them - what kind of zoning is this? They said - it's R-1 zoning. I asked - what can we build over there? I might have wanted to build there myself. They said - you could build one, maybe one and a half houses on that property - that's all you would be allowed.

So, my understanding is that the man who bought this property bought it for \$2,500.00 and this gentleman here is proposing to purchase it and is proposing to give him \$2,000.00 more for it. And at whose expense is this going to be? That's cheap building - if you can build four houses on property for \$1,100.00 apiece.

Now, I'd like to go into a couple of little things -

Mayor Briare: If you are going to go into matters that pertain to the application, proceed -

Mr. Vance: I am going right into the application - I'm going right into that Freeway - that Expressway - backed up to that thing. I'm going into the safety of that Freeway right there. These houses that are going to be built, and proposed to be built - I'm going to show you something . . . right up here (wall map) is where the State is - this safety wall - they ended it right there. There's a concrete, reinforced, big steel bumper thing - you've probably seen it if you've driven up through there.

Behind that they built a huge, gigantic wall, and behind that the property owners have their walls, and they've got 30 ft. setbacks. Before they even built that big retaining wall there - before they built that thing - those cinderblocks were going down like dominos. That's why they had to build it there.

This area down here (wall map) has none of this - it doesn't have this safety wall we are speaking about. The fact is - a guardrail - which is down here on that on-ramp. Now, if this traffic flows in through here, these cars are meeting right along in this area about here (wall map) - I'm the one that's hearing the screeching brakes . . . there will be people killed in those homes. That's what I'm addressing you to. I don't know why that stuff was ever sold in the first place - I can't understand it.

All you have to do yourselves, Mr. Mayor and Commissioners, is to go up on that Freeway, take a look at it and you can see the marks yourselves - it looks like a bumper-car track up there, where the cars have been banging that wall. It was painted white, but there are many marks on it now.

Now, the second thing that Mr. Weiss was addressing himself to, was the flooding. In July and in September of this past year - I was here in July - I wasn't here in September - but the situation in September was the same. Now, down here (wall map) at the end of this property - what Mr. Weiss is trying to tell you - it used to go right into Vegas Wash - when they put the Expressway up, they put one little culvert in there and it won't take all the water. Therefore, the water backs up - I'll tell you, these two houses here (wall map) are going to be under water - if we have a rain this summer anything like we had last summer, these two houses will float and the Reason I have a particular interest in it is because I'm right across the street here and I'm going to be floating too, because you can only put so much volume in a hole. It doesn't take an engineer to figure that one out.

Now, I have one other little point here I would like to address myself to. I just want to get the record straight so everybody understands what's going on here. You know, we can confuse the facts with the issues. What we're talking about - as soon as he was denied his application at the BZA meeting, he trapped two of my neighbors out here and what does he tell them? He says - OK, if I can't get my four houses - you people are all against me - if I can't get my four houses I'm going to build little cracker-boxes in there and I'm going to put some undesirable people in there. We all know what he's talking about -

Mr. Whitney: I deny that -

Mr. Vance: You might deny that, but I'm going to tell you - I was standing right there -

Mayor Briare: I'm going to conclude the Public Hearing and if it's concluded on this tone, you're not going to be able to accomplish anything -

Mr. Vance: All I wanted to say was this: He has come back into the neighborhood and he has told neighbors the same thing: If I can't build back up against the Freeway - if you won't let me build back up against the Freeway, we are going to build anyway and we will build some undesirable houses in there and we're going to put undesirable people in there - I don't know - maybe he's got some staked out someplace. That's all I have.

Mayor Briare: Does the Commission wish to take any action at this time? This kind of a Public Hearing is not in the best interest of the public.

Albert S. Grecco: I live at 205 Delemar Street. One thing that puzzles me - I am at a loss to understand since we had homes on that site, and they were all condemned by the State Highway Department - and then I understand it was turned over to the City . . .

Mayor Briare: No - stop right there. You weren't listening -back up and start . . .

Mr. Grecco: How could the City zone that for R-1 residential -

Mayor Briare: That was zoned R-1 when you moved in there and the zoning stayed with the property -

Mr. Grecco: This is something I don't quite understand. I thought perhaps it was rezoned by the City Zoning Commission. I just wanted that clarified because I was at a loss to understand -

Mayor Briare: Did you buy your house brand new?

Mr. Grecco: Yes - I'm one of the original owners -

Mayor Briare: When you moved in there it was zoned R-1 and is is now zoned exactly the way it was zoned when you moved in there -

Mr. Grecco: That's what I didn't understand. I thought it was done later - after the homes were condemned.

Commissioner Christensen: The zoning hasn't been changed - nothing has been changed, except that the State bought the property - took the houses off - used what they need for the Freeway and sold the rest of it. The zoning did not change.

Mr. Grecco: What do we need to do to get that classification removed then?

Mayor Briare: You don't own the property, so you can't do anything. I feel the real culprit in this matter - and for you ladies and gentlemen that are here in protest - you certainly have a legitimate protest - the real culprit in this is the State Highway Department. I'm not trying to push things somewhere else - but it seems that we are put in an untenable position where we recognize - I think we demonstrated two weeks ago that we recognized the validity of some of the arguments that were presented - on the application two weeks ago as well as this one here. But you must be understanding in this sense - we have only a couple of alternatives that we can follow - none of which are acceptable to you.

Mr. Grecco: That's all I have to say.

Mayor Briare: Does anyone else have anything to bring up something we haven't already heard?

Commissioner Woofter: I have one question, Mr. Mayor: Would everyone who is protesting here today, please raise your hand? (approximately 10) I think everyone now realizes that the builder can build homes. No matter what action we take today, he can build. I want to know which do you want him to build - because he's going to build something - and my question is: Do you want him to build the crackerboxes that have been represented, or do you want him to build what we have before us?

Mr. Vance: I understand you are about to conclude this public hearing, Mr. Mayor, but - I don't know what the City Code is - how many square feet does this man need to build on? One of the applications - and that is the fourth house down on the corner, is to build an R-1 house on 5,800 sq. ft. when the zoning calls for 6,000 sq. ft.. If the man is asking for that Variance - what I'm asking, is it a fact that you have to have 6,000 sq. ft. on which to build a house?

Mayor Briare: Members of the Commission, I don't believe this is a matter that is going to be resolved in a manner to the best interest of the public - on all sides - at this meeting. I would like to suggest that this application be held and that a meeting be set up between any one in the City that can be of assistance in answering questions, and any other interested parties, to resolve the alternatives that are possible. Not what you desire - but the alternatives that are possible, in trying to resolve this problem. And that these things be taken under advisement so that some equitable solution can be reached and, by all means, that the State Highway Department - a ranking Official - be asked to gather his files together on these matters and come and sit in on this meeting.

Commissioner Lurie: Then you are suggesting that this be held over to our night meeting on the 21st?

Mayor Briare: Well, I'm concluding the Public Hearing, and requesting that before a decision is made on this application for appeal -

Commissioner Lurie: If it meets with the approval of the one who is appealing this - if he wants to try and go back and try to resolve these differences . . . otherwise, we will have to take action today.

Mayor Briare: I don't care if he likes it or not, because he can go ahead and build the crackerboxes and I don't want him to build crackerboxes.

Commissioner Lurie: I'd like to hear him agree to that - that he would like to try to resolve it with the residents of the area - or does he want us to take action today?

Mayor Briare: Are you interested in trying to resolve this matter by all parties concerned?

Mr. Whitney: My interest is in building quality housing and I will wait to get any kind of a decision I can accordingly that would be beneficial and allow me to build the right kind of houses there. That is my whole interest and that is the reason I was asking for a Variance rather than going over there and building without asking for it.

Commissioner Lurie: Then, why don't we set up a meeting now so that the people here in protest will be aware of it and they can attend it. Let Staff set a date and time right now so that no one can say we held a meeting and they weren't advised. Also notify the property owners who are not here today that there is going to be a meeting concerning this parcel of ground.

Mayor Briare: Do you have a Conference Room on your floor, Mr. Saylor:

Mr. Saylor: Yes Sir -

Mayor Briare: How flexible do you think the State Highway Department would be?

Mr. Saylor: I think if the meeting is in the daytime, the State Highway Department would be very flexible and I'm sure they could have somebody there.

Mayor Briare: Could you set a date and time right now that these people can rely upon?

Mr. Saylor: Next Wednesday at ten o'clock in the morning in the Conference Room of the Department of Community Development.

Mayor Briare: Alright, at 10:00 a.m. on Wednesday, April 14th - one week from today, in the second floor conference room, and be sure - if the State Highway Department is not there knowledgeable of the events that took place during the condemnation proceedings, then it will be a fruitless meeting.

If that is acceptable to the Commission, such will be the order and this Public Hearing is closed. (11:15 a.m.)

At the hour of 11:15 a.m., Mayor Briare declared a 10-minute recess.

Meeting reconvened at the hour of 11:30 a.m. with the full Board and Staff in attendance.

V-11-76
Referred
back to
BZA

APPEAL FILED BY KAX CORPORATION - V-11-76

to action of the Board of Zoning Adjustment in DENYING their application for a VARIANCE to allow two 11-unit apartment buildings where duplex units only are allowed; and to allow tandem parking where tandem parking is not allowed; and to allow a 5 ft. side yard setback where 7 ft. is required; and to allow a 12 ft. high tennis court fence on the north central portion of the property where a maximum fence height of 6 ft. is permitted - on property located on the north side of East St. Louis Ave., between S. Maryland Parkway and South 15th Street, beginning 250 ft. east of Maryland Parkway and extending east 770 ft., in ZONING DISTRICT R-2.

Mayor Briare: The next item on the agenda this morning is a Public Hearing - an appeal filed by the Kax Corporation.

Ladies and gentlemen for those of you who are in the audience for other items on the agenda, following this Public Hearing we are going to take up some administrative matters until 12:00 Noon. We will then recess until 1:30 this afternoon. Consequently if anyone in the audience is here on matters pertaining to the Community Development agenda, those items will not be taken up until 1:30 this afternoon.

Is the applicant for the appeal present?

Mr. Saylor: May I bring one point up at this time: When the Notices were sent out for the Public Hearing before you on this item, the names were taken from our file and sent by the Clerk's office and the entire list was not notified. The properties on the south side of St. Louis did not get Notice. It has nothing to do with the legality of the Public Hearing because it was also published, which satisfies the legal requirement. The people on the south side of St. Louis, however, were all made aware of the Hearing, but only a matter, I think, of a day or two ago.

Commissioner Leavitt: How many people on the south side of St. Louis appeared at the BZA meeting in protest?

Mr. Saylor: I don't know, Commissioner. I do have a letter however, from people on the south side of St. Louis stating they are aware of it, even though they didn't get a Notice, and they indicate they are still protesting.

Commissioner Leavitt: Well, if they were present at the BZA meeting, at that time they would have known that we would hear it today, wouldn't they?

Mr. Saylor: No - it goes from that Board to you and then a date for public hearing is set, so they don't know when that Public Hearing is going to be. They were made aware of it, as I say, probably two days ago - maybe only yesterday. They do know about it and they have protested - or indicated their protest, but I wanted you to be aware of that discrepancy. The legal requirements have been satisfied by the publishing of the Notice.

Mayor Briare: And has the normal procedure been followed?

Mr. Saylor: No - the normal procedure would have meant they would have received a Notice the same as the other property owners.

Commissioner Leavitt: Could we have a ruling by the City Attorney's office?

Mr. Smith: I think Mr. Saylor is right. I think, legally, the requirements have been met.

Attorney George Dickerson: If there is any question in your minds gentlemen - for the record - George Dickerson of Dickerson, Miles & Pico, for and on behalf of Kax Corporation - I don't want,

ultimately, a due process question raised in any proceedings that you may undertake.

Mayor Briare: I think you couldn't fine five people who would agree with you more, because there are some folks here right now - there are probably some here to speak in favor and probably some that are going to speak in opposition - but if it would ever be suggested that some people were not given the opportunity to be heard one way or another because of the failure to receive Notice, whether it's a matter of legality or not, I think raises a big question here. It is disappointing, of course, when people come prepared to make presentations before the Board and be told that because of no fault of their own, we'd better hold it off.

Commissioner Leavitt: I have a question: I notice in the sheet you provided us with, there have been several changes in the design to eliminate what evidently were most of the protests - I assume.

You have said here that the applicant originally proposed two 11-unit apartment buildings. However, because of Fire Department recommendations it has been redesigned so that there are four 4-unit buildings and two 3-unit buildings - the parking has been redesigned - moved the tennis court and, in effect, say you could have one more unit than is presently being proposed - that a residential zoning permits two stories, so the only real Variance involved is to allow 4-unit buildings instead of 2-unit buildings - is that right?

Mr. Saylor: That is right, but I do not want to . . .

Commissioner Leavitt: When did all this take place? Did it take place before the Board of Zoning Adjustment, or now?

Mr. Saylor: Insofar as I know, they are protesting even the new Plan -

Commissioner Leavitt: I just assumed that was redesigned to eliminate most of the protests.

Mr. Dickerson: It was - and we have petitions to such effect - petitions by those who were opposed before but who now no longer protest because of the revision of the Plans.

Commissioner Leavitt: Is that the revision there (wall map)?

Mr. Saylor: Yes - this is the Revised Plan - the only thing different in the elevation is that in this break here (wall map) the roof would be carried over . . .

Commissioner Leavitt: I would like to assume that because the Plan has been redesigned that these people didn't appear, but now those things have got me a little spooked.

Mayor Briare: Mr. Dickerson, we're kind of like a Court of Domestic Relations sometimes - probably what the Board of Zoning Adjustment should do prior to taking action and referring to us, is to ask if there is any possibility of reconciliation prior to coming here, because changing the Plans from the time you leave the BZA meeting until you get here, certainly causes some problems for us . . .

Mr. Dickerson: Well, I think you have a further legal problem. I think you have a problem that after an appeal is filed you have only 30 days in which to consider it, and I would suggest that since there seems to be a resolution of much of the problem, rather than consider it, refer it back to the BZA for reconsideration on the Revised Plan. Then give Notice to all the adjacent property owners and then we'll just run the route again -

Commissioner Leavitt: You would have no objection . . .

Mr. Dickerson: Commissioner Leavitt, we're in Court too often with these matters with respect to is due process accorded affected property owners? And I, with all due respect, I don't think a published Notice is sufficient where the Ordinance requires

that there be written Notice served upon those within a certain prescribed area. I know that the Ordinance provides, on appeal, that the process is that within a given period of time after the action of the Board of Zoning Adjustment, an appeal must be filed. That then goes before your Board for the fixing of a date for the Hearing of the appeal. So unless someone were at the meeting at which the appeal was filed, they, in fact, would not know the date that you had fixed for the Hearing of the Appeal. And I think they are entitled to it.

Mayor Briare: It's possible, you know, that you may not have to come back before us -

Mr. Dickerson: Exactly. I think, really, that because of the legal ramifications involved as to the "due process" question and not wishing it to be resolved by the Courts rather than at the administrative level where it should be, in the first instance, I think caution dictates that this Board, at this time, because of the revision, refer it back to the Board of Zoning Adjustment.

M o t i o n

Commissioner Christensen: I move we follow the recommendation of the Attorney for the appellant.

Mr. Dickerson: I have not even discussed this with my client -

Mayor Briare: There are some people here who wanted to be heard at this particular time - do they wish to protest this procedure in view of the fact there have been some protestants who have not been notified in accordance with our normal procedures but have been notified in accordance with law - that the motion is to refer this matter back to the Board of Zoning Adjustment so that they, in turn, can notify all interested parties that the matter is going to be reheard. Is there anyone who would object to such a motion being carried out?

Commissioner Leavitt: I'd like to know if there is anybody here actually to protest the application? Just one?

Mayor Briare: On Commissioner Christensen's motion, is there any further comment?

(No response)

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

Mayor Briare: The motion is approved and the matter is referred back to the Board of Zoning Adjustment.

Mr. Smith, in order that we might be correct, the fact that this date was set for a Public Hearing, does this automatically resolve the fact that a Public Hearing was held and the action taken was to refer it back?

Mr. Smith: It automatically resolves it -

Mayor Briare: That concludes the Public Hearings for today. Mr. Saylor, I know you have a couple of things I know you want to bring on.

Mr. Saylor: Yes, Mayor - at the bottom of Page 18 of the Agenda:

REPORT FROM LAVENTHOS & HORWATH, CONSULTANTS TO THE CITY:
A MANAGEMENT STUDY FOR FISCAL POLICIES AND ARRANGEMENTS

A Report from our Consultants on this year's 701 Project - they do have a plane schedule to meet and have asked if they could possibly make their brief Report to the Commission before you break for lunch.

Mayor Briare: OK - Mr. Jones, you realize, of course, that having received five volumes of material, that the Commission has not had the opportunity to review it as closely as we will eventually. I

trust you are not going to go through all the volumes.

Merlin J. Jones Your Honor, we won't. We appreciate this opportunity to formally present the Report to you, and we will make it very brief:

We have finished the Report and as you mentioned, Mayor, you have been delivered five volumes which represent the results of our studies.

I just might mention briefly that the that the goal was to study and to develop some recommendations to improve the fiscal policies and procedures of the City. At the time we presented our proposal and during the bulk of the work on this Project, there was a strong orientation toward Consolidation. This required us to look into the positions of both the City and the County at the same time because of this development and the direction in which matters were going.

Since then there has been a change in direction. The Consolidation is now held up and we want to reiterate that many of the recommendations in these series of Reports, are still applicable; that the administrative function - the financial function - of City Government needs to be improved and revised. I might indicate also that I have noted for the past several years that the City has had a "bare bones" approach, if I may use that, in response to administration into the financial management function. The size of the administration, the systems of equipment, are all the same now as they were many years ago, and have not kept up with the growth within the City, and we believe at this time that it is appropriate that there be a strengthening in the administrative as well as in the financial management area.

The present financial system just is not adequate to provide for any additional growth, and the requirements there are firm whether this growth comes from within the present boundaries of the City, the enlarged boundaries of the City, if it should happen, or through a merger, or consolidation, with another entity. So we feel that these recommendations that have been prepared should be considered at this time.

In order to be brief I would like to just reiterate our recommendations for implementation, and do it very briefly:

I think today will satisfy the first recommendation on the announcement on Receipt of the Report and the acceptance and approval of these studies. We would also recommend that, by motion, you adopt the Report in concept, and that you designate the City Manager as the individual with the overall responsibility for implementation.

We would also hope that you could suggest a time frame, and we feel at this time that September 30th would be a reasonable date to have most of these recommendations that are applicable, in motion.

We would hope you would authorize the City Manager to appoint a nearly full time Director for implementation. It is our feeling that many of the financial management recommendations contained in our Report are consistent with and go along with the overall management recommendations of McManus, and we feel that a Director for implementing this Report, should also implement the overall operational and management Report that they had recommended.

We would also hope that the City Manager could authorize the Project Director to work with representatives of our firm to determine and decide which of the recommendations are applicable at this time so that they could be put into effect.

Also that the City Manager could be authorized to appoint a task force and be provided with the necessary people to implement these recommendations.

Mr. Malley, who is the Project Director, is here with me and I'd like to have him just in a very brief statement indicate how this could be done.

Mr. Malley: Most of the folks on our Staff were very impressed with caliber of the nucleus of the people we dealt with - the efficiency in the employees of the City, and we feel that an implementation of these recommendations - the vast majority of the recommendations can be implemented by the existing Staff without the need for outside contracts. There may be some minimal outside guidance that you would wish to retain from time to time, but we think that most of these things can be accomplished.

The recommendations in the Budget area are consistent with the direction it was indicated we should be working toward. We furthered that and we have had opportunity to observe the very good work that Marvin (Leavitt) and Dave (Parks) are doing in that area. In our Report it outlines more details in the direction of developing a performance Budget, which we highly recommend be the direction you go in.

In the area of the Work Order reports, and improvements in that area, we worked with Ron Jack and some of the other people in that area, and there is a very definite need for an improved system in that. We think that with minimal outside guidance on a periodic basis, that a practice should be undertaken, and it is a program that could be done in a relatively short time and provide much better systems for the City.

In the Financial Management area we dealt with a number of people, probably most frequently with Marvin (Leavitt) and Bruce Spaulding. There are a number of recommendations, although the vast majority of the Report was aimed at a Consolidated entity. There is a very significant need for improvement of systems within the City, both at the hardware end and the software, and we think that a number of things can be accomplished.

The City needs very much to strengthen that area - Marvin would like very much to do so - he needs the committment from you folks - and we see the charge coming from you folks through the City Manager, to accomplish most of the recommendations.

I think the important thing in emphasis should be is that we think that most of the things that need to be done, can be done by the nucleus of the people we dealt with on this Project, augmented by additional people on the Staff, or on the Implementation Committees, but with some minor additions to Staff during the implementation aspect. We think that with a very minor additional investment, primarily addition to Staff in the financial areas, that the City will get a huge pay-back in the future. It would be a very worthwhile investment and would encourage your adoption of all of the recommendations contained in the Report.

Mr. Jones: We've gone through this very fast. If there are any questions.

Mayor Briare: Do any of the Commissioners have any questions at this point?

(No response)

Mr. Jones: We want to express, Mayor, very much the appreciation of all the people we have worked with. You have a very good Staff here in the City.

Mayor Briare: We appreciate the work that has been done by your Firm. From what I have read - I have read the first document given to us which gives us a synopsis of what the others are, and for that portion which I have read, I want to commend you for a thorough understanding of what's going on, which is difficult sometimes when people come in and don't realize what's going on - I think your background has certainly been made apparent by the manner in which you drafted these Reports and Studies.

I am hopeful that our City Manager will have the opportunity to, in the very near future, review them - as we will be reviewing them, with

the thought in mind that we might be able to get together and formally adopt perhaps all, or the greatest majority, of the recommendations.

Commissioner Christensen: Your Honor, I'd like to commend this Firm on the preparation of this Summary presented, because I think I was very critical of one of the first documents we received from these people, indicating that it was something the Philadelphia Lawyers has written and I couldn't understand it.

M o t i o n

I went through this very carefully, and I can understand it - and I think that's great that they put this out in this fashion. Like you, I believe they covered all the areas and seem to understand the problems and I would like to make a motion at this time that we adopt it. I would like to move to adopt, in concept, the Report submitted by Laventhol & Horwath and instruct the City Manager to proceed with the implementation of those recommendations he feels have merit, and would also further move that the City Manager be authorized to appoint a Director for Implementation and see that those recommendations are adopted, or incorporated, by their suggested date of September 30, 1976, wherever feasible.

Mayor Briare: Commissioner, do I understand your motion to be that all those recommendations that are contained in the five Volumes be now and herewith adopted and implemented?

Commissioner Christensen: No - my motion doesn't say that. I moved to adopt in concept the Report submitted and that the City Manager be authorized to appoint a Director for Implementation to see that those recommendations to be adopted, are incorporated within the City System. In other words, we still have the flexibility of using it, but I think the Report, in Concept, is a good one, and I think we can adopt it in concept on that basis and then proceed with the City Manager appointing a Director for Implementation and go from there, because for us to have to go over this with a fine-tooth comb and adopt everything we want to adopt, and not adopt those we don't, on a piecemeal basis, each of us would have to become completely and thoroughly familiar with every line in every volume of that Report, and I don't think any of us are going to do that. That's what we hire a City Manager for.

Mr. Jones: If I may just amplify a little: It was intended that this Volume One be, as it says, the Executive Summary to give you people an idea of what the Report is. The other four Volumes would be the working tools that the City Manager and his Director of Implementation, and others, would use as a working tool. We wouldn't even suggest that you people would become that familiar with all four of those Volumes. There's a lot of paperwork there -

Mayor Briare: I can assure you - I'm going to become familiar with it. I'm not going to argue with Commissioner Christensen - if he wants to adopt it in concept, with the understanding that if our City Manager finds exception to some of the things recommended in there, for reasons that we would have or for reasons that we might point out, that we are not confined or constrained to specifically everything that is in there, I don't have any objection.

Commissioner Christensen: Let me explain my feeling on that, Mayor: I don't think in adopting this that we are by any means taking an action that locks us in to line-by-line of this Report, because obviously, anything in here that requires a decision by this Board as to policy, has to be made by this Board at the time it is suggested we make that decision, if it is suggested that we make that decision.

