

MINUTES

Las Vegas, Nevada
June 15, 1976

A RECESSED REGULAR MEETING of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 15th day of June, 1976, was called to order by His Honor, Mayor William H. Briare at the hour of 4:00 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

*Arrived at approximately 4:10 P.M.

**Arrived at approximately 4:15 P.M.

STAFF PRESENT

City Manager	William E. Adams
Deputy City Attorney	Janson F. Stewart
Director, Department of Funds Coordination & Projects	Bruce Spaulding
City Clerk	Edwina M. Cole

CITY OF LAS VEGAS
vs. KINCAID

Mayor Briare: This is the recessed session of the Regular Meeting of June 2nd. The purpose of this, primarily, is to hear from the City Attorney's office relative to the case of the City of Las Vegas vs. Kincaid.

Deputy City Attorney, Jan Stewart: This goes back to last summer when Mr. Kincaid began the operation of a Church on the West Side. Our Building Department and Zoning Department received some complaints and he was notified that he couldn't operate the Church until he obtained a Use Permit.

Thereafter he applied for a Use Permit, which was denied by the Board of Zoning Adjustment. It was appealed to this Board, and it also turned down his application for a Use Permit to operate the Church in this neighborhood. It is on a kind of "elbow" street - because of the traffic problems and because of the noise bothering the residents.

Mr. Kincaid then elected to continue to operate the Church and we have brought three or four criminal actions in Municipal Court charging him with misdemeanor violations of our Code. There are a couple of these on which he has been found guilty, but not sentenced.

In the meantime - this wasn't working - he was still operating the Church, so we brought on an Injunction action in District Court to enjoin him from operating the Church.

Page 1
Minutes
Recessed
Regular Meeting
City Commission
June 15, 1976

In talking with Mr. Lovell (City Attorney) he was under the impression he had received instructions to bring this type of injunctive action in District Court. Apparently this was not done at a regular meeting because it can't be discovered in the minutes. Nevertheless we've got the injunctive action pending in District Court.

Mr. Stewart: What we need from this Board is direction to either discontinue, or continue the lawsuit and ratifying our action in seeking injunctive relief, because according to our Ordinance if we do bring this type of an injunctive proceeding - the violation of a zoning provision - we do need to have this Board's directive to proceed. Although I believe we did have it in the past it cannot be found spread on the minutes. Apparently it was granted outside of an official meeting of the Board.

Mayor Briare: I gather from your comments of this morning that this is to be heard tomorrow morning in District Court.

Mr. Stewart: I will have to bring you up to date: Since our meeting in District Court last Wednesday morning, Mr. Kincaid came in with the story that his sister had passed away and that he needed a continuance. He previously talked to the Judge and the Judge has now informed me there will be a continuance.

I am sorry to bring you this information at this late date but it came about after the meeting had been established. We still need the approval of the Board to proceed.

Mayor Briare: I would feel that under all of the circumstances I would certainly recommend to the Commission that we take action at a regular meeting. I would not want to be on record of having a special meeting to take this type of action under these circumstances.

I am at a little bit of a loss - and I would like to bring the question up at a regular meeting as opposed to a special meeting - as to why the Commission has to take action to implement a City Ordinance -

Commissioner Christensen: That bothers me also -

Mayor Briare: If there's a violation - there's a violation. If not, there is not.

Mr. Stewart: The Ordinance specifies we need the approval of the Board to bring this kind of an action.

Commissioner Christensen: Does it say you can't bring that kind of an action without specific authority of the Board?

Mr. Stewart: No - it is actually defined . . .

City Manager, William E. Adams: We can actually do everything up to the point of going to the Court and asking for an Injunction against an operation -

Commissioner Lurie: He is operating the Church illegally?

Mr. Stewart: Yes.

Commissioner Lurie: Then you have to take whatever action is necessary to take him into District Court and take whatever action is necessary to enforce our Ordinances.

Commissioner Christensen: That's what I thought were the instructions to the City Attorney's office which, to me, would include an Injunction, if necessary. I don't know the exact wording, but that was the intent.

If there is going to be a continuance, why don't we just put it on the agenda and take it up tomorrow?

