

M I N U T E S

Las Vegas, Nevada
September 15, 1976

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 15th day of September, 1976, was called to order by His Honor, Mayor William H. Briare, at the hour of 9:00 a.m., with the following members present:

Mayor
Commissioner
Commissioner
Commissioner
Commissioner

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

STAFF
PRESENT

City Manager
City Attorney
Director, Department of
Business Activity
Director, Department of
Community Planning &
Development
Director, Department of
Cultural Services
Director, Department of
Financial Management
Director, Department of
Department of Fire Services
Director, Department of
Funds Coordination &
Projects
Director, Department of
Municipal Services
Director, Department of
Personnel & Employee
Relations
Director, Department of
Public Services
City Clerk

William E. Adams
Carl E. Lovell, Jr.
Ila M. Britt
Donald J. Saylor
Harold Foster
Marvin A. Leavitt
Chief J. D. Miller
Bruce Spaulding
J. C. Cathcart
J. Robt McPherson
Laurence Hampton
Edwina M. Cole

INVOCATION

The Invocation was given by Rev. Kenneth Forshee, Pastor
First Christian Church:

"Let us Pray. Gracious God, Our Father, as we commence this meeting together, we acknowledge Your Sovereignty over all of life. We Pray for Your Leadership and Direction in all ways and in every dimension of our lives. You know, Father, that it is difficult for those who aspire to, and reach, levels of leadership - it is difficult to make decisions that will be pleasing to all persons affected, but we Pray, Father, that always all our decisions may be pleasing in Your Sight. Ultimately as they are pleasing in Your Sight, it will be for the good of the greatest number of persons. We Pray for Strength and Wisdom and Insight for those who are the Commissioners of this City; those who are filling roles of responsibility as employees of the City, for we recognize, Father, the great

responsibility that rest upon their shoulders. We Pray then, Father, that Your Will shall be done and that the greatest good for the greatest number of people shall be achieved. We Pray that you will receive our Prayer, Father, in the Spirit in which it is offered. Amen."

PLEDGE OF
ALLEGIANCE

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

City Manager, William E. Adams: The first item before you, Your Honor, is the matter of the Las Vegas Zoo which was held for consideration at this time.

We were asked to go through the financial status of the Zoo. This was done and it is our recommendation that the City not proceed with the requested \$5,000.00 donation unless we can have assurance and can be shown that the other problems we have found in their financial matters are rectified.

Mayor Briare: Is there anyone in the audience wishing to make any comments in this regard?

Mr. Emerson, Director of Las Vegas Zoo and Mr. Coburn, of Zoo staff:

Mr. Emerson: It seems that we have some problems that we know about and some that maybe we're not real sure about. I would ask Mr. Adams to elucidate on the remaining problems so we can go ahead and deal with them.

Above and beyond our need for \$5,000.00 or any other donation we could get from this group - are the problems that have been alluded to that we have to take care of, I'd like to know . . .

Mayor Briare: Have not had the opportunity to discuss this with Mr. Adams?

Mr. Emerson: I haven't discussed them personally, but Mr. Coburn has. I think that we can dispense with one part of our total indebtedness rather well - and that is the \$10,000.00 loan which is secured by a private party. It is a Note and renewable, of course, and I think you can take that off our total indebtedness because we have the ability to deal with that as it is secured by a private party. It's not the kind of thing where somebody is beating down the door trying to get \$10,000.00 away from us every day. So that cuts our indebtedness approximately in half - according to the figures I see in the newspapers, that figure seems to increase every time I see them -

Mayor Briare: You indicated you have not talked with Mr. Adams - is that correct?

Mr. Emerson: Right.

Mayor Briare: And you are the Director of the Zoo?

Mr. Emerson: Right.

Mayor Briare: Mr. Coburn, you have talked with Mr. Adams about this situation?

Mr. Coburn: Yes, I have.

Mayor Briare: Do you take exception to the Report?

Mr. Coburn: OK - the Report does not state - the \$20,000.00 that we are discussing at this time would entail expansion - some of the exhibits that we are presently doing, plus some things that are included on the list is the \$10,000.00. That is a secured Note. So what Mr. Emerson just said about the \$10,000.00 as far as being a debt to us, is financially stable. We don't have any problem with that \$10,000.00 Note.

Mayor Briare: But nevertheless you owe it -

Mr. Emerson: We owe it, but it is not an emergency item. I think we have fewer emergency items than one would gather from the material that has been appearing in the Press.

Mr. Coburn: We came here with the understanding on this \$5,000.00 request - that figure was given to us through your Board that there was only an \$8,000.00 fund that you would draw this \$5,000.00 from so you felt at the time you should leave a \$3,000.00 cushion. OK, we understood at the time that the \$5,000.00 was all that would be available to us. At that time I also mentioned that the \$5,000.00 would not cover the things we are initially doing. The \$5,000.00 was mentioned for Capital Improvements on a \$500.00 a month basis for ten (10) months. To the Public now, at \$500.00 a month, they would not see very much in results at \$500.00 a month on Capital Improvements. You know yourselves how little \$500.00 buys.

The \$5,000.00 was simply a token suggestion. This was to get the City involved so that the Public itself would be aware, and have more feeling that you gentlemen are involved with the Zoo.

The Zoo itself started, you know, a little on the shady side insofar as it didn't have enough things down on paper - it should have had more written agreements instead of just verbal agreements. We were kind of under the impression there would be more enthusiasm and more involvement on the part of the City. That did not occur. This is something we've been trying to overcome for such a long time now - it's been about three years - these things that we are continually put to - put to the test on, such as Where is the City? Why aren't they doing this? Why aren't they doing that? These are questions brought to us daily by people that live here in Las Vegas. We are providing strictly a service that we don't feel that the City wants to get involved in.

You don't have the money to open a Zoo. Almost all major cities have Zoos, and they are funded, one way or another through Federal Grants, through Local Government. We have not come to you before for any money. This is the first time in three years we've been here for any money, and we wouldn't be here now except for the fact that we are to a point where we are ready to verge on a large campaign, and we want the City's support. There are too many people that feel the City should get involved before the community. And the understanding and some of the feelings I get from City Officials, etc., is that they would like to see the community get involved first. We are in kind of an awkward position here of which came first - the egg or the chicken?

This is a function we feel that the City should participate in, one way or another. So we are here asking for your support, not only verbally, as being the City Fathers and trying to help the community with the project that

L.V. ZOO
(continued)

we can provide and cost you very little in comparison to what it may cost you to open a Zoo yourselves in three or four years. We are just trying to get some funds to get it started.

We have a lot of private people who will get involved and have mentioned certain figures they would be more than happy to donate to the Zoo. They would like to see the Zoo here. They would like to see it expand, but they still want to see the City behind it. They are not going to get involved in politics.

So we are here strictly to ask if you people will make some kind of a commitment, or get involved with us, to the position where we can go out and start getting these people who want to help, but they don't want to get involved in the political end of it.

Commissioner Leavitt: Mayor, I requested that this matter be held in order to have a financial review. At the same time I asked if you would make your books available to our Finance Director?

Mr. Coburn: You certainly did -

Commissioner Leavitt: You will also recall that you indicated that you expected the City would have more enthusiasm and that there was nothing in writing. You will also recall that I indicated to you that this was all new to me because any agreements regarding the Zoo would have been by a previous Board -

Mr. Coburn: Yes.

Commissioner Leavitt: As I understand it has contributed the land - is that correct?

Mr. Coburn: We are sitting on City land without a Lease Agreement right now, which I don't understand how that came about, but it was agreed upon by the previous Board.

Commissioner Leavitt: But the City did provide the land?

Mr. Coburn: Yes, you certainly did.

Commissioner Leavitt: There was a representation made here to the effect that this \$5,000.00 would be used for Capital Improvements -

Mr. Coburn: Yes -

Commissioner Leavitt: Now your Financial Report shows that you are \$20,000.00 in the red. That kind of makes me a little bit concerned. When I requested to see what kind of financial situation you were in - you indicated the last time that people were not getting salaries and there was the possibility of people quitting, etc.

Mr. Coburn: That is correct.

Commissioner Leavitt: These are the things that bother me. What I'm concerned about is whether or not, in view of these conditions, financially, whether this \$5,000.00 would be used for Capital Improvements, and whether or not you first should get yourselves in some kind of financial stability before the City becomes involved, because I don't think it is our responsibility to pull you fellows out of a financial situation that a private organization has gotten into. You indicate that the \$10,000.00 Note is by a private party. We also had an indication that no payment had been made on that Note for three years.

Mr. Coburn: I don't know where you got that - we pay that on a quarterly basis and that is up to date -

Commissioner Leavitt: What was the amount of the original Note?

Mr. Coburn: The original Note was for \$10,000.00

Commissioner Leavitt: It is \$10,000.00 now -

Mr. Coburn: On that Note - yes. We are paying interest on the Note itself.

Commissioner Leavitt: So you still owe the \$10,000.00 -

Mr. Coburn: Certainly -

Commissioner Leavitt: That's the thing that concerns me. I think perhaps it might be better if your organization got itself in a little better financial situation before the City starts to get involved.

Mr. Coburn: This is the point I am trying to get across: The Public - the people that come out to us daily that you never see - continually ask us why the City is not more involved. We don't have much of an answer.

Commissioner Leavitt: Why don't you tell them the City gave you the land?

Mr. Coburn: We do - we tell them exactly what the City has done.

Commissioner Leavitt: As I see it, we have to decide at this point whether we want to get into the Zoo business or not.

Mr. Coburn: We're not saying we think you should get into the business. We're saying that sooner or later the community is going to ask for a Zoo if we're not here, and the City itself will have to put out the money. We're not saying that right now you are going to have to put out Five Million Dollars to open up a Zoo, or start a Zoo off, but that is what the figures run when you open a Zoo - a large Zoo of any size. We're trying to provide a service here -

Commissioner Leavitt: You opened short of Five Million -

Mr. Coburn: Quite a bit short - you'd better believe it - You know there was a gentleman working for the City that started this Project off, and he was in this Project for over a year and a half - more like two and a half years prior to the Zoo itself.

Commissioner Leavitt: Well, there are a lot of things we would like to have in the community, but sometimes can't afford. This is the situation we are in right now. In view of this, I think that until such time as the Zoo gets in a little better financial stability and we know that the \$5,000.00 will be used for Capital Improvements and not used to pay off back debts -

Mr. Coburn: Well, I think you could have a thumbprint on a handle on that very easily. We don't intend to pay off any back debts . . .

Commissioner Leavitt: If you use it for Capital Improvements, you are going to have to shut down.

Mr. Coburn: We're not going to shut down. The gentlemen I talked to - I explained our future program as far as the

money we have coming in.