Mayor Briare: I have no objection -

Commissioner Leavitt: I would just like to say: On Page 16 you say - many of our recommendations are consistent with aspects of the McManus Report - consideration should be given to having the same individual responsible for the implementation of both Reports.

I'd like to see that followed out. In other words, I'd like to see the McManus Report used in conjunction with this Report so we can

come up with a streamlined situation for the City.

City Manager, William E. Adams: Mr. Mayor - if I might interject an item here: I like the Report as it's written and I think it projects the concept of the idea you really want set forth in the administration of the City.

The combination of the McManus Report with this Report, is in conjunction with the operation that I had anticipated going forward in the Manager's office. As you are aware, we have eighteen (18) departments now and when you're sitting down in a Staff Meeting, it becomes almost a coffee-clatch. That is one of the things that was definitely addressed in the McManus Report. Some of those things work in conjunction then with what the L & H Report has set up here, in such a way we can actually give you a more efficient operation by putting these two together.

There are some things, and I think everyone will recognize this - that in the McManus Report - were ignored and in other Reports there were things that were brought in that have since been changed and need to be worked on. But by using the two Reports together as one effort, I think we can give you a real good operation.

Mayor Briare: Are there any other comments?

Commissioner Lurie: I have a comment: On Item 3 - and I appreciate the comment that was given to us this morning concerning this Report - that additional people should be looked for on present staffing.

We have a tremendous number of capable people who can work and implement this Report and these recommendations, on board right now so I hope this authorization for the City Manager to engage a Director of Implementation will be somebody we have on board with us now.

Mr. Adams: The way I feel about that, Mr. Commissioner, is that we now have a hiring "freeze" and as far as I'm concerned, we have all the good people we need right here. The only time I would ever go for anything else would be if I need them for two or three days, I would ask for money to do that with. Other than that, I don't need anyone else.

Mayor Briare: If there are no further comments, please cast your votes. (Motion on Page 61)

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

Mr. Jones: Thank you very much, gentlemen.

Commissioner Lurie: Before we break for lunch and inasmuch as Fred Martin is sitting out there, I think we ought to address ourselves to Item "A" on Page 33:

1976 SWIMMING POOL FEES AND CHARGES

(As recommended and approved by the Las Vegas Parks & Recreation Advisory Board)

(See Page 63 of these Minutes (Fee Schedule))

This item was discussed at the Consolidation meetings - both the City and the County's swimming program for the Summer and it was also brought before the Parks & Recreation Advisory Board for the City, and recommended that these fees be accepted.

I would move they be accepted for this Summer's Program. If you have any questions, either I, or Fred, can answer them.

Commissioner Christensen: Has the County adopted these fees for their pools?

Director of Recreation, Fred Martin: Yes they have adopted them.

SWIMMING
POOL FEES
(continued)

CITY OF LAS VEGAS

Date

INTER-OFFICE MEMORANDUM

April 6, 1976

TO:

COMMISSIONER RON LURIE

FROM:

Fred Martin
FRED MARTIN, DIRECTOR
RECREATION DEPARTMENT

SUBJECT:

SWIMMING POOL FEES & CHARGES

COPIES TO:

W. E. ADAMS, CITY MANAGER

1975 Swimming Pool Fees and Charges:

Daily Admission

Children 12 & Under	25¢
Teens 13 - 18 years of age	35¢
Adults	50¢

Monthly Swim Passes

Children	\$1.00
Teens	1.25
Adults	2.00
Family	4.00

1976 Proposed Charges.

Daily Admission

Children 18 & Under	.25¢
Adult	.50¢

Season Family Swim Pass

\$10.00 per family plus 50¢ per family individual for swim patch. This patch to be sewn on swim suit for identification for daily admission to any Pool.

SWIMMING POOL
FEES

(continued)

M o t i o n

Commissioner Lurie: Actually, family-wise, it's cheaper than what the Passes were last year . . . we feel this is a way we can control the Family Passes so they will be used properly and we would recommend that these fees be adopted.

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

Commissioner Woofter: While Mr. Martin is here, I'd like to ask him a question. I find myself in a peculiar position - in the past I've just been a softball player in the summer. Now it has come to me in an indirect way - not only as a player, but as a sponsor. What can we do to make a bargain on these entry fees for softball teams?

Mr. Martin: When you realize when it costs, I believe, something like \$235.00 to pay 24 games, if the sponsors would come up with \$5.00 apiece to play softball, they'd find out it is a lot cheaper than bowling, or playing golf. They would spend that in one golf match and this would give them something for the whole summer.

We do pass the cost of the balls, the umpires and the trophies back on to the sponsors, or to the individuals, if they want to come up with the money -

Commissioner Leavitt: Little League is a lot cheaper than Pop Warner Football, too - I can tell you that -

Mr. Martin: But we're talking adult recreation. When I play golf I spend \$8.00 to play - just for one golf round, and we're giving these people a chance to spend \$8.00 and play softball all summer.

Mayor Briare: It is certainly safe to assume, I hope, that any fees or charges, or whatever, are not charged from the standpoint of revenue, or profit - it's only to offset the means of doing it and it doesn't even barely meet the cost -

Mr. Martin: No . . .

Mayor Briare: The City is certainly performing its obligation to provide recreation for both the young and the not-so-young.

Mr. Martin: We charge only for adult recreation. We try to make that pay for the equipment that is being used - not the parks . . .

Commissioner Woofter: Like Commissioner Leavitt mention - my boy is going to play in the Little League Baseball this summer, and I had to pay \$20.00 to sign up for the Program. Is that \$20.00 what the City charges each boy to sign up through his parent?

Mr. Martin: Absolutely not - you're talking Little League Baseball. The Las Vegas Recreation Department's sponsored baseball, I think the entry fee for one team is \$20.00 for the whole team to play the Summer, with us furnishing the balls. We feel in Recreation that as a part of the taxpayers, we offer a recreation program. You're talking Little League, which is a National organization. I guess that money goes back to Williamsport, or someplace. But we do participate with the Little League in furnishing them the Parks, the maintenance and the lights.

Commissioner Woofter: I was just curious - in this respect, it's getting to a point where there seems to be a decline in the sponsors insofar as Softball is concerned - I know there has been a general comment the past several years amongst businessmen that it is getting to a point where they have second thoughts . . . what you mentioned, about passing this on down to the individual players -

Mr. Martin: Commissioner, you will find that when an individual goes to you to sponsor a ball team, if you realize that the \$235.00 entry fee is nothing. It's when they want that \$2,000.00 for uniforms - then he nails you.

Mayor Briare: I think we surely all recognize that without Little League - without Pop Warner - and any others sponsored for youth -

without them, we would be hard-pressed. That's an under-statement. Thank goodness we've got them.

Mayor Briare: If there is nothing further at this time, we will RECESS until 1:30. (12:10 p.m.)

However, before we leave, I would like to ask the Commission for some guidance on the matter that came up the first thing this morning relative to the Final Budget. We have to decide to meeting in Committee, or something, because we have to make some decisions on this.

Commissioner Leavitt: Why don't we take the matter up after we are all finished with our agenda today?

Mayor Briare: I would like to avoid having another meeting - we will try to resolve the matter sometime today before we adjourn, maybe around three o'clock this afternoon.

Meeting reconvened at the hour of 1:30 P.M. with the full Board and Staff in attendance.

DEPARTMENT OF COMMUNITY DEVELOPMENT

DONALD J. SAYLOR, DIRECTOR

Z-7-76
Approved

ZONE CHANGE Z-7-76 - NORMAN J. HELGESON
(Abeyance from 3/17/76)

Mr. Saylor: As you will recall from your last meeting, this property is generally located on the west side of Las Vegas Blvd., North, between Adams Ave. and Foremaster Lane, approximately 320 feet north of Adams Avenue and is a request by Mr. Helgeson for a change in zoning from R-T to C-2.

He has submitted a new Plot Plan (wall map) showing the warehouse at the rear and a substantial setback. The Planning Commission has recommended approval, subject to the following conditions:

1. Conformance to the Plot Plan on file in the Department of Community Development.
2. 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 a 10 ft. of right-of-way for Las Vegas Boulevard North, as required by the Department of Public Works.
8. Conformance to Code requirements and Design Standards of City departments.

Z-7-76
(continued)
M o t i o n

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

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

Z-11-76
Approved

ZONE CHANGE Z-11-76 - CARMINE V. CATELLO, JR. AND DIANE J. CATELLO

Mr. Saylor: I think you are all pretty much acquainted with the Catello Tile Company property on Highland - fronting on Highland. This is the existing building (wall map) and they are asking for additional zoning to allow an additional building to the south and to the north.

The meeting before the Planning Commission I think we resolved many of the points the protestants had. The conditions are numerous but they seemed to satisfy everything in terms of access - landscaping - Mr. Catello has agreed with all of the conditions imposed by the Planning Commission:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. No access shall be provided to Desert Lane.
3. A 6 ft. masonry wall be constructed along Ellis Lane and Desert Lane and if rear access to the property is needed by the Fire Department, an emergency access gate shall be constructed as required by the Fire Department. The gate shall be locked at all times except when used by the Fire Department.
4. A 10 ft. building setback be provided from the north property line and this setback area shall be used for a driveway access to Highland Drive.
5. A 1-story height limitation shall be imposed on all development.
6. An oleander hedge with a permanent underground sprinkler system shall be provided along the entire west boundary of this development (including the developed portion) as required by the Department of Community Development.
7. A 6 ft. masonry wall be extended along the west property line to the south line of the development.
8. No permanent storage of vehicles in excess of 3/4 ton in size shall be allowed.
9. A drainage easement shall be provided on the south portion of the property as required by the Department of Public Works and the proposed building on the south portion shall be constructed accordingly.
10. The north and westerly sides of the proposed building in the P-R Zone shall have a decorative finish because of its exposure to the residential area to the west and said aesthetic treatment of the building shall conform to the requirements of the Department of Community Development.
11. Installation of curb, gutter, sidewalk and street lights along Highland Drive, as required by the Department of Public Works.
12. Conformance to the Plot Plan to reflect the above conditions.
13. 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.

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

Mr. Saylor: There will have to be a modification in the design here (wall map) to allow this parking to have access to Highland. Mr. Catello has agreed with all of the conditions set forth. We do have a drainage facility running across the property somewhere about at this point (wall map) without benefit of an easement. However, that is a condition and Mr. Catello has agreed to readjust this building so that he can provide us with the easement and not build over it.

I would like to be able to say to you that all of the conditions have satisfied all of the protests, but I don't believe I can say that without accuracy, except to indicate that it was pretty well taken care of at the Planning Commission meeting.

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

(No response)

Mayor Briare: Mr. Catello - I am in a difficult position on this vote. Are you aware of the fact that your Firm is bidding a job for a company that I own?

Mr. Catello: No Sir, I was not aware of that.

Mayor Briare: I'm going to have to abstain from a vote on this matter, because you've been invited to a project, without my knowledge -

Mr. Catello: I'm unaware of it also, but that's fine -

Mayor Briare: In any event, no matter what you bid, you won't get the job, because no matter what I do in this particular vote I'm in an untenable position, and I'm kind of embarrassed about it, but I was pretty sure that you didn't know about it either. As I say - if you think about it it, no matter how I vote, I could be severely criticized, depending on whether you were or were not the successful bidder. I am going to go on record that on this particular construction job I have, the Catello Tile Company will have nothing to do with it - and this is no reflection on your Firm, because you have the reputation of being one of the finest in the City.

What is the pleasure of the Board?

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

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

Mayor Briare abstained.

M o t i o n

Z-14-76

ZONE CHANGE Z-14-76 - CLAUDE I. HOWARD

Mr. Saylor: We did give you detailed written comments on this item. I think you should be aware that he is no longer considering the apartment house development. Therefore, he is not requesting a change in zoning but is, in fact, coming before you at this point in time for a Plot Plan approval which is required in Commercial Zones to allow a commercial building, which is to be a Health Facility - this being Las Verdes - (Wall map) - there's an existing building here - there's a 10 ft. setback here and this shows landscaping all along Las Verdes. We would recommend approval of the Plot Plan.

Mr. Howard: We've remodeled it into a Health Spa.

Commissioner Lurie: Where the National TV was, is going to be part of the Health Spa?

Mr. Howard: Yes -

Commissioner Lurie: And the parking is going to be where?

Mr. Howard: We purchased the lot adjacent to that - from Attorney Rose and Cashman -

Commissioner Christensen: Where is the Sahara Avenue access?

Mr. Saylor: To the south -

Commissioner Christensen: How far down?

Mr. Howard: There's a Service Station between us and West Sahara.

Commissioner Lurie: Is there a wall up between your property and the other property owners?

Mr. Howard: Well, we own both pieces of property - the only thing through there is a right-of-way for Wonderworld. Where you see that 35 ft. driveway - and we checked the deed on it and it gives us full access without having a barricade, or fence, or any kind of structure put up there. I believe that has been turned over to the Planning Department.

Mr. Saylor: This is zoned Commercial and this is a proposed commercial development.

Mayor Briare: Were you here this morning, Mr. Howard?

Mr. Howard: Yes Sir -

Mayor Briare: This, Mr. Saylor, again brings up the point that was brought up this morning. From the time it leaves a recommending Board - some application - specifically, Mr. Howard's in this instance - until it reaches this Board, changes are made, which might make it a perfectly acceptable application to the protestants as well as everyone else, and yet, let's don't get into the habit of doing this. The people who protest at the Planning Commission meeting and the Planning Commission heeds their protests and propose to deny - seem to be at a disadvantage if things are changed before it comes before us -

Mr. Saylor: In this particular case, Mayor, they are withdrawing their application for a Zone Change. That was the matter the Planning Commission acted on. They are not asking for a change in Zoning from C-C to C-1 - they're asking for a Plot Plan Review -

Mayor Briare: First of all I will ask: Is there anyone in the audience here to protest this application.

(Show of hands)

Mayor Briare: OK - there are some flks here to protest -

Mr. Howard: Is this in respect to the apartments?

Mayor Briare: Exactly - and this is the point I am bringing up. You people have had to sit all through this morning and now this afternoon, based on a - and I don't mean this disrespectfully - based on a maneuver that would change the complexion of this application. If our Ordinance allows this sort of thing, we should change our Ordinance to prohibit it.

If Mr. Howard wants to cancel his request, let him cancel, and then let him come forward with whatever the procedures allow for any changes.

Mr. Howard: That's what has been done -

Mayor Briare: I know - but he's using the mechanics of our procedures to come in here at this meeting with this particular application. Could he go right ahead now and do this anyway?

Commissioner Christensen: Not necessarily - as I understand it - correct me, if I'm wrong, Mr. Saylor - I see what you're driving at Mayor, and as I understand it, he is withdrawing the application for the apartments - so that's dead. Now, what he's done is to bring in a Plot Plan for the City Commission to look at, and to submit a Plot Plan doesn't require notification to all the neighbors.

Mayor Briare: Alright - he's submitted a Plot Plan based on the zoning that is there now - and that doesn't require a public hearing or anything else -

Mr. Howard: That's right - that's why we went back under the C-C, because it does permit that.

Commissioner Lurie: All that green area (wall map) is that all going to be a planted area?

Mr. Howard: Landscaping - yes -

Raymond Christie: I live at 4028 Esmeralda Avenue. In the paper just yesterday it said he was applying for the 24 apartments so that's the reason we were here - to object to that. If what you say is true, there is something that shouldn't take place between these two meetings because it puts the property owners at a disadvantage because we don't know what the people are trying to do and what they intend to put in there.

Mayor Briare: Yes - and we had an example of that this morning also - Are you going to have some recommendations for us, Mr. Saylor, as to how we can correct that?

Mr. Saylor: We can come up with something - yes. The applicant has withdrawn his application for the apartments -

Mayor Briare: I realize that - he has not appeared anywhere except here on this Plot Plan, which normally follows a certain routine procedure -

Mr. Saylor: No -

Mayor Briare: But since he is here, by all means let's accommodate him in the sense of looking at something he is allowed to do in that area. But, for the future, let's not spend the whole day down here thinking we're going to talk about apartments, and we're not talking about apartments now - we're talking of another type of type of development. There's got to be a weakness there -

Commissioner Christensen: Now I'm curious - what is the procedure for a Plot Plan Review?

Mr. Saylor: Normally, it would go through the Planning Commission to the City Commission. In that the Plot Plan is completely in order, we felt it would be proper for this Board to act on it, if you desire.

Commissioner Christensen: Under the circumstances there could be a problem here and I think we should send it back to the Planning Commission -

Mr. Howard: They've already looked at it - we submitted it about 10 days ago -

Mr. Saylor: This hasn't been before the Planning Commission -

Commissioner Christensen: If the normal procedure is to run a Plot Plan through the Planning Commission, then I think that's where it should go, and I will make a motion to that effect.

Commissioner Lurie: I have just one question of the City Attorney: I believe - I was one of the protestors at the time the apartments were proposed there - perhaps I should abstain?

Mr. Smith: I think it would be well for you to abstain.

Commissioner Lurie: Let the record show I abstain.

Commissioner Christensen: I think we're back to the situation we had earlier in the day regarding "due process". If this normally would go through the Planning Commission, then I think it should go through the Planning Commission.

Mr. Howard: What happened on this - they gave us prior approval to build the first building and convert it to a Health Spa. Now we're being penalized because we want to put another building up and put in a men's and women's facility - both. We had planned on a 3-day each, men and women. However, it would be better to have a complete facility for men and a complete facility for women. We've already gone ahead and spent between \$50,000.00 and \$75,000.00 just to convert this building into a Health Spa. Now we're got to go back to Planning and go through the whole procedure.

Commissioner Christensen: For your benefit, it would be better to run it through on the regular procedure because you could wind up in a lawsuit and have the whole thing turned over by the Courts. That is what was brought up this morning - because we're tinkering around with "due process" of people. The attorney said it this morning - and he's right - we don't want to wind up with a lawsuit being filed on this thing.

Mayor Briare: Mr. Howard, are you saying that you've spent \$75,000.00 to convert this into a particular use - and then you came and applied for a 2-story apartment development containing 24 units . . .

Mr. Howard: We purchased the land alongside of this, Sir - that's what we did. Then we were turned down for the apartments - we didn't want to push that, or fight it, and we have this building we are converting already - at that time we were converting that building - now we've decided we'd like to put another one in there and utilize the land we bought, which we were going to put the apartments on - for parking space to comply with the C-C requirement that you do not build on more than 25% of the land. Our combined properties there is only 23% of building space.

Mayor Briare: From your experience before the Planning Commission until today, or until such time as you changed your mind, you wanted to build 24 units . . .

Mr. Howard: We changed that at the last meeting, as a matter of fact. When the Planning Commission denied it right off, we had no alternative but to . . .

Commissioner Christensen: The point is this: If we were to sit here as the City Commission and dismiss you from the audience and then take action and say we've decided to change this around with these fixed conditions that you had no chance to discuss, argue about or anything else, would you be happy with that?

Mr. Howard: No, I wouldn't -

Commissioner Christensen: That's what you're doing to the home owners - the same thing. You changed the conditions on them in the middle of the stream -

Mr. Howard: But they have allowed us to proceed to this point, is what I'm getting at - so why should I be penalized at this stage of the game?

Mayor Briare: I don't think you're being penalized - the motion is to send this back to the Planning Commission. Would you vote on the motion please.

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

Commissioner Lurie abstained.

ITEM	Commission Action	Department Action
<p><u>VI. DEPARTMENT OF COMMUNITY DEVELOPMENT CONTD.</u></p> <p><u>E. ZONE CHANGE - Z-15-76 - S & W PROPERTIES</u></p> <p>Property located on the south side of West Sahara Avenue between Richfield Boulevard and Rye Street at 3021 and 3025 West Sahara Avenue.</p> <p>From: P-R (Professional Offices & Parking) To: C-1 (Limited Commercial) Proposed Use: Offices and Retail Stores</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Resolution of Intent be restricted to a twelve (12) month time limit. 2. Conformance to the plot plan. 3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license. 4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit. 5. Conformance to code requirements and design standards of City departments. <p style="text-align: center;">0 Protest</p>	<p>Approved as recommended by Planning Commission L Commissioner Christensen Abstained</p>	<p>Clerk to notify Dept. of C/D to proceed</p>
<p><u>F. ZONE CHANGE - Z-16-76 - TEDDY RICH ENTERPRISES</u></p> <p>Property generally located southeast of El Conlon Avenue and South Valley View Boulevard.</p> <p>From: R-1 (Single Family Residence) To: R-3 (Limited Multiple Residence) Proposed Use: Additional Area for Approved Apartment Project</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Resolution of Intent be restricted to a twelve (12) month time limit. 2. Conformance to the plot plan. 3. This approval constitutes an Administrative Variance approval on the proposed building locations along the rear property line. 4. Conformance to the conditions of approval under Z-51-75. 	<p>Approved as recommended by Planning Commission</p>	<p>Clerk to notify Dept. of C/D to proceed</p>

F. Z-16-76 Continued

See Page 21

See Page 21

5. *Installation of half street improvements along El Conlon Avenue and sidewalk along Valley View Boulevard as required by the Department of Public Works.*
6. *Conformance to code requirements and design standards of City departments.*

0 Protest

WOODLAND HILLS
SUBDIVISION
Tentative
Map
Approved

TENTATIVE MAP - WOODLAND HILLS SUBDIVISION

Mr. Saylor: The Planning Commission recommends approval subject to the following conditions:

1. Conformance to the conditions of approval under Z-2-76.
2. Redesign of the Subdivision on the south portion to preclude lots backing up to Washington Avenue, as required by the Department of Community Development.
3. Lot widths along Vegas Drive shall be approved as shown on the Subdivision Map.
4. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final map is not recorded on all or a portion of the area embraced by the tentative map within 12 months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within 12 months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
5. Street names shall be provided in accord with the Street Name Policy.
6. Conformance to Code requirements and Design Standards of City departments.

Mayor Briare: Is the applicant present?

Mr. Saylor: He was here -

Commissioner Lurie: Is that Washington down below there (wall map)?

Mr. Saylor: This is Washington (wall map) - yes.

Commissioner Lurie: They changed that from the original Plan, didn't they?

Mr. Saylor: What we're suggesting is that we redesign this, so that we don't have the lots backing up to it -

Commissioner Lurie: In the original Plan that was shown, there was no wall -

Mr. Saylor: The original had the wall - we're saying this should all be redesigned so these lots don't back up here (wall map).

Al Scheidler: I am with the Crestmont Corporation and I'd like to comment, if I may. We have contacted all of the property owners on the south side of Washington, facing north, opposite that property and they seem to be in accord with us on the idea of backing all the lots to Washington and having the wall at that point.

We are in the process of preparing a drawing showing exactly the type of wall that will be built there, and we will have written approval from the property owners when we resubmit our revision of the south end of the Tract.

Commissioner Lurie: You're talking about the people on the south side of Washington?

Mr. Scheidler: Yes -

Commissioner Lurie: They will be facing the wall?

Mr. Scheidler: They will be facing the wall. In other words, it was my understanding from Community Development that was the reason for not backing to Washington - was the objection of the people across the street.

Commissioner Lurie: That's not the same Plan I looked at when you came in for the zoning - when you got the change from R-E to R-1 - that's not the same Plan you showed us.

Mr. Scheidler: That's correct - in the north end there was an "excluded" area - it was not broken into lots - it was in the zoning but not broken into lots and at the south end there was an area there that was "excluded" in the southwest corner that was not platted. It was included in the zoning, but not platted with the Subdivision, and at the request of Community Development, we revised that to plat all of those lots in there. But the south end of the property will be changed, basically because we feel we may be able to acquire that area there that is under a different ownership, and thereby improve the Subdivision.

Our initial development will be adjacent to the entrance of Golf Lane there in the center of the Subdivision, and the south end will not be affected. We do expect to recognize a condition on the approval that the south end be approved again.

M o t i o n

Commissioner Lurie: I move for approval subject to the recommendations of the Planning Commission.

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

PLOT PLAN
REVIEW
Z-105-73
Approved

PLOT PLAN REVIEW - Z-105-73 - SOUTHERN NEVADA MEMORIAL HOSPITAL

Mr. Saylor: This merely involves the temporary use of trailers on property owned by the Hospital, in close proximity to the Hospital. They are in the process of developing a Master Plan but in the meantime these are needed for temporary office space and storage space.

