

M I N U T E S

Las Vegas, Nevada
July 21, 1976

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 21st day of July, 1976, was called to order by His Honor, Mayor Pro Tem Ron Lurie, at the hour of 5:00 P.M., with the following members present:

	Mayor Pro Tem	Ron Lurie
	Commissioner	Paul J. Christensen
	Commissioner	Myron E. Leavitt
	Commissioner	Roy A. Woofter
ABSENT (excused)	Mayor	William H. Briare
STAFF PRESENT	Assistant City Manager	Richard W. Bunker
	City Attorney	Carl E. Lovell, Jr.
	Dir., Department of Business Activity	Ila M. Britt
	Dir., Department of Community Planning & Development	Donald J. Saylor
	Department of Financial Management	David Parks
	Department of Fire Services	Chief J. D. Miller
	Dir., Department of Funds Coordination & Projects	Bruce Spaulding
	Dir., Department of Municipal Services	J. C. Cathcart
	Department of Personnel & Employee Relations	Babette Naef Angus MacEachern
	Dir., Department of Public Services	Laurence Hampton
	City Clerk	Edwina M. Cole

Invocation

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

"Let us Pray. Oh Lord, our God, we come to you in humility because we go on our own wilful way and do not ask Your Guidance and Help. We ask that You look down upon us in our humanity and common desires, also our sincerity in our desire to make this a better City. Help us to be open; to think of unity and to love justice. Help us to help one another and to be concerned with the needs of others. Help us to listen to You in the universe - the wonders of nature, and most of all, help us to listen to the small voice that we may become the people you intended us to be. We need all Your help to make decisions in this City. With thanksgiving for all things, great and small, we commit our ways and lives to You, our Heavenly Father. Amen."

PLEDGE OF
ALLEGIANCE

The Pledge of Allegiance was given and the meeting called to order by His Honor, Mayor Pro Tem Ron Lurie:

Page 1
Minutes

Regular Meeting
City Commission
July 21, 1976

LEGAL COUNSEL -
MAYOR AND
COMMISSIONERS
Approved

Assistant City Manager, Richard W. Bunker: The first item on the City Manager's agenda is a recommendation for approval to hire the Law Firm of Lionel, Sawyer & Collins for the Mayor and Board of City Commissioners in the pending Federal litigation.

Commissioner Leavitt: I would so move.

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

CITY HALL
OFFICE SPACE

Mr. Bunker: The next item, by way of information, Commissioner Wiesner notified us late yesterday afternoon that because of the fact that he and Commissioner Dondero have agreed to move to the 8th Floor and exchange those offices with the City Manager and Staff, it will not be necessary for them to appear this evening, but expressed their appreciation for the cooperation we have extended.

COURT
COUNSELING
PROGRAM

The next item, Your Honor, would be the Court Counseling Program. I believe there are representatives present to discuss this Program with members of the Board.

Mayor Pro Tem Lurie: Judge Brown, would you care to speak on the Program?

Municipal Court Judge, Semore H. Brown: Yes I would. Commissioners, this Program is very important to the Court. I feel that possibly if the Commission would not maybe go the full year, because I understand there is some hesitation about funding the Program. Maybe we can go 120 days and that way we will be over the November ballot when it will be on the ballot whether the Municipal Court, or the Justice Court, will have probation and suspension powers.

I feel the Court must have an alternative besides fines or imprisonment, and one of these alternatives is probation, and although we don't have the probation right, we are using that as far as deferred sentences are concerned.

We have able bodies working in the Court Counseling Program and it is doing a good job to divert those people from jail.

I feel if the Commission could fund it for 120 days and see as to what revenue would come in from it, it would sustain the Program by itself. I, myself, put on approximately a dozen people a day and if you figure \$50.00 for each person, that's quite a bit of money for one day - enough to perpetuate the Program itself. That's all I'm asking - to give us 120 days and by that time the vote from the people will be in to see if they want us to have probation. If they don't - fine. Then we'll do away with it.

We also have about 900 people on the Program at this time. What are we going to do with them if we just cut it off? I know it's hard to say that it was a Federally funded Program and have the City take it over but, Commissioners, in November if the voters want the Municipal Judges JC's to have probation, then we will have to have a Probation Department at that time. So if you can - maybe not go for the whole year - but if you can give us 120 days - and I don't think it will cost the City that much money - for 120 days.

Mayor Pro Tem Lurie: Judge Brown, what was the initial funding of the Program? These are the types of Programs

COURT
COUNSELING
PROGRAM
(continued)

the City tries to stay away from - those Programs where the Federal Government gives us money to start the Program - they back away from the Program and if it is a successful Program, as you say, then we have to look to our Budget in order to fund it.

Judge Brown: I think it will fund itself. I don't think there will be too much asked for from the City - what we need is a start.

In the first place, five (5) cities in the United States were picked for pilot Programs - for lower court diversionary Programs, and we were one of those five cities and they funded us and I think Bill could tell you more about the entire funding because there are about eight or nine different aspects in the entire funding. One part of this was the Lower Court Counseling. We call it "counseling" - in other places they call it probation - to see if there isn't some alternative other than putting a person in jail or letting him pay a big fine. Put them on probation - see if they get into any more trouble. I use it myself quite a bit, because it gives you something else for the people - to help them. You say - OK, you stay out of trouble for six months, or even a year, I'll take that into consideration on the fine - I will take that into consideration on the jail time, but I think Daryl can answer your questions insofar as the Federal Government is concerned.

All I'm concerned about is - we need this Program.

Mayor Pro Tem Lurie: What you are asking for - initially in the Program you asked the City for \$60,000.00 to continue this Program for a year. Now you want to continue it for just 120 days . . .

Judge Brown: Being there was some hesitancy about continuing this for a year - what I'm saying is - let's continue it for 120 days. That way, we'll be through the November Election - we will see how the people feel - we will be able to see what funding can be generated. Give us a try.

Commissioner Christensen: If this Program can fund itself, why hasn't it funded itself in the past?

Judge Brown: Well, because - number one, we haven't been charging people for the Program. It was a Federally funded Program and those people were put on it and not asked to pay anything. Other cities who have this type of probation say - OK, you go on probation and there will be a \$50.00 fee. If they can't pay that, make it \$25.00. If they can't pay that, then don't charge them a fee.

Commissioner Christensen: What percentage of these people in the past have come out of Justice Court as compared to those who come out of Municipal Court?

Judge Brown: That I can't answer, Commissioner. Daryl can but I can't.

Daryl Cropper: I can answer that, Commissioner. On the first question I would tell you that a few months ago Judge Brown and I sat down and he asked me to pursue the concept of having everyone coming into the Program pay a fee. I didn't like that idea, personally. I was philosophically opposed to it, so I didn't do it. And, regretfully, I didn't do it and that's the reason we haven't generated several thousand dollars so show you now that we can make the Program solvent. We just simply were not charging the people fees - only on a very limited basis. What was your second question?

Commissioner Christensen: What percentage comes out of the Justice Courts?

COURT
COUNSELING
PROGRAM
(continued)

Mr. Cropper: OK - of course, we started in the Municipal Court because we felt it would be simpler to initiate the Program there and then expand into the Justice Court, because they have a heavier case load. We did do that in the latter part of March. In May we had 62 people referred from the Municipal Court and 51 people referred out of the Justice Court.

Commissioner Christensen: Would you project it to be 50-50?

Mr. Cropper: I would predict it to be very close to 50-50. It might be, on a long term, the Justice Court might expect to use us more because they do have a little larger case load.

Judge Brown: The Judges over there like the Program.

Commissioner Christensen: The County likes a lot of those programs if they can get the City to fund them -

Judge Brown: What I'm saying is that the Judges in the JC are using the Program and we thought charging everybody a \$50.00 fee for this service - I feel the Program will be self-perpetuating.

Mayor Pro Tem Lurie: Are there any other programs existing now that are comparable to this Program?

Mr. Cropper: No Sir -

Mayor Pro Tem Lurie: Certain people have contacted me and were concerned about a duplication, Can you perhaps explain what they meant by "duplication"?

Mr. Cropper: Yes I can. Their concern was that - let me give you a little background: When we first came into being in August, there was an Alcohol Program existing in Municipal Court, run by the Southern Nevada Drug Abuse Council and a man by the name of Frank Parish was operating that program. There was also a program for alcohol abuse in the Justice Court and that was run by Ray Harris.

When we started to move into the Justice Court, we had taken the alcohol program - we didn't have the staff to manage it - Ray Harris was concerned that we were going to push his people out because we were coming in with the full gamut of probation services and he is a specialist in alcohol services. So we sat down in a meeting in Judge Brown's office and agreed that Ray Harris would take all the alcohol referrals - the Judges would refer to us and then we would refer those alcohol related people through us to him - and act as a clearing house - and he could continue to operate the alcohol related portion of this Program, which constitutes about 35% of our case load right now.

So, in other words, when we do an initial intake of someone referred out of Court, if they have an alcohol related offense, we send them to Ray Harris, and we may also operate some concurrent services for them at the same time because we are the Probation Department - they are the Specializing Agency in alcohol.

Judge Brown: When I send somebody and say - put him on Court Counseling for six months, they might go from six weeks to twelve weeks on the Program - on the alcohol program - but that is still on probation for the six months term and there has to be somebody to supervise and Ray Harris doesn't do that.

Mayor Pro Tem Lurie: My other question is: If the people who would be referred to the Program pay \$50.00 and they are second offenders - they go back to your Court - you are going to fine them anyway?

COURT
COUNSELING
PROGRAM

(continued)

Judge Brown: Yes - I might even put them in jail on a second offense -

Mayor Pro Tem Lurie: How much money would the City recoup if it agreed to fund the Program?

Judge Brown: You put somebody on the alcoholic program - you charge the man \$75.00 - \$50.00 of which would go to Ray Harris for his end of it and \$25.00 to the City so we would still have monies for the Program. We weren't doing this before because it was Federally funded but now we have to think of it. If a person cannot afford it, we will not charge him -

Commissioner Christensen: What are the other cities doing that don't have this Program? Did you say there were four cities picked for this pilot Program?

Mr. Cropper: Five. Five were picked - a lot of cities have probationary power -

Commissioner Christensen: What do they do if they don't?

Mr. Cropper: I can speak for one specific Program. When we first started I went to Lincoln, Nebraska in September and I tried to mimic a lot of their services - to adapt them to our system here, of course. They were charging some Court fees, but it was very limited. They were not trying to make the Program solvent. They had worked it out in their city to where they didn't think this was necessary and that's the reason I never tried to make it solvent here. So, some cities are attempting to make the Program pay for itself with a fee schedule, and some are not.

Judge Brown: I think you have to look at it like this - it's for people . . . if somebody gets into my Court - rather than fine them or send them to jail, you have to have another Program . . .

Commissioner Christensen: Everybody is using it, and what it is doing is putting the burden of these people on the others - on the rest of us - and pushing us more and more into a socialistic system where we take a little bit from everybody to support anybody, and I'm just wondering how much more the people are are not in your Courts can shoulder - that burden.

Judge Brown: This is what I'm saying - I'm saying let the people who get into this trouble pay their way, and I feel the Program can work this way -

Commissioner Christensen: If the people who get into trouble are going to pay for it, what do you need the \$60,000.00 for?

Judge Brown: We need something to start with -

Mr. Cropper: What we are asking for is to have the staff of five (5) people put on as permanent City employees and put on the City payroll and we are saying to you that a year from now we will have generated enough money into these General Funds through charging fees . . .

Commissioner Christensen: These would be revenue-generating positions?

Mr. Cropper: Yes Sir - and we would generate enough revenue to offset our salaries.

Commissioner Woofter: Have you come up with a figure for the 120 days?

COURT
COUNSELING
PROGRAM
(continued)

Judge Brown: No, I don't know what the figure is because this just came up the other night and I thought that 120 days was better than nothing. We do need the Program. We have 900 people on it now.

Commissioner Woofter: Daryl, have you come up with an estimated figure yet?

Mr. Cropper: Based on an expenditure level, it would be about \$15,000.00.

Mayor Pro Tem Lurie: You are looking at \$15,000.00 for 120 days?

Judge Brown: We are asking for the Program to be continued for 120 days so that we can actually sit down and see how much money we have taken in and also at a point in November if the people give the Municipal Court and the JC's probationary powers, we are a year and a half ahead. We don't have to hire at that time a Probation Department.

Commissioner Christensen: I'm not familiar with this ballot question - is this going to ask the voters to approve a Probation System for the Justice Courts?

Judge Brown: Yes, it is a Constitutional Amendment . . .

Commissioner Christensen: Alright, if it's a Constitutional Amendment and it goes on the ballot, and passes, then who would be responsible for the funding?

Judge Brown: I don't know, Commissioner - I have no idea.

Commissioner Christensen: You see, it has been our past experience, in money, that any time you pick up funding for a County program, it is almost impossible to shake it back to the County -

Judge Brown: . . . then let the State fund it after that time -

Mr. Cropper: There is a good possibility of State funding within a year -

Commissioner Christensen: There is also the good possibility of them saying - the City has been funding it and it's working great so we'll just continue to let the City fund it, and then we have another Police situation -

Judge Brown: If there is any money available outside the City, we would rather have that outside money - believe me - because I realize that your funds are earmarked . . .

Commissioner Christensen: As a matter of fact, it isn't in the budget - we don't have the money.

Mayor Pro Tem Lurie: How many people did you say you put on this Program today?

Judge Brown: I think it was about a dozen -

Mr. Cropper: We've been averaging 40 to 50 people a week which indicates the way things have gone since we moved into Justice Court, we could very easily - this letter I sent up to you on June 21st indicates that we had 2000 people come through the Program -

Mayor Pro Tem: What I'm figuring in my mind is how much - the City is obligating itself to \$15,000.00 for 120 days and I can't see in that 120 days how much in revenue we are going to get back - it seems to me it would pay for itself -

COURT
COUNSELING
PROGRAM

(continued)

M o t i o n

Judge Brown: That's what I'm saying - it will pay for itself.

Mr. Cropper: If you will give us the 120 days, I promise you we will charge the fees and we will collect the fees to make sure we get the fees into the General Fund.

Commissioner Woofter: At this time, Mr. Mayor Pro Tem, I would make a motion to extend the Program through November of 1976, for a period of 120 days, allotting the sum of \$15,000.00 during that period of time, and then to make a further determination at the end of that 120-day period of time.

Mayor Pro Tem Lurie: Is there any discussion on Commissioner Woofter's motion?

Commissioner Leavitt: I'd like to ask - you don't have any figures on what you anticipate the revenue is going to be?

Mr. Cropper: I have the general figures - not for the 120 days - I had only projected them for a year and I projected it would be very feasible that we could generate \$75,000.00 in the next year. That is simply projecting the May and June figures and the number of people referred, and assuming that we charged half of them \$25.00 and half of them \$50.00, depending on what we did for them - rather than get into a flat \$50.00 for everybody - to allow for a little latitude -

Commissioner Leavitt: You are asking for three months - wouldn't that be a quarter - so which are you talking about?

Mr. Cropper: Well, it's four (4) months -

Commissioner Leavitt: What was the situation prior to the time the Federal funding stopped with regard to the employees? Were they CETA, or how did you do it?

Mr. Cropper: No - there were some CETA employees involved in some of the other components of the Program, Commissioner. This component started in the Municipal Court was totally all City employees. There were no CETA people involved. There were also some volunteers from the community working in the Program on a non-pay basis.

Commissioner Leavitt: If this Program is extended, it is understood, isn't it, that these people will be City employees under the City Manager?

Mr. Cropper: That is correct -

Commissioner Leavitt: They won't be working for the Judges -

Mr. Cropper: No -

Judge Brown: The presiding Judge is the Department Head - they will be under the City Manager just like all the employees are, but the presiding Judge is the Department Head of that Department -

Commissioner Leavitt: They are going to be City employees and subject to the City Manager.

Mr. Cropper: There is one other comment I would like to make to the Commissioners and that is - under the Discretionary Grant - this was a pilot Project, and as such, a Discretionary Grant, 100% of the funding coming from the National LEAA office, and these are not refundable. You can't have them funded a second time. However, we have submitted a Grant - another Discretionary Grant - which has

COURT
COUNSELING
PROGRAM
(continued)

to compete in Region 9, and there is a possibility within that 120 day period that we could get that funding. In that case, we can anticipate backing it up to July 1. So there is the possibility that if you can extend the Program that we might be able to back it up under a Grant, even yet. I don't want to mislead you - Discretionary Grants at the Regional level are highly competitive and even though this is a good Program and has received some National notice, we still might not be able to fund it.

Commissioner Leavitt: Well, we're getting ourselves in the same position as Commissioner Lurie stated earlier - Federal funds are available for a Program - we don't have the Program but we think it's a good idea so we use the Federal funds. Then they cut the Federal funds and the local taxpayer has to pick up the funding if you want to continue the Program. The point is, if we had to consider using local tax monies in the first place, we probably wouldn't have even considered the Program. Now we're being asked to continue it using local tax dollars and I'd like to know what the situation is with the Budget. Is there somebody here who can answer that question?

Richard Bunker: We are anticipating \$150,000.00 as an Ending Fund Balance in our present Budget. As you well know - your direction to us - the Commission's and Mayor's direction to us was to cut the Budget to the very bone.

If the Program is not self-supporting, it is going to be extremely difficult to locate money to take care of it. What I am telling you is - there would have to be one of the Programs that has already received funding cut back to take care of any balance that might not accrue or, hopefully, if it does accrue, there won't be any problem.

Mayor Pro Tem Lurie: Based on the 120 days, which is a temporary basis, the money this Program will generate we will be able to tell in the 120 days approximately how much the City will take in or how much of a deficit we will have from the Program.

I have one other question concerning the employees: At this time I don't believe they should be full time City employees. I feel they should be temporary for the 120 days. If we find the Program to be successful, then we would have to consider full time.

Judge Brown: Commissioner, whichever way the Commission would like to do it, we will go along with it, but we would like the Program to be extended for at least the 120 days so we can see what we're getting into. Whatever way you want it, we'll do it, but we would like the Program to continue.

Commissioner Christensen: Your Honor, since this is somewhat a questionable issue - we don't have a full Board - we don't really have good figures from Finance - we haven't discovered funding - we are with a lack of knowledge here, I would move to table this.