Commissioner Leavitt: And I explained to you that you are \$20,000.00 in the hole. I hope you are right. I hope in six months that you are right up there and you've made all the money and you get all those donations. I hope you're right. But, right now, you are \$20,000.00 in the hole.

Commissioner Lurie: Mayor, I would just like to point out a couple of things that Jim (Coburn) brought up about the City not participating.

Again, I will go back to the land. Based on the figures I have, the City gave you 200 acres of land -

Mr. Coburn: We have that on a Lease Agreement - yes -

Commissioner Lurie: That amounts to about \$160,000.00 that we gave the Zoo. Right now you are on a location you don't have a Lease on - the City still supports the Zoo. I don't like to have you feel that the City is going to have you move, or try to do away with the Zoo, because that is not the intention.

When I brought this item on for the agenda, I was misled to believe that \$3,500.00 would clear up the problems you had at the Zoo. Then it was \$5,000.00. Then when we reviewed the books, we are up to \$20,000.00.

I still believe that for the Zoo to be successful, in some way the City is going to have to participate. Relative to the Capital Improvements you need immediately, maybe the City can provide those funds, but I want to know and have assurance that the Zoological Society is going to start working to provide the things you need out there at the Zoo - like the intention was three years ago and now you are coming back to us.

I believe the City should subsidize some of the operations out there at the Zoo, because it improves our property out there at Tule Springs. But the fact is, what assurance do we have that the people are going to work and go out and get memberships to support the exhibits -

Commissioner Leavitt: Didn't we have one group - a private organization - that operated a Zoo out there and who went bankrupt?

Mr. Coburn: That was not a Zoo. That was the gentleman that came in here and created a lot of problems for us and left with a lot of money that belonged to the local people - he called that an Animal Preserve.

Commissioner Leavitt: It was at practically the same location - right next to it - right?

Mr. Coburn: Yes it was.

Commissioner Leavitt: And it was a private organization that went bankrupt - is that correct?

Mr. Coburn: It was a Commercial organization -

Commissioner Leavitt: Private or Commercial - they went bankrupt -

Mr. Emerson: It makes a lot of difference in the deductible items and such as this - the kind of help that you can get when it is limited to private investors and the business you do.

Commissioner Leavitt: He didn't make a profit at it -

Mr. Coburn: He made a profit and left town with it - that's what he did.

Mr. Emerson: It is very well documented that the local vendors got left holding the bag on that.

Mr. Coburn: The figures that we are talking about are very small as compared what the overall cost would be to the City to operate a Zoo - that's what we are trying to get across. We're not trying to get you into the business - we don't want the City involved in the Zoo to a point where they would run it. We understand you have enough other things -

Commissioner Leavitt: We are involved - we gave you the land.

Mr. Coburn: I also notice that since the Park has been there has been a big, lovely sign - the City says - including these things will be in the future. It also includes a Petting Zoo. I have yet to see a City Zoo out there and that's been eleven years now. All the programming, etc., and all the baseball diamonds - all of these other things you've been doing - I don't see any Zoo or anything else for the community other than what we have done. This is something we would like to get across - something we feel you should be more involved in. I have seen only one of you Commissioners out there at the Zoo. I don't know of any of the others besides Commissioner Lurie that has been out there. I think that is rather a poor showing for the City Fathers not to be there.

Mayor Briare: You keep saying you don't want to make this political, but you're sure doing a good job of it - I've been out there - please don't stand there and discuss whether we go out to your Zoo or not -

Mr. Coburn: No - I was trying to bring out the point that the sign at the Park says there is going to be a Zoo there and we would just like to have the City actively involved in that.

Commissioner Leavitt: There are a lot of things I would like to see the City involved in, but it's a question of whether we can afford it.

Mr. Coburn: That's fine.

Mayor Briare: Is there anything else that the gentlemen from the Zoo wish to present at this time?

(No response)

Mayor Briare: Are there any further remarks by the Commissioners?

(No response)

Mayor Briare: Commissioner Lurie, I gather from the record that this was discussed two weeks ago when I was not able to be here, so would you refresh the Board as to what is before us here? Is there a motion before the Board?

Commissioner Lurie: No, Mayor, there was no motion. The action was that Commissioner Leavitt requested that the Zoo submit its books to the Director of Finance for review, and then he was to come back with a recommendation.

I know the recommendation at this time is not to spend any funds for the Zoo, but I would like to say I would hope the Commissioners would leave it open at this time

L.V. ZOO
(continued)

so the Zoo can work out some of their financial problems and the City would do some work out there to help them improve the area.

Commissioner Leavitt: My understanding is that the recommendation is not to furnish any funding at this time - is that correct?

Mr. Adams: That is correct -

Commissioner Leavitt: But that doesn't mean they can't renew their request?

Mr. Adams: That is correct.

M o t i o n

Commissioner Leavitt: I move we follow the recommendation of the City Manager.

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

LORENZI PARK
POOL
Use
Approved

USE OF LORENZI PARK POOL BY SCHOOL DISTRICT (R.O. GIBSON
JR HIGH SCHOOL)

See Page 9 of these Minutes (Request)

Mayor Briare: Each of the Commissioners have been furnished with a copy of the request on this matter. What is the pleasure of the Board?

M o t i o n

Commissioner Lurie: I would move for approval as recommended by the City Manager.

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

TULE SPRINGS
PARK - WATER

COMMUNICATION FROM H. R. KNOLLER DATED SEPTEMBER 1, 1976
re WATER AT TULE SPRINGS

Mr. Adams: The next item before you is the request of H. R. Knoller for water rights at Tule Springs in conjunction with property that was purchased and is presently owned by Mr. Knoller adjacent to our property at Tule Springs. The deed apparently originally mentioned water rights from the Tule Springs operation.

Commissioner Woofter: I believe this involves a legal question which the City Attorney's office should review before we take any action. Therefore I would request that this communication be held until such time as the City Attorney can report to the full Board with regard to our responsibility to supply water to Mr. Knoller's property.

Commissioner Leavitt: Is it possible we could have this Report by the next meeting?

Commissioner Christensen: I think we already have a legal opinion on it. We've heard this once before here and part of the back-up material was a Legal Opinion given to us at that time. It is the same thing -

Commissioner Leavitt: We had a Legal Opinion in October of 1974 - is that right?

Mr. Adams: That is correct.

Mayor Briare: Mr. Knoller, you are suggesting that

CITY OF LAS VEGAS

Date
September 8, 1976

INTER-OFFICE MEMORANDUM

TO:

MAYOR BRIARE
CITY COMMISSIONERS

FROM:

W. E. Adams

W. E. ADAMS, City Manager

SUBJECT:

SCHOOL DISTRICT USE OF LORENZI POOL

COPIES TO:

A request was received from the R. O. Gibson Jr. High School for the use of Lorenzi Park pool through October 8th during the weekdays. This would allow the Jr. High School to enter the same type of program as the other Jr. High Schools.

It is of minimum cost to the City, approximately \$200. per week. Because of the emergency involved, I approved the continued use for the Jr. High School. Since this is the first year involved, after its conclusion, I will properly come back with a recommendation so that it can be added to the Joint Powers Agreement with the School District for the use of all swimming pools adjacent to Jr. High Schools and the Lorenzi Pool.

In the meantime, I will be discussing with Dr. Guinn other items of mutual interest such as, AAU Meets and the possibility of indoor pools.

rme

CL 1

Page 9

Minutes

Regular Meeting

City Commission

Sept. 15, 1976

agreement allowed you the privilege of taking water?

Mr. Knoller: That you would furnish water to me.

Mayor Briare: And there is another side of the story that says you are not allowed to take this water - Obviously, that seems to be the point of contention and I don't know that we should try to determine . . .

Mr. Knoller: No - they said "if they have excess water" and at that time they said they had no excess water. Now, four weeks ago, they gave the State a lot of water and told how many millions of gallons of excess water they did have - contrary to what was told me three years ago.

Chief Deputy City Attorney, Janson F. Stewart: Mayor, if I may respond to that: Our Permit given to us by the State Engineer, Water Resource Department - our Water Permit is very limited. We are not allowed to sell or give water out. The well water provided to the State was for use on our own property. That water belongs to that property and it is proper to use that on the property. What we are talking about now is taking the water away from the property on to another piece of property and I don't think our Permit with the State will allow it.

Mr. Knoller: Well, the deed holds that part of the consideration of the sale of the property, originally, was the water rights. That was part of the consideration. If the consideration fails, the whole deal is finished.

Mayor Briare: What occurred back then is something that some of us on this Board can have no knowledge of. If it is a legal matter, it seems to me that Commissioner Woofter's suggestion that perhaps not a new Legal Opinion, but an expanded Legal Opinion, be submitted to us so that we will have a little better background to rely upon.

Mr. Knoller: You see, the woman who originally owned this property - which the City thought the well was on - so they offered to buy the property from her for a certain amount of cash and the water rights when the property is developed - as part of the consideration for that property.

She then sold me the five (5) acres of property. Now the consideration has failed because the City can't come up with their part of it.

Mayor Briare: Personally speaking, Mr. Knoller, I'm sure the City doesn't want to do you out of anything. We know that water rights are extremely important and they do get legally complicated. I know this, however - I have to have another Opinion on this before I would vote on it. Do the Commissioners have any comments?

Commissioner Christensen: The only comment I have is that we went all over this once before. As a matter of fact, the minutes of the meeting are here - the discussion is set forth here and all of the facts. I feel that you require another attorney's opinion on this would be redundant -

Mr. Knoller: At that time Mr. Franklin said I should go to Court and sue -

Commissioner Christensen: That, of course is my question - has the situation changed any?

Commissioner Leavitt: Has there been any change in the circumstances since that time?

TULE SPRINGS
PARK - WATER
(continued)

Mr. Knoller: There is no change, except that Mr. Sauer said they didn't have the excess water and then I found out there are millions of gallons of excess water and the City could possibly apply to the State for a Water Permit to use this excess water on other land, in order to make the deed . . .

Mayor Briare: In addition to getting a Legal Opinion, if that should be the pleasure of this Board, it would appear there should also be some fact finding as to whether there is excess water, or whether there is not enough or not being used in accordance with the original committment.

Mr. Adams, perhaps you should review that matter so your report can accompany the Legal Opinion. If it would be the pleasure of the Board to follow Commissioner Woofter's recommendation, that will be the order.

ED FERRIS
AUTOMOTIVE
CENTER

MEMO FROM COMMISSIONER WOOFTER DATED SEPTEMBER 8, 1976 re
PROBLEM OF LARGE VEHICLES USING NORTH 1ST STREET AS
ACCESS FOR ENTERING REAR OF ED FERRIS AUTOMOTIVE CENTER
LOCATED AT 718 NORTH MAIN STREET

(See Page 12 and 13 of these Minutes (Memo))

Mr. Adams: The next item is with reference to a vehicle problem on North 1st Street. I believe Commissioner Woofter has a comment on this.

