

MINUTES

Las Vegas, Nevada  
June 16, 1976

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 16th day of June, 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 Woofter arrived at approximately 6:25 P.M.)	
Commissioner	Ron Lurie

STAFF  
PRESENT

City Manager	William E. Adams
Assistant City Manager	Richard Bunker
City Attorney	Carl E. Lovell, Jr.
Director, Department of Business Activity	Ila M. Britt
Director, Department of Cultural Services	Harold Foster
Director, Department of Community Planning & Development	Donald J. Saylor
Director, Department of Financial Management	Marvin A. Leavitt
Director, Department of Fire Services	Sam Cooper
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
Metropolitan Police Department, SID	Sgt. J. Ashenfelter
City Clerk	Edwina M. Cole

INVOCATION

The Invocation was given by Mrs. Areanna Christie, Pres. Church Women United of Clark County:

"Shall we all Pray together. Oh Lord, Our God, Creator of all Mankind and all that is Bright and Beautiful, we acknowledge Thee as the Greatest Power and Force throughout the Universe; far greater than decisions made by legislative bodies and councils. It is this Great Power that we invoke and Pray for Divine Guidance as we meet here tonight and decide on issues that affect the people of the City of Las Vegas. We Pray a Special Blessing on Mayor Briare and each Council member in their endeavors to serve this community. Bless our Country and keep it safe from all enemies from without and from within. Protect us from those who would destroy our Freedom. We Thank You for the past two hundred years. May we profit from our mistakes and move forward in Peace and Good Will

INVOCATION  
(continued)

toward all Mankind in the future. And finally - whatsoever is Honorable; whatsoever is Pure and whatsoever is Lovely, let us think on these things in order that we may help create a better world. We ask it all in His Name. Amen."

PLEDGE OF  
ALLEGIANCE

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

HANDICAPPED  
PERSONS  
Resolution  
Adopted

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JOINT RESOLUTION TO ESTABLISH SOUTHERN NEVADA COMMITTEE  
ON EMPLOYMENT OF HANDICAPPED

See Pages 3, 4 and 5 of these Minutes (Resolution)

City Manager, William E. Adams: Mayor and Commissioners, the first item on my agenda is the Joint Resolution to establish the Southern Nevada Committee on employment of the handicapped. The Resolution is prepared in joint status for all of the governmental entities in Clark County to accept and adopt, with appointment of a committee in various numbers.

I have furnished to you, additionally, a list of some fourteen (14) names that could be eligible, to which, of course, any can be added as you see fit. Because of the name involvement, you may wish to hold this and give it to a Study Committee, or you could take action on the Resolution tonight, whichever is your choice.

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

Rick K \_\_\_\_\_, 3104 Demetrius: I would like to speak in favor of this Resolution - that the City of Las Vegas adopt it. I am a member of the Governor's Committee on employment of the handicapped and the Governor's Committee will be working with the Southern Nevada Committee on Employment of the Handicapped, assisting it in whatever way.

I strongly urge that you adopt the Resolution. I believe that this Committee will provide a very basic and needed form for the handicapped of this area - to speak to you and for you to speak to the handicapped in attempting to remove from the attitude some of the architectural and other barriers that face these physically and mentally impaired in our City. Thank you very much.

Mayor Briare: I would like to ask a question if I might: I think there are some parts of this Resolution which, beyond doubt, the City could participate in, and we already are relative to employment opportunities and we already are relative to architectural barriers.

However, does this Resolution contemplate the actual setting up of any budget of monies?

Mr. K \_\_\_\_\_: I do not believe it contemplates setting up any budget. What this would be is a body of volunteers who would speak to the needs of the handicapped; who would work with employers, both private and in the City, and would talk to the volunteer action for necessary remedies. The names, I believe, that you have are names of volunteers.

Mayor Briare: Yes, I realize that. Just for example: On Page 2 of the Resolution, Item No. 5, which is actually a part of the resolving clauses - and I'm not sure whether

1 A JOINT RESOLUTION OF THE  
2 GOVERNMENTAL ENTITIES IN CLARK  
3 COUNTY ESTABLISHING THE SOUTHERN NEVADA  
4 COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

5 WHEREAS, it is recognized that Clark County handicapped citizens  
6 have special and unique needs; and

7 WHEREAS, the governmental entities in Clark County desire to  
8 afford all of its citizens the right to secure and enjoy gainful employment;  
9 and

10 WHEREAS, the governmental entities in Clark County recognize the  
11 importance of providing equal opportunity in competing for employment and in  
12 achieving mobile independence and more satisfying quality of life; and

13 WHEREAS, the President has issued Executive Order 11914 on April  
14 28, 1976 designed to coordinate the enforcement of non-discrimination with  
15 respect to the handicapped in all Federally assisted programs and  
16 activities; and

17 WHEREAS, the importance of a committee is recognized to advise the  
18 elected and appointive governmental officials as to the development of employ-  
19 ment opportunities, removal of architectural barriers, and on programs and  
20 facilities for serving the handicapped; and

21 WHEREAS, it is also recognized that such a committee can serve to  
22 work with Clark County businesses, industries, and labor representatives to  
23 initiate specific programs for creating equal opportunity in employment of  
24 the handicapped citizens of Clark County; and

25 WHEREAS, it is desired that a committee be constituted to identify  
26 the services most needed by the handicapped and to promote programs which  
27 will provide those services, especially in the residential and treatment  
28 areas; and

29 WHEREAS, the importance of a committee is recognized to serve as an  
30 advocate for the rights of the handicapped, especially to work with, conduct  
31 liaison activities with, and disseminate information to all public and non-  
32 profit agencies, private firms, and individuals concerned with the employment  
of the handicapped; and

1 WHEREAS, the governmental entities of Clark County recognize the  
2 need for a public information program which will educate the public about  
3 the specific problems and needs of the handicapped and to increase public  
4 awareness and employer support; and

5 WHEREAS, the governmental entities of Clark County desire to  
6 establish goals and promote programs for providing a barrier-free environment  
7 for the handicapped, especially in regard to the removal of architectural and  
8 transportation barriers:

9 NOW, THEREFORE, BE IT RESOLVED by the signatory governmental entities  
10 in Clark County that:

11 1. The Southern Nevada Committee on Employment of the Handicapped  
12 be established as an area-wide agency for accomplishing the above stated  
13 purposes.

14 2. That such committee shall consist of an eleven-member board to be  
15 appointed by the respective governmental jurisdictions and apportioned as  
16 follows: Five (5) members appointed by the Mayor of the City of Las Vegas;  
17 three (3) members appointed by the Clark County Board of Commissioners;  
18 one (1) member appointed by the City of Boulder City; one (1) member appointed  
19 by the City of North Las Vegas; and one (1) member appointed by the City of  
20 Henderson.

21 3. Such members shall serve for a period of two (2) years and the  
22 members shall serve staggered terms.

23 4. That said committee shall be responsible for the implementation  
24 of the aforementioned functions.

25 5. That the signatory governmental entities in Clark County will  
26 provide support for all activities and functions to be carried out by the  
27 Southern Nevada Committee on Employment of the Handicapped.

28 PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1976.

29 CITY OF LAS VEGAS

30  
31 \_\_\_\_\_  
32 WILLIAM H. BRIARE, MAYOR

ATTEST:  
  
\_\_\_\_\_  
Edwina M. Cole, City Clerk

HANDICAPPED  
(continued)

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COUNTY OF CLARK

ATTEST:

CITY OF BOULDER CITY

ATTEST:

CITY OF NORTH LAS VEGAS

ATTEST:

CITY OF HENDERSON

ATTEST:

the City Attorney has looked at this particular Resolution to determine it's legal application and binding to the City.

No. 5 says: That the signatory governmental entities . . . of course, the inclusion of the City of Las Vegas, which we're very happy about - but that "the signatory governmental entities in Clark County will provide support for all activities and functions to be carried out . . ." We don't know what the "activities and functions" will be. In order to be fair to your organization, and this newly-created organization, it would certainly be necessary that we know what commitments are expected so they can be honored at the proper time.

Mr. K \_\_\_\_\_: Those would be set up as the goals and objectives of the Committee at the time of its formal formation. Perhaps the guidelines of the Governor's Committee could be followed on that.

Mayor Briare: To reiterate then, to the best of your knowledge as a member of the Governor's Committee for the handicapped, there is no financial commitment involved in this Joint Resolution?

Mr. K \_\_\_\_\_: Not directly. Not for like salaries and items such as that. As we go along should the Committee find there are certain architectural barriers, or other problems, which this City should correct, that might include some financing. Then those matters would be brought up for consideration at that time.

Mayor Briare: I don't want to go on with it too much - I'm thinking maybe we ought to look at it - study it for a couple of weeks as the City Manager suggested a little earlier.

The City is spending \$8,000.00 right now to build some ramps up on Ogden Street. Supposing a recommendation of such a Committee would be that these ramps be installed in large areas that we don't contemplate right now. We don't have the funds to do it.

Mr. K \_\_\_\_\_: Those matters would have to be worked into the budget as they can be. I am sure the Committee will realize the restrictions of the City budget in accomplishing the removal of architectural barriers. At the same time this volunteer Committee could perhaps work in finding private financing, through various Service Organizations, Contractors, or whatever to remedy some of the architectural barriers. This is a possibility.

Mayor Briare: Would this be unreasonable, gentlemen, to suggest - and I'm sure the same thing is going to hold true for Clark County, the City of Henderson and the City of North Las Vegas - but since it is before our Board first for some kind of a definitive action, it might save you an awful lot of time if we got some of these matters put down now so that the others might be more apt to endorse the same type of Resolution - that we put in there . . . until such time as the Committee, to be appointed, is functioning, that no financial commitments would be made until such time as that Committee had the opportunity to lay out a Program. And then at that time, the local governmental entities can look at it again to see how they can support it financially.

Mr. K \_\_\_\_\_: That would be agreeable.

Mayor Briare: Are there any other comments?

Commissioner Leavitt: Do you want the Resolution to go back?

Mayor Briare: It is understood it would have to be amended to put that understanding in - we might be able to take action on the actual adoption of the Resolution - refer it to Mr. Adams to incorporate the comments that were made here, and any other that the Commissioners might want to take - at the next meeting we can adopt the Resolution, as amended, and also at that time place names in nomination for appointment to the Committee.

Mr. Adams: Very well - we can do that.

Commissioner Lurie: I would rather adopt it now, the way it is.

Mayor Briare: You would? Would you like to make any comments, Commissioner?

Commissioner Lurie: I just feel that this Resolution was the work of the Governor's Committee and these people who submitted the Resolution spent a great deal of time in preparing it. There is an urgent need that we look to the needs of the handicapped and remove some of the barriers that prevent them from any jobs, not only in the public, but in the private sector of our community.

I attended their meeting and spoke to the Governor's Committee on Saturday, and I support this Resolution. I don't see anything in here that is going to obligate the City to any expenditures.

What this Committee is going to do is make recommendations where we can improve, when we construct new buildings or facilities, so that these barriers can be removed.

At this time, as the gentleman has pointed out, if there is money available and if there are recommendations from the Committee where there are barriers, and the City sees fit to remove them, then at that time, if funds are available, we can come up with the necessary money.

But I think it is important that members of the Committee are made aware of some of the problems confronting the handicapped person - that they do have a place in our community, and by this Committee in a position to furnish this information, it might help them to gain employment.

Commissioner Leavitt: I understand there are to be five (5) members. The Resolution provides in (4) that the Committee shall be responsible for the implementation of all activities and functions carried out by the Southern Nevada Committee for the Handicapped. I assume "support" means financially - or does it?

Mr. Adams: I think the intention of the Committee and the scope expressed to me was that was nothing other than providing a meeting place for them. They were not talking about financial support at all at that time.

Commissioner Leavitt: No. 4 says that the Committee shall be responsible for the implementation of the aforementioned functions. It almost goes without saying that the Committee will come forth with a Program.

Mr. Adams: I'm sure that is correct, but as I understood it in discussing it with the people involved, they were talking primarily about a place to meet. They would then establish a program as to how often they would meet, the ideas they would bring forth through the Committee to the Commission for any barriers they run into. There was no anticipated financial support at all at that time.

HANDICAPPED  
(continued)

Commissioner Leavitt: With that understanding then, Mayor, I would go along with it -

Mayor Briare: I don't have any objection but what I don't want to do - I don't want to give these folks, or any others perhaps, the impression that there are monies set aside to accomplish an awful lot that we know is not going to be possible to accomplish unless we have some kind of a budget consideration.

Let me say this: If there is no money to be put into this endeavor, then forget it, because it has to have money to operate on. So there is going to be money involved, and if there isn't - then, as I say - forget the Program.

But if we will only have the opportunity - and the other political entities, I'm not speaking for them - I am recommending only to this Commission, that if there is going to be money spent we, at least, have the opportunity to review how, how much and where.

If all that is understood then we are not going to be embarrassed at a later date having them come back and say - well, look, you passed it - how did you expect us to operate on nothing? It is understood that the budget will be coming back to us for review at the proper time.

M o t i o n

Commissioner Leavitt: I move for adoption of the Resolution.

Commissioner Leavitt: I just have one comment, Mayor - Mr. Adams said that one recommendation at one time was parking for the handicapped at City Hall. There wasn't any assigned. I think in two days there were signs put up. These are the kinds of recommendations I believe this Committee is going to be recommending to us, so that some of these barriers to the handicapped can be removed.

Mayor Briare: The motion is to adopt the Resolution.

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

CITY HALL  
OFFICE SPACE  
Discussion

Mr. Adams: Mr. Mayor, on the 10th of June a letter was sent to the County Commission Chairman dealing with the space on the 10th Floor. It actually was taken as an action by the City Commission back in September of 1975.

I would like to have for the record your ratification of that action that was taken by letter so that we are perfectly legal in our statements in what we have asked for as it relates to a change of space within the building.

Mayor Briare: Do any of the Commissioners have any difference of opinion as to that letter which we sent out on June 10th?

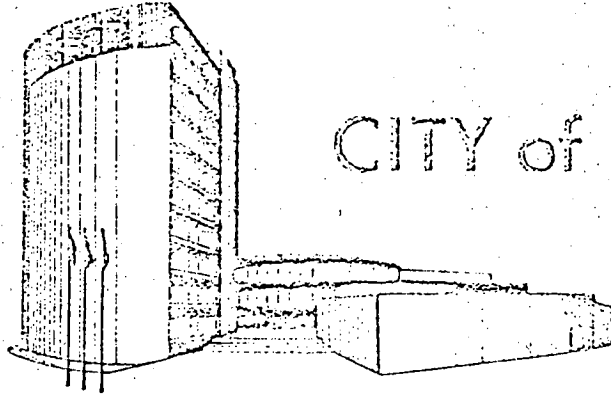
See Pages 9 and 10 of these Minutes (Letter)

(No response)

Mayor Briare: If there are no objections, this will be spread on the Minutes of this meeting and become a part hereof. And then, Mr. Adams, please take whatever steps you have to to proceed.

CITY HALL  
OFFICE SPACE  
(continued)

MAYOR BILL BRIARE  
  
COMMISSIONERS  
PAUL J. CHRISTENSEN  
RON LUPIS  
MYRON E. LEAVITT  
ROY WOOSTER  
  
CITY ATTORNEY  
CARL E. LOVELL, JR.  
  
CITY MANAGER  
WILLIAM E. ADAMS, P.E.



CITY of LAS VEGAS



June 10, 1976

RECEIVED  
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CITY CLERK

Tom Wiesner, Chairman  
Clark County Board of Commissioners  
Las Vegas, Nevada

Dear Tom:

The City Commission feels a definite responsibility to the people it represents and if there is a way we can work with your Board to end what might appear to be a conflict between the City and the County then we, the members of the Las Vegas City Commission, are willing to do so now.

We have consulted among ourselves and together we have directed City Manager, Bill Adams to offer the County Commissioners whatever space at city hall they might need for their personal requirements and those of their administrative staff.

Since we are not in the office rental business in competition with private enterprise, we respectfully suggest that your Honorable Board and Administrators decide to immediately occupy the 8th floor of city hall at no cost whatsoever.

This offer would be for a short term with the understanding that the people within the City of Las Vegas are looking forward to numerous programs envisioned by the City Commission, which consequently, might require space in their city hall in the near future. Our City Manager would reserve the right to give you reasonable notice of such need and to further negotiate suitable terms and conditions within the scope of this offer.

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

June 10, 1976

Tom Wiesner, Chairman  
Clark County Board of Commissioners

Page -2-

In the meantime - - - we are anxious to demonstrate our continued willingness to co-operate in an effort to solve some very serious problems.

We are confident, under similar circumstances, your board would do as much even to the point, hopefully, of resolving some of the financial questions now pending between us. The resolutions of such problems, however, are not a condition hereto.

Respectfully yours,

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William H. Briare  
Mayor of Las Vegas

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Ron Lurie  
City Commissioner

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Paul J. Christensen  
City Commissioner

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Roy A. Woofter  
City Commissioner

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Myron E. Leavitt  
City Commissioner

See Page 12 of these Minutes (Show Sheet)

Mr. Adams: The next item I have is the allocation of those funds of Revenue Sharing and other allocations to finalize our Budget to the point where we can continue our operations with some of the changes in the funds we have discussed previously.

A copy of the breakdown sheet is in your folders.

Commissioner Leavitt: It's the same one we had before us yesterday, isn't it?

Mr. Adams: It is, with the exception that under POLICE SUPPORT FUNDS, which you will find midway on the sheet, I have made a note that a Special Fund be set aside, with the Commission to meet with Sheriff Lamb on it. All the other parts are the same.

Mayor Briare: There is a question now of whether Commissioner Woofter would wish to participate in the discussions on this. We had a meeting yesterday, which was the recessed portion of our previous meeting. I don't know if any of the Commissioners have any additional comments, or further recommendations on this particular Proposal. If there are, then I think perhaps Commissioner Woofter should be present to add to any discussions that are held. He was present at yesterday's meeting and made certain comments.

Do any of the Commissioners have anything they want to add, change, delete or recommend on this Proposal?

Commissioner Lurie: I have one thing, Mayor. On those "unallocated" funds there of \$25,000.00, I would like to recommend that this money be allocated for a Trauma Unit to be used with the Paramedic Program that we have the men in training for now.

Commissioner Leavitt: What is the cost of that Trauma Unit?

Commissioner Lurie: \$25,000.00.

Mr. Adams: The basic unit is \$25,000.00 and then the equipment is added to it from there - they have some equipment already ordered.

Mayor Briare: At one time was it not reported that the Paramedic Program's entire approval for \$55,000.00 was not going to come up to the full \$55,000.00?

Mr. Adams: We were anticipating that, but we actually put all of the money in that we have available because we picked up some additional slots, Mayor - Clark County was not taking all of them so we picked up some additional ones and it will take just about this \$55,000.00. We're guessing now - we're going to try to hold back, but we are anticipating it will take the entire amount.

Mayor Briare: In addition to what Commissioner Lurie has just brought up, are there any other comments?

Commissioner Christensen: I see some things in here I would like to discuss, Mayor, so I'd like to hold it until Commissioner Woofter arrives.

Mayor Briare: If there is to be further discussion, we will hold this matter until Commissioner Woofter arrives.

See Page 13 of these Minutes (Annotated Agenda)

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

1976/77 BUDGET  
(continued)

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			769,120		
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
<b>TOTAL REVENUE</b>	<b>1,147,253</b>	<b>385,000</b>	<b>275,000</b>	<b>1,282,023</b>	<b>385,000</b>	<b>275,000</b>
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	115,000	385,000	275,000			
Renovation of Swimming Pools	35,000			35,000		
Renovation of Floors in Recreation Center	60,000			30,000		
Potocsky League				50,000		
Recreation Lighting & Equipment				170,000		
City Hall Jail Capital	77,957					
Police Support Funds Special fund set aside: Commission to meet with Sheriff Lamb				332,277		
Police Study				50,000		
Paramedic Program	55,000			55,000		
Police Substation (Westside Station)	300,000					
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 Transporta- tion						50,000
Unallocated	3,296			4,746		25,000
<b>TOTAL ALLOCATION</b>	<b>1,147,253</b>	<b>385,000</b>	<b>275,000</b>	<b>1,282,023</b>	<b>385,000</b>	<b>275,000</b>

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

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CITY CLERK

ITEM	Commission Action	Department Action
<p>I. <u>CITY MANAGER - W. E. ADAMS, P.E.</u></p> <p>A. <u>JOINT RESOLUTION TO ESTABLISH SOUTHERN NEVADA COMMITTEE ON EMPLOYMENT OF HANDICAPPED</u></p>	<p>See Item 1 Below</p>	<p>See Item 1 Below</p>
<p><u>ADDITIONAL ITEMS:</u></p>		
<p>1. <u>JOINT RESOLUTION OF THE GOVERNMENTAL ENTITIES IN CLARK COUNTY ESTABLISHING THE SOUTHERN NEVADA COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED</u></p>	<p>Adopted Resolution          Leavitt - unanimous</p> <p>(5 Members to be selected per Resolution held in Abeyance)</p>	<p>Mayor &amp; Clerk authorized to sign</p> <p>7/7/76 Agenda</p>
<p>2. <u>LETTER OF 6/10/76 ADDRESSED TO CHAIRMAN OF CLARK COUNTY COMMISSIONERS re SPACE IN CITY HALL FOR PERSONAL NEEDS AND ADMINISTRATIVE STAFF</u></p>	<p>Letter to be entered into the Official Minutes</p>	<p>Clerk to proceed</p>
<p>3. <u>REVENUE AND ALLOCATIONS OF GENERAL REVENUE SHARING, RECREATION GRANT AND DEBT SERVICE FUNDS - 1976</u></p>	<p>Approved as submitted 6/16/76          W - unanimous          EXCEPT that "unallocated" \$25,000 be used for Trauma Unit in connection with Paramedic Program - Commissioners Leavitt and Christensen voted "no" on this allocation</p>	<p>City Manager to proceed</p>
<p><u>I (a) MINUTES</u></p> <p>A. REGULAR MEETING - MAY 19, 1976</p> <p>B. REGULAR MEETING - JUNE 2, 1976</p>	<p>APPROVED BY REFERENCE          Lurie - unanimous</p>	<p>Mayor and Clerk to sign</p>

DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, DIRECTOR

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See Page 15 of these Minutes (Annotated Agenda)

BUDGET  
TRANSFER  
1975/76  
Resolution  
Adopted

TRANSFER OF BUDGET APPROPRIATIONS BETWEEN FUNCTIONS -  
YEAR ENDING JUNE 30, 1976

Mr. Adams: Mr. Leavitt might want to explain this to you in detail. In general, it's a Resolution that requires a option in order to finalize our Budget for the close of the year 1975/76. We have made some changes within the Budget itself - the total remains the same but we have transferred within the funds so that we can completely balance out properly. The Resolution is here for our adoption:

See Pages 16 and 17 of these Minutes (Resolution)

Mayor Briare: Are there any questions?

Commissioner Lurie: On the item "Contribution to Motor Equipment" you dropped \$125,000.00. Didn't we discuss that yesterday at our meeting on Revenue Sharing? Does that include that money from Revenue Sharing?

Mr. Leavitt: No. What the situation is: Each year we contribute to the Motor Equipment Fund an amount equal from the General Fund to balance them so they will have enough cash to meet their operations. This year their operations have been better than normal so that cash was not needed and we decreased that contribution by that amount.

Commissioner Christensen: This is for the current year?

Mr. Leavitt: Yes. We do this each year to balance out. Over the entire year the Commission and the City Manager take various actions to expend monies for certain things, like this year we added a third Municipal Court. Each time that is done the Budget is not changed, but at the end of the year we are legally required to change the Budget so we will be in compliance with the law.

Mayor Briare: Are there any other questions?

(No response)

M o t i o n

Commissioner Christensen: I move for adoption of the Resolution.

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

ITEM Commission Action Department Action

I. (c) DEPARTMENT OF FINANCIAL MANAGEMENT  
MARVIN A. LEAVITT, CPA DIPECTOR

A. SERVICE AND MATERIAL WARRANTS

Nos. F1075, F113808, F113834, F113858  
 F113760 to F113784, F113787 to  
 F113789, F113792, F113804 to  
 F113872, F113874 to F113876,  
 F113881 to F114121, inclusive

In the amount of \$ 1,281,724.87

B. PAYROLL WARRANTS

Nos. 59539 to 60765, inclusive  
 For Pay Period Ending May 29, 1976  
 In the amount of \$ 357,893.36

C. TRANSFER OF BUDGET APPROPRI-  
 ATIONS BETWEEN FUNCTIONS  
 FOR THE YEAR ENDING JUNE 30,  
 1976

ITEMS "A" AND "B"  
 APPROVED  
 As presented  
 Lurie - unanimous

Director  
 authorized to issue

Adopted  
 Resolution  
 C - unanimous

Director  
 authorized  
 to proceed

RECEIVED

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CITY CLERK

RESOLUTION

WHEREAS, expenditures for certain General Fund functions of the City of Las Vegas are now estimated to exceed the amounts appropriated therefore in the 1975-76 Budget, and

WHEREAS, expenditures for certain General Fund functions of said City are now estimated to be less than the amounts originally appropriated, both as set forth in the schedule which follows, and

WHEREAS, the Board of Commissioners of said City desires by this Resolution to amend the Budget for the City of Las Vegas for 1975-76 pursuant to NRS 354.606 for the purpose of effecting an increase or decrease in appropriations for certain functions but not increasing total General Fund appropriations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof held on the 16th day of June, 1976, that the 1975-76 Budget of the City of Las Vegas for the following functions of the General Fund be increased or decreased to the amount set opposite of the respective function.

PASSED, ADOPTED AND APPROVED this 16th day of June, 1976.

\_\_\_\_\_  
WILLIAM H. BRIARE, MAYOR

ATTEST:

\_\_\_\_\_  
Edwina M. Cole, City Clerk

1975/76 BUDGET  
(continued)

RECEIVED

Jun 18 3 47 PM '76

CITY CLERK

General Fund Expenditures	Account Number	Existing Budget	Revised Budget
City Commission	101	192,003.00	192,003.00
City Clerk	102	57,859.00	57,859.00
Elections	103	3,250.00	3,250.00
*City Manager	104	146,384.00	155,000.00
City Attorney	106	452,900.00	452,900.00
*Municipal Court	107	388,506.00	465,000.00
Procurement	108	172,401.00	172,401.00
License and Revenue	109	607,991.00	607,991.00
Finance	110	364,698.00	364,698.00
*Community Development	111	379,777.00	445,000.00
*City Hall	112	979,552.00	994,000.00
Personnel	113	268,331.00	268,331.00
<b>Total General Government</b>		<b>4,013,652.00</b>	<b>4,178,433.00</b>
*Police Department	120	11,091,229.00	11,141,229.00
*Fire Department	122	6,357,730.00	6,457,730.00
Building Inspection	123	444,147.00	444,147.00
Traffic Engineering	126	915,743.00	915,743.00
<b>Total Public Safety</b>		<b>18,808,849.00</b>	<b>18,958,849.00</b>
Street	150	1,301,640.00	1,301,640.00
Electrical	158	714,734.00	714,734.00
Street Cleaning	159	650,740.00	650,740.00
<b>Total Public Works</b>		<b>2,667,114.00</b>	<b>2,667,114.00</b>
Animal Control	161	373,733.00	373,733.00
Community Support	167	86,663.00	86,663.00
<b>Total Health &amp; Welfare</b>		<b>460,396.00</b>	<b>460,396.00</b>
Library	170	444,491.00	444,491.00
Parks	180	1,664,238.00	1,664,238.00
Recreation	181	1,041,521.00	1,041,521.00
Swimming Pools	182	226,395.00	226,395.00
Youth Affairs	183	62,677.00	62,677.00
Golf Course	186	352,469.00	352,469.00
<b>Total Culture &amp; Recreation</b>		<b>3,791,791.00</b>	<b>3,791,791.00</b>
*Unallocated Expenses	191	35,000.00	75,000.00
*Contr. to Capital Projects	192	281,713.00	106,932.00
*Contr. to Cemetery	192	120,000.00	90,000.00
Contr. to Parking	192	325,000.00	325,000.00
*Contr. to Engineering	192	700,000.00	825,000.00
*Contr. to Motor Equipment	192	350,000.00	225,000.00
Contr. to Graphic Arts	192	50,000.00	50,000.00
*Contr. to Trust & Agency Fund	192	60,000.00	10,000.00
Contr. to Maintenance	192	25,000.00	25,000.00
*Contr. to Assessment Financing	192	200,000.00	100,000.00
<b>Total Miscellaneous</b>		<b>2,146,713.00</b>	<b>1,831,932.00</b>
<b>TOTAL GENERAL FUND FUNCTIONS</b>		<b>31,888,515.00</b>	<b>31,888,515.00</b>
<b>ENDING FUND BALANCE</b>		<b>553,459.00</b>	<b>553,459.00</b>
<b>TOTAL GENERAL FUND REQUIREMENT</b>		<b>32,441,974.00</b>	<b>32,441,974.00</b>

\* indicates amended accounts

DEPARTMENT OF FUNDS COORDINATION AND PROJECTS

BRUCE W. SPAULDING, AIP, DIRECTOR

LEASE -  
LAS VEGAS  
HOUSING  
AUTHORITY  
Approved

REQUEST FOR AUTHORIZATION TO NEGOTIATE LEASE WITH LAS VEGAS  
HOUSING AUTHORITY

Approximately 75,000 sq. ft. of Urban Renewal land abutting  
the Madison Terrace Project.