Mayor Briare: Mr. Saylor, is three years quite long for a temporary use?

Mr. Saylor: In some cases, it could be -

Commissioner Woofter: They've just completed an addition to Southern Nevada Memorial Hospital - it's been going on for two years -

Del Gardner: I am the Hospital Administrator. The problem we've had has been inadequate office and storage space for the Hospital. It is an acute problem and these two trailers are needed - one for pathology and one for our Social Services Department.

We do intend to - once the Phase II construction is complete - to remove these trailers and we will maintain these offices within our new addition.

Mayor Briare: And this will take three years?

Mr. Gardner: We hope to have the bid documents ready early in 1977 and with a 2-year period of construction, we are looking for construction to be completed at the end of 1978.

Commissioner Leavitt: These trailers are not for construction use, are they?

Mr. Gardner: No - one is an office - one is for the Laboratory Department. It has offices . . . the other one is - we have a contract with Clark County Social Services and some of their Staff are located in that other trailer.

Mayor Briare: What was Staff recommendation on this, Mr. Saylor?

Mr. Saylor: We're satisfied with the proposal in view of their overall plans for the area.

Mayor Briare: It is not going to be obnoxious to the neighborhood?

Mr. Saylor: No.

Commissioner Leavitt: Where has the Department of Pathology been?

Mr. Gardner: It has always been there. However, they have required additional space -

Commissioner Lurie: When will you have a general overall Plan for the Hospital covering the next ten years?

Mr. Gardner: In the past our Architectural Firm had developed a Master Plan for the Hospital. We recently changed architectural firms and have up-dated that Master Plan and are proceeding with the preparation of bid documents. Perhaps when we get to the other applications I can give you some background on what that Plan is for the development of that area..

Mayor Briare: Are you pretty confident that in three years these trailer facilities will no longer be required? And that you will be able to move into a new facility that has been approved?

Mr. Gardner: I am reasonably confident. In the event that the letting of the contracts and the construction is delayed for reasons we cannot anticipate, we were advised by Staff that we could come in and request an extension. But we hope we won't have to take that step.

Mayor Briare: And, Mr. Saylor, you don't see any problems in the neighborhood?

Mr. Saylor: I think pretty much the property owners in that area have accepted the fact that the Hospital is going to expand. Further on on the agenda you've got zone changes for two or three more parcels for Hospital use.

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

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

1. The temporary use of the trailers shall be allowed for a maximum of three (3) years.
2. The trailers shall conform to the requirements of the Fire and Building Departments.
3. Conformance to the Plot Plan on file in the Department of Community Development.
4. Conformance to Code requirements and Design Standards of City departments.

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

Z-54-75
Stricken

PLOT PLAN REVIEW - Z-54-75 - TERRA MARKETING OF NEVADA

Request to allow the elimination of landscaping and asphalt on the west half of the property located on the north side of East Sahara between Van Patton Avenue and Beverly Drive, C-1 Zone.

Planning Commission unanimously recommends APPROVAL, subject to the following condition:

Five (5) additional parking spaces shall be provided on the parcel to the west, as required by the Department of Community Development. A landscaped planter shall be provided between this additional parking and Sahara Ave. and this required landscaping and additional parking shall be provided within a six (6) month time period.

Mayor Briare: Is the representative of Terra Marketing here?

(No response)

Mayor Briare: Why is a representative of this applicant not here?

(No response)

Mayor Briare: Does the Commission have any objection to holding this off until such time as Terra Marketing of Nevada indicates they will be present?

Hearing none, this will be taken off the agenda until such time as Terra Marketing indicates they will have a representative present to discuss their application.

Z-25-68
Approved

PLOT PLAN REVIEW - Z-25-68 - ALBERTSON'S, INC.

Request to allow an additional curb cut for access to Washington Ave. concerning property located on the southeast corner of Decatur Blvd. and Washington Ave. at 840 N. Decatur Blvd., C-1 Zone.

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

1. Conformance to the Plot Plan on file in the Department of Community Development.
2. Conformance to Code requirements and Design Standards of City departments

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-101-63
Approved

PLOT PLAN REVIEW - Z-101-63 - T. P. & K.

(Mayor Briare excused himself temporarily)

Mr. Saylor: This involves a proposed addition to the State building located at the east end of Lorenzi Park - this is Belrose (wall map) - Bonanza - K-Mart to the north. This is the existing building and they are proposing an addition.

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

1. Construction of a 6 ft. masonry wall along the south property line and a 6 ft. masonry wall along the west property line, with the top three courses decorative to coincide with the existing pattern and design to the north, as required by the Department of Community Development.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission.

Z-101-63
(continued)

3. Conformance to Code requirements and Design Standards of City departments.
4. Conformance to the Plot Plan on file in the Department of Community Development.

Mayor Pro Tem Lurie: Is there anyone in the audience here to protest this application?

(No response)

M o t i o n

Mayor Pro Tem Lurie: I move for approval as recommended by the Planning Commission.

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

Mayor Briare temporarily absent

Z-62-75
Approved

PLOT PLAN REVIEW - Z-62-75 - WILLIAM F. CURRAN

Mr. Saylor: This involves the recently approved Zone Change at Washington between Rancho Drive and Robin Street for the Commercial Office Complex. In the original approval the proposal by the applicant was for a block wall. He is now wanting what he describes as a "living fence".

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

1. The proposed fence shall be constructed in accordance with the submitted design.
2. The applicant shall obtain a letter from a representative of the Church (LDS) to the north indicating there is no objection to this proposed type of fence.

It would be a chainlink fence with vines and various bushes planted along with it.

We do have that letter from the Church.

I don't know if the applicant is still here. He was here earlier and indicated to me that he had a dental appointment which he had to keep. If the Board would want to, he would accept having it held in abeyance.

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 and Mayor Pro Tem Lurie voting aye; noes, none.

Mayor Briare temporarily absent

A-1-76
Report only

ANNEXATION REPORT - A-1-76 - MARTIN F. BRODKIN, ET AL

Mr. Saylor: In accord with the Annexation Procedure we must summarize this Report and advise you and the Public that it will be on file in the City Clerk's office. It does not take any action by you at this point in time. The Public Hearing date has already been set for 9:30 a.m., May 5, 1976.

The Report contains a description of the area to be annexed, the Boundary Map, the Vicinity Map, the location of sewers, surfaced streets, the Municipal Services to be provided, which are the normal services, plus sewer services available at the intersection of Vegas Drive and Jones Blvd; any connection to or extension of the sewer line along the annexation area will be at the cost of the property owners in the area - in the annexation area. Improvements to Lake Mead Blvd., Jones Blvd., Vegas Drive, Torrey Pines bordering the annexation site, and all internal streets shall be at the expense of the property owners in the annexation area. The land

is vacant. The proposed Land Use Plan indicates suburban density - residential. 100% of the owners petitioned for annexation.

Mayor Pro Tem Lurie: What were those boundary lines again?

Mr. Saylor: West of Jones (wall map) - east of Torrey Pines between Vegas Drive and Lake Mead Blvd. This has been before you. You've adopted the Resolution for Annexation. As I have indicated, this is just another step prescribed by State Law that we have to file this Report.

Mayor Pro Tem Lurie: It is accepted as the required information then.

MAJOR STREET
PLAN
Amended

AMENDMENTS TO MAJOR STREET PLAN:

1. Marion Drive
2. Peak Drive
3. Westcliff Drive

Mr. Saylor: Marion Drive is a street in the eastern part of the City. It is a secondary major street. It is one of those that because of the change in township, the same sectional alignment is not to the south as to the north. In other words, if Marion Drive were continued south to Charleston on the present alignment it would not meet up with the same section line alignment on the south side. This is vacant (wall map) - we are proposing that it be changed to this alignment so that it will meet that section line, and at the same time we're - if you do approve it - we are working with the County Planning Department to see if we can get the name "Marion" all the way through. This has been reviewed by the Department of Public Works and the Department of Community Development, and the Planning Commission recommends approval.

Mayor Pro Tem Lurie: You are speaking now or No. 1 only - Marion Drive?

Mr. Saylor: Right.

Mayor Pro Tem Lurie: Did this proposal go out to the property owners? Did you have a Hearing on it?

Mr. Saylor: No.

Mayor Pro Tem Lurie: What happens then if these people where you're cutting across?

Mr. Saylor: This has been discussed with the particular owner in this case and he has submitted a preliminary Subdivision design that has been worked into it. So it is being done with his knowledge.

I will go on the second one - the third one we will have to hold in abeyance. No. 2 is Peak Drive. This, again, is a secondary out in the northwest part of the City - this is Rancho (wall map) - this is Peak Drive as it exists up to Jones Blvd. - this is in the County. It is carried on their Master Plan - however, when this area was developed in the County they did not make provision for the extension of this street along this line (wall map). Consequently, there is that hiatus and we are recommending that the Master Plan be amended to exclude from Rancho Drive to Jones, Peak Drive as a major street. This has been reviewed by Regional Streets & Highways and they are in agreement. The Department of Public Works as well as the Department of Community Development have discussed it with the County, and they are not carrying it on their map. It appears that everybody is in agreement that it should be dropped . . .

Commissioner Woofter: I move for the approval of Items 1 and 2 as recommended.

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

Mayor Briare temporarily absent

Commissioner Christensen temporarily absent

ITEM

Commission Action

Department Action

VI. DEPARTMENT OF COMMUNITY DEVELOPMENT CONTD.

O. ZONE CHANGE - Z-17-76 - SOUTHERN NEVADA
 MEMORIAL HOSPITAL

Property located as follows: Lots 2 and 3 are located on the south side of Hastings Avenue between Rose Street and Tonopah Drive at 2005 and 2009 Hastings Avenue. Lots 20, 22 and 23 are located on the north side of Alturas Avenue between Rose Street and Tonopah Drive at 2024, 2016 and 2012 Alturas Avenue.

From: R-E (Residence Estates)
 To: C-V (Civic)
 Proposed Use: Storage and Offices for
 Hospital Use

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. The temporary off-street parking layout on each property shall conform to the requirements of the Department of Community Development.
2. Conformance to the requirements of the Fire and Building Departments.
3. The temporary use of the buildings on these various parcels of land shall be allowed and any future development plans shall first be approved by the Planning Commission prior to commencement of construction.
4. Conformance to plot plans as amended to reflect the above conditions.
5. A 6' high chain link fence with opaque slats shall be installed on the rear property line of each lot and on the west and the south sides of the property at 2001 Hastings Avenue. The fence along the west side of the property at 2001 Hastings Avenue shall be stepped down on the front portion of the property as required by the Ordinance.
6. Signing an Assessment District Agreement for future sidewalk, curb and gutter, and street lighting along Alturas Avenue and Hastings Avenue as required by the Department of Public Works.
7. The hospital shall provide adequate off-street parking facilities for the employees for these proposed offices.
8. Conformance to code requirements and design standards of City departments.

Approved as recommended by Planning Commission Lurie - unanimous
 Commissioner Christensen temporarily absent

Clerk to notify Dept. of C/D to proceed

(Mayor Briare returned to the Meeting at approximately 2:20 p.m.)

Z-18-76
Approved

ZONE CHANGE Z-18-76 - NEVADA ESCROW SERVICE, TRUSTEE

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

(No response)

Mr. Saylor: This is very perplexing. At the Planning Commission meeting they are all advised when this will appear on the City Commission's agenda.

Commissioner Lurie: I received a few calls on it from people who couldn't get down here because it is a day meeting, letting me know their feelings about this being built.

Mr. Saylor: I think there were only five at the Planning Commission meeting and a Petition was submitted with some 75 names or property owners in that neighborhood.

Mayor Briare: The agenda indicates that the Planning Commission approved this, Mr. Saylor. Your resume of the Planning Commission portion of the meeting covering this application would indicate that Staff's recommendation was for approval also.

Mr. Saylor: I think if you will look at the screen you will see part of the Planning Commission's basis. This is the property in question - Brush Street - and then the single family home area to the north - is a relatively old Subdivision. Further west in the home tract area there are some new, relatively expensive homes being built.

The Planning Commission indicated to the property owners that even if this was allowed for apartments, more than likely the fact the City owns the green area in there, would serve as a very strong deterrent from the spread of this type of zoning any further west. In other words, the Planning Commission felt they could preserve the integrity of the R-1 zone in the interior.

The largest piece there (screen) is indicated by the City as a future Park - the smaller piece, a Branch Library site.

Mayor Briare: Should this be Nevada Properties or Nevada Escrow?

Commissioner Lurie: Nevada Properties is the developer -

Mayor Briare: Did you want to make a comment, Mr. Becker?

Ernest A. Becker, Sr.: The only comment I have is - just to the right of the pointer up there (screen) the street runs right through the middle of our property that we have, and if it's going to be zoned into one big piece, we would like to have that proposed street eliminated because it cuts our property right in half. The Street doesn't exist but I just wanted to get it on the record that it would cut our property in half - I don't think he needs it for drainage - do you?

Representative of Nevada Properties: I have no use at all for the street he's talking about. It doesn't exist, but I don't think this is the time to consider it.

Mr. Becker: I just wanted to get their general feelings on the subject -

Commissioner Lurie: A couple of the calls that I received complaining about this Project had to do with the layout - the way it's shown there, with the cul-de-sacs - the way the property above, to the west, is divided. Is that a Plot Plan that has been approved - with the cul-de-sacs in R-1 and R-E west of this development?

Mr. Saylor: Pretty much - you see, this was a homesite area - the property was divided up by the BLM years and years ago, with a standard, patent reservation pattern - strictly grid-iron. The City attempted to work out a logical street pattern to make available the total use of the property, but there are no dictates on that pattern

except in some cases where the street pattern is necessary for drainage. For example: The street that runs through the south third of this property (wall map) has to be maintained at that location. That's Cory Place. But on the cul-de-sac design - that could be changed if it would benefit the property owners involved. The City is not taking the position that it has to be that way.

Commissioner Lurie: My biggest concern, and I've done a lot of work on reviewing the General Plan of the City, is the fact that in the General Plan it says - it was pointed out about leap-frogging - with an apartment complex - R-1 - Shopping - Schools - Parks. I'm not convinced in my mind that this is a logical location for apartments. Based on the General Plan we have certain things we have to take into consideration, such as Schools, Parks, Neighborhood Convenience facilities for residents living in the particular area.

As I mentioned to you earlier, Mr. Saylor, the General Plan is general - there are a lot of areas that can be changed to meet a particular need, but I don't particularly feel that a 144-unit apartment complex is the right use for this particular area.

Representative of Developer: May I comment on that? The property values in this area east of Brush Street, have gone beyond the point where they are feasible to be for single family residences. In other words, nobody would pay the price for the property in there to build single family homes.

On the other side as you go west, the values are still lower and they are building houses. Some of the protestants are the home owners of those four new homes that are built. They were concerned the apartment use was going to spread out there. They were satisfied when Mr. Saylor indicated that there was a natural barrier to keep the multiple-family from spreading.

The people most concerned about it were the people due north of the building. They objected to the 2-story unit that would be looking down into their backyards and we agreed not to put any windows on the north side of the building. We talked to those people and they were satisfied. I think the Petition you have with all the names came before the Planning Commission had considered it and as far as any protestors now are concerned, we know of none.

Commissioner Lurie: I appreciate your comments - some of them are argumentative - this piece of property at one time was Commercial with a Shopping Center proposed there. At one time a Senior Citizen Center was proposed there and now it's R-1 . . . the density hasn't been reached in the particular area where the services are there to provide for R-3.

Mr. Becker: I'm in favor of the rezoning from that standpoint and I want to point out that at one time, from Evergreen to the edge of the R-1 developed property, was all zoned R-4 and there was a lot more density in this area up until about 1960. Some in 1961 or 1962 the City even took away some more R-4 and made it R-3 - that is what you see colored right now behind our Shopping Center. And I can tell you you're not going to have people come in here and build R-1 houses in that area. Our business in this town is building R-1 houses and you're not going to have them built in that area where they back up to businesses all along - Used Car Lots - the Taco Bell - Peyton Place - the backend of our Bowling Alley - those types of things - on Charleston you have a Car Wash and a MacDonald's . . . It's been there as R-1 for years and nothing has happened. I think, Commissioner Lurie, what you're talking about is that maybe for years to come it's going to stay there as R-1 and will eventually be changed to a higher density - maybe even higher than this - to make it come out on a pencil-and-paper situation.

Commissioner Lurie: I understand - on the General Plan it shows Commercial and R-3 or R-2 as a buffer zone around a particular area. I'm just not too convinced that that area is not saleable for R-1, since the homes to the west are owned by people who have spent a lot of money for those homes and to develop that property . . . We're still a long way away from Decatur when you're talking Brush Street. That's just my personal opinion.

Neldija Anyon, 7061 South Valley View: I do own a small piece of property just about across from this proposed development, and I would just like to say for the record that I am all for it. I would like to see something come up there.

Dorothy Bowton, 4950 West Charleston: This is right in front of the property in question and I would like to ask Commissioner Lurie: If I built a house - a single family house - on a piece of property right next to it, would you pay me \$100,000.00 for it if you had to look at MacDonald's backyard and their trash bins? That's what a one family house on that property would cost you -

M o t i o n

Commissioner Woofter: I would make a motion to approve this application, Mayor, as recommended by the Planning Commission and subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. A 6 ft. block wall be provided along the north property line.
3. A landscaped planter with trees shall be provided along the north portion of the property, as required by the Department of Community Development.
4. There shall be no windows on the north side of the second story portions of the two buildings on the north portion of the property.
5. A 50 ft. building setback shall be provided from the north property line.
6. Minor design changes as required by the Department of Community Development.
7. Conformance to the Plot Plan, as amended, to reflect the above conditions; said Plot Plan on file in the Department of Community Development.
8. Dedication of radius corners at Alpine Place and Brush Street; and at Cory Place and Brush Street; and the installation of half-street improvements along Brush Street, Cory Place, Alpine Place and Vulcan Lane.
9. All mechanical equipment, air conditions and trash areas shall be screened from view from the abutting streets.
10. Conformance to Code requirements and Design Standards of City departments.

Mayor Briare: I wish to make a comment that other than for good Planning reasons, the outcome of this motion is totally immaterial to me. However, because the laws that require that persons who have Licenses be obliged to hang your License one place or another, my License is hanging in the office of Mr. Fleming, and the outcome of this - but knowing how these things come about - makes no difference whatsoever, but I feel I am going to have to abstain on this one. This is only the second vote I've abstained in since I've been in office - the first one was this morning - but in view of those extenuating circumstances, I feel obliged to abstain. The motion is to approve

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

Mayor Briare abstained

TENTATIVE MAP - CHARLESTON ESTATES No. 7

Mr. Saylor: This is what used to be the Ann Greta Jones property across from the Golf Course. Some of you will remember exuberant zone hearings we had on it. This is Commercial to the west (wall map). It was zoned R-PD-8 some time ago. They are now presenting the Tentative Map of the proposed development which will allow them to go ahead with it. Essentially, the access is from Washington - there will be an emergency-type access to Bonanza.

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

1. Conformance to the conditions of approval under the approved Zoning action Z-19-74.
2. The easterly portion of the Map shall be revised relative to the offsets on the private streets, as required by the Department of Community Development.
3. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the tentative map within 12 months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within 12 months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
4. Street names shall be provided in accord with the Street Name Policy.
5. Conformance to Code requirements and Design Standards of City departments.
6. The Order of Vacation of Tanya Street will be recorded simultaneously with the recording of the first Final Map.

Mr. Becker, Sr.: I think there is only one condition they imposed - we've been up there trying to work it out - that's the location of these cul-de-sacs in this area here (wall map). We had our original Plan approved that way - we have changed it a little bit - there's no room to get those cul-de-sacs together. We didn't realize they had written it up that way. We have to get together and change those streets because we have only 30 ft. between the houses now that face each other - the orange facing the green (wall map). In that there is basically one entrance on Washington we have a fire entrance on Bonanza - it will be locked most of the time - we're trying to make the entrance on Washington - there are 18 houses that will come out - 8 on one side of the street and 10 on the other . . . we feel we have done all we can to keep the cul-de-sacs from becoming a problem - so we would like to have that one condition eliminated - or changed -

Commissioner Lurie: There was no major change - there was a large protest factor here - you had to go out and do a lot of "selling" on this project with the residents over in that area - you're not going to make any changes now that would affect them -

Mr. Becker: No. As a matter of fact, if it's left this way it will be what we showed the property owners -

Mr. Saylor: That can be worked out - there is no real problem . . .

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.

REQUEST FOR WAIVER FROM THE TRAILER PARK ORDINANCE - GERMAIN HOULE
FOR LEO MAINWALL

Mr. Saylor: The owner has submitted an application for a change in zoning, which has not been processed through to you yet, for an Outdoor Swimming Pool Display business. He is asking for permission to utilize his mobile home as a temporary office until such time as he gets his building constructed out at West Charleston and Jones.

Commissioner Lurie: Is this next to where the veterinarian is - on the corner?

Mr. Houle: Yes, Commissioner.

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

1. Approval of the C-2 zoning on this property.
2. An approved Building Permit shall be taken out for all or a portion of the proposed building on the property within a six (6) month time period.
3. The temporary uses of the mobile home shall be limited for a one (1) year time limit.
4. Conformance to the Plot Plan on file in the Department of Community Development..

Mayor Briare: It shouldn't be any big problem to have one further condition put on - that in the event the zoning change is allowed, that your temporary use of this mobile home would become effective following issuance of a Building Permit. In other words, you wouldn't be able to go ahead and be in business in a mobile home for as long as a year before you'd bother to take out a Building Permit.

Mr. Houle: There is also a condition that we take out a Building Permit within six months.

Mayor Briare: But as soon as you take out your Building Permit, then you would be allowed to go ahead and put the trailer in there - but not before. Otherwise you would be using the trailer for a place of business until such time as you got around, within six months, to build the structure. Are you planning to use this as a Sales Office?

Mr. Houle: Yes -

Mayor Briare: Even a trailer for a Sales Office without taking out a Building Permit -

Mr. Houle: They are not ready for a Building Permit at this point in time.

Mayor Briare: How long?

Randy Black: I am representing Mr. Mainwall -

Mayor Briare: The thing I'm curious about is whether you want to use the trailer for a Sales Office where trailers for sales offices are not normally allowed?

Mr. Black: Yes, that's exactly it, Your Honor, we wanted to use it as a dual purpose thing - construction office during construction and Sales Office. May I say this: Our swimming pool sales are beginning right at this present time, and because time is of the essence, there are no other facilities to use unless one did use a coach.

Mayor Briare: And when do you expect to take out a Building Permit?

MOBILE HOME
(continued)

Mr. Black: Well, first of all, we expect to take out a Building Permit to build the decorative wall around the building - around the property, rather - immediately, because we can't set up swimming pools without a decorative wall - and the Building Permit for the other some time after. We haven't even got plans for a building as yet, so we can't very well take out a Permit -

Mr. Houle: As he has said - we don't have the plans, and the point in using the trailer at this point in time is in order to start the business immediately.

Commissioner Lurie: Have you been in business before in the pool business? Do you have a License?

Mr. Black: This is the above-ground swimming pool - the Dough-Boy - yes we are in business presently at Mr. Pool at Eastern and Charleston where all these adult bookstores are.

Mayor Briare: Are there any further comments?

(No response)

Mayor Briare: What is the pleasure of the Board?

M o t i o n

Commissioner Woofter: I move to approve as recommended by the Board of Zoning Adjustment.

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

INNOVATIVE
PROJECTS
PROGRAM

Application
Authorized

Mayor Briare: Mr. Saylor, do you want to bring up the Innovative Projects Program?

Mr. Saylor: Yes - I have this as a walk-on item.

Mayor Briare: Have the Commissioners had an opportunity to look at this? This is one of those Programs where the chances are slim, but if you don't apply, you never know -

Mr. Saylor: Right, and our deadline I think, is like Friday -

Mayor Briare: And there is no local funding?

Mr. Saylor: There is no local funding involved, and if it gets approved you can conceivably - it could amount to some \$300,000.00 for the Housing Authority to develop some larger units.