Commissioner Woofter: This is a matter that first came to my attention shortly after being elected to this office. I am a former resident of the area.

I have furnished photos to the various members of the Commission, as well as His Honor, to show that the ast couple of weeks this situation that I spoke of in my memo still exists.

I know there are several residents on North 1st Street in the audience here, former neighbors of mine, who will attest to such. I brought this to the attention of the City Manager, Mr. Adams, and also the City Attorney, to more or less give us an up-dated status report. As you can see by these photos, this situation has not subsided in any degree. In fact, as Mr. Hunsaker's letter points out, it is increasing with respect to another business on North Main Street utilizing this access.

I'm sure the members of the Commission, as well as His Honor, have driven along North 1st Street and can attest to the fact it is a very narrow street in the first place and in no way whatsoever can accommodate any large vehicles of this nature as displayed in these photos.

I would like to know from the City Attorney's office, as well as Mr. Adams, what we can do immediately. Not next week - not next month - not next year - to rectify this situation - other than maybe the neighbors and myself putting a barricade across this access until some action can be taken in specific terms on that.

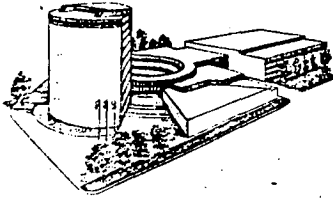
Mayor Briare: Mr. Adams, do you have any further information on this?

Mr. Adams: I have nothing further. We have taken the individual through our normal court process as being in violation of the Zoning Ordinance.

Commissioner Leavitt: Is there any injunctive relief you can obtain while the case is being heard?

Mr. Adams: I would have to refer that to the City Attorney -

City
of
Las Vegas



September 8, 1976

ROY WOOFER
COMMISSIONER

TO: W. E. ADAMS, P.E.
CITY MANAGER

RE: AGENDA ITEM

Attached you will find a copy of the letter received by me, which was signed by several residents in the North First Street area of my district, which lays out a problem that has existed for some time, in that North First Street has been used as an access for large vehicles entering the rear of Ed Ferris' automotive center, located at 718 North Main Street. I have been advised from time to time by the City Manager's office, as well as the City Attorney's office, that Mr. Ferris has been cited several times in regards to such illegal access. These cases have been pending in court for a lengthy period of time; I would like this brought to the attention of the Mayor and my fellow Commissioners by placing it on our next Commission agenda, set for the 15th of September, so that we can more or less look at this from a joint effort to resolve the situation.

ROY A. WOOFER

RAW:lw

ATTACHMENT

cc: Mayor Briare
Commissioner Christensen
Commissioner Leavitt
Commissioner Lurie

9/8/76
Put on City mg's Office
Ruby

RECEIVED
SEP 8 4 27 PM '76
CITY CLERK

729 No. First St.
Las Vegas, Nevada 89101

August 26, 1976

Roy A. Woofter, City Commissioner
City Hall, 400 Stewart St.
Las Vegas, Nevada 89101

Dear Commissioner Woofter:

We are again writing you in regards to the situation that exists here in your former neighborhood, the North First St. area, which has in fact been a serious problem for the past three years and troublesome for some time before that.

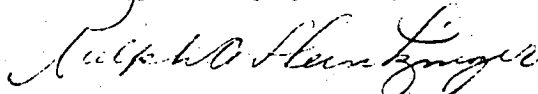
As you know, we contacted you approximately a year ago in regards to this problem, at which time you advised us that the person involved, Ed Ferris of the Ed Ferris Automotive Center, 718 No. Main St., had been cited for his flagrant violations in regards to opening up an access to his property on No. Main St. through North First St. Later, we were advised he was found guilty by the Court of these violations and was fined. However, this did not eliminate the situation as these photos that we are enclosing certainly indicate.

We are therefore again requesting that you and the Commission consider this certainly a priority in taking whatever action is necessary to insure that this situation immediately cease now and in the future.

Also, there is another operation, Cabrera's Auto Body, 716 No. Main St. which has increased this very problem by using this access on North First St. to gain entry to their business on No. Main St.

Would you please advise me what action you, as well as the City Commission, intend to take to eliminate this problem. Thank you.

Very truly yours,



RALPH A. HUNTZINGER

We, the undersigned residents of this area, are affixing our signatures to this letter as being highly interested in the outcome of the action taken on this situation.

<i>Bob Parker</i>	728 No. First St.
<i>Ann Negro</i>	728 No. First St.
<i>Nara Carter</i>	724 No. First St.
<i>Stirling McRay</i>	716 No. First St.
<i>Courtney Hunsinger</i>	712 No. First St.

Mr. Stewart: I know there are charges pending in Municipal Court - have been pending for some time but they have been continued.

(Balance of Attorney's comments scrambled because of bad tape)

Commissioner Christensen: Is there an alley between?

Commissioner Woofter: There is a partial alley -

Commissioner Christensen: If we could say that alley was owned by the City we could block that off in some way.

Commissioner Lurie: Mayor, from the one other time we heard this, I was under the impression we ordered them to barricade that driveway and I'd like to know at whose request that barricade was taken down. We heard this same situation two years ago.

Commissioner Woofter: Commissioner Lurie, I think you are a little confused - it's not the alley access they are using -

Commissioner Christensen: But there's an alley cutting across - if you put a barricade at the alley you would prevent them from coming through -

Mr. Saylor: There is no alley.

Commissioner Christensen: We've heard this before and I recognize the problem and I'm in sympathy with the people who live there. We did have this problem before but I was under the impression it had been taken care of.

Mayor Briare: Those neighbors who are in the audience - as Commissioner Woofter had very vividly pointed out - it is pretty hard to explain to them, or anybody, why when an ordinance is being broken and allowed to be continued to be broken because of some Court hang-up.

We find from time to time that actions taken by this Board which we feel are in the interests of the majority of the people, it is only a matter of moment before it is up before the District Court with the Judge making the decision, etc. There has to be a way. If Commissioner Woofter wants this taken care of this afternoon, I would like to see it taken care of this afternoon.

Would it be fair to say that this Board wants to give them an immediate and effective remedy?

Commissioner Christensen: I think they deserve an immediate and effective remedy.

Commissioner Lurie: Can we find out why this case has been continued and in whose Court it is?

Mr. Adams: We can give you this information. We can go back and furnish you with the citations that brought it into Court. I would ask the City Attorney to assist us in then determining the status.

Mayor Briare: Commissioner Woofter, would you feel it safe to assume that our City Manager understands our feelings on this.

Commissioner Woofter: I am sure, Your Honor, and I have no objection and I feel my former neighbors would have no objection just so they have the assurance by the next meeting some positive action will have been taken to eliminate this situation.

EMPLOYMENT OF
HANDICAPPED
Amended
Resolution
Adopted

JOINT RESOLUTION TO ESTABLISH SOUTHERN NEVADA COMMITTEE
ON EMPLOYMENT OF HANDICAPPED

Mr. Adams: The next item on my agenda is a request to deal with the Employment of the Handicapped Resolution we had. You will recall that the Resolution was adopted by this Board and transmitted to the other entities for adoption.

It was adopted by Henderson. I was adopted by North Las Vegas but with some exceptions to it. They requested that North Las Vegas have two (2) appointees on the Committee and that the City of Las Vegas be cut to four (4), to which I have no objection and I feel would still be a very workable apportionment. They did add language to say, in essence, that there would not be any financial committment from any of the entities to this Committee. I think I could recommend this to this Commission for approval.

I will say that the City of Boulder City did not approve the original Resolution, but last Friday morning I had a meeting with the five City Managers in the area and the Boulder City Manager assured me he felt the Boulder City Council would feel favorable with these changes in the Resolution.

M o t i o n

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

(See Pages 17, 18 & 19 of these Minutes (Resolution))

Commissioner Christensen: How binding is this Resolution?

Mr. Adams: It is merely that the entities involved would establish the Committee by making the appointments. then the Committee would work with the State Committee for implementation -

Commissioner Christensen: Is there any time limit?

Mr. Adams: No Sir - it is just merely that all of the entities would agree to establish that Committee -

Commissioner Christensen: Once that Committee is established, how long does it live?

Mr. Adams: I would have to check back into the Resolution - there is an established time -

Commissioner Christensen: We are involved in some Inter-local Agreements with some of these people and we're locked in to them . . . I just don't want to see a proliferation of those types of agreements . . . can one withdraw or do they have to have everybody's permission to withdraw?

Mr. Adams: There is no subh comment made in the Resolution. If the Commission does adopt this amended Resolution we will take it back to the other entities and after everyone has adopted it, I will bring it back with a request for appointment of the Committee members.

Page 16
Minutes
Regular Meeting
City Commission
Septe. 15, 1976

Mayor Briare: Commissioner Christensen, perhaps your concern would be resolved if a clause were to be put in there that membership of the various entities is a voluntary membership and that they may withdraw from membership on a majority action of the individual Board any time they wanted to.

Commissioner Christensen: That would make me feel better.

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

4 *****

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

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

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

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

20 WHEREAS, the importance of a committee is recognized to advise
21 the elected and appointive governmental officials as to the development
22 of employment opportunities, removal of architectural barriers, and
23 on programs and facilities for serving the handicapped; and,

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

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

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

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

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

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

14 2. Such committee shall consist of an eleven member board
15 to be appointed by the respective governmental jurisdictions and
16 apportioned as follows: Four (4) members appointed by the Mayor of the
17 City of Las Vegas; three (3) members appointed by the Clark County Board
18 of Commissioners; one (1) member appointed by the City of Boulder City;
19 two (2) members appointed by the City of North Las Vegas, and one (1)
20 member appointed by the City of Henderson.

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

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

25 5. The signatory governmental entities in Clark County will
26 provide support, not to include financial support, for all activities
27 and functions to be carried out by the Southern Nevada Committee on
28 Employment of the Handicapped.

29 6. The signatory governmental entities in Clark County may
30 withdraw support upon thirty (30) days written notice to the other entities.
31 The terms of the members of the withdrawing entity shall cease with the
32 date of the written notice.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 1976.

CITY OF LAS VEGAS

WILLIAM H. BRIARE, MAYOR

(Adopted by City of Las Vegas 9/15/76)

ATTEST:

EDWINA M. COLE, CMC
CITY CLERK

COUNTY OF CLARK

ATTEST:

CITY OF BOULDER CITY

ATTEST:

CITY OF NORTH LAS VEGAS

ATTEST:

CITY OF HENDERSON

ATTEST:

EMPLOYMENT
OF HANDICAPPED
(continued)

Mr. Adams: Since we are amending the Resolution, that is no problem.