Mr. Spaulding: The Housing Authority is rehabilitating  
the Madison Terrace Project using the Federal Section 8  
Program.

For several reasons they need utilization north of this  
property, including parking and recreational uses.

Their ideal would be a purchase of the property. However,  
Federal procedures for disposing of Urban Renewal land are  
quite complex and will require a significant amount of  
time.

We therefore propose, and ask for a motion, to allow us to  
negotiate a Lease at \$1.00 a year for this approximate  
75,000 sq. ft. of land. During that time the appraisal  
of the land, etc., can be undertaken. It would need a  
motion for negotiation of the Lease and permission for the  
Mayor to sign.

Mr. Sartini is in the audience if you have any questions.

M o t i o n

Commissioner Lurie: I move that permission be granted to  
negotiate a Lease with the Las Vegas Housing Authority in  
connection with certain land necessary for its rehabilita-  
tion of the Madison Terrace Project.

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

L.V. HOUSING  
AUTHORITY -  
SEC. 8 AGENCY

RESOLUTION DESIGNATING THE LAS VEGAS HOUSING AUTHORITY AS  
THE SECTION 8 AGENCY FOR THE CITY OF LAS VEGAS

Mr. Spaulding: The item deals also with the Las Vegas  
Housing Authority. The City develops, on an annual  
basis, a Housing Assistance Plan as part of its Community  
Development Block Grant planning process.

That Plan calls for the location and construction of  
assisted housing, including Section 8. This matter is a  
Resolution designating the Las Vegas Housing Authority  
as the City's Section 8 Agency. That is the Agency that  
implements the rental housing program for the City.

The Resolution is before you for your consideration.

See Pages 19 and 20 of these Minutes ( Resolution )

M o t i o n

Commissioner Lurie: I move for adoption of the Resolution.

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

A RESOLUTION DESIGNATING THE LAS VEGAS  
HOUSING AUTHORITY AS THE SECTION 8 AGENCY  
FOR THE CITY OF LAS VEGAS

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WHEREAS, the City of Las Vegas, Nevada submitted a  
Community Development application to the Department of Housing and  
Urban Development on March 13, 1975 and January 28, 1976; and

WHEREAS, a Housing Assistance Plan was included in  
said application; and

WHEREAS, pursuant to regulations for the Section 8  
Programs, the City of Las Vegas must certify to the Department of  
Housing and Urban Development that the activities of the Housing  
Authority of the City of Las Vegas, Nevada as set forth in their  
Section 8 applications to HUD, are consistent with the Housing  
Assistance Plans; and

WHEREAS, the Commission of the City of Las Vegas,  
Nevada must designate the Housing Authority of the City of Las Vegas,  
Nevada as the public housing agency (PHA) authorized to participate  
and administer the Section 8 existing rehabilitation and new construc-  
tion programs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board  
of City Commissioners of the City of Las Vegas, Nevada that the  
Housing Authority of the City of Las Vegas, Nevada is hereby designated  
the public housing agency for the purpose of administering the  
Section 8 existing rehabilitation and new construction programs.

BE IT FURTHER RESOLVED AND ORDERED that applications  
submitted by the Housing Authority of the City of Las Vegas, Nevada  
for Section 8 existing rehabilitation and new construction programs  
shall be consistent with the Housing Assistance Plans submitted by  
the City of Las Vegas in its current or future Community Development

L.V.  
HOUSING AUTHORITY  
(continued)

1 applications.

2 PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of

3 \_\_\_\_\_, 1976.

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\_\_\_\_\_  
WILLIAM H. BRIARE, MAYOR

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ATTEST:

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Edwina M. Cole, City Clerk

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(SEAL)

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REQUEST FOR BLOCK GRANT FUNDING - POOR PEOPLE PULLING  
TOGETHER - \$12,800.00 FROM LOCAL OPTION FUNDS

Mayor Briare: Mr. Spaulding, before you start on the next item, I gather from your written comments that this now has been put together in such a manner that the City could, on behalf of Poor People Pulling Together, complete an application for Federal funding?

Mr. Spaulding: That is correct.

Mayor Briare: I don't see Erma O'Neal in the audience -

Mr. Spaulding: They do have a representative present.

Mayor Briare: Do any of you folks have any questions or problems in this particular regard?

This would be an application for a Federally funded program, not requiring any City funds -

Mr. Spaulding: No City funds - it will be 100% Federally funded. I would point out, though, that our determination in working in terms of making it eligible is a Staff determination; the final decision as to whether it is eligible is exclusively that of the Federal Government.

If you choose to submit this, they may either find it ineligible or, for technical reasons, where secondarily they could just generally find it incompatible with the rest of our Program. I'm not saying they will, but it is their prerogative.

Mayor Briare: The question here, should the Board file the application?

Mr. Spaulding: The question is whether we should file it - right.

Mayor Briare: Are there any comments?

Walter B. Moore: I really have no necessary comments - Mrs. O'Neal is in the San Francisco Bay Area attending a Workshop. I am here simply to be available to answer any questions you may have on it. I work with PPPT.

Mayor Briare: I discussed this with Commissioner Woofter yesterday evening and he was very much in favor of this Program. Had he been here, I'm sure he would have made the motion to adopt. Would the Clerk have the record so reflect.

What is the pleasure of the Board?

M o t i o n

Commissioner Lurie: I move that permission be granted to submit the application for Block Grant Funding in behalf of Poor People Pulling Together.

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

RESOLUTION DESIGNATING THE DEPARTMENT OF FUNDS  
COORDINATION AND PROJECTS AS THE CONTACT AGENCY FOR  
STATE AND FEDERAL ASSISTANCE ACTIVITIES

(See Page 22 of these Minutes (Resolution))

Mr. Spaulding: The final item is simply a housekeeping

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A RESOLUTION DESIGNATING THE DEPARTMENT  
OF FUNDS COORDINATION AND PROJECTS AS  
THE CONTACT AGENCY FOR STATE AND FEDERAL  
ASSISTANCE ACTIVITIES

WHEREAS, applications for Federal and State assistance require  
the designation of a contact point as part of the application process; and

WHEREAS, Federal and State assistance grants require a design-  
ated agency for the administration, implementation and coordination of  
said projects; and

WHEREAS, the City has established a Department of Funds  
Coordination and Projects.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Department of Funds Coordination and Projects  
is responsible for developing Federal and State assistance applications.
2. That said Department is responsible for the preparation  
of resolutions authorizing the submission of Federal and State assistance  
applications.
3. That said Department will also ensure that applications  
are submitted to regional and state agencies for A-95 Clearinghouse review.
4. That said Department is responsible for the planning,  
implementation, and administration of Federal and State assistance grants  
awarded to the City of Las Vegas.
5. That the Director of said Department shall have authority  
to designate a contact person for each individual application or program.
6. That said Department is authorized to provide information  
and furnish such documentation as may be required for State and Federal  
assistance applications and awarded grants.
7. This Resolution to take effect immediately.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1976.

\_\_\_\_\_  
WILLIAM H. BRIARE, MAYOR

ATTEST:

matter. The Federal Government requires a Resolution of the City Commission to be on file designating the Department responsible for Federal Aid applications.

The Resolution is in your folders in the name of the new responsible Department.

M o t i o n Commissioner Christensen: I move for adoption of the Resolution.

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

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DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

J. ROBT McPHERSON, DIRECTOR

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Mr. Adams: The next items to come before you are Personnel Items.

Item "A" is for Federally-funded, with no City cost and Item "B" are for those funded with some City cost.

They are all replacement items.

See Page 25 of these Minutes (Annotated Agenda)

M o t i o n

Commissioner Lurie: I move for the approval of Items "A" and "B".

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

Mr. Adams: Item "C" covers City-funded operations in those areas where we feel there is a definite need. We are still attempting to hold the line on all new hires and these are replacements we feel are necessary.

See Page 26 of these Minutes (Annotated Agenda)

Commissioner Lurie: I have a question concerning C (6) - the City Attorney's investigator - what is "temporary"?

City Attorney, Carl E. Lovell, Jr.: Actually, I think they did it this way for the extension for Mr. Haley until he goes to Law School in August. The Federally-funded program is over and there is a balance of around thirty-one (31) days, or whatever it is, of a temporary aspect.

We would mention to you, whether it will be Federally-funded again or not, we request this position to be filled approximately August 1st both from a Consumer Protection and Obsenity Law Enforcement standpoint. He is our representative and liaison with the public with many of the complaints and investigations we have to do.

So we're doing it this way now to see if it might come through on a Federal Grant.

Mayor Briare: Mr. Lovell, do you have any projections as to what the future might hold after July 31st relative to this particular position?

Mr. Lovell: We would hope it would continue.

Mayor Briare: The reason I ask you that is because I, too, had a question about it because the job description is "responsible for investigative duties regarding adult oriented businesses" where the City has appropriated substantial sums of money to hire four (4) Police Officers for the same purpose. Is it necessary to have a fifth?

Mr. Lovell: I would agree - that job description is really improper. I don't know how that got on there.

Commissioner Lurie: We ought to change it - change it now before we vote on it.

ITEM Commission Action Department Action

I-e DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

BOB McPHERSON, DIRECTOR

1. AUTHORIZATION FOR TEMPORARY POSITIONS AND/OR REPLACEMENTS

A. Federally funded (No City Cost)

Dept/Class	Monthly Cost	Justification
PS/Streets Utility Worker - 3 Title VI (replacement hire) Until 11/15/76	520	Assigned to clean-up crew in West Las Vegas.

Items "A" and "B" Approved as recommended Lurie - unanimous

Staff authorized to proceed

B. Federally funded (With Some City Cost)

(1) PS/Traffic Eng. Elec Trades Helper Title I (replacement hire) Until 11/15/76	Fed-783 City-121 Total-904	Responsible for assisting in the maintenance and repair of traffic signal equipment.
(2) CS/Golf Course Maint Laborer - 2 Title I (replacement hire) Until 11/15/76	Fed-783 City- 45 Total-828	Needed for watering, mowing and keeping golf course in good playing condition.
(3) Municipal Court Intermediate Clerk Title VI (replacement hire) Until 11/15/76	Fed-666 City- 60 Total-726	To handle overall workload, particularly counter work.
(4) Human Resources Intermediate Clerk Title VI (replacement hire) Until 11/15/76	Fed-666 City- 60 Total-726	Performs clerical functions, such as typing, ordering supplies, etc.
(5) MS/Purchasing Intermediate Clerk Title VI (replacement hire) Until 11/15/76	Fed-666 City- 60 Total-726	Types all purchase orders to outside vendors. Responsible for maintaining P.O. Register.
(6) PS/Electrical Elec Trades Helper Title I (replacement hire) Until 11/15/76	Fed-783 City-121 Total-904	Assists in installing switches, motor maintenance, lamp replacement programs and new construction projects.

ITEM	Commission Action	Department Action
<b>I-e DEPARTMENT OF PERSONNEL &amp; EMPLOYEE RELATIONS</b>		
<b>C. City funded (Replacement Hires)</b>	Approved Items 1 thru 7	Staff to proceed
(1) MS/Reprographics 1344 Supervisor of Reprographics	Responsible for all phases of reprographic services.	Item 6 - Job description amended to delete
(2) MS/Purchasing 520 Utility Worker Temporary - Until 9/25/76	Release Warehouse Worker to prepare for computerization of inventory. Also to fill in during vacations.	"regarding adult oriented businesses" Leavitt - unanimous
(3) PS/Traffic Engineering 904 Electrical Trades Helper	Responsible for assisting in the maintenance and repair of traffic signal equipment. To be filled by absorbing Federal employee. See Item B(1).	
(4) PS/Electrical 904 Electrical Trades Helper	Assists in installing switches, motor maintenance, lamp replacement programs and new construction projects. To be filled by absorbing Federal employee. See Item B(6).	
(5) Cultural Services 759 Stenographer	This is the only secretarial position in the administrative section in the department.	
(6) City Attorney 1231 Investigator Temporary - Until 7/31/76	Responsible for investigative duties regarding adult oriented businesses. This has formerly been a federally funded position.	
(7) City Manager 901 Administrative Secretary	This is a replacement position which will be utilized in the City Manager's office and the Funds Coordination & Projects Dept. because of a promotion from the Funds Coordination & Projects Dept.	
<b>2. RATIFICATION OF FIRE UNION NEGOTIATIONS SETTLEMENT</b>	Ratified negotiated Agreements between City of L. V. and Firefighters Local - Supervisory and Non-Supervisory personnel Lurie - unanimous	Staff to proceed

REPLACEMENT  
HIRES  
(continued)

Commissioner Christensen: I will withdraw my motion and we can delete that one if you want to.

Mayor Briare: Or would the Commission be agreeable to approving it until July 31st and then prior to any new hire for a replacement, that a proper job description be submitted?

Mr. Adams: We would bring it back to you then.

Mayor Briare: Would you care to restate your motion?

(No response from Commissioner Christensen)

M o t i o n

Commissioner Leavitt: Your Honor, I move we approve Item "C", 1 thru 7, deleting 6.

Commissioner Leavitt: Let me ask you this, is this item C (6) only to July 31st?

Mr. Adams: That is correct - Then we would bring it back to you -

Commissioner Leavitt: Do I understand from the City Attorney that the job description here is not what this person is going to do - is that right?

Mr. Lovell: That is right.

Commissioner Leavitt: Actually what he is going to be is responsible for investigative duties - period.

Mr. Lovell: That's correct -

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

Commissioner Leavitt: Then I would move, Your Honor, that we approve Items 1 thru 7 and on Item 6 amend the job description by beginning with the word "regarding" and ending with the word "businesses".

Mayor Briare: Are there any further comments?

(No response)

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

FIRE UNION  
NEGOTIATIONS  
Ratified

RATIFICATION OF FIRE UNION NEGOTIATIONS SETTLEMENT

Mr. McPherson: Mayor, if we could, we would like to take this in two parts.

The first part would be Ratification of Staff's recommendation on the Supervisory and Non-Supervisory Contracts which, essentially, provide a cost-of-living increase, a reduction in sick leave benefits, consistent with the 40-hour employees and the NIC and the Uniform Benefit package.

Mayor Briare: Any questions by the Commission?

(No response)

Mayor Briare: Any questions by anyone in the audience?

(No response)

M o t i o n  
Page 27  
Minutes  
Regular Meeting  
City Commission  
June 16, 1976

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

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



DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

PERMISSION  
TO ADVERTISE  
FOR BIDS  
Approved

See Page 30 of these Minutes (Annotated Agenda)

Mr. Cathcart: First, Your Honor, under Permission to Receive Bids for this fiscal year's budget for the Public Services Department, a Cash Register for the Animal Shelter. This has been discussed with Commissioner Lurie. The estimate was \$2,500.00. It is a budgeted item under this Department.

Commissioner Lurie: I would move for approval to advertise for bids.

Mayor Briare: If there are no objections, proceed with the advertisement for bids.

AWARD OF  
CONTRACTS  
Approved

See Pages 31 and 32 of these Minutes (Annotated Agenda)

Mr. Cathcart: Items 1 and 2 are in order and unless you have some questions, I would like to make a comment on Item 3:

Commissioner Lurie: I have just one comment on Item 1, Mayor: The estimate was quite a bit lower than what the bids came in at. What was the reason for that?

Mr. Cathcart: Mr. Hampton, I believe, has that information on Bid No. 76.26 - Valley View Blvd.

Mr. Hampton: The main reason was that the epoxy sealer was a lot higher than we had anticipated and we are recommending in the award that the epoxy sealer would be eliminated.

Commissioner Lurie: Is this going to reduce the cost from the \$52,000.00?

Mr. Hampton: No - it will be the \$52,000.00 - the original estimate with the epoxy sealer was considerably higher. The sealer alone was in the vicinity of \$25,000.00. The difference of approximately \$11,000.00 from what has been adjusted here, can only be justified by the fact that this is the first of this type of project we have ever bid and, hopefully, it will be the last one. We just did not have reliable figures to work with so it is essentially a poor estimate. We have justified their figures and they are reasonable.

Commissioner Lurie: And you have the funds for this?

Mr. Hampton: Yes, we do.

Commissioner Lurie: I move for approval of award of

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, 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. PERMISSION TO RECEIVE BIDS

1. Fifty (50) Loop Detectors for Motorcycle Identification in Left Hand Turn Lane (Public Works)
2. Disc Drive Complete with Electronic Modification. Sole Source - Must Match Existing Installation. (Financial Mangement)
3. Four (4) Heat Pumps Complete with Thermostats - Fire Station No. 9 (Fire Dept.)
4. Annual Janitorial Paper Supply Contract, Fiscal Year July 1, 1976, Through June 30, 1977 (Municipal Services)
5. Two (2) Dictating/Transcribing Units - Manpower (Federally Funded) - (C.E.T.A.)
6. Median Cut - Decatur At Vermont 75% City Funded - 25% Local Business Funded (Public Works)

Items 1 thru 6  
 Approved  
 as recommended  
 Lurie - unanimous

Director  
 authorized to  
 proceed

\*B. AWARD OF BIDS

1. Bid #76.26 - Valley View Boulevard - Alta Drive Drain Repairs (Public Works)
2. Bid #76.33 - Annual Street Repair Contract, Fiscal Year July 1, 1976, Through June 30, 1977 (Public Works)
3. Bid #76.34 - Annual Pest Control Contract, Fiscal Year July 1, 1976, Through June 30, 1977 (Municipal Services)

Items 1 thru 11  
 Approved  
 as recommended  
 Lurie - unanimous

Same as above

AWARD OF  
CONTRACTS  
(continued)

AGENDA  
JUNE 16, 1976  
Page 8

ITEM	COMMISSION ACTION	DEPARTMENT ACTION
I-f. <u>DEPARTMENT OF MUNICIPAL SERVICES, CONTD.</u>	See Page 7	See Page 7
4. Bid #76.37 - Annual Kerosene, Solvent and Toluene Contract, Fiscal Year July 1, 1976, Through June 30, 1977 - BASE BID ONLY (Municipal Services - Automotive Services)		
5. Bid #76.41 - Annual Battery Contract, Fiscal Year July 1, 1976, Through June 30, 1977 (Municipal Services - Automotive Services)		
6. Bid #76.42 - Annual Oil and Air Filter Contract, Fiscal Year July 1, 1976, Through June 30, 1977 (Municipal Services Automotive Services)		
7. Bid #76.44 - Annual Radiator Repair Contract, Fiscal Year July 1, 1976, Through June 30, 1977 (Municipal Services - Automotive Services)		
8. Bid #76.45 - Annual Spark Plug Contract, Fiscal Year July 1, 1976, Through June 30, 1977 (Municipal Services - Automotive Services)		
9. Bid #76.57 - 475 Gallons Weed Killer; 100 Gallons Herbicide (Cultural Arts Dept. - Golf Course and Parks Division)		
10. Bid #76.59 - Eighteen (18) Each Replacement Street Light Poles (Public Works)		
11. Bid #76.65 - Dula Center Roof and Cooler Replacement (Public Works)		
*C. <u>PURCHASE ORDER APPROVAL</u>	Approved as presented Lurie - unanimous	Director authorized to proceed
1. Request purchase order approval to Johnston Pump Co., Azusa, California, in the amount of \$5,783.00. This is for replacement parts of 1967 trickling filter pumps at the Wastewater Treatment Plant. Original equipment manufacturer.		
2. Request purchase order approval to Terra Aqua Conservation, Reno, Nevada, in the amount of \$3,819.00. This is for galvanized gabions used in erosion control along drainage ditch embankments. Standardized throughout the City.		
<u>ADDITIONAL ITEM</u>		
BID No. 76.47 - 2-Year Uniform Rental Contract Service & Maintenance Trades - 7/1/76 thru 6/30.78 (Various Depts.)	Approved as recommended	Director authorized to proceed

ITEM	COMMISSION ACTION	DEPARTMENT ACTION
I-f. <u>DEPARTMENT OF MUNICIPAL SERVICES, CONTD.</u>		
D. <u>ABEYANCE ITEM - BOARD OF CITY COMMISSION MEETING JUNE 2, 1976</u>		
1. Request purchase order approval to Sterling Codifiers, Weiser, Idaho, in the amount of \$2,315.00, for fifty (50) assembled City of Las Vegas Code Books. Sole Source - Under Contract. (Business Activities)	Approved as recommended Lurie - unanimous	Director authorized to proceed
E. <u>PERMISSION FOR CONTRACT EXTENSION</u>		
1. Bid #73.118 - Annual Uniform Rental Contract, Non-Uniformed Employees		
Request permission for additional contract extension to Valley Uniform Supply, for the period July 1, 1976, through August 31, 1976. The estimated contract amount is \$5,000.00	Approved as recommended Leavitt - unanimous	Same as above



AWARD OF  
CONTRACTS  
(continued)

Mr. Greer: We don't have any correspondence from the City Attorney at all.

Mr. Cathcart: Mayor, if this is to be held in abeyance I will get a copy made . . .

Mayor Briare: So that he will have all the information we're talking about. We have all this material and we are perhaps at an advantage and Mr. Greer is at a disadvantage -

Mr. Cathcart: This has all been discussed, I think, with Mrs. Greer, but I will get a copy for him.

Mayor Briare: Item 2 is the Annual Street Repair Contract with award to Womak Construction.

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, none.

Mr. Cathcart: All the rest - Items 4 thru 11 are in order, and I have one additional item.

Mayor Briare: I have one question on Item No. 10 - Street Light Poles. Is this an item where you have so many in stock?

Mr. Cathcart: Yes - replacement for knock-downs.

Mr. Cathcart: I have the one additional item I would like to bring on as Item 12, Your Honor. I have discussed this with Commissioner Lurie and I believe I have provided each of you with a copy of what is being requested.

The reason we are bringing it before you at this time is because it takes approximately two (2) months for any Contractor to gear-up for this rental contract with the emblems and the uniforms. We had to delay this awaiting the outcome of the Fire Union negotiations because we were combining both trades in one package. So we did have to revise the package and go out on strictly the service and maintenance trades.

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, none.

Mr. Cathcart: Item "D" was an abeyance item. I did receive a call today from Ila Britt, Director of License & Revenue. She had been in discussion with the City Attorney's office.

Since the Codifiers are coming out with a new book, probably next Fall, they agreed they could reduce this 25 sets, which would amount to \$1,157.50.

As I understand it, it is more or less of a critical item right now.

Mayor Briare: These are items that are sold through the Licensing Department?

Mr. Cathcart: Yes, they are - they are reimbursible.

Mayor Briare: Mr. Lovell, do you have any comments on this?

CODE BOOKS  
(continued)

Mr. Lovell: The only thing we have on it - we know there is a critical need for people who request copies of our Codes now. Rather than buy a large number, codification by all departments in our office has been focused for July 1st as a draft version - then finalization of it, so we will have a brand new Code by whoever might be doing it -

Mayor Briare: It might not be this firm?

Mr. Lovell: Maybe not.

Mayor Briare: What is the pleasure of the Board for twenty-five (25) Code Books?

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, none.

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DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

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See Pages 37 thru 44 of these Minutes  
(Annotated Agenda)

Mr. Adams: Item "B" are requests for Fireworks Permits.

Mayor Briare: On Item 20, should that be NEVADA STATE YOUTH SOCCER ASSN.? Or is there a NEVADA STATE YOUTH VOLLEYBALL ASSN.?

Mr. Crow: This is the Nevada State Youth Volleyball Assn.

Mayor Briare: I would request that the Board allow the inclusion of Item No. 29 to read:

NEVADA STATE YOUTH SOCCER ASSN.

because I believe members of this Commission are aware that in the past the Soccer enthusiasts have had Fireworks Permits and for reasons I don't know, they don't appear here. Maybe because it's new in the City and they didn't know what the procedures were, but if we were to include them as Item No. 29, subject to them completing the proper forms and complying otherwise, then we would give these folks an opportunity to go ahead and participate in the Fireworks Program with all the rest.

Would the Commission have any objection to that?

Mr. Adams: We have one other thing I might mention in this activity. We think all of the requests are in, but there will be no other Commission meetins until it is too late for the operation to start, so it might be that if there are any late-comers, you might give me the authority them at your first meeting in July. That would enable us to take care of any more that might come in.

Mayor Briare: There could be others, Commissioners. Would it be in order to authorize the City Manager to use his discretion in authorizing the Licensing Department to accept further applications.

M o t i o n      Commissioner Leavitt: I would so move.

Commissioner Christensen: Your Honor, just to keep my record clear on Fireworks, I am going to vote against this. It's not that I'm against any of these organizations, but I just don't believe in Fireworks.

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

ITEM Commission Action Department Action

I-g. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

\*CONSENT AGENDA

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

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

1. CHRIST CHURCH EPISCOPAL -- a rummage sale
2. ZOOLOGICAL SOCIETY OF NEVADA dba LAS VEGAS VALLEY ZOO -- sale of memberships and general solicitations
3. SEVENTH DAY ADVENTIST CHURCH-- a rummage sale
4. LA LECHE LEAGUE OF LAS VEGAS-- raffle tickets
5. SOUTHERN NEVADA INDEPENDENT YOUTH ATHLETIC ASSN. -- raffle tickets
6. ROSE GARDEN CLUB -- sale of the "Las Vegas Valley Gardening" book
7. THE CHURCH OF SCIENTOLOGY CELEBRITY CENTRE -- sale of church books
8. ST. CHRISTOPHER CHURCH -- general solicitation for prizes and cash donations; a church bazaar; raffle tickets
9. MUSCULAR DYSTROPHY ASSN., INC. -- McDonald's Summer Kiddie "Backyard Carnival" program; "Do Your Own Thing" kit program; Seven-Eleven "Door Bell Brigade" Canister Can Drive; Summer Camp mailers; Don Fuller "Swim For Life"; Charleston Plaza Mall "Setting Free Mall Ball"; I.A.F.F. "Fill the Boot" campaign; Jerry Lewis Telethon

Items 1 thru 10  
 Approved  
 as recommended  
 Lurie

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 10

See Page 10

10. SOUTHERN NEVADA ASSN. FOR THE HANDICAPPED -- general solicitations

\*B. FIREWORKS PERMITS (Subject to the provisions of the Building and Fire codes)

Items 1 thru 28 Approved with the City Manager authorized to approve any late applications submitted by Charitable or Fraternal organizations between 6/16/76 and 7/4/76. Leavitt Commissioner Christensen voted "no"

Director authorized to issue

1. BETA SIGMA PHI, KAPPA CHAPTER
2. BONANZA HIGH, BOOSTERS CLUB
3. BOY SCOUTS OF AMERICA - TROOP 39
4. BOY SCOUTS OF AMERICA - TROOP 119
5. BOY SCOUTS OF AMERICA - TROOP 131
6. BOY SCOUTS OF AMERICA - TROOP 240
7. BOY SCOUTS OF AMERICA - TROOP 290 (Two locations)
8. BOY SCOUTS OF AMERICA - TROOP 295
9. BOY SCOUTS OF AMERICA - TROOP 315
10. BOY SCOUTS OF AMERICA - TROOP 375
11. BOY SCOUTS OF AMERICA - TROOP 777
12. CALVARY LUTHERAN CHURCH
13. DELTA ZETA SORORITY, IOTA PHI CHAPTER
14. EASTER SEAL SOCIETY FOR CRIPPLED CHILDREN AND ADULTS OF NEVADA, INC. (Three locations)
15. FRATERNAL ORDER OF EAGLES
16. FRIEND OF PRESBYTERIAN YOUTH
17. INDEPENDENT ORDER OF FORESTERS





ITEM Commission Action Department Action

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

F. LIQUOR AND GAMING -- New

1. \*THE CASINO  
 2550 South Rancho Road  
 General Liquor
- Mini-Price Motor Inn Casino,  
 Inc.  
 Carl W. Thomas - 100%, sole  
 officer and stockholder

\*Subject to the provisions of the  
 Planning, Building and Fire codes,  
 Health Department regulations,  
 and the State Gaming Commission

Approved  
 subject to  
 conditions  
 Lurie

Director  
 authorized to  
 proceed

G. LIQUOR AND RETAIL TOBACCO --  
Change of Ownership

1. THE COCKATOO CLUB  
 1601 North Rancho Drive  
 Tavern
- From: Stanley/Marguerite  
 Robinow
- To: Hughes Enterprises, Inc.  
 Kathleen Hughes, 100%,  
 sole officer and stock-  
 holder

Approved with  
 effective License  
 date of 7/1/76  
 Lurie - unanimous

Same as above

H. LIQUOR AND GAMING -- Change from  
sole ownership to partnership

1. FIFTH STREET LIQUORS  
 725 Las Vegas Blvd South  
 General Liquor  
 15 slots
- From: Gordon W. Potter, 100%
- To: Gordon W. Potter, 50%  
 Raymond M. Potter, 50%

Approved  
 Lurie - unanimous

Same as above

I. LIQUOR - Additional corporate  
officers

1. WHISTLE STOP LIQUORS  
 #1 Main Street  
 Package Liquor
- Host International, Inc.
- Additional officers:  
 Kay Byton Page, V.P.  
 Fred Osterhoudt Cox, V.P.  
 Richard Lipsky, V.P.