Mayor Briare: Any comments?

(No response)

M o t i o n

Commissioner Lurie: I move for approval to authorize the Department of Community Development to submit an application for funds under the INNOVATIVE PROJECTS PROGRAM - \$300,000.00 (no local share).

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

ITEM

Commission Action

Department Action

VII. DEPARTMENT OF PUBLIC WORKS

LAURENCE HAMPTON, P.E., DIRECTOR

*CONSENT AGENDA

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

*A. 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. Watkins Manor Unit No. 2. (H. S. Service Corporation, Robert Banks, Pres.)

B. CONTRACT CHANGE ORDER

1. Bid No. 74.64 - Vegas Heights Improvements, S.I.D. #417, Street Construction and Lighting Bid Group I Only. Removal of 4 trees not previously counted in right of way for a total price of \$189.00. (Information only)

*C RIGHT OF WAY ITEMS

1. Grant Deed

From: Katherine Abdalian 1/2 interest, Zephyr Stuart 1/2 interest
 To: City of Las Vegas
 For: Portion of NE-1/4, Sec. 36, T20S, R60E Michael Way, R.S.H.C. - \$3800.00

2. Grant Deed

From: Gladys C. Harris
 To: City of Las Vegas
 For: Portion of NE-1/4, Sec. 36, T20S, R60E Michael Way R.S.H.C. - \$8725.00

3. Grant Deed

From: Lucile Palmer Korb
 To: City of Las Vegas
 For: Portion of SE-1/4, Sec. 25, T20S, R60E Michael Way R.S.H.C. - \$18,750.00

4. Grant Deed

From: John H. Clark and Lois Clark, husband and wife
 To: City of Las Vegas
 For: Portion Lots 36 & 37, Block 8, Amended map of Mayfair Tract No. 2 Fremont St. Dedication Building Permit

Approved as recommended
 Lurie - unanimous

P/W to proceed

Information only

Staff to proceed

Items 1 thru 8
 Approved as submitted
 Lurie - unanimous

P/W to proceed

ITEM	Commission Action	Department Action
VII. DEPARTMENT OF PUBLIC WORKS (Continued)		
*C. RIGHT OF WAY ITEMS (Continued)	See Page 29	See Page 29
5. Grant Deed From: John L. Basil and Mary Basil, husband and wife as joint tenants To: City of Las Vegas For: Portion Lot 1, Block 5, Elstner Estates Subdivision Radius Thom and Jay Dedication Building Permit		
6. Right of Way Grant From: City of Las Vegas To: Nevada Power Company For: Portion NW-1/4, Sec. 30, T20S, R61E Service to the Ball Diamond Fountain Park		
7. Bill of Sale From: City of Las Vegas To: Nevada Power Company For: Senior Citizens Center, SE-1/4, Sec. 27, T20S, R61E (Primary conduit Pull Box and Transformer Pad)		
8. Grant Deed From: Board of Trustees of Clark County School District To: City of Las Vegas For: Portion SE-1/4, Sec. 30, T20S, R61E Bonanza Rd. and Valley View adjacent to Ruth Fyfe School		

DEPARTMENT OF PUBLIC WORKS

LAURENCE HAMPTON, DIRECTOR

SENIOR
CITIZENS
CENTER -
LANDSCAPING

LANDSCAPING OF NEW SENIOR CITIZENS CENTER

Mr. Hampton: Gentlemen, this is a rough attempt (wall map) in showing what the Architect has recommended for landscaping at the Senior Citizens Center. We do have money left out of the original funding to pay for this work. It involves a lot of shrubbery, in addition to a lawned area in this particular section (wall map) - and three additional large trees. The other trees were a part of the original contract - here along the Freeway fence. This is Dula Center here and the swimming pool would be further on down.

Commissioner Lurie: What is the cost for this?

Mr. Hampton: The cost is \$15,000.00, Commissioner Lurie.

Commissioner Lurie: And there's money left in the building fund to provide this landscaping?

Mr. Hampton: In the original committment of funds made by the City and the County.

M o t i o n

Commissioner Lurie: I move for approval as recommended.

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

FLOOD CONTROL
REPORT

FLOOD CONTROL REPORT

Mayor Briare: Do any of the Commissioners have any comments on this item that we held in abeyance the last time?

(No response)

Mr. Hampton: There is one area we would request some committment on so that we can possibly get started on, on the design. We are not asking for a final committment, because we would bring back each individual Project separately for approval to go to bid. But this is involving "731" Funds and what we're asking for is permission to go into the design of the extension of the lining on the Western Drain, from the Boulevard down to, I believe, Lamb, which costs \$600,000.00 for that.

And also in conjunction with that work on Washington, there is the Meadow Drain Project and the Jensen Street Project, totaling \$100,000.00.

There are sufficient funds in Fund 731 to cover all three of these Projects. We didn't want to invest a lot of time in the design without some concurrence by this Board that they wanted to -

Mayor Briare: This would indicate a priority -

Mr. Hampton: Yes, it would. We feel this is a No. 1 Priority. In the July 3rd flood, the Washington Drain was right at its banks and we came very close to losing a couple of cross-overs. We feel with the lining of that channel - as you know now, it is very rough - it has been eroded and the banks are in some places practically vertical and we're very lucky we didn't lose any portion of the major roadway. This lining would be similar to that we have further

FLOOD CONTROL
(continued)

downstream and would actually complete the Las Vegas Creek drainage facilities, after we get the part completed across the Reed Whipple field, which is already under design and will go out to bid very shortly by the State Highway Department.

We do feel this is a number one priority and what we are asking for is permission to design. We will bring it back before the Commission when we have a more detailed design - detail cost - for permission to go to bid.

The two other minor projects - the Jensen Street drainage and the Meadow drain project are in the same general area. I have Plans for the showing of these Projects, but they are kind of appurtenances to that particular Project.

Commission Lurie: Will the design be done in-house?

Mr. Hampton: Yes.

Mayor Briare: Are there any comments?

(No response)

M o t i o n

Commissioner Lurie: I move that the Department of Public Works be authorized to proceed with the proposed Flood Control designs.

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

WEST CHARLESTON -
SEWER BLOCKAGE

SEWER BLOCKAGE - WEST CHARLESTON BLVD. - FINANCIAL RESPONSIBILITY

Mayor Briare: On this next item, Mr. Hampton, on the matter of the sewer blockage - is there any way to discover who the real culprits were? And prove it?

Mr. Hampton: No. It's so far back that we don't carry the records - We've tried to check the records but have been unable to.

Mayor Briare: I hope you don't anticipate any permanent procedure - any precedent - being set so that all of a sudden we are confronted with a whole bunch of these that we would be hard-pressed to accommodate -

Mr. Hampton: The precedent was set several years ago. There have been two or three of these paid. We hope this is the last one.

Commissioner Lurie: I have a question:

Mr. Hampton: I'd like to show you this little sketch for ythose of you who are not familiar with it.

Commissioner Lurie: The recommendation of Staff is to settle - over \$1,611.00 to cover the cost and the fellow who did the work - the Plumber here, showed me a bill that the total cost of the project was only \$1,600.00, and that divided in half amounts to only \$837.00 to each property owner. How do we get double the amount?

Mr. Hampton: We were misled by the letter from Dr. Wolever. We have double checked with the gentleman who was here from Yanke Plumbing and we would recommend that the reimbursement be to Dr. Wolever \$1,061.11 and to Dr. Smith, \$1,152.86. What these figures include is half of the Yanke bill to each property owner, which is \$837.00 each. This was to cover the work of actually digging up the problem area, repairing it and replacing the roadway.

Yanke was the plumber for one of the doctors. His charge for actually going in there and trying to rod it out at the very beginning was \$223.25, making a total to Dr. Wolever of \$1,051.11.

Dr. Smith had another plumber by the name of Home Plumbing. His charge was \$315.00 as compared to Yanke's \$223.25. That is why we are recommending Dr. Smith be given approximately \$95.00 more.

So the total cost then would be \$2,213.97, compared to what we had in the memo of \$3,200.00. We feel these are the fair figures. We will, of course, request that both doctors itemize invoices before we would offer to process the paper work. It's very confusing -

Commissioner Lurie: But who was at fault? Was it the City, or was it the Contractor, or was it the plumber that originally put the job in?

Mr. Hampton: The Plumber that originally put the job in was the primary culprit. I think the City had some fault in not properly inspecting it back at that particular time, which was in 1953 - we didn't have a very large inspection force. These things went in unnoticed, so the City could be considered as being at fault for not having had a proper inspection. At that time an inspection wasn't even done by a City employee - it was done by a consultant, on a fee basis. It was in no way a full time City operation.

So I think, in a sense, the primary culprit was the original contractor who knew this was not good practice, but was the cheapest and fastest way to get it in. He got it in and covered up before anyone knew about it and we've run into the problem 25 years later.

Commissioner Lurie: How about it if we just split this cost with the doctors instead of paying the whole cost - we weren't 100% at fault.

Mr. Hampton: I would think that would be a lot better than they are right now - they would be in a lot better shape than they are right now.

Commissioner Lurie: I would move that that the cost be split 50/50 with the property owners.

Commissioner Christensen: My question is: Is the City at fault or is the City not at fault? Are we a little bit at fault, are we a lot at fault or 50% at fault, or where? It's kind of like being a little bit pregnant, or what?

Mayor Briare: I've got to believe from the facts, Commissioner, that nobody is at fault today that could be held responsible.

Commissioner Christensen: Where does the City's responsibility lie with regard to the sewer line. Does it lie in the main line or does it stop at the property line, or where?

Mr. Hampton: The property owner is responsible for constructing the lateral from the main to his house, and that's been in effect for many, many years.

Commissioner Christensen: OK - what about the maintenance -

Mr. Hampton: It really doesn't mention maintaining it - this should be discussed with the City Attorney's office, but I think we should clarify that and state who is to maintain, specifically.

Commissioner Christensen: I think you should too, because what you're saying - the sewer main is in the middle of the street - the property owner, in order to build a home, has to give the City (In my particular case) 30 ft. of my property. Then I have to pay to have a street built on it, a sewer line put in it, a water line put in it, curb & gutter put in it, and then turn all that over to somebody else - and now I'm going to have to maintain it - if 25 years later that sewer line breaks between the curb and the middle of the street - I've got to maintain it? As well as pay a fee to the City for using that sewer, which I bought and paid for?

Mr. Hampton: As an example - the policy in the County is different inasmuch as the property is only responsible to the clean-out.

Commissioner Christensen: Well, in regard to the water, I am only responsible as far as the meter -

Mr. Hampton: That's right -

Commissioner Christensen: And from the meter on out to the main line belongs to the Water District - it's their line - and my

question is - shouldn't the sewer line be in the same category?

Mr. Hampton: Well, the clean-out is analogous to the meter - there is no meter on the sewer line, but I think this is a matter of policy - as far as benefits to the City, it's to our benefit to have the property owner responsible. Whether this is right or wrong is a policy decision.

Commissioner Christensen: Sure - it would be to our advantage to raise the taxes too, but is it right or wrong? That's the question that comes to my mind - how much can you make a property owner bear? He has to buy the property - give part of it to the City - put all the improvements in - give them to the City and now he's going to have to maintain it for evermore. It's difficult for me to relate to that.

Mayor Briare: The person who put this thing in in the first place did so without benefit of City engineering - we know this is an exception, but they put in a pirate-type of facility that normally would not have been approved by the Department of Public Works because it wasn't adequate . . .

Commissioner Christensen: By the same token, what about the guy that comes in and buys that house - four owners later - and he buys on the assumption that that sewer, which the City accepted, was built according to City standards -

Mayor Briare: The City never accepted it - the City didn't even know it was there -

Mr. Hampton: We knew it was there but we assumed the connection was proper.

Commissioner Christensen: The City had accepted that sewer and therefore why should the subsequent home owner, who had nothing to do with putting it in, or anything else - he has to rely on the fact that the City accepted that sewer - that it's OK or the City wouldn't have accepted it.

Mayor Briare: I didn't realize, Mr. Hampton, that the City had an opportunity to inspect this thing and failed to do so, and consequently somebody put something over on the City, which is not unheard of -

Mr. Hampton: As I understand it, in that particular year, the City had a contractor as a local consultant and it was his job to check out the designs and also to check in the field. He was paid by the hour on a regular consulting basis. He didn't inspect things properly because he wasn't in the field at the right times -

Mayor Briare: Has the City had any more consulting arrangements with him?

Mr. Hampton: Not to my knowledge, they haven't -

Commissioner Christensen: You see, based on the same theory - once you have dedicated and built the street and there's a chuck-hole in the middle of the street, they could bill the home owner for filling the chuck-hole - for evermore.

Mr. Hampton: I'd just like to make one further comment on that particular consultant - he was probably told - we want to pay you only so much per month, which would dictate so many hours - so I don't think he was necessarily unethical in not doing his full job.

Mayor Briare: Commissioner Lurie's motion was to try to settle it 50/50. If you can't do it 50/50, do the best you can.

Commissioner Lurie: Right now, that's probably 100% -

Commissioner Christensen: Or the City could be out 100% and court costs - depending on how you want to look at it -

Commissioner Woofter: I have a comment: I have to agree with Commissioner Christensen in this respect - at this stage of the

W. CHARLESTON
SEWER
BLOCKAGE

(continued)

M o t i o n
W i t h -
d r a w n

M o t i o n

ballgame, should the present property owner be penalized? I think the City should assume the whole bit. I really do, at this stage of the game.

Commissioner Lurie: I will withdraw my motion.

Commissioner Christensen: I move we approve the expenditure.

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

Mr. Hampton: All I can say at this point, gentlemen, is that this type of thing won't happen under today's construction procedures.

W. WASHINGTON
AVE. - SEWER

OVERSIZING OF 1,355 LIN. FT. OF SEWER LINE ON WEST WASHINGTON AVE., FROM 8 INCHES TO 10 INCHES - VCP - WATKINS MANOR AREA. APPROXIMATE COST: \$2,710.00

Mayor Briare: Does anyone have any comments on this request?

(No response)

M o t i o n

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

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

TRAFFIC &
PARKING ITEM
Denied

REQUEST OF ROBERT CARBON, 2308 DOGWOOD, FOR A LOADING ZONE FOR THE HANDICAPPED ADJACENT TO THE COURT HOUSE

Traffic & Parking Commission recommends denial.

Mayor Briare: Is there anyone who wishes to argue the Traffic & Parking Commission's recommendation for denial of this request?

Mr. Hampton: This is an abeyance item from Commissioner Leavitt's question at the last meeting, and I'd just like to point out, Commissioner, that we have checked this out and what may have been at one time a special area for handicapped persons is now just a loading & unloading zone. We would recommend that the request be denied in accordance with the recommendation of the Traffic & Parking Commission.

Commissioner Christensen: I would like to point out, as a sidelight, that we have a special parking place for handicapped people on the Plaza level of City Hall, but I've never seen anything but a Police car in it - maybe the Police are handicapped -

Mayor Briare: If there are no objections we will follow the recommendation of the Traffic & Parking Commission and the record will so indicate.

DEPARTMENT OF PERSONNEL

J. ROBT McPHERSON, DIRECTOR

See Pages 93 and 94 of these Minutes (Annotated Agenda)

Mayor Briare: Are there any questions regarding the recommendations of the Director?

Commissioner Leavitt: I have a question with regards to Item 3(3):

3. CITY FUNDED (REPLACEMENT HIRES)

(3) City Attorney
Clerk 665 Because of work load created
by Third Court

I thought we had approved that a long time ago - all the personnel necessary for that Third Municipal Court. Every time I turn around I see something coming in because of the work load - I thought we approved that whole package -

Mr. McPherson: We did, Commissioner - this is a replacement. The person you approved has left.

Commissioner Leavitt: Then this is a replacement for one we previously approved?

Mr. McPherson: That's right.

Mayor Briare: Are we being put upon, as the newspaper reports, that the Courts are saying whatever they feel is necessary to accomplish their purposes before this Board?

Mr. McPherson: I don't think it is. I think this is a position that was justified - wasn't it. Mr. Smith. in regard to your work load over there?

Mayor Briare: Is this a straight request?

Len Smith (City Attorney's office): It's a straight request.

Commissioner Woofter: I don't know if this is the proper time, but in regard to (2) under Section 3:

3. CITY FUNDED (REPLACEMENT HIRES)

(2) License & Revenue 865 Regular Parking Enforcement
Parking Enforcement Officer is recuperating from
Officer - Temporary an illness. This is a revenue
4/1/76-6/1/76 generating position

I've had several calls with regards to Service companies going down town that have to service various businesses, etc. - air conditioning, on down the line. They have to park in the alley because the type of equipment - and they are being cited to death insofar as their vehicles are concerned. They are there only temporarily - they don't know how long the job is going to last and I feel there should be certain consideration given to these Meter Mollies tagging them - not once, but twice and three times. I think my feelings have been noted - I think we have too many Meter Mollies in the first place when you see them coning one after another every five or ten minutes, and I think there should be some accommodation given businessmen -

Mrs. Britt: Well, there are Commercial Loading Zones - also

ITEM Commission Action Department Action

VIII. DEPARTMENT OF PERSONNEL

BOB MCPHERSON, DIRECTOR

AUTHORIZATION FOR TEMPORARY POSITIONS AND/OR REPLACEMENTS

1. Federally funded (No City Cost)

<u>Dept/Class</u>	<u>Monthly Cost</u>	<u>Justification</u>
PW/Maintenance Utility Worker Title VI (replacement hire) Until 6/30/76	520	Assigned to paint crew working on Dula Center.

2. Federally funded (With Some City Cost)

(1)		
PW/Bldg Services Custodian - 2 Title VI (replacement hire) Until 6/30/76	Fed-783 City- 10 Total-793	At present, there are currently 5 vacancies with 2 other employees on extended sick leave. Services have been curtailed in many areas to meet the increased demands within City Hall, the Council Chambers and the Animal Shelter.

(2)		
PW/Traffic Eng Maint Laborer Title I (replacement hire) Until 6/30/76	Fed-783 City- 45 Total-828	Assigned to street painting crew painting cross-walks, no passing zones, etc.

3. City funded (Replacement Hires)

(1)		
PW/Bldg Services Custodian - 2	793	To be filled by absorbing Title VI federally funded. See Item #2(1) above.

(2)		
License & Revenue Parking Enforcement Officer - Temporary 4/1/76 - 6/1/76	865	Regular Parking Enforcement Officer is recuperating from an illness. This is a revenue generating position.

(3)		
City Attorney Clerk	665	Because of work load created by third court.

(4)		
PW/Traffic Engineering Traffic Maintenance Worker - 2 Page 93 Minutes Regular Meeting City Commission April 7, 1976	865	These are two of a three-man Sign Erection Crew. Signs must be installed and/or replaced immediately because of the traffic hazards involved. To be filled by absorbing two federally funded employees.

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

Dept. of Personnel
 authorized to proceed

ITEM	Commission Action	Department Action
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VIII. DEPARTMENT OF PERSONNEL (continued)

3. City funded (Replacement Hires)

(5)

License & Revenue Intermediate Clerk Temporary - 4/1/76 - 10/1/76	726	Regular Intermediate Clerk is on extended sick leave. This is a revenue generating position.
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ADDITIONAL - APPOINTED PERSONNEL

1. RICHARD W. BUNKER, ASSISTANT CITY MANAGER	Appointment Ratified Lurie - unanimous	Staff to proceed
2. RUBY M. EAVES, ADMINISTRATIVE AIDE TO CITY MANAGER	Appointment Ratified Lurie - unanimous	Staff to proceed

PERSONNEL
(continued)

Limited Parking in the alleys and a lot of these trucks are not identified as business trucks -

Commissioner Woofter: No - they are properly identified - they are in Loading Zones when they can be -

Mrs. Britt: If you will give us the specific occasions when they come up, I'd surely be glad to check into it -

Commissioner Woofter: Is there some sort of a Permit, or an allowance, that we could permit down the line?

Commissioner Christensen: Commissioner, I can answer part of your question, I think. This came up before you were on the Board and I took the same stance you did and pursued it, and discovered that where a lot of the violation occurred was people parking in a Loading Zone or in the alley, or someplace like that, parking two ways: No. 1, in a position that impeded the flow of traffic to where you couldn't get through and I used to see this all the time when I was in business on Fremont Street, and No. 2, it became obvious that the Parking Enforcement Officers were servicing nothing because it was during the lunch hour and everybody was nobody any where near the truck, etc., so there are abuses both ways. And this is what creates the problem, because I don't think you can come up with any kind of a Permit that you could give them to put on their vehicle that says they can park where they want to if they don't abuse it - pretty soon that Permit is being used for eating lunch, etc., because it's handy to park wherever you want. We did work out a lot of the problems, but what the problem was at that time - that privilege was being abused. It makes it impossible to Police - either way.

Commissioner Woofter: But a reputable businessman - two of them came to me in this regard and I know they wouldn't be the type to abuse the right to be parking there. They want to do their business and get out, but sometimes working on an air conditioning unit takes longer than what we might consider reasonable.

Mrs. Britt: If they have a job that's going to last half a day or something like that, they can buy a meter bag. Sometimes that's the answer to it. We'll do whatever we can -

Mayor Briare: What is the pleasure of the Board on the Personnel items?

M o t i o n

Commissioner Lurie: I move for approval as submitted.

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

Mayor Briare: Under Communications we have:

COMMUNICATION

From: CLARK COUNTY DISTRICT BOARD OF HEALTH
Dated: March 18, 1976
Re: SCHEDULE OF HEALTH INSPECTION FEES

Commissioner Leavitt: I understand this Health Inspection Fee Schedule has been adopted by all the other cities and entities involved in the Health District, the idea being that instead of an in lieu transfer to the Health District each Fiscal Year, let the Health District collect these fees. Our Finance Director has reviewed it and he has no objection to it. There is a person from the Health District here -

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Regular Meeting
City Commission
April 7, 1976

Mayor Briare: Anyone who wishes to ask a question may do so. These fee schedules, in addition to the way Commissioner Leavitt just explained - are they the same?

Health District Representative (female): Yes, they are the same as proposed when you gave us the "in lieu" - yes Sir -

Commissioner Leavitt: We sent the money out of our Budget - now they are going to collect it instead.

DISTRICT HEALTH
(continued)

Commissioner Lurie: I think what the Mayor was trying to ask - is this going to be an additional fee that the business people are going to have to pay in lieu of the City's contribution to the District Health Department?

Answer: That's right, Commissioner - additional in the sense that the City has paid it this year and now we would propose that it would be passed on directly to the operators of the businesses involved.

Commissioner Lurie: So this would be a new Ordinance we would have to adopt in establishing these fees -

Representative of Health District (Male): According to NRS, it is not necessary to adopt an Ordinance. The City need only to ratify the Fee Schedule of the District Board of Health. In the Ordinance you will see reference made to the Statute - NRS 439.360 - for the enumerated powers and 410, allowing the adoption of such Fees, and in this sense the District Board of Health in March of last year adopted a Fee Schedule that has been in existence in the cities of North Las Vegas and in Henderson. The City Councils of those entities merely ratified the District Board of Health's Fee Schedule - did not adopt any Ordinance - and the District Board of Health took it upon themselves to inform the operators of the businesses already licensed, of the impending fees and to answer questions and to hold meetings, and we've done this both in Henderson and in North Las Vegas already.

Commissioner Lurie: What has the County done about their contribution?

Answer: The County of Clark is the only entity who has always had an Ordinance, and has had these fees passed on directly to the operators of establishments that require Health Permits. It is interesting that in 1962, you, Mayor, were the proposer of such fees. It was at that time, conceived as a means of equitably passing on the cost of such inspection to those who required inspection of their operations. So the County has had this Ordinance all along, and we have consistently collected in the County, whereas that has not been true in the related cities.

The County, yesterday, had their first reading to rescind the old Fees and to adopt the new Fee Schedule and, presumably, that transpires on the 20th of this month in the County.

All of this we propose for action for the next Fiscal Year, commencing July 1, 1976.

Commissioner Lurie: But you are asking us now to raise the taxes of the business people in the City of Las Vegas, in lieu of what the City has been paying - it's going to benefit the City because the money we've been paying now we won't have to pay to the District Health Department - the fees will come from the Ordinance you want to adopt and the people now in business are going to have to pay an additional Fee to the District.