Mayor Briare: Are there any further comments?

(No response)

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

Mayor Briare: The Resolution has been adopted as amended.

Mr. Adams: My next item is a request from the American Ex-prisoners of War for installation of a sign at Freedom Park with the comment "Lest We Forget" at the bottom of the sign; this sign to be installed on or about the normal prior Veterans Day, November 11th.

Mayor Briare: Would that request carry with it the recommendation of the Beautification Committee?

Mr. Adams: Yes - it is their concern to have everybody review it so that it will be an appropriate sign for an appropriate occasion.

M o t i o n

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

Commissioner Leavitt: It is going to be referred to the Beautification Committee as to what kind of a sign it is?

Mr. Adams: Yes. It will be very similar to our Park Signs - it will not be anything inappropriate -

Mayor Briare: Are there any further comments?

(No response)

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

NEIGHBORHOOD
COUNCILS
Approved

Mr. Adams: The next item is a request from Commissioner Lurie relating to a Resolution to Establish Neighborhood Councils.

Commissioner Lurie: One of the comments from the Legislature at the last Session relative to the Consolidation Bill, was a suggestion I felt was excellent and that was the formation of Citizen Advisory Councils based on the districts in the Commission races. As you know, that was found to be unconstitutional the way the districts were set up. The City asked for districts that are constitutional and I feel we can use that recommendation - which I have given to the City Manager - for Neighborhood Councils and I understand that through our 701 Funds the Planning Department at the present time is undertaking a Study to formulate Neighborhood Councils.

I would like to have the concurrence of the Commission to have the City Manager prepare a Resolution so that we might be able to establish these Councils in order to bring the Government closer to the people in the neighborhoods, as well as the neighborhood problems being brought back to the Commission. I believe with the Councils working with the Commission they can take information back to the neighborhood so that we may have a

NEIGHBORHOOD
COUNCILS
(continued)

better communications system. I would like to have the Commission's endorsement of this neighborhood council concept.

R e f e r r e d

Mayor Briare: Thank you Commissioner Lurie. In order to assist in the drafting of this Resolution, in addition to the City Manager, who serves as this Commission's technical advisor, I will refer this to a Committee consisting of Commissioner Lurie, Commissioner Christensen, Commissioner Leavitt and Commissioner Woofter with you, Commissioner Lurie, as Chairman.

REGIONAL
PLANNING
COUNCIL
Resolution
Adopted

Mr. Adams: The next items is an additional request item from Commissioner Christensen to place on the agenda comments from the Regional Planning Council as contained in a letter from Mr. Lamb to the City of Las Vegas.

Commissioner Christensen: We proposed - Commissioner Woofter proposed it at my request because of my absence at the Regional Planning Council, realigning the Regional Planning Council membership on the basis of one man, one vote, as close as possible, and putting just the general purpose government on the Regional Planning Council.

The reason for that is because the Regional Planning Council was originally set up as a Review Board to correlate the General Plan for the communities so they all fit together.

You have undoubtedly followed all the "flack" in the newspapers and heard a lot of it from me about the Regional Planning Council, because it has grown now to a certain level of government that is not representative of the people. You can conceivably have - and it has happened several times - roughly 20% of the population taking control of the Regional Planning Council.

We've had a couple of cases recently where they have gotten into the Environmental area - where they state publicly and in letter form to some of the agencies, that the Regional Planning Council was against this - was against that - and that carries a lot of weight because all the Regional Planning Councils around us are structured on the one man, one vote basis and do have the authority.

Our Regional Planning Council is advisory only but it is kept a very deep secret from all the entities who receive their correspondence. So this came up and I would recommend that we adopt the Resolution presented by the City as to the votes of the various members and removing the Water District and School District from the Regional Planning Council since they are both special purpose governments, not general, and the Water District is, in fact, the County Commission, which does now double their vote on the Regional Planning Council. They are the only entity with a double vote.

I would recommend that we adopt that Resolution knowing full well that unless five (5) of the seven (7) members adopt the Resolution, it means nothing because we are locked into a situation where five of the seven members have to approve anything changing the By-laws, etc.

That was my question on this other Resolution - we are locked into a situation like that now and I want to make sure we don't get locked into another one, because it's a bad situation.

RECEIVED
JUN 24 1976
CLARK COUNTY REGIONAL PLANNING COUNCIL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

CLARK COUNTY REGIONAL PLANNING COUNCIL
A RESOLUTION REAPPORTIONING REPRESENTATION BETWEEN THE MEMBER ENTITIES

WHEREAS, the Regional Planning Council was created by a Cooperative Agreement entered into on August 18, 1966; and

WHEREAS, that Agreement was entered into ten years ago, and thus prior to considerable population growth and shifting in Clark County; and

WHEREAS, the Regional Planning Council as envisioned by that Agreement was an extremely limited organization having no paid staff and limited responsibility; and

WHEREAS, the responsibilities of the Council revolved around two primary areas of activity, those being the performance of the federally required A-95 review process, and the preparation of a long-range general plan for the physical development of Clark County; and

WHEREAS, the A-95 review process is an administrative activity requiring a relatively small percentage of staff time; and

WHEREAS, the vast majority of the activities engaged in by the Regional Planning Council deal with functions within the purview of general purpose local government rather than special districts; and

WHEREAS, a decade having passed since the development of the original interlocal agreement, it is now appropriate to re-examine the structure, direction, and purpose of the Council.

NOW, THEREFORE, BE IT RESOLVED that by the agreement of all members of the Regional Planning Council, the interlocal agreement be amended in the following manner:

1. To limit membership to the general purpose governments in Clark County; those being the cities of Boulder City, Henderson, North Las Vegas, and Las Vegas, and the County of Clark.

2. To adjust voting procedures to be more reflective of the one man-one vote principle embodied in the U. S. Constitution by incorporating the following:

a. Each entity on the Council shall have one member of

RECEIVED
SEP 10 10 04 AM '76
CITY CLERK

A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

its governing body sit as a voting representative, for a total of five (5) members.

- b. Alternative members may continue to be designated as currently prescribed.
- c. There shall be a total of nineteen (19) votes assigned to these five members.
- d. These votes shall be apportioned on the basis of population exclusively.
- e. Votes shall be apportioned as closely as possible based on a formula with a single vote as a representation of 1/19 of the Clark County population.
- f. No units of voting shall be established which employ fractions of votes such as 1/2 or 1/4 of a vote. No member shall have less than one vote.
- g. No single member entity shall have more than nine (9) of the 19 votes. In the event a single member represents more than 50 percent of the population of the County, it shall be apportioned nine (9) votes and the remaining ten (10) votes shall be apportioned on the basis of one vote for every 10 percent of the population outside the entity with the majority of the County population. This formula shall be qualified by the requirement that no member have less than one vote.
- h. In determining population, all individuals residing within the corporate boundaries of the cities shall be considered. For the County of Clark, all residents living in the unincorporated areas shall be considered.
- i. This voting proportion shall be based upon the most current population estimates available.
- j. Voting representation shall be reapportioned generally every third year on the anniversary of this agreement. In the event of annexation(s) adjusting the population of

RECEIVED
SEP 10 10 04 AM '76
CITY CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

an entity more than twenty percent (20%) during the interim three year period, on the request of the affected entity, a reapportionment will take effect. In the event of any governmental rearrangement or consolidation determined by the vote of the people or by Nevada Statute, reapportionment of the Regional Planning Council voting members shall take place within sixty (60) days of the effective date of these changes.

3. Future amendments to the interlocal agreement may be made by ten (10) of the 19 votes available being cast in favor of the amendment.

4. The District Attorney's Office shall be requested to prepare amendments to the interlocal agreement which are consistent with this resolution and submit them to the Council at its next regular meeting.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 1976.

CLARK COUNTY REGIONAL PLANNING COUNCIL

Dr. Herman Van Betten, Chairman

ATTEST:

Secretary

RECEIVED
SEP 10 10 04 AM '76
CITY CLERK

DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

J. ROBT McPHERSON, DIRECTOR

See Pages 28 and 29 of these Minutes
(Annotated Agenda)

Mayor Briare: Are there any comments on any of the Items 1 thru 11?

A comment relative to Item 8, Mr. Adams, would be your assurance that we are not going to be short-changing the City when it comes to Federal funds by following the action that is discussed here.

Mr. Adams: That's true. We have no intention of eliminating ourselves from Federal funds. We want to make sure that we keep our level of service up and that we still leave ourselves open for taking the additional funds as they are available and using the additional personnel -

Mayor Briare: We won't disqualify ourselves -

Mr. Adams: We don't want to do that.

Commissioner Lurie: I have a comment on the Parking Enforcement Officers - since there have been some comments that we have begun to use the Immobilizer - again, I would like to know what is being done to enforce the problem we have with the outstanding Parking Tickets we have on the books.

The amount is not decreasing - it is increasing. Again, we're going to keep hiring people to enforce our Parking Meter Ordinance - maybe we had just as well do away with Parking Enforcement Division and let people park for free. It just seems to me logically, and business-wise, that we are not gaining on the situation - we're losing ground.

Mr. Adams: I disagree. It is a major problem here as it is a major problem across the country. There are several solutions that have been tried, and some that we have tried here. I can go through and list those and show you what has been accomplished other places and see what we can come up with. The ultimate answer, I think, that most people recognize, is towing which is very bad, but that usually gets results. I'm not sure that's the answer here but I would like to give you a report of all the things that are involved that we have done and can do.

Commissioner Christensen: I think it is important to always keep foremost in mind in Parking Enforcement that it is not constituted to generate revenue. In fact, the purpose is so that you don't tie up your parking areas all day long so it entirely eliminates parking for other people. For instance, on Fremont Street, you eliminate parking meters in the downtown area and you eliminate parking for all except for those who work down there - people working in the Courthouse, and everywhere else, would park free on the street - those who get there early would have a free parking space all day long and the rest would have to punt. You always have to keep in mind - and

ITEM Commission Action Department Action

(d) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

BOB McPHERSON, DIRECTOR

A. AUTHORIZATION TO FILL POSITIONS

Federally funded

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
Human Resources Clerk - Title II (replace budgeted vacancy - until 11/15/76)	577	Acts as receptionist and does other clerical functions.