Approved  
 Lurie - unanimous

Same as above

ITEM	Commission Action	Department Action
<p>I-g. <u>DEPARTMENT OF BUSINESS ACTIVITY</u>            (cont'd)</p>		
<p>J. <u>LIQUOR - Reclassification</u></p> <p>1. RIO BRAVO MEXICAN FOOD            2511 Teddy Drive            From: Restaurant Beverage            To: Service Bar</p> <p>Carmen Bravo - 100%</p>	<p>Approved            Lurie - unanimous</p>	<p>Director            authorized            to proceed</p>
<p>K. <u>LIQUOR - Request for Extension            of Closure</u></p> <p>1. DAVID'S PLACE            2127 West Charleston Blvd.            Supper Club</p> <p>David Silverman</p> <p>(Closed 1-12-76. Extension            for 3-5-76 thru 5-3-76 apprd            2-18-76; extension for 5-4-76            thru 7-2-76 apprd 4-21-76.            Request for 60 day extension            of inactive status for:            7-3-76 thru 8-31-76.</p>	<p>Approved            as requested            Lurie - unanimous</p>	<p>Same as above</p>
<p>L. <u>GAMING - New</u></p> <p>1. MR. SUD'S LAUNDRYMAT            2303-05 South Eastern            2 slots</p> <p>Alfred J. Gomes, III - 50%            Patricia A. Gomes - 50%</p>	<p>Approved            Lurie - unanimous</p>	<p>Same as above</p>
<p>M. <u>RETAIL TOBACCO - New</u></p> <p>1. JACKPOT CASINO            Mace Gazda - 100%</p> <p>Jackpot Casino            2410 Las Vegas Blvd South</p> <p>2. FREMONT HOTEL, INC.</p> <p>Fremont Hotel Gift Shop            200 E. Fremont</p>	<p>Items 1 and 2            Approved            Lurie - unanimous</p>	<p>Same as above</p>



ITEM	Commission Action	Department Action
<p>I-g. <u>DEPARTMENT OF BUSINESS ACTIVITY</u>            (cont'd)</p>		
<p>P. <u>M-7 BUSINESS LICENSE APPLICATIONS</u>            (cont'd)</p>		
<p>5. SCIENTIFIC TURF SERVICE            224 Las Vegas Blvd North             Clifton McGhee             Selling information on race horses.</p>	<p>Approved            Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>6. CRAIG C. GILBERT            318 Maryland Pkwy So             Craig C. Gilbert             Change of location. Marriage individual and family counseling.</p>	<p>Approved            Lurie - unanimous</p>	<p>Same as above</p>
<p>7. MAGAS ENTERPRISES            2035 Las Vegas Blvd So             Mark A. Goldstein             Show ticket sales</p>	<p>Approved            W            Mayor Briare abstained</p>	<p>Same as above</p>
<p>Q. <u>LIQUOR, GAMING AND RETAIL TOBACCO -- New store Manager</u></p>		
<p>1. LUCKY STORE # 735            1200 South Decatur Blvd            Package Liquor Ltd.            15 slots             Lucky Stores, Inc.            W. H. Fisher, Pres                  et al             John Stephen Tochtrop,            Manager</p>	<p>Approved            Lurie - unanimous</p>	<p>Same as above</p>
<p>R. <u>*M-7 APPLICATION RESUBMITTED</u></p>		
<p>1. MADAM'S            33 East Oakey Boulevard             Liberty Canyon, Inc.            Philip Rothschild Fagan, Pres             Verbal communication center and reading room.</p>	<p>Denied            Leavitt - unanimous</p>	<p>Same as above</p>

\*Stricken 5-5-76.

BUSINESS  
ACTIVITIES  
(continued)

\*THE CASINO  
2550 South Rancho Road  
GENERAL LIQUOR

Mini-Price Motor Inn Casino, Inc.  
Carl W. Thomas 100%  
Sole Officer & Stockholder

\*Subject to the provisions of the Planning, Building and Fire Codes, Health Department regulations and the State Gaming Commission.

Mayor Briare: Is the applicant present?

Attorney Jerry Snyder: I am representing Mr. Thomas -

Mayor Briare: Is there something about a non-restrictive License outside certain areas? Is this within the area . . . how many rooms do you have?

Mr. Thomas: 465 -

Mayor Briare: Including the new addition -

Mr. Thomas: That's right.

Mayor Briare: This comes under the restriction based on the number of rooms - is that right?

Mr. Snyder: That is correct.

M o t i o n

Commissioner Lurie: I move for approval, subject to the conditions.

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

Mr. Adams: The next item is on CHANGE OF OWNERSHIP - LIQUOR AND RETAIL TOBACCO.

THE COCKATOO CLUB  
1601 N. Rancho Drive  
TAVERN

From: Stanley/Marguerite Robinow

To: Hughes Enterprises, Inc.  
Kathleen Hughes 100%  
Sole Officer and Stockholder

Kathleen Hughes: I am Kathleen Hughes, 3529 South Buena Vista and I would like your approval to have the Liquor License start on July 1, 1976 instead of the date that is on the application, if I may.

Mayor Briare: Is there any reason to object to that?

Mr. Crow: We would have no objection to making it effective July 1st.

Commissioner Lurie: What was it on the application.

Mr. Crow: It would become effective tonight if you approve it.

Kathleen Hughes: My understanding is that if you approve it today without specifying July 1st, the place will have to be closed if I'm not ready to go in -

Commissioner Lurie: If it is closed for more than sixty (60) days, you have to come back before this Board -

Kathleen Hughes: I understand that -

Commissioner Lurie: So you can open on July 1st without any problem. It doesn't have to be a condition on that -

You are confusing the issue.

Kathleen Hughes: Well, we don't want the place closed for the next two weeks, is the idea, unless my attorneys advised me incorrectly.

Commissioner Leavitt: I'm confused - I'd like to ask some questions -

Sgt. Ashenfelter: I am Sgt. Ashenfelter, Metro Police, Special Investigations. Mrs. Hughes contacted us regarding this situation. What her problem is - the present owners rent is up June 31st and she wishes to take over the business on July 1st.

So, basically, what is going to happen is the present Licensee is still going to have the business until July 1st, at which Mrs. Hughes will take over. She is going to remain out of the business until July 1st.

Commissioner Lurie: That's fine - she can remain out of it and we're approving it tonight so she can take over under whatever agreement she made with the previous owners. She can make those arrangements with them to take over on July 1st. We're approving it so that she can take over on July 1st. We can't get involved in her negotiations with the present owners.

Sgt. Ashenfelter: That's right -

Commissioner Christensen: Well, except if she doesn't take over on July 1st and we transfer this License - the people who are there now have no License and they will be operating illegally for the next two weeks. What she wants is no break in the operation of the establishment.

Sgt Ashenfelter: That is correct, Sir.

Commissioner Lurie: I will amend my motion to the effect that the effective date be July 1, 1976.

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

#### LOCKSMITH LICENSE

RON'S LOCK & KEY SERVICE    Ronald R. Moppert    100%  
1042 N. Rancho Road

Mr. Adams: This item does not come to you with a recommendation for approval. I think SID would have some comments.

Mayor Briare: Do you have any comments in addition to those you have already made?

Sgt. Ashenfelter: Not at this point, Your Honor.

Mayor Briare: I see we have a copy of a letter from Attorney Brown. We may ask you for your comments after we hear from Mr. Brown.

Attorney Brown: For the record, my name is Joe Brown. I am with Jones, Jones, Bell, LeBaron, Close & Brown law firm. I am counsel for the applicant. Mr. Moppert is in the audience. I will ask him to stand and identify himself. With him also are some people who are appearing on his behalf and I do have a letter which I would like to submit to you. It is from Judge Ray Daines of North Las Vegas. He was one of the character references for this gentleman. He was unable to appear today so he has written a letter, dated today. It states as follows:

BUSINESS  
ACTIVITIES  
(continued)

"TO WHOM IT MAY CONCERN:

" I have known Russell Moppert for approximately three years through various civic organizations and personally find him to be a man who is a credit to the community.

"I would have no reservations in recommending him for a Business License in Clark County."

/s/ Ray H. Daines  
Municipal Judge  
City of North Las Vegas, Nevada

-----  
Mr. Brown: I would like that letter entered into the record.

As you gentlemen know, I wrote you a letter a day or two ago. I know your time is limited at each hearing so I wanted you to know something of the background of this application. I submitted a copy of the letter to the Sheriff's office so they would be aware of my action.

Mayor Briare: Officer Ashenfelter, do you have any comments you want to make after receiving a copy of Mr. Brown's letter?

Sgt. Ashenfelter: No, Sir.

Commissioner Leavitt: There was some comment made in Mr. Brown's letter to the effect that some of the arrests listed on Mr. Moppert's investigative report were the result of undercover activities with the Metropolitan Police Department - is that true?

Sgt. Ashenfelter: Sir, we have no knowledge - our office, nor have we been able to contact anyone who has advised us that this has taken place. No one has come to me, or my Supervisor, and advised me that Mr. Moppert has given information.

Commissioner Leavitt: As the result of the letter, did you make any inquiry to find out whether or not this was true?

Sgt. Ashenfelter: Sir, I received the letter at ten minutes to three o'clock this afternoon and I did make a contact with an individual who was with what was then the Clark County Sheriff's Department who, apparently was aware of Mr. Moppert's activities in the past and advised me that his contact and alleged information given by Mr. Moppert - in his words - never did pan out.

Commissioner Leavitt: In answer to my specific question - were the arrests listed in your report the result of undercover work done by Mr. Moppert?

Sgt. Ashenfelter: Not to my knowledge, Sir - No.

Attorney Brown: Commissioner Leavitt, if you will read my letter, I qualified this. I said this was just information that I have from an official who asked that he not be named and said, in explanation of the number of arrests and the reason why so many of them were like - in the door and out the door - were dismissed right away - he said possibly that is why as part of a bust, or something, he had to be arrested with everybody else, and then they dismissed it. I stated it that way in the letter because I don't know whether it is true or not.

Mayor Briare: There is one way to find out - ask Mr. Moppert.

BUSINESS  
ACTIVITIES  
(continued)

Ross Anzalone: I was with the Sheriff's Department for eight (8) years and I personally arrested him a couple of times - because he was working under cover with me. I was with the Sheriff's Department. I'm with the Public Defender's Office now.

Commissioner Leavitt: Have you seen this Investigation Report?

Mr. Anzalone: Yes, I have.

Commissioner Leavitt: Can you specifically tell us which ones those arrests were?

Mr. Anzalone: No, I can't - I would have to see the arrests and see which ones my name was on. It was quite a few years ago.

Commissioner Leavitt: In other words, you made these arrests so that he would be able to keep his cover - is that right?

Mr. Anzalone: Absolutely - not all of them, but I know of two (2) myself.

Sgt. Ashenfelter: Two out of 23 is not much to stand on and I question the fact of possession of burglar tools is under cover or not.

Mayor Briare: Is Mr. Moppert here?

Attorney Brown: Yes, he is.

Mayor Briare: Is he a Locksmith? Don't you have to have some kind of training for this?

Attorney Brown: He has been trained in that field while he was on probation. He has been working for a Locksmith in Boulder City.

Commissioner Leavitt: What kind of burglar tools were they? Were they Locksmith's tools?

Attorney Brown: It was in 1971 on the record I have. By my count there were twenty-three (23) arrests with two (2) convictions - one a \$25.00 fine for petty larceny and the other one was grand larceny, for which he was given four (4) years probation, and he now has a pardon for that charge.

Commissioner Lurie: The ones where there is no disposition - what happened to those cases?

Attorney Brown: That's all there is on the record - I don't know. The Sheriff's office has better information on what happened to them than I do. It just says "no disposition" - so I assume they were dismissed.

Commissioner Lurie: Of the hundreds of businesses that one can go into, and with his past record, why did he pick the Locksmith business to get into? You come before us with his record - you are trying to base a case here on a situation for us to give out License where every time there is a burglary, he is going to be suspect.

Attorney Brown: His record, per se, of convictions - and I think under the laws of the United States and the Constitution, you have not a record until you are convicted. Otherwise all you would have to do for you, or me, or anyone, be arrested, whether there be any merit to it or not, and you are precluded from going into any business. It's a jury and it is the criminal system of America that decides whether you have a record - if you are convicted, and he has not been convicted but two (2) times out of this whole period of time, and one was for

BUSINESS  
ACTIVITIES  
(continued)

petty larceny and he received a \$25.00 fine. Another time, four (4) years probation and he is off the probation early, and his Probation Officer was one of the character references for him. A Municipal Judge is another - members of the Sheriff's Narcotic Squad are other witnesses for him - character references. The man, I believe, deserves a chance.

Because of this, I've done a little looking into this and read some articles on it and they say - one of the articles and I think I even cited this in my letter - that recidivism is caused to a great extent because society won't give them a chance - won't give them a second chance to prove themselves.

Now he has been four years without so much as an arrest, whereas before that - the record prior to that time was replete with arrests. I think the man over a 4-year period - now, if he was coming in within six months or one year, he might be suspect, but the man has lived a life of four years of exemplary social service, according to Judge Ray Daines, and he deserves a break.

Commissioner Leavitt: According to the report we have, there were six arrests after that -

Attorney Brown: They aren't listed on the report from the Sheriff - nothing after 1972 - I said the last four years -

Commissioner Leavitt: OK - that's true - but in connection with the grand larceny in 1972, the second page shows that in the same year there were six other arrests - which were all dismissed.

Attorney Brown: That's right - I don't know what the time sequence was - they might have all been on the same day -

Sgt. Ashenfelter: The report is dated October 20, 1971, and if I may read from the statement portion, it says:

While serving a Search Warrant on the above subject for possession of stolen property, we did locate a large suitcase containing numerous keys, lock-picks and lock-making devices . . ."

and he was arrested for possession of burglary tools because he did not possess the License for a Locksmith.

Mayor Briare: If he had had such a License, would that have influenced your procedure?

Sgt. Ashenfelter: If he was a licensed Locksmith and he had the tools of his trade, then there would be no reason to arrest him for that.

Attorney Brown: What matters here is why they were dismissed - we don't know why they were dismissed, either by the Sheriff's office or by the Judge.

Mayor Briare: I just have the feeling that the Board would not give nearly as much time to this matter if you hadn't laid out a pretty good case, and I don't know whether this is something that is absolutely discretionary with this Board or not, but I think you admit - and Mr. Moppert, who apparently is in the audience and perhaps one of the Commissioners might want to ask him a question - that it is a very unusual and very difficult decision to make, based on his past record.

BUSINESS  
ACTIVITIES  
(continued)

Attorney Brown: I realize that -

Mayor Briare: My first comment as an individual voter on this Board, only because of your letter - believe me, without that, I certainly wouldn't give it any consideration at all because I think it would be kind of a slap in the face to Metro, and we're not interested in doing that - but the thought occurred to me - and I will direct this question, if I may, to Mr. Lovell, - is it possible to give a Temporary License for a period of time when the matter can be reviewed, without fear of winding up in a long court case?

Mr. Lovell: We don't have any provision for that.

Attorney Brown: Gentlemen, I realize you don't know the man and you've got to go on the record of what the arrests are, of what their recommendation is. But what is very important here is that people who have given him character references, and do know him, are people of high standing in this community and Ray Daines, for one, has gone on the hook to write a letter - two letters - a letter of recommendation and a letter because he could not personally appear here tonight. I think his recommendation in knowing this man and saying he has served in various social activities - community-minded activities - with this man for three years and knows him and would, without qualification, recommend him. I think that has to be given some weight.

Mayor Briare: Did you indicate you had a letter from his Probation Officer?

Attorney Brown: I believe he was one of the character references.

Commissioner Lurie: Where did all of these arrests take place? In the City of Las Vegas or in North Las Vegas?

Attorney Brown: Just in Las Vegas - there were some back East when he was in the Navy - I think there was one in Florida, one in Indiana and one in North Carolina.

Sgt. Ashenfelter: Sir, Reno was involved in some of the arrests and maybe this is not the proper time to bring this up, but I was wondering - Mr. Brown said the applicant had had training from a Locksmith in Boulder City. I question why we were never supplied with any documents from that trainer that his trainee was now qualified to hold such a License.

Attorney Brown: I think it's because the man is no longer in business. I think the man retired, but I'm not sure -

Sgt. Ashenfelter: Just because he retired . . .

Attorney Brown: He was an employee - he worked there.

Mayor Briare: Is that how he has made his living for the past - how many years?

Attorney Brown: No, he has a business called Patches, West that is in operation, but he wanted to expand his -

Mayor Briare: He is earning a livelihood then?

Attorney Brown: Yes, he is. He has been in this business I believe, for a couple of years. The man is married now - he has all the pretenses of . . . he is President of the North Las Vegas Kiwanis Club - Optimist Club.

BUSINESS  
ACTIVITIES  
(continued)

Mayor Briare: What is the pleasure of the Board?  
Does the Commission wish to take any action on this  
particular application at this time?

(No response)

Mayor Briare: It would appear that the Commission  
does not wish to take action at this time, Mr. Brown.  
Perhaps if there is any further information you might  
get as a result of hearing the comments made here . . .

Attorney Brown: May I ask you for some direction?  
What more would you like to hear, or see?

Mayor Briare: Perhaps what the Officer indicated just  
a few minutes ago might be of value, unless the  
Commission has some comments or questions at this point.

Commissioner Lurie: What would be our position if it  
was our recommendation that the License be issued on  
probation? For a year's period?

Attorney Brown: I don't want to disagree with the City  
Attorney, but I believe I have been present when they  
have granted Temporary Licenses in Gaming and other  
privileged Licenses.

Mayor Briare: The Ordinance probably so provides, but  
in this particular situation, if I understand Mr.  
Lovell, there is no provision in this particular  
Ordinance for a Temporary License.

Mr. Lovell: Just to clear the record, there is an  
Ordinance that allows a Temporary Business License  
when someone first applies while Building, Fire - those  
types of inspections - are being made. They can operate  
for sixty (60) days and then have to come before the  
City Commission.

You are in the position where everything has been  
investigated - all the recommendations and information  
is here. It is a situation where you will License him  
or not.

Mayor Briare: Your suggestion is what?

Mr. Lovell: You are either going to give him a License  
or you are not. If you give him a License and then later  
you find out that he is not acting accordingly, then you  
have the burden of revoking that License.

Mayor Briare: Could he voluntarily at this date  
surrender it - like a post-dated surrender, or something  
like that?

Mr. Lovell: It wouldn't be legal or he wouldn't be  
bound by it . . .

Attorney Brown: There is adequate machinery to take  
that License away, isn't there?

Commissioner Christensen: Have we ever been able to  
revoke a License successfully?

Attorney Brown: I don't think this is a privileged  
License -

Commissioner Christensen: I know - we've never revoked  
one successfully since I've been on the Board. We've  
sure tried -

Mayor Briare: Would you like to have time research this  
some more and come back?

BUSINESS  
ACTIVITIES  
(continued)

Attorney Brown: I sure would, rather than get denied.

Mayor Briare: Well, there's no motion -

Commissioner Leavitt: First of all, the Police Officer didn't receive the letter until three o'clock this afternoon . . .

Attorney Brown: And I apologize for that because his letter went out the same time yours did. I don't understand why it didn't get to him sooner.

Commissioner Leavitt: In any event, I would like an investigation made by Metro to determine whether the statements made in the letter are true and correct. We had one indication from a former Sheriff's Deputy that the man did involve himself in under cover work. I would like that matter checked out - whether those arrests listed there are the result of that. If it was a narcotics situation I could understand some of the arrests involving possession of dangerous drugs, etc., and the ones involving credit cards -

Mayor Briare: Do any of the Commissioners have any questions of Mr. Moppert? Or, Mr. Moppert, do you have any statements you would like to make?

Mr. Moppert: I was arrested a number of time as an undercover . . .

Commissioner Leavitt: Would your client make himself available for an examination by Metro, Mr. Brown? In regard to those arrests?

Attorney Brown: Certainly. He has been available for the last six months.

Mayor Briare: This matter will then be held until July 7, 1976.

Commissioner Leavitt: I assume then, Mr. Brown, you are going to furnish Metro with the information they will need to check out whether or not he was, in fact, an undercover agent.

Attorney Brown: Yes - with whatever they want.

Sgt. Ashenfelter: May I request that we be furnished with a letter from the gentleman who trained this man in Locksmith work?

Mayor Briare: I think as far as we are concerned, Officer, any request that you have - if you are asking for authorization, you certainly have it from us.

Sgt. Ashenfelter: We will pursue that -

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City Manager, William E. Adams: The next item before you is another M-7 application, coming back to you through an action of the Courts:

M-7 BUSINESS  
APPLICATION  
Denied

MADAM'S  
33 E. Oakey Blvd.

Liberty Canyon, Inc.  
Philip Rothschild Fagan, Pres.

VERBAL COMMUNICATION CENTER AND READING ROOM

(Stricken 5/5/76)

Alan B. Andrews, Attorney at Law: I am Alan Andrews representing Liberty Canyon, Inc.

Perhaps I can give you a history of this: This matter was on calendar twice before. Each time it was stricken from the record. Following the second striking I filed a Writ of Mandamus before Judge Wendell, alleging that the striking was, in effect, a denial of our fundamental right to operate a business. At that hearing, Mr. Fagan, the President, who is present here tonight, took the stand and he made it quite clear to the Judge, to the City Attorney, who was present, and by letter I have already made it quite clear to the Licensing people that we are planning on operating nothing but a "talk shop". However stupid it sounds, let him go out of business if he doesn't make it, but it will be a lawful business - it will be run lawfully - we will offer no solutions to problems and, on that basis, we are . . . there is a matter in Court, re-scheduled for Friday pending whatever decision the Board makes, but I do catagorically state this. I will commission that there will be no solutions to problems. He will not fall within the definition of Chapter 641 on psychological problems.

Mayor Briare: Mr. Andrews, you have made the remark that twice this was stricken from the record. Let's look at that record a little bit. If my memory serves me - the first time there was no one in attendance to represent the applicant. You appeared late and the agenda was concluded without going back to any items that were previously passed by.

The second time it was on the agenda, nobody was present. Is that contrary to your recollection?

Mr. Andrews: No. The first time - the Mayor is right - I arrived at 7:15 p.m. that evening and you were on the second page - 16 minutes had moved quite quickly and when speaking with other people they informed me that it was indeed stricken from the record. Now that is my interpretation of what happens when somebody doesn't show up. It was just by-passed - that's fine.

The second time I have, by affidavit, put into the application for the Writ of Mandamus that I was told by the Director of the Licensing Department that after the second time we were to be in Court, there was absolutely . . . she said that it was going to be referred to a medical board for a decision, and that I didn't have to show up. And I've done that by Affidavit in front of the Court.

I understand my own feelings that all that that went before us is moot, and we are here only for a decision now on whether or not we should have a License. We have stated duly, and stated here, that we will not fall under any provision that restricts psychological

(See Page . . . of these Minutes (Andrews' letter of 6/10/76)

*Alan B. Andrews*  
*Attorney at Law*

*Suite 300, First National Bank Building*  
*302 East Carson Avenue, Las Vegas, Nevada 89101*  
*702-382-4511*

June 10, 1976

Ms. Ila Britt, Director  
Division of License and Revenue  
City of Las Vegas  
City Hall  
Las Vegas, Nevada

RE: LIBERTY CANYON INC., dba MADAM'S

Dear Ms. Britt:

On May 17, 1976, on behalf of my client, Liberty Canyon, Inc., I filed a Petition for an Alternative Writ of Mandamus in the Eighth Judicial District Court. In Case No. A154845, Liberty Canyon, Inc., sought to compel you and the County Commissioners to issue it a business license to do business at 33 East Oakey, Las Vegas, Nevada.

On June 2, 1976, I appeared with Mr. Philip R. Fagan, President of Liberty Canyon, Inc., before the Honorable Michael Wendell, District Judge, and presented evidence as to why your actions in not granting Liberty Canyon, Inc., a license had been arbitrary, capricious and in excess of your lawful jurisdiction.

At the hearing before Judge Wendell, Mr. Fagan categorically stated that he would be providing no "psychological" help to anyone. Generally, Fagan stated under oath that his business would not be applying established principles of learning, motivation, perception, thinking and emotional relationships to problems of personal evaluation, group relations and behavior adjustment. Fagan further said his company's business would not counsel and use psychotherapeutic measures, including hypnosis, with persons or groups with adjustment problems in the areas of work, family, school or personal relationships; that the company would not measure nor test personality, intelligence, aptitudes, emotions, public opinions, attitudes or skills.

MADAM'S  
(continued)

Ms. Ila Britt (cont'd.)

-2-

June 10, 1976

After Fagan testified to the above and made it clear on the record that he would not fall under the definition of a "psychologist" as that term is defined by NRS 641.010, I moved the Court to continue the case until the City Commissioners had one more opportunity to consider Liberty Canyon's license request. The posture of the case, therefore, is that it has been continued until June 18, 1976, at 10:00 A.M. to review the actions of the City Commission.

Please, therefore, take this letter as a formal request by Liberty Canyon, Inc., dba, Madam's, to place its business license application on the June 16, 1976, Board of City Commissioners' agenda. At that time, I will appear with Mr. Fagan in order to assure the Board that Madam's will not engage in the "practice of psychology."

Very truly yours,

  
ALAN B. ANDREWS

ABA/a

cc: City Atty's Office

\*MADAM'S  
(continued)

counseling.

Mayor Briare: Mr. Andrews, you state in your letter in the bottom paragraph of the first page about nine lines of everything your client does not do -

Mr. Andrews: That's correct.

Mayor Briare: Would it be of any help to us to determine what he does do?

Mr. Andrews: Well, he is certainly here to answer that. The only question, I think, that is going to be before the Judge on Friday - assuming that this is denied - the only question that's going to be before the Judge is - do we fall within the restrictions of Chapter 641 - dealing with the definition of psychology. If we don't, then I think this Commission is bound by its own Ordinances and Section 2.150 of the City Charter. It says specifically that if the License applicant does not fall within the provision of a Privileged License, he has a lawful right, and a right, to operate his business, and there is no privilege connected here. So unless this Commission can find something other than a personal distaste for his business, I feel it should be granted.

We are here and will answer what questions we can while Mr. Fagan is here. But, again, I just want to reiterate - it sounds dumb to me - I think he's going to lose money on it, but I do feel that he has a right to operate a business in this City.

Commissioner Lurie: What type of business?

Mr. Andrews: A Talk Shop -

Commissioner Lurie: Like the Palace of Love has a Talk Shop?

Mr. Andrews: Well, I asked him about that -

Commissioner Lurie: Maybe he can answer that -

Mr. Andrews: He's not going to tell us a lot because he doesn't know anything about it - because he was from Los Angeles - he wasn't a resident here, and I didn't represent them either. This is Mr. Philip Rothschild Fagan, President of Liberty Canyon, Inc.

Mr. Fagan: I don't know that much about it - any other talk shops that were here. All I know is that what I am going to provide is an audience for people to come in and talk about anything they want to talk about - whether they want to rant and rave - talk about political . . . anything they want to talk about, and we provide an audience.

Mayor Briare: You say "we" -

Mr. Fagan: Not myself - the people I hire.

Mayor Briare: Describe these people.

Mr. Fagan: I can't describe them until I hire them -

Mayor Briare: You have no predetermined concept . . .

Mr. Fagan: I've had a few people who wanted to work at that job - who were very good at listening -

Mayor Briare: How do you judge a "listener"?

Mr. Fagan: A person who encourages you to . . .

Mayor Briare: So the qualifications - it is not difficult to qualify -

Mr. Fagan: If you are a good listener and if you are able, through listening, to bring people to talk more about what they're talking about - I could not be a good listener.

Mayor Briare: You couldn't be?

Mr. Fagan: No.

Mayor Briare: Tell me what would be a good one.

Mr. Fagan: You might make a good listener.

Mayor Briare: I can guarantee you, in your Shop, I couldn't -

Mr. Fagan: Well, I'm sorry. There will be male employees and female employees.

Mr. Andrews: Mr. Mayor, I don't see how he could hire anybody and keep them on the list until we find out whether or not we're going to have a License.

Mayor Briare: Mr. Andrews: Far be it from me to say anything that might be prejudicial to you, but you know, just hiring you, scares the hell out of me - and I don't want to make that sound prejudicial to you because you are a very competent attorney - you have demonstrated that a number of times.

Commissioner Christensen: I have some questions: You call this a Talk Shop and yet, now, it's a Listening Shop and I am trying to figure out with my limited psychological training, how you can - quoting from the letter here:

"Fagan further said his company's business would not counsel and use psychotherapeutic measures, including hypnosis, with persons or groups with adjustment problems in the areas of work, family, school or personal relationships."

Commissioner Christensen: That I can understand - you are not going to hypnotize anybody -

"that the company would not measure nor test personality, intelligence, aptitudes, emotions, public opinions, attitudes or skills."

Commissioner Christensen: If you're a good listener and can encourage somebody to unload more of their problems, in order to be a good listener and encourage somebody to unload more of their problems, you have to test their personality, intelligence, aptitudes, emotions, public opinions, attitudes or skills, because that's exactly what you're asking them. If you want to discuss politics with somebody you've got to find out how they feel about politics - you've got to encourage them to talk about politics. You have to encourage public opinion. It states right here that you will not encourage public opinions.

Mr. Andrews: Commissioner Christensen, you can't seriously believe that any time anybody gets into a political discussion, that that then falls within the definition of Section 641. In effect, if we agree with what you say, is what would happen.

