

M I N U T E S

Las Vegas, Nevada
May 19, 1976

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 19th day of May, 1976, was called to order by His Honor, Mayor William H. Briare at the hour of 5:00 P.M., with the following members present:

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

STAFF PRESENT

City Manager	William E. Adams.
City Attorney	Carl E. Lovell, Jr.
Dep. Director, Department of Business Activity	Howard Crow
Director, Department of Cultural Services	Harold Foster
Director, Department of Financial Management	Marvin A. Leavitt
Fire Chief	J. D. Miller
Director, Department of Funds Coordination & Projects	Bruce Spaulding
Director, Department of Municipal Services	J. C. Cathcart
Director, Department of Personnel & Employee Relations	J. Robt McPherson
Director, Department of Public Services	Laurence Hampton
Director, Department of Community Planning & Development	Donald J. Saylor
City Clerk	Edwina M. Cole

INVOCATION

The Invocation was given by Rev. Juanita Pickett, Co-Pastor, Spiritual Science Mother Church:

"Our Father, we need Your Help and Guidance so much during these difficult days. Our God, we ask You to Help and Bless our City Commissioners and those who participate in this assembly this evening, that there may be Understanding, Truth, Tolerance and that Your Love will prevail. In Your Name, we Pray, Our Father. Amen."

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

C I T Y M A N A G E R

WILLIAM E. ADAMS, P.E., CITY MANAGER

HEALTH
INSPECTION
FEES

Disapproved

REPORT - CLARK COUNTY DISTRICT BOARD OF HEALTH - SCHEDULE OF HEALTH
INSPECTION FEES

Mr. Adams: I have some additional information to that you have in your folders: Back in the early 60's, the City of Las Vegas made a direct contribution to the Health Department in the neighborhood of from \$20,000 to \$50,000.

During one of the negotiating sessions before the Tax Commission on the base of the ad valorem tax, it was agreed by the City they would yield 1¢ of the ad valorem tax in lieu of that contribution with the concept in mind that the County would then fund the Health Department.

The City has in the past made occasional direct contributions. Those I am aware of are \$3,000 for a Metradone Clinic in 1972 and in 1975 we made a contribution from Revenue Sharing of \$75,000.

In the past the City has felt that the taxes, assessments and licenses that the businesses in the City pay, that the in-lieu contribution was appropriate and that nothing should be added.

Therefore, this office recommends that the Resolution on Health Inspection Fees not be approved.

Mayor Briare: We believe there are people in the audience that wish to be heard on this. It would appear that in informal discussion that the sympathies of the Board of Commissioners would be to follow the recommendation of our City Manager. However, we would be more than happy to hear comments on the subject.

Gill Blonsley: Mr. Mayor, representing the Health District, we wanted to make known some of the details with respect to the Health Permit Fees that the District Board of Health adopted.

These fees are based on cost of the District's Environmental Sanitation Program and, over all, represent a liquidation of between forty and fifty percent of the cost of carrying out the various program activities, as typified by samplings of each given type of establishment or operation.

Beyond that, what we wanted to make the Commission aware of, is the fact that the Health Permit Fees are a basic source of funding for the District, and are a source of funding enjoyed by the

District from all of its partners at the present time, in one form or another, including the City of Las Vegas who, a year ago, with Commissioner Lurie and Commissioner Christensen's assistance, moved the City into consort with the other partners of the Health District by providing us with an in-lieu fee instead of the ratification of the Fee Schedule which would have had the Board of Health billing these Permit Fees directly to establishments that are under regulations of the District Board of Health.

That amount for this current fiscal year was \$75,000.00. The Fee Schedule as it exists, projected for the new fiscal year, would amount to \$90,000.00, due to the size and volume of the workload that exists within the incorporated City Limits of Las Vegas. If, in fact, it is the feeling of this Commission that

HEALTH
INSPECTION
FEES
(continued)

they would prefer to not adopt at this time, or ratify, the District Board of Health Fee Schedule, then what we would respectfully request is that the Commission continue in the concept that it established last year; namely, that it provided to the District an in-lieu payment, or an amount from the General Fund, which approximated the revenues that would be generated from billing fees directly to the establishments. That would amount to some \$90,000.00 for this next Fiscal Year.

If this concept could be perpetuated you would, in effect, remain in co-partnership with the other members of the District and support, substantially, the costs of operating our Environmental Sanitation Program, which, as you know, is vital and necessary. So we would, on behalf of the District Board of Health, request that if the Fee Schedule is not to be ratified, that you would approve an in-lieu amount of \$90,000.00 for this coming Fiscal Year and thereby avoid billing the individual establishments.

Mayor Briare: Do any of the Commissioners have any comments at this time?

(No response)

Mayor Briare: As I indicated, it would seem that the informal feelings of the Board, at this moment are to follow the recommendation of our City Manager and the suggested possible alternative that Mr. Blonsley brought up, could be then perhaps referred to the City Manager for evaluation from that standpoint.

Commissioner Leavitt: The way I understand it, Mr. Mayor - the way I understand the proposal from the District Board of Health is that we have two (2) alternatives: We can either . . . first of all, we have to make a decision as to whether we want to continue to support the Clark County Health District. If you make that decision that you want to support the Health District, then there are two (2) ways it can be done:

One way, as proposed here tonight, would be to adopt the Fee Schedule - let the Health Department collect that Fee Schedule - collect those fees from the people who receive the service - a direct payment to the Health District.

The second alternative is that which we have been using in the past, wherein the City would make a direct in-lieu - (in lieu of the fees) payment to the Health District out of the General Fund.

First the decision has to be made whether we want to continue to support the Clark County Health District and if that is so, then we have to decide whether we want to make a direct payment out of the General Fund or allow the Health District to collect the fees according to the Schedule set forth and included on the agenda. Is that the way you understand it, Mr. Blonsley?

Mr. Blonsley: Yes Sir.

Mayor Briare: In order to move this along, are there any Commissioners that feel that the City should discontinue help in any way to the Health District?

Commissioner Christensen: I was not aware of this 1¢ ad valorem tax situation. Could you run that by me one more time, right quick, so I can understand what we're talking about, Mr. Adams?

Mr. Adams: In essence, the City originally made a direct contribution to to the Health District. Back at one of the times when the County and cities were meeting together to verify the ad valorem tax rate, and the pennies involved, there was, apparently, an agreement among the cities and the County that they would relinquish the 1¢ in that contribution. The understanding that the City had at the time, was that would take care of the particular penny problem at the time and that the County would then fund the Health District. This was back in the 60's.

HEALTH
INSPECTION
FEES

(continued)

Commissioner Christensen: Is the County still receiving that funding?

Mr. Adams: That penny has never come back to us -

Commissioner Christensen: Was the whole penny from the City?

Mr. Adams: Each city gave up 1¢ -

Commissioner Christensen: Then they actually got 4¢, didn't they? The County got 4¢ - right?

Mr. Adams: No - they actually received the 1¢ from the County-wide operation, which now would be \$180,000.00. Probably, in those days, it was \$75,000 to \$100,000.00, at the most. A penny on the tax right now is worth \$180,000.00. If it was the City's penny, it would be worth \$60,000.00, but where it widens out into a bigger area, it picks up more value and becomes \$180,000.00.

Mr. Blonsley: If I may, I would like to comment a little bit on that. That contract between the County and the cities, in 1967, was one where they could not agree on a split of the tax - the \$5.00 tax, at the time. There was a fair amount of informal discussion and the County posture, as I recall it, was that if they could get their \$1.21, they would then take on the package of responsibilities. They got \$1.13 from the Tax Commission. The City, however, I think lost at the time several cents - it may have been 4¢ - from \$1.09 to \$1.13. In any event, the County gained for it and the City interpreted that then divested them of any responsibility for those things that were under discussion.

But the County, of course, argued the other wide of it which was, of course, that they didn't get the \$1.23 that they had used as their discussion figure for taking on that package of responsibilities.

There was no direct allocation at that time of 1¢ to the Health District. The County acquired some additional part of the Tax Dollar but also acquired a variety of responsibilities and therefore this was a decision by the Tax Commission about any earmarking of where the dollars were going and it left a fair amount of unhappiness on all sides in terms of both the cities and the County feeling they came up short of what they were asking for and what had been interpreted they needed for their services.

Commissioner Christensen: If the County didn't get it, who got it?

Mr. Blonsley: The County got it but the Health District didn't get it by any direct allocation at that time.

Commissioner Lurie: Are you getting it now? From the County?

Mr. Blonsley: We're not getting the 1¢ that was under informal discussion at that time. That 1¢ never did get moved over to the Health District, as such - from cities or the County - but it was part of the discussion when the State Commission resolved the matter by dividing in the new fashion, and a series of responsibilities were also involved - not just the Health District and what was under discussion.

Mayor Briare: It might be that that 1¢, that at that time was identified specifically, has now lost its identity in the overall County Tax Rate.

Mr. Adams: I am sure that undoubtedly has happened - it has been a period of time.

Mayor Briare: Your recommendation, I gather, is to re-identify that penny and suggest it be put where it was originally intended.

Mr. Adams: That, and in looking through for additional fund that we could go in-lieu on. My idea at this time was to make a recommendation on the Resolution . . .

HEALTH
INSPECTION
FEES
(continued)

Commissioner Leavitt: Do I understand your recommendation then to be if we don't adopt the Fee Schedule, are you going to recommend an in-lieu payment instead?

Mr. Adams: If I can find it. I need a little time to look at it and see if I can come up with that much -

Commissioner Leavitt: An in-lieu payment would be around how much?

Mr. Adams: Around \$90,000.00.

Mayor Briare: My recommendation, Commissioner, was going to be that we accept the City Manager's recommendation and that the proposal that was made to us this evening - or the suggested alternative that was suggested this evening - that is that we fund it from General Fund sources, be referred to Mr. Adams for his report back to us.

Commissioner Leavitt: Well, I would like to make it a little different: Rather than reject the Fee Schedule and approve your recommendation at this time, I would like to have the whole matter held so we still have the option open. Then if we decide not to do the in-lieu payment, we still have the Fee Schedule.

As I have said, we have to decide whether we want to support the Health Department or not, and if you are going to make that decision that you are going to support the Health Department, you are going to have to provide them with the money.

You have two ways to do it: If we accept your recommendation today we have rejected one which leave us with the only alternative of an in-lieu payment. Then it's a question of how much. I would like that option open until at least we get a full report.

M o t i o n

If there is no motion at this point I would like to move that this matter be held until we get a report and a recommendation as to which way to go - the Fee Schedule or the In-lieu Payment.

Mayor Briare: I believe there are people in the audience that want to speak in opposition to the proposed Fee Schedule. By leaving it open as you suggest, of course, they would want to have some input into the decision -

Commissioner Leavitt: That's fine. I just wanted to leave our alternatives open -

M o t i o n

Commissioner Lurie: I was going to make a motion that we not adopt the Fee Schedule as presented to us, and that we support the Health District with a contribution in lieu of adopting the Fee Schedule.

Mayor Briare: Commissioner Lurie, we do have a motion to lay it on the table.

Commissioner Leavitt: I made a motion that the whole matter be held until our next meeting.

M o t i o n
W i t h d r a w n

Commissioner Lurie: I withdraw my motion.

Mayor Briare: Are you here in opposition to this proposed Fee Schedule?

Attorney Herbert M. Jones: Yes, I am -

Mayor Briare: Inasmuch as it has been moved, but not voted on yet, to hold this until June 2nd, as Commissioner Leavitt is requesting, would you want to reappear at that time? Is that an inconvenience to those who are in opposition to the Fee Schedule?

Mr. Jones: I would at least like to have some of the input because, of course, this Fee Schedule is a pretty drastic change from what we've been used to and I would like to have some input, if I may, from the City Manager's office - those of us who are interested - to

HEALTH
INSPECTION
FEES

(continued)

find out in which direction it is going. I will be playing in a Golf Tournament on June 2nd so I won't be here. However, I would send someone from my office.

Commissioner Leavitt: The way I understand it, Mr. Jones, it is a question of whether we pass the fee directly to the person who receives the services or whether we take it out of the General Fund and give it to the Health Department.

Mr. Jones: I have no objection to you doing the latter, but I certainly wanted to discuss this particular Fee Schedule, and the amounts and the way it is set up, if you decide to go in that direction.

Commissioner Leavitt: I think the Health Department would be available too, to discuss it with them and how they arrived at those figures.

Mr. Jones: They have already decided - or somebody has decided on the figures they have.

Commissioner Lurie: I don't think we are talking about money out of the General Fund - I think we are talking about Revenue Sharing money. That's the way it was paid last year. These are two different accounts -

Mr. Jones: I have no objection to it being continued under the circumstances, because I think everybody would like to have the benefit of a little further review -

Mayor Briare: I just wanted to get an idea. Besides this gentleman standing here, is there anyone in the audience that wished to be heard on the Schedule of Health Inspection Fees? First let me ask if there are people here in favor of it?

(No show of hands)

Mayor Briare: May I ask for a show of hands of those in the audience who is here to speak in favor of this Schedule of Fees?

(No show of hands)

Mayor Briare: Accordingly I will assume that those of you who stood are opposed to it.

(Approximately 6 persons)

Mayor Briare: The suggestion now is just that this matter be tabled for the purposes of a discussion on taking it out of the General Fund, or for a Fee Schedule. I take exception to Commissioner Leavitt's proposal. I would just as soon take care of that Fee Schedule right here tonight -

Commissioner Leavitt: Mr. Mayor, part of my motion was that these people here be able to get with the City Manager and explain their objections to this. I'm not saying they should be cut off either. They should be allowed to express their views. If they want to express them tonight, I'm willing to listen. I don't want to make it necessary for them to come back.

Mayor Briare: That's what I'm driving at -

Commissioner Leavitt: That's what my motion would be - to table it until we determine what alternative to take, but I'm willing to listen to what they have to say tonight so they won't have to come back.

Mayor Briare: I have the opinion - and I don't want to belabor this too long - I'm trying not to belabor it - I have the opinion that the majority, and perhaps all, of the members of the Board are opposed to this Fee Schedule. If that is the case, we can save a lot of time in people here getting up and telling us something we are in agreement with - that is, that we don't like the Fee Schedule. I understand your position. You want to leave alternatives open.

HEALTH
INSPECTION
FEES
(continued)

Commissioner Leavitt: If you don't leave the alternatives open you are going to be the only entity in Clark County that does it. It just depends on whether that is good or bad. All I want to do is to have the City Manager consider the other proposal. I concur in the recommendation that we do not adopt the Fee Schedule - that we do make an in-lieu payment. I got the part about not adopting the Fee Schedule, but I didn't get the second half of it.

Mr. Adams: I didn't ask you to make the second decision - primarily because I didn't pursue it to that extent. I think there is a very strong possibility that we have that amount of money available in Revenue Sharing that we could use that. I left the option open, of course, for the Commission.

My recommendation is that the Fee Schedule not be approved.

Commissioner Leavitt: In the event we can find the Revenue Sharing money to make the In-lieu Payment - would that be part of your recommendation?

Mr. Adams: That would be the appropriate thing -

M o t i o n
W i t h d r a w n

Commissioner Leavitt: I withdraw my motion to hold.

Mayor Briare: The motion to table has been withdrawn. What is the pleasure of the Board in order to get a discussion started? It would seem that the motion would be to follow the recommendation of the City Manager: That is, to reject the Fee Schedule and refer the matter back to him for alternative methods.

Commissioner Leavitt: We have limited his alternatives to one - we haven't given him any alternatives.

M o t i o n

Commissioner Lurie: Mr. Mayor, to move this along and to help the City Manager make a decision, I would move that the Fee Schedule not be adopted and that in lieu of the Fee Schedule, the City contribute the same amount it contributed last year, in lieu of adopting the Fee Ordinance.

Mayor Briare: From a fund other than the General Fund -

Commissioner Leavitt: What was that amount?

Mr. Blonsley: \$75,000.00.

Commissioner Leavitt: Have you got that much money?

Mr. Adams: Yes Sir -

Mayor Briare: You are going to get into an argument with me if you are going to use Revenue Sharing funds -

Mr. Adams: I don't know at this point where I can get it -

Commissioner Lurie: I have to clarify my motion to the Board: I served on the District Health Board before Commissioner Leavitt - he has served on it quite a bit longer than I have, when he was a County Commissioner - and I was very much impressed with what the Health District has to offer to the community. I feel it is important that the City support the Health District and see that these services are provided in our community. I believe it is important that the City does contribute. I don't necessarily agree with the Fee Schedule, but I do agree that the City contribute the same amount contributed last year so the Health Department can provide these services to the community.

Page 7
Minutes
Regular Meeting
City Commission
May 19, 1976

Mayor Briare: Commissioner Lurie, would you just kind of mentally consider the possibility of urging the City Manager to try find sources of financing other than Revenue Sharing - as a last resort to get the fund from wherever he can -

Commissioner Lurie: As a last resort, consideration of Revenue Sharing -

HEALTH
INSPECTION
FEES
(continued)

Mayor Briare: Did you wish to be heard on this matter?

Answer: I am here in protest - if I may -

Commissioner Leavitt: Why don't you wait for the motion - maybe you won't have anything to protest - we have a motion not to adopt the Fee Schedule -

Commissioner Christensen: Mr. Mayor, I would like to ask the Health Department a question: If this Fee Schedule were adopted, how much money would be generated?

Mr. Blonsley: That would amount to \$90,000.00 a year inside the incorporated City Limits of Las Vegas.

Commissioner Christensen: And that is based on all the restaurants and everything that you have to inspect that you know about right now - this Fee Schedule would generate \$90,000.00 a year -

Mr. Blonsley: That's right -

Commissioner Christensen: No more than that?

Mr. Blonsley: Roughly, \$91,000.00 - we rounded it off to \$90,000.00. Obviously a restaurant can add some seats and that would add to the billing, or a restaurant could close and the amount would go down, but this is within a 2% factor - this \$90,000.00.

Mr. Burns, 5525 Rome Blvd.: I own a small business and I am inspected and have had up to this period of time, had an "A" Rating for a period of five years. I am inspected approximately once every three months - four times a year.

Now, on each inspection certificate they hand you for you to sign when they come in - they give a time in and a time out. This is an average of from 30 to 45 minutes. They have never been in my establishment more than 10 minutes for an inspection. What are they doing the other 20 minutes? Is the City going to pay for this other 20 minutes? The businessmen, or who? There's a lot of time lost back there. There are many business men right here in this audience that will state the same thing, I'm sure.

Mayor Briare: It is probably part of the manner for producing revenues for the overall support of the entire Health Department which includes a lot more things than . . .

Mr. Burns: This I understand, but there's a time loss of 20 minutes there when they charge a 30-minute inspection fee.

Commissioner Lurie: What I would recommend, Mayor, to Mr. Burns is that he attend one of the District Health Board meetings and if you don't feel that the people doing the inspecting are performing in a manner you think they should be, then I would make that comment before the District Board of Health and Dr. Ravenholdt can handle that problem through his District Board.

Mr. Burns: It is something I think should be looked into - It might be travel time - I don't know -

Larry LaPenta, 5709 Gypsy: I am Secretary of the Las Vegas Restaurant & Tavern Owners Association. We are approximately 100 members and we oppose this Fee Schedule, and partially agree with Mr. Burns. The inspections are 15 minutes, approximately, every three months and we pay so many taxes, especially in restaurants and taverns - much more than the average business man, where we have our very sizeable liquor license fees, and gaming license, and property tax, and sales tax, and business license, cigarette machine, pool table, sewer tax, amusement tax, and on and on. We've got enough fees and taxes. Everyone comes to us for money, especially in our business and we voted unanimously to oppose this Fee Schedule.

HEALTH
INSPECTION
FEES

(continued)

Mayor Briare: The motion is to follow the recommendation of the City Manager and reject the Fee Schedule.

Mr. Adams: Your Honor, may I explain that in the In'lieu Payment, if this is the route it goes, I will have to bring it back before you because it will require a Budget augmentation.

Commissioner Leavitt: Mr. Mayor, I didn't understand the motion to be that way. I understood the motion was to be to reject the Fee Schedule, and to pay to the District Health Department some \$75,000.00 out of either the City's General Fund or Revenue Sharing. That's what I understood the motion was.

Mayor Briare: That's right.

Commissioner Lurie: In other words, you will have to have a Budget augmentation, no matter which fund you take it out of - whether out of the General Fund or Revenue Sharing.

Mayor Briare: I was merely trying to summarize - I believe the Clerk's record will show the right motion there.

Hattie Mae Pavlo: I just want to say that we have never had to pay this and that we are paying too many fees now. It is not right to try to put the small business man and woman out of business.

Mayor Briare: That is why we're going to vote on it as of now.

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

Mayor Briare: The motion to reject the proposed Fee Schedule of the Clark County Health District has been approved unanimously.

DEPARTMENT OF CULTURAL SERVICES

HAROLD FOSTER, DIRECTOR

FEEES FOR
PRIVATE
SWIM CLUBS
Approved

ESTABLISH SWIMMING POOL FEES FOR PRIVATE SWIM CLUBS

Mr. Adams: The next item before you, Mayor and Commissioners, is the establishment of swimming pool fees for Private Swim Clubs that use our various swimming pools.

We have established that rate at \$150.00 per month but we want it to be done in such a way that all entities would have the same rate, so that these swimming pool fees are consistent throughout the County.

We would recommend that that this Fee be established, provided all entities do conform. If they do not conform, then, of course, we would have to come back before you with another proposal.

Commissioner Lurie: Have you had a recommendation from the Park & Recreation Advisory Board on this?

Mr. Foster: Yes, they too have recommended this \$150.00 Fee.

Commissioner Woofter: Have you received any input from the different Swim Clubs?

Mr. Foster: Yes, and they haven't indicated any objection to it.

Mr. Adams: It apparently is in effect now in Henderson. North Las Vegas is considering it and so is the County.

Commissioner Christensen: What do they get for their \$150.00?

Mr. Adams: Normally, in their swim operations, they open at ten o'clock in the morning and before the pool opens they use the pool for their own training sessions.

Commissioner Christensen: Then they may end up with the uninterrupted use of that facility for that fee?

Mr. Adams: That's right -

Commissioner Christensen: That's what I was trying to determine.

Mr. Adams: Yes - it is actually a separate operation from the normal times of our activities -

Commissioner Christensen: It is the exclusive use of the swimming pool then -

Mr. Adams: In essence, that is correct.

Commissioner Lurie: If it is not adopted because the other entities - North Las Vegas and the County don't go along with it, then are we going to revert back to our original fee of \$1.00 per member. That's what it is now - is that correct?

Mr. Adams: Yes - and that varies throughout the County and that's why we are trying to come up with a consistent Fee for everyone to charge.

Commissioner Lurie: Do the Clubs have that many members? Do they have 150 members?

PRIVATE CLUB
SWIM FEES
(continued)

Mr. Adams: Some of them are more than that.

Mayor Briare: What was the answer to Commissioner Woofter's question as to these Clubs - I believe you mentioned two of them - are they aware of this proposal?

Mr. Foster: Yes.

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 Lurie: Mayor, I move that we approve the \$150.00 Fee for Private Swim Clubs, payable in advance, based on the rate being the same in North Las Vegas and the County of Clark.

Commissioner Christensen: Were the Swim Clubs notified that this would be before us today?

Mr. Adams: Yes.

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

Mayor Briare: We know there are a number of people here that wish to be heard, possibly, on the Reed Whipple Cultural Arts Center status. May I have a show of hands so that I may identify a little bit?

(A show of from 25 to 30 hands)

Mayor Briare: Very well - I thought perhaps there might be a number of you, and in order not to detain you for as long in the evening as we might have to, if we didn't take it up now, we will have some discussion on the Reed Whipple Center but at the same time, because it relates so closely, there will be some discussion on the proposal as referred to as the "Commissioner Myron Leavitt Proposal".

We have a letter from Oran K. Gragson as Executive Director of the DOWNTOWN PROGRESS ASSOCIATION OF LAS VEGAS, and there are other things to discuss.

(See Page 13 of these Minutes (Letter))

There are still things that are pending so that the possibility of making a firm decision tonight is very remote. But you are here, and for those of you who recall, we have had discussions before. I think the Board is still quite aware of your feelings and I would ask - although we would certainly love to hear from you again - but maybe you might keep in mind that we have heard quite a bit of input before and we would very much appreciate it if your comments could perhaps be different from what we've heard before. You might like to add something that has not previously been brought up.. Mrs. Fine, did you wish to make a comment?

Commissioner Leavitt: Mayor, before we start, may I inquire as to why the bids on the Reed Whipple Center is not on the agenda for either acceptance or rejection? I understand that the bids have been received and that they are in excess of the amount that has been set aside. Is that correct?