Items 1 thru 11
Approved
Lurie - unanimous
EXCEPT that
Commissioner
Woofter voted "no"
on Item 8

Staff authorized
to proceed

City funded

(1) Public Services Wastewater Treatment Operator - 2 (replace budgeted vacancy)	836	To maintain plant equipment around the clock. Presently being covered through overtime.
---	-----	---

(2) City Attorney Clerk (replace budgeted vacancy)	577	Acts as receptionist and does other clerical functions.
---	-----	---

(3) City Attorney Junior Clerk - 2 (replace budgeted vacancy - Temporary - 1 until 10/15/76 1 until 3/2/77)	429	While Jr. Clerk is on emergency leave of absence. The other to be used as runner and perform other clerical functions in the Criminal Division.
--	-----	---

(4) CS/Recreation Recreation Aide - 2 (replace budgeted vacancy - Temporary - 1 until 12/31/76 1 until 6/27/77)	462	One Recreation Aide will be assigned to Dula Center assisting Jr. Recreation Leader in the operation and maintenance of the gym on the night shift. The other will be assigned to the Lorenzi Handicap Center assisting in the maintenance and operation of the handicapped program.
--	-----	--

(5) Community Planning & Development Intermediate Clerk (replace budgeted vacancy)	637	Performs receptionist and other clerical functions of the department.
---	-----	---

(6) Municipal Court Intermediate Clerk - 2 (Fill budgeted vacancy)	637	To handle increased workload, particularly counter work. These were previously filled by Federally funded employees.
---	-----	--

PERSONNEL
(continued)

I agree with Commissioner Woofter - I don't like to get tickets and I don't like to see Meter Maids, but, by the same token, you have to have something to turn over that parking because you just can't release all that on street parking to those who get there first and leave their cars there all day long.

Commissioner Woofter: I have to go along with the comments made by my fellow Commissioners in respect to this Parking Enforcement. However, I just have a feeling that we have more than necessary out in the field - it just seems like they are stumbling over each other. Now, it's not because I picked up a ticket this morning - that has nothing to do with this - but I go along with Commissioner Lurie - I'd like to know the number of Parking Enforcement Officers - and I go along with Commissioner Christensen - there's a happy medium as far as not keeping a space tied up all day. We are in the Tourism Industry and I really receive a lot of complaints from that area as far as being ticketed, etc.

Commissioner Leavitt: Do you know what the procedure is - do they have to pass a meter every half hour?

Commissioner Woofter: I believe it's an hourly run in most of those areas.

Mr. Adams: It's done based on what areas are involved - where we have 3-minute meters - 1-hour meters, etc. It will vary from place to place because of the time limit involved, and the time limit, of course, has been set by the Traffic & Parking Commission, predicated on what it would take to turn over the traffic.

Commissioner Leavitt: I am assuming - and maybe I'm making too much of an assumption - but I assume that when it comes up here with a request for an employee, that a study has been made and it has been determined it is necessary to have that employee.

Mr. Adams: That is correct - we wrestled many hours with it -

Mayor Briare: Commissioner Lurie, did you merely want to bring up the comment on Item 8, or did you want to make an exception to Item No. 8?

Commissioner Lurie: I just wanted to bring it up and request a report from the City Manager.

Mayor Briare: What is the pleasure of the Board on Items 1 thru 11?

M o t i o n

Commissioner Lurie: I would move for approval.

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

-

-

-

DEPARTMENT OF FUNDS, COORDINATION AND PROJECTS

BRUCE W. SPAULDING, DIRECTOR

PUBLIC WORKS
EMPLOYMENT
ACT OF 1976
Resolution
Adopted.

RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF
APPLICATION FOR FUNDS UNDER THE PUBLIC WORKS EMPLOYMENT
ACT OF 1976

Mr. Adams: I would like Mr. Spaulding to handle this portion of the agenda:

Mr. Spaulding: This Resolution authorizes our Department to prepare the application and sign the application when completed.

M o t i o n

Commissioner Christensen: I move for approval.

See Pages 32 and 33 of these Minutes
(Resolution)

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

WEATHERIZATION
COUNCIL
Resolution
Adopted

RESOLUTION JOINTLY CREATING A GREATER LAS VEGAS COUNCIL
ON WEATHERIZATION

Mr. Spaulding: At the request of Commissioner Lurie, this is a Resolution creating jointly with the Economic Opportunity Board, Greater Las Vegas Counciling organization. The purpose of this Council would be to advise the City Commission and also the Economic Opportunity Board, on matters relative to weatherization and insulation programs, particularly those funded by Federal funds.

At this time the Economic Opportunity Board has a Program under way for Senior Citizens in this area.

The Resolution creates the Council.

Commissioner Lurie: Your Honor, I would move for adoption of the Resolution. Instead of three or four agencies working against each other trying to make the application, I think we should work with the EOB in establishing the advisory committee it calls for in the Act. There are funds available for this area for the low income and Senior Citizens. The Grant is a \$50,000.00 Grant - actually, \$70,000.00. There are some matching funds that are needed and then the funds can be used at \$250.00 per home. We anticipate there could be 400 homes. I would move that the Resolution be adopted with authorization given to proceed with the application.

See Pages 34 and 35 of these Minutes
(Resolution)

Mayor Briare: Are there any further comments by the Commission?

(No response)

Mayor Briare: Any comments from anyone in the audience?

(No response)

1 A RESOLUTION BY THE MAYOR AND BOARD OF CITY
2 COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA
3 AUTHORIZING THE PREPARATION AND SUBMISSION OF
4 APPLICATIONS FOR FUNDS UNDER THE PUBLIC WORKS
5 EMPLOYMENT ACT OF 1976

6 WHEREAS, P.L. 94-369, known as the Public Works Employment Act
7 of 1976, authorizes a local public works capital development and investment
8 program and establishes an antirecessionary program; and

9 WHEREAS, Title I of said statute known as the Local Public Works
10 Capital Development and Investment Act of 1976, authorizes the making of
11 grants of Federal funds to state and local governments for public works
12 projects; and

13 WHEREAS, the purpose of Title I is to provide employment oppor-
14 tunities in areas of high unemployment through the expeditious construction
15 or renovation of useful public facilities; and

16 WHEREAS, the City of Las Vegas, as a local unit of general
17 government is deemed to be an eligible applicant for such funds; and

18 WHEREAS, the level of unemployment in the City of Las Vegas has
19 been in excess of the national unemployment average for the last three
20 most recent consecutive months; and

21 WHEREAS, the Federal share of any project for which a direct
22 grant is made shall be 100 per centum of the cost of the project; and

23 WHEREAS, the Federal direct grants shall be used for construction,
24 renovation, repair, or other improvement of local public works projects; and

25 WHEREAS, Title II of P.L. 94-369 authorizes funds for general
26 assistance to local governments; and

27 WHEREAS, such funds are to be allocated for the maintenance
28 of basic services that are to be compatible with Title I expenditures and
29 other Federal grant-in-aid programs; and

30 WHEREAS, the expenditure of Title II funds must conform to
31 appropriate Federal guidelines and regulations, including nondiscrimination,
32 labor standards, special reports and compliance with the required statement
of assurances:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of City

Commissioners:

1. That the Department of Funds, Coordination and Projects is hereby authorized and directed to make application for Title I funds and to generate recommendations to the City Commission on the expenditure of Title II funds.

2. That the Mayor and Board of Commissioners shall review the completed application for Title I funds.

3. That the Mayor is hereby authorized to execute such documents as are required for these funds.

4. That the City Clerk is hereby authorized and directed to attest said documents.

5. This resolution to take effect immediately.

PASSED, APPROVED AND ADOPTED this _____ day of _____,

1976.

WILLIAM H. BRIARE, MAYOR

ATTEST:

Edwina M. Cole, City Clerk

(SEAL)

1 A RESOLUTION BY THE MAYOR AND BOARD OF CITY
2 COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA
3 JOINTLY CREATING A GREATER LAS VEGAS COUNCIL
4 ON WEATHERIZATION

5 WHEREAS, the City of Las Vegas recognizes the problems
6 of low-income people created by the energy crisis has severely
7 limited their ability to maintain minimum living conditions;
8 and

9 WHEREAS, the City of Las Vegas recognizes the
10 importance of programs designed to enable low-income
11 individuals and families, including the elderly and minorities
12 to participate in energy conservation programs designed to
13 lessen the impact of the high cost of energy on such
14 individuals and families; and

15 WHEREAS, the City of Las Vegas recognizes the
16 necessity of reducing individual and family energy
17 consumption; and

18 WHEREAS, the City of Las Vegas recognizes and wishes
19 to encourage public education concerning emergency energy
20 conservation services and programs; and

21 WHEREAS, the City of Las Vegas desires to support
22 programs that will provide weatherization activities which
23 will increase the thermal efficiency of the homes of the
24 poor and near poor:

25 NOW, THEREFORE, BE IT RESOLVED by the Mayor and
26 Board of City Commissioners:

27 1. That the City of Las Vegas and the Economic
28 Opportunity Board in concert jointly create the Greater Las
29 Vegas Council on Weatherization.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32


2. That said Council shall consist of a nine (9) member council, to be jointly appointed by the City of Las Vegas and the Economic Opportunity Board.

3. That said Council shall advocate and support programs for weatherization activities and public education in this area.

PASSED, APPROVED AND ADOPTED THIS 15th day of September 1976.


WILLIAM H. BRIARE, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

(SEAL)

N.A.L.A.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DETERMINATION
ON THE ELIGIBILITY OF THE NEVADA ASSOCIATION OF LATIN
AMERICANS DAY CARE PROGRAM

Mr. Spaulding: The next item is the NALA Day Care Center - determination by the Department of Housing and Urban Development.

A little background on this: At the time the City Commission considered applications for this Program, you chose to send forward to the Department of Housing and Urban Development, a Program for a NALA Day Care Center. That Program would have been 100% Federally funded - there was no City involvement whatsoever in the Program. Your action was allowing the proposal to be submitted to the Government for their consideration.

At that time they considered the Program and found it eligible, and awarded funding. They have now changed their minds. They have reversed that ruling. They now find the Program ineligible and have instructed me to cease funding of the Program - to cease allocating Federal funds to this Program.

Therefore I have done this. I have submitted an amendment to the contract with the Nevada Association of Latin Americans. This item is, therefore, technically on your agenda as an information item, unless you wish to take action in another direction as indicated in my memorandum.

Commissioner Lurie: The only question I have - the date that we approved the application and you were authorized to process the application - then HUD approved the application - is that correct? They approved it and then the funds were allocated for the NALA Day Care Center?

Mr. Spaulding: That is correct.

Commissioner Lurie: Is HUD telling you now that we were acting in the wrong aspect in approving the application, or that they were?

Mr. Spaulding: Actually they are saying, in effect, that they were. They made an interpretation and ruling . . .

Commissioner Lurie: Is anyone liable to pay back the money that has been expended? Is this a legal question we will have to have answered through the Courts?

Mr. Spaulding: That is a legal question - yes.

Mayor Briare: The record will reflect that this Commission was in unanimous support of this Program. We have no control over what would prompt Federal Officials to change their minds. You are going to proceed, are you not, to attempt to resolve this matter?