Commissioner Christensen: The only people that I know of that get into this type of discussions are trained people in psychology or psychiatry or a priest. The priests that do it for pay are paid as the psychiatrists and psychologists are, and the priests who don't do it for pay, do it for another reason, other than out of just sheer friendship. Now, here we've got somebody who isn't going to do any of these things, but he is still going to do it for a profit.

Mr. Andrews: Well, we're not going to test or measure anybody's aptitudes or emotions -

Commissioner Christensen: How are you going to encourage them to

want more information if you don't determine how much information they are going to unload?

Mr. Andrews: The first thing that happens when somebody walks in - Mr. Fagan will say - Look, we are not here to solve your problems - we're not here to counsel you in your married life, or anything like that. If you want to talk - if you want to sit there and read a book, we're here. You are going to pay your money anyway.

And that's all that he cares about. He is going to operate a business for profit. If it doesn't make money, he is going to fold. He already has \$10,000 put into this place.

Commissioner Lurie: Does he show any movies?

Mr. Andrews: No movies.

Commissioner Lurie: How come you didn't pick a location down at Eastern and Charleston? How come you picked a nice section of town for your business to operate in?

Mr. Andrews: Because it's a nice business -

Mayor Briare: Mrs. Britt, is this License a Flat Fee License? Or is it based on sales?

Ila M. Britt, Director, Licensing Department: It is a flat fee License.

Mayor Briare: Mr. Fagan, what do you charge for this?

Mr. Fagan: I don't know yet. I don't know if we're going to charge by the minute, or . . .

Mayor Briare: Is there any way you can get this information and be prepared to answer the questions that are asked of you?

Mr. Andrews: I would object to that, Mayor, on his behalf. He does not have to state to any tribunal how much he is going to charge. In fact, he doesn't even know yet, and what difference would it make anyway? If he is going to charge \$100, he will be out of business forthwith - of he charges a penny or \$20.00. I feel it is irrelevant and I object to the Commission requesting that of him.

Commissioner Leavitt: Do you mean you feel we don't have the right to ask him these questions?

Mr. Andrews: Ask him all you want - he's told you he doesn't know right now. I don't think it's enough to continue the matter so we can get this information for the Commission. That's all I'm saying. I think you have a right to ask whatever you're asking.

Mayor Briare: We have the right to ask but there's no right for this Board to receive - all we can do is listen - he, obviously, is not going to answer.

Mr. Andrews: This is an M-7 License - it is a matter where we have a lawful business that is not privileged, that I don't believe this Commission has any discretion any more, but your Ordinance says we have to come before you before being licensed, rather than simply with Mrs. Britt, or we could have taken it up with her. Now we're here and I would think if the Commission continues it for that reason, it will be my request of Judge Wendell . . .

Mayor Briare: You, obviously, are very well versed in the law - especially along the lines we're trying to delve into right now. We ask certain questions because it would be interesting to know what type of business this applicant is going into. We ask questions - he won't answer - or can't answer because he doesn't know, and yet we're here to make some kind of a judgment -

Mr. Andrews: That's right -

Mayor Briare: Are there any further comments?

Commissioner Leavitt: I have a couple of questions, Your Honor. You have indicated that at this point you don't have any idea of who you are going to hire -

Mr. Fagan: I have a few people in mind, but they became a little impatient - they said they didn't know whether I was going into business or not - one of them happened to be a school teacher -

Commissioner Leavitt: As I understand, they will be people who will sit down and listen?

Mr. Fagan: Right - exactly that -

Mayor Briare: You don't know what you're going to pay them so obviously they lost interest -

Mr. Fagan: No, that isn't true -

Mayor Briare: Do you know what you're going to pay them?

Mr. Fagan: No, I don't. We don't know until we get into the business and see the sales. I only know of one other person who has done this - OK - it was an individual man that traveled around the country. He had a P.O. Box - people used to write him saying - I want to talk to you about this - and he used to travel and he was always listening to peoples' problems - whatever they wanted to talk about. He wasn't a psychiatrist - he wasn't a priest - and he said he was making a lot of money. It's an idea. I don't know whether it will work. I've invested a lot of money to see if it will work - you know -

Commissioner Leavitt: Do you have any kind of idea at this time of how you are going to select these people who are going to sit there and listen?

Mr. Fagan: A lot of it would have to go on their personality - it would have a great deal to do with a person's personality.

Commissioner Leavitt: Are you going to make any investigation into their background - their educational background and whether or not they have been convicted of a felony - if they have been convicted of any crime - do you plan to do that?

Mr. Fagan: Yes.

Commissioner Leavitt: How do you plan to do that?

Mr. Fagan: Through their application -

Commissioner Leavitt: Whatever the application says -

Mr. Fagan: Check it out as much as possible.

Mr. Andrews: I would like to state for the record that I don't think that investigation is necessary, so if he says he is going to do it to the best of his ability, I think that should be sufficient, but it certainly is not necessary.

Commissioner Leavitt: Is your clientele going to require any kind of degrees from these people - when they start listening to people?

Mr. Andrews: As this stage there is no requirement for any degrees.

Commissioner Leavitt: I ask you if your client was going to do that -

Mr. Andrews: In all respect, Commissioner, the answer at this stage is - No, we are not, But if it seems like we need more qualified people to sit there and listen - I don't see how they need to be more qualified to listen.

Commissioner Leavitt: Well, from reports I have received here, it involves a little more than listening - to encourage conversations - is that correct? Unless somebody is talking and you're sitting there listening, you've got two people just looking at each other - they are going to be staring at each other

Commissioner Leavitt: So, you're going to have to encourage discussion and conversation, according to the reports I've received.

Mr. Andrews: The only thing right now - we've made it quite clear to the Court and we are making it clear to the Commission - that we are having the people come in and they will talk about whatever they want to. If it looks like we should encourage it, we will encourage it, but the first thing they know is that we are not there to solve problems. Encourage conversation about politics and things like that - sure, To that degree - yes, he will encourage it. But no more than that.

Commissioner Leavitt: Then, in other words, they are not going to just sit there and listen - they are going to encourage further conversation -

Mr. Andrews: To talk about it - not necessarily to encourage -

Commissioner Leavitt: But there will be communication, in other words . . .

Mr. Andrews: There will be a communication.

Commissioner Leavitt: Alright, then in answer to my question - you are not at this time requiring these people that sit there and encourage communication, to have any kind of degree or any kind of background, or education at all, at this time - is that correct?

Mr. Fagan: No -

Commissioner Leavitt: And you're going to have a big sign up there that you don't solve problems - something like that?

Mr. Fagan: Well, they will be told when they come in. If somebody comes in and says - I have a drinking problem - then we would send him to Alcoholics Anonymous -

Mayor Briare: What would you charge them to do that service?

Mr. Fagan: To do what - send them someplace else? Nothing - I'm not doing anything for them -

Commissioner Leavitt: You are going to suggest - you are going to give advice as to what they should do? Like they should go to AA?

Mr. Fagan: No -

Commissioner Leavitt: You just got through saying you were going to send them someplace - you would have to give them advice to do that, wouldn't you?

Mr. Fagan: I would tell them this is not the place for them because we do not offer any kind of a solution -

Commissioner Woofter: What if I had a sexual problem?

Mr. Fagan: Well, if he wanted to take about his sexual problem, we'd listen -

Commissioner Woofter: Imagine - if I said I had a sexual problem trying to communicate with a female - I surmise a female would be in there to communicate with me. How would she be dressed?

Mr. Fagan: It would be female or male -

Commissioner Woofter: Let's say I like girls, so I would have a girl -

Mr. Fagan: I would probably say I had staffed only all males - then would you stay or would you go?

Commissioner Woofter: It depends - let's say I was a homo-sexual?

Mr. Fagan: If you want to get rowdy - get more specific - if you're

MADAM'S  
(continued)

trying to ask me if I'm going to open a whorehouse - No. If that's what you are going to ask me - No, I am not - OK -

Commissioner Woofter: How about number two - as far as the dress attire is concerned. How would they be dressed when discussing problems with me?

Mr. Fagan: I don't know -

Mr. Andrews: I think the answer to that - when he doesn't even know who he is going to hire yet -

Commissioner Woofter: It wouldn't be in a bikini or anything like that?

Mr. Fagan: No - no -

Commissioner Lurie: Would they be clothed?

Mr. Fagan: In a suit of armor -

Commissioner Woofter: In other words, it's not one general area of conversation - it is problems . . .

Mr. Andrews: No - no problems -

Commissioner Woofter: Just conversation -

Mr. Fagan: Conversation -

Commissioner Woofter: Talk about the weather -

Mr. Fagan: If somebody comes in and wants to make a bitch (excuse me) about something - they could come in and get it off their mind without anybody interjecting their feelings -

Mr. Andrews: If, for example, someone wanted to come in and complain that the City was paying \$60,000 for people to investigate adult businesses, they could do it there.

Mayor Briare: Is there any reason to believe, Counselor, that those Investigators would be down investigating your client?

Mr. Andrews: Truthfully, Mr. Mayor, he has told me "No". I believe him . . . he has told me "no" - I believe him - other than that, I can't say. He has told me "no" and that's the truth.

Commissioner Leavitt: Do you plan to advertise in any manner - that are are available and have oral sex at your establishment?

Mr. Andrews: I don't think he understood the question -

Commissioner Leavitt: We have had experiences in the past where establishments have advertised they can have oral sex at the establishment, and the people go down there and there's a girl sitting in a bikini across the table reading out of dirty books - and that's the oral sex they have -

Mr. Fagan: I am not advertising that type of thing -

Commissioner Lurie: How did you happen to pick that name - MADAM'S?

Mr. Fagan: My wife came up with it - it was sort of an antiquated idea.

Mayor Briare: Any further comments or questions?

City Attorney, Carl E. Lovell, Jr.: Mr. Mayor, the City Attorney's office is concerned with the candor, both verbally here by the applicant and the application itself, and would hope that that candor and information can be reduced to writing or, at least, satisfy in the Commission's mind.

Originally the application itself with its description of the

MADAM'S  
(continued)

business gave us concern as to whether there was some psychology, or other practices, being done. The wrote, based upon that application and the description in the application, to the Attorney General's office. Prior to receiving a reply, litigation was instituted by the applicant. Consequently the Attorney General's office did not want to get involved while it was in litigation.

Subsequent to that, the letter which prompted our request for an opinion from the Attorney General's office, by Mr. Andrews, indicated certain things that the business applicant, or his employees, would be doing, which gave us concern as to consultation and other aspects that involve psychology and other practices of the art, or similar arts.

In the Court Hearing the applicant got on the witness stand and indicated that what was in that letter was really not true - that he was not going to practice those types of things - was not going to practice psychology and, in essence, indicated that that letter no longer was a correct description of his business. This he did under oath.

Subsequent to that, and after the Hearing was over in Court, Mr. Andrews filed the latest letter, which you all have now, indicating what he will not do.

Due to the vagueness in the application itself and the inconsistencies of the testimony and those letters, the City Attorney's office is concerned with what will remain in the record on the application itself. This Commission in the past has not made it a practice of granting Licenses by letter, or letter descriptions, as it were and we're concerned about the permanence of the description of what will be done, and perhaps won't be done, because of the problem of psychology that has arisen, which was shown on this application. I am sure that Licensing is concerned as well, so that later on should they receive reports, or make investigations, that certain things are not being done, or are being done, they can refer back to the application for a description that indicates with clarity what is going on.

I think the government in this Board as the right to have some indication of what is going on with the business, and in view of the two letters, which are inconsistent, and then the testimony and the vagueness in the application itself, we are concerned with correcting or making sure that this Commission is satisfied with what is in the application itself now . . .

Mr. Andrews: Mr. Lovell, I hate to disagree with you, but we made it quite clear in the last sentence of our - and I was just looking at it again - Business License application. It says - positively employees listen to problems - they do not advise.

Now, if there's a problem to be licensed under Chapter 641, which apparently is the only problem that the City Attorney's office faces, then that is up to the State to come in and say we have to have a License under that. We have a right to operate a business here and we have stated, under oath, twice, and it can be done under oath if you want, that he is not going to conduct anything that concerns psychological problems that would fall within the definition of Chapter 641.

Mr. Lovell: I think we both totally agree there, Mr. Andrews. The concern that I have, though, is the same concern that your client, and the applicant, had - because after your letter was written to us and after testimony, and a concern which was obvious to him and perhaps even to you during Court - you both, or at least one of you decided that you had better write another letter to the City Commission to straighten it out. And you did, and consequently I am going to be sure that - the City Attorney's office wants to be certain that the City Commission is satisfied that your letter and what is on the application coincide, and is the same, and not give a License by a mere letter that is not a permanent part of that Business License application. That's what our concern is.

MADAM'S  
(continued)

Mayor Briare: In order for you to be certain, Mr. Lovell, what would be your recommendation?

Mr. Lovell: Well, the question of being satisfied is certainly up to this Board. If this Board feels that what has transpired - fine - you can do as you wish. If you feel that the application itself should be amended to properly reflect what will be done - not what won't be done - and it is not clear - then you can require another License application.

If you feel from what you have heard here that nothing would justify the License then, of course, you have to deny it and, of course, justify it. But I do know - I feel, at least - that you have a right on the application itself to have a proper description of the business, and I'm not sure it is there right now.

But, based upon the Business License application itself and the letters and the testimony - and the testimony the Commission has heard now, we want you to be sure that you are satisfied. And if you are not, to make sure it is in the record on the Business License application. I think the Licensing department has that same concern in this, and any other application as well.

I wouldn't want, six months from now, to have an issue raised and it be so vague and unclear because there is nothing in this description on the Business License application to indicate one thing or another. It does seem kind of funny, too - and maybe he just practices business this way - that he puts \$10,000.00 into this particular business - he apparently intends to hire - he doesn't know what he is going to pay them - he doesn't know what the procedure is - that is a substantial investment to be so unclear as to his operations.

We are not concerned with all of the aspects of the procedure of that business, which he has the right to operate if he is legal, but we are concerned - and we believe government has the right to understand basically what the business is going to be about, and with these inconsistencies of the letters, the testimony and application are concerned - if there exists this clarification right now on the part of the City Commission, that has to be the first factor, I think, in deciding this issue.

Mr. Andrews: Well, if that's true, then are you going to put something on the License that this is a qualified M-7?

Mr. Lovell: You've qualified that - twice, by your letters.

Mr. Andrews: But an M-7 - it doesn't describe the type of License -

Mayor Briare: Mr. Andrews, would you like more time to submit an amended application?

Mr. Andrews: Not at all -

Mayor Briare: You are answering for your client as well?

Mr. Andrews: Yes.

Commissioner Leavitt: I am a little bit confused as to just what is going to transpire at this place, because they have one thing on the application and something else, evidently, on the letter. I would like to have the application specifically state what kind of business will be conducted, and the manner in which the business will be conducted on the premises, and I don't think that is an unreasonable request. If you could amend your application to include that, I don't see anything wrong with that.

Mr. Andrews: Do you have that application in front of you?

Commissioner Leavitt: No, I don't -

Mr. Andrews: It says this: Company employees will converse with customers regarding any sociological, political, or any other problem

MADAM'S  
(continued)

or topic a customer wishes to converse about. Employees listen to problems - they do not advise. And we stand by that. The only thing that I would do, and we could amend it right now - what Mr. Fagan has told this Commission - is strike "problem or" so that it now reads: "political or any other topic that a customer wishes to converse about." He has told you that he is not giving advice.

Commissioner Leavitt: You are indicating you want to talk to people about their problems in the present application - the one before us.

Mr. Andrews: We have told the Commission, now, that we are not there to answer problems -

Commissioner Leavitt: That is different from what your application says -

Mr. Andrews: Do you think there is something wrong in talking about problems?

Commissioner Leavitt: I don't know - it depends on whether you try to solve them or not -

Mr. Andrews: The next thing, catagorically, clears that up - "employees listen to problems - they do not advise" -

Commissioner Lurie: Yet your client said he would advise if a person came in with a problem - he would advise him which agency to go to -

Mr. Fagan: Only if they were seeking a solution - then we would send them to another -

Mr. Andrews: I think the record would clarify that you said you would send them to AA - I think that's clear in the record.

Mayor Briare: Is there anything further?

(No response)

Mayor Briare: What is the pleasure of the Board?

Commissioner Leavitt: I move for denial.

Commissioner Woofter: Mayor, I take precedent. I would make a motion to continue, to allow an amended application to be made by the applicant.

Mayor Briare: He has refused to do that, Commissioner.

Commissioner Leavitt: I have already asked him and he said he didn't want to do it.

Mayor Briare: That option was offered to him and Mr. Andrews said "No" and I asked if that was the desire of his client and they both shook their heads -

Mr. Andrews: I am objecting to any continuance for whatever reason.

Commissioner Leavitt: In answer to the Mayor's question, then, and in answer to my question, you do not want additional time to file an amended application - is that correct?

Mr. Andrews: I am objecting to any continuance.

Commissioner Leavitt: You don't want to file an amended application?

Mr. Andrews: I don't want to file it - no.

Mr. Lovell: What he is also saying, I think, is that he is not really now saying that he refuses to consider filing another application - isn't that right?

Mr. Andrews: That's correct. I am not asking for a continuance - I object to a continuance -

M o t i o n  
No. 1

Motion  
No. 2

MADAM'S  
(continued)

Mayor Briare: The thing is, Mr. Lovell, Mr. Andrews' record of success is substantially better in the Courts than before this Board. It's kind of a crying shame, but that's the case.

The motion is to deny. If there are no further comments, cast your votes on the motion to deny.

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

Mayor Briare: The motion is approved. The application is denied.

Mayor Briare: Ladies and gentlemen, for those of you who have had to sit through this, at six o'clock we were scheduled for a Public Hearing on a right-of-way project. While Mr. Hampton is preparing to do that, I'm going to make just a comment, that is probably not proper, but it is a shame sometimes - and I think many of you who are citizens of the City of Las Vegas and who are current and up to date on matters that occur before this Commission - it is too bad that from time to time, businesses that want to go into business in Las Vegas, that don't have to prove some redeeming value or some indication that they are going to serve the community, or serve the residents and people of the City. We have a lot of ecological considerations that are given to businesses, but there never seems to be any moral considerations given. It's kind of a shame.

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ANNUAL PEST CONTROL CONTRACT

Mr. Lovell: Your Honor, before we proceed with the Public Services portion of the agenda,, it appears that Mr. Smith may not get back from Court for some time, if at all, for which we were holding discussion on the Annual Pest Control contract.

I am familiar with it enough if you wish to discuss it now, or we can continue it over. The protesting person has the existing contract . . .

5-POINTS  
INTERSECTION  
PROJECT

Director of Public Works: Mr. Mayor, if I may - I have some cards from the Regional Street & Highway Commission that we would like very much for those people who would like to speak on this Project, to fill out their name and address so we'll have a good record. I will lay these here on the bench so they can be filling them out in the meantime.

Mayor Briare: Ladies and gentlemen, for anyone who is here for the Public Hearing on the proposed right-of-way Project for the interesection of East Charleston, Boulder Highway and Fremont, if you wish to be heard this evening on this Project, would you be so kind as to come forward and pick up a card, as Mr. Hampton has just indicated are there, and fill it out for us?

Is there anyone here to speak on this Project?

(No response)

Is there anyone here to be heard on it?

(No response)

Mayor Briare: Mr. Hampton, apparently there being no one present, there are no cards that will be filled out.

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BID No. 76.34 - ANNUAL PEST CONTROL CONTRACT

(See Page 33 of these Minutes)

Mayor Briare: Mr. Greer, we have a situation here - I think you understand . . . have you had a chance to look at all those papers?

Mr. Greer: Yes, I havem and the only thing I have to say is, to my knowledge, we picked up the Bid Proposals the last year at P. O. Box 3299. If it was sent to 2804 East Lake Mead, I also do pick mail up there, but most of our mail comes in to this P.O. Box 3299. And we do check 2804 East Lake Mead about once a week, so if it was dropped in there, we would have picked it up.

Mayor Briare: Mr. Cathcart, what was your recommendation on this? I believe it was to award the contract to A. G. Williams -

Mr. Cathcart: Yes, that is the recommendation. The package was returned by the Post Office that was sent out Certified Mail.

Mayor Briare: The City has made what would appear to be every effort to be totally fair and unbiased and everything else in submitting these Proposals. Does the Board wish to take action on this Bid?

Commissioner Christensen: I would like to ask a question or two of the Deputy City Attorney who handled this -

Mayor Briare: Mr. Lovell was expecting him back here this evening but, obviously -

Commissioner Christensen: These questions have to do with the Ordinances and not necessarily with this particular case. Does the Ordinance require - what does the Ordinance require in the way of notification, other than publishing, posting, etc.?

Mr. Cathcart: I would like to answer that Commissioner. The Local Government Purchasing Act, State Statute 320, requires that it be advertised in a local newspaper with adequate coverage of the County, and that is all.

We send out Notices - we do everything we can. In fact, this particular Bid went to eighteen (18) licensed Exterminators in the City - it was advertised in two (2) separate newspapers. It was also sent to five (5) Construction Notebooks who also put it in a mail-out brochure to I don't know how many hundreds of other people, and it is posted on their Bulletin Boards.

It is a very unfortunate thing that did happen of the hundreds of contracts that go through the office. The present Contractor happens to be Silver State Exterminating Co., Inc., who is protesting.

Commissioner Christensen: Does the Contractor know when the contract expires?

Mr. Cathcart: Yes, Sir. It does expire at the end of this month -

Commissioner Christensen: Mr. Greer, didn't that give you a clue as to when it would be coming to bid again? So you could check on it?

Mr. Greer: Yes, that's how we found out about the discrepancy we are here about right now. We called down to see why we hadn't received a Proposal as we did last year, and they said it had been sent to North Las Vegas.

Commissioner Christensen: What would be the ramifications if this were the only way - it was decided that this man was wronged and the only way to right it was to re-bid it. Now, if you re-bid it, it would everybody the advantage of knowing what the lot bid is now, which would then create a hardship on him, because his bid is out on the table. Is that correct?

Mr. Cathcart: I think I understood you - the bidders have turned their hands - everybody who has bid on this -

Commissioner Christensen: That's right - the cards are face up - everybody knows what the bid is so they know what they've got to shoot at - they know just how much to under-bid - leave just \$2.00 laying on the table, or whatever . . . .

Mr. Cathcart: The others might be reluctant to bid again -

Commissioner Christensen: Would he have cause for legal action against us on that basis?

Mr. Lovell: No. The City has done - as unfortunate as this is for whatever reason - has done more than anything legally necessary adequate to give Notice throughout the entire Valley of the impending Bid proposals. We don't even have to send out notification.

Commissioner Christensen: I'm aware of that. I'm trying to decide whether the man is right or wrong. It looks to me like there is no way that you can change the situation at this point without just transferring the burden to other persons, rather than eliminating the burden . . .

Mr. Lovell: The only thing that could possibly happen, although you are playing the possibilities against each other - we reject and start all over - how many would bid would remain to be seen. If they all do re-bid under that, then we are in better shape -

Mr. Cathcart: Mr. Park, the Supervisor of Purchasing & Contracts would like to make a few comments on this.

Ed Park: From all of our past and present research that we have done on cases of this nature, it has been found that as long as we do not act in a capricious or arbitrary nature, that those Bids that are opened are to be considered. Therefore the Bids we opened on May 11th are valid Bids and if we did something to disturb those Bids, such as reject them, the low bidder would have cause to come to the City and ask why.

Mayor Briare: It would seem the first question to be resolved - Mr. Greer has submitted a formal protest. What would be the pleasure of the Board?

Commissioner Christensen: Your Honor, under the circumstances, it is an unfortunate situation, but I see no problem with the City and I think it would merely transfer the burden to another innocent party and possibly compound the situation, so I would move that we follow the recommendation of the Department of Municipal Services.

M o t i o n

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

Mr. Greer: At least I had the opportunity to speak my piece. I had my bid figured out for the coming year and just for the record, I would have got it again.

Mayor Briare: That is included in that unopened envelope -

Mr. Greer: Yes, because I hadn't seen the bids until I went down to take a look -

Mr. Park: This unopened envelope, Your Honor, contains the Proposal forms, which were never received by him.

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5-POINTS  
INTERSECTION  
Approved

PUBLIC HEARING

PROPOSED IMPROVEMENTS OF THE INTERSECTION BOUNDED  
BY CHARLESTON BLVD., FREMONT STREET, EASTERN AVE.  
25TH STREET AND ATLANTIC AVENUE (generally known  
as the "5-Points Intersection)

Mayor Briare: Has anyone come into the Chambers now in the last several minutes, that wishes to speak or be heard on the Public Hearing for the right-of-way Project at East Charleston, Fremont and Boulder Highway?

(No response)

Mayor Briare: The record will reflect there was no one in attendance relative to this proposed Project.

Mr. Hampton: That being the case, Your Honor, I will be very brief in describing the Project.

As you will recall, this was brought before this Board previously, in 1975, and we were asked to take it back to study the 5-Points Intersection, specifically.

This was done and we are here tonight to receive comments from the Public and to hear the description of the Project. I would just like to say we feel the Project is a very needed Project inasmuch as the anticipated traffic in 1999 could be as high as 42,000 vehicles per day, compared to the average of 30,000 vehicles that travel it by today's count.

Also important to note is the very poor accident record of that location. Considering this particular section of Charleston compared to the total, in a study that was done in 1972, 1973 and the first half of 1974, we can see that the accidents at this intersection are approximately six (6) times than at any other segment of Charleston. I think this alone would be justification for trying to improve that intersection.

The improvement includes the installation of a computerized traffic signal and various street improvements, providing for additional right turn lanes, revising some of the travel lanes, re-doing some of the curbs to accomplish this.

Mayor Briare: Mr. Hampton, would you state for the record the participation and amounts of the participants involved on this Project?

Mr. Hampton: The estimated cost of the Project is \$735,000.00. The Regional Street & Highway Commission would pay approximately 46%; the Nevada Highway Department would pay 52% and the City of Las Vegas would pay 2%.

We would anticipate going to construction the latter part of this year, with a completion date approximately six (6) months thereafter.

Commissioner Leavitt: How much wider is the street going to be?

Mr. Hampton: I can't give you a specific answer because it varies as to a particular zone. Mr. Brechler has said it will be approximately 10 ft. along this boundary (wall map) and 5 ft. here in front of the various businesses between Eastern and Boulder Highway.

We would like to just point out that there would remain

5-POINTS  
INTERSECTION  
(continued)

a very large island at this location (wall map) at the intersection of Fremont and Charleston. We would propose to beautify the entrance to this part of the City, to landscape that area. This could be done with also landscaping some of the medians in the same vicinity. We could do this for approximately \$20,000.00.

It would be appropriate, possibly at a later date, to install a large monument, or statue of some sort, that would befit that you were entering Downtown Las Vegas. This could be done as a Phase II Landscaping Project.

The monument, or sculpture, would be a dual purpose installation inasmuch as it may well be suitable to house all of the traffic control equipment that would be required at that location.

So, really, we would recommend wholeheartedly that you give us the authority to proceed on this Project and as far as - there would be a Cooperative Agreement with Regional Streets & Highways forthcoming for your approval as well. Mr. Brechler is here from Regional Streets & Highways and we also have a representative here from the State Highway Department.

Mayor Briare: Commissioner Lurie and I serve on the Regional Street & Highway Commission and we were discussing the matter at that meeting on Thursday, relative to the landscaping. It was my understanding, in fact, that Regional Streets & Highways would not participate in the financing of any landscaping.

Mr. Brechler: The policy in the past has been not to participate.

Mayor Briare: It has been the policy, but is that the Law under which Regional Street & Highway Commission operates?

Mr. Brechler: The Law allows that landscaping be included as part of the Project, to be paid for from Regional Street funds. However, the policy adopted by the Commission itself have not allowed this to be funded. The same with street lighting, with curb & gutter and parking lanes. While these are authorized under the Law, Regional Streets has not, by policy, installed any of these.

Mayor Briare: Being familiar with the attitude of that particular Regional Street & Highway Commission, I don't find the possibility there could be any support to a motion to put some money up for landscaping. I wanted it to be on record here that that is the policy of the Regional Street & Highway Commission because it would seem an appropriate manner in which to proceed would be to adopt, first of all, the Improvement Project and then let's discuss the Landscaping. Or should that be included?

Mr. Hampton: No - it could be two separate actions. In fact, it would probably be better if it were in two separate sections.

Mayor Briare: Are there any comments or questions by the Commissioners?

(No response)

Mayor Briare: Hearing none, I will declare the Public Hearing on this matter, closed, and ask if there are any comments or questions by the Commissioners relative

5-POINTS  
INTERSECTION  
(continued)

M o t i o n

to the Improvement Project we have had presented to us.

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

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

LANDSCAPING  
PLAN - 5-POINTS  
INTERSECTION  
Referred

Mr. Hampton: Mayor, on the Landscaping we, at this time, would like conceptual approval so that maybe we can develop the Plan in more detail.

Mayor Briare: Would you like to show us the drawings you have with you?

Mr. Hampton: Yes (wall map) - this would be landscaped with low type evergreens - this entire island - also landscaping the medians on both sides and the first median on Boulder Highway to the south.

The area for a monument, or a statue, would be placed right in the middle of the island. It would possibly be very desirable to have a City-wide competition as to the design of the statue, or monument, and, of course, it would be very expensive. We are not asking for the money to do this at this time. We feel it is something we can look forward to in the future.