Answer: In a sense, that's correct. Let me broaden it slightly by saying that this is an attempt by the District Board of Health to move to a self-sustaining, or self-sufficiency, basis in operating these environmental health programs that are basically regulatory responsibilities - the traditional kind of Fee or cost add-back involved in Gaming Licensing, etc., is the same concept employed here where those people who require this for the public's protection are, therefore, placed with the burden.

The cost, or the fees, charged are based on the cost of operating the Environmental Health Program of the District, and these Fees average out to return in the range of 40 to 50 percent of the total cost of operating the Environmental Health Program. So, in effect, the ad valorem taxes paid by all of the people throughout the jurisdiction, goes to support, roughly, the other half of Environmental Health Services that are delivered in the community, whether it's inspection and regulation of restaurants -

Commissioner Christensen: The ad valorem tax goes to support the

HEALTH DISTRICT
(continued)

Police Department because we spend about 40% more than we take in in ad valorem for the Police Budget -

Mayor Briare: Commissioner, I think you're exactly right - there is just no question about this being an indirect in lieu tax on the Licensees in the City -

Answer: That's right -

Mayor Briare: We just made aware last week of a rather traumatic announcement that was laid on a certain segment of the business community relative to Business Licenses that were assessed by the County on a sliding scale, depending upon volume of business, as opposed to revenues that were supposed to be collected, but were not, in the City, and to add this now because we have a shelter in NRS 439.360, without having to go to the formal procedure of an Ordinance, I think it is something we should take under advisement for a time, because to now come out and adopt this Resolution - isn't that going to be levying a new tax. No matter how you cut it, it's a new tax and I think we should have the opportunity to review it - see what the impact is going to be and see how it reflects on the overall Budget. I don't know whether Mr. Marvin Leavitt has taken into account this proposal - as to whether these monies that normally would be paid to the Health District are already budgeted from general tax sources, or whether he has anticipated that affirmative action would be taken on this and consequently left it out.

Representative of the Health District: In terms of the "in lieu" Mayor? The "in lieu" is not included in your Budget for the next Fiscal Year on the assumption that the District could move to this self-sufficient level. This Fee Schedule is replacing the "in lieu" that the City has granted this year.

Mayor Briare: Do you know what those figures are?

Answer: \$75,000.00 Sir. You paid \$75,000.00 "in lieu" -

Commissioner Lurie: What is the projected figure that you anticipate in revenue in lieu of the \$75,000.00?

Answer: At the time that the "in lieu" amount was negotiated, or discussed, with the City, we projected the City's fees, if they were billed to operators inside the City Limits, these Fees would have generated, roughly, \$75,000.00 this current Fiscal Year, and that is what was granted the District as an "in lieu". There are added establishments within the City Limits and I would suspect that the monies would be perhaps as much as four to five thousand dollars more than that - generating probably \$79,000.00 to \$80,000.00 in revenues for the Health District in the next Fiscal Year. That's a little difficult to assess because establishments close - and open - that is somewhat variable, but I expect it would be close to \$80,000.00 for the next Fiscal Year once the Schedule is adopted.

Commissioner Lurie: I served on the Board and I appreciate all the work that everybody in the Department is doing. You provide a tremendous amount of service to the community, but here you are asking us to tax additional revenue on to the business people in the City of Las Vegas without even having a Public Hearing to notify them that as of July 1st they are going to be hit - they're going to get a new bill in the mail -

Answer: I see what you're thinking, and perhaps I misrepresented our circumstances. Let me back up by saying that we did this in the other entities as a means of facilitating - something more than the formal public hearing process - and the District actually sent out letters to every single holder of a Health Permit explaining what we were doing, inviting questions, giving them Mrs. Burrell's office number and Extension - me signing the letter and volunteering to answer any and all questions by telephone. Which, in fact, I think goes beyond the Public Hearing circumstances where each individual operator actually received the letter of explanation from the Health District. In the City of Las Vegas there is a different class of city and obviously, different obligations. We would be willing to do both -

HEALTH DISTRICT
(continued)

Mayor Briare: These letters were not sent to the Permit holders in the City?

Answer: No. They were sent only in Henderson and North Las Vegas where they choose that process.

Commissioner Christensen: Am I correct in assuming what you are telling us now is that if we approve this Schedule of Fees, we are not saying what the people in the City are going to pay - all we're doing is starting in motion the wheels for you to find out if there are any big objections?

Answer: No Sir - that wouldn't be true. If you ratify the Fee Schedule, then we have permission to bill it. So whatever we do, we should do first and if it's your preference to go the route of an Ordinance and Public Hearing, or just a matter of Public Hearing and subsequent ratifying of the Fee Schedule, we would be happy to participate and provide all of the back-up material and data to every Permit holder.

Commissioner Christensen: What about a motion, Mayor, that we authorize the Board of Health to poll all of the License holders because, really, they are the ones affected - poll the License holders and get their comments and then have our City Manager tabulate the information for us and give us a recommendation -

Representative of Health District: You want a private Public Hearing - is that what you're suggesting?

Commissioner Christensen: Send out a letter from the Health Department like you did in Henderson and North Las Vegas - then give the information to our City Manager and let him make a recommendation to us.

Mayor Briare: Maybe it might be well if we take part of your recommendation - refer this matter to our City Manager and let him review the letters that went out to these others to see if they fit the situation insofar as we're concerned, and then at the proper time the City Manager come back to this Board with a recommendation.

Commissioner Christensen: Well - that's the same thing I suggested - then he can recommend to us whether we should have a Public Hearing, or what -

Representative of Health District: Let me explain so it's clear as to what we did in the other entities. The other entities opted for ratification on the understanding that the District - that the Health District would aggressively pursue an explanation of the new Fees with each and every Permit holder, and answer any and all questions. So the letter says, in effect, that the City has ratified our Fee Schedule and starting July 1st we are going to bill you for the following: Here's what it will serve to do and here's what it supports and it will be an additional cost to you. In the City of North Las Vegas we received thirteen phone calls and two letters. We would categorize all but three of the phone calls as information, and three calls as strongly protesting and the two letters were protesting. In Henderson, there were fewer.

Commissioner Lurie: In North Las Vegas and Henderson they were used to the fees . . .

Answer: No - they had never paid them before. The reason I cite Henderson and North Las Vegas is because they are in the very same circumstances that Permit holders in the City of Las Vegas - where the City paid an "in lieu" to the Health District instead of the County situation where in the unincorporated area, the Health District has always billed the holder of the Permit.

We would be pleased to proceed in whichever direction you want -

Mayor Briare: Commissioner Christensen's suggestion - could you work with that?

Mr. Adams: Yes Sir - I can work with that -

Mayor Briare: Please cast your vote on Commissioner Christensen's motion.

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

Commissioner Christensen: Your Honor, before we proceed further on agenda matters before us, do we want to take care of that Retail Tobacco matter?

Mayor Briare: OK, at your request, we will do it:

RETAIL
TOBACCO - NEW

GARY R. WILKIN

Bongers Head Supply
602 S. Maryland Parkway

See Page 19 of these Minutes

Mayor Briare: Mr. Gary Wilkins, you were not here this morning - I asked you that a little earlier and you confirmed that you were not here this morning -

Mr. Wilkins: No, I was not, Your Honor.

Mayor Briare: Your application for a License was approved along with a number of others and then the approval was rescinded due to the fact that the Mayor, or any member of the Board of City Commissioners, may direct an investigation of any applicant for any License prior to the issuance of any License. The fee for such investigation shall be \$50.00 for each person investigated.

The action of approval was rescinded and now your request for a Retail Tobacco License is now up for consideration by this Board. I would like to ask you, Mr. Wilkins - you are the President of this corporation? You speak on behalf of the corporation, do you?

Mr. Wilkins: Yes, I do.

Mayor Briare: Could you give me your reason, since you're not going to be selling tobacco products, why you need to sell cigarette papers?

Mr. Wilkins: We're opening up a Head Shop - we will sell pipes and smoking paraphenalia, part of which is cigarette papers.

Mayor Briare: Who purchases these cigarette papers? Do you sell Bull Durham?

Mr. Wilkins: No Sir -

Mayor Briare: Do Bull Durham users come in and purchase these papers from you?

Mr. Wilkins: If they wanted to - I'd like to have them available.

Mayor Briare: Well, I don't want to appear so naive as to suggest to you, Mr. Wilkins, that I don't strongly suspect that people who come in and buy these papers from you will use them to smoke pot. Now, you wouldn't kid me, would you?

Mr. Wilkins: No Sir -

Mayor Briare: Do you suspect that might be true?

Mr. Wilkins: I suspect that it would be entirely true.

Mayor Briare: Thank you for being honest. There are a lot of other people and organizations that are doing the same thing, but you're the first honest man I've had the experience of meeting that can look a person in the eye and say - yes, people who come in and buy these papers are probably buying them to smoke pot. And I appreciate your

RETAIL
TOBACCO
LICENSE
(continued)

honesty. I'm almost tempted to vote in favor of it. Is this a bid item in your Store? Will you make a lot of money selling these papers?

Mr. Wilkins: No - we don't make a lot of money on it, but it is something . . . well, like a Liquor Store has to have mixers - it is just something that is really necessary.

Mayor Briare: Well, I'm so refreshed by your honesty, that I hesitate voting against this. As a matter of fact - Mrs. Britt, cigarette papers alone - now we're laying the cards on the table - cigarette papers alone do not require a License - or do not require approval of this Board?

Mrs. Britt: Yes Sir - they do. I don't know why it was written that way - it is an old Ordinance - long before pot smoking was popular - but cigarette papers is specifically mentioned, whether or not they sell tobacco.

Commissioner Woofter: I realize too that there are other businesses in this town where pot smoking is a by-product - I don't know if we're making an example here or not -

Commissioner Christensen: You can buy the ingredients in a Drug Store and make a bomb too -

Mayor Briare: I know - that's why this guy has thrown me completely off-guard - because he comes up and he's honest and what do you do to an honest man? In good conscience I have to vote for honesty because whether they buy them here or buy them somewhere else - unfortunately that's the case - and I', not going to vote against this fellow because he's selling a product - it's not a major part of his business - but it is a part of it.

M o t i o n

Commissioner Woofter: I move to approve the application of Gary Wilkins for a New Retail Tobacco License.

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

Commissioner Lurie temporarily absent.

Mayor Briare: We will now have a short recess. It is our intention to recess from here to the Mayor's Conference Room in order to conclude the meeting when we get to that point where we are going to discuss the Budget, on the basis that we might be able to discuss the concluding parts of the Budget more informally at a round-table configuration as opposed to this type of thing.

At the hour of 3:30 p.m. Mayor Briare declared a 5-minute recess.

Meeting reconvened at the hour of 3:35 p.m. with the full Board and Staff in attendance.

BOARDS &
COMMISSIONS

Mayor Briare: We have some correspondence from the Beautification Committee - on one item I'd like to ask the concurrence of the Board with the appoint of Mrs. Louis J. DiGregorio to fill a vacancy that exists as the result of the resignation of Bea O'Riordan.

M o t i o n

Commissioner Leavitt: I so move.

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

Mayor Briare: Have the record reflect that The Mesquite Club is the recommending organization for Mrs. DiGregorio.

HOUSING
AUTHORITY
Member
Reappointed

Mayor Briare: Have the Commissioners received a copy of a letter from The Housing Authority relative to a member whose term expires June 1, 1976. It concerns the re-appointment of Harry Levy. Harry Levy has the opportunity of being appointed to the Board of Governors of the National Association of Housing and Redevelopment. It would be a feather in the hat of the Housing Authority to see a Las Vegan accorded this honor.

M o t i o n

Commissioner Leavitt: I move he be reappointed for the 4-year term.

Mayor Briare: If there are no objections, Harry Levy has been reappointed to the Housing Authority of the City of Las Vegas.

OFFICE OF THE CITY ATTORNEY

CARL E. LOVELL, JR., CITY ATTORNEY
(Leonard Smith, Deputy City Attorney sitting at this meeting)

See Page 103 of these Minutes (Annotated Agenda)

WALLACE-MONTGOMERY
Supplemental
Agreement
Approved

SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND
WALLACE-MONTGOMERY

Mayor Briare: This is an Agreement that went into effect in 1971?

Mr. Hampton: Mayor, if I may, I'd like to clarify this: We had an Agreement with Wallace-Montgomery to design both the Stewart Avenue bridge and the Owens Avenue bridge. After the contract was active, it was decided to hold up on the Owens Avenue bridge. What this Agreement does - it goes back to that original contract and gives authorization to proceed now on the design of the Owens Avenue bridge.

Mayor Briare: And this is your recommendation?

Mr. Hampton: Yes.

Mayor Briare: Did you have good relationships with this firm before?

Mr. Hampton: Yes - very good -

SPECIAL IMPROVE-
MENT DIST.
No. 415
Resolution
Adopted

See Pages 104 and 105 of these Minutes (Resolution)

TRAFFIC CODE
CHANGES
Referred

RESOLUTION ALLOWING FOR ADDITIONS AND CORRECTIONS OF SCHEDULES
PERTAINING TO TITLE X OF THE CITY CODE - TRAFFIC

Mayor Briare: This is accomplished simply by Resolution?
Without the necessity of an Ordinance?

City Manager, William E. Adams: In essence, it's an Ordinance that establishes as you wish, to change the speed up or down - for the convenience of the Public safety, you do so by Resolution so that you may come back the next week and revert it back to another speed - or install another meter - or remove one. Normally it is taken before the Traffic & Parking Commission so all the people involved are very much aware of what's going on.

Mayor Briare: The people involved, including the neighbors that would be affected? Have you had an opportunity to look at this, Mr. Adams?

Mr. Adams: No - this is the first shot I've had at it, but this is the way it has always been handled in the past - it has been before the Traffic & Parking Commission and then that recommendation is passed along to this Board.

Commissioner Woofter: Insofar as the metered zones are concerned - more meters?

Commissioner Lurie: Are those brand new meters from Maryland Parkway to Tam -

Mr. Hampton: No, that pertains to the speed limit -

ITEM Commission Action Department Action

XI CITY ATTORNEY

A. INTEGRATED COOPERATIVE AGREEMENT
(Between Department of Highways
and Las Vegas & North Las Vegas)

Approved
C - unanimous

Mayor & Clerk
authorized to sign

B. SUPPLEMENTAL AGREEMENT between City
of Las Vegas and Wallace-Montgomery

Approved
C - unanimous

Same as above

C. APPROVAL to settle the condemnation
action of City of Las Vegas v.
Savage, (Eastern Avenue Project)

Approved
C - unanimous

C/A to proceed

D. RESOLUTION CONFIRMING THE ASSESS-
MENT ROLL FOR LAS VEGAS, SID 415

Resolution adopted
Lurie - unanimous

Staff to proceed

E. RESOLUTION, allowing for additions
and corrections of schedules per-
taining to Title X of the City Code

Referred to City
Manager for
recommendation

C/M to proceed
4/21/76 Agenda

F. REQUEST PERMISSION TO STORE RECORDS
CONSIDERED TO BE SO VALUABLE IN
DOCUMENTING THE HISTORY OF THE CITY
OF LAS VEGAS THAT THEY ARE TO BE
PRESERVED AS A PART OF THE NEVADA
STATE ARCHIVES (Subject to the
Provisions of N.R.S. 239.090,
Section 2)

Approved
C - unanimous

Staff to proceed

G. RESOLUTION re: Naval Reserve
Training Center

Adopted Resolution
Lurie - unanimous

Staff to proceed

H. DECISION by Commissioners re:
Attorney Vern Albright continuing
to represent the City of Las Vegas
as Special Counsel in the case of
City of Las Vegas v. City of North
Las Vegas

Referred to Study
Committee -
Commissioners
Leavitt & Woofter

4/21/76 Agenda

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LAS
VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 415

WHEREAS, by Ordinance No. 1746, duly passed, adopted and approved on the 18th day of December, 1974, said Board of Commissioners finally passed on all protests and objections, determined to proceed with said improvements as described in said preliminary proceedings, except as modified and provided in said ordinance, and created said District; and

WHEREAS, the City Engineer, pursuant to directions contained in the resolution of said Board of Commissioners duly passed, adopted and approved on the 3rd day of March, 1976 has prepared an assessment roll which contains, among other things, the name of each last known owner of each lot or parcel of property to be assessed, a description of each lot or parcel to be assessed, and the amount of the proposed assessment thereon, apportioned on an area basis as more particularly set forth in Section 4 of said Ordinance No. 1746; and

WHEREAS, said assessment roll was tentatively approved by said Board of Commissioners and filed with the City Clerk on the 3rd day of March, 1976; and

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

WHEREAS, public hearing on the amount of assessments was held on the 7th day of April, 1976, with 2 written protests and no oral protests having been received.

NOW, THEREFORE, BE IT RESOLVED by that Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof, held on the 7th day of April, 1976 that Assessment Roll No. FINAL 2-1976 as tentatively approved and filed with the City Clerk on March 3, 1976, be, and the same hereby is, validated and confirmed, and is hereby ordered to be filed in the office of, and endorsed by, the City Clerk of said City.

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

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

PASSED, ADOPTED AND APPROVED this 7th day of April, 1976.

AW

WILLIAM H. BRIARE, MAYOR

ATTEST:

EW

Edwina M. Cole, City Clerk

TRAFFIC
RESOLUTION
(continued)

Commissioner Christensen: This would be lowering the speed limit on Sahara?

Mr. Adams: That's right - from 45 mph to 35 mph -

Commissioner Christensen: From Maryland Parkway to Tam it's already 35 mph - all the way up to Main, isn't it?

Mr. Hampton: I believe you're right -

Commissioner Christensen: It picks up to 45 mph at the Blvd. going west - they're going to lower that to 35 mph to Tam Drive, which is how far beyond - that's up to about the entrance of Spanish Oaks -

Mr. Hampton: I think it's actually at the bottom of the hill -

Commissioner Lurie: They are going to be writing up a lot of citations then, because nobody drive 35 mph along there. Who recommended this?

Mr. Hampton: These are items we bring before the Traffic & Parking Commission, and these probably go back three or four months. Rather than bring each month's recommendations to you, we save them up until we get a sufficient number.

Commissioner Christensen: What about the corresponding speed on the other side of the street - in the County, going east?

Mr. Hampton: The County has said they are going to make the same change. Staff is going to recommend this change. They don't have a Traffic & Parking Commission, but they have said if the City makes the change, they are going to recommend to the County Commissioners that they make the same change.

Commissioner Lurie: Mayor, I move that this item be held for further study.

Mayor Briare: If there are no objections, this will be referred to the City Manager for further comment.

NAVAL RESERVE
TRAINING
CENTER
Resolution
Adopted

See Page 107 of these Minutes (Resolution)

Mr. Smith: As the Commission knows, there was an Agreement between the City of Las Vegas and the United States Government that when they were through with that particular building, it would recert to the City and this Resolution is to accept the building back.

VERN ALBRIGHT
AS SPECIAL
COUNSEL

DECISION OF COMMISSION re ATTORNEY VERN ALBRIGHT CONTINUING TO REPRESENT THE CITY OF LAS VEGAS AS SPECIAL COUNSEL IN THE CASE OF CITY OF LAS VEGAS v. CITY OF NORTH LAS VEGAS

Mr. Smith: The reason Mr. Albright is handling the case is because Mr. Lovell was at the time the situation arose, the City Attorney for the City of North Las Vegas.

Mayor Briare: Mr. Smith, in the opening paragraph of that letter - 3rd line - a suit against the City of North Las Vegas based upon the revenues collected by North Las Vegas as the result of its attempted annexation of the Nellis Air Force Base revenue area - North Las Vegas collected revenues in excess of \$600,000.00 which rightfully belonged to the City of Las Vegas. How is that so?

Mr. Smith: I think that probably, Mayor - Mr. Lovell should advise you, really, in this particular thing, but as I understand it - Mr. Lovell was originally involved in instituting this law suit and it is now before the Supreme Court. He might properly be the person to inform the Commission on how it originated -

Commissioner Lurie: This occurred even before Commissioner Christensen and I were on the Board -

RESOLUTION REGARDING
NAVAL RESERVE CENTER BUILDING

WHEREAS, the City of Las Vegas is the owner of certain real property commonly referred to as the Naval Reserve Training Center, located at 749 North Casino Center Boulevard, Las Vegas, Nevada, and

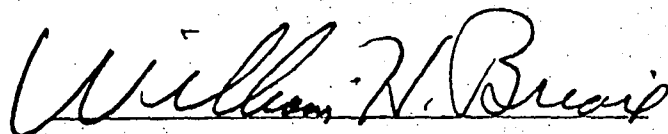
WHEREAS, the said property has been leased to the United States Government, United States of America, for the use of a Naval Reserve Training Center, and

WHEREAS, pursuant to Amended Lease Agreement NF(R)-14754, the United States of America has tendered to the City of Las Vegas a Bill of Sale conveying to the City of Las Vegas certain improvements, equipment, and a building located on said premises, and

WHEREAS, it is the desire of the United States Government to turn over possession of the premises and said property to the City of Las Vegas,


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 7th day of April, 1976, that the City of Las Vegas hereby accepts custody and accountability of the property described in said Bill of Sale, a copy of which is attached hereto, and accepts possession of said premises.

PASSED, ADOPTED AND APPROVED this 7th day of April, 1976.



WILLIAM H. BRIARE, Mayor

Attest:



Edwina M. Cole, City Clerk

Mayor Briare: I can't understand what claim the City of Las Vegas has to revenues that are derived from the Nellis Air Force Base revenue area -

Mr. Adams: Mr. Mayor, I can explain it to you: The deal is with the Sales Tax that is involved in the County in what is referred to as the support tax. We actually receive one half of 1% of the Sales Tax that is gathered from throughout the County area, and it is split on a population basis.

North Las Vegas, at the time, had a population of about 30,000. By making the annexation they went to 45,000, thereby taking a bigger chunk of the Sales Tax which normally would have backed to Las Vegas, Henderson and Boulder City.

Commissioner Leavitt: Isn't that also true of the Cigarette Tax?

Mr. Adams: Yes -

Commissioner Lurie: There was a decision from the Supreme Court that the annexation was void and actually the money should have come back to the City of Las Vegas. Then the Supreme Court in its decision said the City of Las Vegas is not entitled to that money - that's why we are trying to get recovery.

Mayor Briare: Then the question before us is - shall the City proceed to press the law suit - whether they have any success or failure - if they have any success, try to collect.

Mr. Smith: And whether or not Mr. Albright should continue to be involved. Our office is not.

Mayor Briare: It is extremely difficult for us to evaluate the possibilities of success . . . I would recommend that in view of Mr. Albright's concluding sentence - which makes it difficult - he says: Unless we are instructed to the contrary we will therefore continue to proceed with the litigation in this matter.

It would seem to me that the proper course to follow is to say - don't proceed in the litigation until you hear from this Board. He has put the burden on us -

Commissioner Leavitt: But he may have some time limit he has to meet. Unless you tell him otherwise, he may have twenty days to file an Answer, so he has to take steps to protect it.

Mayor Briare: I would very much appreciate it if Commissioner Woofter and Commissioner Leavitt would serve as a Committee to discuss this with Mr. Albright and with our City Attorney's office and you give us the benefit of your thinking on how we should proceed in this matter. Would that be agreeable?

Commissioner Woofter: Yes -

Mayor Briare: Commissioner Leavitt, would you agree to that?

Commissioner Leavitt: Yes.