Mayor Briare: You said it was continued to when?

Mr. Stewart: July 1st.

Mayor Briare: Commissioner Leavitt, do you recall the Kincaid Use Permit matter? It came before us at least twice, where the neighbors were all upset because certain services were being carried on at all hours. He seems to have had a continuing record of

complaints in the Building Department and Planning Department.

Commissioner Christensen: He first started his Church services there without a Use Permit - then he remodeled the building without a Building Permit. The neighbors were down here up-in-arms about it. They were pretty hot about it because part of his services includes trumpets and drums and the whole bit -

Mayor Briare: Because of a death in his family he has asked for a continuance - this happened after Mr. Stewart contacted each of you relative to this special meeting - and he was granted the continuance - right?

Mr. Stewart: Yes -

Mayor Briare: To make that determination right now - I didn't want to have a special meeting called strictly for the purpose of nailing this man -

Commissioner Leavitt: What did he do wrong?

Commissioner Lurie: He hasn't done anything right -

Mr. Adams: He started out with the operation of a Church in an R-1 Zone -

Commissioner Christensen: The City Attorney is trying to get an Injunction to make him cease and desist and has to have Board approval. We thought he had it but nowhere does it show in the minutes, so apparently we didn't.

Mayor Briare: It might have been - you know, sometimes we talk about these things and there was no formal motion made. I suspect that maybe a comment might have been made to the effect - to stop it, do whatever you have to do. The Ordinance is insufficient - to think that somebody violates the Ordinance, that before you can pursue it further you must come back to the Commission to enforce the Ordinance -

Mr. Stewart: We proceed on all misdemeanors in Municipal Court without bringing it to your attention. But, generally, in District Court - at least for this type of thing - a violation of the Zoning Code - we should have your direction.

Commissioner Christensen: It prevents you from being a party to a bunch of suits you don't know anything about.

Mr. Stewart: We proceed in the Municipal Court - we don't bring those cases to you at all.

Mayor Briare: Are these Kincaid matters just pending down there?

Mr. Stewart: They are just laying there -

Commissioner Christensen: He has been convicted in Municipal Court but they have not sentenced him yet.

Mayor Briare: Wouldn't you like to wait until the Municipal Court takes further action?

Mr. Stewart: No, we are already proceeding in District Court - we have a hearing date which we will proceed on whether or not - whatever happens in the Municipal Court.

Mayor Briare: Does the Board want to do anything today?

Commissioner Leavitt: What does the City Attorney want to do?

Mr. Stewart: I need direction from this Board to continue and ratify the action. If you don't want to do it today, we can do it tomorrow.

Mayor Briare: I wish I could be a little bit more firmly convinced in my mind that the Ordinance as drawn - there are actions pending in the Municipal Court but co-actions are also running in a different direction over in the District Court and it just seems like things are ganging up a little . . .

Commissioner Leavitt: Do you want to file suit?

Mr. Stewart: We have already filed suit.

Commissioner Leavitt: And you want to go ahead with it?

Mr. Stewart: Definitely -

Commissioner Leavitt: And what do you need from us?

Mr. Stewart: A motion to proceed.

Commissioner Leavitt: You need a motion from us to proceed with the suit that you have already filed - is that right?

Mr. Stewart: That's right.

M o t i o n

Commissioner Leavitt: I move we ratify the action of the City Attorney in the matter of the City of Las Vegas vs. Kincaid.

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

(Commissioner Woofter had not yet arrived at the meeting)

REVENUE AND ALLOCATIONS OF GENERAL REVENUE SHARING, RECREATION
GRANT AND DEBT SERVICE FUNDS - 1976

Mayor Briare: I wanted to bring before you - you may or may not wish to take action today - I was hoping it would wait for tomorrow, but I would like to have the City Manager present for your consideration another suggestion as to the distribution of Revenue Sharing Funds.

See Page 6 of these Minutes - (Proposed Allocation)

City Manager, William E. Adams: I did, at the top, try to show what . . . at the time of the close of our Budget we had a certain amount of Revenue Sharing, a certain amount of Interest Income and a certain amount of Savings that we had available, which is the upper left portion which shows \$650,000 in Revenue Sharing; \$31,305 in Interest and \$465,888 in Savings, plus the Recreation Grant, plus the General Fund allocation.