The estimated cost for this landscaping would be \$20,000 and would include walkways more or less through the landscaped area.

Mayor Briare: If you plan on walkways, it must be quite an extensive area -

Mr. Hampton: It appears to be about 80 ft. across the back and approximately 120 ft. long.

Mayor Briare: You are asking for a feeling from the Board as to the concept. I am sure the Board's feelings would be that we should landscape that particular spot.

Commissioner Christensen: Do you have any estimate on the continuing cost of maintaining that, on a yearly basis? The cost of watering it - trimming it - picking up the trash out of it?

Mr. Hampton: We have not developed those costs at this time, Commissioner, I assume it would be a considerable effort to prepare such an estimate -

Commissioner Christensen: Before I would give an opinion, Mayor, on my feelings for landscaping this, I would have to know of all the costs.

Mayor Briare: I would like to ask the Board's concurrence, if possible, in the recommendation that the City Manager and the Director of Public Works be authorized to contact various and interested persons - architects - artists - and whoever - and ask if they would like to submit Plans and Design for this particular Landscaping Project, with the understanding that the Board cannot, because of economic restrictions, commit to proceeding on the Plans.

I imagine there might be many artists, not only here but elsewhere, that would very much like to submit a proposal for this area so that forever they can be remembered as the Designer for this particular Project.



Mayor Briare: The order of business, ladies and gentlemen - we are now back in session - will be to make one request and one statement to Mr. Brechler, who is the Director of the Regional Street & Highway Commission. Then we are going to take the remaining items on the agenda in the order of what would appear to be of the greatest interest to the people who are here, namely, the reconsideration of the Valley Hospital matter and, following that, the application for the YMCA.

Mr. Brechler, would you come forward, please?

Commissioner Woofter: Thank you, Your Honor. I know this is sort of out of context but, like most of us, we have this and that to do and sometimes it escapes our mind.

Since Mr. Brechler is here, I would ask the Commission at this time for consideration of adopting a Resolution to send to Mr. Brechler, to encourage that not in the future, but in the immediate future, that the Regional Street & Highway Commission consider whatever development is needed to go into a Plan at the present time - to see that it is done - for the increase of Lake Mead Blvd. to a 4-lane roadway wherever, whenever is possible in that regard.

I do know that most of the Lake Mead Blvd. roadway going toward Colville Bay and the Lake Mead area is certainly out of our jurisdiction as a City Commission, but certainly we have representation on the Regional Street & Highway Commission in Mayor Briare and Commissioner Lurie and I would like the Commission, as a whole, to go on record and encourage our representation, as well as the Planning Commission as a whole, to get to work as soon as possible to enlarge Lake Mead Blvd.

As we all know, there was a serious accident wherein five lives, I believe, were lost caused by the fact that - possibly speeding - I don't know - but I do know that I travel it to a great extent and many of you in the audience travel it to a great extent going to the Lake, and there is a definite need at this time - not in the sometime future - to increase this roadway to four (4) lanes all the way to the Lake.

I would therefore at this time request the Commission to consider adopting a Resolution to encourage our members on the Regional Street & Highway Commission, as well as the Commission itself, to go to work right away as to seeing to the feasibility of developing this immediately.

Mayor Briare: Are there any questions or comments relative to adopting such a Resolution?

Commissioner Christensen: Yes - can we include the Federal Government and the National Park Services in that Resolution? They control a large piece of that at the other end and I think they should also made a part of any such Resolution.

Mr. Brechler: I think we should qualify this - that East Lake Mead Blvd. from the end of the present 4-lane portion to the North Shore Road.

Commissioner Christensen: That's what we had in mind - that would include the National Park Services for roughly half of it, wouldn't it?

Mr. Brechler: A good portion of it - I couldn't say if it is half -

Mayor Briare: If the Resolution is adopted, perhaps we might

LAKE MEAD  
BLVD. -  
PROPOSED  
WIDENING

LAKE MEAD  
BLVD.  
(continued)

refer it to Mr. Hampton, who is a member of the Technical Committee for the Regional Street & Highway Commission, and he could put it into its proper form to submit to the Regional Street & Highway Commission - also to the Park Services and also the Bureau of Reclamation.

Are there any further questions or comments on the motion?

(No response)

Please cast your vote on the preparation of such a Resolution.

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

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DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

DONALD J. SAYLOR, DIRECTOR

Z-27-76  
Approved

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ZONE CHANGE Z-27-76 - RECONSIDERATION  
FIRST NATIONAL BANK, TRUSTEE; VALLEY BANK OF NEVADA,  
TRUSTEE AND VALLEY HOSPITAL, LTD.

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Property generally located:

PARCEL 1:

On the SW corner of Pinto Lane and Shadow Lane, extending South 294 ft. along Shadow Lane and West along Pinto Lane 150 ft. \*

PARCEL 2:

Located 150 ft. West of Shadow Lane and extending from Pinto Lane 294 ft.

PARCEL 3:

On the East side of Rose Street, approximately 300 ft. South of Pinto Lane.

Mayor Briare: I believe this Commission has heard this matter in the recent past - is still familiar with the arguments given both for and against the original zoning application.

There has come to the attention of the Board some additional material that has a great bearing on this application and the additional is provided this Board by representatives of the Valley Hospital. At the time it was submitted, the material was sufficient so that this Board, I believe by unanimous consent, moved to reconsider the application on the condition that those people who had protested the original application would be so notified and given the opportunity to come forward and be heard based on the new arguments.

I do not believe it is the intention of the Board to go back into the original arguments that were made, because they have already been quite clearly stated. But based upon the new information and the new turn this application has made, we are now reconsidering this Zone Change.

Since the applicants submitted this new information, I would ask them proceed first and submit this new information. Then, based on what is presented, we will allow the people that are in the audience to protest the new information with whatever comments they would like to put forth.

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Minutes  
Regular Meeting  
City Commission  
June 16, 1976

Attorney George Rudiak: Your Honor and Members of the Board. My name is George Rudiak. I am an Attorney at Law and I am the Attorney representing Valley Hospital on this application.

Mr. Rudiak: The particular circumstances to which I believe Your Honor referred, were these:

Your Honor will recall that at the last meeting it appeared there was a real problem on the part of one of the neighbors, namely, Mr. Lowell, whose property adjoined the Hospital property and within 30 ft. of whose boundary the new building was to go up. Mr. Lowell complained that the height of the building might tend to shade his backyard; that it might result in people looking into his backyard from a second or third story window. And I conceded to you quite frankly that I thought the only one of the protestors who had a legitimate beef, was Mr. Lowell.

Since that time, Your Honor and Members of the Commission, the Hospital has entered into an Agreement to buy Mr. Lowell's home.

There was also a protest from Mr. Greene, who has the house on the corner. We didn't feel at that time, nor do we feel now, that Mr. Greene would have been adversely affected by this project because he was too far away, in our opinion, to be adversely affected.

Nevertheless, because we knew that at some time in the future the Hospital would have to have that corner property, belonging to Mr. Greene, we entered into an Agreement to buy Mr. Greene's property.

There is, furthermore, another piece of property to the south belonging to a Mr. Ben Alexander. This is a piece of property that we have been negotiating with Mr. Alexander on for some period of time, because we knew that some time in the future we would need it for future expansion. Since the last meeting, we have entered into an Agreement to buy the Alexander property.

The net effect is that all the properties lying easterly of the property to be developed with the new building, are now under the ownership, or will soon be under the ownership (because they are in escrow) of the Hospital.

That being the case, we respectfully believe that there aren't any neighbors who are really being adversely affected. Your Honor, and Members of the Commission, you will recall that the appeal that was made was that there be a buffer zone. Well, there is a buffer zone now - it is all property that belongs to the Valley Hospital. It is all very fine residential property and will be so used in the future. Possibly we may, at some later time, come to you gentlemen and ask for permission to use one or two of those houses for doctors' offices or something of that type but, in no event, will there be an entrance upon the adjoining streets. The entrance will always be from the Hospital side and these properties will always remain as they are now - very lovely residential properties.

So I think that under these circumstances the reasons that impelled the Board to deny the application no longer exist.

May I also say this: Three of the Conditions that were imposed - that the Planning Commission recommended be imposed if the application were granted, appear to us to no longer apply. These were:

- (3) A masonry wall be constructed along the south side of the property at 641 Kingsbury Lane, as directed.

We have no real objection to doing this except this was for the benefit of Mr. Lowell and we now own the Lowell property - or will own it.

- (6) Had to do with the wing walls on the west side of the new Hospital addition, and I will explain that to you.

We came into this meeting believing that we were going to ask you to remove that Condition because we have found in further conferences with our Architects that it may not be feasible to build the angular wing walls. However, during the recess we had a conference with some of the adjoining property owners who still feel they might be aggrieved, even though they are removed by at least one row of houses from the new building, if we did not have a wing wall, and we I think have come to an understanding with them - Mr. Petroni who represents them will bear me out - that if it pleases the Commission, we would like that Condition to read that we build either angular wing walls, which of course would prevent a direct view into their backyards, or, at our option, we will put up a screening wall similar to that which you have at Caesar's Palace, which will also, I believe, satisfy the neighbors in that regard. We would like to have a modification of that Condition.

And finally Condition No. (7) which, again, was for the benefit of Mr. Lowell - that mature, tall evergreens be planted. Here, too, we would respectfully urge that be removed. We may want to put in evergreens there, but we see no necessity for it in view of the fact that we now own the adjoining property.

That, basically, is the change of circumstances that has occurred since the time of the last meeting. I won't go into the merits of the matter - I think everybody realizes that this is for the benefit of the entire community to have a more modern and better Hospital, which we are trying to build there. It will benefit the neighborhood as a whole and we would respectfully ask your favorable consideration.

Mr. Schwarts, Chairman of the Board for the Hospital, has called my attention to the fact there was another stipulation that we reached during the recess, and that has to do with Parcel No. 3, which is included in our application.

That is a fairly large piece of land - do we have that on a map here so I can point it out? We are asking for C-1 Zoning on this entire parcel (wall map) - the east end of the parcel as is presently approved with a Storage Warehouse, with a Comptroller's office and a facility where the ambulance drivers sleep.

We asked for the entire piece to be zoned C-1 - we are actually using this part (wall map) for parking at the present time. We have no intention at the present time of developing it in any manner. The neighbors, however, would feel more secure if our application were cut in half - at the center of this cul-de-sac (wall map) so that the east end where the buildings now are are zoned C-1, we wouldn't have the necessity of removing them two or three years down the road, and this part be retained as it presently is under a parking variance.

We are agreeable to that if it is agreeable to the Commission. In other words, instead of asking for the entire Parcel 3 to be rezoned to C-1, we would amend our application requesting that only the east end be rezoned C-1 and that the other be retained for parking purposes.

If there are any questions I will be happy to try to answer them.

Mayor Briare: Are there any questions by the Commission of Mr. Rudiak at this time?

(No response)

Mayor Briare: Mr. Rudiak, do you have anything further?

Mr. Rudiak: Nothing further at this time, Your Honor.

Mayor Briare: Ladies and gentlemen you've heard the new items that caused this Board to vote for a reconsideration of the question. What that simply means is that we are opening the whole thing up again. But, since we've heard it so recently and all those in attendance were aware of the general arguments that were made, but in view of the proposed changes you have heard here, where several of the residents - and, incidentally, we have before us and the City Clerk has it as a matter of record - the letters verifying what Mr. Rudiak has said relative to Mr. and Mrs. Greene and relative to Mr. and Mrs. Lowell.

Is there anyone who wishes to come forward now and discuss any objections to this proposal?

Robert Petrono, 2001 Pinto Lane, at the corner of Pinto and Rose: I am here representing myself as a property owner and not exactly representing other people, but we've been trying to get together and see what we could do about making the neighborhood compatible for everybody.

One thing, Mr. Rudiak, we weren't able to discuss because we have all these neighbors here - on this Condition No. 3 - a masonry wall on the south side of the property you bought, which is Lowell's property. Right now there is nothing there but a wire fence and a couple of people who live across the street complain they have to look right into the Warehouse through that wire fence. There should have been a block wall there when the Warehouse went in, and it never has gone in. So that should remain a requirement - that masonry wall listed as Condition No. 3.

We do have a petition here - the people, of course, are against it to begin with. I moved into the neighborhood 12 years ago. 8 years ago we were here fighting an apartment building in the same spot. 3 years after that we were fighting a Nursing Home - then we were fighting the Hospital and now we're fighting the extension of the Hospital. It has been a continuous battle. All of us live there - we have lived there a long time - we were there before the Hospital was there and we would like to ask the consideration of the Commission to look upon our interests as property owners.

On the Rose Street property, which is right across the street from me, and up the street from me, also right across the street from Mr. Barbuti, one of the property owners who has a 2-story building there - house - with a swimming pool and a very nice home, and none of want, nor intend, to move at this time. We have looked around at land values elsewhere and it is quite expensive so, instead, we put additions on to our homes. On the Rose Street property, Mr. Barbuti's main complaint - and he is here tonight - is that the shrubbery which was put in is all dying - it was put in as a condition to the Variance - it hasn't been kept up - the weeds are taking over the shrubbery and the wall is really about 5 ft. high, or 5-1/2 ft., rather than 6 ft. which is what it should be.

We did talk to Mr. Rudiak - I think Mr. Schwartz was glad we brought to his attention that the landscaping wasn't being kept up by the landscapers. He said they would correct that situation. Regarding the block wall, I don't know if they would be willing to add another foot to that wall or not, to protect Mr. Barbuti's interests. Would you be willing to do that?

Mr. Rudiak: Mr. Petroni, I really wasn't aware until you told me tonight that the wall was not the 6 ft. I was under the impression we had built it to the height required -

Mr. Petroni: It is not a 6 ft. wall - I am 6 ft. and I can look over it and see the cars parked there.

Mr. Rudiak: I know we went to extra expense to build a decorator wall just for the benefit of Mr. Barbuti and the neighbors. I do concede that the gardening has not been very good there. We will take care of that and see it is improved - that there is some sort of permanent sprinkler system put in, if it isn't there already.

However, I might say this: The shrubs were planted but I know from my own experience as an amateur gardener that they don't always "take". I think what is going to have to happen is that we will have to replant some of those shrubs. I don't think there's any real problem there. We are perfectly willing to do that.

I don't know about adding another course to that wall - I don't know if 6 inches is going to help Mr. Barbuti. The wall it up there - it was put up there at considerable expense. This is the first time we've heard any protest about it.

Mr. Petroni: My protest is really not with such specifics as the wall. It was my original argument that I didn't want it at all. I bought residential property period. You wouldn't want the Hospital in your neighborhood and I don't want it in mine. I bought a residential lot. I didn't buy the house on speculation - the Hospital bought the land on speculation. It was an R-1 lot. They bought it on the gamble they could get a Commercial Variance. I bought my house just as it was represented by the local Zoning Board. It was R-1, and that's what I bought. I have a considerable investment in the house and more than that, I have children that are being raised in that house.

I don't understand how a gentleman can come in and say - we've solved the problem by buying up Mr. Lowell and buying up Mr. Greene. To me that doesn't sound at all like an admirable action. It sounds like that's the way to change their minds - to buy them up, and that's not right. It's an R-1 area - it was when I moved in there. I bought the property because it was R-1 and I would like to see it stay as that.

I don't have any specific complaint against the Hospital - the lights that they put up in the parking lot are a nuisance to me personally because, as you know, I live by a different schedule than some of the neighbors. I am willing to buy blackout drapes and shut them out even though they are a personal bother to me. It's no big deal - I can live with those things. It's just that it's a private Hospital - it's not a County Hospital or a County Hospital - it's not a home for retarded children - it's not "Focus" which we allowed in the neighborhood - it's private enterprise. It's like a hotdog factory, or a massage parlor, or whatever. It's a business

I would like to point out that on the second letter that was sent out on June 3, 1976, the only thing you noticed was Parcel 3. You did not notice Parcels 1 and 2 again. Whether or not you can take action tonight on Parcels 1 and 2 might be questionable, although I have no objection to Parcels 1 and 2 -

Mr. Barbuti: I am on the second level - from three of our upstairs bedrooms - the Master and two other bedrooms - we can look directly across - the 5-1/2 ft. wall is totally

irrelevant because because we are already some 12 to 14 ft. above ground level as we stand at the normal level of our house, which is precisely where it was when we moved in. We didn't do any changing, but the Hospital moved there and now our view out of our front windows is automobiles and campers. When the parking lot was established there I brought in some photographs of their existing parking lot and they really did not need any additional parking.

Mayor Briare: Mr. Barbuti, where is your home?

Mr. Barbuti: Directly across the street, on the west side of Rose, and it faces Rose -

Mayor Briare: So you are looking at that Warehouse and the ambulance attendants' facility -

Mr. Barbuti: That is correct -

Mayor Briare: Is that currently being used as a parking lot?

Answer: Yes - we have a Variance on that - right here at the corner -

Mr. Barbuti: Incidentally, my neighbors to my left and right respectively, are also opposed to this. They don't want to move out of the neighborhood - the people on my right are also in a 2-story, and that is their view also. The people on the left - the old gentleman has lived there since it was called "The Meadows" and at one time owned all of the property, and he doesn't want to move out. What is there is there only by virtue of a 3-year Variance, which is up in another year in October. That is the end of it. Technically, unless something is done here, they will have to get it out of there.

Commissioner Leavitt: Is that correct, Mr. Saylor:

Mr. Saylor: I think it's a matter of semantics - Mr. Barbuti is referring only to the Variance here (wall map). I think your comments were referring to the Hospital -

Commissioner Leavitt: I'm referring to the parcel across the street from his house. He said he didn't like it and I can understand that, but it is something that is in existence. Now he says it is going to have to be removed.

Mr. Saylor: I don't know if I have that file with me - it is a Variance and I believe there was a time limit, and I believe that time limit was three (3) years.

Mr. Barbuti: The Commission passed it on that stipulation - the language was "temporary - not to exceed three (3) years". The Parking Lot, the Wall, the Shrubbery, which is about two and a half feet high - dead -

Mr. Petroni: I might point out that the house they bought - this house (wall map) and this property over here - we don't know what they have planned for that. They are going around us now.

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

Mr. Barbuti: No, not really - it's just that I very strongly want to impress upon you that I moved into the neighborhood - when I bought it, it was R-1 - I looked - I found exactly the house I wanted and I think that any citizen - not me - any citizen deserves the protection of the zoning of his property. I didn't buy with the speculation I could get it changed. The Hospital is the one that gambled. They bought R-1 and now they are asking that it be C-1 and I don't think it fits into any great

Master Plan in that neighborhood. Some people seem to think it is inevitable that eventually that will all be Hospital, or whatever. I don't know why.

Commissioner Leavitt: Just exactly what are we considering at this point? Mr. Saylor, can you tell us what the application is that is before us right now?

Mr. Saylor: They are asking for a change to C-1 on this parcel (wall map) and on this piece and on this one.

Commissioner Leavitt: You don't have any objection to the other two pieces?

Mr. Barbuti: Symbolically I have an ideological objection, but they have already captured that - they have moved in that far and I'm not asking them to get Valley Hospital out of there because I was there before them - I understand that is going to be there.

Commissioner Leavitt: My understand was is that there was a question where they are going to put that room they are going to add on - whether it was going to be put over there (wall map) or put next to property. As I understand it this is what is all about. Now we're talking about a parking lot and that parcel that is known as Parcel 3. I am really confused here as to what we are really concerned with. On Parcel 1, they have requested permission to put that building there - is that correct? Or is that on Parcel 2?

Mr. Saylor: A portion of the Hospital property is zoned Commercial - this portion in here (wall map). This is zoned for a Parking Lot - they have a Variance on this to allow these buildings and parking here. They are now asking for Commercial Zoning on this whole thing here (wall map). The immediate proposal, however, is to accommodate a proposed new addition - a 3-story building - at this point -

Commissioner Leavitt: That is known as Parcel what?

Mr. Saylor: A portion of Parcel 2 and a portion of Parcel 1.

Commissioner Leavitt: If they got the Commercial zoning for Parcels 1 and 2, they can build their addition - is that correct?

Mr. Saylor: Yes.

Mr. Petroni: But we still need the restrictions on the 3-story building insofar as the screening is concerned.

Commissioner Leavitt: There has obviously been an attempt to settle some differences here - I don't know whether that application has been amended, or whether there's a new application, or just where we are. Mr. Rudiak has stated several things they are willing to agree to so I'm confused as to just where we're at - what they are asking for and what exactly is before us.

Mr. Petroni: May I suggest we table this until the next meeting so we can get together with Mr. Rudiak and come in with the exact stipulations?

Mr. Rudiak: Your Honor, in the first place, I am a little bit confused myself. I understood that Mr. Petroni was acting for all of the neighbors. It's true, we met out in the hall and I thought we had reached an understanding on all these matters. Now Mr. Petroni comes in here - Mr. Barbuti comes in here - and everyone has a different idea

about what should happen. I thought we had reached an understanding - didn't we, Bob?

Mr. Petroni: I'm sorry - I represented to you that I lived in the neighborhood and each one of the people had a different problem. I went back and talked to the people and the wall at Kingsbury came up - Mr. Barbuti was in the audience and talked to me - so . . .

Mr. Rudiak: I understand, but Mr. Harlan was there - and Mr. Painter was there, wasn't he? I thought we reached an understanding about all these matters.

I don't think we really have a very complicated situation here. We asked for the rezoning of three (3) Parcels. It so happens that title is held as to one Parcel in one Bank; title is held to another Parcel in another Bank, but they are all held for the benefit of Valley Hospital and therefore it has to be broken down into 3 Parcels.

To answer Commissioner Leavitt's question, if Parcels 1 and 2 that require the building to go on them, they have to be rezoned to C-1 or we cannot build. Parcel 3 enters into it in this manner: It is under a Temporary Variance at the present time. There are three (3) existing buildings there. They are old buildings, but they are nice buildings. One of them is a brand new building - the Storage Building that we have there. It was built pursuant to a Variance.

All of these matters were considered by this Commission before we went to a great deal of expense to build that building. Mr. Barbuti came in - he protested - we tried to accommodate him by building a decorative wall - we promised we would have landscaping in there - I concede the landscaping hasn't done well, and we will do better on that - so we are trying to accommodate the neighbors in that regard.

But you must remember that since we are building the building, if you permit us to do so, on a portion of what is now a Parking Lot, we will need additional parking and it was for this reason that we wanted to be sure that Parcel 3 - which is now a Parking Lot - it is an asphalted and paved Parking Lot - the portion that doesn't have the buildings on it - we wanted to make sure that would always be available for parking because of the fact it will be needed, because part of our parking space will go into the new building. So, it's all part of one package in that sense.

After talking with Mr. Petroni here today - and I thought we had reached an agreement on this - to accommodate the neighbors because they said they didn't want any creeping of the C-1 Zone, we said - fine - we will amend our application, if permitted by the Commission, to this extent: We will agree that only the East portion of Parcel 3 will be C-1 and the other would simply remain for a parking use. Now, it's already there, as Commissioner Leavitt remarked. Mr. Barbuti objected - the Commission overruled him - we've spent a lot of money since that time improving it and it is there now. All we're asking is that it be left that way, and we are asking that the East portion be rezoned C-1 so we won't have to tear down those buildings. That is all we are saying. The buildings are there now. They are not that unsightly. There's a brand new Warehouse on the west side - we put up a wall so it wouldn't be unsightly. There's a brick wall in front of it -

Mayor Briare: Mr. Rudiak - now you are restating your whole original argument -

Mr. Rudiak: Yes - I'm sorry -

Mayor Briare: You did respond to Mr. Petroni's request that this be held. Any request that this be held comes from this side of the table - not that side. I think that in order for this Board to properly - it is not like in Court, Mr. Rudiak - motions, etc. come from this side of the podium, not that side - when he made that request you jumped right up and started to talk about postponing.

What I want to do is admonish you and Mr. Petroni and Mr. Barbuti, and anyone else that you had a talk with out in the hall, is not of great concern to us here because what you do out in the hall is not what we are considering right now.

It would seem to me that since new information was presented to this Board based upon denial of your application two weeks ago, that we should get ourselves back to the application we were discussing two weeks ago.

Now, when you come in with hallway agreements to do a masonry wall, or to do wings, with mature evergreens, etc., then you might be giving us grounds to say - yes, Mr. Petroni . . .

Mr. Rudiak: These are things Mr. Petroni agreed to - we would just as soon stand on the original application -

Mayor Briare: I am trying to pull into perspective insofar as this Commission is concerned, what the problem is before you all started to confuse us. It was that we were going to reconsider the application as it stood two weeks ago. Now if you start getting into some more changes it's understandable when somebody says they are confused about what we're talking about.

Mr. Rudiak: Well, Your Honor, I just want to point out that we do have a time problem involved. We have indicated to the State Health Facilities Bureau that this building would be up and in operation by March of next year. If we are going to be delayed here over some rather trifling matters which really don't amount to anything - we were trying to make some concessions for the benefit of the neighbors. We are not actually changing the application - we are perfectly willing to stand on the application as it originally was.

I don't believe that Mr. Petroni and the other neighbors object to putting up either a screen wall or the wing wings as we were originally talking about. They indicated to us that would be perfectly acceptable, didn't you tell us that Mr. Painter?

Mr. Painter: I haven't had a chance to speak yet -

Mr. Rudiak: Alright - I don't think there is any problem there about the evergreens - if you want us to put up the evergreens, we'll put in the evergreens -

Mr. Barbuti: If I may interject - I'm the neighbor who has to look at it. Neither of these two are facing it directly. I'm the one who has to look at it.

Mr. Rudiak: With all due respect to Mr. Barbuti, he is a full City block away from these buildings he is talking about -

Mr. Barbuti: I'm exactly across the street from your "decorative" black wall and your attractive Warehouse -

Mayor Briare: Now, Mr. Barbuti, I think it has been indicated where you live and we all have eyes to see -

(continued)

whatever you two may wish to argue about, we know where you live. Mr. Painter, did you wish to be heard?

Mr. Painter: Yes - I am Charles Painter, 1921 Pinto Lane. I was before you gentlemen a couple of weeks ago. I was in the hallway and I think we came to an agreement. I think, so it won't confuse the Commission, your Plan shows what they want to do - if they fall back to the original plan of putting the evergreens - in other words, remove the asterisks where they are shown on the second agenda there - those asterisks are put there to indicate that those items be deleted. In other words - they were going to put evergreens, now they are not. They were going to put in the wing walls and now they don't want to put these in. They have agreed to put in the wings, or screens, which is fine with us - with most of the neighbors. It would solve the problem on that and evergreens would solve a problem.

I am for dividing this Parking Lot here (wall map) for parking only and approval here and the approval of Parcels 1 and 2. They say they need a Hospital on Parcels 1 and 2 - those buildings are there and I don't think they are going to hurt the neighborhood that bad, as long as they don't build any higher buildings. I would like to see that no buildings be permitted higher than one story on the East half of Parcel 3 if you people grant them this rezoning. On Parcels 1 and 2, they can have their 3-story building. It won't interfere that much.

Also one of the stipulations, of course, is that no ingress or egress be permitted on Rose Street, Pinto Lane and Kingsbury. That's about all I have to say.

Mayor Briare: Mr. Painter, generally speaking, then, the objections you raised two weeks ago you now are withdrawing?

Mr. Painter: No. My main objection two weeks ago was giving them C-1 on Parcel 3, which they don't need. All they need is a parking lot there - there's from 6 to 7 cars parked in there during the day and Mr. Rudiak has indicated what they want Parcel 3 for is parking, except that they want the east part of it for the two or three buildings they have there, which is OK - as long as we don't have any 2-story or 3-story building on Parcel 3 at all.

Commissioner Lurie: Mr. Painter, aren't you the gentleman that is building some homes at Alta and Tonopah?

Mr. Painter: Yes Sir.

Commissioner Lurie: Well, I happen to think that those homes are more damaging to the characteristics of the neighborhood than what Valley Hospital is trying to do to improve their area.

Mr. Painter: May I answer that?

Commissioner Lurie: I don't know how you can answer it - according to your neighbors, it is a crime to the City of Las Vegas -

Mr. Painter: May I answer?

Commissioner Lurie: You may, if you can answer it -

Mr. Painter: I can readily answer it - 100%. Those four houses you are referring to are just kitty-corner across the street from \$200,000 homes . . . if I thought for one minute that those houses were going to degrade the

value of the homes across the street I wouldn't have built \$200,000 homes there. Wait until you see the finished product there - when you see the finished product there I think you will refrain from making those remarks.

Commissioner Lurie: Well, I'm just relaying on to you what your neighbors have told me. You're telling us about the Valley Hospital and what's wrong, and I'm telling you what I think about those 25 ft. lots that you have that you are building on -

Mr. Painter: Yes, there could have been houses 15 ft. wide by 50 ft. long built there if I hadn't gone and bought the land and built four houses, so I'm doing a good service -

Commissioner Lurie: We could debate that all night -

Mayor Briare: I would like to proceed now to the next person who would like to speak about the Valley Hospital.

Mr. Petroni: I just want to clarify something: On Parcel 3 which has the condition of the masonry wall, which one of my neighbors is concerned about, that is right next to the Warehouse, Mr. Rudiak said they would be willing to put that wall in. I think they originally agreed to do that when they got the Warehouse built. They just never did it and it should be put in. Even though they have bought that house now, you can still look through -

Mayor Briare: Is this part of the hallway agreement you made?