Mr. Cathcart: Yes, Commissioner, the abstracts have been submitted to all interested parties and we haven't received a recommendation from the Public Works Department. Public Works directs us to put the award, when ready, on the agenda. The package could not be put on the agenda without deciding what should be done regarding the time. The 45-day period after the opening of bids is up on June 12th. We have the next meeting on June 2nd. The Architect called me on it and asked if it would be on my agenda for this meeting . . .

Commissioner Leavitt: So it will have to be on the agenda for June 2nd for acceptance or rejection -

Mr. Cathcart: Or at a special meeting or have the contractors bidding agree to an extension of time.

Commissioner Lurie: Mayor, that was my first question I was going to ask - why it wasn't on the agenda tonight. I understood Commissioner Christensen wasn't going to be here and we weren't going to discuss it.

I would like to make a statement. As most of you know, my position has never changed concerning the Cultural Arts Center. I have a little prepared statement I would like to read into the record and then I have an announcement to make that might please the Commissioners and the people in the audience who are in favor of the Cultural Center.

In researching through notes, I have taken some things out that I think are important on why we should proceed with the Cultural Arts Center.

Most entities support cultural institutions because they believe a rich cultural environment helps to insure a high quality of life

Downtown Progress Association
OF LAS VEGAS

120 South Third Street • Las Vegas, Nevada 89101 • Telephone (702) 384-8376 382-6397

May 19, 1976

Executive Director
Oran Gragson

Chairman/Director
Don Ashworth

Co-Chairman/Director
Chic Hecht

Sec./Treas./Director
David Hood

Directors
Jack Binion
Marcie Carney
Sam Diamond
Lloyd Katz
Dick Kruger
Bill McGrew
Joe Mikulich
Andy Tompkins

Honorary Director
Mayor Bill Briare


Honorable Bill Briare, Mayor
City Commissioners
City Hall
400 Stewart
Las Vegas, Nevada

Gentlemen:

This is to inform you that the Board of Directors of the Downtown Progress Association unanimously voted to support and urge your consideration and support of the distribution of the Revenue Sharing Funds proposed by Commissioner Myron E. Leavitt.

In their considered judgment, they feel that the highest priority facing the City of Las Vegas now is in the reduction and prevention of crime.

Respectfully submitted on behalf of the Downtown Progress Association.


Oran K. Gragson
Executive Director

OKG:a

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CITY CLERK

for the citizens of the communities and that there is a direct relationship between the community's social health and the quality of its cultural institution.

The Arts also provide essential experiences in young lives which contribute to the general well being of society. A Harris Survey reveals some interesting statistics and some of these are worthy of note tonight: 89% of the people consider a theatre, a concert hall or an art museum important to the quality of life in a community. 76% believe such facilities have a favorable effect on a community's business and economy. 71% regard art facilities in a community as an inducement to attract residents who improve the community and 77% think it is important for young people to have the experience of seeing live actors perform on stage.

There are more - far too numerous to mention - this is only the tip of the proverbial iceberg.

Most of the cultural activities which will take place at Reed Whipple will include people who play musical instruments, paint, draw, do sculpture or make pottery, dance in a ballet, since in a choral group, act or work backstage in the theatre, and do creative writing.

I think with these facts, it is reason enough for our political planners to embrace the Arts as a proper social service with appropriate government funding.

Also, just to bring the Commissioners up to date - I did mention it to the Mayor but I haven't had a chance to talk with any of the Commissioners. We have a great number of people who have worked very hard and promoted the Reed Whipple Center - Bruce Trent and Jeanie Roberts put me in contact with Chief Justice David Zenoff in Carson City. Chief Justice Zenoff has a party in Las Vegas, who he represents, that wants to make a \$100,000.00 contribution to the Reed Whipple Center. That contribution will give us the incentive and the money we need to proceed with the Cultural Arts Center. Justice Zenoff will be in Las Vegas in approximately ten days and he is going to review with the Mayor and myself, and the Commissioners and the people from the Allied Arts and the groups that are here tonight, the plans and projections, and if he feels that this cause is the cause he feels we should have had twenty-five years ago, then he had made a commitment to me that this money is available. That is my statement for the record.

Mayor Briare: Incidentally, I probably didn't do Commissioner Leavitt justice by suggesting that a statement that he has - it more or less goes hand-in-hand with the expenditure of funds and establishment of priorities is not necessarily an attack on the suggestion there be a Cultural Art Center - at least, I hope not Commissioner. It's a matter of priorities. Those funds have been set aside and Commissioner Leavitt's position was that those funds should be allocated for another purpose.

Now, Mrs. Fine, did you want to make some comments?

Response: I am Naomi Fine, President of the Allied Arts Council. As long as I've prepared this statement, Commissioner Lurie, it is a little anti-climatic, but I would like to read it into the record.

Mayor Briare and City Commissioners: We are here to represent the Allied Arts Council and its 48 member organizations, most of whom have enjoyed the use of the Reed Whipple Cultural Arts for the past three years.

In recognizing your busy schedule, we appreciate this indulgence in allowing us to appear informally before you this evening. The Allied Arts Council and its member organizations wish to express this community's gratitude for the months of preparation and planning and funds that have laid the foundation for a Community Dream.

REED WHIPPLE
CULTURAL
ARTS CENTER
(continued)

Since September, 1973 when the Reed Whipple Center became available as a community cultural resource facility, the population of this City has grown no faster than the enthusiastic participation at the Center. Across all age levels, all economic levels, all ethnic and religious boundaries, this building has become a source of pride for the people of Las Vegas and the surrounding community. As a Community Arts Agency, we are truly grateful for the boost in public awareness and birth of a new cultural activities that a home for the arts has generated. The Allied Arts Council has grown in direct proportion to this increase of support and cooperation by the City and so has participation in all of the activities at the Center.

We are here to encourage you to continue on this path of cultural enlightenment that many other cities are just beginning to recognize.

In this spirit of Civic Pride and Cooperation, we respectfully urge you to continue the Community Trust that this Commission has inspired in perservering in this project to fruition. Thank you.

Mayor Briare: Thank you very much. Is there anyone else who would like to make a statement?

Rick Becker: I will be brief, but I just want to relate one incident that is documented - after the Martin Luther King riots in 1968 in Chicago, the only buildings remaining standing in the 12 square block area surround Chicago Stadium, which was the center of the riots, were the Y.M.C.A., the Boys' Club and the Malcolm X Community Theatre of Chicago, and this was a converted church and gymn, which they have refurbished in the past I think twice in five years. I feel - while I am not looking for riots in Las Vegas - I feel that at least the community could be happy and rather than just having a place to go to see a Play, at least they could be comfortable and have some sort of changed environment which would allow them freedom of enjoyment. Thank you.

Mayor Briare: Thank you. Is there anyone else? You might have heard Mr. Cathcart indicate the reason why the bids were not actually before this Board - because of additional research required due to the problems that you are all aware of. That is why it is not before us. Until it does get before us, which has been indicated if it doesn't get before us prior to June 2nd for some action one way or the other, that the time for the bids to be in effect will have expired. As a consequence, it would appear that some action definitely has to be taken on or before June 2nd.

You have heard Commissioner Lurie indicate that there is perhaps some good news as a suggestion to make up the difference where the money heretofore funded has been short - that might be a way to make that up. Whether that is going to be a means of saving the Plan or not, remains to be seen.

PROPOSED FUNDING
FOR ADDITIONAL
POLICE PROTECTION

The next discussion, because they seem to have gone hand-in-hand, is a proposal for funding additional Police protection. Mayor Gragson would you like to make a comment before we ask for comments from the Board?

Oran K. Gragson: Mayor and members of the Board, I believe my letter that you have is pretty well self-explanatory. As you know, I am the Executive Director of the Downtown Progress Association, which consists of most of the property owners and businessmen in the Downtown area.

At their meeting yesterday they unanimously approved, and asked me to present to this Board, the fact that they felt - as the letter indicates - the highest priority this City could have at this time - may I add, with no opposition on their part to the Cultural Center - was the reduction and prevention of crime; feeling that the additional items as presented by Commissioner

PROPOSED FUNDING -
ADDITIONAL POLICE
PROTECTION
(continued)

Leavitt in his memo to you and the Board would lead towards the additional lighting, the additional Police and the other things would lead to - or help to lead to - a reduction and prevention of crime in the Downtown area, which is of prime interest to them and to the community as a whole.

See Pages 17 thru 31 of these Minutes (Commissioner
Leavitt's Memo
of 5/10/76)

I am sure all of you know that I, over the years, have been a strong supporter of the Cultural Arts Center. I am now, and I am also a strong advocate for reducing the crime rate in the Las Vegas community in the Downtown area but, principally, I am relating to you tonight what the Board I represent - what action they have taken, unanimously, at their meeting yesterday. Members of this Board know that I have always felt that the Revenue Sharing funds should go as far as possible toward capital improvements in the community, because we didn't know whether or not it would continue beyond the five years we had a commitment on. I believe today you don't know how long it is going to continue, so we did use it, to a large degree, for one-time expenditures and capital improvements.

So either one of the Projects would accomplish that, and with that, I am only going to say to you gentlemen, as I know you will, as I would if I was up there, I would exercise my best judgment.

Commissioner Leavitt: Mayor, I have previously circulated to all of the Commissioners and to the Press, the proposal dated May 10th, so there would be plenty of time for everybody to digest it before this meeting.

In that Proposal I requested - not that the Reed Whipple Center be eliminated - but that it be postponed. That there were other projects for the City which had a higher priority.

I set forth my reasons for that. I don't intent to reiterate them at this time. You have it in front of you. At this time I am going to move for the adoption of the Proposal.

M o t i o n

Mayor Briare: Are there any comments by the Commissioners?

Commissioner Woofter: There are certain aspects of Commissioner Leavitt's Proposal that I am certainly in agreement with, but not in toto. He has already made the motion to adopt it in toto and certainly I am ready to vote on it, but my vote will have to be negative insofar as Commissioner Leavitt's Proposal altogether. I surely want it to be known there are certain aspects that I am definitely in favor of, such as the Downtown Lighting Project, amongst others. I just wanted that to be noted before the vote is taken on Commissioner's Leavitt's motion.

Commissioner Lurie: Mayor, I would just like to comment on Commissioner Leavitt's Proposal. I also feel the same way Commissioner Woofter does; there is a lot of merit to the research and the time that Commissioner Leavitt spent in preparing this, but I feel the priorities that we have are best if we spread out our money.

Revenue Sharing Funds, as Mayor Gragson has said, should be used as capital project monies because we don't know how long this Revenue Sharing money is going to last - when the Government is going to cut it off. I can't accept all of the recommendations that are proposed here tonight. I cannot support his Proposal.

Commissioner Christensen: I have a couple of questions that are bothering me about this whole thing: No. 1, Mr. Adams, could you clarify just where this Proposal differs from what has already been allocated out of Revenue Sharing Funds? It sticks in my mind - and I've lost my proposal - but I did go over it thoroughly and it seems to me that some of those things he indicated in there should be funded were, in fact, funded. What I would like to know is: What is the net difference in what has presently been approved and what he is suggesting?

Subject: RE-ALLOCATION OF REVENUE SHARING FUNDS AND FUNDS AVAILABLE FROM LAS VEGAS CONVENTION & VISITORS AUTHORITY

An examination of the final budget as to the availability of funds for the coming year 1976-77 shows the following:

Revenue Sharing Funds	\$1,438,457. (Exhibit "A")
Funds to be received from Las Vegas Convention & Visitors Authority for recreational purposes	385,000.

The Clark County Grand Jury has requested the County Commission to open the City Jail to relieve the present crowded conditions. The County Commission sitting as the Metropolitan Police Commission has voted to open the City Jail. The City of Las Vegas has been requested to contribute 50% of the costs which amounts to \$332,277. A breakdown as to personnel costs, capital and operational costs is attached hereto. (Exhibit "B")

The recent events in the County Jail which include a suicide by hanging and a stabbing death can be, in part, attributed to the crowded conditions at the County Jail. It is obvious the conditions have reached a dangerous state and immediate action is required.

At previous meetings concerning the expenditure of Revenue Sharing funds, I have requested that the Commission allocate the necessary money to the

Metropolitan Police Department to perform its functions. At the present time, there is really no choice.

As you know, I have consistently opposed the renovation of the Reed Whipple Cultural Center. It is not feasible for the City to borrow \$1 million to renovate the building when we are faced with a budget crunch. To add the additional sums of \$385,000. from recreational funds and \$115,000. from Revenue Sharing funds would force us to eliminate several other projects with a higher priority. In addition, if the Reed Whipple project is postponed, it would free an additional \$275,000. from the budget that has been set aside for debt service on the anticipated loan.

There is a legal question as to the validity of the \$1 million loan. The Attorney General in a letter to our City Attorney, dated April 14, 1976, indicates that two factors must exist before short-term financing may be used: (Exhibit "C")

1. ".....in case of great necessity" , and,
2. "in cases where other methods of financing are not available."

I submit that a renovation of the Reed Whipple Cultural Center at a cost of \$1.5 million is not a case of "great necessity" and an alternate method of financing is available by issuing General Obligation bonds after a vote of approval by the people.

I would also bring to your attention that on Page 196 of the 5-Year Capital Improvement Plan, 1973-1978 prepared by our Community Development department, a request for \$100,000. from the General Fund was made for the "expansion and renovation of existing Cultural Center" to "provide a cultural center for the citizens of Las Vegas" at the Reed Whipple Center

What started out as a project involving \$100,000. in 1973 has now mushroomed to \$1.5 million. The project has gone to bid on two different occasions and both times the bids have far exceeded the original estimates. (Exhibit "D")

In view of the foregoing, I would request the Commission take the following action:

1. Reject all bids submitted on the Reed Whipple Cultural Center.
2. Re-allocate the funds set aside for the renovation of the Center:

a) Revenue Funds	\$ 115,000.
b) Recreation Funds	385,000.
c) Debt Service	275,000.
	775,000.

TOTAL: \$ 775,000.

I propose a re-examination of our priorities and a re-allocation of our Revenue Sharing funds and Recreation funds as follows:

REVENUE SHARING FUNDS

- | | | | |
|----|---|------------|---|
| 1. | LVMPD | \$332,277. | To be used to open and staff City Jail. |
| 2. | PARAMEDIC PROGRAM | 55,000. | To develop a Paramedic Program within the City Fire Dept. |
| 3. | TRAFFIC SIGNALS | | |
| | a) Maryland Pkwy/San Pedro | 50,000. | |
| | b) 3rd & Bridger | 50,000. | |
| | c) 1st & Ogden | 50,000. | |
| 4. | GENERAL FUND CAPITAL OUTLAY | 275,000. | |
| 5. | FIRE TRUCK & APPARATUS | 76,000. | |
| 6. | COMMUNICATION SYSTEMS
(Base Station/Repeaters) | 100,000. | |

7.	MAPPING PROJECT (Public Works)	40,000.	
8.	MICROFILM PROJECT (City Clerk)	75,000.	
9.	AUTOMOTIVE & EQUIPMENT PURCHASES	100,000.	
10.	STREET LIGHTING (Downtown Area)	280,180.	
11.	E. O. B.	5,000.	
	TOTAL:	\$ 1,488,457.	

FUNDS FROM CONVENTION & VISITORS AUTHORITY FOR RECREATIONAL PURPOSES

1.	SWIMMING POOLS - Renovate & Fiberglass		
	a) Cragin	17,500.	
	b) Doolittle	17,500.	\$35,000.
2.	REPLACE FLOORS		
	a) Doolittle	30,000.	
	b) Dula	30,000.	60,000.
3.	TENNIS COURT LIGHTING AT HIGH SCHOOLS		70,000.
4.	OTHER RECREATION PROJECTS (To be determined)		220,000.
			<hr/>
			\$ 385,000.

DEBT SERVICE

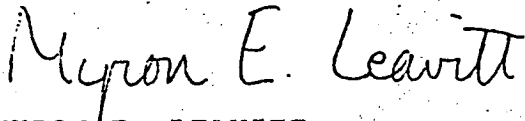
1.	E. O. B.		25,000.
2.	STREET LIGHTING-DOWNTOWN AREA		250,000.
			<hr/>
			\$ 275,000.

The total set aside for the Downtown Street Lighting would be \$530,130. Recent statistics furnished us by the LVMPD show an alarming number of street crimes being committed in our City. An improved lighting system in the Downtown area should help alleviate this problem. (Exhibit "E")

The amount set aside may not be sufficient to do a complete job and it may be necessary to add to the project with an Assessment District, however, it is enough to start.

The end result of the foregoing proposal is that the City can fund the above projects within its present budget and will not \$1 million in debt.

Respectfully submitted,



MYRON E. LEAVITT
Commissioner

REVENUE SHARING

OLD ALLOCATIONS

F/Y 1975-76 Gen. Fund Savings	\$ 80,000
Teen Center	75,000
Central REceiving Warehouse	150,000
Parks in School Sites	35,000
Misc. Equipment	20,000
SUBTOTAL	<u>\$360,000</u>

NEW ALLOCATIONS

Motor Equipment	\$ 8,000
General Fund Capital Outlay	275,000
Read Whipple Center (\$23,450 spent to date)	91,500
Paramedic Program	55,000
Capital Acquisition for City Jail	77,957
Police Substation	300,000
Traffic Signals	150,000
Renovation - 2 Swimming Pools	35,000
Renovation - 2 Gym Floors	60,000
Fire Truck & Apparatus	76,000
SUBTOTAL	<u>\$1,128,457</u>
GRAND TOTAL	\$1,488,457

EXHIBIT "A"

Not included in the Personnel figures outlined herein is the need for a Maintenance person, one who is an all-around maintenance individual that can do electrical, plumbing, welding, etc. It is a necessity to have a maintenance person on duty at least five days a week to properly maintain a jail facility. There are three (3) such persons employed by the County in the main jail complex at the Courthouse. The determination as to whether this employee would be a City or County employee has not been determined.

In order to properly use the New City Jail facility, an evidence storage facility must be secured. It is recommended that a Butler-type unit be built, which would take care of the evidence presently stored in the City Jail complex, as well as the overcrowded conditions in the existing makeshift evidence storage areas. Estimated Cost: \$110,000, which includes the building and the storage units.

A recommendation from the Grand Jury in its report of March 11, 1976, concerns increased doctor care for inmates. In addition to the main facility, if the City Hall facility is opened, a new contract must be initiated at an unknown cost to furnish medical care to the inmates in compliance with the Grand Jury's recommendation.

1. TOTAL PERSONNEL COSTS	\$394,230
2. TOTAL PERSONNEL RELATED COSTS	114,412
3. CAPITAL AND OPERATIONAL COSTS	45,913
4. EVIDENCE STORAGE FACILITY COSTS	<u>110,000</u>
<u>GRAND TOTAL</u>	\$664,555

EXHIBIT "B"

April 14, 1976

Carl E. Lovell, Jr.
City Attorney
400 East Stewart
Las Vegas, Nevada 89101

Re: Short-Term Financing for Renovation of
Reed Whipple Cultural Arts Center

Dear Mr. Lovell:

In your letter of March 16, 1976, you requested the opinion of this office as to the meaning of the term "great necessity", as said term appears in NRS 354.618, in the context of recent efforts by the Las Vegas City Commission to seek short-term financing for extensive renovation of the Reed Whipple Cultural Arts Center.

As you know, short-term financing is a financial administration device made available in Nevada to local governments pursuant to the terms of NRS 354.618 and NRS 354.430-354.460. Some governmental entities have often viewed short-term financing merely as an alternative to long-term bonding. However, by law, short-term financing may be resorted to only "in case of great necessity". This language in NRS 354.618 dates back to 1903, when a similar statute authorized local governments to provide for a temporary loan "in case of great necessity or emergency". Section 4, Chapter 123, Statutes of Nevada, 1903.

Our research has revealed only one decision of our Supreme Court interpreting the language of the 1903 enactment. In Chartz v. Carson City, 39 Nev. 285, 156 P.925 (1916), the

EXHIBIT "C"

Carl E. Lovell, Jr.

April 14, 1976

Page 2

City of Carson City had sought a temporary loan for the purpose of paving the various intersections along Carson Street in the state capital, which in the loan ordinance were described as being "in a deplorable condition and in need of immediate repair".

A unanimous Supreme Court, speaking through Justice McCarran, held that the contemplated paving project did not meet the test of "great necessity or emergency" prescribed in Section 4 of the 1903 Act.

Although not always clearly differentiating between the term "great necessity" and the term "emergency", the Court nonetheless made clear its view that the temporary loan statute "was not, in our judgment, intended to be made use of in cases less than those presenting matters essential in the sense of being immediately indispensable" or "when that necessity for which the indebtedness is to be incurred or the credit pledged is less than great in the sense of being imminent, urgent, indispensable." Chartz v. Carson City, supra, at 295.

The Court, in Chartz, was undoubtedly impressed by the fact that Carson City, under its charter, had the alternative of funding the repaving project on Carson Street by a bond issue, subject to approval by the people at an election called for just such a purpose. In fact, the Court, at page 294 of the decision, commented:

"But if the provisions of the charter afford a plain and adequate means whereby the very thing sought to be accomplished by this emergency loan can be accomplished, why not bring about its accomplishment through the avenue afforded in the fundamental law of the city, its charter?"

In Chartz, the Court was distinctly of the opinion that the proposed project was not "something greatly out of the ordinary; something which could not be adequately met by the usual machinery of government." Chartz v. Carson City, supra, at 294.

The continued vitality of the 60-year-old decision in Chartz v. Carson City is indicated by the fact that this case has been

Carl E. Lovell, Jr.
April 14, 1976
Page 3

cited favorably by the Nevada Supreme Court as recently as 1967 in the case of Ames v. City of North Las Vegas, 83 Nev. 510, 512; 435 P.2d 202. See also In re Martin, 88 Nev. 666, 504 P.2d 14 (1972) where the decision in Chartz is referenced in a footnote.

As noted above, the present language of NRS 354.618 refers only to a case of "great necessity". In 1973, the earlier reference in the law to "or emergency" was repealed by Section 2, Chapter 19, Statutes of Nevada 1973. This partial legislative change, however, does not appear to lessen the significance of the decision in Chartz v. Carson City, *supra*, at least to the extent that that decision is based on an interpretation of the independent term "great necessity" rather than the term "emergency". To that extent, we consider the decision in Chartz to still be controlling.

For cases involving a similar statute and reaching similar results, courts in California provide three excellent examples: San Christiana Investment Company v. City and County of San Francisco, 151 P. 384 (Cal. 1914); Burr v. City and County of San Francisco, 199 P.1034 (Cal.1921); and Spreckles v. City and County of San Francisco, 244 P. 919 (Cal.App.1926).

Particularly noteworthy is the holding in San Christiana, *supra*, at 388, where the court states:

"By use of the adjective 'great' the charter plainly means a necessity or emergency of grave character and serious moment."

NRS 354.618 places the responsibility, in the first instance, on the local government entity to determine if a "great necessity" exists which requires resort to short-term financing. Such a decision, being primarily a question of fact, is beyond the legal authority of the Attorney General to make. Therefore, with specific regard to the proposed renovation of the Read Whipple Cultural Arts Center with funding through short-term financing, we must respectfully decline to express any opinion on the question whether such a project is or is not a "great necessity". We trust, however, that the criteria reflected by the cases cited hereinabove will help guide the Las Vegas City Commissioners in the decision which is theirs to make.

Carl E. Lovell, Jr.
April 14, 1976
Page 4

The question naturally follows that if the Commissioners do decide and declare that this project at Reed Whipple constitutes a "great necessity", as that term has been judicially interpreted, is such a declaration conclusive or subject to challenge by way of judicial review.

Although in Chartz v. Carson City, supra, and Ames v. City of North Las Vegas, supra, the court purports not to have decided that issue, a little reading between the lines indicates to this office that the Nevada Supreme Court, if squarely called upon to decide the issue of reviewability, would most probably rule in favor of judicial review in instances of this type, in the absence of statutory language making such a declaration conclusive of the facts so declared. This appears to be the same view taken by the court in each of the three California cases cited above.

We trust that the above satisfactorily answers your inquiry and provides the Las Vegas City Commissioners with the guidance that they will need in any further consideration of the question of short-term financing for renovation of the Reed Whipple Cultural Arts Center. However, if we may be of any further assistance on this or other matters of mutual concern, please advise.