NAVAL RESERVE
BUILDING -
SECURITY

Commissioner Lurie: Since the did accept the Naval Reserve Center back, I believe we ought to make some arrangement to get some security on that building to prevent vandalism, because I'm sure otherwise there will be no one there watching it and we will have problems. You can ask Metro to do this -

BILL
No. 76-22
Referred

BILL No. 76-22 - Ordinance No. _____ - ORDINANCE LEVYING
ASSESSMENTS FOR IMPROVEMENT DISTRICT No. 415

A Bill entitled: BILL No. 76-22 - ORDINANCE No. _____
AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN
PROVIDING FOR CERTAIN STREET IMPROVEMENTS WITHIN LAS VEGAS,
NEVADA, SPECIAL IMPROVEMENT DISTRICT No. 415; PROVIDING FOR
THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS;
ASSESSING THE COSTS AND EXPENSES OF SAID IMPROVEMENTS AGAINST
THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SAID
IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND
PAYMENT OF SAID ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT
PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTIONS
PREVIOUSLY TAKEN BY THE BOARD OF COMMISSIONERS AND THE OFFICERS
OF SAID CITY DIRECTED TOWARD THE INSTALLATION OF SAID IMPROVE-
MENTS IN SAID DISTRICT AND PRESCRIBING DETAILS IN CONNECTION
THEREWITH, AND OTHER MATTERS RELATING THERETO" was read by
title by the Deputy City Attorney, who recommended that it be
referred to Committee and that the Clerk be authorized to
proceed with the first publication, by Title, of said Bill No.
76-22. (1st reading)

Mayor Briare appointed Commissioners Woofter and
Lurie as the Committee for Recommendation on Bill
No. 76-22.

Mayor Briare: Have the Commissioners received a Report from the
City Manager - I'm sure you have because it indicates it went out
to the Mayor and City Commissioners - relative to the License &
Revenue Department raising the fees for certain businesses, and
raising the fees for employees of these businesses, that would
generate sufficient income to pay for the expense of Policing
these businesses and those employees.

If you have had the opportunity to review this, I would like
to have this Board, as a group, request that such an Ordinance
be drawn and that it be sponsored by the entire Board as opposed
to individual members. This would involve Licensing for Escort
Services, Massage Parlors, Adult Oriented Bookstores, Adult Oriented
Movie Theatres, Coed Wrestling, etc.

There being no objections, this will be a request by the entire
Board to the City Attorney's office to draw an ordinance
increasing the License Fees commensurate with the amount of
money that is expended to police and regulate them, which means
somewhere in the neighborhood of from \$80,000 to \$100,000 a year.

Mayor Briare: Is there anything further to be brought up by the
Commissioners at this time?

Commissioner Woofter: Mr. Mayor, I believe there was one matter
held in abeyance, to be brought up again, and that was the motion
I made in regards to placing a Consolidation Question on the
Presidential Primary ballot. It doesn't show on the agenda, but
I believe we did agree to bring it up at this meeting.

I would at this time, if there is no objection from other members
of the Commission, request this to continue to be held in abeyance
until the Primary Election, on this basis: I have had further con-
versation with Mr. Colton, Registrar of Voters, and he has advised
me if we hold off until the Primary we could place it on the ballot
at no expense. I would rather hold off until there would be no
expense to the taxpayers to place it on the ballot at that time.

Mayor Briare: If there are no objections, that will be the way
the matter will proceed. Is there anyone in the audience, other than
discussions on Budget matters, that wishes to be heard at this time?
(No response)

Mayor Briare: There being none, we are going to recess to the Mayor's
Conference Room to discuss the Final Budget. (4:00 P.M.)

Mayor Briare: This will now be the continuation of our Regular Meeting to discuss the Budget. Mr. Marvin Leavitt, would you again, since we're on tape, repeat what you said just a minute ago?

Director of Finance, Marvin A. Leavitt: OK - what we've done is to go over the Tentative Budget and make certain adjustments to put in those items to reflect the wishes of the Commission.

Included in those adjustments we have reduced the number of employees by 27 in the General Fund, by 7 in other funds.

We have revised our revenue estimate. Based on the most recent information we have it changes some of them.

We reduced the services and supplies categories in all departments - a lot of them were reduced as much as 10%.

We have moved the Revenue Sharing from the General Fund except for that Revenue Sharing that was going to provide for Capital Outlay expenditures.

We added the amount previously not included under Public Franchise Fees from January to June of 1977.

We included a funding for the Senior Citizens Center of \$75,000.00 as it relates to building maintenance, electricity, etc.

We eliminated a General Fund transfer of \$235,000.00 to a Capital Project Fund.

That is what this first page reflects.

See Page 111 of these Minutes

Commissioner Leavitt: What is this item "Contributions & Advances"? What does that mean?

Marvin Leavitt: That means contributions to other Funds whose revenue is not sufficient to enable them to operate. You might note there, that is down from Two Million to One Million between the two years.

The main reason for that is that certain Engineering funds which have been included as separate funds in prior years are now included as a part of the General Fund. So, instead of a contribution appearing in the General Fund for their operation, their expenditures are a part of the General Fund itself.

Commissioner Leavitt: But what is the fund for?

Marvin Leavitt: It's a transfer to other funds, other than City General Funds. Part of it goes to the Garage Fund too to make up for their deficit -

Commissioner Leavitt: The City Garage?

Marvin Leavitt: The City Garage - part of it goes to the other Engineering Funds that remain.

Commissioner Leavitt: Is it all Engineering and automotive? Is there any others?

Marvin Leavitt: Yes, there are some others - I'm on Page 16 of the Budget, but there's \$120,000 in Cemetery; there is \$10,000 for National League of Cities; Convention Trust Fund. There is \$30,000 to Graphic Arts; \$350,000 to Motor

FISCAL 1976 - 77 FINAL BUDGET SYNOPSIS

	GENERAL FUND	
REVENUE FORECAST	FISCAL 1975 - 76	FISCAL 1976 - 77
Opening Fund Balance	1,969,384.00	911,087.00
Ad Valorem Taxes	6,441,302.00	6,798,377.00
Franchise Fees & Charges	2,808,520.00	3,200,000.00
Licenses & Permits	3,781,900.00	4,133,400.00
Funds & Fees	2,096,860.00	2,288,000.00
From Other Governments	13,526,629.00	14,502,711.00
Other Resources	<u>1,839,200.00</u>	<u>1,068,000.00</u>
TOTAL REVENUES	<u>32,463,795.00</u>	<u>32,901,575.00</u>
EXPENDITURE ALLOCATION		
General Government	3,997,790.00	4,578,331.00
Public Safety	18,805,314.00	19,704,822.00
Public Works	2,522,608.00	2,975,653.00
Health & Welfare	426,857.00	440,083.00
Culture & Recreation	3,653,426.00	3,807,686.00
Contributions & Advances	2,146,713.00	1,145,000.00
Ending Fund Balance	<u>911,087.00</u>	<u>250,000.00</u>
TOTAL EXPENDITURES	<u>32,463,795.00</u>	<u>32,901,575.00</u>

1976/77 BUDGET
(continued)

FISCAL 1976 - 77 FINAL BUDGET SYNOPSIS

REVENUE FORECAST	GENERAL FUND	
	FISCAL 1975 - 76	FISCAL 1976 - 77
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TOTAL EXPENDITURES	<u>32,463,795.00</u>	<u>32,901,575.00</u>

Equipment; \$25,000.00 to the Maintenance Department; \$250,000.00 for the Engineering Fund and \$325,000.00 for Off-Street Parking, to make up their deficits. In other words, each one of these funds are funds that get their revenue either from charging the public or from charging other departments, and if the revenue they charge other departments is not sufficient to operate on, the General Fund makes a contribution to those funds.

Commissioner Leavitt: I know it's been reduced a whole Million Dollars, but I just wonder how come there's such a reduction.

Marvin Leavitt: Part of it comes from Assessment financing - a number of Assessment Districts are done. It looks like our Assessment Financing Account can handle itself this year. We reduced that.

The Engineering Funds, you will notice, were \$700,000.00 last year and they're down to \$250,000.00 this year because of moving part of the Engineering Funds directly into General Fund itself, so the expenditure for those comes back on . . .

Commissioner Leavitt: General Government?

Marvin Leavitt: . . . that's right - Public Works in the General Fund itself. So that's reduced.

Commissioner Leavitt: The fund isn't reduced - just shifted -

Marvin Leavitt: That's right. What the situation was - for a fund to be included someplace else other than the General Fund, their total receipts from charges should equal, at least, a majority of their revenue and certain of these Engineering funds, especially the Public Works administration just did not have enough to be charged out to other funds to equal this percentage and we thought it proper to bring it back into the General Fund. The net result is the same but we felt for accounting purposes and control purposes it was better to have it back in the General Fund.

Commissioner Leavitt: I notice on this paper you have given us under Culture & Recreation you've got about \$50,000.00 more than under the Tentative Budget. What's the difference there? I read the Tentative Budget, on Page 15, as being \$3,747,000.00 and on this sheet you submitted to us it's shown as \$3,807,686.00.

Marvin Leavitt: The majority of that is on the Senior Citizens Center - the departments themselves have been cut.

City Manager, William E. Adams: We cut back on Services & Supplies but we picked up for the maintenance of the Senior Citizens Center which boosted it beyond what we cut back.

Commissioner Lurie: Do you feel the maintenance and utilities are going to run around \$75,000.00 a year for the Senior Citizens Center?

Mr. Adams: Two janitors, plus, is going to run is \$45,000.00. The light bill, based on the way it's going here, will probably be another \$20,000 or \$25,000 -

Commissioner Lurie: For lights? You'd better recalculate that figure. That's an awful lot of money for electricity per year for that type of building.

Marvin Leavitt: I think we are taking that based on this building, which costs about \$3.20 per year, per sq. ft. for electricity.

Commissioner Woofter: You say the salary for two janitors is \$45,000.00?

Mr. Adams: Yes - once you through in the retirement and all the other that goes along with it -

Mayor Briare: There is also a charge in there for administrative support?

Marvin Leavitt: Yes -

Mr. Adams: And anything that goes along with it -

Mayor Briare: I think, Commissioner, what we don't want to do is to give the impression we are paying our janitors \$22,000 a year -

Commissioner Leavitt: I have another question: What about Public Safety? I notice on the sheet you submitted to us that it is \$19,704,822.00 and in the Tentative Budget it was \$19,480,000.00. What's the difference? There's about a \$206,000.00 difference between the sheet you submitted and the Tentative Budget, Page 10.

Marvin Leavitt: Part of that we included in the final contributions to the Metropolitan Police Department for the \$60,000.00 for the Vice Officers, approved by the Commission. The other Police Budget remains the same with a light adjustment for the adjustment in property taxes we received since that point.

Commissioner Leavitt: In other words, you are giving them \$500,000 more?

Marvin Leavitt: No - we gave them \$60,000 more, plus about \$4,000 more for the amount based on the property taxes -

Commissioner Leavitt: But there's about \$200,000 difference there -

Marvin Leavitt: The remaining part comes principally in the Fire Department, and that results from salary negotiations.

Commissioner Leavitt: OK. Is there any provision in this sheet you submitted to us on the Final Budget for any cost-of-living increases, or any wage increases, for the employees?

Marvin Leavitt: Yes - it is included in that - yes.

Commissioner Leavitt: Is that under General Government?

Marvin Leavitt: It is included in every individual category -

Mayor Briare: What percentage did you use?

Marvin Leavitt: It varies from department to department, based on their new schedule.

Commissioner Leavitt: It's between 5% and 6-1/2%, isn't it? It's not above 6-1/2% anywhere, is it?

Mr. Adams: Not that I'm aware of - it will schedule itself out . . .

Commissioner Leavitt: I notice on the second sheet on Revenue Sharing money - that is separate from this Budget?

Marvin Leavitt: It is included as part of this Budget - however, it is not on that sheet -

Commissioner: You do not have any Revenue Sharing money being used for Operating Expenses?

Marvin Leavitt: That is correct.

Commissioner Leavitt: Now, on the Metropolitan Police Budget - what is the percentage on the Metropolitan Police Budget?

Marvin Leavitt: The Metropolitan Police Budget includes two (2) items: one, \$1.94 Tax Rate, plus \$60,000.00 for Vice Squad personnel.

Commissioner Leavitt: In other words, that's all it is -

Marvin Leavitt: That is it -

Commissioner Leavitt: No more -

Marvin Leavitt: No more.

Commissioner Christensen: Well, that's all it is on this sheet -

Commissioner Leavitt: I realize that, but what I was getting at - there's no provision in the Budget to match what the County has put up for rejuvenation of the City Jail. I only know what I read in the paper - that they have appropriated 1. One Million for that purpose - I'm sure you saw that in the paper this morning. So, there's nothing in here to match that - is that correct?

Marvin Leavitt: That's right.

Commissioner Leavitt: And that includes the Utility Franchise tax for the last six months of the fiscal year?

Marvin Leavitt: Yes - it reflects a reduction of \$481,000.00 in Cigarette revenue -

Commissioner Leavitt: What was your ending balance?

Marvin Leavitt: \$650,000.00 - as you will recall, we had a \$63,000.00 ending balance in the Tentative - either figure can be justified -

Commissioner Leavitt: Can you justify that to the Tax Commission?

Marvin Leavitt: I can justify it to them - I have a hard time justifying it, financially, in my own mind. To give you an example - what \$650,000.00 is - that's about three (3) days' revenue, so it's not very much.

Commissioner Leavitt: You indicated in a previous hearing that if we continued our "freeze" we might be able to save as much as a half a Million Dollars?

Marvin Leavitt: That is reflected in here -

Commissioner Leavitt: That's in here -

Mr. Adams: Yes Sir -

Commissioner Leavitt: So that's with the idea that we continue our limited hiring - that's included in there?

Marvin Leavitt: Yes -

Commissioner Leavitt: What about the Commission cost of Consolidation of \$70,000.00?

Marvin Leavitt: That's taken out -

Commissioner Leavitt: It's taken out - so it's a saving?

Marvin Leavitt: Right - that's reflected in here.

Commissioner Leavitt: In other words, what you set aside for Consolidation - \$70,000.00 - has now been put back into the General Fund?

Marvin Leavitt: That's right - it's not shown as an expenditure in the General Fund - we just put it back in.

Commissioner Leavitt: Did I understand you to say you had made up for the Cigarette Tax loss?

Marvin Leavitt: The Cigarette Tax loss is reflected in here.

Commissioner Leavitt: \$480,000.00?

Marvin Leavitt: Right -

Commissioner Leavitt: You haven't included that now?

Marvin Leavitt: It is not included - the loss is reflected.

Commissioner Leavitt: But you said earlier that you had some new figures, or something, that increased the amount of revenue from the Cigarette Tax - how much was that increase?

Marvin Leavitt: We don't have any new figures to increase that revenue -

Mr. Adams: Except for the ad valorem we got yesterday - -

Marvin Leavitt: That's right - a slight adjustment in the ad valorem - I think it was \$4,000.00.

Commissioner Leavitt: There is no indication, then, of an increased Sales Tax?

Mr. Adams: No - nothing additional on the others - the last word from the tax group was the reduction in the Cigarette Tax.

Commissioner Leavitt: Now what about that \$650,000.00 in Revenue Sharing - is that put back on the second sheet?

Marvin Leavitt: That's right - it's reflected here on the second sheet -

Commissioner Leavitt: And the amount we have in our Capital Projects in the Tentative Budget - has that been increased or is it still \$235,000.00?

Marvin Leavitt: That transfer is shown in the Tentative Budget - it does not show the transfer in this Budget - the Final that we have here - it is reduced by that amount.

Commissioner Leavitt: Does this Budget include the amount necessary to set aside for payment of the Million Dollar loan on the Reed Whipple Cultural Arts Building?

Marvin Leavitt: Yes - both Tentative and Final -

Commissioner Leavitt: The amount to pay for the interest?

Marvin Leavitt: That's right - the interest and one principal payment.

Commissioner Leavitt: How much is that?

Marvin Leavitt: \$275,000.00, which would be one-fifth, plus 7-1/2% interest.

Commissioner Leavitt: And that has been set aside in this Budget - it's included in the figures we have and set aside in the event the Cultural Arts Center proceeds - it has been set aside to pay the interest and one principal payment - in other words, for the fiscal year?

Marvin Leavitt: That's right -

Commissioner Leavitt: For this fiscal year it will be \$275,000.00 in costs?

Marvin Leavitt: That's right - \$200,000.00 principal, plus \$75,000 interest, which would be 7-1/2% on a Million Dollars.

Commissioner Leavitt: \$200,000.00 is the payment?

Marvin Leavitt: Right -

Commissioner Leavitt: Left in here?

Marvin Leavitt: That's right. What it is, it's not actually reflected in here - it's from the Debt Service Fund - however, if that were not going to be spent, the ad valorem tax would be increased by \$750,000.00 into this General Fund. We allocate the ad valorem taxes between the Debt Service Fund to pay all debts, and to the General Fund. The Debt Service Fund gets allocated enough to pay

REVENUE SHARING

Revenue Sharing Funds Available

Entitlement Periods #1 through #5

Unallocated Funds 214,253.00

Entitlement Period #6

Fiscal 75-76 Gen. Fund Savings 90,000.00
Funds to be received on 7/76 321,417.00
Less: Fiscal 76-77 Allocation (275,000.00)
136,417.00

Entitlement Period #7

Funds to be received Fiscal 76-77 658,000.00

Total Funds Available for Capital Projects \$1,008,670.00

Revenue Sharing Projects Under Consideration from Available Funds Shown Above.

Reed Whipple Center Renovation 500,000.00
ParaMedic Program 58,000.00
Plaza Beautification 50,000.00
Police Substation 300,000.00
Opening of City Jail 400,000.00
(This is 50% of one years cost)
Fire Truck (1250 GPM Pumper) 90,000.00
Remodel Fire Station #3 150,000.00
Intersection Signals 150,000.00
Curb & Gutter Replacement 50,000.00
Renovate Two Swimming Pools 35,000.00
Tennis Court Lighting (at High Schools) 70,000.00
Renovate Two Recreation Centers 60,000.00
Automotive Replacement 150,000.00

Total Cost of Projects Under Consideration \$2,063,000.00

Revenue Sharing Projects Previously Approved and Funded but not Started at this Time.

Lorenzi Park 80,000.00
Teen Center 75,000.00
Warehouse 150,000.00
Parks at School Sites 35,000.00

Total Cost of Projects Previously Approved and Funded \$ 340,000.00

all the debts - the General Fund gets the remaining portion. The Debt Service Fund has been allocated enough to pay the debt on Reed Whipple. If for some reason that loan was never consummated that \$275,000.00 would naturally come back into the General Fund.

Commissioner Leavitt: That's what I meant - if that would go into the General Fund -

Marvin Leavitt: Yes, it would.

Commissioner Leavitt: Now, the Utility Franchise Tax - what is it for the last six months - what is the estimate?

Marvin Leavitt: I believe it is \$1, 050,000.00 -

Commissioner Leavitt: And that you have now put back in?

Marvin Leavitt: Yes.

Commissioner Leavitt: That's all I have - I may have some more questions later.

Commissioner Lurie: The only question I have is on the Revenue Sharing -

Marvin Leavitt: May I make one comment on the Revenue Sharing before we get started on that:

Mayor Briare: Let me ask if there are any further questions on Page 1.

Commissioner Leavitt: What about this Health & Welfare in the amount of \$440,083.00 - what page is that on in the Budget?

Marvin Leavitt: It's on Page 13 -

Commissioner Leavitt: I see where Animal Control is one thing that comes under it. What is this Community Support?

Marvin Leavitt: The first part up there that represents salaries is an amount paid an employee of what used to be the Southern Nevada Industrial Foundation (SNIF) - I don't recall their new name -

Commissioner Leavitt: Nevada Development Authority -

Marvin Leavitt: The remaining portion down there is an amount about equal to what we have given to various organizations in the past, but has not been specifically allocated at this point. This includes all the amounts we give to the various organizations -

Commissioner Leavitt: \$77,000.00?

Marvin Leavitt: Right -

Commissioner Leavitt: What various organizations are we talking about?

Marvin Leavitt: Safety Council, We Care, Samaritan House . . .

Commissioner Lurie: Is EOB in there?

Marvin Leavitt: We have added a \$7,000.00 payment to EOB -

Mr. Adams: RSVP Senior Group - it's that type of thing - I think the NEVADA Magazine for the Bicentennial is in there -

Commissioner Leavitt: OK - now, will these be - I assume by approving these we are not approving the appropriation - by approving the Budget -

Marvin Leavitt: You are approving allocations to people in that amount, but nothing specific -

Mr. Adams: In other words, each time they come in, we'll give them back to you and say there has been a request, etc. and make recommendations, or whatever the case may be.

Mayor Briare: Are there any further questions on Page 1?

(No Response)

Mayor Briare: OK - on Page 2 -

Marvin Leavitt: Let me make one comment before we discuss this Page 2. This shows \$1,008,670.00 for use for capital projects. However, the \$321,417.00 figure up above here - that has previously been allocated. The reason it appears on this sheet is that the State Law relative to budgeting for Revenue Sharing Funds and the Federal Government's definition in the way that entitlement periods are regulated, is different one quarter so that the payment received this July is included in the 1976/77 Budget for safe purposes, and for the previous year's budget for Federal purposes. That's the reason for the difference, so we would have to reduce the \$1,008,670.00 by \$321,000.00 -

Commissioner Leavitt: So what you're talking about is . . .

Marvin Leavitt: It would be \$214,000.00 plus \$658,000.00 -

Commissioner Leavitt: Which is - what is the exact figure?

Marvin Leavitt: \$872, 253.00.

Commissioner Leavitt: \$872,253.00 is what is actually available?

Marvin Leavitt: That's right -

Commissioner Leavitt: For the Projects you have listed underneath -

Marvin Leavitt: Yes, plus some others - I just made a list here of the various funds that have been brought to my attention.

Commissioner Christensen: We have Two Million Dollars worth of projects and only -

Commissioner Lurie: The other Million and \$340,000 is already set aside -

Mr. Adams: The \$340,000 we already have set aside and funded so we can go ahead -

Commissioner Christensen: You're talking about \$2,063,000.00 worth of projects with \$872 ,253.00 to go with?

Marvin Leavitt: Right -

Commissioner Leavitt: The \$340,000.00 is not included in the \$872,253.00 figure?

Commissioner Lurie: No - that's been set aside -

Marvin Leavitt: That has been set aside but the project has not yet been started -

Commissioner Lurie: We're collecting the interest on that money at the present -

Commissioner Woofter: For 1975/76?

Marvin Leavitt: This is 1976/77 Fiscal Year and it takes us through the end of the Revenue Sharing Act.

Mayor Briare: Marvin, you threw me a little bit - you're saying - if we were to go down this list of Revenue Sharing Projects in consideration of available funds shown above, you say that we are limited to \$872,253.00?

Marvin Leavitt: Yes, that's right.

Mayor Briare: Now, in order for us to get right to the meat of the thing, insofar as this stage is concerned, if my memory serves me, the Board has already taken action - in some instances by unanimous vote and in other instances by a majority vote - to allocate from Revenue Sharing Funds, \$500,000.00 for the Reed Whipple Center; to fund a Para-medical Program for \$58,000.00 and Plaza Beautification for, actually, \$26,000.00 - -

Marvin Leavitt: Plaza Beautification can come from another fund and I would not recommend that Revenue Sharing funds be used for that -

Mayor Briare: There has been conversation, and I don't recall - maybe one of the Commissioners can refresh my memory - if the Warehouse down at the bottom was approved by minute action - was it?

Commissioner Lurie: Yes, it was approved for the previous year -

Mayor Briare: The money has been set aside for those ones we have already committed ourselves to by Board action -

Commissioner Christensen: They have all been approved -

Commissioner Lurie: It's just that we haven't built anything yet.

Commissioner Leavitt: It is my recollection that Tennis Court Lighting at two High Schools was approved by this Board -

Marvin Leavitt: \$648,000.00 -

Mayor Briare: The Reed Whipple Center, the Para-medical Program and the Tennis Courts -

Marvin Leavitt: I might mention one thing that there are \$385,000.00 of funds in a Recreation Grant Account that could be used for Reed Whipple if you desire to use it for that purpose.

Commissioner Lurie: That's what I thought we were going to use - that \$385,000.00 and take only \$215,000.00 of Revenue Sharing to make up the \$500,000.00 and utilize the other monies for new projects. We had discussed that and I thought we had agreed on that.

Mr. Adams: If that's the agreement then we'll go ahead, but we were not firm in our own minds that was what it was -

Commissioner Lurie: That was our discussion the other morning -

Mayor Briare: Marvin, is that a Special Recreation Fund that has been set up that is not included on this . . .

Marvin Leavitt: That's right - this is a Recreation Grant Fund for monies that have been provided by the Convention Authority -

Mayor Briare: Do you have any more funds that are set aside somewhere?