Mr. Barbuti: I have some pictures taken today of the shrubbery -

Mayor Briare: He has already indicated they will correct that situation -

Mr. Barbuti: I just wanted to point out - they have been saying - this is like it is going to be next year, or whatever - that's not necessarily so in my mind - I'm concerned for my way of life - my family and my neighborhood and they are trying to increase the bottom line of their corporation, and I think that ought to be taken into consideration.

Mayor Briare: Is there anyone else who wants to be heard on this matter?

(No response)

Mayor Briare: The Public Hearing then has been concluded. I will ask if the Commissioners have any comments or questions, or what action they would like to take at this time.

Commissioner Woofter: I would like to make certain comments prior to the vote, in this respect: Mr. Barbuti alluded to this, and I certainly want to go on record at this time to voice that my vote is not going to change from the last vote, at which time I voted for the Zone Change based on the evidence that was presented at that time.

I would like this to be stressed at this time, before any vote is taken - what Mr. Barbuti alluded to I think should be cleared up at this stage: That we of the Commission are reviewing this in the light that His Honor referred to - that there is new evidence, and I stress and I have faith in the Commission on this new

evidence that that is what the vote is going to be based on. Certainly at this time, or any time in the future, I certainly would not want any reflection to be made on the fact that certain protestants' houses were bought up during the interim, changed their tune around, and Mr. Rudiak also mentioned that this is not to be considered. I know that Mr. Barbudi mentioned that and I do, definitely, want this to be noted for the record - that when our vote is taken that we are certainly not encouraging or inferring in any way that this vote was based on the fact that the two protestants that appeared at the last meeting on the basis of their houses being purchased, that this is the reason why we are considering this application at this time.

Mayor Briare: Is there to be a motion, Mr. Commissioner?

M o t i o n

Commissioner Woofter: Yes, at this time I would move that the application for a Zone Change by the Valley Hospital be approved, subject to the following conditions as recommended by the Planning Commission:

1. Conformance to the Plot Plan on file in the Department of Community Planning & Development.
2. The westerly portion of Parcel 3 shall be excluded from the reclassification.
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 the east half of Parcel 3 shall be rescinded.
6. Wing walls, or screen wall, 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 and Development. In addition, the existing landscaping on Parcel 3 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 permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a Business License.
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: The conditions as set forth on the agenda are appropriate and have been agreed to by the applicant.

Commissioner Lurie: I have just one other question of Mr. Rudiak: You mentioned - no traffic will enter the Hospital grounds from Rose Street or Kingsbury - is that correct? That all traffic in and out, will be off of Shadow -

Mr. Rudiak: That is correct. That's the way it is laid out and that is the way it is going to remain.

Mr. Saylor: One of the conditions provides there is to be no access allowed along Rose, Kingsbury or Pinto -

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

Mayor Briare: The application is approved by a 4-1 vote.

Z-30-76  
Approved

ZONE CHANGE Z-30-76 - YOUNG MEN'S CHRISTIAN ASSOCIATION OF LAS VEGAS

Mayor Briare: The next item is going to be the consideration of the YMCA Project. Mr. Saylor, would you proceed?

Mr. Saylor: This is the application of the YMCA for a change in zoning from R-1 to C-1 for property located immediately south of the Dayton-Hudson proposed Regional Shopping Center on the west side of Valley View. If you will look at the screen - Valley View is the street on the east and the border street to the north is the one providing access to Dayton-Hudson. Immediately to the west of this site, a portion is a single family subdivision and immediately to the south of the parcel in question is a single family home area. The street pattern is not shown on the screen. It should be.

The proposal of the YMCA is to put a YMCA facility on the western portion - about the western one-third and to allow Commercial development on the eastern two-thirds.

If you will look at this Plot Plan (wall map), which gives you the street pattern on the portion not shown on the screen - all single family homes in here - the one corner is undeveloped and it is zoned Commercial. This is the Griffith School.

The red dots indicate the location of of the protests submitted at the Planning Commission meeting. This is a Plot Plan of the proposed development (wall map) - this being the YMCA portion of it with their gymnasium building here - handball courts, I believe - a multi-purpose field and tennis courts.

Realistically, I think we have to look at the plan of the Commercial development, as simply an idea. By that I mean that they have not had any substantive discussions with any prospective tenants or anything else. There is no way of knowing at this point in time the retail outlets that might go in there and/or the specific locations.

The Plan does propose a buffer landscaping along the eastern line - the southern line and the western line.

The protests, which I related to you in a backup memo from the single family home owners, concerned themselves with several things: No. 1, the increase in

noise due to the traffic; the closeness of this proposed building (wall map) to the single family homes here - translating that over to here, would put that building right about in here; the location of the tennis courts in relationship to the homes that would back up to them, and the potential reduction in the value of the single family homes. I think one protestor indicated that he felt there was sufficient Commercial zoning in the area, plus sufficient recreational facilities so that neither the YMCA facility or the Commercial development was needed.

The approval of the Planning Commission took into consideration some of the protests - No. 2, relocation of the tennis courts away from the single family residential development and No. 3, that the proposed Office Building at the SE corner be moved further north to be in alignment with the YMCA Building. In other words, this building (wall map) would have to be moved north so that it would be in alignment with this, which would put it some 80 ft., I believe, away from the south property line. The other conditions are pretty much standard - the block walls and the landscaping - all lights from the development to be directed away from the residential areas, etc.

There were approximately 85 protests submitted at the Planning Commission meeting.

Mayor Briare: Mr. Saylor, so that I may be properly oriented, is this property whereon for the past several years, a sign has been placed indicating that this is the new home of the YMCA?

Mr. Saylor: Yes.

Mayor Briare: How long has that sign been there?

Mr. Saylor: Well, maybe I can answer your question this way, Mayor - the sign was on the property prior to these homes (wall map) being constructed, but these homes had already been built there. The number of years, I really don't know how many, but these were there - these weren't.

Mayor Briare: Not that the erection of the sign means anything, because it sure fooled me when this application came out of the Planning Department - when I first heard about it, I said to myself - what in the world is that - because it has been that way for so many years.

Commissioner Woofter: Again, for clarification - also for orientation - Mr. Saylor, alluding to the Mayor's remarks - on the basis of that sign being there, because I've seen it for several years and I notice there has been a lot of development since that sign was posted. What is the number of protests that are in the area since that sign has been up there?

Mr. Saylor: Well, without giving you a specific number, Commissioner, let me say this: That all of these (wall map) were built since the property was acquired by the YMCA, so the protestors that were there before that were primarily along in this area here (wall map) and these.

Mayor Briare: Mr. Warnen, are you going to present any further comments concerning the application - or one of your people?

Commissioner Lurie: Did you get a count of how many of those residents that protested have kids and families that might utilize the facilities of the YMCA?

Mr. Saylor: No, I don't have that

Mr. Warren: Your Honor and Members of the Commission, I am John Warren, Executive Director of the Local YMCA.

Commissioner Lurie, in answer to your question, prior to the acquisition of the property, the YMCA brought in its National Staff people, who made a thorough survey of the area. And the reason for the needed move is because the Downtown location is no longer in an area of service. The time is for the YMCA to move where youngsters can find it, and that area has eleven schools within a walking distance, or within reach, of that area. When the land was purchased, there was no Dayton-Hudson - there was no nothing. We did put a sign up - the exact date, I'm not sure of, but it goes back beyond 5 years.

We had a plan for a move at an earlier point - the State of Nevada had an option on our present building - that fell through and at that point we did nothing with our plans. We had to wait and re-group and move ahead. At the present time the downtown building is for sale and we plan on construction of our new facility. The present building is far too small - it was not built to last for the period and the load it has on it right now. We have in the neighborhood of 300 youngsters a day in there right now.

We hope to be of service to the people in the area rather than be objectionable, and I think our record of operation will indicate what kind of an operation we've had.

When the YMCA purchased the property we were well aware of financial supports. I think you are all aware of the burden. We do receive monies from the United Way. We know that other agencies have need and there are limited funds and we had projected in our own plans to develop some sort of a development here - and this is for the purpose of providing an income for support for the future, so that we can keep our fees commensurable with what people can afford. That's the way it is to be operated.

Mayor Briare: Is there anyone in the audience who wishes to come forward now and speak in opposition to this application?

Ronald Eggert: I live at 4008 Meadow Valley Court. This is directly south of the development - right about in here (wall map). When we bought our home here we knew that the YMCA owned this piece of property, and we also knew that it was zoned residential and that the YMCA could build on that property if they had it rezoned for their use or if they got a Use Permit.

Most of us are not objecting to the YMCA using that property because it is theirs - they had it first - and we knew it was theirs and if they wanted to build a facility there - that's fine, as long as they don't have a facility which would interfere with the residential area because of lighting or any night-time activities.

I want it to be known that we are not objecting to that, but what we are objecting to is the Commercial development on two-thirds of that property. We didn't know this when we bought there - this is sprung on us now and we feel there is enough Commercial in that area right now.

What I'm concerned about is - I knew this had to come before the City Commission to be rezoned, and we have strong objections - I think there are pretty close to 100 people that are objecting or, in my estimation, about 90% of the people are objecting to this rezoning to Commercial. We're not objecting to the YMCA - we're

objecting to the fact they want to rezone it as Commercial. That's what we're concerned about and from what I've seen - why isn't anybody listening to us? We're the people who have to live with this. We are all the bordering people and it seems that the majority doesn't rule in this case. That's all I have to say - that we're not objecting to the YMCA unless their activities go well into the night and the lights interfere with the neighborhood, but we are objecting to the Commercial development.

Commissioner Christensen: I've got a question I'd like to ask: A couple of questions: What, specifically, is your objection to the Commercial?

Mr. Eggert: Well, it's just the noise and the traffic that it will bring into the area - most of us live right to the south of that and we are objecting to the fact that we are going to have traffic and a parking lot right in our backyards.

Commissioner Christensen: How late do you consider "late" at night insofar as the operation of a Y is concerned? Without Commercial?

Mr. Eggert: OK, that's another subject now -

Commissioner Christensen: They tie in together and I'm trying . . . you see, we have parks that are open until eleven o'clock at night - I believe that's correct -

Mr. Saylor: That is correct -

Commissioner Christensen: OK - so we'll have lights on - you've got ball games and things until eleven o'clock at night. Now, do you consider eleven o'clock at night to be too late to have a YMCA in operation?

Mr. Eggert: No - I would consider that to be a reasonable hour.

Commissioner Christensen: The reason I asked the question about the Commercial is because in most instances, that type of a Commercial would create less problems than a Y facility, because the Commercial isn't going to be open until eleven o'clock at night. Your traffic for Commercial will start at approximately nine o'clock in the morning and cease at approximately six o'clock in the evening - possible eight o'clock - which is three hours before the Park activity would cease, and in my own mind I'm trying to figure why the Commercial is objectionable and the YMCA isn't because the things you object to - the noise and the traffic, the parking, etc. - is actually more so for the YMCA than it would be for the Commercial. I'm trying to relate the two together.

Mr. Eggert: I see your point, but there are a lot of commercial establishments that are open 24 hours a day - your Safeways - basically your food chain stores - they are open on a 24-hour basis.

Commissioner Christensen: You don't have the space here for that kind of a Shopping Center - is there?

Architect McDaniels: There is definitely not enough room for a Regional Shopping Center. Whether or not there would be a grocery store I couldn't tell you at this point in time.

Mr. Eggert: I can see your point there, but I can come back with -

Commissioner Christensen: I don't propose to have an argument - I'm just trying to sort this out in my own mind. I, personally, would object more to a ball field next door to me at night than I would to a small shopping center -

Mr. Eggert: Whether it would be 24 hours or would close at six o'clock - this is an unknown thing -

Commissioner Christensen: And, of course, a shopping center doesn't emanate the light and noise that would emanate from a baseball game being played in a lighted field. At night, from my house, I can hear the ball games being played up by the Hyde Park Union High School - and I can't hear any of the traffic at the Panorama Market, for instance, or the Westgate Shopping Center. I can't hear that traffic, but I can hear the ball games. And that's why I wondered about the objection to the Commercial. The other activities would create more noise than the commercial it would seem to me -

Mr. Eggert: It's possible. Again, the YMCA was there first - it's their property. If they want to use it, I don't see how we can object, but we are objecting to the commercial part of it - it will add to the traffic and noise in the area. Maybe this noise will cease at six o'clock - I don't know. Maybe it will go on all night, but whatever the development there would be, commercially, it is going to add to the noise in the area and if it ends at six o'clock, I don't know.

I think what I'm saying is that we are willing to accept some of the noise and the traffic, but let's draw a line - let's not go in for more than we originally bargained for.

Commissioner Christensen: Thank you - you have answered my questions very well.

Bill Higgins: I live at 4016 Meadow Valley Lane. My home is two doors up from Mr. Eggert's. I substantially agree with what Mr. Eggert has said so I won't re-hash his comments.

My primary objection to the shopping center - in answer to Commissioner Christensen's question to Mr. Eggert - in my mind a shopping center is far worse as far as dirt and traffic, than would be attracted by the YMCA.

Yes, I saw the sign before I bought my home that the YMCA was to be built there, which didn't make any particular impression, but I also knew that it was zoned R-1, and on R-1 you don't build shopping centers. So, had they had a sign up there - Future Home of the YMCA and Shopping Center - I'm sure I would have considered it further before I bought this home.

My primary objection to the shopping center, per se, is the lack of security for my own home. Reference was made in the previous meeting before the Planning Commission, about a 6 ft. wall going along the south end of that property. Well, that 6 ft. wall has shrunk with leveling, landfill, etc., to about 4-1/2 ft. in some places and 5 ft. in other places. We have no security from an operation like this and this border of trees, or whatever they plan to put in there, is not going to offer any security there at all.

So, in addition to Mr. Eggert's comments, that is my objection to it.

Mayor Briare: Mr. Higgins, does your backyard front the boundary line of the proposed . . .

Mr. Higgins: Yes, it abuts it.

Mayor Briare: About how far - Mr. Saylor, can you tell from the scale of that map, or perhaps Mr. McDaniels can answer it - how far from the side property line on the southerly part of the property is that first proposed building? The middle building?

Mr. Saylor: 200 ft..

Commissioner Christensen: I've got a question I'd like to ask this gentleman: The SE corner of that housing area where all the red dots are, there's a square there. It sticks in my mind there's a sign there indicating that that is Commercial -

Mr. Higgins: There is no sign there, but I did know it was Commercial -

Commissioner Christensen: There was a sign there, was there not?

Commissioner Lurie: If you're talking about Palomino and Alta, there is a sign there that says "Commercial" -

Commissioner Christensen: Was that sign there when you bought your property?

Mr. Higgins: Whether it was or wasn't, I was aware that that was zoned for Commercial.

Commissioner Christensen: And do you object to that being Commercial?

Mr. Higgins: I was told it was going to be a 7-Eleven Store, or something like that. No, I wouldn't object to that small parcel in that location being Commercial. But then my property doesn't abut right up against it either.

Commissioner Christensen: You protested and I see from the map there are protests all around that. Were you aware of the history of the zoning in this area before you bought?

Mr. Higgins: History, as far as what?

Commissioner Christensen: As far as the battles there were waged over zoning that particular area. Were you aware of the fact that was at one time all zoned R-5 and we reverted it back to R-1?

Mr. Higgins: I wasn't aware of it, but I'm glad it was reverted to R-1.

Commissioner Christensen: So am I. I objected to it being R-5. I thought between Hyde Park and that R-E it should have been R-1. As it was, they built townhouses in there and then they abandoned that project and went to full size R-1 lots. Am I correct, Mr. Saylor - basically?

Mr. Saylor: Yes. They did build the townhouse development here (wall map) - they proposed apartments here but abandoned that and went to the R-1.

Commissioner Christensen: The reason I'm bringing this up - I bought in that area and I'm very jealous about the zoning. One of the things I did before I invested the money was to go around and check all of the zoning - where the proposed Commercial was and what who planned to do where, etc. I took it upon myself to find those things out, and I wondered how much research had gone into that by some of the protestants there, because it would seem to me if they are protesting that, they would not have bought there knowing there was Commercial on that corner. That surprises me.

Mr. Higgins: Well, a 7-Eleven Store or something of that sort, doesn't raise a great objection in my mind. It's that large area right behind my back fence that I object to, and it was not being considered at the time I bought.

Commissioner Christensen: Did you check with the YMCA?

Mr. Higgins: No, I didn't - I just knew they were going to build there.

Commissioner Christensen: I think I understood the man from the YMCA to say when they bought the property they planned on putting some Commercial in front to help support the Y -

Mr. Higgins: Yes --

Commissioner Christensen: It seems to me if you had checked with them you'd have found that out.

Mr. Higgins: Well, that's just one thing that never occurs to people - to ask the YMCA if they are going to build Commercial and go into a business operation of some kind. It just never crossed my mind that they would do such a thing.

Richard Williams: My name is Richard Williams and I live 405 Grass Court. I am going to approach this in a little bit different manner - a way that has been provided by the City of Las Vegas which is in reference to the Las Vegas City General Plan. For most people who live in town they are unaware of what the General Plan is. Essentially it's a Plan which contains a set of guidelines to assist us in determining exactly what a property should be developed as. It cost the taxpayers about \$75,000.00 for the book, so it is extremely important.

I was aware that the property was scheduled to be used for the YMCA. The fact that they had it in their mind they were going to try to rezone it to Commercial really wouldn't have had an effect on me in reference to purchasing the property because I knew we would be faced with this situation we are now faced with.

Trying to draw a comparison between one acre of Commercial and fifteen acres of commercial, I don't exactly understand what the parallel is there.

In reference to the General Plan - like I said - it does provide some guidelines, so let's see just where it does guide us. The General Plan states that for every 1000 people in a residential planning area, you can support one acre of Commercial. OK, taking the fact that we have an existing population of 3242 people, we can support 3.2 acres of Commercial in our residential planning district. That is an important figure - keep it in mind.

Existing development in our residential planning district - existing Commercial - is 19.7 acres, which means essentially that 25% of that is developed as Neighborhood Commercial, which we support. The balance of that existing Commercial, or 75%, is District Commercial, which draws from other areas. It's not Regional, but it draws from the surrounding residential planning district. So, in effect, the only thing we can support is 25% of the existing Commercial.

OK - in addition to that, and this is almost astounding, we have existing in our area vacant property - undeveloped - that is currently zoned Commercial - 127 acres. Who is going to support that? 127 acres that has not even been developed yet, that they can build shopping centers on. OK, 60 of that, approximately, is going to be developed as a Regional Center. That leaves 67 acres (keep in mind that 3.2 that we can support) . . .

Commissioner Christensen: Would you show us on the map the area you are talking about that can support that 3.2? How big that area is?

Mr. Williams: Well, that map isn't large enough - it's the Expressway this side of Decatur, which would be the east side of Decatur, north of Charleston and the back of your house, which are the properties that back up to Lacey Lane.

Commissioner Christensen: I'm trying to figure out where all this Commercial is that you're talking about -

Commissioner Lurie: Part of that is the Dayton-Hudson property -

Mr. Williams: Part of it -

Commissioner Christensen: Dayton-Hudson takes up about half of it -

Mr. Williams: That is correct, but the Dayton-Hudson at this current time isn't developing their entire property. They are only developing a portion of it.

Commissioner Christensen: I'm aware of that, but I'm wondering where the other properties are, for my own information.

Mr. Williams: OK - there's properties along Decatur that are existing that are not developed. There are properties the Water District owns currently -

Commissioner Christensen: You are saying a percentage of that is Dayton-Hudson property -

Mr. Williams: Yes, of course -

Commissioner Christensen: 50% or 70%, or what?

Mayor Briare: Mr. Saylor, do you have any comment on the amount of Commercial that is in the area?

Mr. Saylor: According to the recommendations of the General Plan, which by their very description and the very title of the Plan, are generalized - not meant to be specific - there is adequate Commercial zoning in the area to provide the necessary Commercial facilities for the population.

I think, however, another thing that should be taken into consideration, which Mr. Williams did not bring up -

Mr. Williams: Yet -

Mayor Briare: Did you two get together and rehearse something?

Mr. Williams: No -

Commissioner Lurie: Did you discuss maybe this afternoon what you were going to say tonight?

Mr. Williams: I am just listening to the man -

Commissioner Lurie: Then why don't you listen - not interrupt -

Mr. Williams: OK - I'm sorry -

Mr. Saylor: And which I presume he did intend to bring up later on, is the fact that the General Plan did recommend that somewhere in the westerly portion of the City there should be accommodations for a Regional Shopping Center, not giving a specific location. And as you know, since that time the Plan was adopted, the Dayton-Hudson location has been approved. So that has ramifications on the overall area without question, but to recapitulate, I think the thing that has to be taken into consideration - these are

generalized recommendations; they do indicate there is sufficient Commercial zoning in the area to take care of the demand factor.

Mayor Briare: Mr. Williams, we are going to concede that you are knowledgeable about Planning since you work in the Planning Department. We are hopeful that you are not going to give us an education on all the ramifications of Planning; that you will direct some pertinent remarks to this particular application and not General Planning as a whole because, quite frankly, we don't have time this evening to try to catch up on what you already know about Planning in General. We grant you the concession that you are a very knowledgeable Planner.

Mr. Williams: I am not trying to prove that fact, I am trying to establish the fact that - as Mr. Saylor has now confirmed, and you are aware of - there is an existing amount of Commercial in the area.

Mayor Briare: We will concede to you that there is an over-abundance of Commercial zoning in that area.

Mr. Williams: OK. Then, in fact, my conclusion would be that we should not allow any more. OK - one more thing: I would like to point out, though, an alternative development. In other words, what is the possibility . . . maybe I'm not . . .

Mayor Briare: Whatever alternative you have, I am not quite sure whether they would be helpful to us when we are considering this particular application.

Mr. Williams: OK.

Commissioner Christensen: Could I ask you one more question: Do you object to the YMCA or to the Commercial?

Mr. Williams: I do not object to the YMCA. I recognize that there are some . . .

Commissioner Christensen: Would it be safe to say if we eliminated the Commercial and built the Y there, you would have no objection to that?

Mr. Williams: I do not object to the YMCA facility being constructed on that property. That is correct. I recognize, though, there are some design problems in reference to lighting and things like this, which can be worked out, and I'm sure they would be -

Mayor Briare: We are doing this in the sense of a public hearing - I don't know whether we want to entertain your alternative use of this land - maybe Mr. McDaniels, who is an AIA Architect, might be willing to discuss with you - depending on what happens with this particular piece of property - what your opinions are for development as opposed to what his are.

Mr. Williams: I would welcome that -

Scott Mc Dowall : I live at 401 Grass Court. I don't want to particularly rehash everything that has been said this evening. I am personally opposed to the traffic in the area. I think very specifically that the homework just plain hasn't been done by the owners of the property in what they propose. Michael Way as they have it shown on the drawing - I believe now is supposed to be a buffer zone between the Dayton-Hudson project and the residential area as it was before this meeting was convened to consider this rezoning.

They would only have two accesses to it right on Valley View Blvd and this simply would be inadequate. It would increase the traffic on Valley View considerably.

Mr. McDowall: Secondly, I also object - I live exactly right down on the south and east corner of the project being proposed - I also object to the fact that to buffer my house from the commercial property as it has been proposed, and also a large Regional Shopping Center, would simply be a few pine trees, a parking lot and maybe a few more pine trees. If, in fact, they did get access to Michael Way, that buffer zone would no longer be there.

Commissioner Lurie: Are you objecting to the traffic on Valley View?

Mr. McDowall: Yes Sir - it is not going to be adequate -

Commissioner Lurie: Well, I will have to tell you something - Valley View has been moved up on the priority list of Regional Streets & Highways to make a 4-lane road from Charleston clear to the Dayton-Hudson Shopping Center. So if you object to the traffic now, it's going to be all that much more when the Dayton-Hudson Shopping Center opens up. You enter your residence off of Alta - you don't enter off of Valley View, do you?

Mr. McDowall: No Sir, but my property does for 8 ft. abut on to Valley View Blvd., and not only will Valley View be barely adequate - this is my objection - that's the very point I am making - that Valley View will be barely adequate to take the traffic for the Shopping Center, let alone the traffic for the proposed Commercial development.

Commissioner Lurie: You haven't done your homework, though, because you see the traffic along Valley View is only one part of it -

Mr. McDowall: I know - there is going to be access onto the Freeway - I realize that -

Commissioner Lurie: You didn't bring that up through and not just object to the traffic on Valley View.

Mr. McDowall: OK, let me continue. I lived in an area for 21 years before coming here a couple of years ago, and during that time the Dayton-Hudson corporation was building - right now they have five malls - they had 4 when I was there - and the Dayton-Hudson corporation is good - they are very good in building malls, let me say that - but they are almost too good for the community that surrounds them because for the five years that I've had experience with malls, they have very strongly drawn on the commercial properties that surround them. It was brought up here about your General Plan - trying to keep commercial property already zoned down so that the commercial properties will not decay. If you gentlemen do decide to make this a commercial property, there is just going to be too much commercial property in the area. You should take a look at what is happening on Charleston - take a look at what may happen on Decatur - I think you would have to agree. For instance, the Westgate Shopping Area - is that going to be just an asphalt playground without any support from the properties around it? There are a lot of areas that have to be yet developed.

Commissioner Lurie: May I ask you one question? You aren't in the retail business, are you?

Mr. McDowall: No Sir -

Commissioner Lurie: I didn't think so. As you know, a lot of study went into Dayton-Hudson selecting that particular piece of ground to build a Regional Shopping Center, and now you are telling me that the residents who live around the Dayton-Hudson Shopping Center aren't going to support it?

Mr. McDowall: I'm telling you they are - at the expense of other merchants in the area - that's pointed out by the General Plan. You say that, right there.

Commissioner Christensen: I can show you just the opposite. The only other Regional Shopping Center we have in Las Vegas, the commercial development around it has got to be double the size of the Regional Center and all do very well - is this not correct?

Commissioner Lurie: That's right - I could tell from your conversation you were not in the Retail Business -

Mr. McDowell: I would point out to you that the Mall area that you are in question there is influenced very highly by the Strip area downtown, and this is kind of taken out of that context. The Strip is easily accessible to the Broadway Store.

What I want to say is . . .

Commissioner Christensen: Let me explain something to you that perhaps you don't know. I have a business in the 800 block on East Sahara. I can get to the Dayton-Hudson Shopping Center location out here faster than I can get to The Broadway - less time.

Mr. McDowall: OK, we have over 85 residents in the immediate area that have protested this rezoning . . . the petition of the Planning Commission would come to you as far as on the rezoning issue and the Las Vegas Plan, as Mr. Williams pointed out - General Plan - is a statement that the City Council approved - it cost the taxpayers over \$75,000.00 to create and it indicates that rezoning here is not really indicated, based on the population to support it.

And aside from those directly connected with the owners, I haven't heard anybody say that - yes, we need the Commercial property in that area. And I want to re-emphasize that no one up here has gotten up and said - we're opposed to the YMCA, because we know they can build there - they can build there tomorrow. All they have to do is get a Use Permit.

At the Planning Commission, and here earlier, they have come to us and admitted that they are engaged in a land speculation - they are cashing in, right now. Why didn't they rezone this property earlier if they intended to do this? How come they didn't come to the Commission earlier when R-1 was being discussed for the property we built on? We knew the YMCA would build there - we also knew it was zoned R-1 and we also knew that was what the General Plan said. I think before we take a vote on the issue the question we have to ask is - am I voting strictly on the issue as to whether or not we really need this particular piece of Commercial property right now. I don't think there can be any question - we don't need Commercial property in this particular area now.

Commissioner Christensen: Mayor, I think I can put something in perspective here that may speed this process up. I have a couple of comments at this point I think are valid. I don't want anybody to get the impression that I am absolutely pro-Commercial or anti-residential, because almost the opposite is true. There have been a couple of statements made by a couple of people I think need to be clarified and put into perspective.

Everybody refers to the \$75,000.00 Plan that the taxpayers paid for. Whenever the taxpayers come to the City and want matching funds for something like that, they consider that which comes from the Federal Government to be free, and not paid for by these taxpayers. I know that isn't true, but the average public insists that Federal money is free money. whenever they ask for any. I want to point out that the Federal funding - the \$75,000.00 to pay for this Study, came from the taxpayers spread across the United States of America - not local taxpayers. I think that should be made clear.

Another thing that needs to be made clear is that the General Plan, by its very nature, is general. I think Mr. Saylor stated that but it keeps flapping up here. The General Plan is by nature, general -

it is a guideline. It is just a guideline. It is not a hard and fast, locked-in - this will be commercial - this won't be commercial - type of Plan

Another thing that needs to be made clear, that I think a lot of people lose sight of, especially short-timers here in this community - I knew when there were people living at 3rd and Fremont. I think every piece of ground in this community that is zoned Commercial was once zoned Residential. I can't think of a piece of property, other than perhaps the first two blocks on Fremont Street that were auctioned off in 1905 - are the only ones that were ever auctioned off, or sold, and started out as Commercial property. Everything else has become Commercial as the need dictated and as the traffic flow made it unfit any longer for residential, etc., etc. I am sure the time is going to come when my home in that area is no longer going to be fit for residential. I'm going to be too close to too many major streets and be forced to move again.

I think all those things should be kept in perspective so we don't delude ourselves into thinking that - it was residential when I moved there - it must for ever stay residential or I'm being wronged. Because that is not the case. I agree that residential areas should be maintained as such as long as possible, but let's keep these arguments in the proper context because I think they get a little far afield when it is said that everything residential should stay residential.