Sincerely,

ROBERT LIST
Attorney General

By
William E. IsaefF
Deputy Attorney General

WEI:lt



Las Vegas Metropolitan Police Department

400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE 702/385-4711

REFERENCE

April 16, 1976

RECEIVED
CITY MANAGER

APR 16 1976

Mr. W. E. Adams, P.E.,
City Manager,
City of Las Vegas
City Hall
400 East Stewart Avenue
Las Vegas, Nevada 89101

1. 2. 3. 4. 5. 6

RE: "FORMAL REQUEST"
Dated April 9, 1976

Dear Mr. Adams:

Pursuant to your formal request the following information is being submitted:

1. Personnel Summary of Las Vegas Metropolitan Police Department as of March 20, 1976 enclosed.
2. Copy of Las Vegas Metropolitan Police Department Manual, would like copy returned to this office within a reasonable length of time.
3. Comparative Breakdown of major crimes, City of Las Vegas, vs. County of Clark, covering the period from January 1, 1975, to January 1, 1976.

	<u>HOMICIDE</u>	<u>RAPE</u>	<u>ROBBERY</u>	<u>ASSAULT</u>
<u>CITY</u>	23	93	760	1,349
<u>COUNTY</u>	18	79	592	1,052
	<u>BURGLARY</u>	<u>LARCENY</u>	<u>AUTO-THEFT</u>	
<u>CITY</u>	3,856	6,800	369	
<u>COUNTY</u>	4,869	7,399	1,113	

EXHIBIT "E"



4. Actual number of Patrol Bureau Officers assigned to City, vs. County on a 24-hour basis during a 7-day period for the week of 02-15-76 through 02-21-76.

<u>DATE</u>	<u>CITY</u>	<u>COUNTY</u>	<u>AIRPORT</u>	<u>RESIDENT</u>
02-15-76	70	50	13	6
02-16-76	72	54	14	6
02-17-76	69	50	15	5
02-18-76	75	71	14	6
02-19-76	73	55	16	7
02-20-76	73	69	17	9
02-21-76	66	55	14	7

5. Number of arrests, City of Las Vegas, vs. Clark County for period covering July 1, 1975 to January 1, 1976.

<u>CITY</u>	5,076
<u>COUNTY</u>	7,779

Additional supportive information indicates that during the period from January 1, 1975, through May 31, 1975, and February 1, 1976, through March 31, 1976, Las Vegas Metropolitan Police Department handled 53,906 calls for service.

These calls were distributed in the following ratio:

	<u>#CALLS</u>	<u>PERCENT</u>
Las Vegas (within City Limits, Sector A-F)	29,551	54.3
County Area (Sectors G-L)	24,355	45.2
TOTAL	53,906	100.0

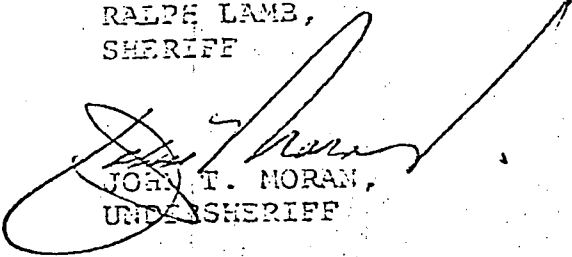
Mr. W. E. Adams, P.E.
City Manager
City of Las Vegas

Page three

These above statistics were compiled from weekly
and monthly Summary Reports of Sector/Beat activity.

Very truly yours,

RALPH LAMB,
SHERIFF



JOHN T. MORAN,
UNDEPUTY SHERIFF

RL/JTM/cr

Enclosure

PROPOSED FUNDING
ADDITIONAL POLICE
PROTECTION
(continued)

Commissioner Leavitt: I have the answer - I can fill him in real quickly: In my proposal it would be \$332,277.00 that would be used to open and staff the City Jail. I think at the present time the City is appropriating only something like \$77,000.00 for the opening of the Jail and not in staff, if I recall correctly. In addition to that, the communications system for \$100,000.00, has not been funded. The Mapping Project for Public Works for \$40,000.00; the Microfilm Project for the City Clerk of \$75,000.00; Automotive Equipment for \$100,000.00; Street Lighting in the Downtown area \$280,180.00 and the Economic Opportunity Board has partially been funded.

In addition, the funds from the Convention & Visitors Authority, I don't believe we approved the Tennis Courts lighting. We did approve the renovation of the Swimming Pools and replacing of the floor at Dula - also under the proposal, this \$220,000.00 that would be available for other recreation projects to be determined by the Board.

In addition, by removing the Debt Service that has been set aside to pay for the Million Dollars that would be borrowed to build the Reed Whipple Center - to renovate Reed Whipple Center - that money would then become available under this Proposal, for Street Lighting in the Downtown area.

That's the basic difference between what has been funded and what I am suggesting.

Commissioner Christensen: The Swimming Pools were covered previously - part of EOB and part of the Jail facilities -

I'd like to correct you in one thing you said there - "City Jail" - that's the Las Vegas Metropolitan Police Jail, or the County Jail -

Commissioner Leavitt: The reason I said "City jail" is to distinguish between what is at the Courthouse and at City Hall.

Commissioner Christensen: OK - the only other comment I have is - I think we've all heard most of them before: No. 1, I agree with the Downtown Progress Association's Number One Priority is the prevention and reduction of crime. However, if there is anybody who can tell me how much we are going to reduce crime for each additional \$1,000.00 spent, if any? Because that's a figure I don't know whether anybody knows. You can continue to pour money in there and I think you will find - there is a recently published article - I think it came out in the newspapers as well as other publications - where the Federal Government has gone in and poured millions of dollars into cities to reduce crime, it has been a total failure. It hasn't reduced crime one iota, despite the millions of dollars spent.

I'm not so sure that is the answer. I agree that it is the Number One Priority with me - to reduce crime. Unfortunately, I am being branded as "anti-Police" and there is nothing further from the truth. I am probably as pro-Police as anyone on this Commission because I understand their necessity as much as anyone on this Commission. However, I think that the people of Las Vegas deserve a better shake for some of the things they are getting - some of the things they are paying for, and I think we've got a problem because we have a situation what is theirs is ours and what is ours is our own attitude.

When we asked the County for assistance in the Reed Whipple Art Center, they turned us down flat. They said - that's a City problem - we're not involved with that. Yet I would have to say that a lot of the people who use the Reed Whipple Art Center at the present time are County residents. Yet they tell us we have to pay for our share of the Police, regardless of what the Legislature said was the limit, because they Police all of Clark County, including Las Vegas - and it all comes out of the local taxpayers, as well as others.

I would agree with some of Commissioner Leavitt's Proposal. I think it is important to cover some of these bases he has covered.

PROPOSED FUNDING
ADDITIONAL POLICE
PROTECTION
(continued)

One other comment: I have nothing against baseball, football, tennis - all those things - I've never participated too much because I don't enjoy it - the grass doesn't agree with me - but I think there is a lot of recreation that is non-athletic - that perhaps those people should be considered. I notice we always take care of the swimming pools - we always take care of the baseball diamonds and the Parks and gymnasiums and tennis courts and all of these things and, to use one of Commissioner Leavitt's pet phrases, we remove our gym for a Cultural Arts building.

So, Commissioner Leavitt, I would like to support your Proposal probably if it were broken down, but as it stands, there is no way I can support it.

Commissioner Lurie: I would just like to say: On one of the proposals to fund the City Jail, I had recommended at one meeting that we do fund the opening of the City Jail at a cost of \$332,277.00 as the City's share, and I believe that Commissioner Leavitt, at that time, wouldn't even vote for opening the Jail and now he wants to spend all of our money with the Metropolitan Police Department. I would just like to know, if we were to break down this Revenue Sharing and allocate the opening of the Jail, would you vote for it this time?

Commissioner Leavitt: I expressed in a public meeting, Commissioner Lurie, that I would. And it was reported in the Press. You know the answer to that question before you asked it.

I would just like to point out one more thing: You have all received a 5-Year Plan for the City of Las Vegas where the 1973 to 1978 Proposal was to renovate the Reed Whipple Cultural Center at an estimated cost of \$100,000.00. What started out to be a \$100,000.00 Project has now mushroomed into 1.6 Million Dollar Project. I think that bears some consideration.

I think also the important thing you have to keep in mind here is that we are borrowing One Million Dollars to do this. You have also received, the same as I have, the Legal Opinion from the Attorney General which indicates that money can only be approved "in case of great necessity and in cases where other methods of financing are not available." I submit that the Cultural Arts Center is not anything of great necessity at this time. I also submit there are other methods of financing available for the Cultural Arts Center, such as General Obligation Bonds voted by the people.

As I've said, I can go through the whole Proposal I previously gave to you - I can go over my position point-by-point, but what it boils down to is a question of priorities - it's a question of whether you want to use the Revenue Sharing monies for the Reed Whipple Cultural Arts Center and the Recreation money for that purpose, or whether you want to use it for public purposes. I have indicated that I felt the money should be used for other purposes - that I have other priorities that I think are more important at this time than the Reed Whipple Cultural Art Center. That's the reason I put it in writing and that's the reason I am making the motion at this time to adopt it.

Commissioner Lurie: We are talking now of only Revenue Sharing money. The loan pay-back will be paid back out of the General Fund - the Revenue Sharing money that will be put into the Reed Whipple Center - \$355,000.00 is Convention Authority money that can be put into the Center . . . there is a lot of Revenue Sharing money to be spent in other areas - we've hardly touched Revenue Sharing money for the Reed Whipple Center and possibly we should spend more of the Revenue Sharing money out of next year's allotment - to plan ahead for a larger Center - looking down the road a little bit.

PROPOSED FUNDING -
ADDITIONAL POLICE
PROTECTION
(continued)

The Mayor brought up a good point and he can perhaps elaborate on that. This is a start as far as having a Cultural Center in that area and hopefully, some day, we will have a complete design and maybe a 5-Year Plan for the development of a Cultural Center.

Commissioner Leavitt: Commissioner Lurie - you say we are using 10% of the Revenue Sharing money, which may be correct, but you are using 100% of the Recreation Funds from the Convention Authority -

Commissioner Lurie: That is what that money has to be used for -

Commissioner Leavitt: Well, we could use it for some other recreational purposes. We can say you're not using Revenue Sharing money for this, but what you are doing is instead of using Revenue Sharing money for that and using it for other purposes - like under the proposal the way it is now you are using Revenue Sharing money for recreation purposes - and other recreation purposes - such as for the renovation of the swimming pools and the gym floor.

I know how the vote is going to go and I know it's going to go four to one and maybe I'm belaboring the issue, but I certainly - and I think I've been very clear in what my position is - we could argue all night on it - we, obviously, have differences of opinion and different priorities. That's all. So I think we ought to take the vote and let it determine it.

Commissioner Christensen: Mr. Mayor, could I ask a question of the City Attorney? I have your memo and I'm sorry I just got back - I wasn't going to be able to be at this meeting but I did get home early - and I think this is probably in answer to a question I asked the City Manager, and I'm still not sure what the answer is. Could you elaborate a little bit on this memo and enlighten me regarding Jail facilities?

Mr. Lovell: I don't have a copy of that memo with me -

Mayor Briare: I think that memo was written just today - to the City Attorney -

Commissioner Christensen: I take it back - I see it was written by the City Manager to Carl Lovell. Are you familiar with it?

Mr. Lovell: Yes - we just received it -

Commissioner Christensen: My question is: Here in the last line it says - if an opinion from the Attorney General is required it is suggested it be done in an expeditious manner. Do you feel that an opinion from the Attorney General is required, or have you given one so that we don't have to go to the Attorney General?

Mr. Lovell: We can give you an opinion . . .

Commissioner Christensen: What is it?

Mr. Lovell: Your question relates to the staffing of the Jail - is that right?

Commissioner Christensen: Yes -

Mr. Lovell: The tentative opinion that we have, and there are two Deputy City Attorneys - Mr. Stewart, Mr. Ahlstrom and myself - who just got this memo this morning, I believe, or yesterday morning - Mr. Stewart is writing a formal opinion for you for the City Manager.

With reference to certain State Statutes, it clearly indicates that the Sheriff - and certainly that is the County - is responsible for that staffing. Now whether, in fact, there were any minutes regarding the Bill in the last Legislative Session that

that directs itself to this consideration - that the County and the Sheriff take over the Metropolitan Police Department, whether there would be any inconsistencies and who should share what, was considered by the Legislature. We are taking a look at that now.

But in the Statutes now there is a clear Statute that indicates that the Sheriff is responsible - also the County itself is responsible for certain functions. We are trying to analyze those for you. I can't give you a formal opinion, but it appears to us, tentatively, that it would be the County and the Sheriff's Departments - both of them - that are going to have the burden.

Commissioner Christensen: What you are saying is that on the surface it appears that the Jail facilities are the responsibility of the County and the Sheriff?

Mr. Lovell: Yes -

Commissioner Christensen: Unless there is something in the minutes of the meetings discussing the Bill that would indicate the Bill doesn't really mean what it says?

Mr. Lovell: Right. There were four or five various Statutes that were not either removed, changed or amended that are still on the books which seem inconsistent with the change-over to the County and leaving the Sheriff "as is". Now, whether that was an oversight or what the real Legislative intent was, we are still trying to assess. But it is clear from those Statutes - on their face, whether it is the intent or not - that it is the County -

Commissioner Christensen: Then to take it at face value - what you're saying here, as I understand it, what could be derived from that - if the Police Department is reduced in force to cover the Jail - in staffing the Jail - then it would be a burden that we could lay on the County Commissioners rather than on the City Commissioners because it is the County Commission's responsibility to fund the Jail. What they would be doing would be stealing from the City's Police Department to staff the County Jail -

Mr. Lovell: In essence that is true, but it is not your burden you are laying on - it was the Legislature that left it that way.

Commissioner Christensen: Well, it will relieve us of it if we don't give them the money - that's the thing I'm getting at.

Gary Ramsey: I would like, if possible, to postpone the Cultural Arts voting because I have a Plan - a scale model and a film - I would like to be able to show you - where I think we could use that money for the people who are still out of Jail, and are keeping out of Jail, and I think it would be a deterrent to crime. It concerns the Cashman Field area and it could be done with the amount of money that you have available now. I'm just finishing finals at School and I haven't had time to do it, but I'll be glad to show a film and slide graphics on three phases of funding - Revenue Sharing or however.

Mayor Briare: Why don't you leave your address with the City Manager -

I think it has been said by a couple of the Commissioners - the word "priority" has been used - I think it is kind of a shame that both the Reed Whipple Cultural Arts Center and the question of the City Jail should be discussed in the same meeting. It is not a question of the Reed Whipple center vs. Additional Police Protection.

I certainly agree with Commissioner Christensen that it is not a City Jail. It is a County Jail, and there are statutes and all kinds of proof, which doesn't accomplish anything proving your are right. It is not necessarily going to get a job done. I don't think that providing a bunch of jailers - and this is going to indicate how incapable I am of understanding Police Science - opening the Jail and staffing it with 17 to 19 jailers, whatever is required, is not going to have any direct impact on the fighting of crime Down Town, the West Side, or anywhere else.

Again, Mr. Jaffa, my Police Science is zero. I wish it were a lot better, but I'm making that comment because I understand - and I think

PROPOSED FUNDING -
ADDITIONAL POLICE
PROTECTION
(continued)

everybody does - that we have a real serious problem.

The City Commission, by unofficial but just as effective, supported the Chamber of Commerce in their request of the County that they undertake a survey, or a study, or a research, on the overall crime picture; also the ways and methods of the Laws we are bound by, and whatall. We support that, and the City even went so far as to say they would participate in a reasonable share of the costs of such a Study. I'm more interested - in fact, I'm so interested in attacking this crime picture, that I would even go so far as to break a long-standing rule and spend Revenue Sharing money to do it.

I'm not changing my position on staffing the Jail. I still think it is a Metropolitan Police obligation and that funds must be found by the County Commissioners acting in their capacity of Police Commission, to do it. I don't think the City people should be called upon to open that Jail, but I do feel the City should be called upon to support the staffing of foot patrolmen, or squad cars, or whatever is necessary to improve the Police protection to the citizens of the City of Las Vegas, and not in the sense that it is going to dilute what is presently there so that we end up in a stand-off as to the protection of the City, but really and truly to add to that protection, which has been represented to this Board by Police Staff, that there are so many Policemen who are dedicated to the surveillance and protection of the City. If there was a way to be devised that we could increase that staff, then I would be in favor of spending Revenue Sharing monies for such a purpose.

I know that we cannot wait until a Survey, or a Study, is done. I'm in favor of supporting it from Revenue Sharing funds because if that Survey comes up with what I am confident it would, it will indicate that the people of Las Vegas are paying more than their share for Police protection and anything we can do to improve that for the residents of the City of Las Vegas, to whom we are obligated, I think we are accomplishing something good.

Now with respect to using the Reed Whipple Center as a wedge - I'm in favor of the Reed Whipple Center. I believe, however, that anything worth doing is worth doing well, and I'm waiting with baited breath - I have a feeling that the Reed Whipple Center is hanging by a thin thread right now. I put a great deal of confidence in Commissioner Lurie's efforts, and the attempt of others, to find funds that might be of assistance.

I'm going to vote against Commissioner Leavitt's proposal because I'm going to hang out to the last minute, until I hear more about the program Commissioner Lurie is advocating, but at the same time I am certainly going to suggest to the Commission that prior to June 2nd we make a definite determination with respect to all available Revenue Sharing funds so that we can have a firm decision on the 2nd. It might very well be - well, I don't need to elaborate any more -

Commissioner Leavitt: I think we ought to vote - get the tally of four to one and get it over with.

Mayor Briare: Yes - the question then before us is the acceptance of Commissioner Myron Leavitt's Proposal. I don't know if anyone wants to add to or amend their comments. A negative vote on Commissioner Leavitt's motion is not necessarily a vote against Police protection.

Motion defeated by the following vote: Commissioner Leavitt voting aye; Commissioners Christensen, Woofter, Lurie and Mayor Briare voting "no".

Mayor Briare: The motion is defeated.

Commissioner Christensen: Mayor, just one quick comment: If we bring this issue up again - it will be defeated for the fourth time.

Commissioner Leavitt: And I might even bring it up a fifth time. I am going to keep bringing it up and bringing it up, because when I think I'm right, I'll say I'm right. Unfortunately it is not too popular to be opening Jails. I realize that, and it is not popular to give money to the Police. It is more popular to open Cultural

PROPOSED FUNDING -
ADDITIONAL POLICE
PROTECTION
(continued)

Art Centers - but when I think I'm right - and I think I'm right in this case, I'm going to vote the way I think is right. And if I have to bring it up a fifth time, I'll bring it up a fifth time.

At the hour of 6:25 P.M., Mayor Briare announced a 5-minute recess.

Meeting reconvened at the hour of 6:35 P.M. with the full Board and Staff in attendance.

POLICE
SUBSTATION
Approved

PROPERTY ACQUISITION - GRACE BAPTIST CHURCH BUILDING FOR METROPOLITAN
POLICE SUBSTATION

Commissioner Lurie: Mayor Briare and I attended a Police Commission meeting this morning and we presented a letter to the Chairman of the Police Commission, Dick Ronzone. The letter reads as follows:

The City was informed last week of the final terms and conditions relative to the acquisition of the Grace Baptist Church property. Acceptance of such conditions will be considered by the Board of City Commissioners on May 19, 1976.

It is anticipated that favorable action will be taken at that time to accept the State's offer.

Immediately thereafter the Church will be in the possession of the City and will be ready for repair and remodeling.

As previously committed by the City Commission, the City is prepared to fund and repair and reconstruct to a limit of \$25,000.00.

It is our understanding that the Special Projects Division of the Clark County Public Works Department is prepared and will embark immediately on construction.

We would request that the Police Commission make the appropriate request of the County to proceed on this basis as soon as possible. Initially, we would request that the City be given an opportunity to review the Plans for the reconstruction and remodeling work.

On behalf of the City, we request your cooperation in this mutually beneficial Project.

M o t i o n

Commissioner Lurie: I would move at this time that these funds be allocated to reconstruct the Grace Baptist Church and turn it over for a Police Substation in the West Charleston area.

Mayor Briare: Are there any comments?

(No response)

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

SERVICE &
MATERIAL WARRANTS
and
PAYROLL WARRANTS
Approved

DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, DIRECTOR

DEPARTMENT OF FUNDS COORDINATION AND PROJECTS

BRUCE W. SPAULDING, DIRECTOR

REQUEST FOR
BLOCK GRANT
FUNDING
Approved

ASSOCIATION FOR MINORITY CONTRACTORS - \$1,000.00 FROM LOCAL OPTION FUNDS

Mr. Suaulding: The first item is a request for \$1,000.00 Block Grant Local Option Funds from the Nevada Association of Minority Contractors.

The request is to conduct a series of Workshops of Minority Contractors at a total Project cost of approximately \$3,800.00. Other funds would come from the State and the Contractors themselves paying a fee. The Fiscal Agent for these funds would be NEDCO. It is an eligible expenditure and is before you for your consideration at this time. Both the Association and NEDCO do have people in the audience.

Mayor Briare: Does anyone wish to be heard on this?

Charles Barber: I am the President of the Nevada Association of Minority Contractors and the reason for us asking for this Grant is to help us pay for this course in Estimating, Blueprint Reading, Bid Preparation, Accounting & Bookkeeping. etc.

We have already paid \$300.00 towards this course to help pay for qualified Instructors to put on these Workshops. This is the reason for asking for this assistance through this Grant.

The Highway Department has also made a committment that if the City approves this Grant, they will match it.

Commissioner Lurie: Who are all of your Officers?

Mr. Barber: I'm the President;	
Vice President	Dick Arieola
Treasurer	Phil McDonald
Secretary	Richard Davis

Commissioner Woofter: As Mr. Spaulding has represented, funds are available. I have been impressed with the organization, as well as NEDCO, in respect to this is an organization coming before us not asking for an outright gift, like certain organizations do, but in an amount which they will match, if not over-match, along with the State.

I believe all the Commissioners have read the literature on this - what they intend to do with the monies, which will be working money insofar as the community is concerned.

M o t i o n

Therefore I make a motion to approve the \$1,000.00 request.

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

BIKEWAY
Application
Approved

RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR BIKEWAY DEMONSTRATION FUNDS

Mr. Spaulding: This is a request to submit a proposal under the Bikeway Demonstration Program, by Resolution.

Page 39
Minutes
Regular Meeting
City Commission
May 19, 1976

The Federal Government has made available through its Highway Administration, Six Million Dollars for a Bikeway Demonstration Project. They want to allocate this money before the end of their Fiscal Year, June 30th. Therefore they have asked for applications from entities by June 1st. Because of the shortness of time, it had to come before you at this meeting.

BIKEWAY
(continued)

Therefore rather than submitting the standard commitment, we are proposing a Resolution which contains a provision which would withhold the City Commission, both to the Project and the in-kind, until the final details could be resolved and a contract could be presented.

Mayor Briare: In other words, Mr. Spaulding, what you are saying is that the passage of this Resolution will not commit us unless at some near future date we decide we want it?

Mr. Spaulding: That is correct.

Mayor Briare: This is primarily to get our name in the hat?

Mr. Spaulding: Yes -

M o t i o n

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

See Pages 41 and 42 of these Minutes (Resolution)

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

DEPARTMENT OF PERSONNEL

J. ROBT McPHERSON, DIRECTOR

TEMPORARY
POSITIONS AND/OR
REPLACEMENTS
Approved

Mr. Adams: Next before are the Personnel items:

1. Federally Funded (No City cost)
2. City Funded (Replacement hires)

They are in order and for your consideration.

M o t i o n

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

Commissioner Woofter: Under Item 2, I would like to take these separately. Insofar as Parking Enforcement Officers are concerned, I think we have too many as it is.

M o t i o n
Withdrawn

Commissioner Lurie: I will withdraw my motion.

Motion

Commissioner Lurie: I will move for approval on Item No. 1.

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

Mayor Briare: Commissioner Woofter, do you wish to expand on your remark? Do you want to take each one of these three under Item 2 separately?

Commissioner Woofter: I think Commissioner Lurie can take 1 and 3 under Item 2, and then we can go to Item 2.

(See Page 43 of these Minutes (Annotated Agenda))

M o t i o n

Commissioner Lurie: I would move for approval of items 1 and 3 under Item 2.