M o t i o n

Judge Brown: Our funding runs out Friday. If you table it, that means these people who are on the payroll now don't come to work on Monday and what happens to the 500 people that we have on the Program?

I think that the Municipal Court generates enough revenue that we should have this Program - at least for another 120 days and I don't think the City will lose that funding for the 120 days. If it does lose, it won't be that much money.

Commissioner Christensen: Yes, but what if we are wrong?

COURT
COUNSELING
PROGRAM
(continued)

Judge Brown: The only way we could be wrong would be if they stopped arresting people. That's the only way we could be wrong. As long as there are people coming into that Court and jam that Courtroom, there will be people to put on the Program.

Mayor Pro Tem Lurie: The motion to take takes precedence over Commissioner Woofter's motion, unless Commissioner Christensen withdraws his motion to table. Please cast your votes.

Motion to table failed by the following vote:
Commissioners Christensen and Mayor Pro Tem
voted aye; noes, Commissioners Leavitt and
Woofter.

Mayor Pro Tem Lurie: Now we will vote on Commissioner Woofter's motion to fund the Program for 120 days.

Richard Bunker: May I make just one comment? It is the suggestion, contrary to what has already been said - it would be the suggestion of the City Manager's office that these people be placed as a Division of the Personnel Department and not as a Division of the Municipal Court, answerable through the Director of the Department of Personnel & Employee Relations to the City Manager.

Mayor Pro Tem Lurie: Do you wish to amend your motion to include that?

Commissioner Leavitt: Wouldn't that be automatic?

Richard Bunker: Judge Brown has indicated it would be under the Presiding Judge of the Municipal Court and it is the suggestion of the City Manager's office that it not be a portion of the Municipal Court, that it be a portion of the Personnel & Employee Relations Department, answerable through the City Manager.

Judge Brown: I don't see how you are going to do that . . . the Probation Department is a part of the Municipal Court. I don't see how you can put it under any other Department. Judge Mullen is in the hospital and he is the Presiding Judge and those are things that can be worked out - the think I am worried about is the Friday deadline.

You can't have people working in the Court every day for the Judge and say they come under the Personnel Department. He has to have some power over those people.

Commissioner Christensen: Why?

Judge Brown: The Probation Department is in the Court - they are in Court every day . . .

Richard Bunker: I would just suggest to the Commissioners that the State does not handle it that way - the State people are under the State Probation and Parole Division -

Mayor Pro Tem Lurie: Commissioner Leavitt, is that what you were asking?

Commissioner Leavitt: I thought I had it clear - that these people that are going to be put on this Program be, first of all, as mentioned, temporary - it is to be understood that their status is temporary at this point - and that they would come under the City Manager. Temporary City employees under the City Manager -

Judge Brown: In the Municipal Court . . . all City employees are under the City Manager, but the Presiding Judge is the Department head.

Richard Bunker: In theory, that is supposedly how it

COURT
COUNSELING
PROGRAM
(continued)

works, but as you well know from the case in North Las Vegas with Judge Daines and his Court personnel, there is a difference of opinion as to who has the supervisory responsibility of those people . . .

Question: Didn't the Supreme Court just rule in favor of Judge Daine's opinion on that?

Richard Bunker: Until the City Commission decides this is to be a Department of City government and they are going to fund it through the Personnel Department, that's how it will be funded.

Judge Brown: It is to be funded out of the Municipal Court -

Richard Bunker: It will be funded out of the General Fund of the City -

Commissioner Leavitt: The revenue, when recaptured, will go into the General Fund -

Mayor Pro Tem Lurie: Those funds that are generated from the Municipal Court, doesn't that go into the Municipal Court budget?

Commissioner Christensen: No - it goes into the General Fund -

Mayor Pro Tem Lurie: But the Municipal Court has its own budget?

Richard Bunker: Yes, it has a budget set up for it and this money would not be in that Budget. This money - depending on what your decision is - the money will go into whichever Department administers the Program. The \$15,000.00 would be transferred into the Municipal Court budget - otherwise it would be transferred into the Personnel Department so the funding could take place for the payment of salaries.

Commissioner Leavitt: What you are suggesting is that they be made temporary part-time employees of the Personnel Department.

Richard Bunker: Exactly -

Question: Excuse me - I'm wondering - what would be the reason for that? Perhaps I'm out of place in asking, Mr. Bunker -

Commissioner Leavitt: Because they will be on a temporary part-time Project - we're talking about only four months and it is certainly going to be easier to handle it through the Personnel Department - to make sure everybody understands that when going in.

Mayor Pro Tem Lurie: It will also give us an opportunity to review the Program until we have a chance to see how the people vote on the ballot - whether they want to continue with the Probation Department and, if so, at that time we will have had the necessary time to create such a Department in the Municipal Court. Right now we are not that familiar with all of the ramifications.

Commissioner Leavitt, would you like to make an amendment to your motion?

COURT
COUNSELING
PROGRAM
(continued)

Motion
Amendments

Commissioner Lwavitt: I'd like to make an amendment to Commissioner Woofter's motion - that the five (5) employees currently serving, be made temporary part-time employees of the Personnel Department. I would also like to make an amendment to the motion that this Commission - each Commissioner and the Mayor, receive Monthly Reports on this Program during the 120-day period, showing Revenue and showing Costs - these Reports to be submitted through the City Manager's office.

Amendments
Accepted

Commissioner Woofter: I think, Mr. Mayor Pro Tem, I should accept the amendments, which I do.

Mayor Pro Tem Lurie: The amendments to the motion have been accepted. Please vote on the motion, as amended, to extend the Program for 120 days.

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

MINUTES

See Page 12 of these Minutes

SERVICE &
MATERIAL WARRANTS

DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, DIRECTOR

PARITY PAY
(FIREMEN)

See Page 13 of these Minutes

PAYROLL WARRANTS

ITEM	Commission Action	Department Action
I. <u>CITY MANAGER - W. E. ADAMS, P. E.</u>		
A. <u>COURT COUNSELING PROGRAM</u>	<p>Authorized continuance of Court Counseling Program for 120 days, with \$15,000 to be allocated for this function;</p> <p>Status of Program to be reviewed at end of 120 day period;</p> <p>Further, that the current 5 employees in the Court be placed under the jurisdiction of the Personnel Dept. for this 120-day period, with monthly reports on activities of Program to be submitted to Mayor and Commissioners thru the office of the City Manager.</p> <p>W (with two (2) amendments Commissioner Christensen voted "no"</p>	<p>Staff to proceed</p>
I (a) <u>MINUTES</u>		
A. REGULAR MEETING - JUNE 16, 1976	<p>Approved by Reference W - unanimous</p>	
B. RECESSED REGULAR MEETING - JUNE 15, 1976 (Re: 1976-77 Budget)		<p>Mayor & Clerk authorized to sign</p>
C. RECESSED REGULAR MEETING - MARCH 23, 1976 (Re: 1976-77 Budget)		
<p>Page 12 Minutes Regular Meeting City Commission July 21, 1976</p>		

ITEM Commission Action Department Action

I-c DEPARTMENT OF FINANCIAL MANAGEMENT
MARVIN A. LEAVITT, CPA. DIRECTOR

A. SERVICE AND MATERIAL WARRANTS

Nos. F114442, F114466, G114484, G1081 to G1082, G114488, G206650 to G206651, G206652, F206653 to F206659, G206660 to G206668, G206669 to G206673, G206678 to G206741, G206744, G206748 to G207012, inclusive

In the amount of \$ 2,221,916.55

Approved as submitted
 W - unanimous

Director authorized to issue

B. PARITY PAY (FIREMAN)

Nos. 62108 to 62372, inclusive.

For Period Ending

June 25, 1976

In the amount of \$257,713.15

Approved as submitted
 W - unanimous

Same as above

C. PAYROLL WARRANTS

Nos. 62373 to 64120, inclusive.

FOR the Pay Period Ending

June 26, 1976

In the amount of \$414,111.76

Approved as submitted
 W - unanimous

Same as above

DEPARTMENT OF FUNDS, COORDINATION AND PROJECTS

BRUCE W. SPAULDING, DIRECTOR

ECONOMIC
OPPORTUNITY
BOARD

REQUEST FOR FUNDING - ECONOMIC OPPORTUNITY BOARD

Request from the EOB for General Operation and Administration. It is not a request for Community Development Block Grant Funds. Funding Level: \$93,778.00

Mayor Pro Tem Lurie: Is there a representative present from the EOB?

Mr. Spaulding: I believe Mr. Hoggard is in the audience.

Mayor Pro Tem Lurie: Mr. Spaulding, would you please give us a little background on this?

Mr. Spaulding: Originally, on January 14th of this year, the Economic Opportunity Board submitted a request for \$93,778.00. In the Fiscal Year Budget for the Fiscal Year 1976/77, you included an allocation to the Economic Opportunity Board of \$7,500.00 out of our Community Support Funds.

In addition to that, in General Revenue Sharing allocations for May and June of this year, you have before you the request of the Economic Opportunity Board for funding in the amount of \$30,000.00. The Revenue Sharing allocation plan which you adopted on June 16th did not include any allocation for the Economic Opportunity Board.

With the \$7,500.00 that you allocated previously, that left a balance in their request of approximately \$86,000.

The request, as it stands, is for General Operation and Administration and is not eligible for a Federal categorical Grant and you would therefore either have to reconsider it from General Funds as opposed to Revenue Sharing.

At this time we are aware of no balance in any General Fund accounts that would be available for funding the Economic Opportunity Board. However we would point out that because of the pending of the General Revenue Sharing Bill, Revenue Sharing funds will probably be available only through December of this year. I am sure it will be renewed - there is every indication that it will be and there will be further allocations for the latter part of this Fiscal Year.

Mayor Pro Tem Lurie: What you are saying is that the \$7,500.00 that has already been allocated, and that if we were to take some of the unallocated funds that we have, there would be additional funding available after December 31st - if Revenue Sharing is extended -

Page 14
Minutes
Regular Meeting
City Commission
July 21, 1976

Mr. David Hoggard: Mr. Mayor and members of the Commission. You all have seen me and heard me several times. I really don't have anything new to add except that I am surprised - I was surprised when I learned that we had only been allocated \$7,500.00. Our letter of January 14th to you, and our subsequent appearances here, of course asked for support, as Mr. Spaulding has said, of \$93,778.00 and we have been unusually successful

ECONOMIC
OPPORTUNITY
BOARD
(continued)

with all the other entities in Clark County this year in commitments and we have received some of the money. I thought this one was squared away and I would like to, if possible, get a firm motion on what you can do. If General Revenue Sharing is continued, as Mr. Spaulding said, then we know that we would be in the next allocation. That would still be alright - we have enough funds - we can rob Peter to pay Paul - enough to get through December if we have a firm motion now that our request will be granted.

Commissioner Woofter: That's what I wanted to bring up - you do already have the funding granted from the other entities to carry you through?

Mr. Hoggard: Yes, we can go through . . .

Commissioner Woofter: And when January came up if the Commission gives you the assurance - like Mr. Spaulding said the indication seems favorable we will get this Grant - the Commission give you the assurance you get first priority for the difference, that would suffice.

Number two, I believe Mr. Spaulding said that \$7,500.00 is the extent of it. There is nothing more we could add to it at this time - say another \$7,500.00 - and then down the pike we could make up whatever we took that other \$7,500.00 from . . .

Mr. Spaulding: We are not aware of any account that has a balance of \$7,500.00 in it at this time.

Commissioner Christensen: I've got a question: It is a legal question and I think we need an answer from the City Attorney - can we obligate money we don't have without also having obligated our Budget for funds to pay for that, such as debt service, etc.? Can we legally obligate money we have not received and are not sure we are going to receive without debt service to back it up in our Budget?

Mr. Lovell: You can legally obligate yourselves in anticipation of that money being generated, or in-coming. But if it doesn't come in, that's when you have your problems. Consequently you have to be rather sure and have a reasonable feeling that you are going to have the money. Rather than commit yourselves, there are times when the Commission has intended by Resolution, or motion, that they would favor a particular position if, in fact, the revenue does come in and would act affirmatively at that time.

Commissioner Christensen: What we are talking about here is the possibility of allocating now Revenue Sharing funds we are not sure we are going to get, and if we do get them, they are already allocated. Are we getting a little ahead of the game? That's what worries me -

Mr. Spaulding: Commissioner, the City Attorney is correct in principle on that - however, General Revenue Sharing regulations specifically prohibit allocation prior to receipt, so you could not make an allocation to encumber the funds in any way the funds in Revenue Sharing.

The appropriate motion would be for a high priority for consideration.

Mayor Pro Tem Lurie: I think that is what Commissioner Woofter said - they they be given first consideration.

Commissioner Woofter: Right -

Mayor Pro Tem Lurie: My other question is, under the

ECONOMIC
OPPORTUNITY
BOARD
(continued)

community programs funds that the City has - I believe you said Account No. 190, there are unallocated funds in that Account of \$14,627.00 so that if we wanted to increase that amount, there would be funds available.

Mr. Spaulding: Mr. Mayor, that would be the Account we were just discussing relative to a previous item on the agenda.

Mr. Hoggard: I hope, Mr. Mayor and members of the Commission, you understand our position. I do not wish to press the City into an untenable position, neither do I think that the EOB should have to continue to sort of hang, waiting, until January on this.

Commissioner Woofter's suggestion is perfectly agreeable with me. If we could get a Resolution of Intent without obligating anyone, that our request would have top priority at the time of the next allocation of Revenue Sharing funds, we would be able to operate.

M o t i o n

Commissioner Woofter: I would go on record, and make a motion, that the Economic Opportunity Board is to be given first consideration, or top priority, as far as consideration of any Grant money, come January 1977.

Commissioner Leavitt: With the understanding we are not allocating any money, because we can't really do it -

Commissioner Woofter: That's true, but if there are any funds that they be given consideration -

Commissioner Christensen: I'd like to make a comment on the motion: What you are asking us to do here is to promise the money if and when it comes in. I want it understood that I am not anti-EOB, but I just don't believe in scheduling the money until we know whether we're going to get it . . . I hate to say now what my top priority is going to be next year when I don't know exactly what next year is going to bring in the way of funds, priorities, needs, or anything else.

Mayor Pro Tem Lurie: All that we're saying is that they are going to be considered along with everyone else who has a request for funding after we receive our allotment of Revenue Sharing -

Commissioner Christensen: If the motion passes, this will be given first priority.

Mr. Hoggard: That's right.

Mayor Pro Tem Lurie: Please cast your vote on the motion.

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

DEPARTMENT OF PERSONNEL AND EMPLOYEE RELATIONS

J. ROBT McPHERSON, DIRECTOR

See Page 18 of these Minutes

CITY FUNDED (REPLACEMENT HIRES)

(2)

Business Activity - Parking Enforcement Officer -
758 - This is a Revenue-generating position

Mayor Pro Tem Lurie: I believe Commissioner has a comment on this item:

Commissioner Woofter: I would like to be recorded as voting "yes" on Items 1, 3 and 4, but I am voting "no" on Item 2.

Commissioner Christensen: I'd like to hear from the Fire Department about this Fire Services position:

Fire Services - Programmer - Creates new position - 946.

Mayor Pro Tem Lurie: Chief Miller, would you please explain the justification of this request?

Fire Chief J. D. Miller: Yes Sir. Mayor and Commissioners, this is a Programmer that the Department has requested. We asked that it be in our Department but the Manager's office thought it best that it be in the Finance Department.

We are on a Program of Computer Assist for the dispatching of fire equipment. We are in this Program for having all the timing for the Fire Department, all hydrants, mechanical - there are seven (7) different Programs we have that should be on the computers. We are faced in two years with an Underwriters Survey, and one of the problems in 1968 we were faced with, was "insufficient records". This Program in use for the next two years will prepare us with sufficient records to meet that Survey. We have about six months behind now that needs to be caught up and they do not have the personnel in the Program people they have. Therefore we have made this request.

Mayor Pro Tem Lurie: Which vacancy will not be refilled if this position is created?

Chief Miller: There are two or three different ways we can go. Right now I have a vacancy - a Firefighter has retired and it possibly will be that. It is about on the same salary level. It could be in a secretarial position.

Commissioner Christensen: Do you have a recommendation from the City Manager's office on this?

Richard Bunker: It has met with the approval of the City Manager's office.

ITEM

Commission Action

Department Action

I-e DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

BOB McPHERSON, DIRECTOR

AUTHORIZATION FOR TEMPORARY POSITIONS AND/OR REPLACEMENTS

A. Federally funded (No City Cost)

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
(1) Senior Citizens Senior Citizens' Instructor - 4 Title III	717	To instruct senior citizens in various crafts and activities.
(2) CS/Recreation Clerk Aide - Title VI (replacement hire) Until 11/15/76	429	Does receptionist and other clerical functions for the division.
(3) PS/Maintenance Maintenance Aide II - 2 Title VI (replacement hire) Until 11/15/76	622	Assigned to paint crew.

Approved as submitted.
W - unanimous

Staff authorized to proceed

B. City funded (Replacement Hires)

(1) PS/Engineering Services 1182 Civil Engineer - 2		To supervise and participate in the work of roadway design squads, particularly for Regional Streets & Highways projects. These are essential for completion of current backlog of design projects and maintaining a current design schedule in the future.
(2) Business Activity Parking Enforcement Officer	758	This is a revenue generating position.
(3) Fire Services Programmer (Create new position)	946	In view of changes made to alarm and incident records and the initiation of the Emergency Services Program in July, this position is needed to handle the computer programming involved. To be assigned to Department of Financial Management. One of the current budgeted vacancies will not be filled in order to provide funds for this position.
(4) Municipal Court Court Bailiff (Create new position)	946	To handle the increased number of warrants to be served resulting from the creation of Department III and Juvenile Traffic cases. This will in turn generate revenue for the City and offset the cost of the Bailiff.

Items 1, 3 and 4
Approved as submitted
W - unanimous

Same as above

Item 2
Approved
C
Commissioner
Woofter voted
"no"

Same as above

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 discussed if a Commission member or citizen so requests.