Mr. McDowall: Mayor, may I respond to that?

Mayor Briare: Yes, if you will make it shorter than your original comment was.

Mr. McDowall: I just wanted to respond about the \$75,000.00. Sir, I pay my Federal taxes - \$75,000.00 is not free money - it comes from my taxes that I pay to the Federal Government.

Commissioner Christensen: I believe I stated that . . . but you didn't say it came from the Federal Government - you said - the taxpayers paid \$75,000.00 which could be construed, by the way you said it, that it cost the City taxpayers \$75,000.00. It didn't. It came from a broader spectrum -

Mr. McDowall: OK - also I don't understand what makes a new comer to the City any less a citizen or resident of the City as anybody else . . .

Mayor Briare: I am rather curious. Mr. Williams, would you allow a question? You suggested that you might have other recommendations for this property. I am rather curious - no one here and I believe you, or Mr. Higgins, or Mr. McDowall, or whoever, might have made the comment - nobody objects to the YMCA. That is commendable, but since you have recommendations as to how this property can be used, I would appreciate you giving me two or three uses, if we go on the basis of that property right there is divided into thirds. One third, as you look at it there (wall map) on the rear of the property, is the YMCA, and the two thirds in the front on Valley View is Commercial. Suppose only the YMCA property were to be allowed. Could you give me a couple of proposed uses for the remainder? You are a professional planner - give me a couple of uses for that property.

Mr. Williams: OK - No. 1, it is zoned R-1 -

Mayor Briare: And you are a professional planner. Would R-1 be the best and highest use of that property?

Mr. Williams: OK - based on the General Plan, an RPD should have a population of about 4000 people. We now have a population of . . .

Mayor Briare: You are not going to answer my question, are you?

Mr. Williams: Yes, I am -

Mayor Briare: Well, could you just answer it briefly, without giving

me all the technical background on it? Would you build single family homes?

Mr. Williams: I'm saying that you could - there are a number of alternatives - you could build - you could solve the problem of the YMCA in proximity to the residential by moving it from here (wall map) to here -

Mayor Briare: I'm not asking you to revise it - I'm saying if that one third were to be allowed for the YMCA - Mr. Eggert, when he first came up here, made the statement that the YMCA was no problem - it was the Commercial part. You are a professional planner - if that one third were to be zoned for the YMCA, what would you do with the remaining two thirds? You see, you have the advantage because you're a professional. At least, I assume you are a professional.

Mr. Williams: It should be residential. We've got enough Commercial. The question is - what type of residential? What is the density that the Master Plan . . .

Mayor Briare: OK - you've answered the question. You say residential -

Mr. Williams: Definitely -

Mayor Briare: As a professional, your opinion is that property should be residential?

Mr. Williams: Definitely, because we need additional population to bring it up to the 4000.

Mayor Briare: Are there any other questions?

Commissioner Woofter: Yes - I guess, John, you could answer these questions for me. First I would say that I concur with everyone here as to the need for a YMCA at that particular location. I was a former resident of Hyde Park and often wondered - why the delay. Naturally, knowing of the lack of funding was the delay in building such a facility. John, you have answered one question in the respect that you outgrew the facility where the YMCA is at the present location.

John Warren: We outgrew, as well as we are out of a service area, really, as far as the Youth Services go.

Commissioner Woofter: What is the square footage of the present facility?

Mr. Warren: About 25,000 sq. ft.

Commissioner Woofter: What is the proposed square footage of the new facility?

Mr. Warren: They are thinking in terms of 58,000 sq. ft. Inside - that's the building itself.

Commissioner Woofter: What is the total area you own for the YMCA?

Mr. Warren: That is approximately six acres -

Commissioner Woofter: The whole thing?

Mr. Warren: That area you are looking at for the development is approximately six acres.

Commissioner Woofter: What about the rest of the area, as long as we're talking about it, for Commercial?

Mr. Warren: Well that fourteen acres would be used for parking for a while. We realize - as was mentioned by one of the Commissioners - that what is referred to as a Commercial area - we are thinking of in terms of service types. We're not talking about stores, necessarily. We want to be compatible with our neighbor across the street - so that

we would then in the evening when the Y gets loaded, we would have the full use of the parking areas that we would need - so there would be a joint usage of parking. So when you say - how much for the Y - we would say, six acres plus whatever is needed for parking - in the evenings anyway, when the heavy load factor comes in.

Commissioner Woofter: What I am thinking of is the total acreage, including what you are requesting for Commercial. What is the total acreage in other words?

Mr. Warren: I think I would have to refer to Jim on this -

Architect McDaniels: Approximately 20 acres -

Commissioner Woofter: My feeling is - I am not concurring with the lack of need for Commercial - I can foresee in the near future the need you are going to face to increase the facility for that YMCA.

Mr. Warren: Yes, Commissioner - and this is why we laid out the six acres, as you will notice, with the playfield alongside of it. There are some - and it is my understanding that the area has in terms of planning - that the adjacent area across the street, which is Water District property, is supposed to be made into a surface park some day. If that be done, then of course we could use part of this property for additional buildings.

However, there is a saturation point in terms of how many people you can put in a building and an effective program. So I would not think of just increasing, increasing, increasing. I would say we would probably go 50% more and that would be it. We would have to get another location and another site. You have saturation and your program suffers when you become just too big.

Mayor Briare: Have you projected when that might be?

Mr. Warren: We have other site locations already acquired for future development. It's a matter of funding and the need.

Mayor Briare: Do you mean in addition to this, or to abandon this?

Mr. Warren: Oh, no - this is additional because one Y can't serve the community. I was just told to remind you that we are thinking in terms of a satellite-type program. We have 40 acres out near the Stadium which we intend to develop as soon as water is available for irrigation, etc.

Mr. McDaniels: I would just like to make a comment about placing R-1 on that site. I also took City Planning at U.S.C. - and putting a residential area across from a Regional Shopping Center is probably the worse Land Use you could possibly come up with.

Commissioner Woofter: Mr. Mayor, I am ready to make a motion at this time, however, with certain preliminaries. I concur with the protestants in the audience in the respect that I have lived in that area - like Commissioner Christensen, I do not see any need for further Commercial use development in that area. I concur with the protestants along with the Board, there is definitely the need to approve the YMCA. But I am not convinced at this time that I can go along with increasing the use of this property for Commercial with the YMCA.

#### M o t i o n

So my motion at this time will be to approve as to the YMCA building, but not to include the Commercial development.

Commissioner Leavitt: I would like to have some clarification from Mr. Saylor as to what we are talking about - that the easterly six and a half acres be rezoned and the rest remain, or what?

Mr. Saylor: I don't know which portion Commissioner Woofter is talking about, but the YMCA would be along the westerly portion - approximately the westerly six acres.

Mayor Briare: That is what has substantially been stated - we consider it as being in thirds. To state your motion, Commissioner, you move to approve the portion for the YMCA and leave the balance "as is".

Commissioner Woofter: That is correct, Your Honor.

Commissioner Christensen: The question I have, Commissioner Woofter, that made me ask if you could make a motion like that: I understand they don't need Commercial for the YMCA. That requires a Use Permit. Are you asking that it be approved Commercial for the YMCA.

Commissioner Woofter: Just a second until I check with counsel -

Commissioner Christensen: I have another question that goes along with it: It would seem to me that if your motion is to approve for the YMCA and not the Commercial, that we should try and talk the YMCA into putting their YMCA closer to Valley View and leave that vacant for the housing, because if you put the YMCA next to the housing, you've still got that piece sticking out there next to Valley View - that even if somebody did want to build residential homes on it, they would sure have a touch time selling them.

Mayor Briare: Mr. Saylor, can we address these questions in this order: That in the event that Commissioner Woofter - it's not "in the event" - Commissioner Woofter wants to allow only the YMCA development. Then, in that instance, a motion for rezoning is not in order, because - is it correct that it only requires a Use Permit?

Mr. Saylor: Yes, you could allow the YMCA in an R-1 Zone by means of a Use Permit. However, more appropriately, if that is to be your action, I would suggest that you amend the application to a C-V Zoning, which is a Civic Zone, which would allow the YMCA. Rather than approving Commercial for the YMCA, amend it to a C-V Zone, which would accommodate the YMCA.

Amended  
Motion

Commissioner Woofter: I so move. But I have a question with regard to Commissioner Christensen's remarks. I would like a comment on the part of the YMCA representatives - if this is to be the motion and it is approved, and this is all you can expect from the Commission insofar as action tonight - would you like to leave the plan as is, or bring it forward to Valley View.

Mr. Warren: I have a question on the motion, Your Honor. If you take it to the C-V Zoning, are you talking about the whole 20 acres?

Commissioner Christensen: Only the back third - that was my question - have R-1 in front and the back third C-V, and that's what confused me.

Mayor Briare: It is very difficult sometimes when we get into semantics - what you really mean and what you say. It is a difficult thing, never knowing what the vote is going to be - I'm going to vote against Commissioner Woofter's motion and I am going to hope there will be others who will vote against it, and then we can make a new motion of some sort.

Commissioner Lurie: Mr. Saylor, what is your recommendation along Valley View? Say from Valley View to where the first driveway is?

Mr. Saylor: Recommendation in terms of what, Commissioner?

Commissioner Lurie: Whether or not you feel Commercial or R-1 would be the best for frontage on Valley View?

Mr. Saylor: Well, I don't believe that Commercial is demanded, nor do I feel that R-1 would be appropriate necessarily on this. So what does that leave open? Possibly a little higher density residential development, which could be compatible with the Regional Shopping Center, the Water District facilities across the street, the major street pattern, etc. Or it could even be Professional Office zoning.

Commissioner Lurie: You are saying that maybe we could put R-3 there and make it apartments?

Mr. Saylor: I think that would be a logical zone. However, as you very well know, in many, many other zoning patterns, we've had a much stronger protest against apartments than against Commercial.

Commissioner Lurie: Because of the Regional Shopping Center, maybe you would like the density higher . . .

Mr. Garbian: Originally when the YMCA was going to expand we had qualified people from the YMCA say what was going to be desirable, and this area was picked. We bought ten acres from the Water District. At that particular time since all non-profit organizations are in a tougher time in our society from fund-raising, they have to become self sufficient. This is a new product.

So it was on my recommendation that we buy ten acres speculative at that time. Now don't forget that Dayton-Hudson was not even conceived at this time. So the end result was that Dayton-Hudson has 160 acres of commercial. Now you are talking about 14 acres adjoining them not being commercial. What else is it for?

Take the Boulevard - how many shopping centers - small shopping centers - are self-existent? Maryland Parkway across the street does a jam-up business. They have built all around there with little shopping areas. Now they are saying there is enough commercial area, so make it something else. Believe me, Dayton-Hudson is going to be the busiest and greatest in the west part of town, which is needed, and I don't know what else we can do with it.

We've had gentlemen here who are so-called planners - they want to make it a big thing of moving it around. They've got to be kidding. It's only good for one purpose now, and we want to be self sustaining. Thank you.

George Harris: I beg your pardon for being late. I just got off of the airplane from a State Board meeting in Carson City. I represent the YMCA, and have for many years. I've been on the Board of Directors for twenty-two years. I am not sure as to just how much Mr. Garbian has told you and I would be happy to answer questions if there are things he has said, or hasn't said, that I might help with.

Mayor Briare: Thank you, George - we're delighted to have you. We are all well aware of your great capabilities as a land appraiser - you've purchased a few school sites around this town -

Mr. Harris: Scores of them -

Mayor Briare: We have a motion - Commissioner Woofter, would you please restate your motion?

Amended  
Motion

Commissioner Woofter: I make the motion at this time, Mr. Mayor, that we approve, in light of our Staff's recommendation, that this rezoning be approved as a C-V Zone so as to allow the construction of the YMCA, but disallow at this time any use as far as commercial development is concerned.

Mr. Harris: Is it possible to comment on this?

Mayor Briare: George, out of fairness - we've been on this issue for an hour and forty some minutes. There has been a great deal of discussion on both sides.

Mr. Harris: We will be very, very disappointed if we can't get . . .

Mayor Briare: And I'm sure the people who have protested would feel likewise - depending on which way it goes.

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

Mayor Briare: The motion is lost. What is the pleasure of the Board?

Commissioner Lurie: I move we follow the recommendation of the Planning Commission for approval, subject to the following conditions:

1. Resolution of Intent to be restricted to a twenty-four (24) month time limit.
2. Relocation of the tennis courts away from the single family residential development to the west, as required by the Department of Community Planning & Development.
3. The proposed office building in the SE corner of the development be moved further north to be in alignment with the proposed YMCA building.
4. Construction of a 6 ft. masonry wall along the west and south property lines, with a pedestrian gate only to Mayflower Street to allow walk-in traffic.
5. All lights from this proposed development shall be directed away from the residential areas to the west and south.
6. Installation of half-street improvements along Valley View Blvd., as required by the Department of Public Services.
7. Conformance to the Plot Plan to reflect the above conditions.
8. 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.
9. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
10. All mechanical equipment, air conditions and trash areas shall be screened from view from the abutting streets.
11. Conformance to Code requirements and Design Standards of City departments.

Mayor Briare: Are there any comments on that motion?

(No response)

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

Mayor Briare: The motion is approved.

Mayor Biare: Commissioner Lurie, would you proceed with the agenda until I can get through with some phone-call information? (9:30 P.M.) Mayor Pro Tem Lurie will proceed with the meeting.

Mayor Pro Tem Lurie: We will return on the agenda to items under the Department of Public Services.

See Page 104 of these Minutes - Annotated Agenda

CITY SEWER  
HOOK-UP  
Approved

Mr. Hampton: The final item is a request of M. L. Enterprises for permission to connect a 45-lot subdivision - WILDWOOD RANCH ESTATES No. 2 - into the City sewer from a point 1/4 mile outside the City Limits.

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In referring to the map (wall map) the area in red is the Wildwood Ranch Estates which is 1/4 mile of the City Limit line along Torrey Pines - this being Rainbow Blvd. west of the development.

We do have the capability of sewerage this area. The developer has

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 and C are considered to be routing by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.

\*A. RELEASE OF 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. Charleston Rainbow Unit No. 12-D (Sproul Homes of Nevada, R. B. Cline, President).
2. Valley West Unit No. 3 (Woodside Land Company, a partnership, James W. Hibbetts, Agent).

\*B. RELEASE OF CONSTRUCTION CONTRACT

The following contractor is requesting release of retention and bond following the expiration of the 35-day lien period. All work has been completed in accordance with contract plans and specifications. Subject to no liens filed in the 35-day period it is recommended that the contract bond and retention be released.

1. Bid No.: 75.92  
 Contractor: Burdick Contractors, Inc.  
 For: Storm Drain, Commerce to Main St. in the vicinity of St. Louis  
 Notice of Completion: May 14, 1976  
 Release Date: June 18, 1976

\*C. RIGHT OF WAY ITEMS

1. Grant Deed  
 From: John K. Biegger and Shirley A. Biegger, husband and wife as joint tenants  
 To: City of Las Vegas  
 For: Portion SE-1/4, Sec. 32, T20S, R61E  
 Alta Drive. Dedication Building Permit

D. REPORTS

1. Request of M. L. Enterprises, Inc. (Carlos Deal, President) to connect a 45 lot subdivision, Wildwood Ranch Estates #2 into the city sewer from a point 1/4 mile outside city limits.

Items 1 and 2 Approved as recommended Lurie - unanimous  
 (Mayor Briare and Commissioner Christensen did not vote - temporarily absent)

Approved as recommended Lurie - unanimous  
 (Mayor Briare and Commissioner Christensen temporarily absent)

Approved Lurie - unanimous  
 (Commissioner Christensen temporarily absent)

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Approved Lurie - unanimous

Director authorized to proceed

Clerk and Dept. of Municipal Services to proceed

P/W to proceed

Same as above

included in his covenants the condition that, of course, the residents would be paying the annual service fee, and also that they would agree to be annexed if and when the City would propose such and the land in between was annexed as well.

In addition they would pay the standard hook-up fee of \$250.00 per service. We would recommend that the City allow this sewer connection.

Commissioner Lurie: I have a question: I am not opposed to this hook-up but I read in the paper where the County is stating to contractors that they might not be able to proceed with their building because the facilities we have now to handle the sewerage are not capable of handling it. That we are at capacity now.

What is going to happen in the City with that same problem, because I know we are at capacity in the handling of sewerage at our Plant, and the County, if they've reached capacity, what is going to happen in the next two to five years with construction here if we can't handle the effluent problem?

Mr. Hampton: That's a very good question. The capacity problems that the County is experiencing in the area near Desert Inn, is not that of Plant capacity, but of distribution, or transmission capacity of the sewerage -

Commissioner Lurie: I understand our Plant - we're handling how many million of gallons a day?

Mr. Hampton: We are at about 28 at the present time and we've handled up to 32 in the past, so we do have a very severe problem. However, this is in the area that we would generally be expected to serve because of its topography. It really would not be a substantial amount - to say that this was going to break the camel's back.

Commissioner Lurie: You just might prepare for us a Report and recommendations as to what is going to happen a couple of years from now. I know Commissioner Christensen and I were on a Committee to work out these problems jointly with the County - we could curb the growth here in Southern Nevada if you can't handle the effluent properly - they could step in and curb the construction.

Mr. Hampton: We are in the process of preparing such a Report. I have been in contact with the County on the formation of this Committee we talked about a couple of meetings ago. Unfortunately, they have a couple of other problems they are very concerned with at the present time and haven't been able to devote too much time to that particular task force.

M o t i o n

Commissioner Lurie: I move for approval of the request of M.L. Enterprises to connect into the City sewer, as recommended.

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

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V-28-76  
Approved

VARIANCE APPLICATION - V-28-76 - NORMAN E. CLOSE AND JOHN R. HIMES  
(Protests: 0)

Located at 3232 Meade Ave. in Zoning District "M" to allow an addition to an existing building 8 inches from the rear property line where 25 ft. is required.

(A previous Variance was approved by the City Commission to allow the 25 ft. building setback where 50 ft. was required.)

Mayor Briare: There were no objections to this application and the Board of Zoning Adjustment has recommended approval.

Is there anyone present who wants to object?

(No response)

Any comments by the Commission?

Commissioner Lurie: I'd like to know what is going to be built there because I've had some complaints from residents in the Meadows Mobile Home Park that there is a building built very close to the property line there and there is some warehousing there that produces a great noise factor to the residents of the Park.

This doesn't say what is going to be built. It merely says he needs another 8 inches -

Mr. Saylor: There is an existing building within 25 ft. - this building (wall map) and they propose to extend it all the way to the rear property line.

Commissioner Lurie: Where is the Meadows?

Mr. Saylor: The Mobile Home Park is right there (wall map). Notices were sent to all the property owners in that area. There were no protests. It's one of those things where I guess the possibility strongly exists by having the area in building rather than parking area, conceivably there might be less noise. I can't answer as to why the people in the area didn't object to it.

Commissioner Lurie: I think 8 inches is awful close to out a new building right up against the property line.

Mayor Briare: What is to be the use of this building?

Mr. Saylor: It's an airconditioning business.

Commissioner Christensen: Your Honor, I will move to approve because we have had instances where we've had a strip of ground between buildings and it becomes a catch-all, where if you have a solid wall of a building it prevents things from being stacked up higher than the fence, etc. So, for that reason, I will move for approval.

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

Z-61-75  
Approved

ZONE CHANGE Z-61-75 - LAURA KELLY, DOROTHY CULLEY AND THOMAS & GLADYS GEE

(Protests: 0)

Property located SE of East Bonanza Road and North Eastern Ave., extending south along Eastern Ave. 655 ft. and east along Bonanza Road 629 ft.

From: R-E

To: C-1

Proposed Use:

Neighborhood Shopping Center

Mr. Saylor: The other two corners are zoned Commercial - the Power Company installation is here (wall map) - this is the area in question. The area to the east is zoned Commercial. The

Z-61-75  
(continued)

Planning Commission has recommended approval in accord with the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Conformance to the Plot Plan on file in the Department of Community Development and Planning.
3. Construction of a 6 ft. high masonry wall abutting adjacent residential property along the east property line and along the south property line, excepting the westerly 150 ft.
4. Installation of half-street improvements along Bonanza Road; repair of damaged sidewalks along Eastern Ave and submittal of a Parking Plan to the Traffic Engineer, as required by the Department of Public Services.
5. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required Landscaping and Underground Sprinkler System shall be cause for revocation of a Business License.
6. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Conformance to Code requirements and Design Standards of City departments.

Commissioner Woofter: This is two blocks from where I reside. I will make the motion to approve even though two blocks from me will be all that nasty traffic, noise, etc. . . . I'll still move for approval.

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

Z-29-76  
Approved

ZONE CHANGE Z-29-76 - J. K. STANSBERRY AND LESTER REEL  
(Protests: 1)

Mr. Saylor: The next item is a continuation of the pattern we have been allowing along the south side of Bonanza and the north side of the Freeway. They have an area for the parking of Recreational Vehicles. In other words, if you own a recreational vehicle and have no place to store it, you can rent a parking space.

There was one protest from the owner of commercial property - however that was due to the fact that we had misunderstood the purpose and represented to him that it was for the storage of damaged recreational vehicles, and he felt that that would be detrimental, but this is primarily just a parking and storage yard.

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Amend the application to include only the south 100 ft. of the west 100 ft. to C-M Zoning; and the north 78 ft. of the west 100 ft. to C-2 Zoning.
3. Approval of the Plot Plan pertaining to the development of the east 100 ft. as an amendment to the Plot Plan approved under Z-44-75.
4. Construction of an 8 ft. masonry wall on the south property line.

5. Dedication of 15 ft. for Bonanza Road and installation of a 5 ft. wide concrete sidewalk along Bonanza Road, as required by the Department of Public Services.
6. Conformance to the Plot Plan on file in the Department of Community Development & Planning.
7. Landscaping and a permanent underground sprinkler system, including the planting of a row of Arizona Cypress along the south property line, 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.
8. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
9. Conformance to Code requirements and Design Standards of City departments.

J. K. Stansberry: The Planning Commission hasn't gone along with what I really asked for.

Mayor Briare: What was that?

Mr. Stansberry: OK - I bought the back 200 ft. of the Lester Reel property, which separates the property I am now located on and the acre I have on the other side. To get access from one property to the other and to provide ingress and egress out of the property we have so those motor homes coming to be worked on, we need to get around this property and so I need this 200 ft. because the property that has been built on - the repair facility - comes up 100 ft. If I only get 100 ft. off of the back piece of the property, which faces the Expressway, I won't have room enough to get those vehicles out and get them on to Bonanza, without a real tight squeeze.

I originally asked for 200 ft in depth along the Expressway.

Mr. Saylor: I think he has probably misunderstood what the Planning Commission did. He was asking for the 200 ft. in depth, of the C-M zoning. The Planning Commission did not go along with that because, first of all, he doesn't need it for his proposed use. Secondly, you have established a pattern of 100 ft. but they did, at the same time, recommend the C-2 Zoning on the remaining portion that he's talking about using for access.

So if the application were approved as represented on the agenda, it will include Commercial on this (wall map) and on this and C-M on this, which would connect him with his property to the west.

Mr. Stansberry: Mr. Saylor, may I ask a question? I'm not real clear on it - on that other portion that you recommend be zoned Commercial, am I going to be allowed to park Recreational Vehicles there?

Mr. Saylor: Yes - right.

Mr. Stansberry: Am I going to be allowed to construct an 8 ft. block wall to hide it from view?

Mr. Saylor: Right -

Mr. Stansberry: All the way around the property?

Mr. Saylor: Yes.

Mr. Stansberry: Am I going to be allowed to have a gate going out the driveway on this other portion and not develop the front, except give the City 15 ft. of property on Bonanza Road? To put a driveway through, and put in the sidewalks, but until we develop the front of that property, are we going to be requested to put in beautification?

Mr. Saylor: Not on the part that is not involved in your application. You will, however, along the Freeway -

Mr. Stansberry: That's no problem. My question was this, and I have a purpose for it: The Las Vegas Water District wants \$1,680.00 to furnish a meter. That seems unreal and it would be to water just that front part, which I thought was part of the approval that you gave me on the application.

Mr. Saylor: The residential piece is not involved.

Mr. Stansberry: I misunderstood then, because I thought it said . . .

Mayor Briare: Mr. Stansberry, you have the same agenda we have - you were approved by the Planning Commission subject to certain conditions. Do you take exception to these conditions?

Mr. Stansberry: Only the beautification of that particular -

Mayor Briare: Do you want the alternative of referring this back to the Planning Commission?

Mr. Stansberry: No - I don't want to have to sit here another four hours -

Mayor Briare: I agree with you and I guess we're getting as weary as you are. What happens here - people go through a Planning Commission public hearing, etc. - then they come before this Board and they want to start changing - as we referred to earlier, by Hallway agreements. Now, if you are not clear on this Mr. Stansberry, now is not the time to request changes. All of that should have been taken care of sooner.

Mr. Stansberry: Well - OK - we can take care of this in the Planning Department - is that right, Mr. Saylor?

Mr. Saylor: That's correct -

Mr. Stansberry: OK -

Mayor Briare: What is the pleasure of the Board?

M o t i o n

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

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

ZONE CHANGE Z-31-76 - RUDY & KATHERINE KUCHERA  
(Protest: 0)

Mr. Saylor: Next before you is the application of Kuchera for a change in zoning from R-2 to C-M for property located on Nellis Blvd. It is an extension of C-M zoning - he already has a piece to the south, zoned C-M. He had additional property to the north and he does have Used Car Sales Lot. He wants to extend that use to the parcel to the North.

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Construction of a 6 ft. masonry wall along the west property line.
3. Signing an Assessment District Agreement for future street improvements along Nellis Blvd. as required by the Department of Public Services..
4. The rear portion of the lot to be used for parking shall be paved as required by the Department of Community Planning & Development.

Z-31-76  
(continued)

5. Landscaping in the front of the subject property is not required until Nellis Blvd. is fully constructed.
6. Conformance to the Plot Plan to reflect the above conditions.
7. 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.
8. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
9. All mechanical equipment, air conditions and trash areas shall be screened from view from the abutting streets.
10. Conformance to Code requirements and Design Standards of City departments.

M o t i o n

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

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

Z-32-76  
Referred

ZONE CHANGE Z-32-76 - DENNIS C. COLE & BARBARA W. COLE  
(Protest: 0)

Mr. Saylor: This application involves a request for a change in zoning from R-1 to P-R for property located on the SE corner of Vegas Drive and Silver Lake Drive, which is in the Twin Lakes area. This is the property in question (wall map). You have allowed other P-R on the property fronting on Vegas Drive. This is a Plot Plan of the proposed development (wall map).

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Revision of the parking layout and removal of the shed to improve traffic circulation.
3. The use to be limited to one (1) office only.
4. Construction of a 6 ft. masonry wall on the south property line.
5. Conformance to the Plot Plan to reflect the above conditions.
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 Code requirements and Design Standards of City departments.

Commissioner Lurie: Has he agreed to that?

Mr. Saylor: Yes, and he has agreed to remove the carport, etc., so that he can have adequate traffic turn-around so it won't have to back out on to Silver Lake.

M o t i o n

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

Mayor Briare: Are you Mr. Cole?

Answer: No - Mr. Cole asked me to speak for him as his representative. I'm a Realtor -

Mayor Briare: There has been a recommendation to approve this application, with no protests . . .

Answer: Well, there are no protests. He was asking for one of these restrictions to be removed.

Mayor Briare: Would you like to have this referred back to the Planning Commission, Sir? As I mentioned earlier this evening, these restrictions, etc., should be discussed at the Planning Commission meeting.

Realtor: Well, there was not an opportunity to discuss this -

Mayor Briare: Which restriction did you want removed?

Realtor: Condition No. 2 - Revision of the Parking Layout and removal of the shed to improve traffic circulation. Two very good reasons for asking for it from Mr. Cole.

On the property proposed to be used for an office setup, there will be - the property is right on the corner - they will not need access to the parking facilities in the back from Vegas Drive. There is plenty of access to the property from Silver Lake Drive. To make additional access from the front, from Vegas Drive, taking down the storage shed at the back of the carport, would cost a great deal of money which wouldn't be necessary because it supports the roof of the building in that back corner.

M o t i o n  
Withdrawn

Commissioner Lurie: And now you are infringing on the residents on Silver Lake, and creating traffic. I withdraw my motion for approval.

Mr. Saylor: Mr. Cole suggested that at the Planning Commission meeting -

Realtor: Well, they were going to have ingress and egress from both directions. Isn't that right, Mr. Cole? Come up here -

Commissioner Woofter: Was this all discussed at the Planning Commission meeting?

Mr. Saylor: It was definitely discussed - the applicant got up and said that he could, and would, remove this because we said that by coming in from Silver Lake and trying to back up here (wall map) and face out, it wouldn't work - most people would come in here and back out on to Silver Lake and this was suggested that this continue on through here to provide that circulation.

Commissioner Woofter: It is my understanding then that this has been fully discussed and heard before the Planning Commission. The applicants at this point in time feel that the conditions placed by the Planning Commission do not meet with their approval.

M o t i o n

Therefore I make the motion to refer this back to the Planning Commission.

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Realtor: Well, I don't know . . . would you like to withdraw your objection to that, Mr. Cole? He has been sitting here all evening waiting to be heard - I think he is entitled to be heard.