Page 40
Minutes
Regular Meeting
City Commission
May 19, 1976

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

1 A RESOLUTION OF THE CITY OF LAS VEGAS,
2 NEVADA AUTHORIZING THE SUBMISSION OF
3 AN APPLICATION FOR FUNDING UNDER THE
4 BIKEWAY DEMONSTRATION PROGRAM

5 WHEREAS, the Federal Highway Administration has published guidelines
6 for administration of the Bikeway Demonstration Program on February 26, 1976; and

7 WHEREAS, the Bikeway Demonstration Program provides \$6 million of
8 Bikeway funds for demonstration projects among state and local jurisdictions; and

9 WHEREAS, the Bikeway Demonstration Program grants provide funds for
10 eighty percent (80%) of the cost of a project by the Federal Highway Adminis-
11 tration and twenty percent (20%) by the Grantee; and

12 WHEREAS, the City of Las Vegas and Clark County have substantially
13 completed the Red Rock and Fantasy/Sunset Bike Path Routes; and

14 WHEREAS, the City of Las Vegas recognizes that the additional planned
15 developmental phases to be undertaken at Tule Springs in the next several years
16 will provide for an expanded and diversified recreational base for this part of
17 the City of Las Vegas; and

18 WHEREAS, the City of Las Vegas recognizes the importance of providing
19 expanded bikeway facilities to be used for commuting and recreational purposes
20 for the Las Vegas urban area:

21 NOW, THEREFORE, BE IT RESOLVED:

22 1. That the Department of Funds Coordination and Projects is hereby
23 authorized to develop an application for the Bikeway Demonstration Program.

24 2. That the proposed bikeway path will start at Charleston Boulevard,
25 running north along Jones Boulevard to Tule Springs Park.

26 3. That the cost of developing the Charleston/Tule Springs Park
27 Bikeway is presently estimated to be \$421,000.

28 4. That the City of Las Vegas' share of the cost of this request for
29 Bikeway Demonstration Program funds will be twenty percent (20%) and that the
30 local share costs may include the cost of preliminary engineering, surveying
31 and evaluation.

32 5. That the Director of the Department of Funds Coordination and
Projects is hereby authorized and directed to file such application and to

1 provide such information and furnish such documentation as may be required by
2 the Federal Highway Administration and to act as the authorized representa-
3 tive of the applicant in the development and administration of the
4 proposed project.

5 6. That this resolution only authorizes the development and
6 submission of an application for this grant and, subsequently, reserves
7 the commitment of the local share amount until such time as the details
8 of the contractual arrangement are established. This will include the
9 identification of the specific costs and benefits of this project.

10 7. That the Mayor is hereby authorized and directed to execute
11 such contract or contracts as may be necessary for the grant applied
12 for and the City Clerk is hereby authorized and directed to attest the
13 same.

14 PASSED, APPROVED AND ADOPTED this 19th day of May,
15 1976.

William H. Briare
WILLIAM H. BRIARE, MAYOR

18 ATTEST:

19
20 *Edwina M. Cole*
21 Edwina M. Cole, City Clerk

22 (SEAL)
23
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32

ITEM

Commission Action

Department Action

I-E 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/Streets Utility Worker Title VI (replacement hire) Until 11/15/76	520	Assigned to clean-up crew in West Las Vegas.

Approved
Lurie - unanimous

Director authorized to proceed

2. City funded (Replacement Hires)

(1)

PW/Construction Intermediate Clerk	726	In addition to being relief Communications Operator, this position is responsible for the clerical needs such as typing and filing for all construction inspection personnel. To be filled by absorbing a Federal employee.
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Approved
Lurie - unanimous

Same as above

(2)

License & Revenue Parking Enforcement Officer	865	This is a revenue generating position.
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Approved
Lurie
Commissioner Woofter
voted "no"

Same as above

(3)

License & Revenue Intermediate Clerk Temporary - 5/20/76 - 9/30/76	726	Regular Intermediate Clerk is on extended sick leave. This is a revenue generating position.
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Approved
Lurie - unanimous

Same as above

PERSONNEL
(continued)

Mayor Briare: We will now consider Item 2:

(2)

License & Revenue
Parking Enforcement Officer 865

This is a revenue
generating position

M o t i o n

Commissioner Lurie: I move for approval.

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

DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

See Page 45 of these Minutes (Annotated Agenda)

Mr. Adams: We do have an additional item under PERMISSION TO
RECEIVE BIDS for a Comfort Station at Doolittle Park, which we
would like to proceed on.

Mayor Briare: Members of the Commission, I asked our City Manager
to expedite the paper work on this Project so it could come before
this Board for consideration. There is a problem here, where you
have any large recreational area where you need additional Restroom
facilities. The only Restroom facilities at the present time are
inside the gymnasium and since the gymnasium is open on limited
hours it prevents the use of the field when the lights are on - on
Sundays and Holidays, etc. In keeping with good Park planning it is
nice to have some outside Comfort Stations.

That was the reason I asked Mr. Adams to proceed to this point -
because we are getting close to a lot of night time baseball, etc.
and it would be appropriate that if we are going to consider it,
to consider it now.

Mr. Adams: We are, therefore, requesting permission to advertise
for Bids.

M o t i o n

Commissioner Woofter: I so move.

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

COMMISSION
CHAMBERS

ACCOUSTICALLY TUNE COMMISSION CHAMBERS

Mr. Cathcart: This was brought before the Commission - I believe on
April 18, 1976 - regarding the request of the County Commission for
the accoustical tuning of the Commission Chambers. The estimate at
that time was \$3,000.00. The County did not wish to come up with
the funds. This was through the Department of Public Works.

We again request permission to accoustically tune the Commission
Chambers.

Mayor Briare: I'm sorry - I don't have a definition of the problem.

Mr. Hampton: Your Honor, we can fiddle around with these knobs - get
what we feel is the best system. We've done that and we've had some
problems with it.

What this professional firm does - it comes in with a lot of monitoring
equipment - put sound recorders at all stations in the room - would
adjust the speakers - the frequency of the speakers - and get the
most ideal system working for this room.

ITEM	COMMISSION ACTION	DEPARTMENT ACTION
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I-f. DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

1. PURCHASING AND CONTRACTS DIVISION

J. E. Park, Supervisor

* CONSENT AGENDA

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

*A. PERMISSION TO RECEIVE BIDS

1. 160 Each Gabions (Public Works)
2. 1 Each Steam Cleaner - Replacement (Garage)

Items 1 and 2
 Approved
 Lurie - unanimous

Director authorized to proceed

*B. AWARD OF BIDS

1. Bid #76.27 - One (1) Each Five Phase Controller & Cabinet (Public Works)
2. Bid #76.60 - Air Conditioning Replacement Fire Station No. 5 (Fire Dept.)

Items 1 and 2
 Approved
 as recommended
 Lurie - unanimous

Same as above

C. CONTRACT CHANGE ORDER

1. Bid #74.64 - Vegas Heights Improvements Street Construction Bid Group I (Public Works)

Approved
 W - unanimous

Same as above

D. REPORT

Accoustically tune Council Chambers

Tabled

ADDITIONAL ITEM:

REQUEST TO ADVERTISE FOR BIDS

OUTSIDE RESTROOMS AT DOOLITTLE PARK

Approved
 W - unanimous

Same as above

This is very expensive. There are only a few firms that do this but due to the fact that we do have a large investment here and at times the sound system is not adequate, it is our recommendation that we get the best sound system available. It has never been balanced since the construction.

Mayor Briare: And upon request to the County Commission to give consideration to the possibility of participating, they refused?

Mr. Cathcart: Yes, Your Honor -

Mayor Briare: Well, I think until such time as the City Manager makes some determination as to what share of the expenses are to be anticipated through the use of City facilities by the County and those that are rightfully used by the City, we ought to hold this in abeyance -

Commissioner Lurie: The County uses the Chambers more than we do and they should participate in the expense. I think it was they who suggested there was a problem with the sound -

Mr. Hampton: That's right, and they were asked to participate only 50%, and they refused that.

Commissioner Lurie: Maybe this is a good time to bring up the question of when we are going to have them move off the 10th Floor of City Hall - down to the 8th Floor where their Administrative Offices are located -

DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

LICENSE &
REVENUE
ITEMS

See Pages 47 thru 52 of these Minutes (Annotated Agenda)

ITEM

Commission Action

Department Action

I-g. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

*CONSENT AGENDA -

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

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

1. POODLE CLUB OF LAS VEGAS -- a rummage sale
2. ST. ANTHONY SPIRITUAL TEMPLE - candy sale, pot luck dinners, baby contests, and general solicitations
3. AMERICAN ASSN OF RETIRED PERSONS, CHAPTER 1189 -- a yard sale
4. AMERICAN ASSN OF MEDICAL ASSISTANTS -- tickets to a Hawaiian Luau
5. LAS VEGAS 49er LIONS CLUB -- tickets to the annual barbeque and raffle tickets
6. PLANNED PARENTHOOD OF SOUTHERN NEVADA -- tickets to a party called the "Planned Affair"
7. ZELZAH'S TEMPLE -- tickets to the Shrine Circus
8. THE FRANCISCAN CENTER -- general solicitations by mail
9. LAS VEGAS 76ers SOFTBALL TEAM raffle tickets
10. FIRST GOOD SHEPHERD LUTHERAN CHURCH, PARENT/TEACHER LEAGUE a school carnival
11. NATIONAL FEDERATION OF THE BLIND OF NEVADA, SOUTHERN CHAPTER -- general solicitations by mail
12. N.A.A.C.P., LAS VEGAS BRANCH tickets to a "Bachelor of the Year" award dinner; advertising in a souvenir booklet

Items 1 thru 19
 Approved
 Lurie - unanimous

Commissioner Woofter
 abstained on
 Item No. 7

Director
 authorized
 to proceed

ITEM

Commission Action

Department Action

I-g. DEPARTMENT OF BUSINESS ACTIVITY
 (cont'd)

*A. CHARITABLE SOLICITATIONS PERMITS
 (cont'd)

See Page 7

See Page 7

- 13. SOUTHERN NEVADA HOME BUILDERS ASSOCIATION -- the 2nd annual Builders' Surplus sale
- 14. BOYS' CLUBS OF CLARK COUNTY, WOMEN'S AUXILIARY -- tickets to a seafood dinner
- 15. SOUTHERN NEVADA DRUG ABUSE COUNCIL -- general solicitations by mail and personal contact
- 16. TRUE LOVE MISSIONARY BAPTIST CHURCH -- sale of hot tamales, general solicitations by mail and personal contact
- 17. LAS VEGAS HOST LIONS CLUB -- house to house sale of light bulbs
- 18. RAINBOW GIRLS, NELLIS MOTHERS CLUB -- a bake sale
- 19. INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL #1285 -- advertising in a Las Vegas Promotional booklet (to be distributed at the 1976 I.A.F.F. convention in Denver)

*B. GAMING -- Additional

Items 1 thru 8
 Approved
 Lurie - unanimous

Director
 authorized
 to proceed

- 1. EXBER, INC.
 El Cortez Hotel/Casino
 600 East Fremont Street
 4 slots
 2 "21" games
- 2. THE HORSESHOE CLUB OPERATING CO.
 The Horseshoe Club
 128 East Fremont Street
 3 poker tables
 2 "21" games
- 3. SAGEST, INC.
 Jennie V's
 111 East Ogden Avenue
 40 slots
 1 Crap game

ITEM Commission Action Department Action

I-g. DEPARTMENT OF LICENSE & REVENUE
 (cont'd)

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

See Page 8

See Page 8

4. CONSOLIDATED CASINOS CORP.

The Mint Hotel/Casino
 100 East Fremont Street
 1 Bingo game

5. VRANESH ENTERPRISES, INC.

Stewart's Market
 2021 East Stewart Street
 2 slots

6. AUTOMATIC AMUSEMENTS OF
 LAS VEGAS

Antonio's Italian Restaurant
 910 Las Vegas Blvd South
 4 slots

7. BALLY DISTRIBUTING CO.

Lotus Inn Casino
 1213 Las Vegas Blvd South
 1 slot

8. UNITED COIN MACHINE CO.

The Annex
 121½ South Casino Center Blvd
 2 slots

Jennie V's
 111 East Ogden Avenue
 3 slots

*C. RETAIL TOBACCO -- Additional

Items 1, 2 and 3
 Approved
 Lurie - unanimous

Director
 authorized
 to issue

1. S. SMITH VENDING CO.

Pizza Hut of Las Vegas #12
 3001 West Sahara Avenue

2. VILLAGE CATERING

Alarmco, Inc.
 708 South 6th Street

3. W. W. VENDING COMPANY

Arkco Development
 1701 West Charleston Blvd

Carrow's
 2401 West Sahara Avenue

ITEM

Commission Action

Department Action

I-g. DEPARTMENT OF BUSINESS ACTIVITY
 (cont'd)

*C. RETAIL TOBACCO -- Additional
 (cont'd)

3. W. W. VENDING COMPANY (cont'd)

Cohen & Kelly's Ltd.
 300 South 4th Street

Colony Club
 2360 North Highland

Denny's #1038
 2201 West Sahara Avenue

E & E Soul City
 814 West Bonanza Road

Herm's Husky Service Station
 3920 West Sahara Avenue

Jazz Room
 1541 North Eastern Avenue

Manhattan Hotel
 1130 South Casino Center Blvd

Sunrise Jiffy Market
 631 North "H" Street

Uncle Ben's Bar-B-Que
 507 Jackson

U.S.A. Service Station
 1541 North Eastern Avenue

Van's Western Hardware
 1401 North Decatur Blvd

West Charleston Mobil Station
 4710 West Charleston Blvd

See Page 9

See Page 9

D. LIQUOR -- Change of Ownership

1. FONG'S GARDEN
 2021 East Charleston Blvd
 Service Bar

From: Gin N. Fong, 100%

To: Stanley Fong

Approved
 Lurie - unanimous

Director
 authorized
 to proceed

ITEM Commission Action Department Action

I-g. DEPARTMENT OF BUSINESS ACTIVITY
 (cont'd)

E. LIQUOR -- New

1. SANTA BARBARA MARKET
 1418 East Charleston Blvd
 Beverage Off-Sale

Israel Lau Sanchez, 100%

Approved
 Lurie - unanimous

Director
 authorized
 to issue

F. LIQUOR -- Request for Extension
 of Inactive Status

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

The Southland Corp.
 Rod Brehm, District Manager

(Approved 1-21-76. Extension
 for 3-21-76 thru 5-19-76
 aprd 3-17-76. Request for
 60-day extension of inactive
 status for: 5-20-76 thru
 7-18-76.)

Approved
 as requested
 Lurie - unanimous

Same as above

G. LIQUOR & RETAIL TOBACCO -- Approval
 of Store Manager and Manager of
 Liquor Department

1. ALBERTSON'S FOOD CENTER #637
 1570 North Eastern Avenue
 Package Liquor

Albertson's, Inc. -
 J. A. Albertson, Chmn of Bd
 et al

Stephen W. Peters, Store Mgr

Kenneth O. Morrison, Manager
 Liquor Department

Approved
 Lurie - unanimous

Same as above

H. RETAIL TOBACCO -- New

1. DOMINICK AIELLO

 D's Card & Candy Center
 4601 West Sahara #U

2. ROY C. EASTON

 Frankie's Cocktail Lounge
 1712 West Charleston Blvd

Items 1 thru 4
 Approved
 Lurie - unanimous

Same as above

DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, DIRECTOR

See Pages 54, 55 and 56 of these Minutes (Annotated Agenda)

RIGHT-OF-WAY
ITEM

Approved

REQUEST FROM NEVADA INDUSTRIAL COMMISSION TO CITY OF LAS VEGAS
REGARDING QUIT CLAIM DEED FOR HASTINGS AVE. TO PROVIDE COMMON
POWER SERVICE

Mr. Hampton: Item No. 6 relates to the Nevada Industrial Commission's proposed development on Shadow. They are building on both sides of Shadow and to be able to use a joint power facility they are requesting that we Quit Claim them 30 ft. across Shadow Lane.

We are in favor of giving them some sort of right, but we do not feel a Quit Claim Deed is appropriate. It should be an Easement or a License and we would recommend that this Board approve this grant of either an Easement or a License, depending on what the City Attorney feels is the most suitable. It is quite a considerable saving as far as they are concerned in their power installation.

Commissioner Lurie: Would you want this held to the next meeting?

Mr. Hampton: No, I would like - a License and an Easement are very close - it's a matter of terminology, really. The Quit Claim Deed we feel would not be appropriate - we would like to recommend either a License or an Easement, leaving the choice up to the City Attorney. We didn't have time to get together with the City Attorney's office to find out which would be better. Mr. Lovell might be able to comment on that now.

Mr. Lovell: Conservatively speaking, it if were possible, to have them agree to a License as opposed to an Easement. It would be in the better interest of the City insofar as the right attached to an Easement, which is greater than that under a License.

We would like to give them the License to do it, but have more power to control it.

Mr. Hampton: With that, I would recommend at this time that we grant them a License.

M o t i o n

Commissioner Lurie: I so move that the City Attorney's office proceed to grant the request on the basis of a License.

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

DOWNTOWN
SEWER
DIVERSION
Project
Approved

DOWNTOWN SEWER DIVERSION

Mr. Hampton: We are bringing to you tonight two Projects, the first of which relates to the Downtown Sewer System. The map to my right (wall map) shows all of the commercial establishments currently in the Downtown area on the south side of Fremont:

Page 53
Minutes
Regular Meeting
City Commission
May 19, 1976

There are several Plans in the works as you are well aware and at the present time our existing Sewer System is very near capacity. The Master Sewer Plan that was approved approximately a year ago called for a diversion sewer down Bridger Avenue. We have evaluated this very closely and find that if the diversion sewer is put down

ITEM Commission Action Department Action

I (h). DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, P.E., 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. 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 and bond posted for this subdivision.

1. Spanish Oaks Unit No. 4. (Royal Crest, Inc., E. A. Collins, President)

Approved as recommended
 Lurie - unanimous

Director authorized to proceed

*B RELEASE OF SUBDIVISION PLATS

All offsite improvements in the following subdivisions have been completed in accordance with agreements and city standards. All work has been inspected by the Public Works, Fire, Electrical, and Sanitation Departments. It is recommended that the improvements be accepted for these subdivisions.

1. Valley West No. 2. (Laketree, a partnership, James W. Hibbetts, Agent)
2. Rancho Palomino. (Dasco, Inc., Dudley A. Smith, President)

Items 1 and 2 approved as recommended
 Lurie - unanimous

Same as above

*C. RELEASE OF BOND

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

1. Location: 401 Maryland Parkway
 Use: Retail Store
 Builder: Standard Brand Paint Co.
 Surety: Hartford Accident and Indemnity Co.
 Amount: \$10,000.00
 Bond No.: 5005605

Approved as recommended
 Lurie - unanimous

Clerk and Dept. of Municipal Services to proceed

ADDITIONAL ITEM:

SUBDIVISION PLAT - CHARLESTON No. 10-A (Lewis Homes)

Approved as recommended
 Lurie - unanimous

Director authorized to proceed

ITEM

Commission Action

Department Action

I (h). DEPARTMENT OF PUBLIC SERVICES (Continued)

*D. RIGHT OF WAY ITEMS

1. Grant Deed

From: Jack E. Fitzpatrick and Carol Fitzpatrick, husband and wife as joint tenants
 To: City of Las Vegas
 For: Portion NW-1/4, Sec. 35, T19S, R60E Lorenzi Blvd. Dedication Building Permit

2. Grant Deed

From: A. J. Underwood, a single man
 To: City of Las Vegas
 For: Portion NW-1/4, Sec. 32, T20S, R62E Page Street

3. Grant Deed

From: Raymond A. Heinle and Frances H. Heinle, husband and wife as joint tenants
 To: City of Las Vegas
 For: Portion Lot 11, Block 5, Elstner Estates Subdivision Decatur Blvd. Dedication, Bldg. Permit

4. Grant Deed

From: Thomas T. Beam
 To: City of Las Vegas
 For: Portion NE-1/4, Sec. 36, T20S, R60E Michael Way, R.S.H.C. Project

5. Electrical Substation Site Easement

From: City of Las Vegas
 To: Nevada Power Company
 For: Portion NE-1/4, Sec. 36, T20S, R61E Spring Mountain Youth Center (Halfway House)

6. Correspondence from Nevada Industrial Commission to City of Las Vegas regarding Quit Claim Deed for Hastings Avenue to provide common power service.

Items 1 thru 5
 Approved
 Lurie - unanimous

Director authorized to proceed

Approved request per License Agreement rather than Quit Claim Deed
 Lurie - unanimous

Director and C/A authorized to proceed

ITEM	Commission Action	Department Action
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I (h). DEPARTMENT OF PUBLIC SERVICES (Continued)

E. PROJECT APPROVAL

1. Downtown Sewer Diversion.
2. Request for public hearing - 5 Points intersection Charleston - Eastern to Fremont.

Approved as recommended
 Leavitt - unanimous

Director authorized to proceed

Set Public Hearing for June 16, 1976

6:00 P.M.,
 Director to advertise

F. TRAFFIC AND PARKING ITEMS

1. Request of Mrs. Barbara Spec, Coordinator of School Planning, for a mid-block crosswalk on Stewart at Roy Martin Junior High School. Traffic and Parking Commission recommends approval.

Approved
 Leavitt - Unanimous

Director authorized to proceed

G. REPORT

1. Property Acquisition - Grace Baptist Church Building for MPD Substation.

Approved
 Lurie - unanimous

Staff to proceed

ADDITIONAL ITEM:

BILL No. 76-45 - Re WINDOW SECURITY BARS

Referred to Study Committee
 Commissioners Leavitt and Lurie

Interested citizens to be contacted for discussion with Committee on Bill No. 76-45

1. John F. Rector 876-0393
2. Thomas Prato 649-1363 or
 876-9098
3. George Stover 873-2812
4. Dale G. Buss 648-0480
 421 Mallard

DOWNTOWN
SEWER
DIVERSION
(continued)

Bridget it will only serve 19 blocks, whereas if it is put on Carson Avenue, it will serve 36 blocks and function just as well.

I have supplied the members of the Commission with a memorandum which is quite lengthy and very technical. I am here to attempt to answer any of your questions on this matter, but our Department is recommending Alternate "A" at a cost of approximately \$275,000.00, which will bring the capacity up at Ogden and 8th Street to 4.2 Million, which should serve this area for 23 years.

The other Alternates are of a lesser price but would serve the area for a considerably less time. We have run our Cost Analysis, using present information, and find that - not considering public convenience - it is better to go with Plan "A" now. It is very difficult to go into a Downtown area with a Project, and we would like to do it now and now have to do it again for 23 years. We wouldn't want to do it now and have to come back in 12 years and do it again.

This money is available through "731" Funds and it is in accordance with the Plan except that it has been shifted to Carson Avenue rather than Bridger Avenue, and we would recommend that you give us authority to proceed on the design of this Project on the basis of ALTERNATE "A".

Commissioner Leavitt: Mr. Hampton, I know you said in your inter-office memo dated May 3rd, that you intended to do this construction during the non-tourist season. When will that begin?

Mr. Hampton: It would be in the Fall - we would hope to start construction next August . . .

Commissioner Leavitt: We don't want the streets torn up in the middle of the Tourist Season - that's why I am curious as to what time you plan to start construction on it.

Mr. Hampton: I'm sorry, Commissioner - we would anticipate completion of the design by December 1st for the non-tourist season construction during January -

Commissioner Leavitt: January of 1977 -

Mr. Hampton: Right, and be completed by May.

Commissioner Lurie: Funds are available in your Department?

Mr. Hampton: Yes - in the Sewer Fund - Fund "731".

Commissioner Leavitt: In your planning for this, I assume you are going to have to tear up the streets - is there any plans to re-surface that street? Are there any traffic signals or anything like that to be done at the same time?

Mr. Hampton: No there isn't, Commissioner. We do feel we need reconstruction in a matter of years - a very few years, in fact - and it would be best to get that Sewer Project under way and complete before we . . .

Commissioner Leavitt: What about the Water District? Have you communicated with them to see if there is any indication they will be tearing up that street in the near future to put in water lines, or anything like that?

Mr. Hampton: We would immediately inform all of the Utility Companies, if approval is given tonight, of our proposed Plan and ask them to coordinate with us any work they have scheduled.

Commissioner Leavitt: I'd hate to tear up the street for the sewer - then somebody come along and tear it up for the water and tear them up to put the traffic lights in, etc. I would like to see a little planning and coordination in this . . .

- DOWNTOWN
SEWER
DIVERSION
(continued)

Mr. Hampton: This is what we would do, but before we can go to the Utilities and give them our schedule, we need the concurrence of this Board on the Project.

Mayor Briare: Are there any further comments or questions?

(No response)

Mayor Briare: What is the pleasure of the Board?

M o t i o n

Commissioner Leavitt: I move for approval of the Down Sewer Diversion Project as recommended.

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

5-POINTS
INTERSECTION
Public
Hearing
Set

REQUEST FOR PUBLIC HEARING - 5-POINTS INTERSECTION - CHARLESTON,
EASTERN TO FREMONT

Mr. Hampton: Gentlemen, the next item before you for Project Approval is the 5-Points Intersection, which is the intersection of Charleston and Fremont and Rancho. This is a very controversial Project. It has been heard before. It is not the full-scale Project that was brought to you approximately a year ago. It includes only the reconstruction work at the 5-Points Intersection and does not propose any work further west.