*A. PERMISSION TO RECEIVE BIDS

1. Employee Service Awards (Personnel & Employee Relations)
2. Two (2) Each Fire Pumper, 1250 G.P.M. Standard design (Fire Services)
3. Sprinkler Parts - Replacement due to Vandalism (Cultural Services - Parks Division)
4. Two (2) Each Drafting Tables complete with "L" Returns & Parallel Rules (Public Works)
5. Newspaper Printing Contract (Senior Citizens Center)
6. One (1) Each Motor Grader Replacement (Public Works)
7. Winter Uniforms - Female Parking Enforcement Officers (Business Activity)

** Additional Item

*B. AWARD OF BIDS

1. Bid #76.54 - Senior Citizen Center Landscaping, City Hall - Plaza Landscaping Phase I (Public Works)
2. Bid #76.71 - Dula Center Roof and Cooler Replacement (Public Works)
3. Request for Quotation #126-1430 - One (1) Each Pole XX - STATE OF NEVADA FUNDED (Public Works)
4. Request for Quotation #161-1735 - One (1) Each Electronic Cash Register (Public Works - Animal Shelter Division)

**8. I-15 Mini Park Playground Equipment (Public Works)

Items 1 thru 8 approved as requested
 W - unanimous

Director authorized to proceed

Items 1 thru 4 awarded as recommended
 W - unanimous

Same as above

ITEM	Commission Action	Department Action
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I-g. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

*CONSENT AGENDA

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

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

1. NATIONAL MULTIPLE SCLEROSIS SOCIETY, SOUTHERN NEVADA CHAPTER -- raffle tickets; tickets to the Governor's Multiple Sclerosis barbeque
2. HOME OF THE GOOD SHEPHERD AUXILIARY -- tickets to the annual Red, White and Blue ball
3. CUB SCOUT PACK #93 -- a carnival
4. ALL SAINTS EPISCOPAL CHURCH, WOMEN'S GUILD -- a rummage sale
5. HENDERSON CHAMBER OF COMMERCE -- booth space in the Henderson Expo '76
6. VEGAS VALLEY DOG OBEDIENCE CLUB -- general solicitations by personal contact
7. LAS VEGAS ART LEAGUE -- cash donations in conjunction with the 19th National Art Round-Up

Items 1 thru 7
 Approved
 as submitted
 W - unanimous

Director
 authorized
 to proceed

*B. GAMING -- Additional

1. WILLIAM S. BOYD et al
 California Hotel/Casino
 12 East Ogden
 6 slots
 4 "21" games
2. ELSINORE CORP.
 Four Queens Hotel/Casino
 202 East Fremont Street
 5 "21" games
 1 poker game

Items 1 thru 16
 approved
 W

Same as above

Commissioner
 Woofter abstained
 on Item 7

Commissioner
 Leavitt abstained
 on Item 1

ITEM	Commission Action	Department Action
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I-g. DEPARTMENT OF BUSINESS ACTIVITY
 (cont'd)

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

See Page 6

See Page 6

9. ALSTATE COIN MACHINE CO.
 (cont'd)

Kelly's Liquors
 810 West Bonanza Road
 1 slot

The Pub Bar & Liquors
 1000 Torrey Pines
 1 slot

10. BALLY DISTRIBUTING CO.

The Casino
 2550 South Rancho Road
 1 slot

Western Hotel/Casino
 899 East Fremont Street
 2 slots

11. LEO DICANDILO/SLOT OPERATOR

Smith's Food King
 1221 East Sahara Avenue
 1 slot

Smith's Food King
 22 East Oakey Blvd
 1 slot

12. GAMES OF NEVADA

Sundance West Casino
 32 East Fremont Street
 15 slots

13. J. J. PARKER CO.

Peyton Place
 124 South 11th Street
 1 slot

14. PENNINGTON & BENNETT

The Casino
 2550 South Rancho Road
 6 slots

Fremont Hotel/Casino
 200 East Fremont Street
 4 slots

15. ROMAN INDUSTRIES

Sundance West Casino
 32 East Fremont Street
 1 slot

ITEM	Commission Action	Department Action
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I-g. DEPARTMENT OF BUSINESS ACTIVITY
 (cont'd)

F. LIQUOR -- Approval of New District Manager

1. PIZZA HUTS OF LAS VEGAS, INC.

Pizza Hut of L. V. #1
 825 Tonopah Highway
 Restaurant Beverage

Pizza Hut of L. V. #2
 2536 East Fremont Street
 Restaurant Beverage

Pizza Hut of L. V. #6
 260 South Decatur Blvd
 Restaurant Beverage

Pizza Hut of L. V. #12
 3001 West Sahara Avenue
 Restaurant Beverage

District Manager:
 Perry M. Ridgway

Approved
 W - unanimous

Director
 authorized
 to proceed

G. LIQUOR -- New

1. SUNDANCE WEST CASINO
 32 East Fremont Street
 Package Liquor

Sundance West Corp -
 Allan D. Sachs - sole ofcr/
 stockholder

2. *KIT KAT CLUB
 1314 "F" Street
 Restaurant Beverage

Johnnie R. McNeil, 100%

*Subject to the provisions of the
 Planning, Building & Fire Depart-
 ments and Health Department
 regulations

Items 1 and 2
 Approved
 subject to
 conditions
 on Item 2
 W - unanimous

Same as above

ITEM	Commission Action	Department Action
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I-g. DEPARTMENT OF BUSINESS ACTIVITY
 (cont'd)

H. LIQUOR -- Change of Business Name/Change of Ownership

1. From:
 Fant Steak House

 Charles H. Fant, 100%
- To:
 *LARRY'S LARIAT
 3535 North Rancho Drive
 Tavern

 Lawrence A. LaPenta, 100%

*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations.

Approved
 Subject
 to conditions
 Leavitt - unanimous

Director
 authorized
 to proceed

I. LIQUOR AND GAMING -- Change From a Sole Proprietorship to a Corporation

1. TWIN LAKES LIQUOR
 1032 North Rancho Drive
 General Liquor
- Gaming:
 Business Owned: 7 slots
 United Coin: 4 slots
- From:
 William A. Dodder, Sr. 100%
- To:
 Twin Lakes Liquor, Inc.
 William A. Dodder, Sr. -
 Pres/Secy 100%
 Henriette Dodder, VP/Treas

Approved
 W - unanimous

Same as above

ITEM	Commission Action	Department Action
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I-g. DEPARTMENT OF BUSINESS ACTIVITY
 (cont'd)

J. LIQUOR, GAMING & RETAIL TOBACCO -
Change of Ownership

1. *STRIP LIQUOR STORE
 2417 Las Vegas Blvd South
 General Liquor
- Gaming:
 Business Owned: 6 slots
 J. J. Parker Co: 1 slot
 Auto. Amusements: 2 slots

From:
 James E. Reid, 50%
 Blaine Beckwith, 50%

To:
 Firehouse Four, a partner-
 ship
 Donald Gilday, 25%
 Michael Stober, 25%
 Melvin B. Wolzinger, 25%
 Earl E. Wilson, 25%

*Subject to the provisions of the
 Planning, Building and Fire codes
 and Health Department regulations

Approved
 subject
 to conditions
 Leavitt - unanimous

Director
 authorized
 to proceed

K. GAMING -- New

1. *B & G ENTERPRISES, INC.
 913 Ogden, Suite C
 Slot Operator
- Robert E. Burton, Pres 50%
 Gary M. Yates, Secy-Treas 50%

*Subject to the provisions of the
 Planning, Building and Fire codes
 and approval of the State Gaming
 Commission

Approved
 subject
 to conditions
 Lurie - unanimous

Same as above

L. LIQUOR -- Request for Extension
of Closure

1. SMITH'S FOOD KING
 232 North Jones
 Package Liquor Ltd.
- Smith's Management Corp,
 parent of Smith's Food King
 No. 1, Inc.

(Approved 6-2-76. Request for
 60-day extension of inactive
 status for: 8-1-76 thru 9-29-76)

Approved
 Leavitt - unanimous

Same as above

ITEM	Commission Action	Department Action
<p>I-g. <u>DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>M. <u>M-7 BUSINESS LICENSE APPLICATIONS</u></p>	<p>Approved (Applicant present) W - unanimous</p>	<p>Director authorized to issue</p>
<p>1. JOHN W. SPROUSE 1809 Eastern Avenue</p>		
<p>John W. Sprouse</p>		
<p>Clinical psychiatric social work.</p>		
<p>2. WESTERN FINANCIAL SERVICES, INC. 302 East Carson, Suite 500</p>	<p>Tabled (Applicant not present)</p>	
<p>Dale R. Garland, Pres Ben Schmoutey, Secy/Treas Daniel J. Bode, V.P. Herbert Pfeufer, V.P. Joseph Schmoutey, V.P. Pat Hillard, V.P.</p>		
<p>Financial consultants.</p>		
<p>N. <u>SECOND HAND LICENSE -- Request for Renewal of License</u></p>		
<p>1. *A-1 NEW AND USED FURNITURE 828 South Main Street</p>	<p>Approved (Applicant present) W - unanimous</p>	<p>Same as above</p>
<p>Nick A. Ross, 100%</p>		
<p>*Approved for one (1) year period 8-6-75</p>		

ITEM

Commission Action

Department Action

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

ABEYANCE ITEMS -- Tabled 7-7-76

O. LOCKSMITH LICENSE -- New

1. RON'S LOCK & KEY SERVICE
 1042 North Rancho Road

Ronald R. Moppert, 100%

Abeyance (investi-
 gations not yet
 complete)

8/4/76 Agenda

P. M-7 BUSINESS LICENSE APPLICATIONS

1. INTERNATIONAL SCHOOLS, INC
 1721 East Charleston Blvd #3

James J. Mitterlehner, Pres
 Patrick L. Haley, V.P.
 Diana Keller, Secy
 Catherine Smith, Treas

Casino management and gaming
 consultation.

Approved
 (Applicant present
 W - unanimous)

Director
 authorized
 to proceed

2. VOGUE AUTO LEASE AND SALES,
 INC.
 107 West Wyoming

Donald Rienzo, Pres
 Joseph Cusumano, Secy-Treas

Auto leasing and sales.

Approved
 (Applicant present
 W - unanimous)

Same as above

ITEM	Commission Action	Department Action
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I-g. DEPARTMENT OF BUSINESS ACTIVITY
 (cont'd)

WALK-ON ITEMS

Q. GAMING -- New

1. *ORBIT INN
 707 East Fremont Street
 150 slots
 Bernard Georg Dommermuth

*Subject to final approval of the State Gaming Commission

2. *COCKATOO CLUB
 1601 North Rancho Road
 4 slots - Automatic Amusements
 Hughes Enterprises, Inc.
 Kathleen Hughes, 100% - sole officer/stockholder

*Subject to final approval of the State Gaming Commission

Items 1 and 2
 Approved
 subject to conditions
 Lurie - unanimous on Item 2

Commissioner
 Woofter voted
 "no" on Item 1

Director authorized to proceed

R. M-7 BUSINESS LICENSE APPLICATIONS

1. REX SHOW RESERVATIONS
 235 North Main (Hotel Nevada)
 Daniel Rudden, Pres
 Zack Sabbath, Treas
 Sale of show tickets.

2. REX SHOW RESERVATIONS
 600 E Fremont (El Cortez)
 Daniel Rudden, Pres
 Zack Sabbath, Treas
 Sale of show tickets.

Items 1 and 2
 Approved
 (Applicant present)
 W -

Commissioner
 Leavitt
 abstained

Same as above

S. COMMUNICATION ITEM -- From: Southern Nevada Drug Abuse Council

Request for permission to paint house numbers on curbs under charitable solicitation permit issued.

Tabled
 (Representative of applicant not present)

DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

See Page 19 of these Minutes - (Annotated Agenda)

DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

See Pages 20 thru 30 of these Minutes (Annotated Agenda)

GAMING - NEW

*ORBIT INN
707 E. Fremont Street
150 SLOTS Bernard Georg Dommermuth

*Subject to final approval of the State Gaming Commission.

M o t i o n

Mayor Pro Tem Lurie: I move for approval.

Commissioner Woofter: I have a question on the application of the Orbit Inn.

Attorney Shannon L. Bybee, Jr.: Mayor Pro Tem and members of the Commission I am the attorney for the applicant, The Orbit Inn and Bernard Dommermuth is here with me.

Commissioner Woofter: Mr. Bybee, first of all I want to apologize for for not getting back to you. I was not aware this was an add-on item - I thought it would come before us at our next meeting.

First of all, I have a question of our Licensing Department: What is the status of this in regards to this? At the outset it was declared to be a Motel and then somewhere along the line it was declared to be a Hotel. Was there a reclassification?

Mrs. Britt: Yes, they applied for reclassification to a Hotel. It has been approved by Community Development and, tentatively, by Building and Fire. for the reclassification.

Commissioner Woofter: What was the basis? Was it Mr. Saylor's Department that considered the reclassification?

Mr. Saylor: Well, we don't reclassify in those terms. In other words, that is done through the Department of Business Licenses. In other words, we don't specifically classify any place of business as being of this type or that type. It was, I believe, licensed as a Motel. They sent a License application through as a Hotel and we approved it in that it met the zoning requirements. It has no bearing in terms of any other ramifications. Our

position is in terms of the zoning -

Commissioner Woofter: My concern is in regards to the fact that Commissioner Christensen and myself are in the process of a Study Committee with regards to changing the number of hotel rooms necessary to obtain an unrestricted License. In fact, I am moving it out of Study Committee tonight and it will raise the requirement to meet this type of a License to 200 rooms, rather than 100 rooms.

Mr. Dommermuth, I note your background does not indicate much experience in the field of Gaming. In fact, none at all. Is that correct?

Answer: That is right, Sir.

Commissioner Woofter: Who do you intend to run the operation on your behalf?

Answer: My Casino Manager will be Al Maddis.

Commissioner Woofter: I notice that Bally is - even though they have applied along with you - they, more or less, substantially are the ones "staking" you to the operation.

Answer: That is right, Sir.

Commissioner Woofter: What was the reason, Mr. Bybee, that Bally didn't apply along with Mr. Dommermuth?

Attorney Bybee: Based on the Agreement, Mr. Commissioner - I drafted that Agreement. They don't want them as a partner - they were willing to finance just about any way we wanted to go and I felt that was the most advantageous way to go for my client.

Commissioner Woofter: I have no further questions, Mr. Mayor, except to make a policy statement that in view of the fact that I am bringing this Bill out of Study Committee, which means I am recommending that it be passed - is one reason I cannot vote for this, plus the fact of the concern that I have, along with many others, as to whether the City, as well as the County, has reached the saturation point on Slot Machine Arcades. Many business men that are in the Hotels downtown, as well as on the Strip, have voiced much concern that business is not what it has been and they are very much concerned about the drainage by these Slot Machine Arcades where, more or less, they foot the bills so to speak - mainly the entertainment.

I'm not so much concerned about that as I am about the fact that the number of these operations is on the increase, and if we don't do something about it, I'm just wondering if there is enough for all. And certainly I have a concern on the part of Mr. Dommermuth - not having any experience whatsoever in this field, with full reliance upon Bally, along with other associates.

As a result, I'm not going to make any motion, but I wanted to voice my feelings at the present time.

Commissioner Leavitt: I would like to ask the City Attorney a question: We have another situation - I know that Commissioner Woofter and Commissioner Christensen have been working on increasing the number of rooms necessary before you can have an unrestricted License and be outside the Redline, but I'm sure everybody is aware that the Hotel about to open on the corner of Ogden and 4th Street, appears not to be more than 100, or so, rooms.

THE ORBIT INN
(continued)

Commissioner Leavitt: My question is - if this Bill that Commissioner Woofter is going to bring out today - what effect it will have on people relying on the current ordinance for an unrestricted License, and having made application - I read in the paper where the Rendezvous had made application to the State - what would be the effect on such an establishment where in reliance upon a current ordinance has spent a considerable amount of money to build a Hotel to meet current requirements and under the new Bill would not be able to come up to the requirements?

Mr. Lovell: I think if there has been made a substantial investment, etc., that the City would be on notice through issuance of Building Permits, etc., and other types of notices, to the point where they may have to be permitted to complete their Project. Otherwise it would be a taking without due process of law.

Commissioner Leavitt: Couldn't we make an exception to the Red Line area in most instances to take care of that?

Mr. Lovell: Yes.

M o t i o n

Mayor Pro Tem Lurie: At this time I would make a motion to approve the application of the Orbit Inn, subject to the final approval of the State Gaming Commission.

It does agree with our present Gaming Ordinance and I have to agree partially with Commissioner Woofter that we have to look at the situation under the new Bill. Commissioner Woofter and Commissioner Christensen were on a Study Committee at the time we were contemplating Consolidation to review all Gaming Ordinances in both the City and the County. I believe they need reviewing and they were in the process of doing that. However, this application meets all of the requirements of our existing ordinances and that is why I have moved for approval.

Commissioner Woofter: I would like to ask one more question: Insofar as the Liquor License is concerned - we have a certain allotted number of Licenses, and the Orbit Inn was not entitled to a Liquor License. But here we are going along with an unrestricted License and would that entitle them to come back because they have an unrestricted Gaming License - allow them to come back and get a Liquor License?

Mr. Lovell: Yes, that's right.

Mr. Bybee: Commissioner Woofter, if I might make a point here: I appreciate your concern, but I think you can understand when you are asking for 150 Slot Machines, the Liquor License would be an adjunct to it and not the end result of putting in 150 Slot Machines. I would also add, in line with your previous concern, that I have talked to Jackie Gaughn, who would be the nearest competitor and most affected by this operation, and he said he had no objection - that I could make that representation to the Commission and he would welcome the competition and would compete effectively, he felt.

Mayor Pro Tem Lurie: If there are no further questions, please cast your vote on the motion to approve.

PUBLIC HEARINGS

10:00 A.M.

REQUEST OF TEXACO, INC., TO HOLD A "ROADEO" AT CASHMAN FIELD ON SATURDAY, AUGUST 7, 1976 AT 9:00 A.M.

TEXACO ROADEO
Approved

Mayor Pro Tem Lurie: The time set for Public Hearing is now open.

Richard Bunker: I would just like to make one comment: There has been some confusion on the date. The gentleman who requested the activity actually wanted this on Sunday, August 8th rather than on Saturday, August 7th, as it was advertised.