Mr. Spaulding: I have initiated an administrative appeal.

Aida Brents: Good morning and thank you very much for giving us this opportunity to present a little bit of our views. I am the President of the Nevada Association of Latin Americans.

In the first place we would like to say - thank you very much for having helped us to get this Program going for NALA. It has been very successful. We have taken care

NALA
(continued)

of twenty families who are very much in need of the attention of the children. Otherwise you would have them all on welfare, unemployment lists and many other social services. These families, of course, couldn't be working if people didn't have the assistance of the Day Care Center. We have only twenty slots now for these children and we have over sixty applications now that we could fill out any time we could have this Program extended.

The news that we have to close this place came as very much of a surprise to us. We knew the City would help us to clarify this matter. That without a doubt there is some kind of misunderstanding of the interpretation or something about HUD's decision that we just don't feel at this time is fair or at this time, possibly be right.

We know that the contract that was signed by the Mayor and myself as the Official for the NALA Day Care Center, was dated in May. Of course, as was mentioned a few minutes ago, whatever decision was made after that date we feel cannot possibly enforce the closing of the Center.

There are many points in this Program that we would like to stress for the necessity of the community to continue this Day Care Center. In the first place, it is the only Day Care Center offering bilingual services to the community.

In the second place, the location that is the matter in question at this time, is really in a very good place as far as we know. We realize there are rules and regulations we have to follow, but that location is where the poor families in this community live. The Housing Authority has completely given us all their support. They have helped us - they have remodeled the place and have said - your people could not have possibly found a better place for this Day Care Center. Everything has been functioning very, very well and very successfully.

We also find now that the United Way took a survey of services in the community and that survey indicated this Day Care Center as one of the most needed services. The study was funded by the City of Las Vegas with a Block Grant.

I believe the City Commission and Mr. Mayor, that you are very well aware of the importance of this Program. We come here this morning as very concerned citizens for a service we want to give to the community. We only want to say that in view of the stated facts, we of the Association of Latin Americans respectfully request the support and consideration of you, Mr. Mayor, and the City Commissioners to see that the obstacles presented to us at this time are removed so that we may successfully continue operating that much-needed service to our community, the NALA Day Care Center. Thank you very much.

Mayor Briare: Be sure and make a copy of that available to Mr. Spaulding because it might be some point that you bring out that would be very helpful in Mr. Spaulding's presentation to the Federal Government objecting to what they are directing.

Mrs. Brents: I would be very happy to do that and if it is a condemned spot, we could make a full presentation of all the points we believe are very important.

Mayor Briare: Whatever you have available, please submit it to Mr. Spaulding.

Commissioner Leavitt: When did you start operating?

Mrs. Brents: Approximately three months ago.

Commissioner Leavitt: Mr. Spaulding, do you know how much money we're talking about that has already been expended on the Program?

Mr. Spaulding: Approximately \$4,000.00.

Commissioner Lurie: Mrs. Brents, have you already sent a letter contacting the Agency in Washington, D.C. indicating to them you are aware of this problem?

Mrs. Brents: No, we haven't. This came to us entirely as a surprise and as the City of Las Vegas helped us originally to get this Grant, we are counting on your support, especially in your position, in order that we could proceed immediately.

Commissioner Lurie: Mayor, I would like to recommend that this Board send a letter to our Delegation in Washington making them aware of the problem. That these applications have been before us and have had the recommended approval and now, after the Program has been initiated and started to become successful, they have pulled the rug out from under it.

I think this Board should support our Community Development Block Grant Program and that we should send a letter to Washington making our Delegation aware of the problems with NALA because it could happen to other Programs we have going now and other individuals are going to be before us to pick up the funding, and the Community Development Block Grant was established just for this purpose - to help these Target Areas. I believe this is one of the Target Areas. The problem exists - I think it is just the location we are talking about. I believe if you look at the location - I believe it was mentioned it was 50 ft. outside of the Target Area and I don't believe it is fair at this time.

Commissioner Christensen: I'd like to ask Mr. Spaulding a couple of questions: If we have expended \$4,000.00 to date, it looks like we are talking about \$12,000.00 for the whole year -

Mr. Spaulding: No - the starting costs are lower than they would be -

Commissioner Christensen: What would you estimate the total cost to be for one year from the starting date?

Mr. Spaulding: A projection of figures right now, all the way through, would give you about \$25,000.00. It wouldn't be under that -

Commissioner Christensen: How long do you think it would take to get an appeal heard by HUD? How long a time are we talking about here?

Mr. Spaulding: From one (1) to four (4) months.

Commissioner Christensen: If this Program were carried for another six (6) months, would we be talking about \$8,000.00 or would we be talking about \$12,000.00?

Mr. Spaulding: You are talking about \$12,000.00.

Commissioner Christensen: Do we have any other Federal funding to fund this on a different basis?

Mr. Spaulding: No.

NALA
(continued)

Commissioner Christensen: Do you anticipate any of the other Programs funded under the Block Grant having the same problem as NALA?

Mr. Spaulding: Their interpretation is based on new Regulations published September 1st. If they attempted to apply these new Regulations to Projects we commenced in May, there might be difficulties with three or four other Programs.

Commissioner Christensen: So what you're telling us is that there are just no funds?

Mr. Spaulding: No Federal funds available.

Commissioner Woofter: Where does that leave us then, in respect to this Program?

Mr. Spaulding: The contract amendment terminates funding as of today.

Commissioner Christensen: In other words, what you're telling us that because there are no Federal funds, and the City doesn't have any funds unallocated, that this Program faces a shut-down today unless they can fund themselves privately until such time - in approximately four months - and we're not sure of anything then. It could be anywhere between one and four months they would have to fund themselves if they are to stay in business. Is that what you're telling us?

Mr. Spaulding: That is correct. Unless there's a change of heart on the part of the Department of Housing and Urban Development.

Commissioner Christensen: Even so, it's going to take at least a month to get that change of heart and the funds have to stop today.

Mr. Spaulding: The funds were stopped. The appeal on the merits of the case will take from one to four months. I have asked also, and I have already sent in a request, that the funds be continued during the appeal. That decision could be made at any time.

Commissioner Christensen: But, basically, they would have to shut down and in the event they did make funding available during the appeal, then they could start up again in a couple of weeks and then might have to shut down again in another couple of months. We have no sure-fire method of keeping this Program open?

Mr. Spaulding: Yes, that's what I'm telling you.

Commissioner Christensen: Contrary to common belief and contrary to what you read in your newspaper, I was in favor of this Project. I think it's a good Program. I would like to see some way we could keep this thing going.

Fernando Rameriz: Mr. Mayor and distinguished Commission. My name is Fernando. I just wanted to make a comment. I had a prepared speech but everything Mrs. Brents has said is included in here so I won't reiterate. I would just say I think it does behoove the City to assist in the Project, mainly because approximately three months ago I did write a letter which at that time was the Department of Community Development, requesting that the City Commission take another vote - I believe the Commission in 1969 established the priority areas in which the West Side, primarily, was made Priority Area No. 1, and the others were made Priority Areas 2, 3, 4,

5 and 6. I did request - at that time I was Director of the Nevada Association of Latin Americans - I requested that the Community Development Department help us in making the area where the Center is now established, also a Priority Area No. 1. Unfortunately, perhaps of other pressing matters, the Department of Community Development did not take any action on this request. I think if it had taken some action at that time, we would not be faced with the funding being stopped today and in having to wait from one to four months for some kind of action from the Department of Housing and Urban Development.

I am just wondering if you can, out of some fund, come up with some emergency relief for the Program until such time as HUD might make some proper clarification.

Mr. Spaulding: That request to extend the Target Area was made and rejected by the Federal Government.

Mayor Briare: You were not aware of that?

Mr. Ramirez: No, I was not aware of that - this is the first I am aware of it.

Mayor Briare: When was that request made?

Mr. Spaulding: That request was made in late May or early June.

Mayor Briare: Prior to this situation?

Mr. Spaulding: Yes, prior to this incident.

Commissioner Leavitt: Is there any possibility this situation could be clarified by our second meeting in October - on October 20th?

Mr. Spaulding: Yes, there is a possibility of that.

Commissioner Leavitt: Suppose we were to continue this Program between now and October 20th - would that have to come out of City funds?

Mr. Spaulding: Yes, it would, and I currently have an invoice for \$2,000.00 before me -

Commissioner Leavitt: Approximately what would it cost the City to continue this for another month?

Mr. Spaulding: This \$2,000.00 invoice and \$2,000.00 a month would come to \$4,000.00.

Commissioner Leavitt: Is there any money in the Budget that could be available for that?

Mr. Adams: It is possible, of course, that we could alter some other Program that we have money set aside for and are not being directly involved in for a month or so, with the anticipation that we might get the money back. We take a Program, of course, on that Program losing out, but I think we could make an alteration in what we have now to do what you are anticipating doing, keeping in mind that we would get the money back.

Commissioner Leavitt: It might not be the right thing to do - if we extend it just for another month and the appeal doesn't work - I don't know - it would be a cruel blow to continue it for thirty days and then drop it -

Mr. Ramirez: It could not be worse because the service is definitely needed and I think that ultimately if the Commission applies the pressure to the Housing and Urban Development Department, that they will reconsider their

actions and will continue the services to the community in that area.

Commissioner Leavitt: Do I understand your only problem is that your office is located in the wrong area?

Answer: By 50 ft.

Commissioner Christensen: Can't we move the office?

Mr. Spaulding: The office is in an area they are finding ineligible. If we move the office to an area that is eligible, then it is not in an area where the children are and it is ineligible for another reason.

Commissioner Leavitt: You said something about 50 ft. -

Mr. Spaulding: That's correct, but it would involve more than 50 ft. to get it into an eligible area.

Commissioner Leavitt: I was impressed with the Project out of all the Projects that were presented to us under the Block Grant Program - I think it is a good Project - I'm sure we all agreed or we wouldn't have voted for it, but, of course, we hadn't anticipated using City funds either when we were voting for that -

Commissioner Lurie: Is there a charge for the families using the facility so that there might be enough funds to keep the doors open until such time as HUD makes its decision?

Mr. Ramirez: As I understand it and, here again, I am no longer involved with NALA, but as I understand it they are charged according to the family income. We have some people who are charged only \$2.50 a week. I know from the Project that I coordinate, we have six individuals whose children are participants of the Program, and five of them are heads of households that are unemployed and could not afford to come to school and then have to pay from \$25.00 to \$35.00 for a private Day Care or Baby Sitting service to take care of the children.

Maybe some revenue could be generated from the participants but I don't think - and it's my own personal view - I don't think it would be substantial enough to continue it.