At the time we held the last Hearing this Board felt it would be proper to bring this back. If it is brought back, there should be another Public Hearing.

So what we are asking for tonight is to schedule a Public Hearing for the second meeting in June.

The memo I sent you has a breakdown of the costs. The cost to the City of Las Vegas is only 2% of the Project, the remainder being funded by the Regional Street & Highway Commission, to the tune of 46%, and the Nevada State Highway Department for 52%.

The total estimated cost is in the vicinity of \$700,000.00.

Mayor Briare: Would the approval of a Project such as this be tacit approval of other Projects that might have come up in the past and have been shot down, maybe?

Mr. Hampton: In tonight's action, Mayor, we are just asking for a Public Hearing. After the Public Hearing then we would ask the Commission's consideration of whether or not we should proceed.

Mayor Briare: I know - I realize that - that's why I'm asking the question. That East Charleston controversy came up before the time of Commissioner Leavitt, Commissioner Woofter and myself, and I'm wondering if setting this for a Public Hearing is going to in some way rile up the folks that were so upset about East Charleston Blvd.

Mr. Hampton: I would hope that it wouldn't but I can't guarantee that. We would propose to put in a Block Ad in the papers, showing just the reconstruction work at the Intersection. We would notify the adjacent property owners and try to make it very clear that we are not proposing anything else other than the reconstruction work.

Mayor Briare: Are there any other comments or questions?

(No response)

Commissioner Lurie: I move for the approval of the recommended time for Public Hearing on the proposed reconstruction of the 5-Points Intersection.

Motion carried by the following vote: Commissioners

M o t i o n
Page 58
Minutes
Regular Meeting
City Commission
May 19, 1976

5-POINTS
INTERSECTION
(continued)

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

Mayor Briare: The motion is approved. Is there some statutory
time when the Public Hearing is held, or do we set that?

Mr. Hampton: No - this is purely optional. According to Regional
Street & Highway's new policy, they do require a Public Hearing
but it is optional. It can be held by this Board or by the
Regional Street & Highway Commission. Since this is primarily a
City project

Mayor Briare: Is there some way to avoid having two Public
Hearings? If Regional Street & Highways is going to have one
anyway

Mr. Hampton: No, if the City Commission holds one, they will not
have one. It is either/or.

To have the adequate time for the Exhibits, we would like to set
this for the second meeting in June, if you would - that would
be June 16, 1976.

Public
Hearing
Set

Mayor Briare: Let's set the time for 6:00 P.M.. Let's try to
get the Public accustomed to our meeting at 5:00 P.M. on the
second Wednesdays as there might be some feeling that these types
of things take place a seven or eight o'clock.

Mr. Hampton: We will set the Public Hearing then for 6:00 P.M.,
Wednesday, June 16, 1976.

TRAFFIC &
PARKING ITEM
Approved

MID-BLOCK CROSSWALK ON STEWART AVENUE

Mr. Hampton: We have one matter that was approved for recommendation.
The Traffic & Parking Commission approved the matter of creating a
mid-block crosswalk on Stewart Avenue near the Roy Martin Jr. High
School. It is a very much needed traffic control device and we also
would recommend approval of this request.

Commissioner Leavitt: Is this going to be a crosswalk or is it going
to be a signal?

Mr. Hampton: Just a crosswalk. Any time a crosswalk is placed
mid-block, the Ordinance requires that it come before this Board.

Commissioner Leavitt: There is not going to be any kind of a traffic
device?

Mr. Hampton: No -

Commissioner Christensen: Is that going to be one of those Guard
crosswalks?

Mr. Hampton: No. What is happening now is that they are crossing
Stewart further on down - just crossing at various locations. This
will, at least, confine them to one area where it will be properly
signed and a motorist will know that there is a hazard - a potential
hazard in this area.

Mayor Briare: And you put a sign up saying "School Crossing"?

Mr. Hampton: That's right.

Commissioner Leavitt: Of course, two more weeks and School is out.
How far is this from the Stop Sign at Hadland Park?

Mr. Hampton: Approximately 660 ft..

Commissioner Leavitt: This would be directly in front of the
entrance to the School?

Mr. Hampton: Yes. It just so happens that it is halfway between

the two intersections. This has been requested by the Coordinator of School Planning.

Commissioner Woofter: I would move for approval as recommended.

Commissioner Leavitt: There are only a couple of weeks of School left and by the time you paint that, maybe you might as well wait now . . . but I guess they will be using it for summer activities.

Mr. Hampton: It will be a convenient pathway for all the people living on the north side of Stewart to get to the School and Park.

Mayor Briare: Are there any further questions or comments?

(No response)

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

WINDOW
SECURITY BARS

Mr. Hampton: Mayor, I have one additional item that we feel is very urgent and needs your consideration at this time. It is regarding the iron Security Bars that people are asking to be allowed on homes. There have been several of these installed - most of them without a Permit. Some of them do have a Permit.

The City Attorney has prepared an amendment, which is labeled Bill No. 76.45, which offers one possible way they can amend the Ordinance to approve this type of installation. It states that these Security Bars will not be allowed unless they are placed with a break-away device so that they can be opened from the interior and, secondly, that the sleeping room be equipped with an approved smoke detector. This is, right now, in violation of our Uniform Building Code which states that windows have to be accessible for rescue.

Mayor Briare: Is there going to be a Grandfather Clause in this proposed Ordinance?

Mr. Hampton: There could be. It is not proposed in the way it is presently written. You mean to Grandfather those in who have them on now?

Mayor Briare: I don't know - I really haven't given this any consideration yet. The standard procedure for Ordinances - it is my understanding there are some folks in the audience who might wish to be heard on the matter pertaining to putting iron bars on windows as a protection against burglars and thieves, and yet perhaps at the same time jeopardize their own lives in doing so. The procedure of ordinances would be if the Commission should want to give any consideration whatsoever to this proposed Ordinance, it would first be read and then referred to a Study Committee, at which time Public Hearings could be held. It would then come back before this Board and upon recommendation of the Study Committee, some further action may or may not be taken.

Tonight would not be the time for a Hearing on this matter because of the reasons I have just outlined.

Mr. Hampton: That's right, Mayor - we're requesting at this time that this matter be referred to a Committee to study the pros and cons of this problem.

Mayor Briare: Do I take it that you gentlemen want to discuss either a pro or a con of this proposed Ordinance? Did you get the impact of Mr. Hampton's comment? Would you please leave your names with the City Clerk so that she can notify you in ample time prior to this matter coming before this Board for action?

Following requested to be notified:

SECURITY
WINDOW BARS
(continued)

Name	Phone
John F. Rector	876-0393
Thomas Prato	649-1363 or 876-9098
George Stover	873-2812
Dale G. Russ	648-0480

Mayor Briare: We will take this Ordinance up when we take up the other New Bills and it will definitely be referred to a Study Committee.

Mr. Hampton: That's all I have for this evening, Your Honor.

TULE SPRINGS
MASTER PLAN
Ad Hoc
Committee
Appointed

Mayor Briare: One thing I think we want to get resolved here is a question on the Tule Springs Project. Commissioner Lurie if you would please bring that matter before us?

Commissioner Lurie: There are two items. The first item I think as you all know is concerning a design team to be formed to work on a General Plan of the Tule Springs area.

At this time I am requesting that two members be appointed from the Park & Recreation Advisory Board, along with six (6) other people and anyone that you might want to add to the list.

The persons I am requesting to serve on this Committee are:

Assemblyman Dan Demers
Florence Jones Cahlan, 1600 W. Charleston, 02
Moirra Thompson, 8512 Log Cabin Way, 06
Carol Coburn, P. O. Box 4036, 06
Joy Ruston, 10000 Homestead Road, 06
Jack Fisher, Division of Forestry, 215 E. Bonanza Road, 01
Dan Churchfield, Las Vegas Dunes, Inc., 3355 N. Mustang, 08

If you have any others you would like to have serve on this Committee and work with Staff, we would like to have their names so that we may come up with a projected Plan of Tule Springs and possibly present this to the Legislature with an eye to obtaining some funds to develop the Park into a State Park.

Possibly Mr. Saylor might want to discuss the next item. Why don't we go to the next item and then we will. Are there any names you would like to add to the list? The people I am recommending are - Joy Ruston and Moira Thompson are residents in the Tule Springs area; Florence Cahlan works at the Museum; Carol Coburn is with the Las Vegas Zoo; Jack Fisher is with the Division of Forestry and Dan Demers is the gentleman who has been very instrumental in developing the, and getting us the Division of Forestry to set up an arboretum and the hothouse out in the Tule Springs area.

Commissioner Woofter: How about Dan Churchfield?

Commissioner Lurie: There has been another name recommended - that of Dan Churchfield. Also Staff will be contacting these people to set up a time for a meeting . . .

M o t i o n

I would move that we adopt this Plan and that Staff be instructed to proceed.

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

Commissioner Lurie: I have one other item dealing with Tule Springs:

This item was brought to me by Al Ramirez of the CETA Manpower Office in Carson City. I felt the Project was a worthwhile Project and one that we could pursue.

So what I have done - I have worked out a Program Schedule - and this has to do with the Tule Springs area also - the Program Schedule is as follows:

The initial resources that will be committed are Land and Water by the City of Las Vegas. We're talking about from 4 to 6 acres of land out in the Tule Springs area. The technical supervision will be by the Cooperative Extension of the University of Nevada. The manpower will come from the Las Vegas CETA program. The initial funds - seed and sod preparation - from the office of the State Manpower Services. They are contributing \$1,000.00, and the food disbursement is to be through the Aging Services Senior Citizens Nutrition Program.

What this Project is - it is a Garden Project. It is a Project that has been very successful in the north and we would like to have permission to start this Project at the Tule Springs area, and with the cooperation of all of the advisory people, I recommend it.

To serve on the Committee - we want to start immediately to plant different varieties of fruit trees and vegetables. If I could take just a few minutes, I would like for the people in the audience to see what this Program is going to entail and what it will mean to the community.

The purpose of the Program is to utilize available resources - land and water at Tule Springs - to supplement the Senior Citizen Nutrition Program by initiating a Garden Project. In addition to the primary intent of growing food, the Project will satisfy other needs - a training facility for youth and adults, research and demonstration projects, the art of food preserving, preparation and distribution. And reimbursement by consumers - Meals on Wheels - will eventually establish a self-sustaining Project.

There would be no cost by the City to establish this Project.

The available resource description - Don Saylor has that - he has a map that you can view to see what area we are talking about to establish the Garden.

Then we go into a gravitational irrigation system and the plots. The technical supervision will be from Ferren Bunker and Linnis Mills of the Cooperative Extension of the University of Nevada. They have volunteered their technical services. The Las Vegas CETA Program will provide the adult work experience staff; Vocational Education will provide a counselor; the Clark County School District will provide the youth manpower, a bus driver and supervisor of the youth. Mr. Musser of the Clark County School District has assured us of adequate youth power for a year-round youth program.

The Culinary Arts at Community College will provide information on crop logistics and proper distribution of products. Between 600 and 800 lunches are prepared daily for Senior Citizens. By canning and freezing surplus produce can be made available in off seasons - then we go into the nutritional values of the Lunch Program.

The Office of State Manpower Services in Carson City will provide cooperation and coordination with other State Agencies in the area. Initial funds from the office of State Manpower Services will make available \$1,000.00 for the initial buying of fruit trees and seed.

Donations from the private sector would certainly enhance the Program. There will be some people asked to contribute different materials to get the Program under way. Materials that we would be looking for would be shovels, hoes, pruning shears, wheelbarrows, and what-not.

TULE SPRINGS
GARDEN PROJECT
(continued)

This Program is one I feel is a worthwhile Program. I have discussed it with the Commission and we would like it to be started by June 1st. I would like to ask for the concurrence of the Commission. I am ready to answer any questions on it.

Commissioner Christensen: Has this been coordinated with the existing contracts we have for the use of the land at Tule Springs?

Mr. Saylor: First, let me refer you to the air photo (wall map) - the boundary line of Tule Springs is indicated with the yellow line. The Sahara Gun Club Lease is indicated in green; the Riding Stable Lease in red; the arrangement with the Forestry Service in blue. This is the Lake - the Picnic area - the present Zoo and the headquarters picnic area in here - the concession stand here.

The proposed area under consideration is what was referred to as the Old Orchard area, which is this piece (wall map) plus the land immediately to the east of it, so it is exclusive of any presently leased areas.

However, I think there is one point that would have to be clarified, either tonight or sometime in the immediate future. One of the things that has been discussed is the fact that the City would not be obligating itself to any perpetuation of this specific piece of ground for Garden Plots. In other words, it may be available for use this year - next year, and maybe even three years from now, but somewhere down the line it may have to change. Which is alright as long as you're talking about the growing of vegetables, but when you get into the matter of the planting of fruit trees, I think those should be located in a relatively permanent area.

The only reason I bring that point of permanency up is just that on the item before you instructed the creation of an Advisory Committee and a design team approach to an overall design of the Park. If this is to be committed permanently for the Garden Plot area, then we should know that. If it is not to be committed permanently, that would have an effect on the planning.

So what I'm suggesting is that if it is going to be worked out to use this area (wall map) for garden crops -

Commissioner Lurie: I might mention, Mr. Saylor, we have discussed that in the Orchard there and there will be room enough to plant the permanent fruit trees. The rest of the area will be for just the vegetables -

Mr. Saylor: OK - so that will be a permanent orchard facility.

Commissioner Christensen: Where is the land that the Zoological Society has under lease?

Mr. Saylor: The big one is this parcel here (wall map) which is 240 acres, I believe, which is leased to them without any time requirements or anything else - any type of performance requirements - from this point across here - this entire piece (wall map).

Mayor Briare: Are there any other questions or comments?

(No response)

M o t i o n

Commissioner Lurie: One more point - we will have our own fertilizer and with that I would like to move that the Commission approve this Garden Project so that we may proceed.

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

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

DONALD J. SAYLOR, DIRECTOR

ZONE CHANGE
Z-19-76
Denied

ZONE CHANGE Z-19-76 - ROBERT H. GRANT AND COMPANY OF NEVADA

Mr. Saylor: Before you for consideration is the application of the Robert H. Grant & Company of Nevada for a change in zoning from C-1 and M, which has a Resolution of Intent on it to a Planned Unit Development. The request made it an R-3 Zoning to allow a 76-unit apartment house project.

If you will look at the screen, the land is part of the Bradford Place Planned Unit Development, all of which has been developed except this piece under consideration.

Immediately to the west is the Clark High School, to the north is extensive apartment house development and to the northeast are mobile home parks - immediately to the east is industrial zoning and industrial development.

At the time the Planned Unit Development was started, the land was zoned both Industrial and Commercial and a Resolution of Intent was granted for the Town House development and, as I mentioned, all but this one piece has been completed.

If you will refer to this map now (wall map) it will give you a little different perspective. This is the completed part of the Town House development - this is the piece in question for which they are requesting R-3 Zoning. Pennwood Avenue is the street on the north boundary and that is the only street bordering the proposed project. This is the parking around the periphery - the units in the middle - swimming pool - landscaping. There would be no access to the Planned Unit development area except an emergency access at the south end. All ingress/egress would be to Pennwood.

The fact remains that underneath the Resolution of Intent there is Commercial and Industrial Zoning, which means that it could be developed for those purposes without coming before you for any particular permission.

The Planning Commission recommended approval of the apartment house development primarily, I think, on that basis - that they felt due to the fact there was substantial apartment house development to the north, industrial to the east, that it would be better to allow apartments on this rather than taking a chance on what might develop on it under the Commercial and Industrial uses.

There was a protest factor from the property owners in the Town House development, and I think part of their protests were predicated upon the fact that at the time their units were sold to them, it was done on the basis of the overall development being consummated, which would mean that the pro rata share of the cost of maintaining the common areas - the swimming pool, etc. - would be spread out among "x" number of people, and if this zone change is allowed, it would mean that that portion of the development would not produce people who would be supporting the maintenance costs. Therefore, the individual share maintenance would increase, which is true - the only exception being is that there is no way that I am aware of where the City can force the continuation of the Town House development. So the end result would still be the same. I think they have indicated to their attorney they are contemplating the possibility of legal action against the original owner, who was Robert H. Grant & Co.

Mr. Saylor: At the time this application was submitted for the apartment house development, Robert H. Grant & Co. was the owner - the owner of record. Since the application has been in process, somewhere along the line, Dasco has purchased the property and they are the proposed apartment house developers.

The attorney for the protestants brought up the question as to whether or not the application was still legal, in that the new owner was not the person that made the application. Our position is, of course, that the application is legal because the City Code indicates that at the time the application is made, the owner of record must be the applicant. However, a brief has been submitted to the City Attorney, Mr. Lovell, in case he wishes to make the ruling on that particular point.

Mayor Briare: Mr. Lovell, would you like to make a comment on that at this time?

Mr. Lovell: I don't think it is necessary now - unless it becomes of real concern.

Mayor Briare: Commissioner Christensen bring up the point that perhaps we would be wasting our time if it is not legal -

Attorney Louis Wiener: I represent the residents of Bradford Place, numbering 171, and I will submit to the City Clerk a copy of our Memorandum of Points and Authorities on the legal points. I have already delivered one to Mr. Lovell.

Let me state that I think there has been one fact that has been overlooked here from a legal standpoint, and I think it will be determinative of the Commission's action. This application was filed in March of 1976 for this variance by the Grant Company. The deed to Dasco, which we did not discover until after the Planning Commission met last week and Mr. Dudley Smith showed it to us, was dated January 30th. It was recorded either April 30th or May 1st. The legal title, although not having been recorded prior to the filing of this application by the Grant Company, had been delivered - it was dated and delivered to Mr. Smith January 30th - it was exhibited to me after the Planning Commission voted on it the last time.

I have set forth in the Memorandum Brief which the Commission has, and which Mr. Lovell has, four requirements that must be met by those who are asking for a variance. Under B under Section 3 of your Ordinance 11-1-24 (3) and (4), reads as follows:

Requirement: Such variance is necessary for the preservation and enjoyment of a substantial property right . . .

Now, Grant Company did not have a substantial property right in the property for which they seek a variance. If at the time they come before this Commission, or the Planning Commission, they do not own any interest in the property. They have no property right to protect. The person who has the property right, if any, is Dasco. They are the legal owners of the property as of this time. As of this time the deed has been recorded.

Commissioner Leavitt: Were they the legal owners of the property at the time the application was filed?

Mr. Wiener: I can't say that - I can only say that the deed was dated January 30th.

Commissioner Leavitt: When was the application filed?

Mr. Wiener: In March - March 24th, I believe -

Commissioner Leavitt: Well then they were not the legal owners -

Mr. Saylor: However, our Ordinance specifically states "owner of record" -

Commissioner Leavitt: It doesn't say "owner" -

Mr. Saylor: That's right - and as far as we know at the time the application was submitted, the owner of record was the Grant Company.

Mr. Wiener: Let me make this statement here as a legal maxim - you don't have to record something to divest yourself of the ownership. You may as far as creditors are concerned - for some purpose - but when a deed has been dated and delivered, that ownership is transferred equitably, whether it is recorded or not. Now, for the purpose of a creditor coming in and attaching or levying an execution, that buyer may be in bad shape because they haven't recorded their deed.

Commissioner Christensen: I can understand the predicament the City is in if we don't have those records because we're required to notify many, many people on these matters, and if we don't use the official records so we know who the owner of record is to be notified, then we get threatened with a lawsuit, after lawsuit because the home owners we represent aren't notified because they weren't of record as of the time the notices were sent - so it's a double-edged sword - it cuts both ways -

Mr. Wiener: But there has to be an interest to be protected and the person making the application at the time the right is given to them. Now the Memorandum Brief we have submitted - one page that has been cited in the Brief -

Chad Homes Incorporated v. Board of Appeals, which is a New York supplement case and a pretty good jurisdiction for Law - it was determined that the Zoning Board of Appeals exceeded its power by granting a variance in respect to property not owned by the applicant.

The applicant has to own the property when he comes before you - he is asking that a property right of his be protected, because he is going to suffer substantial injury. As this application stands today, Grant Company has no interest in this property. The deed has been recorded in the name of Dasco, Inc. To me, it is clear legally . . .

Commissioner Christensen: Let me ask you another question: I have to assume that what you are trying to do is to prevent this variance - obviously. OK - now if you are successful in preventing the granting of this variance on a technicality . . .

Mr. Lovell: Commissioner, we're getting into apples and oranges. Just for clarification, Mr. Wiener has been talking about a Variance and his brief is directed to that. We are talking about a Zone Change, which is the reclassification of property, permanently.

Commissioner Christensen: OK - the point I was after is: regardless of whether you are successful in preventing this zone change are you actually solving your clients' problems, or are you just delaying them, because there is nothing to prevent Mr. Smith from coming in under Dasco and applying for the same thing, and going through all this again in thirty days?

Mr. Wiener: I don't think that is a problem to be presented to the Commission. I think that is a matter - we have to have a record here - we may have a legal justification here when you vote for Dasco, assuming you vote in favor - we have to have a proper foundation that we may lay. I don't know what the position is going to be. I know we are going to oppose it whether it's Dasco or whether it's Grant Company, on a factual basis.

Commissioner Lurie: The people who moved into the Bradford Place - weren't they assured there would be so many units and that the cost was going to be so much, based upon the Project being completed? Now that the project is only three quarters completed and one section has been sold, they are going to have to pay a higher cost to the Association for maintenance?

Mr. Wiener: I'll make this representation, Commissioner - all of

the advertising - the sign that was placed on the property - represented to the General Public, and to the buyers, that there were to be 213 units. This is a matter for District Court - it will be. They represented there would be 213 units and all of the costs would be spread over 213 units. They now have 171 units. Now Grant Company has decided they are not going to build. Whether they have a legal right under the covenants - the restrictions - they recorded and the advertising they did, is a matter this Body doesn't have to determine legally. However, their signs, their advertising, their representations to the public, their representation to 171 property owners that they were going to build 213 units. Whether, legally, they can be held to build the 213 units or whether they will be subject to a lien for a pro rata share of the expenses that would have been borne by the other 42 units, is a matter for the District or Supreme Court to decide -

Commissioner Lurie: It is up to this Board to discuss this . . .

Mr. Wiener: That's right, but I wanted to represent to this Board that they did advertise and hole themselves out as building 213 units. Now they want to pull out. This is the factual end we want to present to the Commission. All of the property owners in Bradford Place are opposed to it. I won't say all of them, but there is a multitude of objections - several hundred of them.

Commissioner Christensen: Let me ask you another question: You have said this is a matter for the Courts - Mr. Saylor, what is the zoning on this property now?

Mr. Saylor: A combination of Industrial and Commercial, with a Resolution of Intent on it which allows the development on it of Town Houses.

Commissioner Christensen: What would be the effect, according to the City's Code, if that wasn't completed in there, when that Resolution of Intent runs out, would that piece of property become Commercial and Industrial?

Mr. Saylor: Yes.

Commissioner Christensen: Well then, Mr. Wiener, are you going to go to Court and ask that they change the zoning from Commercial and Industrial back to R-3 . . .

Mr. Wiener: I'm not going to ask for any zoning change as far as changing it back - that has nothing to do - my people might prefer it -

Commissioner Christensen: I'm trying to figure out what your clients want -

Mr. Wiener: My clients are going to seek damages against the previous owner and against the present owner and against everybody who was noticed of what representations were made - we're going to seek damages from all of them in favor of the 171 property owners. We are going to have substantial damage claims if we're right. I'm not saying what the Court is going to hold, but if the Court holds what we think they're going to hold, they've got a real problem. They are going to finish the condominiums or they're not going to do anything or they want a bill to pay the damages.

But I don't think that's a matter, other than the fact that I'm bringing to the Commission what the representation was made to the people - how it was held out to them. I don't think this is really a consideration of the Commission.

Commissioner Christensen: It may save us a lot of problems because we may not have to hear it - that's what I'm trying to determine - whether we really need to get involved in this or not.

Commissioner Leavitt: I would like to ask the City Attorney if he agrees with Mr. Wiener's interpretation that at the present time

the applicant - assuming the facts are correct as Mr. Saylor has indicated - it was an unrecorded deed and at the present time the present owner of the property is not the person making the application - assuming all those facts - is he correct in your opinion?

Mr. Lovell: We don't think so, for these reasons: I have just received, about a half hour before this subject came up, his Brief. I have read that. Prior to that when Mr. Wiener discussed this with me introducing me to the problem, I discussed it with the Department of Community Planning & Development and then went back to my office and discussed it over the telephone with others.

The Department of Community Planning & Development did discuss this with the City Attorney's office - with Mr. Stewart - and in view of the fact that is an application for a Zone Change and the reference to the ordinances and regulations surrounding that as opposed to a Variance, thus far everything, technically, is proper insofar as we are concerned.