See Page 35 of these Minutes (Advertisement)

R. W. Sharp of Texaco, Inc.: If there are any questions I would be glad to try to answer them.

Mayor Pro Tem Lurie: Is there anyone present who wishes to protest the holding of this "Rodeo" at Cashman Field on August 8, 1976?

(No response)

Commissioner Christensen: I would like to hear from the City Attorney on whether the confusion in the dates creates a problem for us. We are required to hold a Public Hearing and the fact that we are holding the Public Hearing on the proper date, does that rectify the error?

Mr. Lovell: If there is any error, it is harmless. I don't think it is significant.

Mr. Sharp: I advised our people of the date but they forgot to change it with your Staff.

Mayor Pro Tem Lurie: The Public Hearing on the matter of the Texaco "Rodeo" is now closed.

M o t i o n

Commissioner Christensen: I move for approval of the request, as amended to August 8, 1976.

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

V-24-76
Denied

APPEAL FILED BY MRS. LOUISE LANHAM - V-24-75
to the 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 S. 9th Street, between Garces Ave. and Bonneville Ave., in Zoning District R-1.

(Requested that the Hearing be deferred to August)

Page 34
Minutes
Regular Meeting
City Commission
July 21, 1976

Commissioner Christensen: What you have here is a conflict: The woman wants to defer it to August and the question is whether or not we want to accept that or whether or not the people who are here to protest - whether it is treading on their rights to defer it to August.

Mayor Pro Tem Lurie: I believe since it has already been advertised and there are people in the audience on this matter, we will proceed to hear it and the Public Hearing concerning V-24-76 is now open.

TEXACO
ROADEO
(continued)

NOTICE OF PUBLIC HEARING
Before the Board of City Commissioners
of the
CITY OF LAS VEGAS, NEVADA
JULY 21, 1976 - 6:00 P.M.

TO CONSIDER
THE REQUEST OF TEXACO, INC., TO HOLD
A "ROADEO" AT CASHMAN FIELD
ON SATURDAY, AUGUST 7, 1976 - 9:00 A.M.

Las Vegas City Hall Commission Chambers
400 E. Stewart Avenue, Las Vegas, Nevada

ALL INTERESTED PARTIES ARE INVITED TO ATTEND

RECEIVED
JUL 19 2 55 PM '76
CITY CLERK

Saturday, July 10, 1976

6 LAS VEGAS SUN

Mayor Pro Tem Lurie: Mr. Saylor, would you give us the background on this appeal?

Mr. Saylor: This property is in a single family residential zone at 625 South 9th Street, which permits only one dwelling per lot. This is the location of it (wall map) - the yellow area around it is all single family. There is an existing garage on the property they want to convert into an additional dwelling unit.

This was denied by the Board of Zoning Adjustment. There were some eight (8) protests at the BZA meeting and it is conceivable that you may have some of them in the audience tonight.

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

Joe Thiriot: I live right next door at 621 South 9th Street. I have here a Petition signed by 21 people in the very close proximity to this location, asking that it be denied. We have four reasons. If you would like to hear them, I would be glad to read them to you. I also have some pictures.

Mayor Pro Tem Lurie: We would like to hear the four reasons, Mr. Thiriot, and we would also like to see the pictures.

Mr. Thiriot: This Petition for continued denial is based upon the following facts:

1. Mrs. Louise Lanham already, illegally, has a second complete apartment in her home, which she has rented to various tenants for 4 or 5 years. It is now being rented, or furnished to her son and companion. Mrs. Lanham's husband died about 6 years ago and she converted her home into 2 dwelling units.

I think this was done illegally.

2. The garage in question and the patio at 625 South 9th Street are so close to the house next door that both bedrooms at 621 South 9th Street are less than 4 ft. from the patio and driveway. The detached garage is about 6 steps - about 18 ft. - from the back bedroom window next door and with three families opening onto this patio, the traffic and noise could be very disturbing to people living so close to each other. These are inside 50 ft. lots and were not planned for more than one family per lot.

3. This old, but choice residential district, could be ruined by permitting multiple dwellings at random. It is difficult to control people who rent homes and apartments and unless the whole Addition goes to multiple dwellings, it would be most unfair to the residents who have been here for many years. It is true that some second dwellings do exist in the area, but unless they were illegally constructed, they are on corner lots where they do not bother the next door neighbor and they are mostly a part of the original structure.

4. I do not think we are ready to change to R-2 or R-3 since that would require the black-topping of the alleys and placing the whole Addition in a tax district to supply

PUBLIC HEARING
V-24-76
(continued)

street lights as well as pave the alleys. This would be additional expense not needed as long as we remain R-1, but is desirable protection for additional families.

We certainly do not approve spot zoning in special places within the block, and we hereby respectfully request a denial of this application for a Variance at 625 So. 9th Street.

I have 21 signatures to this Petition and then I have some pictures of the garage taken from the front and from the side. (Pictures handed to the Mayor Pro Tem)

Commissioner Christensen: I would like to ask a question of Mr. Saylor: Do you have a different zoning set-back for garages than you do for dwellings? Can't a garage go almost to the property line?

Mr. Saylor: Yes.

Mayor Pro Tem Lurie: Is there anyone else present who would like to speak against this application?

(No response)

M o t i o n

Commissioner Woofter: I move that we deny the Appeal.

Mayor Pro Tem Lurie: The applicant, I believe, should have had someone here to represent her. I will close the Public Hearing now and entertain a motion.

Commissioner Leavitt: I move that the Appeal be denied.

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

U-35-76
Denied

APPEAL FILED BY ROBERT TOLEFREE, H & P ENTERPRISES -
U-35-76

to action of the Board of Zoning Adjustment in DENYING their request for a Use Permit to allow a U-Haul Equipment Rental operation on property located at 1601 North "D" Street, in Zoning District C-2.

Mayor Pro Tem Lurie: Is there anyone in the audience to speak against this application?

Answer: Yes -

Mayor Pro Tem Lurie: Is the applicant present - Mr. Robert Tolefree?

(No response)

Mayor Pro Tem Lurie: The record will show that Mr. Tolefree is not in attendance and that we will proceed with the Public Hearing, which is now open.

Prisella Gibbons: We do not want the U-Haul operation over there because it would lower our property values. We just don't want all those big trucks there in our neighborhood where we now have a nice, quiet residential area. We definitely do not want it and we have a Petition with 137 signatures in protest to this application. (Petition handed to the Mayor Pro Tem)

Mayor Pro Tem Lurie: Is there anyone else present who would like to speak against this application?

PUBLIF HEARING
U-35-76
(continued)

Katie Perry Fletcher: I have been living in that area for 33 or 34 years and I have worked Downtown as of this past October, for 31 years. My property is there and Mr. Tolefree wants to put that U-Haul operation right at my back door.

Also Mr. Bell - he is an old pioneer resident also . . . It is dangerous for our Officers to come over there - with all that junk - and Mr. Tolefree doesn't live in the area anyway. He lives in Vegas Heights.

We've been paying taxes there for years and I don't see why I should pay for street tax for Harrison - I don't see why I should pay tax to look at a lot of junk like that. I think Mr. Tolefree is wrong to want to put all that stuff up around our property.

I'm sure if you Commissioners were to drive over there you would see that we try to keep up our property and I don't think we should pay tax to look at junk like that. Let him put it up in his own area if he wants it - he doesn't live there.

We certainly would appreciate it if you do not let that go through. Our Officers could be coming by there as they have calls on occasions to respond, and passing by all that junk, a sniper could sit right there behind it, so it is really dangerous.

Mayor Pro Tem Lurie: Is there anyone else who wants to speak against this application?

Alfred Bell: I have been living there on that street for 34 years and I don't think it is fair for somebody else from somewhere else to bring in a lot of noise and put it at my back door. I would not want to do him that way . . . if they put that trucking outfit in there we are going to have to pay more taxes. We don't want it there.

Mayor Pro Tem Lurie: You are saying that you don't feel your neighborhood has changed to the extent that it would accommodate this type of business -

Mr. Bell: No Sir -

Mrs. Gibbons: And you wouldn't want it in your neighborhood. I know I don't want it in mine and I don't think anyone here would want all those big U-Haul trailers would want it in their neighborhoods -

Mayor Pro Tem Lurie: I don't think Mr. Tolefree really wants it either, because he didn't show up here today.

Is there anyone else who wants to speak against this application?

Rosalie Fields: I have been living in my home since 1954. I live on the corner of Freeman and "D". When they came through with that Zone Change for the warehouse to be placed there, it was denied, and what I was wondering myself - if he got his request through then the man that wanted the warehouse there would get that -

Mayor Pro Tem Lurie: It could be considered that a change in the character of the neighborhood would warrant a different zoning - and this one hasn't been approved . . .

Mrs. Fields: I know, but in the event it was . . . that would be right in the front of my place . . . the desert the way it is is ridiculous - we see desert rats coming from over there and if I could find out who the owner is

PUBLIC HEARING
U-35-76
(continued)

I would get some signatures to a Petition for something to happen over there. It is a great big mess. I have a lot of money tied up in my home . . .

Mayor Pro Tem: Please leave us the address of that property so we can check it out tomorrow and it may be that we can clean it up and bill the owner. Any time a piece of property is a detriment to the public health of the people in the neighborhood, we can handle the situation.

Is there anyone else to speak against this application?

(No response)

Mayor Pro Tem Lurie: It is noted for the record that Mr. Tolefree is not in the audience, but I will declare the Public Hearing closed and entertain a motion.

M o t i o n

Commissioner Woofter: I move to deny the Appeal.

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

DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, DIRECTOR

See Pages 41 and 42 of these Minutes (Annotated Agenda)

TWIN LAKES
VILLAGE 14-B
Extension
Approved

SUBDIVISION AGREEMENT - EXTENSION OF TIME

Mr. Hampton: I would just like to point out that this would be the 17th extension. We do have an indication from Frist Western Savings & Loan Association that the Project will be completed within the next year. This goes back to the slump in the early 60's. Some of the streets are in - they have been trhing to find a buyer for some time - they have continually come back to us for an extension -

M o t i o n

Mayor Pro Tem Lurie: I wouldn't want to give them another year but I would move that the extension be approved for six (6) months and at that time it be brought back before this Commission.

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

RIGHT-OF-WAY
ITEMS

Mr. Hampton: One is on the agenda and I have an additional one I would like to discuss with the Board: This matter came before this Commission on April 19th of this year and involves the Nevada Industrial Commission requesting the right to cross Hastings Avenue, just east of Shadow. They need a right to cross Hastings so that they could bring one power facility in, rather than two.

That right was granted on the advice of the City Attorney that we accomplish it by means of a License Agreement rather than by a Quitclaim. The City Attorney's office has checked it with the Power Company and have been informed that the License Agreement is not proper as far as the Power Company is concerned - that it is inadequate and they need a Quitclaim.

We are therefore bringing it back before you requesting permission for the Quitclaim rather than on the basis of a License Agreement as previously approved.

Mayor Pro Tem Lurie: What is your recommendation?

Mr. Hampton: We would recommend approval of the Quitclaim.

Mayor Pro Tem Lurie: I move for approval as recommended.

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

ITEM Commission Action Department Action

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

C. RELEASE OF CONSTRUCTION CONTRACTS (Continued)

2. Bid No.: 75.15
 Contractor: Empire Construction Co.
 For: Senior Citizens Center
 Notice of
 Completion: June 15, 1976
 Release Date: July 20, 1976

See Page 16

See Page 16

D. RIGHT OF WAY ITEMS

1. Grant Deed
 From: William F. Curran, an undivided 3/4 (75%) interest and Dennis De Loss Curran, an undivided 1/4 (25%) interest, as tenants in common
 To: City of Las Vegas
 For: Portion NE-1/4, Sec. 29, T20S, R61E Radius Washington & Robin St. Building Permit Dedication 6/22/76

Approved
 Lurie - unanimous

P/W to proceed

E. DISCUSSION ITEM

1. Request to lease 42 acre parcel east of Wastewater Treatment Plant for pasture purposes.

Approved
 Christensen - unanimous

C/A to prepare Lease

F. TRAFFIC AND PARKING ITEMS

1. Request of Fletcher Jones Truck Division, 444 So. Decatur Blvd., for a curb cut variance on Alta Drive. Traffic and Parking Commission recommends approval.

Approved as recommended by T & P Lurie

Traffic Eng. to proceed

ADDITIONAL ITEMS

1. R-o-w - Nevada Industrial Commission - to be accomplished by Quitclaim deed rather than License Agreement

Approved
 Lurie - unanimous

P/W to proceed

2. WASTEWATER PLANNING

Procedure approved and Mayor authorized to sign letter addressed to Gov. O'Calahan

Director authorized to proceed

3. RELEASE OF SUBDIVISION BOND
 Park Bonanza East, Unit No. 5-B (John E. Kenney, Jr., an individual)

Approved
 W - unanimous

Same as above

CITY-OWNED
LAND
Lease
Approved

REQUEST TO LEASE 42-ACRE PARCEL EAST OF WASTEWATER
TREATMENT PLANS FOR PASTURE PURPOSES

Mr. Hampton: We have a parcel east of the Wastewater Treatment Plant - this has been known as the Wollenzein property, which we purchased some years ago. It is sitting there - vacant. It was anticipated for the possible future expansion of the Sewer Plant or possible extension of the Metropolitan Police operation. It is held in the name of the City.

Mr. Robert Perkins has asked for the right to lease that land for three (3) months at \$5.00 per acre. We checked this proposed amount out and found it to be reasonable insofar as pasture land is concerned and we would recommend that the City Attorney prepare the Lease.

M o t i o n

Commissioner Christensen: I move for approval as recommended -

Mr. Hampton: He would be responsible for the water and all the repairs to the fence -

Commissioner Christensen: He would be irrigating with effluent water?

Mr. Hampton: No - he won't be irrigating in there - he will just be pasturing there -

Commissioner Christensen: He will have to irrigate or there won't be any grass -

Mr. Hampton: The land has not been irrigated in the past - there are just a lot of weeds on it -

Mayor Pro Tem Lurie: Is Mr. Perkins here today?

Mr. Hampton: No -

Mayor Pro Tem Lurie: In his letter he states he would be responsible for the maintenance of all fences, his own water, and would agree to leave the pasture in a condition satisfactory to the City -

Commissioner Christensen: I was just curious as to where his water was going to come from - I just assumed he would be using effluent water because that's the way Jack Wollensein used to irrigate -

Mr. Hampton: That's right - the channel goes right through there - as I understand it, for the time he would want this, he would be using the water line that goes along Vegas Valley Drive just for the watering of the cattle, and not irrigating the land.

Commissioner Leavitt: I move for approval of the request and instruct the City Attorney to draw up the required document.

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

WASTEWATER
PLANNING

Page 43
Minutes
Regular Meeting
City Commission
July 21, 1976

Mr. Hampton: I have an additional item I would like to bring before the Board at this time regarding Wastewater Planning on which subject I have addressed a memo to the Mayor and Commissioners. Attached to that memo is a proposed letter for the signature of the Mayor to Gov. Mike O'Callaghan and I have transmitted a copy of that letter to the Clark County Commission and a copy of the letter from SWA to the Clark County Commission.

WASTEWATER
PLANNING
(continued)

See Pages 45 and 46 of these Minutes (Letter)

Mr. Hampton: You may have some questions regarding this matter. I would just like to point out there are two items that concern appropriation of monies. One is to consult with Dr. James E. Deacon, University of Nevada and retain a second appropriate expert to verify his plan. Also there is an item to consider adjusting the scope of work with Metcalf & Eddy/Montgomery Engineers to permit them to study how relaxed water quality standards for the Las Vegas Wash could be achieved through secondary treatment.

Both of those would require monies that will not be eligible for reimbursement from the Federal Government. It might be possible that the City could get a request from the County to help them with the funding of these Projects. I would feel that it would be money well expended.

It is possible that a request for re-evaluation of Dr. Deacon's Report would come very soon. I have been requested to recommend to SWAC a person to do this Study. We would like, once this is approved by the County, to proceed as rapidly as possible. I would like to ask that this Board consider allotting a maximum of \$10,000.00 towards a 50% share of a re-evaluation of Dr. Deacon's Report.

We have this money available in the 731 Fund, which is our Sewer Fund, and this \$10,000.00 could very well save Millions if a second opinion proves to be a basis for relaxing the standards.

Mayor Pro Tem Lurie: Who comes up with the other 50%?

Mr. Hampton: What I am asking is to allot a maximum of \$10,000.00 for a 50% share -

Mayor Pro Tem Lurie: In other words, the County would put up the same amount of money?

Mr. Hampton: Right. I would hope that \$10,000.00 would not be needed - it could go as low as \$5,000.00 -

Mayor Pro Tem Lurie: Who would do the Study?

Mr. Hampton: We have the names of four individuals. We are investigating these particular individuals and will be making a recommendation to SWAC plus, of course, the City and County Commissions. It could be any one of those four, but I can't recall their names at this time.

It just seems to me if you were going to have a heart transplant, you would get a second opinion -

M o t i o n

Commissioner Leavitt: I move for approval.

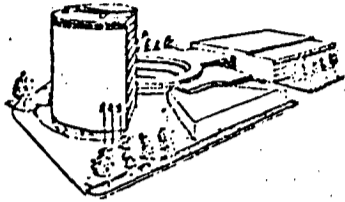
Motion carried by the following vote:
Commissioners Christensen, Leavitt, Woofter
and Mayor Pro Tem Lurie voting aye; noes, none.

Mayor Pro Tem Lurie: The motion has been approved, subject to the County contributing their share.

Mr. Hampton: Does this give the Mayor authority to sign that letter also?

Commissioner Leavitt: I made that a part of the motion.

City
of
Las Vegas



July 20, 1976

WILLIAM H. BRIARE
MAYOR

Hon. Governor Mike O'Callaghan
Nevada State Capitol
Carson City, Nevada 89701

WASTEWATER PLANNING -- LAS VEGAS VALLEY

The Board of City Commissioners have been closely observing the actions of the Clark County Commission and the Environmental Protection Agency as they relate to the subject matter and particularly the planning for the construction of the Advanced Wastewater Treatment (AWT) Plant. Even though the City of Las Vegas is not directly involved with the implementation of the project we are financially concerned as well as being extremely interested in the outcome. This matter is, admittedly, complex and has serious effects both financially and environmentally. The County of Clark, by legislative action, has been given the responsibility of developing and implementing the regional wastewater plan and has done a commendable job thus far in trying to satisfy all factors.