Marvin Leavitt: The only other fund that has been set aside separate from this, is the amount that is available in the City Hall Fund. That's about \$115,000.00 -

Mayor Briare: But that's been set aside for this building - you can't mess with that -

Marvin Leavitt: Other than that, there aren't any other funds available anywhere.

Mayor Briare: I'm trying to get a final determination, and I don't know how many times we have to do it, but in view of that Recreation Fund you're talking about -

Marvin Leavitt: If you want us to that that \$385,000.00 and use it for Reed Whipple, that would free up \$385,000.00 from use at

Reed Whipple and that would now be \$243,000.00 allocated out of the \$872,253.00.

Mayor Briare: Let's make a list here, with costs, of capital improvements program for the year 1976/77:

Reed Whipple	\$ 115,000.00	from Revenue Sharing, and
	385,000.00	from the Recreation Grant
Para-medic Program	58,000.00	from Revenue Sharing

Mayor Briare: The Plaza Beautification comes out of another account?

Marvin Leavitt: That's right -

Tennis Courts	70,000.00	from Revenue Sharing
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Commissioner Leavitt: What's the balance?

Marvin Leavitt: That's a total of \$243,000.00 with \$629,253.00 remaining.

Mayor Briare: Marvin, Lorenzi Park, the Teen Center, the Warehouse and Parks at School Sites - do they still have to come in?

Marvin Leavitt: No, you don't have to consider those - that money is already set aside - all we're waiting for is the go-ahead.

Commissioner Lurie: That \$75,000 set aside for the Teen Center could be money that could be freed up because the Freeway is going through there and with the Park and the Police Substation next to it, that \$75,000.00 might not have to be used for the Teen Center. So that is money that could be freed up after we once receive the building from the Highway Department for the Substation.

Marvin Leavitt: We put those on the list because they had not been started and thought you might want to reconsider those items.

Commissioner Woofter: There are others that should be included, aren't there?

Marvin Leavitt: No - we haven't included those Project that are currently under way.

Commissioner Leavitt: Have you had any conversation with Mr. Ogilvie, the County Administrator - and I notice Mr. Jacka is here from Metro - I understand what the County did is that they appropriated 1. One Million to provide for the opening of the City Jail and also to provide for additional personnel. Now, that is for the Metropolitan Police Budget.

I understand that is conditioned upon the City matching it. Can you fill me in on that?

Mr. Jacka: Commissioners, this morning the Police Commission met and they directed me to meet with City Officials and to convey officially to them what has been filed with the Nevada Department of Taxation for the Metropolitan Police Budget for the next Fiscal Year, on a tentative basis, is 22.9 Million Dollars, which is somewhat less than a hold-the-line budget with the capability to open the Jail and hire additional personnel -

Commissioner Leavitt: It does not provide for any cost-of-living increase?

Mr. Jacka: It does not provide for any cost-of-living increases for our personnel.

Mr. Jacka: The Police Commissioners asked that I convey to you today so that they can get a determination for their budget hearing tomorrow, that they are willing in addition to the 22.9 Million, fund an additional 1.1 Million which would be utilized for opening the City Hall Jail facility and bring up the hold-the-line budget, plus whatever is left over, hire additional Police personnel, provided the City would share equally 50% -

Commissioner Leavitt: Of 1.1 Million Dollars?

Mr. Jacka: Of 1.1 Million Dollars -

Commissioner Lurie: Well, you can convey back to them that as soon as we get representation back on the Police Commission, we will consider it -

Commissioner Christensen: This goes along with it a little bit - you open the Jail and it requires more personnel - is that the reason for the increased personnel?

Mr. Jacka: Yes Sir -

Commissioner Leavitt: That's only one reason -

Commissioner Christensen: OK - if those increased personnel - have they taken into consideration the other impact on parking, and things like that? Is the Police Department ready to relinquish those parking places? Or is that going to be another cut out of the City's parking spaces, or what?

Mr. Jacka: I don't think it would cause an impact on City parking - there isn't sufficient parking for Police personnel now -

Commissioner Christensen: I know - but are the Police going to have the priority? Are we going to have to knock out 91 spaces out of the City Hall parking facilities again? What is the projected impact there?

Mr. Jacka: Are you asking me that question?

Commissioner Christensen: Yes -

Mr. Jacka: Right now our people are working on a come-as-you-are basis. If they can find a parking space, OK. If not they have to scrounge around for their own.

Commissioner Woofter: There are many Police personnel working in the building now that have to park outside -

Mr. Jacka: That's correct -

Commissioner Christensen: My question is - are they going to continue on that basis, or is the next question going to be - how many parking spaces does the City have to give up -

Mr. Jacka: It would continue on the same basis as it is now -

Commissioner Lurie: I recommended at the last Budget meeting we had that we fund certain items to get the new Jail open - our of Revenue Sharing money - the storage area that you needed and also the equipment, which amount to some \$645,000.00 - that the City would pick up a portion of that and the County could come up with the personnel to operate the Jail. Because at that time that's all the money the City - actually, we didn't have that much - but we felt priority should be given to opening the City Jail because if we had our own Police Department, it would have to be open anyway.

I still do recommend that we set aside that money from Revenue Sharing to open the Jail, but I don't know where we could possibly come up with matching money with the County.

Commissioner Leavitt: I'd like to ask our Finance Director a

question: If we eliminated our Revenue Sharing projects which are under consideration from available funds, etc., that you have on that sheet (page 2) - and some of those are things I am vitally interested in - but if we were to eliminate those, we would have \$872,000.00 - is that correct?

Marvin Leavitt: That's right -

Commissioner Leavitt: And if they were eliminated, we would also - the way I understand our previous conversation - be able to pick up \$275,000.00 out of the Debt Service Fund - is that correct?

Marvin Leavitt: That's right -

Commissioner Leavitt: And that comes to about 1.1 Million - just about what Metro needs. I understand there would be no capital improvement projects for the City if we did that, but I also understand that the Budget Metro is asking for does not include a cost-of-living increase - is that correct, Mr. Jacka?

Mr. Jacka: Yes, that's correct -

Commissioner Leavitt: And if 1.1 Million would allow you to open the City Jail, staff it and get the additional personnel you need - is that correct?

Mr. Jacka: And build the other storage facility and operate what we call a hold-the-line operation -

Commissioner Leavitt: Do I understand that the County would use Revenue Sharing money for that purpose?

Mr. Jacka: Yes -

Commissioner Leavitt: In other words, if we used Revenue Sharing monies that we do have available at this point, of 1.1 Million that we could match that - is that correct?

Commissioner Christensen: Do you consider using, Commissioner Leavitt, a percentage of our Revenue Sharing monies for that that the County is using -

Commissioner Lurie: They are using 25% of their Revenue Sharing money -

Commissioner Leavitt: I know they get a larger percentage of Revenue Sharing monies but, on the other hand, the money is there - the decision has to be made now what to do with it. What I'm saying is that if we forget about these Projects you have on your list, and we take the \$872,000.00 - and forget about those Projects - and pick up another \$275,000.00, we can give the 1.1 Million that Metro needs - and it comes from Revenue Sharing monies.

Commissioner Christensen: What you're talking about is increasing the Budget now - what percentage of our total expenditures goes to the Police Department? What is the total percentage of all of our revenue that goes to the Police Department?

Marvin Leavitt: 36%.

Commissioner Christensen: OK - we have 36% of our total revenues coming into the City - now if we add 1.1 Million more, then how much does that increase that percentage?

Marvin Leavitt: 40%.

Commissioner Christensen: OK - now that would put us at 40% of our total Budget - of our total revenue would go to the Police Department. We are now approximately 41% and 42-1/2% of our space is going to the Police Department. I think that I'm probably as much in favor of Law & Order as anybody, but how we can take 40% of all of the income of the City and 42% of the space of the City, and give that to an entity where we have not one iota of control of how it's spent, is beyond me.

Commissioner Leavitt: Well, Commissioner - granted - right now there is no City representative on the Police Commission,, but you can't blame the Metropolitan Police Department for that - you can throw your darts at the Legislature -

Commissioner Christensen: The Metropolitan Police Commission and the County Commission are one and the same -

Commissioner Leavitt: No - the Metropolitan Police Commission and the County Commission are not the same -

Commissioner Christensen: OK - the Metropolitan Police Commission which controls the functions of the Metropolitan Police Department and the County Commission are one and the same. Since the advent of Consolidation in the Police Department, the City has had nothing to say about how the money is spent. We, at one time, had representation on the Police Commission, but at that time we did have representation on the Police Commission we were in the minority, even though we were paying a majority of the bill. Now that majority of the bill increases to the point where we are barely 10% under half of all the expenditures the City makes going to an entity that we have nothing to say about how - where the money is spent - no accountability - nothing - other than one vote for each of us for a County Commissioner somewhere down the line. That's the only control we have over it -

Commissioner Leavitt: Well, I concede all of that - that is a problem you have with the Legislature -

Commissioner Christensen: Well, I think the Legislature very clearly stated in the Bill that took the City Commission's token representation off the Metropolitan Police Commission - stated at that time that we were \$1.80 of the ad valorem tax - equivalent of the ad valorem tax contribution at that time and that they would take us off of there and in order to protect us we would never exceed \$1.94 - we're at @2.10 right now and they're asking for 1.1 Million more. So where are we going to go?

Commissioner Leavitt: Well, I'll tell you how I feel about it: I feel that is the Number One Priority - they need the money - it doesn't include any cost-of-living increases for anybody - and we're going to get into a position where a Court is going to order us to open that City Jail, and I don't think we can turn our back to them. These other projects, I don't think are as important or have as high a priority.

Commissioner Christensen: If the Courts do order us to open the City Jail, then I want it understood right here and now that we're going to fight that case in Court, because I think that would render them - if they forced us to increase that expenditure - that would then, to me, render unconstitutional the Law passed by the State Legislature taking us off the Police Commission, and removing us from any jurisdiction over how that money is spent -

Commissioner Leavitt: That can be argued -

Commissioner Christensen: Now, whether or not I'm over-ruled and this money is spent for the Police Department, I am right here and now, formally, asking - and I'd like to direct the City Manager to formally request, on behalf of the City, that we get periodic audits of what's going on in the Police Department's money and also I would suggest we get at least quarterly this information as to where the crime is occurring - where the arrests are made - etc., because this was a factor - it was one of the criteria used in determining that we pay the biggest percentage of the budget, and I don't think it's ever been clearly stated, and I think as long as we're spending 40% of our total revenue to fund the Police Department, we ought to at least have a report as to whether or not we're getting our share in the way of patrol - where the guys are patrolling - whether or not we do, in fact, have less Police Officers in the City Limits than we used to have - and where the crime is occurring so that we can determine whether or not we're really paying our share,

or less than our share, or much more than our share.

Commissioner Leavitt: I think we should get these reports regardless of what we do -

Commissioner Christensen: There's no question about it - that's what I've just said - regardless of whether I'm over-ruled and this money is spent, I'm formally requesting those Reports right now.

Commissioner Leavitt: The point I am making is this - we have received the Grand Jury Report and it is indicated that it is going to be necessary to open the City Jail. We have indications from the District Courts there is a probability that he could - I'm not saying he would - but he said he could order us to do it -

Commissioner Christensen: I was at that meeting and he didn't specifically say - he said he could order that Jail to be opened -

Commissioner Leavitt: Well, he indicated what would happen if we didn't do it voluntarily . . .

Commissioner Christensen: Of course, he was specifically talking to the people who were invited, which wasn't the City until after we squawked -

Commissioner Leavitt: I understand that - nevertheless, the facts are there and they are available to all of us, and we can't very well say now that we don't have the money to fund the Metropolitan Police Department, because we do. If we use our Revenue Sharing money we will have 1.1 Million and we can match the County, and it is available. It's a priority. If you want to do other things with it, we can do it. Sure, we can build capital projects - we can do those things we have listed there. We can do that, but it's a question of - what do we want to do with the Revenue Sharing money? Granted, it will be 40% of the Budget if we do it, but the choice is ours, and I say the choice is there. It is pretty obvious to everybody that that money should be made available to the Metropolitan Police Department, and to do anything else is sticking your head in the sand.

Mayor Briare: In order for us, then, to put this to rest so that we can get on into another avenue, if need be, would you want to make that in the form of a motion?

M o t i o n

Commissioner Leavitt: If that is what is necessary, I so move. I will move at this time that a total of Revenue Sharing money in the amount of \$872,253.00 - and this does not include the \$340,000. - is that correct?

Answer: Yes -

Commissioner Leavitt: OK - the \$340,000.00 is still there - it is my motion that we take the Revenue Sharing funds of \$872,253.00, that is available, plus the sum of \$275,000.00 that was set aside to pay the interest and the first payment on the Reed Whipple Center renovation; the combined total of those two sums amounts to about 1.1 Million Dollars, and that that money be made available - 1.1 Million Dollars - to match the County for the opening of the City Jail and provide for the additional personnel that the Metropolitan Police Department needs. That's my motion.

Mayor Briare: Commissioner Leavitt, on your motion I am going to call for the vote in the normal procedure. I am going to ask that those in favor of your motion say "aye" and those that are opposed say "no".

Mayor Briare: The "noes" have it. The motion is defeated.

Clerk: I'm sorry, from the voices I did not get the individual votes - may I please call for the votes?

Commissioner Christensen

No

Mayor Briare: It was four (4) to one (1) - you may take our word for

it.

Commissioner Lurie: I have a comment

Mayor Briare: Well, I'm going to declare anybody who gets back on the same subject and start repeating again, our of order, but go ahead and let's get on with the next proposal.

Commissioner Lurie: I believe, and I've said before, that I felt that the opening of the Jail is very important to both the City and the County, based on the Grand Jury Report, and I feel the City has a responsibility in providing funds to do such.

I believe also that Revenue Sharing money should be used as capital expense. I've said before that I didn't believe we should use it for anything else. I feel the priority is there for Metro to open this Jail and I feel that the Reed Whipple Cultural Center, the Para-medical Program, the Police Substation and the portion the City should pay, based on the Report received from the Metropolitan Police Department, our share of \$664,555.00 to open the Jail. That that money be set aside and there's going to be money left out of Revenue Sharing, and you might figure out from those figures how much is going to be left so that we can include that as capital expense and not operating expense.

Marvin Leavitt: That's \$875,000.00.

M o t i o n

Commissioner Lurie: We're looking for \$872,000.00 - that's cut \$3,000. - cut it off the Para-medical Program because we're already saved that much money. That will be my motion.

That doesn't touch any of the Projects we have already - with Lorenzi

Mayor Briare: Marvin, would you - you're labeling those right now - would you tell me what the amount of Commissioner Lurie's motion was pertaining to the Metro Police funding?

Marvin Leavitt: OK - there is \$332,000.00 for opening the Jail, plus \$300,000.00 for a Substation.

Mayor Briare: Forget the Substation . . . of that \$332,000.00, how much is operational cost which we could count on being repeated next year?

Commissioner Lurie: It would be half of \$394,000.00 -

Commissioner Woofter: \$197,000.00, approximately -

Commissioner Christensen: You mentioned, Commissioner Lurie, that you felt it was our obligation - I admit that according to the Law our obligation was fulfilled when we reached the \$1.90, or its equivalent, of the Ad Valorem Tax insofar as contribution to the Metropolitan Police Department is concerned.

Commissioner Woofter: I have in mind that the City Jail was built through the City - right? That's quite a contribution in itself - we built the City Jail with the taxpayer's money -

Commissioner Christensen: And we're still paying for it - it's not paid for yet.

Commissioner Woofter: With certain contributions towards maintenance - I think the Police Commission should certainly consider that factor, at least - that the facilities are built already. I agree with Commissioner Lurie's motion.

Commissioner Leavitt: I have a question: The figure that has been submitted for reopening the City Jail is

Commissioner Lurie: \$332,000.00 -

Commissioner Leavitt: Does that include any operating costs?

Marvin Leavitt: It is my understanding it does not include power - janitorial costs -

Mr. Jacka: The only thing it does not include is the maintenance costs . . . where there's a person to maintain the Jail, whether it's a County employee or City employee - is the only thing not included -

Mayor Briare: Who would be able to answer that question - whether it is to be a County or City employee?

Mr. Jacka: It hasn't been directed yet -

Commissioner Lurie: What about the people using the Jail - why can't they clean it?

Commissioner Christensen: It's against the Law -

Mr. Jacka: You misunderstand - I'm talking about a Maintenceman to take care of the electrical problems . . .

Mayor Briare: In order to act on your motion - would you object to having your motion split?

Commissioner Lurie: No -

Mayor Briare: Why don't we take these things one at a time - and let's move a little bit faster. What was the first part of your motion? \$115,000.00 for the Reed Whipple Center plus \$385,000.00 from the fund that Marvin Leavitt identified as being a Recreation Grant. Was that all part of your motion?

Commissioner Christensen: What was the \$115,000.00 for Reed Whipple?

Mayor Briare: \$115,000.00 out of Revenue Sharing funds, plus \$385,000.00 from the Recreation Grant fund, totaling a half a Million Dollars. What I'm trying to do, Commissioner . . .

Commissioner Christensen: Well, that wipes out the Reed Whipple Center then -

Mayor Briare: No - I'm asking to split -

Commissioner Lurie: Reed Whipple Center, the Para-medical Program, the Police Substation and a 50-50 split of the operation costs of maintaining the City Jail -

Commissioner Christensen: Are there any strings on that as far as the Police Department is concerned?

Commissioner Lurie: What do you mean - any "strings" . . .

Mayor Briare: What I'm trying to do - I want to extract the portion of the Metro Police Department from his motion -

Commissioner Lurie: We could split it to vote on Reed Whipple, the Para-medical Program and the Substation.

Commissioner Christensen: I can't understand how you can fund a Police Substation when you can't fund a Jail.

Mayor Briare: Commissioner, would you object to voting on the Reed Whipple Center?

Commissioner Christensen: It depends on how much you're going to cut off -

Mayor Briare: We're not - to make up a Half a Million Dollars - it's \$115,000.00 out of Revenue Sharing, plus \$385,000.00 amount from the Recreation Grant fund. That adds up to half a Million Dollars. Should that part of Commissioner Lurie's motion pass, we can forget the Reed Whipple Center for the rest of the meeting because we will have then committed a half a Million Dollars.

Commissioner Leavitt: I want to ask about the \$385,000.00 - that's

from the Convention Authority?

Marvin Leavitt: That's correct -

Commissioner Leavitt: Is that the entire amount given to the City for the Fiscal Year?

Marvin Leavitt: I have subtracted an amount for Debt Service for that building over on Cashman Field -

Commissioner Leavitt: What I want to know - are we spending the entire Recreation Grant from the Convention Authority on Debt Service for Cashman Field and the Reed Whipple Cultural Center?

Marvin Leavitt: That would be true.

Commissioner Leavitt: The entire amount to be used for those two things?

Marvin Leavitt: That's right -

Mayor Briare: The other alternative would be to allow those Recreation Grant funds to be used for other recreational purposes?

Marvin Leavitt: That's right -

Mayor Briare: And beef-up the Revenue Sharing more than \$115,000.00 to satisfy that half a Million Dollars.

Commissioner Woofter: Now I have a question: Mr. Martin (Director, Recreation Department for the City of Las Vegas) isn't here, but that concerns me a little bit - insofar as taking the whole Recreation Grant that we receive from the Convention Authority and putting it into Reed Whipple. Will the rest of the Recreation Program in the City be hurt by such a move? I mean - it will -

Commissioner Christensen: There's another way to look at that too, if you want to talk about priorities - and there seems to be a feeling that the Police is one of the biggest priorities - crime is the biggest priority - if you eliminate it with all the Parks you would not only have a lot more money to spend, but you'd have a lot less to expend for Police - if you want to figure just strictly priorities. It would eliminate a lot of your Police problem and increase your revenue.

Commissioner Woofter: I agree with you, but before I could vote on that I'd want to hear from Fred Martin to find out just how much of that \$385,000.00 he's been counting on.

Marvin Leavitt: May I make a comment on that: This \$385,000.00 - I don't think they've been counting on any of it - they've been supporting Reed Whipple. Besides that, in the General Fund, they have \$945,000.00 for the operation of their programs . . .

Commissioner Lurie: In fact, we just got BOR Funds to build two new Ball Diamonds . . . so we really don't need that \$385,000.00 for recreation - use it now for a capital project and build the Cultural Center - We have to use it for that or give it back -

Mayor Briare: If we are to be consistent, those kinds of dollars that we get from the Convention Bureau, should be used for operational purposes, because they are monies we can count on fairly faithfully from year-to-year, whereas we using it for capital funds that Revenue Sharing is designed to do -

Commissioner: There's a motion . . .

Mayor Briare: Well, I'm just talking myself out of voting in favor of that motion.

Commissioner Leavitt: I call for the question -

Mayor Briare: Any further comments or questions?

(No response)

Mayor Briare: Those in favor say "aye" and those opposed say "no".

Mayor Briare: I call that a 3-2 vote. Does anyone question that?

(Commissioners Woofter and Leavitt voted "no".

Mayor Briare: You would prefer a roll call vote, wouldn't you?

City Clerk: Yes Sir - it makes it difficult -

Mayor Briare: Please call the roll.

Roll call vote:

Commissioner Woofter	No
Commissioner Lurie	Aye
Mayor Briare	Aye
Commissioner Leavitt	No
Commissioner Christensen	Aye

Mayor Briare: OK - Commissioner Lurie, would you go to the next item?

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Commissioner Lurie: The next item is \$55,000.00 to be set aside for the Para-medic Program from Revenue Sharing money.

Mayor Briare: Is there discussion on the motion?

(No response)

Roll Call vote:

Commissioner Woofter	Aye
Commissioner Lurie	Aye
Mayor Briare	Aye
Commissioner Leavitt	No
Commissioner Christensen	No

Mayor Briare: OK - the next motion, Commissioner?

Commissioner Lurie: The next motion is to split the cost on a 50-50 basis with the County to open up the City Jail, in the amount of \$333,000.00.

Mayor Briare: Now I'm going to ask you if you'll split that motion? I want to be consistent - I want to split the operational monies from the capital improvements.

Marvin Leavitt: I'll separate each one of them -

Commissioner Lurie: OK - the first item is the total personnel cost to operate the new Jail - the City's portion would be \$197,115.00.

Commissioner Christensen: Are you going to vote on the operational costs before you vote on the Jail? What are you going to operate if we turn down the Jail?

Commissioner Lurie: I wanted to vote on the entire package . . . \$197,115.00 would be the City's share of the personnel costs. The total personnel related cost is \$57,206.00; the capital and operational costs would come to \$22,957.00 and the Storage facility cost would be \$55,000.00.

Mayor Briare: OK - that amounts to \$77,957.00 is capital improvements -

Commissioner Lurie: Well, there are some operational costs in there too -

Mayor Briare: \$254,321.00 - roughly. Obviously, if we don't approve the capital improvements, then certainly there's no point in discussing the operational. On that basis the capital improvements is going to be the key. Well - let's don't kid ourselves - if we don't vote the same way the County is going to do, they're going to withdraw their support . . . so all this is just academic -

Commissioner Lurie: They might change their minds if we approve this \$332,000.00 - they might come up with their half to open the City Jail and then out of the Metro Budget they'll just have to find -

Mayor Briare: Maybe we ought to just have a vote on a message to send to the County Commission, as opposed to a motion -

Commissioner Christensen: He made a motion like that, but it never got voted on -

Commissioner Lurie: Well - they sent Mr. Jacka to tell us - I think we have to send Bart back - I'd like to tell them myself but they're not here -

Mayor Briare: Your motion now, Commissioner Lurie, is for Capital Improvements of \$77,957.00 and Operational of \$254,321.00?

Commissioner Lurie: That's it - right.

Mayor Briare: I'd rather take the Capital Improvements first. This will be the message we'll send to the County Commissioners - what message will we send to the County Commissioners that we are willing to spend out of Revenue Sharing funds -

Commissioner Leavitt: The message will come after the vote -

Commissioner Lurie: Are we talking about \$77,957.00?

Mayor Briare: Are you ready to vote on that?

Commissioner Leavitt: We can take a vote at the same time, can't we - the \$77,957.00 and \$254,321.00?