However, if after some time we should have a chance to review fully these Briefs and read these cases in here to see if these cases apply not only to a Variance but also to a Zone Change, we might find otherwise. But right now with the background I've got, plus the two different sections of the City Code, I think that to go ahead is proper.

Commissioner Leavitt: In other words, you don't want time to form a legal opinion - to recess and read the cases - you want to go ahead - is that what you are recommending?

Mr. Lovell: Yes -

Mayor Briare: If I am getting the gist of what you're saying, what would be the best decision that you could come up with - what are you desiruous that we do?

Mr. Wiener: That the Commission deny this application -

Mayor Briare: To deny this application for a Zone Change -

Mr. Wiener: And all the people who are really and truly oppressed - the 171 property owners - are almost unanimous in not wanting a 2-story apartment house to face the condominiums. The people all around ther are facing in on this - facing a 2-story apartment - they don't want the apartments to be constructed - they are the people affected.

Let me point out one thing - the Planning Commission itself, heretofore and prior to tonight, stated in a memorandum that they had put out - their recommendation for denial based on the General Plan that the area already has a high concentration of multiple family development. That's what the Planning Commission recommended.

Mr. Saylor: No.

Mr. Wiener: Well, it's a record of yours - I don't know where he got it -

Mr. Saylor: Mr. Wiener, that is a memo from part of my staff to another part of my staff. none of whom are members of the Planning Commission -

Mr. Wiener: Your staff is what I intended to say - not the Planning Commission.

Mr. Saylor: You said "Planning Commission" and that's what I'm disagreeing with . . . that was not Staff's recommendation to the Planning Commission - those were merely inter-staff comments -

Mr. Wiener: From your records -

Mayor Briare: Are there any further comments?

Mr. Wiener: I have the deed if anybody wants to look at it.

Commissioner Leavitt: I'd like to see it -

Mr. Smith: My name is Dudley Smith, President of Sasco. We entered into an escrow with the Grant Company on the 24th of December, 1975. There was a deed placed into that escrow - Escrow No. 602622 at First American Title Company, which was dated January 30th, 1976. That deed was in the possession of the First American Title Company in their escrow the entire time, up until April 22nd which was the date it was recorded in Dasco's name.

Mr. Wiener knows very well that we did not have possession of that and therefore there was no question as to the Title at the time the application was made.

We made an application to the Planning Commission at the end of February, after we had had a lengthy meeting with the home owners in Bradford Place. The statement that 171 owners there are against this is a falsehood. Mr. Wiener is well aware it is a falsehood. There are a substantial number of them who are for the Project.

The property is zoned Industrial with a strip of Commercial across the front on Pennwood - our purchase from the Grant Company had nothing whatsoever to do with a contingency as to zoning. We were aware of what the underlying zoning was. We knew if we did not get the apartment development, we could still develop the property in another way. That is not a threat. That is exactly the circumstances as they happened.

I don't really believe there is any legal way there is anything wrong with the application and therefore it should be acted upon. As far as a lawsuit is concerned between the present owners against me, or against our Company, or against the Grant Company, that's fine. That's their own business, but that certainly is not the matter that is before this Board tonight. Thank you.

Mayor Briare: Mr. Lovell, that statement then backs up the statement you have already made. This is not a posture to be discussed tonight on the basis of whether or not this Zone Change be granted.

Mr. Lovell: As a further explanation, technically I think - and in just looking at the deed here, as Commissioner Leavitt did - the filing dates were April 22nd, apparently in California, and April 27th in Nevada, goes to his explanation why the delay as far as the escrow goes. Our opinion is that it is proper to be considered if you wish. I am talking about the legal ramifications - not the factual.

Mayor Briare: Then let's get down to the point involved in the request for the Zone Change. The legal ramifications will obviously be settled in due course, whichever both sides want to do. Isn't that right, Mr. Wiener? We've heard the legal problems that exist in the minds of your clients - and the answer given by Mr. Smith. Our own Attorney has indicated that it would be proper for us then tonight to discuss and consider the zoning aspect of it, notwithstanding the legal ramifications you have.

Mr. Wiener: I only brought that to your attention - I believe I said that was not for your consideration. However, the factual problem involved is the fact that these people - they are all here, and I don't know how many letters have been sent in to the Board, or to Mr. Saylor, by the people who are the residents of Bradford Place, objecting to this. This is a consideration by the people who are most directly affected. I think that must be taken into consideration, aside from the civil end of it and what is a difference of opinion with the City Attorney as to the legal interpretations -

Commissioner Leavitt: I have a question: I looked at the deed and you are right - it is dated January 30th but I notice it wasn't

acknowledged until the 22nd - were you aware of that?

Mr. Wiener: Yes - I said it was recorded on the 27th -

Commissioner Leavitt: Recorded is one thing, but acknowledged . . .

Mr. Wiener: It doesn't have to be acknowledged - if it's signed on January 30th - except for . . .

Commissioner Leavitt: That's the question - was it signed on January 30th or was it signed on April 22nd when it was acknowledged - because the acknowledgment says - the person appeared, etc . . .

Mr. Wiener: All I can do is read the document, Mr. Leavitt - I wasn't there - I just have to read the dates -

Commissioner Leavitt: The Notary who notarized made an affidavit that is when it was signed -

Mr. Wiener: I know no more than what you know, Mr. Leavitt -

Commissioner Leavitt: I just noticed that - for your own benefit -

Mr. Wiener: It was recorded on the 26th or 27th -

Commissioner Lurie: Could I just clarify one thing - the people who are now living in Bradford Place don't want anything less than Bradford Estates to . . .

Mr. Wiener: That isn't so - they don't want the apartment house -

Commissioner Lurie: They don't want the apartment house?

Mr. Wiener: That's right.

Commissioner Lurie: But they don't care whether or not they have Commercial or Industrial?

Mr. Wiener: As of right now, they don't want the apartment house. What will happen at a later date is another question. Right now they don't want the apartments. Whether they build or not is a matter that will have to be solved subsequently, but right now they don't want the apartment house - they would take what they think is the lesser of the two evils of having Commercial because that's not going up to the sky. As it is now they know they are going to have a 2-story apartment house -

Commissioner Lurie: Aren't some of those units in Bradford Place two stories?

Mr. Wiener: Some of them are, but a lot of them are just plain 1-story condominiums. They would be looking into a 2-story apartment house building and they don't want it - they don't want the concentration of 86 units where there were going to be 42 units - they would be getting more than double the number of units that were going to be on that same area - 86 vs. 42 - they just don't want it and they have indicated in writing that they don't want it and they have indicated by their presence here that they don't want it. Now, to what extent this is meaningful to the Commission, I don't know, but I represent that - but so that there will be no question about me making a misstatement, everybody in Bradford Place - I think I qualified that statement as to those who are opposing this, but I think there is evidence by the number of people here.

Mayor Briare: I can assure you, Mr. Wiener, their opinions are of great value to us. Sometimes we might differ, but their opinions are of great value to us and we trust that Commissioner Lurie's comment is one we have almost every time we meet here - and that is that the owners of the property, whoever they might be, it would appear have a right to go in tomorrow and build some warehouses, without coming before this Board or without notifying the residents, or anything. Just go down and take out a Building Permit and go

build some warehouses.

The question that Commissioner Lurie proposes here - would they rather have warehouses or would they rather have some kind of . . .

Mr. Wiener: Right now, they don't want the apartment house. What the owners are going to do is up to them -

Mayor Briare: Which is the lesser of the two evils - warehouses or some kind of planned development?

Mr. Wiener: They don't want the apartment house -

William Bowman, 3910 Bradford Place (speaking from seat in audience): We would rather take our chances of putting warehouses - let us go back to commercial or light industrial and not put up any apartment buildings.

Mayor Briare: Mr. Wiener, do you have anything further at this particular time?

Mr. Wiener: I have nothing further -

Mayor Briare: Is there anyone else who might wish to add to what has been said here?

Norman _____, 3120 Bradford Place (speaking from audience): I have a copy of a petition here which the Planning Commission was shown and which I believe our Attorney has. On this petition we have 126 home owners that are against Mr. Smith's apartments. Furthermore, when he attended our meeting he told the Board of Directors if anyone objected to this apartment house, he would back off. The other thing is that he got a letter from the Home Owners Association saying they very very definitely against it. He denies receiving this.

I think we would rather take our chances on commercial than having the apartments.

The other thing that I have in my mind, after reading the Covenants and By-Laws - there is a question in my mind as to whether when they deeded their first lot to the first home owner whether they didn't also deed the first common interest in all of the common areas in all of Bradford Place, which is listed by legal description.

Therefore I would like to see it stopped for any type of building until we can get into a Court of Law and find out just who owns what. I even question Grant & Company's right to even sell that property, because in their By-Laws it says when they deed the first lot to the first home owner they also deed in fee simple, title to the common areas, and that covers all four units. And I would sure hate to see Mr. Smith build apartments, or warehouses, or anything, and then find out they were built on our property. We think we can get that fourth section finished, one way or another.

Mr. Lovell: Mr. Mayor, I was going to suggest even though the other gentlemen's voices did carry, in view of the comments made by Mr. Wiener, that in order to get full comments that everybody, on both sides, come up and speak into the microphone for the record.

Mr. Kruger: I am Carl Kruger. The address is 31 70 Richford Place. We had petitions and other forms of communication with the people that live in Bradford Place, and one of the prime reasons they would prefer industrial/commercial over the apartments is, first of all, apartments are a 24-hour a day traffic situation - people coming and going. Commercial/industrial is only during normal business hours.

Second of all, it is an impossibility to maintain the swimming pool for the Bradford Place residents only as it is, and if you install that closely a series of apartments, it is going to - just by the nature of people - increase the load on the swimming pool and the common areas.

Third, the industrial or commercial buildings will not offer as much

of a traffic problem to the street itself during the hours of the evening.

These are the prime things that the residents have thought about when they made a decision to prefer industrial/commercial as opposed to the apartments.

There is one other point I would like to bring out - and this is my own - why, when we purchased a section of land and a dwelling, were we not informed that there was a possibility that the land could be used for something other than what we were told? In other words - the zoning - until the first meeting that we attended and until Mr. Saylor brought it up, I had no knowledge of the existence of a zoning other than the zoning required for Condominiums. When I purchased my house and the land it sits upon, no one said - excuse me, but there is the possibility that this land could revert to industrial/commercial. I'm merely asking - is this a case that I and everyone else is going to be faced with - that we have to research the land?

Mayor Briare: I think this, Mr. Kruger - and I don't want to practice any Law on your here - the only person, in my opinion, whose obligation would be to make a determination of what the zoning was around him, would be the buyer.

Mr. Kruger: You mean - "Buyer Beware"?

Mayor Briare: Yes, and I think this is all over. Now the question is, of course, was this land zoned in such a manner, Mr. Saylor, prior to purchase by Mr. Kruger? Or did it come about subsequent to that purchase?

Mr. Saylor: It had been zoned Industrial for a long period of time - the whole thing was Industrial/Commercial before even one condominium was built.

Mr. Kruger: This was my own point - the question on how they could do this and you have just pointed out, they have the legal right to do it. They did have it posted for 213 Units and then all of a sudden, that's it.

Mayor Briare: Mr. Smith, did you have any rebuttal comments you would care to make at this time?

Mr. Smith: The only thing I might add is that the original plan that was filed for Bradford Place, Unit 4, consisted of 42 units. I have a map of it right here. The 2-story units are shown to be built up within 10 ft. of the west property line. Our would be built back approximately 90 ft. from the west property line.

Approximately 1/3 of our units - in fact, all of the ones on the inside - will be 1-story. Out of their 42 units, according to my count, there are four of them that would be 1-story, so their statement we would have two stories would not hold water.

We have 76 units - Mr. Wiener said 86 units. We have a projected occupancy of 102 people and with 42 units, which is what they proposed, with a 2.5 occupancy, which is pretty close to the average, they would come up with 104 occupants. So there would be no more people in our complex that there would have been in the proposed Bradford Place, Unit No. 4.

One other item - as far the underlying interest in all of the land is concerned - that was an FHA approved Project originally. I've built three FHA approved Town Houses and Condominiums and I can guarantee you that Unit No. 1 would never have gone to record under FHA financing unless it stood completely on its own. That is the absolute criteria before FHA and/or VA would ever accept it.

Mayor Briare: Mr. Saylor, when a developer comes in with plans for the overall development of let's say four units - they begin No. 1, No. 2, No. 3 and then for some reason or another they don't proceed with No. 4 - there certainly is a reasonable indication that No. 4 would be the same as Nos. 1, 2 and 3. Wouldn't you think that was a reasonable statement? For buyers coming into that area, that is what they could expect would happen?

Mr. Saylor: I think so. No doubt - I think it is common practice when they start selling their first unit that, they probably have in their Sales Office, or someplace on the premises, an overall development plan showing what they propose to do.

Mayor Briare: Then for one reason or another, that area for unit No. 4 got sold to someone else, which is exactly what we have here -

Mr. Saylor: Right -

Mayor Briare: And then it is proposed that the property be used for a purpose entirely different -

Mr. Saylor: There is no way that I know of whereby the City can protect against that, except to try to insist, as FHA does - and that is what we tried to do here - that each Unit be self-sufficient unto itself in terms of circulation, parking, common area, etc. So in case something does happen if all the units don't get built, those that are built will have will have traffic circulation in the part that is built - adequate parking and adequate open space.

Mayor Briare: Was is presently in that purple space there (wall map)?

Mr. Saylor: Immediately east of this piece, which is vacant, I believe is a mini-warehouse development. What is south of it, I frankly don't know, Mayor -

Mr. Kruger: I believe that is presently being leveled for something -

Mayor Briare: Then directly north of the property are all apartments?

Mr. Saylor: Right.

Mr. Kruger: I have something to ask Mr. Saylor, if I may. You mentioned the need for each Unit to be self-sustaining, if I understood you correctly -

Mr. Saylor: To the best of ability - right.

Mr. Kruger: What would happen in the case of where the drainage system, both natural and manmade, was impaired by the lack of completion of a Fourth and final Unit?

To give you a specific case: I don't know the exact facts - however, if you trace down the stepped line (wall map), somewhere in that vicinity, it was anticipated that upon completion - if my facts are correct - of the 4th Unit the drainage would tie in to a continuation. At the moment, though, the drain deadends at this point and did normally empty into a ditch line in the unimproved portion. Of course, the ditch has become filled and therefore the natural and partial manmade drainage system is not functioning. When Mr. Saylor mentioned about the self-sustaining Units, I wondered if this also held true for our natural drainage problem and a portion of it being man made. Does that come under the same heading?

Mr. Saylor: Yes. Let me answer your question this way: If the drainage for Bradford Place, let's say, was to be taken care of in the northeasterly direction - this much is built (wall map) - this doesn't get built. Whenever this develops, whether it's for apartments or whatever, they will have to pick up whatever drainage is here and carry it on to wherever the daylighting point is. For example - if it were to come toward the southeast into Sirius, the same thing would be true. I am assuming that if the drainage flow is in this direction, that this design - which is in accord with this design (wall map) would pick up that drainage.

Mr. Kruger: I believe it is subterranean - in other words, the

Z-19-76
(continued)

drainage system at the moment is below normal ground level - in the course of future construction that would be picked up and carried. That would mean digging - digging and location the exits point of this.

Mr. Saylor: I would answer the question this way: It is the developer's responsibility is to pick up the drainage of one end of his property and taking it to the other end.

Mr. Kruger: Thank you very much.

Commissioner Leavitt: Mr. Mayor, it appears to me that the original developers of this project made the commitment to the prospective purchasers that they would develop these Town Houses, and then they turn around and sell to somebody else and now the commitment doesn't seem to be there any more. I have listened to the wishes of the people here in this case and I'm going to make a motion at this time that the Zone Change be denied.

M o t i o n

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

Mayor Briare: The motion has been approved - the application is denied.

Z-20-76
Approved

ZONE CHANGE Z-20-76 - ROBERT BANKS, PRESIDENT, H.S. SERVICE CORP.
(1 Protest)

Mr. Saylor: If you will look over here (wall map) it will probably show it better than the screen. This is way out in the western end of the City - Washington Avenue lies to the north (wall map) - the west leg of the Freeway comes in at this point and then swings north on Rainbow to continue - Lorenzi picks up at this point - Charleston-Rainbow is to the west.

As the result of the Freeway design cutting across this piece of property, it has severed this piece (wall map) which is already zoned Commercial.

The application before you is to go to Commercial on this piece along here (wall map), which will border on Lorenzi. It is presently under a Resolution of Intent to R-3 and they are asking for Commercial zoning. There would still be a strip of R-3 between the Commercial and the single family development to the east.

This is a Plot Plan of the proposed development. You will notice this street comes up through there (wall map) - at the time the development in this area took place, the West Porter Homes Development - a tremendous circulation pattern and the Freeway was cutting off access, so one of the stipulations there was that a road be continued through to hook up to Lorenzi. It couldn't continue through on a straight line because of the Freeway access and it is being brought up to this piece (wall map) as shown on the design.

It is a typical Neighborhood Shopping Center layout. I don't anticipate there would be any immediate development because, at least, in my opinion, the market isn't there as yet, but I think the intent is to have it zoned Commercial prior to a protest factor building up.

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

1. Application to be amended to C-1.
2. Conformance to the Development Plans, as amended, to include only the portion under the application.

See Pages 75 and 76 of these Minutes (Annotated Agenda)

ITEM	Commission Action	Department Action
I-i DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT CONTINUED		
B. Z-20-76 continued 3. Immediate dedication of Silverstream Avenue (60') and the corner radius at the intersection of Silverstream Avenue and Lorenzi Boulevard as required by the Department of Public Works. 4. Dedication of Lorenzi Boulevard (50') and West Washington Avenue (40') and a 25' radius corner at the intersection of these streets as required by the Dept. of Public Works. 5. Expunge the existing Resolution of Intent to R-3 on this approved portion of the property. 6. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license. 7. Submittal of a landscaping plan prior to or at the same time application is made for a building permit. 8. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. 9. Conformance to the development plan as amended to reflect the above conditions. 10. Conformance to the code requirements and design standards of City departments.	See Page 16	See Page 16
Protests: 1		
C. <u>ZONE CHANGE - Z-23-76 - CLAYTON O. GWIN</u> Property located on the southwest corner of East Bonanza Road and North 16th Street. From: R-1 (Single Family Residence) To: R-3 (Limited Multiple Residence) Proposed Use: Four-unit apartment project Planning Commission unanimously recommends APPROVAL subject to the following conditions: 1. Off-street parking shall be paved and revised as required by the Department of Community Planning and Development. 2. Conformance to the plot plan as amended. 3. Dedication of 20' on East Bonanza Road as required by the Department of Public Works.	Approved as recommended by Planning Commission Lurie - unanimous	Clerk to notify Director authorized to proceed
	Page 75 Minutes Regular Meeting City Commission May 19, 1976	
Continued . . .		

ITEM	Commission Action	Department Action
I-i DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT CONTINUED		
C. Z-23-76 continued . . . 4. All mechanical equipment, air condition- ers and trash areas shall be screened from view from the abutting streets. 5. Conformance to code requirements and design standards of City departments. Protests: 1	See Page 17	See Page 17
D. ZONE CHANGE - Z-26-76 - LARRY GEISENDORF AND PEGGY JO GEISENDORF Property located on the east side of North Eastern Avenue between East Washington Avenue and Constantine Avenue at 873 North Eastern Avenue. From: R-1 (Single Family Residence) To: P-R (Professional Offices & Parking) Proposed Use: Offices Planning Commission unanimously recommends APPROVAL subject to the following conditions: 1. Resolution of Intent be restricted to a twelve (12) month time limit. 2. The parking layout shall be revised as required by the Department of Community Planning and Development. 3. The use shall be limited to one office only. 4. Landscaping and a permanent underground sprinkler system including a landscaped planter along the street frontage shall be provided as required by the Planning Commission and shall be permanently main- tained in a satisfactory manner. Fail- ure to properly maintain required land- scaping and underground sprinkler systems 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 condition- ers and trash areas shall be screened from view from the abutting streets. 7. Conformance to code requirements and design standards of City departments. Protests: 0	Approved as recommended by Planning Commission Lurie - unanimous	Clerk to notify Director authorized to proceed
E. ZONE CHANGE - Z-27-76 - FIRST NATIONAL BANK, TRUSTEE; VALLEY BANK OF NEVADA TRUSTEE; AND VALLEY HOSPITAL, LTD.	Denied Commissioner Woofter and Mayor Briare voted "no"	Clerk to notify

ZONE CHANGE Z-27-76 - FIRST NATIONAL BANK, TRUSTEE: VALLEY BANK OF NEVADA, TRUSTEE AND VALLEY HOSPITAL, LTD.
(Approx. 30 Protests)

Mr. Saylor: Next before you is the application of First National Bank, Trustee; Valley Bank of Nevada, Trustee and Valley Hospital, Ltd. I think for all practical purposes we are talking about the application of Valley Hospital. They are requesting a change in zoning from R-1 and C-1 to allow, in essence, the expansion of the Valley Hospital, which I'm sure you are all acquainted with.

The location is shown on the screen. Immediately to the east is the Health Department complex - that whole parcel there. Immediately to the north of that is the morgue; to the south is the Southern Nevada Memorial Hospital and immediately to the east of that is the new Nevada Industrial Commission installation, which isn't under construction but will be within the very near future.

The property involved here is bounded, generally, by Pinto on the north; Shadow on the east; Goldring on the south, and to a certain extent, Rose further west. This is the present Hospital installation (wall map) - the brown indicating their buildings. If you will look at this map for just a moment it will give you the existing zoning pattern: That which is colored in red is zoned Commercial; the gray is zoned P-R for parking lot use; the yellow has a variance on it for part parking and there was some temporary quarters for ambulance drivers and a storage building, I believe, for records, etc. This lot has a house on it. I was covered under a Variance, or a Use Permit, again, for future parking lot use. This lot, as I mentioned, is being used for residential purposes. It is not included in the application. They also own this lot (wall map) which, again, is not included in the application because it is not being used in connection with the overall Hospital complex.

They are asking for a zone change - they want to put it all under Commercial - which, in essence, is saying - let's show it as it really is and is intended to be. So they are asking for Commercial on this (wall map) - this - this - and this. This parking lot is in. There is a wall, which was a condition, and a hedge along here. There is no access allowed to Pinto.

This parking area is in (wall map). There is a wall along here - along here - they had to put in this turn-around - the wall goes along here and is to be extended along here. Again, no access to Rose or what is Kingsbury.

Commissioner Christensen: Those parcels outlined in green - do they own those too?

Mr. Saylor: No - they own this one - this is under private ownership and this is under private ownership (wall map) and the rest of this is under private ownership.

The General Plan does call for for a special activity area in this general area and I think this pretty well fits that type of a situation. The Hospital is there. There is a substantial history as to how it came about but, nevertheless, it is there and the question before you now is whether or not it should expand, and whenever that happens you always reach a point wherein the expanding use runs up against the existing use which, in this case, is single family home development.

The Hospital first of all was allowed as a 1-story Convalescent Home; subsequently changed to a Hospital. There was a Plot Plan Change allowed which I think permitted the 3-story building. I don't believe that any of this group here was on the Commission at the time that was done. It was done without notification to the property owners. We brought it to the attention of the Commission - the Commission met with _____ at that time and it was suggested they might wish a Public Hearing, but they did not. As I say, it was done without notice to the property owners.

They are now asking for it all to be zoned Commercial and I think, in essence, that only reflects one real action - as I say -

recognizing that as it is, it does not propose to change the pattern here (wall map) - or here - or here - or here. Other than that, the big ramification is the proposed 3-story addition to the Hospital at this location, immediately abutting - and when I say "immediately, I think it is within 20 ft. - the rear property line of this property which is occupied by a single family residence. This property owner did protest, as did this property owner. By that, I mean they were both at the meeting and spoke against it. Additionally, a Petition of Protest was submitted as shown by the red dots on this map (wall map). As you can see, some of them are a block away, down on Pinto - a block to the north on Rose and on Shadow. I would like, again, to point out the two lots they were talking about that immediately abut - this one and this one (wall map).