We know that a considerable amount of time has been spent by you and your office in reviewing the financial aspects of this project. However, we feel that existing conditions warrant a re-evaluation of the entire program by those agencies and commissions directly involved. Specifically, we are suggesting that your office, the Nevada Environmental Commission, EPA, the County of Clark and the City of Las Vegas consider a possible revamping of the existing regional wastewater treatment program.

Our suggestion is based primarily on the following:

1. Financial support of the AWT Plant has not been as originally planned, thus creating a tremendous economic burden for the citizens of the Las Vegas Valley.
2. Serious doubts have been expressed concerning the practicality and effectiveness of the discharge standards.
3. Financial support for the regional secondary treatment plant seems to be non-existent. This treatment facility is critical considering our extremely high growth rate. Possibly such should

City
of
Las Vegas

Governor Mike O'Callaghan
July 20, 1976

-2-

receive the federal financial support that has been allotted to the AWT Plant with tertiary treatment being provided when funding can be appropriated in an orderly manner and the need can be more accurately defined.

Please do not consider this letter as an attempt by the City of Las Vegas to stop any progress that improves the condition of Lake Mead. We have and will continue to support programs that are of benefit to the environment and its people; however, we are concerned that the existing programs may not be as cost effective as one that may be developed considering today's conditions and possible future technological improvements.

The Commission and I stand ready to assist you in exploring our suggestion. If a meeting of all affected parties is in order, we would like to explain our position relative to this matter.

Thanking you in advance for your consideration of this important issue.

WILLIAM H. BRIARE
Mayor

WHB/f

cc: Tom Wiesner, Chairman, Board of County Commissioners
W. E. Adams, P. E., City Manager
Laurence Hampton, P. E., Director of Public Services

At the hour of 6:35 P.M., Mayor Pro Tem Lurie declared a 5-minute recess.

Meeting reconvened at the hour of 6:55 P.M. with Board members and Staff in attendance.

PARK BONANZA
EAST No. 5-B

Mayor Pro Tem Lurie: Mr. Hampton has one additional item before we proceed with the agenda:

Mr. Hampton: This additional item was requested by Commissioner Woofter, as follows:

RELEASE OF SUBDIVISION BOND

All offsite improvements on the following Subdivision 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 this Subdivision and the Bond released:

PARK BONANZA EAST, UNIT No. 5-B
(John E. Kenney, Jr., an individual)

M o t i o n

Commissioner Woofter: I move for approval as recommended.

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

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

DONALD J. SAYLOR, DIRECTOR

Z-32-76
Approved

ZONE CHANGE Z-32-76 - DENNIS C. AND BARBARA W. COLE

Mr. Saylor: This item is an application from Cole for a change in zoning from R-1 to P-R. This was before you previously, at which time there was a disagreement with the applicant about one of the conditions on the agenda. It was referred back to the Planning Commission. The problem has been worked out and the Planning Commission does recommend approval subject to the following conditions:

1. Resolution of Intent to be restricted to a 12-month time limit.
2. The use to be limited to one (1) office only.
3. Construction of a 6 ft. masonry wall on the south property line.
4. Conformance to the Plot Plan to reflect the above conditions.
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.

No protests.

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

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

Z-34-76

ZONE CHANGE Z-34-75 - FIRST WESTERN SAVINGS ASSOCIATION

Mr. Saylor: Next before you is the application of First Western for a change in zoning from R-1 and R-3 to C-1 for property generally located on the west side of Lamb Blvd, north of East Charleston. You can see on the screen the location - the street on the south is East Charleston Blvd - the major street running north is Lamb Blvd. There is a large piece of vacant Commercial on the east side of Lamb and then to the left is the L-shaped parcel in question. Immediately to the west of that are single family homes and to the north of that is a Townhouse development.

Page 48
Minutes
Regular Meeting
City Commission
July 21, 1976

This is a Plot Plan (wall map) of the proposed development

showing a series of Shops - a Gas Self-service facility right on the immediate corner - this is a single family home abutting it. There is a dedicated, but unimproved alley on the north and west and then to the north is the Townhouse development.

This item, when it first came before the Planning Commission, met with a substantial protest factor, at which time the Planning Commission held it in abeyance to allow the proposed developer - Mr. Jack Chasen - to get together with the property owners in the area to see if some of the problems could be worked out.

This was done. I believe that some of the conditions now have mitigated, if not completely, removed some of the protests. I, however, cannot tell you at this point how many people might still be protesting.

One of the conditions was amended to exclude the north 105 ft, which would be kept as apartment house development. There is a wall along the west line of the alley; single story buildings as opposed to the 2-story buildings proposed to be put on there under existing zoning.

The Planning Commission does recommend approval subject to the following conditions which, I believe, meet the approval of the applicant:

1. Amend application to exclude the north 105 ft.
2. The construction of the apartment units shall commence prior to the development of the Commercial property.
3. An 8 ft. high block wall along the west and north property lines of the alley.
4. Screening of all mechanical equipment from both front and rear, and screening of trash enclosures.
5. Resolution of Intent to be restricted to a 12-month time limit.
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. Conformance to the Plot Plan, as amended, to reflect the above conditions.
9. Repair of the damaged sidewalk along Charleston Blvd., Lamb Blvd and Moonlight Drive, as required by the Department of Public Services.
10. Conformance to Code requirements and Design Standards of City department.

Page 49
Minutes

Mayor Pro Tem Lurie: Is there anyone present who wishes to protest this application?
(No response)

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

Motion carried by the following vote:

Commissioners Christensen, Leavitt, Woofter
and Mayor Pro Tem Lurie voting aye; noes, none.

Z-39-76
Approved

ZONE CHANGE Z-39-76 - WAYNE E. AND CELESTE M. WILLIAMS

Mr. Saylor: Next is the application of Williams for a change in zoning from R-1 to P-R for property located at the southwest corner of Wilson Avenue and Eastern. You can see it on the screen better perhaps - it is the corner lot on Eastern. Wilson is the residential street along the north. Immediately to the south is the Greater Vegas Shopping Center which was a part of the overall Subdivision development. In other words it was planned and developed as an integral part of the overall pattern.

Immediately across the street on the east side of Eastern is Commercial - further north are apartments. The remainder of the area on the west side of Eastern is all single family homes.

If you will look at the smaller scale map (wall map) this is the lot in question. These are all single family homes facing on Eastern - single family home lots backing up to the Commercial, the same as this corner lot.

The Plot Plan for the proposed development shows access from Wilson and Eastern - I believe all of this is already asphalted. The applicant indicated that he bought the property a couple of years ago for this purpose of getting a zone change to P-R.

The Planning Commission recommends denial, which was on a split 2-2 vote. There were only four members present. There were no protests to the application.

Mayor Pro Tem Lurie: Is there anyone present to protest this application?

(No response)

Mayor Pro Tem Lurie: The house faces Wilson?

Mr. Saylor: The house faces Eastern. The legal front of the property, however, is on Wilson - the same as this whole tier of lots along here (wall map).

Commissioner Woofter: Was the Planning Commission's denial based on the fact that is all a residential area along there (wall map)?

Mr. Saylor: I think those who were opposed to it felt probably the same as Staff. Conceivably you can recognize somewhat of a problem with this because there is Commercial here and here (wall map). Nevertheless - as I explained - this Shopping Center was designed as a part of this development.

If this is approved there exists the possibility of seeing a reaction of going both this way and this way (wall map) with additional P-R, which may not be a desirable thing. No doubt, some time in the future some adjustment will have to be made for these properties that do front on Eastern Avenue.

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

No response)

Mayor Pro Tem Lurie: What is the pleasure of the Commission? Is the applicant here?

Wayne Wilson: If I could present it, I've got some additional information - also pictures - that I would like to pass out to the Commissioners to review.

(Exhibits presented to the Mayor Pro Tem)

Mr. Williams: If you will notice on Exhibit No. 1, which was the only viewing aid that was furnished the Zoning Board - if you will look at that Exhibit No. 1 which is basically the same thing that Mr. Saylor has put up on the board (wall map) - I would say I couldn't blame the Zoning Board for the decision they reached.

However, if you will turn to Exhibit No. 2 - attached is a picture of this property. You will note that the driveway there faces on Eastern. I didn't buy this property two years ago - I bought it just a couple of months ago. When I bought this property the entire yard was concreted except for the four circles. My picture-taking isn't that good, but you can see that in the four circles the only thing that exist are weeds, rocks and broken glass - broken bottles.

Before I bought this property I called the Zoning Office and merely requested an opinion - I didn't expect to hold them to it - as to the feasibility of this property being rezoned to P-R. At that time I was told it was very feasible because the pattern along Eastern had indicated it was going P-R. The place looked like it was Commercial - it still looks Commercial and I had no reason to believe it wouldn't go to P-R.

I have included in Exhibit No. 2 a picture of the 600 Block on Eastern. This is a little piece of property in the 600 Block on Eastern - on either side - that was not Commercial.

As indicated, the property had been built as part of that subdivision, but it faces on Eastern and has no continuing fence around it. South of there is the Vegas Village Builders Supply Store where they have a loudspeaker blaring out phone calls and other instructions to their outside workers. The Gulf Station is located on the corner.

If you will turn to Exhibit No. 3 you will see what I have to look at out the windows. A hot dog stand - that's what you see from the living room and from the living room door. Last week when I was down at the house - I have a renter in there and he came rushing to the front door and said - what was that? I said that was some of the National Guard equipment going by. He said - I thought we were having an earthquake.

The latest traffic count taken in March of this year by the City's Traffic Department, had a count of 23,550 cars passing in front of my house in a 24-hour period. This is one of the highest traffic counts in the City.

As to the pattern of the existing development, on Exhibit No. 5 I have colored the areas along Eastern that have gone Commercial. In red you will notice the areas that have gone P-R - five residential lots that have been for Real Estate - two of them are occupied by the Las Vegas Realty and one of them moved into last month by, I believe, Central Realty. South of us, almost exclusively, and across the street from us is all Commercial development.

If you will also notice on Exhibit No. 5 the difference between this particular block and the block which was

shown upon the screen - the Greater Vegas area has walls - the backs of the properties face Eastern - not the front doors.

I think it was entered into the record that there were no objections to this application . . . I would plan to have a very small part-time Real Estate Office with probably not more than one or two salesmen. In my opinion this property is uninhabitable as an R-1 single family residence. There is not a blade of grass or tree on the property - the Power Company has a 2 ft. easement on the east side of the property - the drunks break their beer bottles on the walks around the circles - the public walks across my property.

With my evidence before you, I appeal to you to approve this application for a rezoning.

Mayor Pro Tem Lurie: With all these things that are undesirable, why did you buy the property?

Mr. Williams: Gentlemen, obviously, I bought it for the purpose of turning it into a Real Estate Office.

Mayor Pro Tem Lurie: Do you live there now?

Mr. Williams: No, I don't.

Mayor Pro Tem: Do any of the Commissioners have questions of Mr. Williams?

(No response)

Commissioner Woofter: I am going to move to approve this request for a zone change, subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Landscaping and a permanent underground sprinkler system 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.
3. Submission of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Conformance to the Plot Plan to reflect the above conditions.
6. Conformance to Code Requirements and Design Standards of City departments.

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

Mr. Saylor: The next item is the application of the Housing Authority of the City of Las Vegas for a change in zoning from R-E to C-V for property generally located at the southeast corner of Walnut and 28th Streets.

If you will look at the screen you will see the location: To the north is Public Housing development; to the east is Apartment House development; to the northwest was zoned recently for the Davis Nursery. There is still some R-E Zoning remaining in the area. However, under the General Plan this whole area is slated for medium density apartment house uses.

The request is for a change to C-V which is a Civic Zone and which would allow the Housing Authority to construct a Materials Purchasing Office and Distribution Center.

This is a Plot Plan (wall map) for the proposed utilization of the property - here would be a storage area - landscaping all around the property.

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

1. The 10 ft. high block wall on the south side of the property to be set back 5 ft. and this setback area shall be used as a planter and shall be landscaped.
2. No open storage of material and no overnight storage of vehicles larger than a pick-up truck shall be permitted.
3. Resolution of Intent to be restricted to a twelve (12) month time limit.
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. Half street improvements to be provided along Julian Street, 28th Street and Walnut Street, as required by the Department of Public Services.
6. Dedication of necessary right-of-way on Walnut and Julian Streets, together with radius corners at the intersection of Walnut and 28th Street and Walnut and Julian, as required by the Department of Public Services.
7. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
8. Conformance to the Plot Plan to reflect the above conditions.
9. Conformance to Code requirements and Design Standards of City departments.
10. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

Some of these conditions were imposed to alleviate protests from the property abutting immediately to the south. There was one other protest from the property owner immediately to the west who has R-E property, who indicated that he can no longer use the property because of the Public Housing in the area and he felt if this was going to be zoned for this purpose, that all the rest of the property

Z-40-76
(continued)

should be likewise.

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

(No response)

Mayor Pro Tem Lurie: Do the Commissioners have any questions?

(No response)

M o t i o n

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

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

Z-41-76
Approved

ZONE CHANGE Z-41-76 - MARVIN SEDWAY

Mr. Saylor: The next item before you is the application of Sedway for a change in zoning from R-1 to P-R for property located at 1206 Maryland Parkway, on the west side between Jessica and Norman Avenue.

This is the lot in question (wall map). It has P-R to the south of it; C-D to the north of it. It is in accord with the policy of allowing P-R on Maryland Parkway.

This is the Plot Plan showing the joint access with the property to the north, to get to the rear of it - this will be landscaped.

The Planning Commission recommends approval subject to the following conditions. There were no protests.

1. Building height to be restricted to one (1) story.
2. Resolution of Intent to be restricted to a twelve (12) month time limit.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Filuare to properly maintain required landscaping and underground sprinklers shall be cause for revocation of a Business License.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Conformance to the Plot Plan.
6. Installation of concrete sidewalk (approximately 200 sq. ft.) along Maryland Parkway, as required by the Department of Public Services.
7. Conformance to Code requirements and Design Standards of City departments.

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

(No response)

Mayor Pro Tem Lurie: Do the Commissioners have any questions? Is the applicant here?

(No response)

Mayor Pro Tem Lurie: I have a question - Mayor Briare

Z-41-76
(continued)

left me a note that he wanted the Planning Department to know there have been protests called into his office concerning the condition of some of the property that has been vacated and probably there are applications pending for other P-R zoning. These protests were from neighbors who have lived in the area for many years and have no desire to move to another location.

I would like these addresses given to the Department to have the property owners notified to up-keep their properties so that Maryland Parkway will look presentable.

I have to agree there are some properties that do need attention and, Mr. Saylor, I will give you these addresses and would appreciate it if you would look into it.

M o t i o n

I will now move for the approval of this application, as recommended by the Planning Commission.

Commissioner Leavitt: I own a piece of property on the corner of Maryland Parkway and Franklin and I am currently purchasing from the owner of the property involved, Marvin Sedway. I own property that is P-R about a block away - should I abstain? I am in a debtor/credit relationship with him - I am presently making monthly payments to him -

Mr. Lovell: Since you have brought it up, Commissioner Leavitt, pursuant to ordinances in the City, unless you feel that it would affect your situation and would influence you . . . you don't have to abstain.

Commissioner Leavitt: I would like the record to show that relationship.

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

Z-42-76
Approved

ZONE CHANGE Z-42-76 - CHARLES R. DUNNE, TRUSTEE

Mr. Saylor: Next is the application of Dunne for a change in zoning from R-2 to P-R and C01 for property that is located at the southeast corner of 10th Street and Charleston.

This was zoned this way some time ago under a Resolution of Intent. Their time expired and they are now asking for the same zoning.

I think most of you are acquainted with the property. It is vacant - they are proposing parking here (wall map) - Commercial buildings - then there's an alley and the remainder of this lot on the south side of the alley - they are asking that it be zoned P-R for parking use only.

here were no protests and the Planning Commission has recommended approval, subject to the following conditions:

1. The west 25 ft. of the wall be reduced to 4 ft. in height, with the top 2 ft. to be 50% open, and that the P-R portion of the property be restricted for Parking purposes only.
2. Resolution of Intent to be restricted to a twelve (12) month time limit.

Z-42-76
(continued)

3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a Business License.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Installation of curb and gutter, sidewalk and one (1) street light on 10th Street, as required by the Department of Public Services.
6. Repair of existing damaged sidewalk on Charleston Blvd., as required by the Department of Public Services.
7. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
8. Conformance to the Plot Plan to reflect the above conditions.
9. Conformance to Code requirements and Design Standards of City departments.

M o t i o n

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

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

Z-43-76
Approved

ZONE CHANGE Z-43076 - JOHN R. HIMES, TRUSTEE, C & H
FACTORY AIR CONDITIONING INC. PENSION AND PROFIT SHARING
PLAN

Mr. Saylor: The next application before you from John R. Himes, Trustee, is a request for rezoning from R-1 to P-R for property generally located on the west side of South Maryland Parkway, between Franklin Avenue and East Oakey Blvd.

There were no protests and the Planning Commission has recommended approval, subject to the following conditions:

1. Conformance to the Plot Plan, as amended, to utilize the driveway on the north for access to the parking, unless joint use of the driveway to the south on the abutting property is obtained; and that the front yard area between the building and the front property line be maintained as a grassed area between the planter in front of the building and the planter along Maryland Parkway.
2. Resolution of Intent to be restricted to a twelve (12) month time limit.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a Business License.
4. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.

Z-43-76
(continued)

5. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
6. Conformance to Code requirements and Design Standards of City departments.
7. Building height to be restricted to one (1) story.

M o t i o n

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

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

Z-44-76
Approved

ZONE CHANGE Z-44-76 - RAY W. MILLISOR AND LEVY REALTY,
TRUSTEE

Mr. Saylor: The next application is from Millisor for a zone change from R-2 to R-3 on property located on the south side of East Bonanza, between Bruce and 19th Street, 200 ft. west of 19th Street.

You can see on the screen that this property is about in the middle of the block. To the west R-3 developed property; to the east, R-2 developed property. I think this is the only vacant piece left. It is zoned R-2 and they wish to have R-3 zoning to allow the development of two (2) 4-plexes as shown on this Plot Plan (wall map).