Commissioner Lurie: What I'm saying is that maybe there is a remote possibility that we could subsidize the difference between what is taken in and what the operating cost would be.

Mr. Spaulding: That is what the projected costs are based on - the difference between what is taken in and the total Budget of the Program is considerably more than the original \$30,000.00 Grant amount.

M o t i o n

Page 41
Minutes
Regular Meeting
City Commission
Sept. 15, 1976

Commissioner Leavitt: Mr. Mayor, at this time I would like to move that the City fund this Program for a period until October 20th, from City funds, and then hope by that time the situation is clarified, and that we make an adjustment in the Budget so that the money will be made available. Then we can take another look at it on October 20th to see what the situation is - whether or not you have been able to get them to review and change their minds. I hate to just stop this Program cold without at least funding it until such time as we have had an opportunity to run it through the review process on an application rejection like this. Since the Program is on-going, I would move at this time that we fund it until at least October 20th and then take another look at it at that time.

NALA
(continued)

Mayor Briare: Would you like to specify any particular Budget?

Commissioner Leavitt: I'd like to have it come out of Revenue Sharing money, if there is any available.

Mr. Spaulding: It cannot.

Commissioner Leavitt: I am assuming that the City Manager and Finance Director can take a look at the Budget and come up with the money.

Joe Manez: I am Secretary of NALA and I had the Research Committee that did the proposals to the City and we have had a lot of success with the Program and we definitely want to continue it. The revenue we take in under the Program is very minimal as these are people with low income. We definitely are willing to work with the City and cooperate in any form possible to continue the Program.

Mayor Briare: In view of the remarks that were made this morning, is there any question in your mind that each member of the City Commission is in total agreement with the Program?

Mr. Manez: No, Sir.

Mayor Briare: There is no question in your mind at all?

Mr. Manez: None -

Mr. Ramirez: Mr. Mayor, may I make one more comment: It is my understanding that the City Commission established the Target Priority Areas. The only issue in question is 50 ft. - could not the Commission at this particular time take action to move the boundaries of those Priority Areas 50 ft. to include the Center?

AMENDMENT
to Motion

Commissioner Leavitt: I would like to move that Mr. Spaulding be authorized to do anything necessary to try to straighten this out so that we can keep this Program going.

Mayor Briare: Is there anything else?

(No response)

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

Mr. Spaulding: With your permission, Your Honor, I would like to combine the last two items:

REQUEST FOR BLOCK GRANT FUNDING - SENIOR HOME
MAINTENANCE REPAIR AND CHORE SERVICE - NEVADA CATHOLIC
WELFARE - \$7,250.00

and

REQUEST FOR BLOCK GRANT FUNDING - WESTSIDE DEVELOPMENT
COMMISSION - \$28,000.00

They are both requests for Block Grant funding.

Due to the NALA situation and the possible application of the new Federal Regulations that have just been printed some ten days ago, I would ask if you would consider holding these in abeyance until this matter is resolved.

I would also ask that the two (2) requests that are pending to be submitted, also be held until the matter

DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

See Pages 45 and 46 of these Minutes
(Annotated Agenda)

Mayor Briare: Do any of the Commissioners have any comments on the Consent Items throughout this whole section of the Agenda?

(No response)

Mayor Briare: I have one question I would like to ask: On Item No. 4 under PERMISSION TO RECEIVE BIDS, I didn't see any back-up material on the Cab/Chasis.

Mr. Cathcart: These are replacement units for the Fire Department - one happens to be a 1974 4-door Ford and a 1966 Ford Pickup for the hydrant repair and the '74 is for the Fire Marshall. These would be surplussed and sold at the next auction.

Mayor Briare: Is there any particular reason you can think of why only one automobile agency in the City bid?

Mr. Cathcart: I believe Mr. Park can answer that. He has researched that situation -

Mr. Park: Yes Sir, Your Honor, the reason we received only one bid is that we are in between change of models and Chevrolet was the only Agency that chose to bid. Ford didn't want to bid - Chrysler didn't want to bid -

Commissioner Christensen: Do you get a new utility body when you buy this - or do you use the old utility body?

Mr. Park: Under Item 4 - PERMISSION TO RECEIVE BIDS - we would use the existing utility body.

Commissioner Christensen: Then what you are going to bid for is the cab and chassis and then you just add the other on it -

Mr. Park: Yes -

Mayor Briare: Do any of the Commissioners have any further comment on Items A, B or C?

(No response)

M o t i o n

Commissioner Lurie: I move for approval as recommended.

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

ITEM	COMMISSION ACTION	DEPARTMENT ACTION
<p>I-f. <u>DEPARTMENT OF MUNICIPAL SERVICES</u></p> <p><u>J. C. CATHCART, DIRECTOR</u></p> <p>1. <u>PURCHASING AND CONTRACTS STAFF</u></p> <p>J. E. Park, Purchasing and Contracts Officer</p> <p>* <u>CONSENT AGENDA</u></p> <p>All matters listed under Items A and B are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.</p>		
<p>*A. <u>PERMISSION TO RECEIVE BIDS</u></p> <p>1. Forty-two (42) Each Traffic Signal Poles (Replacement) (Public Services - Traffic Division)</p> <p>2. One Hundred (100) Each Loop Detectors (New) (Public Services - Traffic Division)</p> <p>3. Sport Program Equipment - Teen Center (Cultural Services - Recreation Division)</p> <p>4. One (1) Each Compact Four-Door Station Wagon; and One (1) Each One-Ton Cab/Chassis with Utility Body (Replacement) (Fire Services)</p>	<p>Items A, B and C Approved as recommended Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>*B. <u>AWARD OF BIDS</u></p> <p>1. Bid #76.74 - I-15 Mini Parks Playground Equipment Federally Funded Block Grant Program - Block Grant Fund Project Number, 670-23 (Public Services)</p> <p>2. Bid #76.84 - Two (2) Each Drafting Tables With Accessories (Public Services - Engineering Design Division)</p> <p>3. Bid #76.95 - One (1) Each Station Wagon Federally Funded Block Grant Program Project #671-28</p> <p>4. RFQ 353-696 Survey Stakes (Public Services - Quality Control Division)</p> <p>Page 45 Minutes Regular Meeting City Commission Sept. 15, 1976</p>		

ITEM	COMMISSION ACTION	DEPARTMENT ACTION
I-f. <u>DEPARTMENT OF MUNICIPAL SERVICES, CONTD.</u>		
	See Page 7	See Page 7
5. RFQ 355-2637 - Reroofing of Baker Swimming Pool Filter Building and Greenskeepers Cottage - Municipal Golf Course (Public Services - Quality Control Division)		
6. RFQ 156-1455 - Traffic Signal Parts - New (Public Services - Traffic Division)		
7. RFQ 316-4623 Two (2) 23.5 X 25 "H" Rated Tractor Tires - Alternate Bid Only - <u>RECAP</u> (Municipal Services - Vehicle Services Division)		
C. <u>CONTRACT CHANGE ORDER</u>		
1. Bid #R74.121 - Traffic Signals at the Intersections of Mojave Road and Fremont Street; and Smoke Ranch and Rancho - 50% STATE OF NEVADA AND 50% REGIONAL STREETS AND HIGHWAYS (Public Services - Quality Control Division)		
Recommend approval of Contract Modification No. 1, Clark County Purchase Order 62817, to Desert Construction, Las Vegas, Nevada, in the amount of \$371.56. This modification is necessary due to additional pavement being placed and repair to existing conduit.		
2. Bid #76.64 - Nature Park Irrigation Well Pipe Extension (Public Services - Quality Control Division)		
Recommend approval of Contract Modification No. 1, to M.M.C., Inc., Las Vegas, Nevada, in the amount of \$286.05. Necessary to modify perforated pipe.		

DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

See Pages 48 thru 56 of these Minutes
(Annotated Agenda)

At the hour of 10:55 A.M. Mayor Briare declared a 5-Minute Recess.

Meeting reconvened at the hour of 11:10 A.M. with the full Board and Staff in attendance.

M-7 BUSINESS
LICENSE
APPLICATIONS

1. BENJAMIN DOUGLAS DASHIELL
Desert Transactional Analysis Center
3180 W. Sahara, Suite C-15

Psychotherapy - social work.
Individual and group therapy sessions.
Utilizing transactional analysis and
gestalt therapy techniques

2. GERALD R. EARL
Desert Transactional Analysis Center
3180 W. Sahara - Suite C-15

Psychotherapy - social work.
Social case work, social group work
and consultation

Mayor Briare: Gerald Earl, are you required to be Licensed by the State?

Mr. Earl: No, there's no License in the State. I submitted a letter from the Attorney General the other day - yesterday - to the City Licensing Bureau and I have a copy of that letter with me if you would like to see it. It, in effect, states that there is no License necessary.

Commissioner Lurie: I would like to see a copy of that letter. Do you both need Licenses?

Mr. Earl: The way it was explained to me was that we both needed to be Licensed because we both were going to do individual therapy. Therefore, individually, we needed to be Licensed.

The letter addressed to the Board of Marriage & Family Counselors who stated at one point that they did need to give us a License. We both applied for a License and will be licensed shortly. The discussion was that in the terms of the Law, Section 7, it states that to practice family and marriage counseling you must be a certificated member, and must have a Certificate, by the Board of Family & Marriage Counselors.

Commissioner Lurie: But you are not going into that at the present time?