Mayor Briare: I've got to vote "no" on one and "yes" on the other and I can't do that in one vote -

M o t i o n

Commissioner Lurie: On the \$254,321.00, I move for approval.

Commissioner Christensen: And that's for Capital Improvements?

Answer: Yes -

Roll call vote:

Commissioner Woofter	Aye
Commissioner Lurie	Aye
Mayor Briare	Aye
Commissioner Leavitt	No
Commissioner Christensen	No

Mayor Briare: Alright, the Capital Improvement will be indicated to the County Commission - that the City Commission by a 2-3 vote will spend that much money out of Revenue Sharing.

Commissioner Leavitt: Let the record show the reason I voted "no" is because it is a non-sufficient amount

Mayor Briare: \$254,321.00 of Revenue Sharing funds for the purpose of Operational uses. Any comments?

Commissioner Woofter	Aye
Commissioner Lurie	Aye
Mayor Briare	No
Commissioner Leavitt	No
Commissioner Christensen	No

Mayor Briare: Indicate to the County Commission by a 3-2 vote the City Commission rejected the proposal that \$254,321.00 be taken from Revenue Sharing Funds for Operational purposes.

Now, we have probably accomplished nothing this afternoon -

Commissioner Leavitt: How much have be spent so far?

Commissioner Lurie: We've spent \$115,000.00 and \$35,000.00 and \$55,000.00 -

Marvin Leavitt: \$192,957.00 out of Revenue Sharing funds -

Commissioner Lurie: He wants to put the Substation in there. I don't care - if he wants to make a motion for a Substation in his District, he can make a motion for it.

Commissioner Woofter: I want one over in my District - I can tell you that -

Commissioner Leavitt: Since I requested a Substation - I did request the Substation determination be made whether or not the land - State-owned - at Atlantic & St. Louis would be available - if the land could be obtained free of charge for the purpose of putting a Police Substation there. But since I made that request I have received additional information, along with the other Commissioners, which they talked about earlier regarding the opening of the Jail - the Metropolitan Police Budget, and although it is my desire to have a Police Substation in my area, and certainly the desire of my constituents, I'm willing to change my priority to the priority of the Metropolitan Police Department. The Metropolitan Police Department's priorities are not for a Substation in that area. Their priorities are for additional personnel and the City Jail. Therefore, I'm willing to forget my priorities, and bow to theirs. So I don't intend to bring it up at this time for a motion for approval.

Commissioner Woofter: Then I will make the motion, because I certainly believe insofar as the District I represent there is a definite and essential need for a Substation in that area. It was brought out some time ago during the campaign for that office, and there was a definite desire by the constituents that certain considerations be given to a possible Substation in the Doolittle Center area on the West Side, as well as at the other extreme area - possibly the Armory - consideration in that general area on Eastern. Therefore, I wish to make a motion that Revenue Sharing funds in the amount of \$300,000.00 be set aside for that consideration.

M o t i o n

Commissioner Leavitt: Before voting on the motion, I'd like to ask Mr. Jacka a question: If we set aside \$300,000.00 for a Police Substation, without giving you the additional monies to match the County's, would you be able to staff a Police Substation?

Mr. Jacka: As indicated to you before, the Tentative Budget filed with the Department of Taxation is 22.9 Million Dollars - one and a half Million Dollars short of holding the line. I am indicating to you that if we don't get additional funds we won't have the staff to staff that or some of the other facilities.

Commissioner Leavitt: You won't be able to staff what you've got?

Mr. Jacka: That's correct.

Commissioner Leavitt: In view of Mr. Jacka's comments, I intend to vote "no" on the motion.

Mayor Briare: On the other hand, the motion, of course, is still in order - setting aside for a particular purpose does not necessarily commit it to that specific purpose to the exclusion of any others that could be determined at a later date. And also, Commissioner, do I understand your motion is to establish such a Station somewhere within your area, but specifically you are not designating it at this time.

Commissioner Woofter: That's correct.

Mayor Briare: Are there any other comments or questions?

(No response)

Mayor Briare: OK - this is on the Substation - I think you all understand the motion - please call the roll.

Roll call vote:

Commissioner Woofter	Aye
Commissioner Lurie	Aye
Mayor Briare	Aye
Commissioner Leavitt	No
Commissioner Christensen	No

Mayor Briare: Very well - that motion passes by a 3-2 vote. If anyone has any suggestions as to how this can be done simpler, believe me, I would be happy to hear them. I don't know of any other way and, at least, we're beginning to make some progress.

M o t i o n

Commissioner Lurie: I will also make a motion that we approve the \$70,000.00 for the Tennis Court Lighting, that we're already committed, I believe, with the Joint Cooperative Agreement with the School District. Also I would like to include in that motion that money be set aside for Intersection Signals.

Mayor Briare: Commissioner Lurie, Could I ask you, again, to split those?

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Commissioner Lurie: OK - we'll take as Item One, the Tennis Court Lighting.

Mayor Briare: We will now have the roll call -

Roll call vote:

Commissioner Woofter	Aye
Commissioner Lurie	Aye
Mayor Briare	No
Commissioner Leavitt	No
Commissioner Christensen	No

Mayor Briare: The lighting for the Tennis Courts dies by a 3-2 vote. The next item to be voted on is the Intersection Signals. Commissioner Lurie has moved for approval of the Intersection Signals. Please call the roll, if there are no questions or comments.

Commissioner Lurie: As to the intersections - I've got one in mind -

Mayor Briare: These are capital improvements that have already been indicated by the Public Works Department. As the City Manager indicated a little earlier, these sorts of things are subject to individual approval, but they first of all, naturally, have to have an allocation of funds -

Commissioner Christensen: How many signals can you buy for \$150,000.?

Mayor Briare: Three -

Commissioner Christensen: Where are the three?

Mayor Briare: We don't know yet -

Commissioner Lurie: What they're asking for is intersection signals at Maryland Parkway and San Pedro; 3rd and Bridger and 1st & Ogden - but I don't necessarily agree with those locations -

Mayor Briare: The City Manager has indicated this is not a committment -

Commissioner Lurie: No - it is money set aside for these - if Regional Streets & Highways doesn't have it, under Public Safety we could have them. I would then move that we have this money set aside for Intersection Signals.

M o t i o n

Mayor Briare: Are there any further comments?

(No response) -

Roll call vote:

Commissioner Woofter	Aye
Commissioner Lurie	Aye
Mayor Briare	Aye
Commissioner Leavitt	No
Commissioner Christensen	Aye

Mayor Briare: The Intersection Signals are approved by a 4-1 vote.

Commissioner Lurie: How much do we have left?

Marvin Leavitt: \$174,296.00.

Commissioner Lurie: This Fire Truck that is on here for the Fire Department -

Mayor Briare: I want to ask a question: I think this is a question of automotive replacement. Within your budget - within the regular budget - you do have funds set aside for some replacements, don't you?

Marvin Leavitt: I believe it is \$8,000.00, if I remember correctly -

Mayor Briare: \$8,000.00? -

Commissioner Leavitt: \$8,000.00 wouldn't even buy two cars -

Mayor Briare: Is this suggestion of \$150,000.00 there just for what would normally be normal replacements every three years?

Marvin Leavitt: That's pretty much the normal situation . . .

Mayor Briare: Alright - so the day could come, in the absence of Revenue Sharing, there would be nothing to fall back on for replacement. So, really, this could be better classified as an Operational Cost rather than a Capital Improvement . . .

Marvin Leavitt: It's not the same as a building - it is probably Capital, but not in the same sense . . .

Commissioner Lurie: I wanted to ask a question on this Fire Truck (1250 GPM Pumper) - is this a Fire Truck that would be utilized in the Tule Springs area - the Lone Mountain area -

Mr. Adams: Is that the one, Dave?

David Parks (Finance Budget Officer): No - it is a replacement Fire Truck - the truck that is currently in service is twenty years old and apparently, due to insurance requirements, etc., we should move that out -

Commissioner Lurie: We could move that one over there until such time as we can do something else. I move that be included in the Revenue Sharing - the purchase of a Fire Truck to be used out in the northwest portion of the town -

M o t i o n

Mayor Briare: There is a vague possibility - I don't know if this was just idle comment - there is a possibility, depending on how the Firefighters' negotiations turn out - it is conceivable that a Fire Station in the City might have to close. That has already been suggested to us. Now, whether that's a factual statement or whether it was just one of those statements made in an effort to justify budget requirements for salaries . . . if we don't have personnel, obviously you're not going to need a Station. We don't of course, know at this moment whether that possibility exists or not. If this money were earmarked for this purpose, it could always be changed. Where is Fire Station No. 3?

Mr. Adams: That's the one at Washington and Bonanza -

Commissioner Lurie: That's up for a \$150,000.00 remodel - that doesn't need to be remodeled - it's in good condition.

Mayor Briare: I just wanted to know, because that's probably where they would house the Fire Truck.

Mr. Adams: The remodel, I think, for it is to set it up so that . . . it sits in a very bad location to feed itself out into the neighborhood. It works, but it would be better if it were moved and I think their anticipation is setting up with No. 7 and No. 3 and remodel to bring the equipment in and out - I'm not too sure. Again, this is something we would bring back before you in the event there was to be any action -

Mayor Briare: In the event approval should be given for the Fire Truck, and if it's in the area that Commissioner Lurie suggested it be in, it will be housed at that Bonanza Station -

Commissioner Lurie: Hopefully, someday it will be housed out in that Lone Mountain area. That would be my motion.

Mayor Briare: We're getting down to the end of the Revenue Sharing monies - what have we got left to vote on?

Marvin Leavitt: We have \$174.296 left -

Mayor Briare: And here we're talking about \$150,000.00 for a Fire Truck - no, we're talking about \$90,000.00 -

Commissioner Lurie: I think in that automotive replacement you're going to see a change in the automotive equipment because I've asked for a complete evaluation on the automotive phase through Bill Adams and his Assistant - the use of the automobiles and how we can cut back - maybe go to more compact cars - less use of automobiles by better scheduling . . .

Mayor Briare: What Two Swimming Pools need Renovation? Is that just normal maintenance, or is that maintenance to put them back into operating order?

Dave Parks: Cragin Pool and Doolittle Pool are the two pools under consideration and I believe it is a rather extensive amount of renovation. Whether or not that could be deferred for a year . . .

Commissioner Lurie: We would rather they do those Pools every summer. What's the matter with Doolittle - we just renovated Doolittle last summer -

Dave Parks: In the request it was stated that it needs fibre-glassing on the sides.

Mayor Briare: And the two Recreation Centers - which ones are those?

Dave Parks: These are the floors. One is Doolittle and one is Dula.

Commissioner Lurie: Those are the only two we have -

Mr. Adams: Dula is the one that's in very bad shape.

Commissioner Woofter: That totals up, with the Fire Truck, the Swimming Pool Renovation and the Recreation centers almost the amount that Marvin says we have remaining. I think it comes up to approximately \$180,000.00 - \$185,000.00 and we have \$174,000.00. I think all three of those Projects should be considered. Is that the minimum amount it will take for a Fire Truck - that \$90,000.00 or is that just an estimate?

Mr. Adams: That's a good shot guess at buying one of them.

Commissioner Woofter: I'd like to amend Commissioner Lurie's motion to expend an amount of \$76,000.00 for the Fire Truck, and that would give us the amount needed for that, the Pools and the Recreation Centers.

A m e n d e d
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Commissioner Lurie: OK - So I will amend my motion to make it \$76,000.00 for the Fire Truck, and to include Renovation of the two (2) Swimming Pools and the two (2) Recreation Centers, for a total of \$171,000.00. Any questions?

(No response)

Roll call vote:

Commissioner Woofter	Aye
Commissioner Lurie	Aye
Mayor Briare	Aye
Commissioner Leavitt	No
Commissioner Christensen	Aye

Mayor Briare: Now there's \$4,000.00 left -

Marvin Leavitt: \$3,296.00.

Mayor Briare: I don't want to try to summarize now because - even though there were a lot of split votes on various matters, it seems to re-emphasize the feeling of this Board relative to the spending of monies that are available now but that may never be available again . . . and in most cases the expenditures that have been committed of these Revenue Sharing dollars are for things that would be a 1-time expense and would not create a burden on future budgets which would lead us down the path of over-spending - monies that we don't have.

I know, Sylvia (EOB) your group is here to look for some Revenue Sharing monies for the purpose of operational funding. I have, previous to today, requested our City Manager to get some information from Dave (Hoggard) relative to those specific Programs that your Board would plan to cut out, and when those Programs went into effect - how much money you had budgeted for those Programs when they did go into effect, and why they were allowed to run out of money in a mid-budget period. I'm sure, Mr. Adams, you haven't had the opportunity to get that information yet - or have you?

Mr. Adams: No - the letter has gone out, but I haven't received it - unless it came in down there today -

Representative of EOB: We've never received the letter -

Mr. Adams: It was mailed Monday afternoon.

Mayor Briare: We need a motion on Page 1.

Marvin Leavitt: Yes, we need a motion on the Final Budget based on these figures.

M o t i o n

Commissioner Lurie: I would so move that the Final Budget be accepted and approved and sent to the Tax Commission.

Roll call vote (on Final Budget)

Commissioner Woofter	Aye
Commissioner Lurie	Aye
Mayor Briare	Aye
Commissioner Leavitt	Aye
Commissioner Christensen	Aye

Commissioner Christensen: Your Honor, before we adjourn, there is one thing I would like to make clear: It makes me nervous when I think of the way things are sometimes interpreted and the way actions are sometimes interpreted, and I would just like to make it absolutely clear at this point that my opposition to the increased funding for Police service is in no way indicative of my opposition to Police. Because the exact opposite is true. There is nobody recognizes the problem we have with the Police in this community more than I do. I have to depend heavily upon the Police Department in my business - probably more so than a lot of others..

However, I think that we have an obligation to the taxpayers of the City, to our constituents, to represent them when their money is spent. And it is appalling to me that another entity has asked us for 40% of our total income, as well as 42% of our total space, where we have not one word to say how it's spent.

I would have been more than willing to try to work out some kind of an arrangement with the Police, provided we had some say on how the money was spent. But we have none. And I just want to make that clear for the record and everybody here - that I am not anti-Police. I am probably as pro-Police as anybody in this room, but I am just "anti" a blank check, with no chance to look over anybody's shoulder to see how it's spent.

Mayor Briare: Thank you, Commissioner Christensen.

I asked Len Smith (Deputy City Attorney) here if - at a request made by you, I believe, Commissioner Christensen at our last meeting when any response - and the answer to the question was negative - there has been no response - whether even if we wanted to, we could spend more than \$1.94. That was from the Attorney General's office?

Len Smith: According to Carl (City Attorney) - yes.

Commissioner Christensen: I asked that question - if we received that \$1.94 - is it legal? And also if the Judge forced us to exceed the \$1.94, would that nullify the whole Bill - to establish the \$1.94? And I think those are questions that need answers.

Commissioner Woofter: Chairman Cunningham and that group has been here most of the day and I just want to know if they might want to say something. They've been here approximately eight hours.

Mayor Briare: I know you are aware of the Revenue Sharing position that this Board took at a previous meeting. At least, I hope you are -

Mr. Cunningham: I am well aware of that, yes.

Mayor Briare: OK - I didn't know if you were thinking there might perhaps be further consideration given to that point, or not. Your letter here was part of our agenda today, and it has been circled here that says: "Since the trend has changed from financing Social Welfare Programs by the Federal Government to funding by Local Governments, it has become essential that proper support be given by the City." Mr. Cunningham, you said it in one sentence - the exact problems that have been brought up time and time again in the last several months. You have said it perfectly.

Since the trend has changed from financing Social Welfare Programs by the Federal Government to funding by Local Governments - is the biggest problem I can conceive of, but that is what has happened and what is continuing to happen.

Mr. Cunningham: The main point we want to make - in the past two or three years we have come to the City and to the County, Henderson and North Las Vegas - we've come in on a routine basis with our funding requests, and during this period of time, Federal funding has decreased every year.

We've been told, and told very strongly, that one thing we should do is make our needs known as early as possible in order that the City or the County can get this into their budgeting cycles, and not come in too late after the budget is already developed.

We did that this year. We put together a package, which we feel very strongly is a good package and very strongly justified, for the funding we need from each Political Entity. Of course, if we didn't feel that strongly, we wouldn't have written - we wouldn't have developed the package - we wouldn't have sat here all day.

You've stated that you are asking us the question of what Programs would be deleted - what Programs would go away. That's a very difficult question to answer because the main thing that we can see is that we would do our best to keep those Programs we have in operation, going to the extent possible, based on the funding we have. How do you say that you would delete the Program of assisting the elderly people? How do you say you would delete the Program that is assisting in the way of Head Start for the young people?

We haven't received the letter - therefore, we haven't responded, but I'm sure our response will be that. That we are doing, we will be able to do on a smaller basis for each Program that we have.

We appeal to you to consider strongly the request that we've made. I know that we've had a lot of people who have written letters to the Commissioners - they are appealing from the community for the attention and for the support from the people who have the ability to make those decisions.

We will respond to the questions you have asked but, just broadly, that is how we will have to respond. For those Programs we have going, we will have to decrease the service. We would have no choice.

Commissioner Woofter: You've been Chairman for quite some time, haven't you?

Mr. Cunningham: Yes - for about two years now -

Mayor Briare: Each various Program under the Federal Government - say you have a total of 21 Programs - how many do you have? How many individual Program do you have?

Answer (Sylvia): Some of them are really not Programs . . .

Mayor Briare: But it can be individually identified, can't it?

Answer: It would be just about 21, with those -

Mayor Briare: OK - let's say 21 Programs - anything that has to do with the Federal Government, they audit - is that correct?

Mr. Cunningham: Oh, yes -

Mayor Briare: OK - so just for conversation's sake, would it be fair to say that you have 21 audits? Or is there one audit for the entire operation?

Mr. Cunningham: One audit, where they come in and audit our total finances for all the Federal funding that comes in to the EOB.

Mayor Briare: And does that audit also include an audit of procedures and staffing - kind of like an evaluation? Like when we have an audit of the City - they make recommendations - they make criticisms and say we should be doing this - we should be doing that - you should establish this procedure - you should establish that procedure.

Mr. Cunningham: It is a very comprehensive audit - yes. It covers all of the kinds of things you are talking about, plus a great deal more.

Mayor Briare: Every year - or more often than every year?

Mr. Cunningham: Every year.

Mayor Briare: I think, Mr. Adams, you might have included a request for that. You probably, in the past, have made it available to us -

Mr. Cunningham: We could very well do that. It was, in fact, publicized, that they stated that they had no problems at all with our operation. It's a very comprehensive audit and, really, commended us on our total operation. We would be very happy to furnish that to you.

Mayor Briare: If you have an extra copy -

Mr. Cunningham: We can send you a copy tomorrow morning -

Mayor Briare: The reason being - Mr. Hoggard made the comment - and this is not meant as criticism - it just makes it a very difficult situation - Mr. Hoggard mentioned before at a public meeting downstairs, and he mentioned it in my office, that you start a Program - it's a great Program - you get some Federal money and then for one reason or another, the funds aren't lasting for the year it was appropriated for. Now you run out of money so, naturally, you have to either get some more money or cut off the Program.

I believe, if my understanding is correct, that we are faced with a situation in more than once instance, of that very thing, and I think Mr. Hoggard confirmed that at a meeting when that very same question was asked.

Answer: We're not funded like everybody else. We're funded for a Program on a calendar year basis, in most cases -

Commissioner Leavitt: Calendar - not Fiscal?

Answer: On a calendar year basis. The only program we're funded for on a Fiscal Year basis is the contract that we have with the City under SETA, which is on a Fiscal Year basis -

Mayor Briare: It makes it very difficult, doesn't it?

Answer: No, it doesn't make it difficult because we've been operating now for - well, I've been there five years and last year we didn't have a question on a budget of Three Million Dollars. Not one question or one exception out of Three Million, so it's not very difficult.

Our Program requirements where a local share is required - this is to expand that Federal requirement. This has been normal now as long as there has been the Agency.

Mayor Briare: There have been comments made that it looked like, at best, you might come up with less than 33-1/3% of what you asked for. And yet you have all these Programs under which you are going to have to curtail services - maybe even do away with some. Hopefully, not, but you're going to have to curtail services. Alright, that would be based on 100% of your requests. Now, if you are fortunate enough to get 33-1/3% of your requests, and should the City reconsider after some more information is put in, then what is that 33-1/3% going to do? And how is that going to be

spent? I don't want to get back into the previous discussions we had here for two hours, but Commissioner Christensen's same logic would apply to this instance - monies are requested and certain Programs are in jeopardy of continuing if we don't contribute money for those Programs, but we have nothing to say as to which Program should continue, or which ones should go.

Sylvia: None will go, really - there would be a decrease in services in some Programs -

Commissioner Lurie: Somebody has said that certain Programs - Head Start; Senior Companions; Foster Grand Parents - and all these Programs that because the City wasn't going to fund, these services were going to be cut out. I want to know if you wrote the same letter - if the same letter was sent to the Delegation in Washington, letting them know these programs were to be cut out because the funds are now cut off. I don't want to be the one to cut out Foster Grand Parents, because I think that's a good Program - and I think Head Start is a good Program - and I think the City has done more for EOB than the County, or North Las Vegas or Henderson - yet we're the ones being tagged for cutting out Programs because we're not going to be able to come up with the necessary money to fund our obligation -

Sylvia: We sent the same kind of letters and the same appeal -

Commissioner Leavitt: What is the County doing?

Sylvia: We don't have an official decision yet, but we understand that it will be between \$30,000.00 and \$50,000.00.

Mayor Briare: Out of a request for how much?

Sylvia: Out of a request for \$73,000.00.

Commissioner Christensen: Aren't we talking about the same old trap? That you have the Federal Government funding this - the City helping a little - now the Federal Government withdraws their funding . . . what you're talking about - you've got Federal funding for the EOB - you've got City funding for the EOB - you've got Federal funding to the City, which the City goes to EOB with. Now they cut out this - this has to pick up here and this is cut off - we don't have that to pick up here so the effect is double here, with the end of Revenue Sharing.

Mayor Briare: That's why it is sometimes necessary to make an analysis such as we've been so careful in trying to do with SETA employees. When the Federal monies run out, it's over. It seems like an injustice on the one hand to get people encouraged in a Program that is a great help to them, and Lord knows, the EOB Programs have been a great help in this community - noen of which, in my judgment, can be done away with, but some of which may be in the future. They have to be if the Federal Government doesn't continue to fund the Programs they encouraged to get started.

Commissioner Lurie: I have another question - I have to say what's on my mind. You asked the County for some \$70,000.00? But you asked the City for \$93,000.00. Why do we get hit for more than the County? e've put in more money now than the County - we bought a School - you got a Grant for \$150,000.00 to rehabilitate the School - you're going to save \$55,000.00 a year to put into these Programs - why do we get tagged with the larger amount?

Sylvia: The County also supports the Transportation Program -

Commissioner Lurie: With SCETA employees - we support that too - and we supported you when you applied for your Grant to buy the equipment, and we gave you nine CETA employees to drive with a County agreement to provide the operational costs - the maintenance and gasoline. We share - but we always get hit for the higher amount -

Sylvia: It's based on residents in the City and in the County - the people we serve - that's the only thing we could base it on -

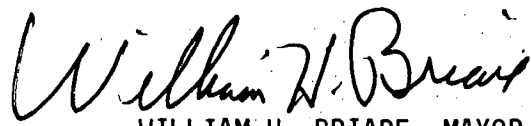
Commissioner Lurie: I read that Report - it was a good Report.

1976/77 BUDGET
(continued)

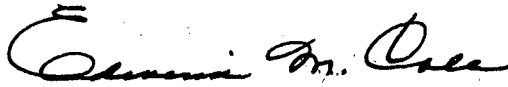
Mayor Briare: Marvin, would you analyze this material tonight and tomorrow and then if there's going to be a need, call a special meeting. I am very hopeful there will not be. I would like to suggest that maybe there might be a few loose ends, because I'm a little confused from this afternoon as to what all the impact is going to be. I'll get with you sometime tomorrow.

There being no further business to come before the Board, at the hour of 6:05 P.M., Mayor Briare declared this Regular Meeting of the Board of City Commissioner A D J O U R N E D.

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 2nd day of June, 1976.