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

1. Conformance to the Plot Plan on file in the Department of Community Planning and Development.
2. The westerly portion of Parcel III shall be used for off-street parking.
3. A Masonry wall along the south side of the property at 641 Kingsbury Lane shall be provided, as required by the Department of Community Planning & Development.
4. No access or signs shall be allowed along the Rose Street, Kingsbury Lane and Pinto Lane frontages.
5. The approved Variance application relative to Parcel II shall be rescinded.
6. Wing walls shall be constructed on an angle to the west side of the proposed addition to obscure the view of the residential property at 641 Kingsbury Lane.
7. Mature, tall evergreens shall be installed along the westerly portion of the property that is generally located between the proposed addition and Kingsbury Lane, as required by the Department of Community Planning & Development. In addition, the existing landscaping on Parcel III shall be upgraded and a permanent underground sprinkler system shall be installed, as required by the Department of Community Planning & Development.
8. This approval for the proposed addition to the Hospital on the south side of the building shall constitute Plot Plan approval under Z-53-65.
9. 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 systems shall be cause for revocation of a Business License.
10. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
11. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
12. Conformance to Code requirements and Design Standards of City departments.

Mr. Saylor: One of the conditions attempts to buffer the effect of the 3-story building against that abutting property owner - the one further to the north. It requires that "Mature, tall evergreens shall be installed along the westerly portion" and that "Wing walls shall be constructed on an angle to the west side of the proposed addition to obscure the view of the residential property at 641 Kingsbury Lane."

The Petition of Protest submitted, as far as we can tell, represents some 30 signators - I counted the dots and came up with about 26 property owners in this area (wall map) that have petitioned in protest.

Mayor Briare: Is there anyone in the audience who would like to be heard at this time?

Attorney George Rudiak: Mr. Mayor and members of the Commission, I am George Rudiak, 302 East Carson. I'm an Attorney at Law and I'm the Attorney for Valley Hospital.

Mr. Saylor made a very able presentation of the condition of the general area and the condition of the present application, and I don't intend to go on at great length. There are two points I would like to clarify though. He spoke about some irregularities that existed in the original zoning of the property. I would like to point out to you that this occurred before the present ownership took the Hospital over. We had nothing to do with the original zoning. We took it already zoned C-1. At that time it was a Convalescent Home and we converted it into an acute care Hospital which is, I think, one of the finest Hospitals in the area. So I don't think we should be saddled with whatever deficiencies there may have been initially in connection with the zoning.

It, in fact, is C-1 - the area where the principal building rests, is C-1 at the present time. Now, speaking of expansion. This really is not an expansion. This is really an upgrading of the existing facilities. As all of you gentlemen know, the number of beds that a Hospital may maintain, is governed by a State Agency, called the State Comprehensive Health Planning Council. There is also a State Health Facilities Bureau that actually issues the License.

We are licensed for 269 beds. However, some of these beds are in 3-bed wards and it is our desire - in fact, it has been suggested to us by the State Health Facilities Bureau that we do this - that we should convert the 3-bed wards into 2-bed wards. We can't do that in the present building. I will require an additional building.

Besides that we want to expand and we want to improve our ICU, our CCU, our Recovery Rooms and some of the other central Hospital facility. Some of these facilities are now located on the 3rd floor of the existing building. The Doctors tell us that, in proper course, they should be located near the Ambulance Entrance - near the Emergency Entrance and the Operating Rooms. So, in consequence of these factors, we have decided to go to the expense of the Three and a Half Million Dollar expansion - if you want to call it that. It is an expansion in the sense that a new building will be constructed upon the area which is designated as C-1 in our application.

However, it really is not an expansion, in the sense that we are not expanding the number of beds. That is the point that I wanted to make.

I will perhaps withhold my further comments until protests are heard.

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

Commissioner Leavitt: Mr. Mayor, I wonder if before we hear from the opposition, could I ask Mr. Saylor a question? I am a little confused about one thing. Everybody is talking about Commercial Zoning here. In order to have a Hospital or a Medical Facility does it have to be zoned Commercial? Is there any separate classification in our Code for a Hospital?

Mr. Saylor: Yes and no, Commissioner - to this extent - if you have "x" number of beds per acre it can go in residential zoning.

Commissioner Leavitt: What I'm concerned about is - in the event they decided not to have a Hospital there any more - could they use it for any purpose they wanted if it was zoned C-1?

Mr. Saylor: Not as long as it is tied into this development plan - no. From a practical viewpoint, obviously if there was some reason the Hospital use ceased on the property - somebody came in and converted it to some other type of Commercial use, it would have to be a logical use -

Commissioner Leavitt: Suppose somebody wanted to put a department store there?

Mr. Saylor: They would have to come back and get permission from this Board.

Commissioner Leavitt: The zoning wouldn't allow them to just do it?

Mr. Saylor: The zoning is tied into this development plan -

Commissioner Leavitt: I know - but what I can't understand is - this is zoned Commercial, so they can put anything in there they want to, can't they?

Mr. Saylor: No, because the approval of the zoning ties it into a specific development plan for that use.

Commissioner Leavitt: Suppose that development plan and that use is already in existence and the property is sold to somebody else - would they have to come back?

Mr. Saylor: They would have to come back to you to get an approved use on it -

Commissioner Leavitt: Is it a zoning or a Use Permit - that's what I don't understand -

Mr. Saylor: It's not a Use Permit. Most of our zoning actions, Commissioner - when a rezoning is zone, it is done on tying it in to a particular use and a particular development plan, which means if that use ceases, then in order to use it for something else, they will have to come back before you to get permission to do so.

Commissioner Christensen: Isn't that usually under a Plot Plan Review?

Mr. Saylor: Usually it comes in under a Plot Plan Review, or sometimes we call it a Use Review. It is not a Use Permit action like the County has it.

Commissioner Lurie: That little red area you have there (wall map) what does that red area designate?

Mr. Saylor: This is the addition - this indicates a future addition, which at this point in time is not firm in terms of any plans or anything else, but it is indicated as a future building area -

Commissioner Lurie: This is about the same size as that other building - couldn't that be moved up and put in that area?

Mr. Saylor: That is a logical question. It was answered at the Planning Commission meeting - due to the relationship of the proposed use of this addition to the facilities in this immediate area, the only practical place to put this is directly in connection here, as opposed to up here (wall map).

Commissioner Leavitt: Because of the ambulance and emergency uses?

Mr. Saylor: Right - it is all tied into the intensive care facility.

Melvin Lowell: Mr. Mayor and Commissioners, I am Melvin Lowell and I live in the house that is going to be surrounded on two sides - right at the end of the cul-de-sac there. I think in addition to what Mr. Saylor has said about the protests, there were two letters filed by people who live over on Rose, which is just across the street from the proposed C-1. We have also filed a letter with your secretary -

of which you should have a copy - a protest letter asking for a buffer zone by all surrounding property owners. By that I mean - let me back up here - if Mr. Saylor would, because I'm going to refer to it, explain to the Commissioners that there is Parcel I, Parcel LL and Parcel III in this rezoning matter. If you would explain that to them it would make it much simpler for me.

Mr. Saylor: This is Parcel III (wall map) - Parcel I and this is Parcel II.

Mr. Lowell: OK - I might just touch briefly on the history and what happened in this particular area. Originally we were to get a Convalescent Home of a 1-story nature. That never did materialize. The owners came back to a previous Commission and asked for a zone change to go to three stories. There was a lot of protest, and the agreement was that this building would be 3 stories in nature and would be something like 50 ft. back from adjoining properties - surrounded by parking, shrubs, etc., and a block wall.

This building was built and the Convalescent Center operated for about a year. The next letter that I got was to inform me that Valley Hospital was going to build a surgical wing within 5 ft. of my property. Now this relates to what Commissioner Leavitt was asking - can this be used for something else. We found that it can be. All these promises we were given when the building went up three stories originally - the setback and all that had nothing to do with the new owners, which happened to be Valley Hospital, and they extended their building within 5 ft. catty-cornered.

In December of 1971, Teagarden, who owned Parcel II, sold it to Valley Hospital, came in and asked for that to be rezoned - part of it to be rezoned to C-1, for the purpose of placing an oxygen storage and parking there. We had a lot of protestors here and it was mutually agreed that it could be accomplished under a Variance and we wouldn't have the situation tomorrow morning of somebody wanting to put up a high building there.

Now we're back faced with - directly with a 3-story building, 20 ft. behind my fence, which will virtually cut the sunlight out of my east windows. Consequently I got a copy of this zoning regulation and I've done considerable study into it and from what I gather from it, the intent of the whole thing, is to try to have a peaceful coexistence - and this is where the buffer zone came about.

The letters from the immediate property owners, of which there are some 6 or 7 who signed this letter - is a proposal that if they rezone what is known as Parcel I on Shadow - we do not object to that. That is across the street from the Health Center - it's 150 ft. from my back property line. We are asking that this be the only property allowed to be zoned C-1, and that the property now used for the parking, with this fence around it, be used as a buffer zone rather than allowed as C-1.

Parcel III, when we were at the Planning Commission meeting, the Hospital spokesman said they had no immediate plans to do anything different with it than what it is now. It is now parking and has a storage building and also the old house is being used as offices. Therefore, we are also protesting any change in this, because this means that we do not have the opportunity to come in and say - when they come in and say - we want to go three stories on that - we don't have the opportunity to come in and say - no, we don't want three stories on it.

As Mr. Saylor said - how this Hospital came about - it was our thinking when the property owners around there said - OK - fine - let's have a Variance and let's have some parking. We realize you've got a Hospital there and it would be foolish of us not to let you have parking, and that's how we agreed to let them have the Variance. As I have just mentioned, our protest is that this will put C-1 directly abutting R-1, and I've been through several meetings over the years concerning this and it has generally been said about some

kind of a buffer zone between R-1.

What I'm faced with is a 3-story, 24-hour business directly behind my fence. Even though the Hospital is there - we all know it - we would like to have some sort of a buffer. As for what has been offered - evergreens - I would have to say my daughter who is now ten years old would probably be out of college before evergreens get as tall as a 3-story building.

Our main objection, as I say, is that this is going to abut - cut out all the sunlight - it will be just like we're down in a canyon. I might bring up another fact that I think all of you are aware of, and that is Southern Nevada Hospital. I think all of you have seen the property adjacent to the rear of that. Any home that was at the back of this, it has definitely put a financial blight on that property. In my opinion, had there been a buffer zone, such as we are proposing, west there, it wouldn't have been the mess that it is right now.

Mayor Briare: I think some appraisers would differ in opinion on that Hospital property, because I can recall many years ago - perhaps Commissioner Leavitt might recall also - that for many years the people who have those homes there have known that they are going to sell their properties to the Hospital . . .

Mr. Lowell: I realize that, Mayor, I talked to one of them - he has probably lived there ten years - he lived in the house after the Hospital was built for several years - all that happened was that the appraisers came in and raised the price and he paid the taxes, but nothing else happened. He just got to pay more taxes on his home and the home is still standing over there. No one has purchased it. And when I asked Planning the possibility of my home going P-R, they said that would have to be reconsidered - that they doubted it because I was on a cul-de-sac and it was doubted if they could allow anything of that nature there.

Mayor Briare: Has the Hospital ever approached you about buying your property?

Mr. Lowell: I run across one of the guys on the street occasionally and he has asked me, but I find out he has asked everybody around the neighborhood . . . it's my opinion if this C-1 goes through, they won't need it.

Mayor Briare: Mr. Saylor, how much space is there between the proposed building and this gentleman's backyard fence?

Mr. Saylor: 20 ft.

Mayor Briare: Is there anyone else wanting to make any comments?

Charles Painter, 1921 Pinto Lane: I didn't sign a protest because I was out of town. I have lived there for 15 years and have about a \$90,000.00 home there. We were promised a 1-story building there but we got a 30-story building. We actually have a 4-story building - we have a 3-story building but the roof has about a 20 ft. high airconditioning unit, or whatever they put on top of the building. It is really more than three stories.

I think they were very fortunate to get the Variance to have parking to the north of their Hospital - their C-1 area now. They applied for C-1 and a former Board turned them down on it because the former Board were very lenient in giving them a 3-story rather than a 2-story building.

I feel that they've got lots of land there. It may cost them a few more bucks to build in a different location, on land they already own - they don't have to put it right there next to this man's backyard and looking into my backyard and several backyards.

Also, Mr. Lowell is only requesting a buffer zone - I'd like to ask Mr. Saylor what the dimensions of the proposed building are, that they plan to build at this time -

Mr. Rudiak: That is about 300 ft. from Shadow to the block wall - I don't believe this building is more than 100 ft. in width.

Mr. Painter: So that leaves 200 ft.. Why can't they place the building on Shadow where it belongs?

Mr. Rudiak: The problem is that the selection of this site was actually made by the Medical Staff of Valley Hospital, not by the management, and they did this for functional reasons. We have an Emergency Room, we have next to the Emergency Room an X-Ray Room; we have next to the X-Ray area an Operating Room; we have a Recovery Room next to that, which is too small for the needs of the Hospital, and we must have a new ICU located in the immediate proximity to the Operating Room and to the Recovery Room. The reason for this is obvious, I think, because some pretty sick people sometimes go from the ICU into the Recovery Room - or rather from the Operating Room to the ICU and into the Recovery Room. So this is a functional matter that is really beyond our control. We must have all these facilities in one area.

If I may step up to this Plat here for just a moment, I would like to point out to you just what I mean. This is the existing building (wall map) - the ambulance entrance is over here - the emergency area is over here - the X-Ray area is over here and the present Recovery Room is over here. Now, in this new addition, on the ground floor, we plan to locate right next to the operating area; right next to the existing Recovery Room, right next to Central Supply, will be located ICU and the Critical Care Unit. There will be other areas but, basically, that's the problem.

If we did what was suggested and moved the building forward we would wind up in a situation with the ICU and the CCU next to our kitchen and next to our cafeteria. It has no functional relationship with the medical needs of the Hospital. That has to be the prime concern. We have reserved this area (wall map) next to Shadow Lane for some future development.

As I pointed out to you gentlemen before, we are limited by State Law, by State regulatory agencies, as to the extent of our expansion. We are licensed for only 269 beds. The new addition will give us the full compliment of 269 beds on an upgraded basis. We hope that some day down the road - maybe five years from now - maybe ten years from now - we will get permission when the town has grown and the need is greater, to put in additional beds. That is way we have allocated that space next to Shadow Lane as a place where another highrise will go sometime in the future. But we're talking here about something five or ten years down the road. Not anything immediate.

Mr. Painter: Mr. Rudiak has pointed out that this is a function thing. This distance from here to here (wall map) is very short. I just came back from the Mayo Clinic back there in Rochester, Minnesota - they go underneath the street to their adjoining building. They have people go from the Clinic in wheelchairs to the Hospital and various other medical buildings underneath the street, which is a far greater distance . . . it isn't that far of a deal - this is where that new addition should be built rather than back in here, where they have plenty of parking - but they're asking for ten or twenty years down the line for the zoning on this, which you shouldn't even begin to consider.

I say that this man here - and all of us - with a 3-story building, which will wind up as a 3-1/2-story building - it will block that whole area there - look down into our yards -

Mayor Briare: Would you point out, roughly, where your home is?

Mr. Painter: On the corner right here (wall map) -

Mayor Briare: You're talking more about his property than about your property -

Mr. Painter: I'm talking about his (Mr. Lowell's) and mine too - but mainly his because he's got to live there 24-hours with the noise and he should fight for a buffer - maybe Ten or Twenty Thousand Dollars for a hallway wouldn't be out of line.

Mayor Briare: Do you know, Mr. Rudiak, if your Designers have

given consideration to the possibility of an area not exactly . . .

Mr. Rudiak: We really have no other place to go, Mr. Mayor. We have had the decision of the Medical Staff and we have a firm of Architects out of Los Angeles which is designing the building and this is their recommendation. Now, if Mr. Reisling was here today, who is a local man - Mr. Trent, who is another of the partners - myself - I am one of the partners in this - Mr. Schwartz, who is also another local resident - are not multi-millionaires. We don't have the type of money that Mayo has. Perhaps Mayo can afford to have underground hallways and conveyor systems - I don't know. But we have a limited amount of money that we can get from the Banks and what we can get is what is required for this particular facility. It is the only feasible way to do it.

Mr. Lowell: Mr. Rudiak has brought up a considerable - it all concerns money. This business, which is a business, a private business - it is not a public entity - it is not a charity - it's not nothing else - it's a private business that wishes to expand and the surrounding property owners feel that their expansion, to make more money is a blight upon our residential properties. And all that we're asking for is that these buildings be set back far enough so that we can have some sort of a buffer zone between their business and our properties and so that we can maintain our dignity as an R-1 residential property. That's the whole nutshell - the whole business.

Mayor Briare: Did you indicate previously what you would consider to be a fair buffer zone?

Mr. Lowell: What we consider to be a fair buffer zone is 150 ft. behind us to remain in parking lot, as it is now. We have no problem with that - we didn't like the way it came about, but this was a compromise at that time.

Mayor Briare: Is there anyone else who has something to add?

Commissioner Christensen: I have one question: Mr. Saylor, didn't we hear something on this once before? Was that the time they got the parking lot. It stirs something in my memory . . .

Mr. Saylor: There have been two or three actions, I think - the most recent concerned the Variance to utilize this piece of land here (wall map) - parking here and ambulance - temporary quarters for ambulance attendants and utilization of a building for offices plus, I think, the erection of a storage building.

That was based upon a wall being built along here (wall map) and here. This street used to come in like this - it was vacated and a cul-de-sac has been put in - there is landscaping in here, some of which will have to be replaced -

Mr. Painter: If I may point out, what has gone before and what is trying to be done now - they buy up this property right here (wall map) and then they come in for a parking lot, which they got. Once they got the parking lot, they want C-1 now. They don't need it for many, many years - they don't need it for a parking lot right now - their other parking lot is only half full - they have lots of vacant area there. If they want to change their Hospital plan, they can change it over there. They've got two ways to go with their Hospital plans. They are in business to make money - we're in business to protect what we've got. I'm a retired City Fireman and we're not making the bucks they're making, or that Mr. Rudiak is making.

Mr. Rudiak: Mr. Mayor, may I respond? I didn't want to bring up the matter of money, but since the matter of money has been brought up, I think I must tell you in all candor what I think is behind it. I think this is an attempt by certain of our neighbors to force us to buy their homes at an exorbitant price. We have discussed the matter of price with Mr. Lowell and he wants almost twice as much as the home next door, which we bought and of which I have a picture of and will show you in just a moment.

Mayor Briare: That is pure speculation and we would appreciate it if you would confine your remarks to the zoning aspect of the matter.

Mr. Rudiak: Very well -

Mr. Lowell: I've never been approached and I don't plan on getting approached -

Mr. Rudiak: I didn't mention your name, Mr. Lowell -

Mr. Lowell: I know you didn't -

Mr. Rudiak: Well, I really don't want to talk about these matters - but as I say, the matter of money was brought up.

Let me point out to the Commission if I may, that the Hospital, I think, has done a great deal of good for that immediate neighborhood. You gentlemen who used to travel up and down Shadow Lane may remember the shanties that stood right next door to the County Hospital before we bought them up and tore them down and built a Medical Office Building there. Now we have the Medical Office Building in this area (wall map) and this area had nothing but shanties which were a disgrace to the community itself. And for Mr. Lowell's benefit and for the benefit of the neighbor across the way, we gave up a very sizeable chunk of our land here in order to make it possible to have this turn-around. We complied with all the regulations the Commission placed upon us - put in the decorative wall around here - all the way around here (wall map) - and the planting areas. I have photographs of all of this I would like to show you.

I think it might bring the matter into a little better perspective if I could show you a series of photographs that I had made just yesterday. May I explain these as they go along?

Commissioner Leavitt: Mr. Rudiak, I am looking at the photographs of Mr. Lowell's and the other man's home, and they certainly are not shanties.

Mr. Rudiak: No, they are not - I'm not speaking of them as such - they are very lovely homes - but I will also show you the home we bought for \$58,000.00 which was right next door to his and he's asking \$95,000.00 for his.

This is the area where the planned expansion is going to go - this is looking east from the direction of the Health Department - this is the existing building where the Operating Rooms are and the Recovery Room. That is the warehouse in the background. This is Mr. Lowell's home behind the tree, here. This particular area is the office and storage area, which also was put up with the consent of the City authorities - because of the oxygen storage it had to be away from the main building, and is so located. This is where we are going to put the building, if you permit us - the oxygen storage area will have to be moved - further north in the direction of the other property that we own. Behind is Mr. Lowell's home.

Now, I sympathize with Mr. Lowell's statement that he will be within 20 ft. of a 3-story building. I understand that. At the Planning Commission meeting his main protest was not the close proximity to the building but that people in the 3-story building would be looking down into his yard. We then pointed out that the plans call for wing walls on a slanted angle so that the windows actually face in a northerly direction, away from his yard. And the Planning Commission recommended that be one of the conditions, which we are perfectly willing to live with. Similarly the Planning Commission recommended that we plant evergreens along this 6 ft. wall. Of course, as you gentlemen know, there is a limitation as to the height of fences. We can't build a wall any higher than 6 ft. under your Ordinance, as I understand it. They recommended that evergreens be planted, which we are very willing to do. We will plant them,

initially, 8 ft. high - 2 ft. higher than the present wall and they will go, eventually to a height of perhaps 25 ft. It may take several years for that to occur, but this we are perfectly willing to do.

Next door - and I'm moving now in a northerly direction from Mr. Lowell's house, this is the house that we own, which we use as a residence and occasionally as a Board Room where meetings of the Board of Governors are held. You will notice the entrance is through this door to the rear. We come in from our own parking lot - we do not come in from Kingsbury on the other side. Here is a photograph of our house I was telling you about - the back yard - the swimming pool, etc. This is where Mr. Schwartz lives and this is where the Board meetings are held.

Now, going back to the parking lot and looking northerly, this faces the Pinto house that we own, which is occupied at the present time by our Comptroller and his family. It is not included in the present rezoning application.

Here is the 20 ft. area in question - I'm not sure that measures a full 20 ft - this is the rear wall behind Mr. Lowell's house and this is the other side of that Oxygen storage area. I believe that new building will go somewhat forward - perhaps at this point rather than at this point. I can't tell you for certain.

Again, looking at the place where the new building will go - this is the Oxygen storage building and that's where the new building will go - next to the existing Operating Room area -

Commissioner Leavitt: How high is that Oxygen storage building?

Mr. Rudiak: One story. This is the Clark County District Health Center right across the street from us and this is the way the parking lot looks - it is full of cars at the present time and one of the reasons we applied for the C-1 Zoning for the other lot . . . if a portion of this (wall map) is to be used by the new addition, obviously we will need some new parking . . . our Master Plan shows our future expansion toward Shadow Lane - if we ever expand.

Here is another photograph - this is from Pinto Lane and Shadow which shows the parking area and shows the nice plantings we have all around the parking area. Here we go to Pinto - this is the other house that we own, the one occupied by our Comptroller. Here, next door, is Mr. Green's house. Mr. Green was one of the protestors. He really is not directly affected. The only one really affected, I believe, is Mr. Lowell. I have to say in all candor that Mr. Lowell is somewhat affected by our plans here.

Here is the Kingsbury side . . . this is Mr. Lowell's house - you will note that he is already next door to the warehouse, which we built with the permission of the Commission. Here in the corner is part of the decorative wall that we put in, and that cul-de-sac, that we dedicated to the City. Here is another portion of that cul-de-sac and you will see that it has the plantings as was required by the City's direction -

Mayor Briare: Is that warehouse a 1-story or 2-story building?

Mr. Rudiak: I would say about 1-1/2 stories - it's a low building. Now, going around to the other side of the Hospital - this is the Ambulance Entrance which is on the other side of the existing building. You will see in the background the Comptroller's office - the warehouse and the decorative wall. To finish out the entire story, looking at that area from the Parking Lot.

That, in general, represents the Hospital. I want to say to you that I think we have been good neighbors - I think we have improved values in the neighborhood - I don't think we have deteriorated the values. There is only one person, as I see it, who actually is directly affected at all by this application, and that is Mr. Lowell. The question then arises, in spite of whatever consequence there might be to Mr. Lowell, of whether the City would want to stand in the way of progress. We are an institution that seeks to preserve the health of the community. We're trying to better these facilities in accordance with directives from State Agencies, and this is the only way we can do it. We have no other way to go. Thank you very much.

Mr. Painter: I beg to differ with Mr. Rudiak - I am within 300 ft. of what they propose here and I'm sure it is not going to enhance my pocketbook any and the scenery isn't going to help any at all. He has showed you a lot of nice pictures there. It is true they have landscaped well and it looks good. Very good. He talked about the shanties they bought up, which they bought up - but if they didn't buy them up, somebody else would have. They will only little 20 x 30 shanties, thirty or fourth years old - anybody would like to buy up that property and tear those down, that were worthless, and build a nice home on it. The Hospital did us no great favor there.