Since that time we have been notified by the Federal people that because of our Taxing Program - our Population, and the like, we gained \$118,000+. So that increases our Revenue Sharing from \$650,000 to \$768,000. Our Interest was the same but we had made additional Savings on our Programs we had done in the past which brought that to \$482,000. That, then, in essence, gives us a grant total revenue we have as of this Monday, namely, \$1,282,023 plus \$385,000 and plus \$275,000.

Commissioner Lurie: Why are you still showing the \$275,000 for the Reed Whipple Debt?

Commissioner Christensen: That was included in the budget to pay that debt -

Commissioner Lurie: I know, but we are not proceeding with that Project and the money is shown there -

Commissioner Christensen: The money is still there - it has to be reallocated - this was money set aside to make the first payment if we had gone ahead and borrowed the money -

Mr. Adams: What we did in the right hand column was to carry over those items we were particularly aware that needed to be done - some readjustments as to what we think would work to use up the amount of funds we have available.

I think you might want to look at them in the light of . . . maybe I can just run down the items: The General Fund Capital Outlay is what we are talking about here - Replacement Equipment - typewriters that wear out; new typewriters we need to buy; adding machines that wear out; desks that we need to replace - general departmental items that runs across all departments in the City. Actually, from the original requests from the departments, which was a little over \$1,200,000, we have come down to \$275,000. As you can see, we have pared a lot of requested expenditures out of there.

The next is the Reed Whipple Center, which we have dropped out.

Next is the Renovation of the Swimming Pools, which we are still carrying forward. We believe that to be necessary. If you will notice, that jumps over to the middle column: This we are taking out of the Recreation Grant funds. You can read that total up and down showing where the money is coming from. The \$275,000 would come out of Revenue Sharing - the \$35,000 out of the Recreation Grant.

The next item is Renovation of the Floors. The original request in the Budget was \$60,000; we are thinking of going at \$30,000 in that we think one of them we can live with until maybe next year.

RECREATION GRANT, AND DEBT SERVICE FUNDS - 1976

REVENUE	Estimate 4/10/76			Estimate 6/14/76		
	Rev. Sharing	Recreation Grant	Debt Service	Rev. Sharing	Recreation Grant	Debt Service
General Revenue Sharing (FY 1977)	650,000			768,120		
Interest Income	31,305			31,305		
Savings from Previous Proj.	465,888			482,538		
Recreation Grant from Convention Authority		385,000			385,000	
General Fund Allocation for Reed Whipple Debt.			275,000			275,000
TOTAL REVENUE	1,147,253	385,000	275,000	1,282,023	385,000	275,000

ALLOCATIONS	Allocation per Final Budget 4/10/76			Manager's Recommendation 6/14/76		
	Rev. Sharing	Recreation Grant	Debt Service	Rev. Sharing	Recreation Grant	Debt Service
General Fund Departmental Capital Equipment Outlay	275,000			275,000		
Reed Whipple Cultural Center Renovation of Swimming Pools	115,000	385,000	275,000			
Renovation of Floors in Recreation Center	35,000			35,000		
Potocsky League	60,000			30,000		
Recreation Lighting & Equipment				50,000		
City Hall Jail Capital				170,000		
Police Support Funds (12 installments for added public protection within the City of Las Vegas)	77,957					
Police Study				332,277		
Paramedic Program	55,000			50,000		
Police Substation (Westside Station)	300,000			55,000		
Remodel Fire Station #3				150,000		
Station #3 Equipment				45,000		
Fire Truck	76,000					
Traffic Signals	150,000			150,000		
Street Lighting						200,000
Communication System (Base Station-Repeaters)				100,000		
Microfilm Project				75,000		
Automotive & Equipment Pur.				45,000		
Naval Reserve Building					100,000	
Contribution to Transportation						50,000
Unallocated	3,296			4,746		25,000
TOTAL ALLOCATION	1,147,253	385,000	275,000	1,282,023	385,000	275,000

PROJECTS NOT STARTED

Projects with previous allocations which have not as yet been initiated:

Teen Center	\$ 75,000
Central Receiving Warehouse	170,000
Parks and School Sites	35,000

Page 6
Minutes
Recessed

Regular Meeting
City Commission
June 15, 1976

Mr. Adams: The next item was not in the original Budget - it is a request that was received afterwards, and that is a request from the Potocsky League for some \$50,000. Actually, their request was for \$98,000. We feel it would be appropriate to give them half of it in that it is a County-wide service.