This is an alley - the majority of the parking would be by means of the alley.

There were two protests from single family home owners to the north, on the north side of Bruce, but not immediately adjacent.

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

1. Redesign of Plot Plan in front, as required by the Department of Community Planning & Development.
2. 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.
3. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
4. Installation of a concrete sidewalk along Bonanza Road, as required by the Department of Public Services.
5. All mechanical equipment, air conditions and trash areas shall be screened from view from the abutting streets.
6. Conformance with the amended Plot Plan.
7. Conformance to Code requirements and design standards of City departments.

Page 57
Minutes
Regular Meeting
City Commission
July 21, 1976

Mayor Pro Tem Lurie: Is there anyone present who wishes to protest this application?

(No response)

M o t i o n

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

Z-44-76
(continued)

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

Z-45-76
Approved

ZONE CHANGE Z-45-76 - PAUL R. AND BARBARA J. FINLEY

Mr. Saylor: The next item is the application of Finley for a change in zoning from R-1 to R-3 for property located in the general area between 22nd and 23rd Streets on the south side of Hinkle.

This is an area - if you will look at the screen - that is transitioning to apartment house development. In fact, the only single family is vacant land. The rest of it has transitioned and already been developed with apartments.

This is a Plot Plan (wall map) of the proposed development - this is Hinkle - this is 22nd Street and this is 23rd Street. It is a standard layout for apartment house development. There were no protests.

The Planning Commission recommends approval subject to the following conditions:

1. 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.
2. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. Dedication of a 15 ft. radius corner at Hinkle and 22nd Street and at Hinkle and 23rd Street, as required by the Department of Public Services.
5. Half-street improvements shall be provided along Hinkle, 22nd and 23rd Streets, as required by the Department of Public Services.
6. Conformance to the Plot Plan, as amended, to include the above conditions.
7. Conformance to Code requirements and Design Standards of City departments.

Mayor Pro Tem Lurie: Is there anyone present who wishes to protest this application?

(No response)

M o t i o n

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

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

Mr. Saylor: Next before you is the application of Essex Construction Company, which is primarily Ernest Becker, requesting a rezoning from R-1 to P-R for property located on the south side of Alta, just east of Decatur.

If you will look at the screen you will notice that east of this point, Alta is a little further north and then it was transitioned to the south to meet Alta at Decatur. There are single family lots abutting both sides of Alta to the east. This lot, in essence, is a triangle due to the transitioning and is the only vacant residential lot. There are some residential lots to the south backing up to it also.

This will give you a little clearer picture (wall map) of the situation. This is the parcel in question - these are single family homes fronting on Alta - single family homes backing up to what is a triangle - Commercial immediately across the street from it.

This is the proposed Plot Plan of the development - 2-story relatively small office building with parking around on the south side of it. There would be about 40 ft. to the nearest building to the south and on this side (wall map) there would be 18 ft. to the property immediately abutting to the east.

At the Planning Commission meeting, as is indicated here, there was one protest. I believe there were two (2):
One was a letter from Ken Huff who does not live in the area but evidently must own property in the area. The other one was by the property owner, I believe immediately to the south at this point (wall map) who objected to the proposal on several bases, one of which it would deny them of access to their rear yard which they have been enjoying by cutting across Mr. Becker's property. I will read the other objections this particular property owner had. Indicated they did not want the 2-story building overlooking their home and yard and indicated it was not big enough to have parking required for a 2-story building.

I am not trying to rebut the protests, but I would like to point out that if somebody were to put a single family home on here, this could be 2-story and it could be substantially closer than this proposed development. In other words, it could come within 25 ft. of the rear lot line there (wall map) as opposed to the 40 ft. this will be set back. Obviously there would be a limited amount of office space there and the parking would appear to be sufficient.

There are, however, protestants in the audience this evening I believe.

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

Hal Foutz, 4706 Lorna Place: To those in the audience who protest with me, would you please stand right where you are?

(Several persons stood up at this request)

Mr. Foutz: This property is directly to the rear of my fenced property - my property line and, to me, it is just the same situation that we had a little bit previous

with Mr. Thiriot here - the same principle but it's just a little bit worse because it is spot zoning and I think it is worse.

We've been in the area for twenty years. It is our home and now all of a sudden somebody wants to put up a 2-story office building just at the back of our property to overlook your home. My neighbors to the east have a swimming pool and my neighbors to the west have a swimming pool, and I know that neither of them desire to have someone on the second floor of that office building looking over what's happening in their own backyards - in their beautiful pools - with their wives in there swimming, or anything else. I know I don't desire it with my daughters out there sunbathing.

I have a letter here from Mr. Becker dated November 25, 1969 giving us permission to fence in part of that property, at no expense to them, and to utilize that as an access way from our backyard into the street area and I would like to leave this with the Commission.

See Page 60 of these Minutes (Letter)

I can't imagine, for example, Commissioner Christensen and his home where he has a backyard that has vacant land like we had when we moved in, desiring to have a 2-story office building overlooking his backyard. I can't see that. I don't think any of the other Commissioners would desire it.

I don't think it is suitable for the area - I don't think it is necessary for the area - I don't think the traffic flow would be advantageous to us - we have a peculiar situation here because of the way the property is designed. You have homes all around that area except for the Wienersnitzel on the corner. It has no other usage but for homes. It is a beautiful area and has been for the 20 years we've been in our home and I can't see chopping it up for zoning like this. I think it's the worst type of spot zoning application I've ever seen. If you start here, where are you going to quit on Alta - because once you've broken through any home along Alta can apply for a business location because you've already broken the ice.

I don't think the property owners who have been there for twenty years should have this approved. I would request you to disapprove it.

Mayor Pro Tem Lurie: Is there anyone else who would like to speak in opposition to this application?

Jerry Conner: I live 4700 Lorna Place, which would be directly behind the property in question. When I moved in 20 years ago I could look out on my backyard and see the Municipal Golf Course. Since then a lot of things have happened - some good and some bad. I don't question the Gas Station across the street on Alta - I don't question the Car Wash that was put in - Fletcher Jones on the other corner - I think we can understand why they went in and we didn't protest. But I do have a swimming pool and my lot is lower than the land in question and I really don't envision seeing people looking over our wall into my yard.

Mr. Saylor mentioned there will be quite a distance behind the building, but you still would be able to see the building and I think the distance is contingent upon getting an approval for a 5 ft. setback, which is not normal. So if they are not granted the 5 ft. setback, that is going to move it even closer to me.



ERNEST A. BECKER ENTERPRISES

6115 CLARICE AVENUE • LAS VEGAS, NEVADA 89107 • 878-1903

November 25, 1969

Mr. & Mrs. Hal Fautz
4706 Lorna Place
Las Vegas, Nevada

Dear Mr. & Mrs. Fautz:

We hereby give you permission to fence in, at no expense to us, the strip of land approximately 2 feet at one end and 25 feet at the other on Alta Drive next to your home at 4706 Lorna Place, which belongs to Essex Construction Company.

This in no way gives you title to said property.

Please sign and return the original to us.

Yours truly,

ESSEX CONSTRUCTION COMPANY

Ernest A. Becker

EAB:wd

ACCEPTED and APPROVED

Mr. Hal B. Fautz
Mr. Hal Fautz

Mrs. Hal Fautz
Mrs. Hal Fautz

Date

Page 60
Minutes
Regular Meeting
City Commission
July 21, 1976

I guess I would join with Mr. Fautz in saying it is spot zoning and I would appreciate your consideration of the people who are going to be affected by it. Thank you.

Commissioner Leavitt: Did I understand you to say where this is proposed they could build a 2-story house?

Mr. Saylor: Yes. Any residential property in the City permits a 2-story structure.

Commissioner Leavitt: And the setback need be only 25 ft.?

Mr. Saylor: 25 ft. - yes. I hesitate to bring this up because it leaves a question, but one of the conditions was that the windows on the rear exposure be kept to a minimal amount. It wasn't put in as a condition, I guess, but it was indicated by the applicant they would do that - that the windows on the second floor would be kept to a minimum. I can't define to you just what is meant by "minimum" - that would be subject to interpretation. You could simply stipulate that there be no windows on the second floor on the south elevation.

Mayor Pro Tem Lurie: Is there anyone wanting to protest this application?

Marsha Boisjolie: I live at 4712 Lorna Place and I am protesting. What you said about the windows was one of our concerns, but the other concern was that the property was going to be 5 ft. higher than our property and we would be more concerned with the people in the cars who would be coming and going because they could just get out of their cars and look over the fences.

Commissioner Leavitt: Mr. Saylor has said a 2-story house could be put there and be 15 ft. closer to the back wall.

Mrs. Boisjolie: A 2-story house would probably be better than a business because at least you would have the same people living there all the time where you would have the general public with a business there. What kind of lighting would this have? That's another question we had.

Commissioner Leavitt: I am trying to decide which would be worse - a 2-story house or a 2-story office building 40 ft. from the wall or a 2-story house 25 ft. from the wall. They can put a 2-story house there right now and they wouldn't even have to come before this Commission.

Mayor Pro Tem Lurie: If this should be approved, one of the conditions should be that the lighting should be directed in such a way that it would not disturb the abutting home owners.

Commissioner Christensen: In other words, if a person were to build a house there they could conceivably put a garage against the back wall and they could put in as big a light as they wanted to over the garage.

Mayor Pro Tem Lurie: Is there anyone else to protest this application?

(No response)

Mayor Pro Tem Lurie: Do any of the Commissioners have further questions?

Commissioner Leavitt: Is the applicant present?

Z-46-76
(continued)

Hugh Templeton: I am going to occupy the bottom floor of this building. I stated at the Planning Commission meeting and I checked with the other occupant, the builder and the architect, and we would screen, or have some kind of tinted windows so that nobody is going to be looking out over anyone else.

I have a 2-story house and know that I can go upstairs any time I want to and survey the backyards of four or five neighbors, and it would disturb me if I was behind there too.

As far as the traffic goes, the traffic shouldn't bother the people that are behind me. Alta is a well traveled street anyway.

We would have no over-night parking unless maybe I would be working late during the tax season, or something like this. Otherwise the office would be closed - it would be open only during normal business hours.

Mayor Pro Tem Lurie: Do any of the Commissioners have questions of Mr. Templeton?

(No response)

Mayor Pro Tem Lurie: Does anyone care to make a motion on this application?

(No response)

Mayor Pro Tem Lurie: This application then will be held over to our next regular meeting on August 4, 1976.

Z-47-76
Approved

ZONE CHANGE Z-47-76 - JANETTE K. LITTERAL

Mr. Saylor: This is a request for a change in zoning from R-E to R-1 for property located at Jones and Smoke Ranch. The proposed change in zoning is to accommodate a subdivision.

This is the property in question (wall map) - this being Jones Blvd. - Smoke Ranch Road - it is County to the north and to the west - apartment house zoning and then single family zoning to the south.

The Planning Commission recommends approval. The next item is a Tentative Map of the proposed development.

Commissioner Leavitt: I would move for approval of both items - Z-47-76 and the Tentative Map of Smoke Ranch Estates, as recommended by the Planning Commission, subject to the conditions:

Mayor Pro Tem Lurie: Is there anyone present to protest these applications?

(No response)

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

SMOKE RANCH
ESTATES
Tentative
Map
Approved

TENTATIVE MAP - LEWIS HOMES - SMOKE RANCH ESTATES

Property generally located on the northeast corner of Jones Blvd. and Smoke Ranch Road.

Owner: Janette Litteral
Subdivider: Lewis Homes of Nevada
No. of acres: 30
No. of lots: 139
Zoning: R-E (proposed R-1)

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

1. Street names shall be provided in accord with the City's Street Name Policy.
2. Approval of the Tentative Map shall be for no more than Twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the tentative map within 12 months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within 12 months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
3. Approval subject to proper zoning.
4. Subject to all conditions of City departments and State Subdivision statutes.

CHARLESTON
RAINBOW No. 15
Tentative
Map
Approved

TENTATIVE MAP - CHARLESTON RAINBOW No. 15

Mr. Saylor; Next before you is the Tentative Map of Charleston Rainbow No. 15 which is comprised of approximately 250 lots - 59 acres. It is a continuation of the Sproul development - on the north side of Charleston between Charleston and Buffalo - this is the property in question (wall map). One of the conditions is a temporary storm drain along the west line.

This property is still zoned R-E and any approval of this would have to be subject to a change in zoning.

The Planning Commission recommends approval subject to the following conditions:

1. A 6 ft. masonry wall shall be constructed along the west property line, as required by the Department of Community Planning and Development.
2. State on the Final Map prohibiting access to the lots backing up to Buffalo and Alta Drive.
3. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the tentative map within 12 months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within 12 months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
4. Street names shall be provided in accord with the City's Street Name Policy.
5. Subject to all conditions of City departments and State Subdivision statutes.

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

PLOT PLAN REVIEW
Z-58-71
and
PARK BONANZA
EAST No. 6
Approved

Mr. Saylor: The next two items (N and O) involve in essence the same situation as was before you under Items K and M (Janette Litteral and Smoke Ranch Estates). It involves a continuation of Jack Kenney's development out in the east end of the City.

This is East Bonanza (wall map) - this is Honolulu - this is the Cedar Avenue Drainage Channel. This is the existing development - part of it is Townhouse. He did have approval of the continuation of the Townhouse development on a portion of this property. He is asking now that he be allowed to change that plan to a single family development. This portion of the property is still zoned R-E - this (wall map) is under a Resolution of Intent for Commercial.

The Planning Commission recommends approval of that Plot Plan change and at the same time recommends approval of the Tentative Map, subject to the following conditions:

1. Approval subject to proper zoning.
2. Street names shall be provided in accord with the City's Street Name Policy.
3. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the tentative map within 12 months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within 12 months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
4. Subject to all conditions of City departments and State Subdivision statutes.

Mr. Saylor: It is a relatively standard design subdivision.

Mayor Pro Tem Lurie: Is there anyone in the audience to protest either of these applications?

(No response)

M o t i o n

Commissioner Woofter: I would move for approval of the Plot Plan Review under Z-58-71 and the Tentative Map of Park Bonanza East No. 6, as recommended by the Planning Commission.

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

Commissioner Leavitt temporarily absent.

ANNEXATION A-2-76 - JOHN & MADELINE GINGER

Mr. Saylor: The next items is a proposed Annexation A-2-76. It is a small parcel of two and a half (2-1/2) acres. If you will look at the screen you will see it is located immediately north of the Grand Central Shopping Center development, which is at O'Bannon and Hauk Street. These 2.5 acres are zoned for apartments - I believe the development is already under construction in the County.

The Planning Commission recommends approval of this proposed Annexation.

Mayor Pro Tem Lurie: Do those apartments there fit into our General Plan in that particular area?

Mr. Saylor: I can answer that this way, in part: The property immediately to the southwest of it in the City is zoned R-4 for apartments. It is vacant, but it is zoned for apartments. Evidently they discussed the development with some City people and they wanted to annex to use the City's sewer system, for one thing. To answer your question more specifically, I would say "yes" it is in consonance with the existing development pattern in the City.

M o t i o n

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

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

Z-102-73
ApprovedWAIVER OF CONDITION - Z-102-73 - DAYTON HUDSON PROPERTIES

Mr. Saylor: This is a request for waiver of a condition on the Dayton Hudson properties. One of the conditions stipulated that there was to be a block wall on the south side of Meadows Lane. That was imposed primarily to protect the residential properties to the south. However, as you know, since that time the YMCA has had approval of Commercial Zoning as a site for their YMCA development. Consequently it does not appear to be a need to continue that wall along the YMCA property.

Both Dayton Hudson and the YMCA are in agreement on this request for the waiver - there is absolutely no need for a wall at that location.

The Planning Commission recommends approval.

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

(No response)

M o t i o n

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

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

Z-79-71
ApprovedPLOT PLAN REVIEW - Z-79-71 - SPROUL HOMES OF NEVADA

Mr. Saylor: Next before you is a Plot Plan Review for Sproul Homes for property located at West Charleston and Antelope. It is a rather common pattern of development - a series of shops along the north and west - one right at the corner - interior parking - landscaping (wall map).

The Planning Commission recommends approval subject to the following conditions:

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

Mayor Pro Tem Lurie: Is there anyone present to protest this application?

(No response)

M o t i o n

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

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

Z-6-67
Approved

PLOT PLAN REVIEW - Z-6-67 - McDONALD'S INC.

Mr. Saylor: McDonald's is requesting a change in the Plot Plan that we felt we should bring before you. Evidently they are going this way on all of their McDonald's - it is a relatively minor change but it is to allow a drive-through/take-out service.

This just happens to be the Plot Plan of the one on Bonanza at Dike Lane. This is the existing development and all they are requesting is this change of flowing this traffic (wall map) through here and having the speaker stations. In that way you come in and give your order - pick it up here and drive on out.

We find no objection to it and the Planning Commission has recommended approval.

Mayor Pro Tem Lurie: Is there anyone here to protest this proposed change?

(No response)

M o t i o n

Mayor Pro Tem Lurie: I move for approval as recommended by the Planning Commission, subject to the following conditions:

1. The wall immediately north of the building shall be increased to 6 ft. in height.
2. Conformance to the Plot Plan, as amended, to include this condition.
3. Conformance to the Code requirements and Design Standards of City departments.

Z-6-67
(continued)

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

CD-2-76
Approved

C-D REVIEW - CD-2-76 - FIRST FEDERAL SAVINGS & LOAN
ASSOCIATION OF NEVADA

Mr. Saylor: The next items is a review of uses permitted in the CD Zone. You will remember a short time ago you rezoned a corner of West Charleston and Rancho to CD to allow a Savings & Loan development on the property - this being Charleston (wall map) and this being Rancho.

That development did not take place and evidently is not going to take place. We have had a request now to allow a Child Care facility at that location.

First of all I would like to say to you that at the time that application was filed, Notices were sent to the property owners in the area and it stated on there it was to be for a Savings & Loan facility. There was no indication of any Nursery facility.

More importantly, however, is the fact that the CD Zone is a very exclusive type of Commercial zoning. Some of you may have been acquainted with the many, many months and meetings that took place a few years ago trying to come up with a Commercial pattern on that section of West Charleston that would meet the agreement of both the property owners on West Charleston and the home owners immediately on each side. The CD Zone was the result and it was meant to be restricted. It has many restrictions in it, one of which stipulates that any use must first be approved by this Board.