Another thing - he wants this (wall map) zoned C-1. They have no immediate use for it - he says they are going to need it for parking once they get this approved. This little house here and this one here (wall map) are eyesores - I don't know why pictures always make things look better. This one and a half story storage house is an eyesore - it's a big block building - it does nothing for the neighborhood at all. The landscaping helped the neighborhood - they shouldn't have this C-1 in here - there should be a buffer zone - they have plenty of room to build their building along the front of Shadow. Thank you.

Mayor Briare: Any comments by the Commissioners?

Commissioner Christensen: This poses a very interesting problem: I don't think there is anything as temporary as a permanent situation, such as a buffer zone, and I don't think there is anything as permanent as a temporary situation, such as temporary storage, etc. I think you have to look at this situation as to how far it is going to go into the neighborhood, and when, because there's no question in my mind but what a residential neighborhood in this community has to give way, eventually - it's a question of timing. If a residential neighborhood never gave way, there would still be a residential neighborhood at Third and Fremont. However, they did give way and they've done it all over the community, but it's a question of timing.

Under the circumstances you can only base this on some of the things that have happened in the past, and I recall an action that was taken by this Board not too long ago on a parking lot, etc., and it sticks in my mind that the sales pitch given then was that was all they needed - the parking lot - and this wasn't going to encroach on peoples' homes by looking down into their yards, etc. So, it's a question of whether it's time to move this yet and I would have to think that it isn't. Therefore I move to deny the application.

M o t i o n

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

Mayor Briare: The motion is approved and the application is denied.

PERMISSION TO INITIATE ASSESSMENT DISTRICT PROCEEDINGS BY SENDING OUT A QUESTIONNAIRE TO ALL PROPERTY OWNERS.

Mayor Briare: Is this a procedural matter - to send out a questionnaire form first?

Mr. Saylor: That's right - this is preliminary.

Mayor Briare: Are you seeking for permission to circulate the questionnaires?

Mr. Saylor: Essentially - yes. It is not a formal act to approve anything - simply to instruct us to go ahead and find out what the acceptance would be.

Mayor Briare: I think we are all aware of the Project unless the Commissioners have any questions.

Commissioner Lurie: I move that permission to granted to proceed.

Commissioner Leavitt: How far will this go down?

Mr. Saylor: This is 10th Street (wall map) - 9th Street - this is just 100 ft. north of Stewart and 100 ft. south of Bridger and 100 ft. west of Main Street.

M o t i o n

DOWNTOWN
STREETLIGHTING
(continued)

Mr. Hampton: In lieu of the normal procedure in which we send out the letter, it has been suggested that we hold an informational hearing, but it doesn't have to be before this Board. We can conduct that ourselves and we would like your endorsement of this idea as well.

Mayor Briare: I think we ought to expedite this as best we can, too. If there are no objections - proceed.

SIGNS -
AESTHETIC
REQUIREMENTS
Referred

REQUEST OF THE BEAUTIFICATION COMMITTEE RELATIVE TO CERTAIN AESTHETIC REQUIREMENTS IN CONNECTION WITH SIGNS

Mayor Briare: Is there anyone here from the Beautification Committee?

(No response)

Mayor Briare: Mr. Adams, would you please provide us with some back-up on this and bring it back to our next meeting?

STATE-OWNED
LAND

REQUEST AUTHORIZATION TO PROCEED TO OBTAIN LONG-TERM, DOLLAR-A-YEAR LEASE FOR A 2-1/2 ACRE PARCEL OF STATE OWNED LAND LOCATED ON THE SE CORNER OF ST. LOUIS AVENUE AND ATLANTIC

Mr. Saylor: We have had a request from Commissioner Leavitt for the possibility of acquiring State-owned property at St. Louis and Atlantic. We've made the original, or the preliminary, investigation with the State Agency. They have indicated there is a pretty good likelihood that it could, and would, be made available to the City on a long term Lease at \$1.00 a year, without any onus or obligation of involving any other property.

It is on your agenda to determine if the City does want to go ahead with it, it must be done on a formal basis from here on out between the City and the State Agency.

Mayor Briare: How long is "long term"?

Mr. Saylor: The details of that have not been gone into -

Mayor Briare: What can you do with it if it's just leased land?

Mr. Saylor: For instance - if it's a 99-year Lease, for all practical purposes, that is ownership. When we were willing to make land available to them in Squires Park to build their building, that was on the basis of a long term Lease.

Commissioner Christensen: What is the purpose of acquiring the land?

Commissioner Leavitt: It was my request that it could be a possible site for a future Police Substation.

Mayor Briare: There's no obligation?

Mr. Saylor: I'm here to find out if you want to proceed formally at this point in time and make the request of the State -

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.

NATURE PARK
Report

Mr. Saylor: The next item is merely a status report. Last weekend we conducted another clean-up project in Nature Park. We had several hundred very avid, industrious Cub Scouts and a multitude of parents out there picking up trash 0 bottles - cans. We got three of those large dumps full, plus there are several other piles that were hauled away. We still don't have the thing cleaned up. We propose to conduct several more projects through citizen participation and that sort of thing.

STAGECOACH
DEPOT No. 2
Tentative Map
Approved

I have had a request from a Commissioner to walk on an item - the Tentative Map of Stagecoach Depot No. 2. The property is located out on the south side of Craig Road - east of the Tonopah Highway - it is quite a ways out. This is the layout (wall map) - approximately 60 acres with 100 lots. The street plan is acceptable. The Planning

Commission has recommended approval subject to the normal conditions, plus the installation of a block wall and restriction of access to Craig Road, which will be a primary major street.

I believe there is some urgency in getting approval . . .

M o t i o n

Commissioner Woofter: I would so 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.

BOARDS AND
COMMISSIONS -
VACANCIES

DISTRICT HEALTH DEPARTMENT - MERIT REVIEW BOARD

Appointment of one (1) member as City's representative to replace R. N. Beatty

PLANNING COMMISSION - 4-YEAR TERM

Mrs. Clark Coleman - Term expires 7/17/76

Mayor Briare: I would ask the Board's concurrence on the reappointment of Mrs. Clark Coleman for a 4-year term on the Planning Commission. There being no objections, Mrs. Coleman is reappointed for a 4-year term commencing July 18, 1976.

GOLF BOARD - 5-YEAR TERM

Sid Levy - Term expires 7/7/76

Mayor Briare: Does anyone want to make a proposal for the Golf Board?

Commissioner Lurie: I have a comment - I don't believe Sid Levy's term has expired - he was just appointed in 1973. That would mean his term wouldn't be up until 1978.

Mayor Briare: Mr. Adams, do you know anything about that?

Commissioner Lurie: And the one other person who is leaving - Ralph Leigon is leaving the City so a replacement should be named for him.

Commissioner Woofter: I do have a nomination for His Honor to consider. His name is Jack Clark. He has just retired and he and his wife have been very active in the community in different organizations - he has retired from the Gaming industry and has been active in Veterans organizations .

Mayor Briare: Are there any other nominations?

Commissioner Lurie: I would just like to mention that Ralph Leigon is leaving the City to take a position in Washington and the Commission should send him a letter thanking him for his efforts and dedication to the work while he has served on the Golf Board.

Mayor Briare: Mr. Adams, would you make the necessary arrangements for that?

Commissioner Christensen: As I understand it Sid Levy was appointed to fill an unexpired term -

Mayor Briare: At Commissioner Woofter's proposal, I shall appoint Jack Clark to fill the vacancy to fill the unexpired term of Ralph Leigon.

Mr. Adams: Mr. Levy is the one who replaced Mr. Bradshaw whose term would have run until 7/7/76.

Commissioner Lurie: That information did not appear on what I have. I would propose that he be reappointed for a full term.

Mayor Briare: If there are no objections, I will then appoint Sid Levy for a full term, effective July 8, 1976.

BOARDS &
COMMISSIONS -
VACANCIES
(continued)

Mayor Briare: Mr. Adams, do you have any data on this District Health Department Merit Review Board?

Mr. Adams: The City is asked to furnish an individual for that Board and it must be one who is not an employee of the City or who is not an elected official of the City. The Board actually sits in review of any personnel problems that occur in the Health District much in the same manner that our Civil Service Board acts. Apparently there has been no objection to Mr. Beatty's participation, in case you have been wondering.

Mayor Briare: Does this Board have any recommendations?

(No response)

Mayor Briare: We'll hold it until somebody comes forth with a recommendation. Mr. Adams, will you circulate among the Commissioners a comment or two about this?

Mayor Briare: I would like to have the Board at this particular time direct its attention to the various Ordinances, both New and Pending. Then we will get back to some additional business from the City Attorney's office. Mr. Lovell, would you present the new Bills?

BILL No. 76-42
1st Reading
& Referred

Mr. Lovell: Bill No. 76-42 has to do with the Annexation of adjoining property to the City of Las Vegas. You may either have it read or refer it to a Study Committee.

A Bill entitled: BILL No. 76042 - ORDINANCE No. _____ AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX AND TO MAKE A PART OF SAID CITY, CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES AND REGULATIONS IN FORCE IN SAID CITY; ORDERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO" was read by Title by the City Attorney, who recommended that the Clerk be authorized to proceed with the 1st publication, by Title, of said Bill No. 76-42. (1st Reading)

Mayor Briare appointed Commissioners Lurie and Christensen as the Recommending Committee on Bill No. 76-42.

Mr. Johnson: My name is Charlie Johnson of VT Nevada, and we are the ones who processed this application. I just wanted it known for the record that we would be available for any information that the Recommending Committee might need.

Mayor Briare: Thank you very much - Commissioner Lurie as Chairman of this Committee will make note of that.

BILL No, 76-41
1st Reading
& Referred

Mr. Lovell: Bill No. 76-41 is a proposed Ordinance to allow the projection of a fireplace or a chimney into the required setback for yard areas.

A Bill entitled: "BILL No. 76-41 - ORDINANCE No. _____ - AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 6 (D) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING THERETO A NEW SUBSECTION 6 TO ALLOW THE PROJECTION OF A FIREPLACE OR CHIMNEY INTO THE REQUIRED SETBACK FOR YARD AREA; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the City Attorney, who recommended that the Clerk be authorized to proceed with the first publication, by Title, of said Bill No. 76-41. (1st Reading)

Mayor Briare appointed Commissioners Woofter and Leavitt as the Committee for Recommendation on Bill No. 76-41.

BILL No. 76-43
1st Reading
& Referred

Mr. Lovell: This is a proposed Ordinance providing for the deletion from the existing Ordinance concerning Traffic Control and adopting a new Traffic Control Manual of this year's edition, to make sure this particular Manual is updated.

Mayor Briare: Please read it by Title.

A Bill entitled: BILL No. 76-43 - ORDINANCE No. _____ -
AN ORDINANCE TO AMEND TITLE X, CHAPTER 30 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY DELETING THEREFROM ANY AND ALL REFERENCE PERTAINING TO THE TRAFFIC BARRICADING AND CONTROL DEVICES MANUAL, CITY OF LAS VEGAS, NEVADA, PUBLIC WORKS DEPARTMENT, 1972, AND ADOPTING BY REFERENCE THE NEVADA TRAFFIC CONTROL MANUAL, 1976 EDITION AND AMENDING SECTION 2 OF CHAPTER 30 OF TITLE X ENTITLED 'COPIES FURNISHED' BY DELETING THEREFROM ANY CHARGE FOR A COPY OF THE NEVADA TRAFFIC CONTROL MANUAL; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the City Attorney, who recommended that the Clerk be authorized to proceed with the first publication, by Title, of said Bill No. 76-43. (1st reading)

Mayor Briare appointed Commissioner Christensen and Mayor Briare as the Committee for Recommendation on Bill No. 76-43.

BILL No. 76-44
1st Reading
& Referral

A Bill entitled: BILL No. 76-44 - ORDINANCE No. _____ -
AN ORDINANCE AUTHORIZING THE ISSUANCE OF INTERIM WARRANTS FOR LAS VEGAS, NEVADA SPECIAL ASSESSMENT DISTRICT No. 417, PRESCRIBING THE FORM OF SAID WARRANTS; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL THEREOF AND INTEREST THEREON AND PRESCRIBING DETAILS IN CONNECTION THEREWITH" was read by title by the City Attorney, who recommended that the Clerk be authorized to proceed with the first publication, by title, of said Bill No. 76-44. (1st Reading)

Mayor Briare appointed Commissionerw Woofter and Christensen as the Committee for Recommendation on Bill No. 76-44.

BILL No. 76-32
Abeyance

BILL No. 76-32 - ORDINANCE No. _____ - AMENDING TITLE V, CHAPTER 29, SEC. 27 - PROHIBITING MASSAGE BY A PERSON OF THE OPPOSITE SEX
Committee: Commissioner Leavitt and Lurie

Published by Title 5/6/76

L.V. REVIEW-JOURNAL

Commissioner Leavitt: I am Chairman of the Recommending Committee on this Bill No. 76-32, I would recommend at this time that the Bill be read by Title and adopted.

A Bill entitled: "BILL No. 76-32 - ORDINANCE No. _____ -
AN ORDINANCE TO AMEND TITLE V, CHAPTER 29, SECTION 27 OF THE CITY CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION ENTITLED 'UNLAWFUL ACTIVITIES' BY ADDING THERETO A NEW SUBPARAGRAPH PROHIBITING MASSAGE BY PERSONS OF THE OPPOSITE SEX; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the City Attorney. (2nd Reading)

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

(No response)

Mayor Briare: Will the Clerk have the record reflect there was no one present to be heard on this matter. Any questions by members of the Commission?

Commissioner Woofter: Mr. Mayor - just a comment. I'm not going to vote for this, even though I know what the purpose of it is. I have been in too many communities, especially our neighbor to the north . . . I think it is infringing on certain rights insofar as the restrictions are concerned. For that reason I would have to vote "no".

Mayor Briare: Are there any other comments on this Bill?
The motion is to adopt.

Commissioner Christensen: How would this affect a Hospital?

Mr. Lovell: They are exempt, if given to a doctor's orders or a physical therapist, etc.

Commissioner Christensen: What if there were no doctor's orders? Anyone who has ever been in a hospital has had a nurse come in and massage his back at night. I don't think there are doctors orders on that, but they do it as a regular procedure, to prevent bedsores, etc. That's something that crossed my mind when Commissioner Woofter made his statement - that's massage by the opposite sex and that, to me, is a perfectly legitimate procedure. I've seen many patients in hospitals who weren't even in condition to request it, and yet it comes as a matter of course - all the nursing schools teach it -

Commissioner Lurie: If you would read the first part of the proposed Ordinance. It says: It shall be unlawful for any permittee or any employee of a massage establishment to touch or massage the genitals of a male or female client or customer or to touch or massage the female breast(s) or areolas". It defines it right in the Code what we are discussing here.

Commissioner Leavitt: Mr. Lovell, do you have a definition of what a masseur or masseuse is under the Ordinance?

Mr. Lovell: Yes, we do -

Commissioner Leavitt: I think Commissioner Christensen's concern would be excluded under this because we are only making it unlawful for a masseur or a masseuse -

Mr. Lovell: I don't have the definition with me -

Commissioner Leavitt: Do you recall what it is?

Mr. Lovell: Not right at the moment -

Commissioner Woofter: Let me ask you another question, Mr. Lovell - a legal question: In applying this to a Supreme Court decision as far as male barbers being able to a beautician, and vice versa - a beautician being able to cut a man's hair?

Mr. Lovell: Yes - that was a keen issue of the 1973 Legislature -

Commissioner Leavitt: The Ordinance, as amended, makes it unlawful for a masseur or a masseuse to do this. It doesn't say anything about barbers, it doesn't say anything about nurses, it doesn't say anything about husband and wife, it doesn't say anything else except someone who is a masseur or masseuse as defined in the Ordinance. Now maybe we ought to get the Ordinance and see just what that is so we'll know what we're talking about -

Commissioner Woofter: My train of thought - I'm asking - basic to those suits of a male barber not being able to treat a woman's hair and a woman beautician not being able to cut a man's hair - the discrimination factor. And here we have the same situation. In other words we are more or less not allowing a woman to massage a man and a man not allowed to massage a woman. I can see a relationship there.

Mr. Lovell: To answer both questions - the barbers and beauticians - the Ordinance excludes those particular professions, or trades, wherein it is governed through other State statutes and laws and barbers and beauticians would be included in that particular exemption. The State of Nevada presently has a law that states a barber can cut anybody's hair - a beautician can cut only women's and children's hair. That was the issue in the 1973 Legislature. Around the country there have been many cases on this. We researched this in our office thoroughly when this was going on - The Federal Courts and most of the State Courts can see no difference between the length of the hair, or the style, especially in today's society. There have been some cases in Maryland and, I believe, in Indiana or Illinois, where they

BILL No. 76-32
(continued)

have recognized the difference in the hair - the style, etc., could be significant to the degree they could require that distinction. But there seems to be eroding throughout the country that now, whom-ever you wish to go to, you can, except in Nevada it is statutory but, as I've said, they have never really been challenged in Court to the full extent. They have always been dismissed.

Commissioner Leavitt: Mr. Mayor, in view of the questions raised by Commissioner Woofter and Commissioner Christensen, and I would like to give the City Attorney maybe a little more time to research that aspect out, plus also I would like to know if we could - we might want to consider changing the definition of "Masseur" and "Masseuse" as it exists in our present Ordinance. I would like to have that at our next meeting.

M o t i o n
W i t h d r a w n

At this time I withdraw my motion for adoption and ask that this Ordinance be held until June 2nd for consideration at that time.

Mayor Briare: If there are no objections by the Commission, such will be the order.

BILL No. 76-26
Adopted
Ordinance
No. 1818

BILL No. 76-26 - ORDINANCE No. 1818 - TO PROHIBIT PERSONS WHO HAVE BEEN DENIED A BUSINESS LICENSE WHICH REQUIRES INVESTIGATION BY THE L.V. METRO POLICE DEPT. FROM REAPPLYING FOR THE SAME LICENSE FOR A PERIOD OF SIX (6) MONTHS FOLLOWING DENIAL

Committee: Commissioners Lurie and Leavitt

Published by Title 5/6/76 L.V. REVIEW-JOURNAL

(No response to
Mayor's call for
comments from the
audience)

A Bill entitled: BILL No. 76-26 - ORDINANCE No. 1818 - AN ORDINANCE TO AMEND TITLE V, CHAPTER 1 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING A NEW SECTION 32 TO PROHIBIT PERSONS WHO HAVE BEEN DENIED A BUSINESS LICENSE WHICH REQUIRES A POLICE INVESTIGATION BY THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT FROM REAPPLYING FOR THE SAME LICENSE FOR A PERIOD OF SIX (6) MONTHS FOLLOWING THE DENIAL; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the City Attorney. (2nd Reading)

Commissioner Lurie moved that Bill No. 76-26, Ordinance No. 1818 be adopted, and the Clerk authorized to proceed with the second publication, by Title, of said Bill No. 76-26, Ordinance No. 1818.

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

BILL No. 76-20
1st Reading
& Referred

A Bill entitled: "BILL No. 76-20, ORDINANCE No. _____ - AN ORDINANCE TO AMEND TITLE V, CHAPTER 27 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960 EDITION, BY REPEALING SECTIONS 1, 2 AND 3 AND ADDING THERETO NEW SECTIONS 1 THROUGH 4 PROVIDING FOR ADMINISTRATIVE PROCEDURES IN DISCIPLINARY HEARINGS BEFORE THE BOARD OF COMMISSIONERS AND PROVIDING OTHER MATTERS PERTAINING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the City Attorney, who recommended that it be referred to Committee and the Clerk authorized to proceed with the first publication, by Title, of said Bill No. 76-20. (1st Reading)

Mayor Briare appointed Commissioners Woofter and Lurie as the Committee for Recommendation on Bill No. 76-20.

BILL No. 76-23
1st Reading
& Referred

A Bill entitled: BILL No. 76-23 - ORDINANCE No. _____ - 3RD AMENDMENT - AN ORDINANCE TO AMEND TITLE V, CHAPTER 29 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, RELATING TO MASSAGE ESTABLISHMENTS, BY AMENDING SECTION 12 THEREOF TO PROVIDE THE PAYMENT OF LICENSE AND PERMIT FEES; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the City Attorney, who recommended that it be referred to Committee and that the Clerk the authorized to proceed with the 1st publication, by Title, of said Bill No. 76-23. (1st Reading)

Page 93
Minutes
Regular Meeting
City Commission
May 19, 1976

BILL No. 76-23
(continued)

Mayor Briare appointed Mayor Briare and Commissioner
Leavitt as the Committee for Recommendation on Bill No. 76-23

BILL No. 76-33
1st Reading
& Referred

A Bill entitled: "BILL No. 76-33 - ORDINANCE No. _____ - AN ORDINANCE TO AMEND TITLE V, CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960 EDITION, RELATING TO ESCORT BUREAUS, ESCORTS AND ESCORT BUREAU RUNNERS, BY AMENDING SECTION 8 THEREOF TO PROVIDE FOR THE FEE REQUIRED TO BE PAID FOR INVESTIGATION, BY AMENDING SECTION 12 THEREOF TO PROVIDE FOR THE PAYMENT OF LICENSE AND PERMIT FEES, AND BY AMENDING SECTION 21 THEREOF TO PROVIDE FOR LICENSE FEES FOR ADDITIONAL BRANCHES OR LOCATIONS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THERewith" was read by Title by the City Attorney, who recommended that it be referred to Committee and that the Clerk be authorized to proceed with the 1st publication, by Title, of said Bill No. 76-33. (1st Reading)

Mayor Briare appointed Mayor Briare and Commissioner
Leavitt as the Committee for Recommendation on
Bill No. 76-33.

BILL No. 76-13
1st Reading
& Referred

A Bill entitled: "BILL No. 76-13 - ORDINANCE No. _____ - AN ORDINANCE TO AMEND TITLE X, CHAPTER 17, SECTION 33, SUBSECTION (C) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960 EDITION, BY PROVIDING FOR IMMOBILIZATION OF VEHICLES ON CITY-OWNED OR CITY-LEASED PARKING LOTS: PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith" was read by Title by the City Attorney, who recommended that it be referred to Committee and the Clerk authorized to proceed with the 1st publication, by Title, of said Bill No. 76-13. (1st Reading)

Mayor Briare appointed Commissioners Lurie and Woofter
as the Committee for Recommendation on Bill No. 76-13.

Mayor Briare: Mr. Lovell, would you please bring on the matter of the Show Cause Hearings:

1. For: PLEASURE SEEKERS (Anthony L. Washington d/b/a/ Pleasure Seekers)
2. For: SUZY WONG (Betty Jane Langa d/b/a/ Suzy Wong's Escort Service)
3. For: SWINGING ESCORTS (Doubles Ltd. - Bonnie Sue Washington, Pres., d/b/a/ Swinging Escorts)
4. For: VELVET TOUCH (Howard Senor d/b/a Velvet Touch)
5. SULTAN'S PALACE MASSAGE (Baxter J. Boulet d/b/a/ Sultan's Palace)

Mr. Lovell: As the result of extensive study done by five Professors at the University of Nevada regarding the type and method of advertising of certain businesses in our community, the Study and analyses they gave us over a three and a half month period indicates that there are certain facts that should be presented to you in order for you to determine whether there could be some false advertising or deceptive trade practices or deceptive advertising on the part of certain businesses.

In accordance with the Administrative Procedures Act and the procedures for possible Show Cause Hearings for penalties, revocation or otherwise, we therefore would like to furnish you with copies of the Notice of Hearing and the basis upon which we would like you to consider whether the Velvet Touch Massage Parlor, the Sultan's Palace Massage Parlor, Doubles, Ltd., Pleasure Seekers Escorts and Suzy Wong Escort Service have violated both State statutes and City ordinances regarding false advertising or possible misleading and deceptive trade practices.

We would ask, pursuant to these ordinances, create a Committee - or

SHOW CAUSE
HEARINGS
(continued)

appoint a Committee - to study these and report them back at the next Commission meeting - whether you feel - or they feel - that the Show Cause Hearings should be held.

Mayor Briare: I will appoint a Committee consisting of the Mayor and the four City Commissioners. The Mayor will act as Chairman of that Committee and the Committee will meet at the call of the Chairman.

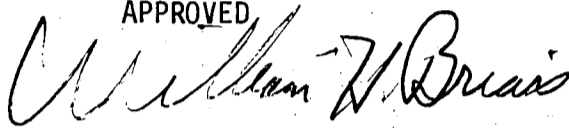
Mayor Briare: Is there anyone in the audience who wishes to address the Commission?

(No response)

9:45 P.M.

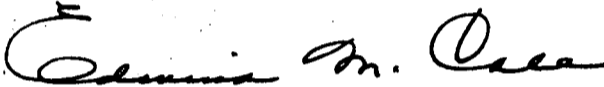
Mayor Briare: This Meeting is in recess.

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 16th day of June, 1976.