The next one is one that we have added for Recreation Lighting & Equipment. One thing that comes to mind that we need - I think all of you saw the Concert we held in the Plaza - it made us very much aware that we need to have a good, portable PA System. It could be used anywhere. We have a number of lighting projects that could be initiated - tennis courts - ball diamonds. At least, this gives us some working money in those particular areas.

The next item shows the City Hall Jail Capital and I have, quite frankly, dropped that, plus the additional funds into an item I call "Police Support Funds, which I would recommend be given out on monthly installments. The total amount of money is the same amount of money as the original request that came from the Metropolitan Police Department -

(Commissioner Woofter arrived at the meeting at approximately 4:15 p.m.)

Commissioner Leavitt: I have a question on this: Is this the money that Commissioner Christensen put the points on?

Commissioner Christensen: Yes -

Commissioner Leavitt: I understand the County has rejected that - is that right?

Mr. Adams: Well, verbally. I have not received anything in writing. George (Olilvie) said he would write me, but I have received nothing as yet.

Commissioner Leavitt: It would be my suggestion that this money be placed in some kind of a Savings Certificate - some kind of a fund, whether it's a saving, or otherwise - that that Fund be set aside with everybody notified that it be made available for that purpose, subject to the conditions we voted on. Did we vote on that? I thought we voted on that, with the conditions. But in any event, I think the money should be kept in a separate account and the County notified that the money is there, until we can work out the terms under which it can be released -

Commissioner Lurie: This money was strictly for the opening of the Jail -

Commissioner Leavitt: The \$77,957 is for the Opening but the other, I think, is for Staffing. What I am suggesting is that this money be kept in a separate account, with the County notified that it is available. They could run into trouble in March of next year if they don't take the money now. But I am anticipating that between now and March the Legislature will meet and maybe it can be resolved there if the County and the City can't resolve it.

But I think the County should be notified that the money is there subject to things being worked out between the City and County Commissions insofar as the conditions that Commissioner Christensen put out on them. But, like I've said, those conditions may be resolved when the Legislature meets, if we don't resolve them in the meantime. At least the money is available.

Mayor Briare: There's another way to look at that too, Commissioner Leavitt - I kind of like that concept, but I would also suggest that maybe we might give consideration to spending an amount of money that would actually put some more Policemen on the streets of the City of Las Vegas. Do we have a dollar value yet for those points that Commissioner Christensen brought up?

Commissioner Christensen: We have dollars on two or three of them - I asked for those at the last meeting.

Commissioner Leavitt: Some of Commissioner Christensen's figures were estimates.

1976/77
PROPOSED
BUDGET
ALLOCATIONS
(continued)

Commissioner Christensen: Some of the figures were accurate - some were estimated -

Commissioner Leavitt: We got the actual on the Airport and on the Jail - we didn't know about the gas -

Commissioner Christensen: We can't get those figures - the County won't give them to you - they've got it buried in the budget - you can't get those figures any more than you can get any other figures out of the County Budget -

Commissioner Leavitt: All I'm saying is that this fund should be noted to the County Commission that it is available for that purpose - then we can work out the terms of transfer.

Mayor Briare: If we're going to tie some strings on these funds, let's tie them on right now, because I am not in favor of appropriating City of Las Vegas Revenue Sharing Funds, which I am normally opposed to spending for Operating Capital, but if the reason is vital, and in this instance I think it is - spend money to buy some additional Policemen for the City of Las Vegas.

Now, where they come from - if they come from Mesquite, I'm sorry - but if we're going to put monies in, they should be put in for the purpose of purely Las Vegas City effort, over and above what is presently there. And I think we have a record as to what is presently there.