As I say, this has never been done for a Child Care Facility. Consequently that is the request before you - to have that included as a permitted CD use.

If you should approve that as a permitted use, then the next question is to whether or not you would want to allow it on this corner, in view of the fact that the property owners in the area were never notified of the fact they might have a play area proposed immediately adjacent.

While you cannot approve the Child Care facility with the play area through this action. If you do feel that a Child Care facility should be one of the uses permitted in the CD Zone, it further would require a Variance application to deviate from one of the conditions which stipulates "No outside activities" which would be further breaking down the restriction.

The Planning Commission have unanimously recommended denial.

Mayor Pro Tem Lurie: Would the applicant like to speak in behalf of his application?

Don Hamilton representing Little Scholar Child Care Pre-school: We think this location, being on the corner of Rancho and Charleston, is a good location for our business. At the time the property was offered to us we thought the Zoning was proper - we were not aware that the CD Zoning had this one exclusion which was mentioned, which was the outside activity.

The one thing I can say I think would be in our favor is that we have read this CD Zoning portion pretty carefully since then and it does not exclude us. There is a certain list of businesses which are excluded from CD Zoning, but we are not one of those. Conversely, we

we are not one that is specifically included either. In the situation that exists now - the people not being able to protest - it was explained to us when we made this initial application that even if approved by you at this time, that we still are required to file with the Board of Zoning Adjustment and get their approval for the outside use.

I don't know - I wasn't here as Mr. Saylor was when those hearings went on establishing that CD Zoning - I don't know who else might have been, but my question is - could it be that nobody thought of this particular type of business. From our point of view this business would be good for the location. There are no such schools - there are a lot of people to be served in that area and we just didn't see any fault with it.

I would be glad to answer any questions if there are any regarding our business.

Commissioner Christensen: I have a couple of questions of Staff that bother me a little: I am curious - thinking of the Planning Commission, if a Child Care Center is not appropriate in a CD Zoning and the last Child Care Center we discussed drew a tremendous amount of protest in R-1 Zoning - where do you put them - in an Industrial Zone?

Mr. Saylor: No - they are allowed in several other zones and, I think, rather appropriately. For example, they are allowed in a Commercial Zone - not the restricted CD Zone, but the Commercial Zone. They are allowed in Apartment House Zones, which is quite appropriate because of the activity that goes on with a Child Care facility is in consonance with the activity in an apartment house area.

Commissioner Christensen: The other question I have - in this CD Zoning, each use has to be approved as I understand it, so if this was approved for a Child Care facility, where the children were no older than a certain age, etc., if that was subsequently sold and another use was brought on that corner, would it still have to be reappraised?

Mr. Saylor: That is right. That which you have before you was approved for a Savings & Loan and that's why it is back.

Commissioner Christensen: A question that comes to my mind - why would anyone want a Child Care Center on such a busy corner? If they are young children, then are all indoors, or always supervised - obviously it would be restricted to the number you could have there - across the street from a service station - across the street the other way from a 7-Eleven Store - and I say to myself if somebody doesn't want that use in that area - they don't want it around homes, then aside from the multiple dwelling zoning, it would really be a good place because I think it would be less appropriate one in an industrial zone or a straight-out commercial zone. That would like putting one next to a Shopping Center.

Mr. Saylor: I think that is where their other facility is - near the Wonderworld Shopping Center -

Mr. Hamilton: We have six (6) and they are in all different zones and uses - you are talking about the one out by Wonderworld -

Commissioner Christensen: However, it does face on a residential street - it doesn't face on the main drive - isn't that the one over behind the old TV Center -

Mr. Hamilton: There are homes on the other three corners

and we're on the corner that is on the backside of
Wonderworld West Sahara.

May I comment on - you were talking about the traffic
situation - that was brought up to us by Staff when we
made our initial application. There was concern on their
part about the traffic there, but by State Law and City
Ordinance, in our business parents are required to bring
the children physically into our facility, and pick them
up from inside. It's not like a Grammar School where a
child just going to kindergarten - the mother puts him
out the door and he walks to kindergarten on his own.
We have kindergarten at one of our locations and our
kindergarten and pre-school age children are still all
required to be brought into the facility and picked up
from inside the facility. They never leave there on
their own.

Commissioner Christensen: These children are all pre-
school then?

Mr. Hamilton: Correct - two to six is about the age
range that we're talking about.

Mayor Pro Tem Lurie: How large a facility do you
propose here? How many children would you serve?

Mr. Hamilton: It's based on the square footage - we are
required to have 35 sq. ft. per child and our plan that
we have submitted would be a facility that would
accommodate, I believe, approximately 90 students.
It is a difficult thing - we build a building that might
be 4000 sq. ft. of usable space on the ground floor, but
they deduct bathroom space, hallway space, office space
and it is up to the City License Department's Child
Welfare Officer who comes out and measures it and then
divides by thirty-five to determine the number that
we can have after construction is completed -

Mayor Pro Tem Lurie: Is this to be single story?

Mr. Hamilton: We have a partial second story which will
be office only - approximately 1000 sq. ft. of second
floor and approximately 4000 sq. ft. of ground floor
is planned. We also are required to have a specified
number of square feet of play area for the children.

Mayor Pro Tem Lurie: My only question is that the
residents that protested the original application, upon
notification, should be notified again before we take
any action on this proposed Child Care facility.

Mr. Hamilton: This would be the procedure - that is the
reason we have to go before the Board of Zoning Adjustment -
they would notify them of that Hearing. Even if we were
to be approved here tonight, we would have to go through
the BZA Hearing, of which they would be notified.

Commissioner Christensen: You would have to have the
Hearing then before you could operate?

Mr. Hamilton: Yes - we couldn't understand that - we
couldn't figure out why this Board couldn't make the
final decision, but Staff explained that it had to go
through Planning - to this Commission and then back
to the BZA, and if the BZA should turn it down, we could
appeal back to this Board - I guess that's the law and
it does require notification to adjacent residents.

Commissioner Christensen: In other words, even if this
is approved, it still isn't really approved until
notification to the residents and you go before the BZA
and if the BZA does not approve it, it comes back here
again?

Mr. Saylor: That's not quite correct. If you approve a Child Care facility on there tonight, that is approved. What is not approved is the outside play area. That's the only thing in question -

Commissioner Christensen: We are not required under CD Zoning provisions to notify the neighbors of any contemplated change in use?

Mr. Hamilton: May I say something - that is not correct - what you said - because we can't have a Child Care facility without an outside play area. We won't be given a License -

Commissioner Christensen: I understand what you are saying and I understand what he is saying - what I'm trying to find out here - in other words, in changing a use in a CD Zone doesn't require notification . . .

Mr. Saylor: The use itself - no. The change in Plot Plan would, but that is not what the BZA is doing. They are acting on the Variance from the particular requirements in the CD Zone -

Commissioner Christensen: I follow that - what I'm trying to say is - if that was a Savings & Loan, it would be approved?

Mr. Saylor: Right -

Commissioner Christensen: OK - now if somebody came in there and wanted to put a Music School on the corner - would be have to go back again? and notify the property owners?

Mr. Saylor: Not as long as they complied, essentially, to the Plot Plan, which this would with the exception of the play area.

Commissioner Christensen: OK, that answers my question. In other words, the only reason the property owners have to be notified is because of the Variance that is required to put a Child Care facility in a CD Zone?

Mr. Saylor: That's right -

Commissioner Christensen: Have you had any contact with the neighbors?

Mr. Hamilton: Well, we have indirectly - the looked up on the tax rolls to see who they were and in talking to some other people to see what the feeling would be. Since they were not notified of this meeting there was not much sense in going out there door-to-door until we got by this meeting because if we were turned down here we obviously wouldn't apply for the Variance, which would then notify them. If we were approved tonight, we would go to them prior to them being notified at the time we would file for the Variance.

Commissioner Christensen: What you are saying is that if this is approved and the BZA denies the Variance for the outside play area, then the State won't issue you a License and neither would the City?

Mr. Hamilton: That is correct.

Mayor Pro Tem Lurie: What is the time element involved here? If it is approved here tonight and Notices are sent out on the BZA hearing - what are we talking about?

Mr. Hamilton: I think it is August 2nd that we have to file by and then their meeting is on August 26th. We have to file the application first and we have't until we came before you. Didn't we submit the outside elevations? I notice it is not here. We do plan to

CD-2-76
(continued)

build a very aesthetically pleasing building. It will be an improvement.

(Outside Elevation Plan presented for Commission review)

M o t i o n

Commissioner Woofter: I will make a motion to approve the use. They have a long way to go and everybody will be notified and I feel this would get the first step out of the way.

Mayor Pro Tem Lurie: That is my main concern - that the property owners have an opportunity to voice their opinion before this Board or before the BZA. They were all notified it was to be for a Savings & Loan facility and they all agreed so I believe just out of courtesy to the property owners in the area they should all be notified - and I'm sure they will be.

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

A-2-75
Report
Accepted

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

Mr. Saylor: This relates to the filing of the Annexation Report. This is in connection with the annexation of the Las Vegas Dunes, Inc. property north of Tule Springs Park.

The Report contains the information required under the Statutes. I would like to read to you the statements concerning services: The eligibility of the Annexation area - it is contiguous to the boundaries - more than one acre of the aggregate extent of boundary is contiguous - it is now within the boundaries of another incorporated city.

On the proposed services to the area we indicate that police protection, fire protection, streets, etc., will be provided to this area the same as other properties in the City. We indicate there is no City sanitary sewer in the vicinity of this tract, the nearest sewer being a 15-inch line located at Craig Road, which is several miles away. There are utilities in the area provided by other agencies. The area is subject to storm water sheet flow from the west and north coming from outside of the tract. The Master Plan of Streets & Highways indicates that Log Cabin Way, along the south boundary, and Cimarron Road on the west, are to be secondary, 80 ft. wide streets. The property owners in the tract shall meet the requirements of the Public Services Department relative to all off-site improvements as well as the requirements of all other City departments. The developer of the proposed annexation will be responsible for any cost of development to include utilities, drainage and street construction. If construction commences in the annexation area prior to the completion of Annexation Proceedings, construction shall meet all requirements of the City after Annexation Proceedings have concluded.

Page 71
Minutes
Regular Meeting
City Commission
July 21, 1976

The City of Las Vegas will provide police protection, fire protection and when streets are available, street maintenance, street sweeping and street lighting maintenance in the territory proposed to be annexed on substantially the same basis and in the same manner as such services are provided by the City of Las Vegas to the property owners and residents within the remainder of the City immediately prior to the effective date of the Annexation.

A-2-75
(continued)

Mr. Saylor: This Report will be on file in the office of the City Clerk from now until the Public Hearing. Your action is merely to accept the Report.

M o t i o n

Mayor Pro Tem Lurie: I would move to accept the Report.

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

OFFICE OF THE CITY ATTORNEY

CARL E. LOVELL, JR., CITY ATTORNEY

See Pages 74 and 75 of these Minutes (annotated agenda)

DEPUTY
CITY ATTORNEY
Abeyance

GERALD M. WELT - CONTRACT FOR DEPUTY CITY ATTORNEY -
COST SAVINGS

Mr. Lovell: We ask that formal action on anything with reference to a contract be withdrawn. This is a matter that I thought I had approval of the Board on the philosophy of a contract and had the contract prepared. I, however, held it off until the July 7th meeting, anticipating, perhaps an additional full time Deputy to replace those that were leaving the City Attorney's office. At that time I did not anticipate any real problem. Consequently I have become apprised of the fact that the philosophy of contracting may not be in the best interests of the City and would certainly want to consider the contract at this particular time. As a matter of fact, because there was a \$750.00 payment made since we were submitting the same to the Commission - verbally, introductory-wise - as well as through the administration, that amount of money was paid.

However, Mr. Welt did pay that money back today. It was paid pursuant to his old salary as a part-time employee, which was less than that.

In addition to that, for any inconvenience, or procrastination, on my part in not bringing out to the City Commission, I apologize for any lack of coordination and we will watch that in the future, naturally.

There was one other issue with reference to whether I have a part interest in the building where Mr. Welt who, for approximately a year prior to becoming a part-time employee, maintained his offices - whether there was a problem as far as working for the City through the City Attorney's office.

I did not think it was in conflict and did, in fact, yesterday, call the Attorney General's office in Carson City. The Assistant Attorney General was apprised of the circumstances - called me back and advised me he did not think there was a conflict either. As a matter of fact he referred me to a former legal opinion wherein the Lt. Governor of the State and the former Mayor of Las Vegas actually had stock in a corporation and had a contract with local and state governments, and that was not a conflict either. He did not think this particular situation was. I am asking him for a letter confirming the fact and give us a copy to send to each of you so you may rest assured there appears to be no conflict there.

Page 73
Minutes
Regular Meeting
City Commission
July 21, 1976

Further, in the future to avoid any appearance of conflict, this problem may render itself moot because as we may need an additional Deputy, Mr. Welt - who we feel has been doing an outstanding job - we may ask the City Commission to approve him on a full time basis.

ITEM Commission Action Department Action

IV CITY ATTORNEY

A. ADDENDUM TO AGREEMENT BETWEEN CITY OF LAS VEGAS AND T.P. & K. Approved Leavitt - unanimous Mayor & Clerk authorized to sign

B. SUPPLEMENTAL COOPERATIVE AGREEMENT NO. 14c covering the construction of Maryland Parkway from Stewart Avenue to Owens Avenue Approved W - unanimous Same as above

(REGIONAL STREET & HIGHWAY COMMISSION)

C. COOPERATIVE AGREEMENT NO. 61 covering the construction of Cheyenne Ave. between Civic Center Drive and Las Vegas Boulevard North and construction of Pecos Road between Las Vegas Boulevard North and Cheyenne Avenue Approved W - unanimous Same as above

(REGIONAL STREET & HIGHWAY COMMISSION)

D. SUPPLEMENTAL COOPERATIVE AGREEMENT NO. 48a covering the construction of Pecos Road between Flamingo Road and Palora Avenue Approved Lurie - unanimous Same as above

(REGIONAL STREET & HIGHWAY COMMISSION)

E. TRAFFIC SIGNAL AGREEMENT NO. 217-76-012 covering the intersection of Fremont Street and Maryland Parkway. Items E thru J Approved C - unanimous Same as above

F. TRAFFIC SIGNAL AGREEMENT NO. 218-76-012 covering the intersection of Fremont Street and 13th Street

G. TRAFFIC SIGNAL AGREEMENT NO. 219-76-012 covering the intersection of Fremont Street and 15th Street

H. TRAFFIC SIGNAL AGREEMENT NO. 220-76-012 covering the intersection of Wyoming Avenue and Commerce Street

I. TRAFFIC SIGNAL AGREEMENT NO. 221-76-012 covering the intersection of Wyoming Avenue and Industrial Road

ITEM

Commission Action

Department Action

J. TRAFFIC SIGNAL AGREEMENT NO.
222-76-012 covering the intersection
of Cheyenne Avenue and Rancho Road

See Page 31

See Page 31

K. GERALD M. WELT Contract for Deputy
City Attorney (Cost Savings)

Motion to place on
Personnel section
of Agenda for

8/4/76

L. RESOLUTION - CL-084 E.A. 70091
1-015-1 (7) 43 (West Side)

Held at the request
of the City Attorney

ADDITIONAL ITEMS:

1. Law firm of LIONEL, SAWYER &
COLLINS to represent City in
Federal Suit

Approved

C/A to proceed

2. Representative of Public
Defender's Office to be
present at next meeting of
Commission

C/M to present
recommendation

8/4/76 Agenda

DEPUTY
CITY
ATTORNEY
(continued)

Mayor Pro Tem Lurie: Are there any questions by the Commissioners?

(No response)

WEST SIDE
Abeyance

RESOLUTION - CL-084 E.A. 70091 - 1-015-1 (7) 43
WEST SIDE

Mr. Lovell: This is a Resolution whereby the State wishes to abandon part of a highway back to the City of Las Vegas. They don't want it any longer and in order to perfect that, this Resolution has been prepared for you which would, in effect, have you consent to that abandonment back to the City. Therefore, you would have to adopt this Resolution.

Mayor Pro Tem Lurie: Where is it?

Mr. Lovell: It's off Bonanza Road - I was of the opinion you had a copy of it but if you don't, we'll hold it over to the next meeting.

Mayor Pro Tem Lurie: Please see that a copy is made available to all the Commissioners and we will have it before us again on our next agenda.

Do you have anything more, Mr. Lovell?

Mr. Lovell: Yes, I have one walk-on - one is a concern for action and two is a report to you.

INVESTIGATOR
IN OFFICE OF
THE CITY ATTORNEY

I have discussed with each of you prior to the meeting the fact that our Investigator is leaving the end of July (on July 31st) to enter Law School. Dale Haley is his name. His employment was extended through July 31st by you previously.

We would ask that you give us permission to replace the Investigator, Mr. Haley, upon his exit. We have checked with the Finance Department and verified the fact that he is - that that particular position of Investigator - is budgeted in the City Attorney's budget and with Personnel and it also reflects their staffing records.

The particular job of the Investigator in the City Attorney's office is with Consumer Protection and other reports and complaints from citizens relative to various problems throughout the community. The Investigator has been very active on certain adult-oriented businesses - jam auctions and other similar types of projects. One of the latest, for example, being complaints from tenants in mobile home parks as to the treatment and conditions in the mobile home parks themselves.

Mayor Pro Tem Lurie: What you are asking for is to keep the position of Investigator open?

Mr. Lovell: And approve a replacement.

Mayor Pro Tem Lurie: If we approve the replacement you will then find a replacement?

Mr. Lovell: Right - he will have to be ratified through the City Manager, of course.

Mayor Pro Tem Lurie: I move for approval.

Commissioner Leavitt: I would like to request that this matter be referred to the City Manager's office and also to the Personnel Department.

INVESTIGATOR
(continued)

Motion
Withdrawn

Mayor Pro Tem Lurie: I withdraw my motion.

Commissioner Leavitt: I think the matter should come to us through the Personnel agenda. I would like to have the clearance of Finance and Personnel and have the matter referred to the City Manager. It could appear on the August 4th Agenda. I just think the proper procedure is to run it through the City Manager's office and the Personnel Department.