Commissioner Woofter: My feeling is that we have several conditions here on each of these zone changes, and if we are to bog down on each of these, whereas it is the Planning Commission's function to

Z-32-76  
(continued)

conduct a full hearing and airing of all phases of an application. For us to rehash these matters here . . .

Realtor: If he has no objection to anything else, I don't know whether he wants to go through this again or not.

Mayor Briare: Mr. Cole, would you like to answer the question - in order for you to present more convincing arguments to the Planning Commission, would you like this matter to be referred back to the Planning Commission so that they can reconsider your request to do away with this condition concerning the removal of the shed, etc.?

Mr. Cole: It's going to cost a lot of money to do that -

Mayor Briare: Then you would like to have it go back before the Planning Commission?

Mr. Cole: Yes, I think so -

Mayor Briare: Commissioner Woofter's motion is to refer the application under Z-32-76 back to the Planning Commission.

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

Z-33-76  
Approved

ZONE CHANGE Z-33-76 - JOE K. & LEONA B. HULSEY  
(Protest: 0)

Mr. Saylor: This application for a change in zoning involves property on the south side of West Charleston in the Hinson Heights area. The front portion of it is already zoned Commercial - this is the lot in question (wall map) - the front portion of it is already zoned Commercial - on this lot they are asking that the Commercial be extended back to the alley. It is the existing, I think, Roseland Nursery operation. This is a Plot Plan (wall map) of the proposed development.

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Conformance to the Plot Plan.
3. Dedication and off-site improvements, as required by the Department of Public Services, including the alley.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler 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 conditioners and trash areas shall be screened from view from the abutting streets.
7. Conformance to Code requirements and Design Standards of City departments.

M o t i o n

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

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

CRAIG ROAD  
Approved

AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS - CRAIG ROAD

Mr. Saylor. This is a very minor amendment.

On the east side of Jones Blvd., North Las Vegas carries a right-of-way width at 120 ft. Further west, we carry that at 150 ft. because of the drainage ditch. However, the drainage ditch leaves Craig Road at this point and we are asking that the Master Plan be amended to transition from that 150 ft. width to the 120 ft. width.

The Planning Commission recommends approval. This has been discussed completely with the Department of Public Services.

Commissioner Leavitt: Why doesn't North Las Vegas make theirs wider?

Mr. Saylor: We really have no need for the additional width. The additional width was to accommodate the open drainage channel in the center of it and we take it out of the right-of-way at that point.

M o t i o n

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

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

MEADOWS LANE  
Approved

DAYTON-HUDSON PROPOSED STREET NAME

Mr. Saylor: This is a request of Dayton-Hudson to name the east/west section of what would be an extension of Michael Way, which is a north/south street, to be named MEADOWS LANE, to extend from Valley View west to where the north/south section of Michael Way takes place. There are no other businesses on the street at the present time.

M o t i o n

Commissioner Lurie: I move for approval as recommended, to straighten out the confusion. Michael Way runs north/south and east/west. Now from Valley View to Michael Way will be MEADOWS LANE. You have to notify all the property owners, don't you?

Mr. Saylor: No - it, in fact, has really never had a name.

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

V.A. OUT-  
PATIENT CLINIC  
Approved

V.A. OUT-PATIENT CLINIC

Mr. Saylor: I believe you are all familiar with the proposal of the Federal Government to have somebody build a V.A. Clinic. They will lease it. They have indicated two general areas, one of which is in the City between Sahara and the Freeway, Valley View and the north/south Freeway. They ask for an indication from the City as to whether you have a particular objection to it being located in that area.

If you don't respond, it will assume that you have no objection, but perhaps you may wish to take an affirmative position and indicate that you do not have an objection.

Commissioner Christensen: How close is that to the Valley Hospital?

Mr. Saylor: This is simply a general area, Commissioner - there is not a specific location.

Commissioner Lurie: This is a project that has been worked on for many years. Now we have an opportunity to get it for the people in Las Vegas. One of these two locations will have to be chosen, so I would move in favor of the general area as proposed.

M o t i o n

V.A. CLINIC  
(continued)

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

V-24-76  
Date set for  
Public Hearing

APPEAL FILED BY MRS. LOUISE LANHAM - V-24-76

(Protests: 8)

Appeal filed by Mrs. Louise Lanham, the applicant, to action of the Board of Zoning Adjustment in DENYING her request for a Variance to allow the conversion of an existing detached garage into a second dwelling unit where only one dwelling unit is permitted, and to allow a 3 ft. side yard setback where 5 ft. is required, on property located at 625 South 9th Street, between Garces Ave. and Conneville Ave., in Zoning District R-1.

Applicant has requested, since she will be out of town, that the Public Hearing date be set for the City Commission meeting of August 4, 1976.

Mr. Saylor: We have a little problem here, in that the date the Public Hearing should be set for . . . the applicant has indicated she will be out of town and the August 4th date does not fall within the time limit set forth in the statutes.

Mayor Briare: I have a question of the City Attorney on this: In order to process this item before us now, does it require a majority affirmative vote?

Mr. Lovell: Yes.

ORDINANCE  
AMENDMENT  
re  
APPEALS  
PROCEDURE

Mayor Briare: What would happen if the vote was "no"? Maybe we don't want to hear an Appeal. When it comes time to handle the City Attorney's agenda I'm going to suggest that perhaps the Commission would want to consider changing the Ordinance in this manner: If a person is aggrieved by an action of the Board of Zoning Adjustment, they must their points to conditions, and new evidence and new material, etc. But to just appeal because they are not fond of what the BZA did, after they had a full hearing - and on the next page of the agenda we have the appeal of Robert Tolefree - there were 120 protests to that. We have records of what the Board of Zoning Adjustment did on this particular matter, but yet, if they don't like it they come here before us. I think somebody is wasting an awful lot of somebody's time.

Mr. Saylor: You can do very well as you have suggested, Mayor. The Appeal action, in the Ordinance, was an Ordinance action of this Commission, so you can change that. In fact, you don't have to hear any such appeals -

Mayor Briare: If we were to be presented with new evidence when it comes time to consider the possibility of appealing and if by a majority vote of the Board it is felt there is a compelling reason to have a re-hearing - go ahead and have it. But if there is no compelling reason to do it, it just seems like we are putting an awful burden on the people who have to come down here and go through all the same arguments over again.

Mayor Briare: Then would it be in order to set the appeal under V-24-76 for August 4th?

Mr. Lovell: No. You will have to set a date within the required time frame - open the Hearing and set the date over.

Mayor Briare: Very well, we will then consider the appeal of Robert Tolefree:

U-35-76

APPEAL FILED BY ROBERT TOLEFREE - U-35-76 - H. & P. ENTERPRISES  
(Protests: Approx. 120)

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Appeal filed by Robert Tolefree, the applicant, to the action of the Board of Zoning Adjustment in DENYING a U-Haul Equipment Rental operation on property located at 1601 North "D" Street in Zoning District C-2.

APPEALS  
(continued)

Mayor Briare: In this case also it is probably only necessary to instruct the Clerk to proceed with the date, time and proper notification.

Public Hearings on V-24-76 (Lanham) and U-35-76 (Tolefree) set for 6:00 P.M., July 21, 1976.

A-2-75  
Approved

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

Request for annexation of property generally located in the Northwest part of the City, immediately north of Tule Springs Park, on the Northeast corner of Log Cabin Way (proposed) and Cimmaron Road (proposed).

(This matter was tabled at the City Commission meeting of 4/21/76 pending a Court decision)

Mayor Briare: It is my understanding girls (Mrs. Thompson and Mrs. Rustin, that the procedure on a request for an annexation of property - the standard procedure is that we don't take any action - we don't discuss it - we do nothing except go ahead and set it. Mr. Lovell, is this discretionary on our part or must we go ahead and do it?

Mr. Lovell: Mr. Saylor, what is the stage of this request?

Mr. Saylor: There have been no Reports filed with the Clerk, the Commission had not adopted any Resolution setting forth any Public Hearing date, or anything else. I can give you my opinion but, obviously, it is not a legal one but I think at this point in time they do have the discretion of saying - no - they don't want to proceed with the Annexation.

Mr. Lovell: I agree. If nothing has been filed, unless something with some solidarity would come before the Commission whereon they would have some factual information to base a decision - right now there is just a verbal request for you to do something.

Commissioner Lurie: We would then need a motion to proceed - then a Report will be prepared and if that report was approved, a Resolution at the next meeting setting forth the date for the Public Hearing - right?

Mr. Saylor: That is correct.

M o t i o n

Commissioner Lurie: Then I would so move. That is my motion - to proceed.

Commissioner Christensen: It seems to me that I've already voted on this once . . .

Commissioner Leavitt: "No" for the zoning and "yes" for the annexation.

Commissioner Lurie: We set everything aside because of S. B. 601.

Commissioner Leavitt: If I remember correctly, I specifically asked in an open meeting what your recommendation would be, and your recommendation was that it should be annexed - is that correct?

Mr. Saylor: That's right. However, the County - we were still under S. B. 601 - the County would not approve the annexation - therefore we couldn't take any action until after S. B. was held invalid.

Mrs. Rustin: We are here at this particular time requesting that you do not consider this for annexation. We have given a great deal of thought to this - these people have been given your Variance on a 40-acre parcel - there was a great deal of discussion on this both at both the BZA meeting and the Commission meeting on the appeal they be given a chance to put in their motorcycle track and see if they couldn't make it work. Is that not correct?

Mayor Briare: One of the things it would seem that you two ladies can appreciate more than anybody else, probably, is the allowance for people to come forward; speak their minds at a Public Hearing and make a decision, in the sense that we are not cutting them off at the pass - you don't want to do that -

Mrs. Rustin: The point is - they were given the Variance - they have the 40 acres. They are here for annexation to enable them to have another 40 acres. I think this group should prove their own on one 40 acres before this Commission gives them another 40 acres. That's no secret - that's what they are here for. I've heard some wild rumors that they intend to put a Golf Course in, but I find that hard to believe because the Master Plan Committee for Tule Springs just submitted plans for a Golf Course at Tule Springs Park and I can't see them having one a mile away from the other.

Mrs. Thompson: When the Public Hearing for the annexation is held, we will be here to protest -

Commissioner Leavitt: If we hold the Hearing and it is annexed into the City, that doesn't mean they are going to get the zoning on it -

Mrs. Thompson: Do you understand what we're saying - let's concentrate on the 40 acres they got the Variance on in the first place . . . shouldn't they be doing what they started out to do?

Mayor Briare: The motion is to proceed with the annexation proceeding.

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

Mayor Briare: The motion has passed and Staff will proceed.

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OFFICE OF THE CITY ATTORNEY

CARL E. LOVELL, JR., CITY ATTORNEY

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See Page 117 of these Minutes (Annotated Agenda)

SHOW TICKETS

Mayor Briare: Mr. Lovell, under the City Attorney's agenda, I'm not quite sure what I'm going to ask you to do, but it involves Show Tickets. If there any way that your Office could present a consumer paper to the Board for an overview of what "Show Ticket" businesses are?

Mr. Lovell: We'll do it.

APPEAL  
PROCEDURE

Mayor Briare: And for the consideration of the Commission, Mr. Adams would you prepare the necessary form to request an Ordinance for the procedures to file an Appeal.

(See Page 114 of these Minutes (Discussion))

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Mr. Adams: Is this to be on appeals from actions by the Board of Zoning Adjustment, such as we had this evening?

Mayor Briare: Right - and I don't know how to word it - but the need for some more compelling evidence should be submitted as to why we should consider such an appeal, or we're going to have the whole thing again - there's no need to have the BZA if they are all going to come before this Board. That will be just for our consideration and I will sponsor the change unless someone else

ITEM Commission Action Department Action

IV CITY ATTORNEY

A. MEMORANDUM OF UNDERSTANDING between State of Nevada, and the City of Las Vegas (Re Grace Baptist Church)

Approved Items A and B  
Lurie - unanimous

C/A to proceed

B. Agreement to Exchange Easements between City of Las Vegas and T.P.&K. - (Clarification of Partners)

ADDITIONAL ITEMS:

1. NEW BILL

Resetting City Commission time for second Wednesday of each month at 9:00 a.m. instead of present 5:00 P.M.

C/A to proceed

2. NEW BILL re basis for appeal to Board of City Commissioners from matters acted upon by the Board of Zoning Adjustment (Mayor Briare, Sponsor)

C/A to proceed

APPEALS  
PROCEDURE  
(continued)

wants to

BILL No. 76-13  
Adopted  
Ordinance  
No. 1826

BILL No. 76-13 - PROVIDING FOR IMMOBILIZATION OF VEHICLES ON  
CITY-OWNED AND CITY-LEASED PARKING LOTS  

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Committee: Commissioners Lurie and Woofter

Published by Title 5/22/76 L.V. REVIEW-JOURNAL

Bill No. 76-13 moved out of Committee favorably

A Bill entitled: "BILL No. 76-13 - ORDINANCE No. 1826 - 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. (2nd reading)

Commissioner Lurie moved that Bill No. 76-13, Ordinance No. 1826, be ADOPTED, and the Clerk authorized to proceed with the 2nd publication, by Title, of said Ordinance No. 1826.

Mayor Briare: Mr. Adams, if this Board were to direct you to Post Signs in and about City-owned and City-leased Parking Lots, that violators would get immobilized by the boot - is that an action that could just be done on an administrative basis? It doesn't take an Ordinance, I hope.

Mr. Adams: No - I think we can Post the Signs -

Mayor Briare: Post the Signs so that people when they drive in, if they are in violation, they are going to get "booted".

Mr. Adams: Yes - it would be just a Warning Sign, or an Informational Sign, and we can post that -

Mayor Briare: The motion is to adopt the Ordinance.

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

BILL No. 76-46  
Adopted  
Ordinance  
No. 1827

BILL No. 76-46 - AN ORDINANCE TO ADOPT BY REFERENCE THE EMPLOYEE  
COMPENSATION PLAN OF JUNE 27, 1976 - AS AMENDED  

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Committee: Commissioners Lurie and Christensen

Published by Title 6/7/76 L.V. REVIEW-JOURNAL

Bill No. 76-46 moved out of Committee favorably

A Bill entitled: "BILL No. 76-46 - ORDINANCE No. 1827 - FIRST AMENDMENT - AN ORDINANCE TO REPEAL CHAPTER 7 OF TITLE I OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, AND TO PROVIDE A NEW CHAPTER 7 OF SAID TITLE I AND CONTINUE TO BE DESIGNATED AS THE COMPENSATION PLAN OF JUNE 27, 1976; PROVIDING A COMPENSATION PLAN TO GOVERN AND REGULATE THE SALARIES AND REMUNERATION OF EMPLOYEES OF THE CITY OF LAS VEGAS; PROVIDING PENALTIES RELATING HERETO; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the City Attorney. (2nd reading)

Commissioner Lurie moved that Bill No. 74-46, Ordinance No. 1827, First Amendment, be ADOPTED, and the Clerk authorized to proceed with the 2nd publication, by Title, of said Ordinance No. 1827.

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

STUDY  
COMMITTEES

Mayor Briare: Do any of the Commissioners have reports from the Study Committees?

Commissioner Leavitt is requesting that Bill No. 76-16 be moved from the Study Committee to a Recommending Committee:

BILL  
No. 75-16  
Referred

BILL No. 76-16 - Re LICENSING, INVESTIGATORY FUNCTIONS AND BONDING OF MEMBERSHIP CLUBS.

A Bill entitled: "BILL No. 76-15 - ORDINANCE No. \_\_\_\_\_ - AN ORDINANCE TO ADD NEW SECTION 42 TO TITLE V OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, ENTITLED MEMBERSHIP CLUBS; MAKING CERTAIN PROVISIONS RELATING TO THE LICENSING, INVESTIGATORY FUNCTIONS AND BONDING OF MEMBERSHIP CLUBS; DEFINING MEMBERSHIP CLUBS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" 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. 76-16. (1st reading)

Mayor Briare appointed Commissioner Leavitt and Mayor Briare as the Committe for Recommendation on Bill No. 76-16.

BILL  
No. 75-15  
Referred

BILL No. 76-15 - Re UNLAWFUL SALES PRACTICES OF HEALTH CLUBS, SPAS AND WEIGHT REDUCTION SALONS AND CLUBS

Bill No. 76-15 moved out of Study Committee by Commissioner Leavitt

A Bill entitled: "BILL No. 76-15 - ORDINANCE No. \_\_\_\_\_ - AN ORDINANCE TO AMEND TITLE V, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY DELETING THE EXISTING CHAPTER 37 AND ADDING A NEW CHAPTER 37, ENTITLED HEALTH CLUBS, SPAS, WEIGHT REDUCTION SALONS AND CLUBS, AND INCLUDING CERTAIN PROVISIONS RELATING TO LICENSING, INVESTIGATORY FUNCTIONS AND BONDING; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the City Attorney, who recomemended that it be referred to a Recommending Committee and the Clerk authorized to proceed with the first publication, by Title, of said Bill No. 76-15. (1st reading)

Mayor Briare appointed Commissioner Leavitt and Mayor Briare as the Committee for Recommendation on Bill No. 76-15.

BILL  
No. 76-27  
Referred

BILL No. 76-27 - TO CHANGE INVESTIGATION OF CORPORATIONS TO EXCLUDE ALL OFFICERS NOT DIRECTLY ASSOCIATED WITH THE MANAGEMENT OF A MULTI-OFFICER CORPORATION

Bill No. 76-27 moved out of Study Committee by Commissioner Leavitt.

A Bill entitled: "BILL No. 76-27 - ORDINANCE No. \_\_\_\_\_ - AN ORDINANCE TO AMEND TITLE V, CHAPTER 18, SECTION 6 (D), OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, RELATING TO INVESTIGATION OF CORPORATE APPLICANTS FILING AN APPLICATION FOR A LIQUOR LICENSE WITHIN THE CITY OF LAS VEGAS BY PROVIDING THAT THE BOARD OF CITY COMMISSIONERS MAY WAIVE THE REQUIRED INVESTIGATION HEREIN OF ANY OFFICERS, DIRECTORS, LOCAL REPRESENTATIVE OR MANAGING AGENT OF ANY SUCH CORPORATE APPLICANT; 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 a Recommending Committee and that the Clerk be authorized to proceed with the first publication, by Title, of said Bill No. 76-27. (1st reading)

Mayor Briare appointed Commissioner Leavitt and Mayor Briare as the Committee for Recommendation on Bill No. 76-27.

Mayor Briare: Do any of the other Commissioners have Study Committee reports to make?

Commissioner Leavitt: I would like to refer to Item "E", which is the decision regarding the retention of Attorney Vern Albright to represent the City of Las Vegas as Special Counsel in the case of the City of Las Vegas vs. the City of North Las Vegas. Didn't he go ahead and do that anyway?

City Attorney Lovell: No -

Commissioner Leavitt: OK - then I'll hold that.

Mayor Briare: Is there anything else relating to matters in Study Committee?

(No response)

Mayor Briare: Is there anyone in the audience that wishes to address the Commission at this time?

(No response)

REVENUE  
SHARING

Mayor Briare: We will then proceed to the subject of Revenue Sharing.

There was a question when we held this off until a full Board could be in attendance - a point brought up by Commissioner Lurie relative to the \$25,000.00 unallocated portion. Do any of the Commissioners want to list items that you want to bring up in regard to this proposal?

Commissioner Christensen: I'd like to discuss a couple of the items -

Mayor Briare: Can you give me an idea of which ones you want to discuss?

Commissioner Christensen: I wanted to discuss that \$50,000.00 allocated to the Potocsky League and I'm sure we are going to discuss \$332,277.00 (Police Support Funds). Those are the only two I have.

(No further itemized response from Commissioners)

Mayor Briare: I will resolve this by letting Commissioner Lurie make his pitch first.

Commissioner Lurie: What I am recommending, Mayor, is that out of Revenue Sharing monies, the unallocated \$25,000.00 be set aside for the purpose of a trauma unit to be used with our Paramedic Program, in which twelve (12) of the Firemen are being trained now to become Paramedics.

Commissioner Leavitt: That should come out of debt service - not Revenue Sharing.

Commissioner Lurie: Yes - I see it's on the right hand side - it is Debt Service - it will all come out in the Budget. Most of the equipment to put on this vehicle is already going to bid. The money has been set aside for the necessary equipment to put on the trauma unit. It is a needed piece of equipment so that we can function as a Paramedic Unit in our Fire Department, and I would hope that the Commission would approve this \$25,000.00 accordingly.

Mayor Briare: It was going to be my suggestion, for procedure, for each Commissioner that wanted to talk about any particular item - go ahead and hear him and then go back in the same order and consider the various points that are brought up.

Mayor Briare: Commissioner Christensen, would you like to comment on the Police Support Funds?

Commissioner Christensen: Well, I've got a . . . as you know, I've had a real problem on some of these funds and I see \$50,000.00 in there for the Potocsky League and our recent past experience on Projects with the County has been that they need our support on these projects, and yet they fail to give us any support in the City. And since this money will go to a project that is located within the County I think it could be better said it would serve the citizens of Las Vegas, and not necessarily the County citizens and be under County jurisdiction. I'd like to see that money - I realize that is Recreation money and has to be spent for Recreation because it's a Recreation Grant from the Convention Authority, but I'd like to see it jockeyed around some way so that money can be better used for equipment, which is short. I think we owe an obligation to the citizens of this City to not grant out the funds, but instead shore-up some of our equipment so that we can better sweep the streets of the City, and better mow the Parks, and better take care of those facilities we have inside the City that belong to the residents of the City of Las Vegas instead of money in grants to entities and organizations that serve the County as well, when the County doesn't see fit to cooperate with us and the City residents in our projects.

Mayor Briare: Commissioner, do you wish to comment now on the Police Support Funds?

Commissioner Christensen: On the City Hall Capital Police Support funds - I want to make sure we have some conditions on that money. That's all.

Mayor Briare: Mr. Adams, relative to the conditions on these funds - would you comment on that?

City Manager, William E. Adams: Yes -

Mayor Briare: On the assumption that this \$ 332,277.00 should be approved, what would be your procedure?

Mr. Adams: As I recall - at the last meeting - it was agreed we would set up a Special Fund which would contain the \$332,277.00 and that we would request that the full Commission have a meeting with Sheriff Lamb to lay out those items under discussion, particularly the use of Law Enforcement Officers inside the City of Las Vegas. That, in essence, is what I have said here. The City Hall Jail Capital is an item above and beyond - that \$77,957.00 that we have been drawn into as Police Support Funds, which is a special fund set aside for the Commission to meet with Sheriff Lamb.

Commissioner Christensen: I agree with that in context, but we still have the problem that Sheriff Lamb does not control his Budget and does not control the money that goes into the County General Fund, which should be going into the Police Department. So those conditions have to be met by the County Commission - not by Sheriff Lamb.

Mayor Briare: Well, one of those conditions we talked about, Commissioner, of course, was the actual hiring of new - whether it is hiring or transferring - the act of acquiring new Patrolmen for the City of Las Vegas and I think that would probably have to be an administrative decision made by the Sheriff first - then if the County Commission wants to refuse our money . . .

Commissioner Christensen: I was under the impression that the condition was going to be that we not come up with that money unless the County match it with some of the money they are getting from the Airport and some of the money they are getting from the Jail for the housing of Federal prisoners.

Commissioner Leavitt: Well, those are some of the things we talked about - we talked about maybe some other things too. I didn't want to be limited at this point to make it as a condition all the items that Commissioner Christensen put on his memo to you.

I agree with most of them, I just didn't want at this point to be bound to saying - you don't get the money unless we get all these points. I think it is something we should sit down and talk to them about, and that is why I suggested that the money be left in a separate account until we get these things resolved.

There are nine (9) points. We may be able to get only three - maybe only four - we may get all nine, but the point is that we should at least be able to sit down and talk to them about how this money is to be spent.

Mayor Briare: If you have it in your hand, you are in a much better position to bargain - I don't think Commissioner Christensen will disagree with that -

Commissioner Christensen: No - I don't disagree with that - my point is that this says this money can be released after a meeting with the Sheriff -

Commissioner Leavitt: Upon Commission approval -

Commissioner Christensen: Right -

Mr. Adams: That was my understanding - that it would sit there until you tell me to release it.

Mayor Briare: Out of the Million (plus) Dollars that are available in these funds, \$332,277.00 are to be set aside for negotiating purposes on each of the points that Commissioner Christensen had previously brought out, plus the ones that are being discussed here - all of which must be reported back to this Board for final approval.

Commissioner Lurie: We might have a chance to vote on that money as soon as we get back on the Police Commission . . . this could take place in January when the Legislature convenes or if the suit is filed and we can find that Bill to be unconstitutional now -

Commissioner Leavitt: What we are saying here is that before this money can be released, it will be brought back to this Board, there will be a majority vote before it can be released - right? Right now you are going to hold on to it until further instruction from us?

Mr. Adams: That's right.

Mayor Briare: Do any of the other Commissioners have any comments on any of these three items?

Commissioner Woofter: I have one on Commissioner Christensen's list - the Potocsky League. Even though it is in the County as Commissioner Christensen states, I believe that there is no question that there are numbers of youngsters from the City that really participate in the Potocsky League - they do definitely derive a benefit even though it is a County location. I have to disagree with Commissioner Christensen on that one.

Commissioner Christensen: I agree with that, Commissioner Woofter, but 60% of the use of the Reed Whipple Cultural Arts Center is by County residents too, and they wouldn't even give us a look.

Commissioner Lurie: I have a question also on the Potocsky League. I was going to mention the same thing that Commissioner Woofter did - that the majority of the youth using Potocsky are residents of the City - kids who live in the City. This facility is a facility that, with the money expended by both the City and the County, we are getting about a Million and a half Dollars facility there for about a half a Million Dollars. I know this is a case where the County put up half and the City put up half - now they need some additional funds to complete the facility. If Potocsky wasn't building this facility, the City or the County would have to provide a building to give our young people a place to play

basketball and participate in all sorts of recreational activities.

I think this is money well spent and I feel we should support this contribution and hopefully the County will also support in the same amount as the City, so that the building can be finished and be utilized by the youth and adults of our City -

Mr. Adams: The request came in for \$98,000.00 -

Mayor Briare: Yes - \$50,000.00 from the City and \$48,000.00 from the County -

Commissioner Lurie: The building is so important to the community that if the City has the money in Revenue Sharing, I would recommend that the City pay the whole \$98,000.00 to complete this building because of the advantages it provides the youth of our community. But I do think it's only fair that we split the cost with the County as we did on the initial cost of the construction.

Mayor Briare: Are there any more comments by the Commissioners? It is my hope that we will consider Commissioner Lurie's request, then Commissioner Christensen's comments and then Commissioner Christensen's comment on the Potocsky League - then if each one of those meet with the majority approval, we will move for the adoption of the remainder of the proposal.

Commissioner Christensen: Mayor, to move it a little faster, if I can get an indication from one other Commissioner that they don't agree with me on the Potocsky League, I will withdraw it. I'll probably lose it anyway, so why go through the motion? I will withdraw my objection on the Potocsky League.

Mayor Briare: There doesn't seem to be any argument since we received an explanation from Mr. Adams about the \$332,277.00. Is that a proper statement?

Commissioner Leavitt: I think we all have a proper understanding -

Mayor Briare: Alright, on Commissioner Lurie's trauma unit, if we don't get this meeting over with, we're going to need it!

Commissioner Christensen: I don't think the City should be going into the ambulance business, and that's what you're doing -

Commissioner Lurie: I asked for consideration from the Board that this money be set aside - we can get some bids - it has to come back before this Board for final approval.

Mayor Briare: Are you willing to concede that would be an absolute maximum - that you aren't going to come back next week and want another \$25,000.00?

Commissioner Lurie: No - that's it.

Mayor Briare: OK - \$25,000.00 is it. Are there any further comments?

(No response)

Mayor Briare: Cast your vote on Commissioner Lurie's request. On the trauma unit, using the unallocated Debt Service money.

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

Mayor Briare: The request is barely approved.

Commissioner Christensen: You've just put the City in the ambulance business.

Mayor Briare: The next motion would be the adoption of the recommendations for the Revenue Sharing, Debt Service and Recreation funds.

M o t i o n

Commissioner Woofter: I so make such a motion.

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

Mayor Briare: Is there any further business to come before the Board?

(No response)

Mayor Briare: It is my understanding then - it has been reported to me by the Press, that Commissioner Lurie and Commissioner Christensen have a Resolution they want adopted, and that is to congratulate Mayor Briare and Myron Leavitt and Commissioner Woofter for surviving a year of office here, because in two days it will have been one year since we came on this Board.

Now, can we go back to day time meetings?

Commissioner Christensen: I will recommend to the Board that we have the City Attorney take the appropriate action - draw up the appropriate Resolution - to go back to all day time meetings.

Mayor Briare: Mr. Adams, if this has to be done by Ordinance, get the proper form initiated -

Commissioner Lurie: Let's vote on it - I'm opposed.

There being no further business to come before the Board, at the hour of 10:30 P.M. Mayor Briare declared this Regular Meeting of the Board of City Commissioners ADJOURNED.

APPROVED



WILLIAM H. BRIARE, MAYOR

attest:



EDWINA M. COLE, CITY CLERK

APPROVED BY REFERENCE at a regular meeting of the Board of City Commissioners held on the 21st day of

July, 1976.