Now, if the money is taken under those conditions, then I feel that Metro, in good faith, will abide by it. This money for the manning of the Jail I am not conceding that this is the responsibility of the people of the City of Las Vegas, and I don't want to be spending their Revenue Sharing dollars . . .

Commissioner Lurie: The Jail is open now, and is operating.

Commissioner Leavitt: We can make the terminology that the money is there, subject to how it is to be spent between the City and the County Commissions. You don't necessarily have to mention Commissioner Christensen's points - just say we want to talk about how they are going to spend it. We've got the money - it's there - we want to see how you are going to spend it, but the way this is set up under this Proposal it is in twelve (12) installments. That's what I don't like. I would rather not give it to them in 12 installments. I would sooner let them know it is there, and then in March when they get hungry . . .

Mayor Briare: I know what will happen in March - the Sheriff will send down a notice that he is going to have to lay off men. And do you know where those men are going to come from? They are going to come from the streets of the City of Las Vegas.

Commissioner Lurie: How can he take them from the streets of Las Vegas? You can take zero from zero.

Mayor Briare: We want to buy - how many Police Officers, Mr. Adams? Fourteen (14)?

Commissioner Leavitt: Here is the thing - between now and March the Legislature will meet. At that point, hopefully, maybe the City Commission will be put back on the Metropolitan Police Commission - just start asking for some more things on that Special Call -

Commissioner Christensen: I did -

Commissioner Leavitt: What did you ask for?

Commissioner Christensen: I asked that the Special Session change the Police situation around - to undo a mistake that was done in the Legislature two sessions ago, and compounded at the last session of the Legislature.

The thing that bothers me is that we're talking about \$332,000 to open and Staff the Jail, of which one third of that total cost

is paid back to the County by the Federal Government and they put it right in their own General Fund and do not use it for Police functions, and they've been doing that for three years. If they hadn't been doing just that, that \$322,000.00 would have been there. We wouldn't have to appropriate anything - they would have enough money to open their Jail.

Commissioner Lurie: Your Honor, I will have to leave in about 10 minutes from now -

Commissioner Leavitt: The only objection I have is to the twelve monthly installments. I say - let's hold the money -

Mayor Briare: There is no classification for "Jail" - there is no classification for "Jailers". The classification is "Police Support Funds". What we have to do then is to define what those Police Support Funds are and after we define what they are, then the manner in which they are paid can be determined.

If we are to buy 14 Policemen for the exclusive use in the City of Las Vegas, over and above the number being assigned to the City right now, obviously we have to pay for them as we go.

Commissioner Leavitt: We have a problem here - whether we can put strings on that money -

Commissioner Christensen: Let me ask a question: Can we use this as a fund to get Federal funds to start our own Police Department?

Commissioner Leavitt: You can't use Revenue Sharing money -

Commissioner Christensen: That's what we're talking about - hiring Policemen for the City of Las Vegas because we don't have them any more . . . that's exactly what we're doing -

Commissioner Leavitt: What we are trying to do indirectly is what we can't do directly - we're doing it indirectly by holding the money and saying - this is the way we want it spent or we won't give it to you. That is indirectly trying to control the Budget because we're not directly in control because we're not on the Police Commission.

Jan Stewart: May I say something: You are only talking about funds in excess of the \$1.94. There is no question in anybody's mind that up to that \$1.94 that money is entirely in the hands of the County. Also I think you have to realize where those Policemen serve - they are under the direction of the Sheriff -

Commissioner Leavitt: Unless he agrees -

Mayor Briare: I've got to believe he will agree, and if he doesn't agree, what have we accomplished for the people of the City of Las Vegas? Zilch!

Commissioner Christensen: What's to prevent him from taking the 14 Policemen that we agree we put on the streets in the City and then taking 13 of his back . . .