Mr. Lovell: That is no real problem -

Mayor Pro Tem Lurie: Is there some misunderstanding? The position is already there - it has been created. All he is asking for is to fill the position after the individual who is there now, leaves.

Commissioner Leavitt: Whenever that happens I want somebody from the City Manager's office look at it to be sure it is in the budget - have the Personnel Department check it and bring it in on the Personnel portion of the agenda.

Mayor Pro Tem: Then it will appear on the August 4th agenda for the Personnel Department.

REPORT -
SHOW TICKET
SALES

Mr. Lovell: I have two reports for you: First of all we have been working with the City Manager's office and are contacting the various hotels throughout the City of Las Vegas, as well as in the County, regarding possible ordinance restrictions and regulations on the Sale of Tickets to Shows, etc.

We were asked to do so by the City Manager to see what the feeling is in the community insofar as the hotels and businesses are concerned.

CHARITABLE
SOLICITATIONS

The second thing is that we are looking into the adoption of certain regulations for the times, locations and places for Charitable Solicitations. We have a Charitable Solicitations ordinance now which requires a particular Permit, but it does not presently regulate or restrict when and where charitable solicitations can occur. There has been some concern with certain types of charitable activity that we are taking a close look at at this time. If you have any input, I would appreciate your comments.

That is all I have for today's agenda.

PUBLIC
DEFENDER
Discussion

Mayor Pro Tem Lurie: I have one item: You sent us a memo that somebody from the Public Defender's office was supposed to appear -

Mr. Lovell: That was the original aspect - I talked with Mr. Adams and he indicated that the committee of the Commission here would work with him and the County Administrator to come to a conclusion first - before bringing it before the full Board.

Commissioner Woofter: I might add here, Mr. Lovell - the sooner, the better. It's been hanging now for some time -

Page 77
Minutes
Regular Meeting
City Commission
July 21, 1976

Mayor Pro Tem Lurie: Based on all the committees we have and the answer that your office has given us, it seems to me that the Public Defender has the obligation and cannot refuse to perform his duties as imposed by statutes . . .

Mr. Lovell: That's exactly right in our opinion, and after we issued our opinion the Public Defender agreed that, by statute, it is their obligation to represent indigents in the County and all municipal incorporated cities.

His desire, however, is not to be paid as he was in the past - that is, on a case basis every six (6) months and give us a bill on that basis - but he would prefer having the City pay for two (2) full time Public Defenders and place offices here in City Hall, rather than the billing method.

The only other two options he had were to do nothing or hire your own attorneys to do it -

Commissioner Woofter: If we do nothing, he is still obligated -

Mr. Lovell: That's right -

Mayor Pro Tem Lurie: Do you think he can appear before us at the next meeting?

Commissioner Leavitt: I would like to have the City Manager look into this and have a recommendation for the Board, one way or the other.

BILL
No. 76-40
Adopted

Ordinance
No. 1833

BILL No. 76-40 - AMENDING I-5-6 TO DELETE THE TIME PROVISIONS FOR THE REGULAR MEETINGS OF THE BOARD OF CITY COMMISSIONERS

Committee: Commissioners Leavitt and Woofter

Published by Title 7/14/76 L.V. SUN

Commissioner Leavitt: This ordinance is recommended for adoption.

A Bill entitled: " BILL No. 76-40 - ORDINANCE No. 1833 - AN ORDINANCE TO AMEND TITLE I. CHAPTER 5, SECTION 6 TO DELETE THE TIME PROVISIONS FOR THE REGULAR MEETINGS FOR THE BOARD OF COMMISSIONERS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the City Attorney. (2nd reading)

Commissioner Leavitt moved that Bill No. 76-40, Ordinance No. 1833) be ADOPTED and the Clerk authorized to proceed with the second publication, by Title, of said Bill No. 76-40, Ordinance No. 1833.

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

BILL
No. 76-51
Adopted

Ordinance
No. 1834

BILL No. 76-51 - ORDINANCE CONFIRMING PROCEEDINGS
AND LEVYING ASSESSMENTS FOR SPECIAL IMPROVEMENT
DISTRICT No. 414

Committee: Commissioners Christensen and Leavitt

Bill No. 76-51 moved out of Committee favorably

Published by Title 7/14/76 L.V. SUN

A Bill entitled: "BILL No. 76-51 - ORDINANCE No. 1834 - AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN PROVIDING FOR CERTAIN STREET IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT No. 414; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING THE COSTS AND EXPENSES OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SAID IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE BOARD OF COMMISSIONERS AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE INSTALLATION OF SAID IMPROVEMENTS IN SAID DISTRICT AND PRESCRIBING DETAILS IN CONNECTION THEREWITH, AND OTHER MATTERS RELATING THERETO" was read by Title by the City Attorney. (2nd reading)

Commissioner Christensen moved that Bill No. 76-51, Ordinance No. 1834, be ADOPTED, and the Clerk authorized to proceed with the second publication, by Title, of said Bill No. 76-51, Ordinance No. 1834.

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

BILL
No. 76-53
Adopted

Ordinance No.
1835

BILL No. 76-53 - AMENDING TITLE XI, CHAPTER 1,
SECTIONS 3, 21, 22 AND 23 - TO PROVIDE FOR THE LOCATION
OF CUSTODIAL INSTITUTIONS BY MEANS OF USE PERMIT IN
C-M, M AND C-V ZONES

Committee: Commissioner Woofter and Mayor Briare

Bill No. 76-53 moved out of Committee favorably

Published by Title 7/14/76 L.V. SUN

A Bill entitled: "BILL No. 76-53 - ORDINANCE No. 1835 - AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTIONS 3 (B), 21 (A), 22 (C) AND 23 (B) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960 EDITION, BY ADDING THERETO A DEFINITION OF CUSTODIAL INSTITUTIONS AND TO PROVIDE FOR THEIR LOCATION BY USE PERMIT IN C-M AND C-V ZONES, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the City Attorney. (2nd reading.)

Commissioner Woofter moved that Bill No. 76-53, Ordinance No. 1835, be ADOPTED and the Clerk authorized to proceed with the second publication, by Title of said Bill No. 76-53, Ordinance No. 1835.

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

Page 79
Minutes
Regular Meeting
City Commission
July 21, 1976

BILL
No. 76-Z-1
Adopted

BILL No. 76-Z-1 - REZONING OF PROPERTY COVERED BY
Z-5-63 ZONING ACTION

Committee: Commissioners Leavitt and Christensen

Ordinance
No. 934-228

Bill No. 76-Z-1 moved out of Committee favorably

Published by Title 7/14/76 L.V. SUN

A Bill entitled: "BILL No. 76-Z-1 - ORDINANCE No. 934-228 - AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 3 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY AMENDING THE LAND USE PLAN MAP ADOPTED BY THE CITY OF LAS VEGAS, AND CHANGING THE ZONING DESIGNATION OF SAID MAP" was read by title by the City Attorney. (2nd reading)

Commissioner Leavitt moved that Bill No. 76-Z-1, Ordinance No. 934-228, be ADOPTED, and the Clerk authorized to proceed with the second publication, by Title, of said Bill No. 76-Z-1, Ordinance No. 934-228.

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

SPECIAL
COUNSEL
Abeyance

DECISION re ATTORNEY VERN ALBRIGHT CONTINUING TO REPRESENT THE CITY OF LAS VEGAS AS SPECIAL COUNSEL IN THE CASE OF CITY OF LAS VEGAS v. CITY OF NORTH LAS VEGAS

Committee: Commissioners Leavitt and Woofter

Commissioner Leavitt: I have received a communication that indicated that Vern Albright was going to be out of town on vacation for the whole month of July. When he returns we will get a report on this matter.

Mayor Pro Tem Lurie: That matter then, will be held in abeyance.

BILL
No. 76-28
Public Hearing
Set

BILL No. 76-28 - AMENDING TITLE X, CHAPTER 17, SECTION 7 (G) re ENFORCEMENT OF SITE RESTRICTIONS CONCERNING RECREATIONAL VEHICLES PARKING NEAR INTERSECTIONS

Committee: Commissioners Christensen and Lurie

Commissioner Christensen: I think we ought to have a Public Hearing on this proposed Bill because I think it is one that could create a real hardship on some people concerning some of the height restrictions, etc and I think the public should be aware of this ordinance before it is adopted. We can set it for whatever date we want, just so we get a Notice out -

Question: Do you want to run a Block Ad on it?

Mayor Pro Tem Lurie: I think we should run a regular Block Ad and schedule it for our August 18th meeting at 9:30 on the 18th -

Question: 9:30 or 10:00? 10:00 A.M. is the time set for Public Hearings at Regular Meetings -

Mayor Pro Tem Lurie: On August 18th at 10:00 A.M.

BILL
No. 76-30
1st Reading
& Referred

BILL No. 76-30 - AMENDING V-17-6 (A) 3 BY CHANGING
THE MINIMUM NUMBER OF HOTEL ROOMS NECESSARY TO OBTAIN AN
UNRESTRICTED GAMING LICENSE

Committee: Commissioners Woofter and Christensen

Date set for
Public Hearing

BILL No. 76-30 moved out of Study Committee

A Bill entitled: "BILL No. 76-30 - ORDINANCE No. _____ - AN ORDINANCE TO AMEND TITLE V, CHAPTER 17, SECTION 6 (A) 3 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, PERTAINING TO DISTRICTS WHEREIN GAMBLING IS PERMITTED BY CHANGING THE MINIMUM NUMBER OF HOTEL ROOMS NECESSARY TO OBTAIN AN UNRESTRICTED GAMING LICENSE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the 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. 76-30.

Mayor Pro Tem Lurie appointed Commissioners Woofter and Christensen as the Recommending Committee on Bill No. 76-30.

Commissioner Christensen: I would like to request the City Clerk to notify any persons who have pending applications.

Mayor Pro Tem Lurie: Should we possibly also run the same type of a Block Ad in the newspaper advertising a Public Hearing on this Bill?

Commissioner Christensen: I think if this Bill is passed we have a possible problem - the grandfather situation - where people with pending applications might have a very legitimate complaint. I think they should at least be notified so they can be here.

Mayor Pro Tem Lurie: A Block Ad in the paper would help to notify all interested parties -

BILL
No. 76-34
1st Reading
& Referred

BILL No. 76-34 - REPEALING CERTAIN SECTIONS OF TITLE X - TRAFFIC CODE

Committee: Commissioners Lurie and Woofter

Bill No. 76-34 moved out of Study Committee

A Bill entitled: "BILL No. 76-34 - FIRST AMENDMENT - ORDINANCE No. _____ - AN ORDINANCE TO AMEND TITLE X OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, RELATING TO TRAFFIC, BY REPEALING SECTION 11 OF CHAPTER 3 PERTAINING TO ENFORCEMENT; REPORTS; FINE (NON-MOVING VIOLATIONS). BY REPEALING CHAPTER 17, SECTION 29 RELATING TO STOPPING, STANDING OR PARKING; PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. BY AMENDING CHAPTER 21, SECTION 1, PERTAINING TO TRAFFIC ARRESTS AND CITATIONS; FORMS AND RECORDS OF TRAFFIC CITATIONS AND ARRESTS. BY REPEALING SUBSECTIONS (B) AND (D). BY AMENDING CHAPTER 21, SECTION 4 PERTAINING TO FAILURE TO OBEY CITATION TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE HIS WRITTEN PROMISE TO APPEAR IN COURT UPON ISSUANCE OF A TRAFFIC CITATION AND PENALTY THEREFOR. BY AMENDING CHAPTER 21, SECTION 5 PERTAINING TO WHEN COPY OF CITATION SHALL BE DEEMED A LAWFUL COMPLAINT; TO REFLECT APPROPRIATE CITATION FORM AS PROVIDED IN OTHER SECTIONS OF THE MUNICIPAL CODE, AND BY REPEALING CHAPTER 21, SECTION 6 PERTAINING TO CITATION ON ILLEGALLY PARKED VEHICLE, SECTION 7 PERTAINING TO FAILURE TO COMPLY WITH CITATION ATTACHED TO PARKED VEHICLE, SECTION 8, PERTAINING TO WHEN SUMMONS TO BE ISSUED; METHOD OF SERVICE, SECTION 9; FAILURE TO OBEY SUMMONS, SECTION 10, PERTAINING TO IMPOUNDING VEHICLES, AND SECTION 11 PERTAINING TO AUTOMOBILE IMMOBILIZERS

Page 81
Minutes
Regular Meeting
City Commission
July 21, 1976

BILL
No. 76-34 -
FIRST
AMENDMENT
(continued)

AUTHORIZED; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the City Attorney who recommended that it be referred to Committee and the Clerk authorized to proceed with the 1st publication, by Title of said Bill No. 76-34, First Amendment. (1st reading)

Mayor Pro Tem Lurie appointed Commissioners Lurie and Woofter as the Committee for Recommendation on Bill No. 76-34, 1st amendment.

BILL
No. 76-35
1st Reading
& Referred

BILL No. 76-35 - AMENDING TITLE X BY ADDING A NEW CHAPTER 21 (A) - PARKING (NON-MOVING) CITATIONS AND ENFORCEMENT.
Committee: Commissioners Lurie and Woofter

Bill No. 76-35 moved out of Study Committee

A Bill entitled: "BILL No. 76-35 - AN ORDINANCE TO AMEND TITLE X OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY CREATING A NEW CHAPTER TO BE DESIGNATED 21 (A) AND ENTITLED 'PARKING (NON-MOVING) CITATIONS AND ENFORCEMENT' CONSISTING OF NINE (9) SUBSECTIONS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES INCONFLICT 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 1st publication, by Title, of said Bill No. 76-35. (1st reading)

Mayor Pro Tem Lurie appointed Commissioners Lurie and Woofter as the Committee for Recommendation on Bill No. 76-35.

BILL
No. 76-39
1st Reading
& Referred

BILL No. 76-39 - AMENDING XI-1-19 (D) - TO PROVIDE FOR AMBULANCE FACILITIES TO BE LOCATED IN C-1 ZONES
Committee: Commissioners Chrisensen and Woofter

Bill No. 76-39 moved out of Study Committee

A Bill entitled: "AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 19 (D) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING ANOTHER SUBSECTION THERETO TO PROVIDE FOR AMBULANCE FACILITIES TO BE LOCATED IN A C-1 ZONE PURSUANT TO A USE PERMIT; 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 1st publication, by Title, of said Bill No. 76-35. (1st reading)

Mayor Pro Tem Lurie appointed Commissioners Christensen and Woofter as the Committee for Recommendation on Bill No. 76-39.

BILL
No. 76-50
1st Reading
& Referred

BILL No. 76-50 - AMENDING X-17-33 TO PROVIDE THAT THE UNLAWFUL PARKING OF VEHICLES ON CITY-OWNED OR OPERATED PARKING LOTS CONSTITUTE A NUISANCE PER SE, AND TO PROVIDE FOR THE PAYMENT OF A FEE PRIOR TO RELEASE OF A VEHICLE FROM IMMOBILIZATION OR IMPOUNDMENT
Committee: Commissioners Lurie and Woofter

Bill No. 76-50 moved out of Study Committee

A Bill entitled: "AN ORDINANCE TO AMEND TITLE X, CHAPTER 17, SECTION 33 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGA, NEVADA, 1960 EDITION, BY PROVIDING THAT THE UNLAWFUL PARKING OF VEHICLES ON CITY-OWNED OR OPERATED PARKING LOTS CONSTITUTES A NUISANCE PER SE, AND TO PROVIDE

Page 82
Minutes
Regular Meeting
City Commission
July 21, 1976

BILL
No. 76-50
(continued)

FOR THE PAYMENT OF A FEE PRIOR TO RELEASE OF A VEHICLE FROM IMMOBILIZATION OR IMPOUNDMENT; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by Title by the City Attorney, who recommended that it be referred to a Recommending Committee and that the Clerk be authorized to proceed with the 1st publication, by Title, of said Bill No. 76-50. (1st reading)

Mayor Pro Tem Lurie appointed Commissioners Lurie and Woofter as the Committee for Recommendation on Bill No. 76-50.

BILL
No. 76-52
1st reading
& Referred

BILL No. 76-52 - AMENDING V-29-27 - PROHIBITING MASSAGE BY A PERSON OF THE OPPOSITE SEX
Committee: Commissioners Leavitt and Lurie

Bill No. 76-52 moved out of Study Committee

A Bill entitled: "BILL No. 76-52 - AN ORDINANCE TO AMEND TITLE V, CHAPTER 29, SECTION 27 OF THE CITY CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, ENTITLED 'UNLAWFUL ACTIVITIES' BY ADDING THERETO A NEW SUBPARAGRAPH PROHIBITING MASSAGE BY PERSONS OF THE OPPOSITE SEX; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the City Attorney, who recommended that it be referred to a Recommending Committee and that the Clerk be authorized to proceed with the 1st publication, by Title, of said Bill No. 76-52. (1st reading.)

Mayor Pro Tem Lurie appointed Commissioners Leavitt and Lurie as the Committee for Recommendation on Bill No. 76-52.

Mayor Pro Tem Lurie: Are there any other items of business to come before the Commission at this time?

(No response)

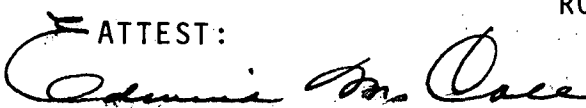
Mayor Pro Tem Lurie: I have one item that I would like the City Manager's office to look into, and that is concerning the new Freeway and our Fire Station located at Upland and Jones, on the accessibility to the Rainbow section of the City when that Freeway is under construction. I would like a report on the time element from the Station to the residential area. There might be some detours there. Also a report on the possibility of Alta Blvd. being cut through.

There being no further business to come before the Commission, at the hour of 8:35 P.M. Mayor Pro Tem Lurie declared this regular meeting of the Board of City Commissioners A D J O U R N E D.

APPROVED


RON LURIE, MAYOR PRO TEM

ATTEST:


EDWINA M. COLE, CMC
CITY CLERK

Page 83
Minutes
Regular Meeting
City Commission
July 21, 1976

APPROVED BY REFERENCE at a Regular Meeting of the Board of City Commissioners held on the 15th day of December, 1976.