Mayor Briare: No - I think if he were to make an agreement, he would stick with it - you don't put them on the top and take them off the bottom -

Commissioner Christensen: Let me give you an example: I have repeatedly asked for some kind of a report on how many Policemen are in the City vs. the County, and the Police Department has repeatedly answered that they cannot give me that information because they don't assign their Policemen by geographical boundaries. They assign them to Districts and the Districts overlap - some are City and some are County - so they either have to retrench and say they have been lying to me in the past - they can't tell me - they say -

Commissioner Woofter: Foot patrol is what we want -

Mayor Briare: Let's put the strings on these dollars, and it's up

to the Sheriff to decide. I don't think it's up to the Police Commission to decide. If the Sheriff wants to say - yes, we'll take the \$332,000.00 and put additional men patrolling the streets of Las Vegas - there's the money, whether we give it to them now or give it to them later.

Commissioner Lurie: I understand that when Las Vegas had its own Police Department, there were more men in the City of Las Vegas patrolling the streets than there were in the entire County area at night, so there's a problem in that we did lose a lot of Police protection.

Commissioner Leavitt: Don't you think this is the kind of thing where we ought to sit down with the Sheriff, or his representative, and tell him how we feel about it -

Commissioner Woofter: Let's sit down with the Sherrif for one - not Jacka

Commissioner Leavitt: I agree with you - let's sit down with the Sheriff and get the agreement we're talking about. What I'm saying is that if we approve this tomorrow, don't make it in twelve equal installments . . .

Mayor Briare: For tomorrow night's meeting, Mr. Adams, would you please be sure it is on the agenda to bring up the question of requesting a meeting with the Sheriff?

Mr. Adams: Then do you want me to bring this back to you with the proposal that a special fund be set up -

Commissioner Lurie: I'd like to get in there a pay increase for the men - as one of the items on the list -

Commissioner Leavitt: I'd like to ask a question about the next item of the Police Study. I notice the City is going to put up \$50,000 and the County is going to put up \$50,000. Somebody is going to bid this at \$100,000.00.

Mayor Briare: Unfortunately, we were the victims of a figure that was grabbed out of the air by Irwin Kischner of the Chamber of Commerce - he just picked that figure right out of the air. Our offer was for an amount not to exceed this -

Commissioner Christensen: You can budget this amount, but you don't have to pay it -

Mr. Adams: If we can get it for \$10,000.00, that's great -

Commissioner Woofter: Here again it is a matter of priorities - there are two Fire Stations over there on the West Side. One you might as well consider obsolete - Fire Station No. 7. The other one, Fire Station No. 3, there is a definite need for improvement there -

Commissioner Lurie: Are you talking about moving No. 7 to No. 3?

Commissioner Woofter: Right -

Commissioner Lurie: And that will leave an empty building there?

Commissioner Woofter: Well, I'm hoping the Commission will go along with me as far as leasing the building back to a competent facility - EOB, or something like that.

Commissioner Leavitt: I have one more thing to talk about, and then I have to leave - and that's the Automotive Equipment at \$45,000.00 - that seems to be a little low.

Mr. Adams: It is, but I think it is something we can start with. We have two problems that are starting to hit us. We are trying to replace our vehicles as we can - we are still driving, in many areas, 10 to 12 year old vehicles. We're thinking right now if we could come up with \$150,000.00 we could use this amount for the

1976-77
PROPOSED
BUDGET
ALLOCATIONS
(continued)

vehicles, we could replace our radios and be better ahead than if we go the other way, although we would take, of course, an additional \$50,000.00 for more equipment. Of prime importance is to get our communications system refurbished and set up. We would like more money but it may be that we can pick up some more as we go along.

Most of these are "ballpark" figures. If you will notice, in two months we did save some \$20,000.00 - so we're working at it -

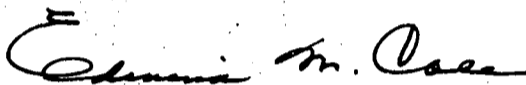
Mayor Briare: If there are no more questions on these items, let's sleep on it and see if we can adopt something tomorrow.

There being no further business to come before the Board, at the hour of 4:45 P.M., Mayor Briare declared this Recessed Regular Meeting A D J O U R N E D.

APPROVED:


WILLIAM H. BRIARE, MAYOR

ATTEST:



EDWINA M. COLE, CMC
CITY CLERK

APPROVED BY REFERENCE at a Regular Meeting of the Board of
City Commissioners held on the 21st day of July, 1976.