ITEM Commission Action Department Action

I-g. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

*CONSENT AGENDA

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

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

1. O. K. ADCOCK PTA -- a school carnival; raffle tickets
2. C. C. RONNOW PTA -- a school carnival
3. CHURCH OF GOD -- tickets to a meat loaf dinner
4. BETHEL BAPTIST CHURCH, WILLING WORKERS -- bake sales and dinners
5. LAS VEGAS FIREMAN'S BENEFIT ASSOCIATION -- tickets to the annual Fireman's Ball
6. CLARK COUNTY HUMANE SOCIETY -- collection boxes
7. KIDNEY FOUNDATION OF NEVADA -- sale of lollipops; sale of Christmas cards; 2nd annual golf tournament
8. OPPORTUNITY VILLAGE ASSN FOR RETARDED CITIZENS -- a thrift shop
9. HYDE PARK JR. HIGH -- sale of magazine subscriptions
10. ARTHRITIS FOUNDATION, NEVADA CHAPTER -- tickets to a fashion show and tea; door to door march

Westland Mall Garage Sale - Sept. 25th, 1976

1. CHURCH OF GOD, LADIES AUXILIARY
2. FRIENDS FOR THE VISUALLY HANDICAPPED, INC.
3. BOY SCOUT TROOP #777
4. CHILDBIRTH EDUCATION ASSN OF CLARK COUNTY

Items 1 thru 10 and Westland Mall Items 1 thru 7 Approved Lurie - unanimous

Mayor Briare did not vote - temporarily absent
 Items A thru C

Director authorized to issue

ITEM	Commission Action	Department Action
<u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
*A. <u>CHARITABLE SOLICITATIONS PERMITS</u> (cont'd)	See Page 9	See Page 9
Westland Mall (cont'd)		
5. EPSILON SIGMA ALPHA SORORITY, ALPHA EPSILON CHAPTER #1999		
6. EPSILON SIGMA ALPHA SORORITY, ALPHA IOTA CHAPTER #3379		
7. RAINBOW GIRLS, NELLIS MOTHERS CLUB		
*B. <u>CHILD CARE FACILITY APPLICATIONS</u> (Approved by the Child Welfare Board)	Approved as recommended W - unanimous	Director authorized to proceed
Family Child Care Home - New		
1. VICKY SALEHIAN 2213 East Mesquite		
Six (6) children days Two (2) children nights		
*C. <u>GAMING -- Additional</u>		
1. WILLIAM BOYD et al California Hotel/Casino 12 East Ogden Avenue 2 slots	Items 1 thru 13 Approved C - unanimous EXCEPT that Commissioner Leavitt ABSTAINED on Items 1 and 7 and Commissioner Woofter ABSTAINED on Item 13	Same as above
2. MINI-PRICE MOTOR INN CASINO, INC. The Casino 2550 South Rancho Road 1 slot		
3. CLUB BINGO INC. Club Bingo 23 East Fremont Street 3 slots		
4. ELSINORE CORP. Four Queens Hotel/Casino 202 East Fremont Street 1 - "21" game		
5. FOXY'S JACKPOT CITY, INC Foxy's Firehouse Casino 2423 Las Vegas Blvd South 10 slots		
	Page 49 Minutes Regular Meeting City Commission Sept. 15, 1976	

ITEM

Commission Action

Department Action

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

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

See Page 10

See Page 10

6. G N O, INC.

Golden Nugget
 129 East Fremont Street
 1 Sports Book

7. JOHN D. GAUGHAN
 MEL EXBER
 et al

Hotel Nevada/Casino
 235 South Main Street
 6 slots
 1 - "21" game

8. SUNDANCE WEST CORP.

Sundance West Casino
 32 East Fremont Street
 3 - "21" games

9. KEG ROOM (a Nevada corp)

Keg Room
 2365 East Bonanza Road
 1 slot

10. AUTOMATIC AMUSEMENTS OF
 LAS VEGAS

Casbah Bar & Restaurant
 19 East Lewis
 1 slot

Mug 'N Jug
 1402 South 4th Street
 2 slots

11. LEO DICANDILO/Operator

Smith's Food King
 232 North Jones
 13 slots - Effective 10-1-76

12. GAMES OF NEVADA

Jackpot Casino
 2410 Las Vegas Blvd South
 6 slots

ITEM Commission Action Department Action

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

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

13. FORTUNE COIN CO.

The Casino
 2550 South Rancho Road
 2 slots

Centerfold Casino
 2440 Las Vegas Blvd South
 3 slots

Coin Castle Casino
 15 East Fremont Street
 2 slots

El Cortez Hotel/Casino
 600 East Fremont Street
 2 slots

Money Tree Casino
 2456 Las Vegas Blvd South
 2 slots

Orbit Inn Casino
 707 East Fremont Street
 2 slots

Pioneer Club
 25 East Fremont Street
 2 slots

Union Plaza Hotel/Casino
 #1 Main Street
 1 slot

14. UNITED COIN MACHINE CO.

Confederacy Club
 1511 South Main Street
 1 slot

Item 14
 Abeyance

10/6/76 Agenda

*D. RETAIL TOBACCO -- Additional

1. SKY TOP VENDING

Travelodge Motel
 2028 East Fremont Street

Approved
 Lurie - unanimous

Director
 authorized
 to proceed

E. LIQUOR -- Change of Business Name

1. From: Pizza Roma #2

To: PERRINO'S PIZZA ROMA #2
 4960 West Charleston
 Restaurant Beverage

Vito Pileggi, 100%

Approved
 Lurie - unanimous

Same as above

Page 51
 Minutes
 Regular Meeting
 City Commission
 Sept. 15, 1976

ITEM

Commission Action

Department Action

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

J. SPECIAL EVENT LIQUOR LICENSES
 (cont'd)

2. DE LUCA IMPORTING CO., INC.
 Responsible Licensee:
 Robert Keyser

For: Beer and Wine Only

September 17th, 1976

Albertson's #637
 1570 North Eastern

September 18th, 1976

Panorama Market
 4101 West Charleston Blvd

September 22nd, 1976

Smith's Food King #361
 1221 East Sahara Avenue

September 23rd, 1976

Smith's Food King #362
 22 East Oakey Boulevard

September 24th, 1976

Smith's Food King #365
 3830 West Sahara Avenue

September 25th, 1976

Smith's Food King #370
 2909 West Washington

September 30th, 1976

Thriftmart #12
 2200 West Bonanza Road

October 1st, 1976

Thriftmart #55
 1808 East Charleston Blvd

October 2nd, 1976

Thriftmart #1
 4725 West Charleston Blvd

See Page 13

See Page 13

Page 53
 Minutes
 Regular Meeting
 City Commission
 Sept. 15, 1976

ITEM	Commission Action	Department Action
<u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
<u>K. LIQUOR -- Requests for Extension of Inactive Status</u>		
<p>1. SMITH'S FOOD KING 232 North Jones Package Liquor Ltd.</p> <p>Smith's Management Corp., parent of Smith's Food King No. 1, Inc.</p> <p>(Approved 6-2-76. Extension for 8-1-76 thru 9-29-76 approved 7-21-76. Request for 60-day extension of inactive status for: 9-30-76 thru 11-28-76.)</p> <p>2. PORT TACK 9 West Charleston Blvd Tavern</p> <p>Port Tack, Inc. - Robert Kostelecky, Pres/Treas et al</p> <p>(Closed 2-8-76. Extension for 4-8-76 thru 6-6-76 approved 4-7-76; extension for 6-7-76 thru 8-5-76 apprd 6-2-76; extension for 8-6-76 thru 10-4-76 approved 8-4-76. Request for 60-day extension of inactive status for: 10-5-76 thru 12-3-76.)</p>	Items 1 and 2 Approved Lurie - unanimous	Director authorized to proceed.
<u>L. LIQUOR -- Change of Ownership</u>		
<p>1. *CORK 'N BOTTLE 508 East Fremont Street Package Liquor-Beer Bar</p> <p>From: John H./Mary S. Edens</p> <p>To: Ben Marcus, 100%</p> <p>*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations</p>	Approved subject to conditions Lurie - unanimous	Same as above

ITEM	Commission Action	Department Action
<u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
M. <u>BURGLAR ALARM LICENSE -- Change of Location</u>		
1. CROWN NEVADA DISTRIBUTORS From: 2446 Industrial Road To: 3379 Wynn Road August De Angelo, 100%	Approved Lurie - unanimous Mayor Briare temporarily absent	Director authorized to proceed
N. <u>FIRE ARMS PERMIT -- New</u>		
1. GUNS 'N BOWS 4031 West Sahara Avenue Guns 'N Bows, Inc. - William R. Allen, Pres/Dir/Mgr - 50.04% Molly A. Allen, Secy-Treas/Dir - 10% William M. Allen, VP/Dir - 10% Treasury Stock: 29.96%	Approved W - unanimous	Same as above
O. <u>M-7 BUSINESS LICENSE APPLICATIONS</u>		
1. BENJAMIN DOUGLAS DASHIELL Desert Transactional Analysis Center 3180 West Sahara, Suite C-15 Psychotherapy - social work. Individual and group therapy sessions; utilizing trans- actional analysis and gestalt therapy techniques.	Items 1 and 2 Approved Lurie - unanimous	Same as above
2. GERALD R. EARL Desert Transactional Analysis Center 3180 West Sahara, Suite C-15 Psychotherapy - social work. Social case work, social group work, and consultation.		
3. ARKCO DEVELOPMENT INC 1701 West Charleston, Suite 580 Fred Kassler, Pres Fred Ahlstrom, V.P. Jerry Apelby, Secy Property Management - land development corp. Change of location.	Approved Lurie - unanimous	Same as above
	Page 55 Minutes Regular Meeting City Commission Sept. 15, 1976	

ITEM	Commission Action	Department Action
<u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
O. <u>M-7 BUSINESS LICENSE APPLICATIONS</u> (cont'd)		
4. BUSINESS SERVICE UNLIMITED 300 South 4th St, Suite 908		
Mattie Lou DeLong, Pres Hubert Morris, V.P. Paul Ford, V.P.		
Record management through bookkeeping, microfilming of records and processing of microfilming.	Approved Lurie - unanimous	Director authorized to proceed
RECESS: 10:55 A.M. - 11:10 A.M.		

M-7 BUSINESS
LICENSES
(continued)

Mr. Earl: Not at the present time -

Commissioner Lurie: But you have applied for these Licenses?

Mr. Earl: Yes, we have.

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

Mayor Briare: Are there any further comments?

(No response)

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

Commissioner Christensen temporarily ABSENT.

PUBLIC HEARINGS

Mayor Briare: Before the Commission at this time is the Public Hearing on:

VACATION - NEVADA ESCROW SERVICE, INC. ET AL - VAC-2-76

VAC-2-76

Vacation of property located in that portion of Cory Place extending east a distance of 300 ft. from Brush Street and that portion of Vulcan Lane running north from Cory Place a distance of 524 ft.

Planning Commission has recommended APPROVAL subject to the following conditions:

1. Satisfaction of the requirements of the various Utility Companies.
2. Conformance to the requirements of the Department of Public Services and the Fire Department.
3. Conformance to the Code requirements of City departments.
4. Vacation shall not be recorded until all of the above conditions have been met.

Mr. Saylor: If you will look over here (wall map) this will show you the purpose of the vacation. It is in the area north of Charleston, west of Decatur. We had a proposed apartment house complex recently approved incorporating all of this property. This street pattern, however, is in there and would be a serious detriment, if not an impossibility, to develop it as a complex, and that is the reason for the request for vacation. The streets aren't needed for property frontage or interior access or traffic circulation.

Mayor Briare: When this application first came before this Board I felt obliged to abstain from the vote because I coincidentally happen to have a Real Estate Salesman's License hanging in the office of the Real Estate firm representing this matter when it first came before us. Subsequently it was sold. I, at the time, stated that I had nothing to gain one way or another. I have to hang my License somewhere. Is the Nevada Properties Realty involved in this thing?

Answer: No - they are the sellers to the current buyer. That is the only interest they have.

VAC-2-76
(continued)

Mayor Briare: Is their interest concluded now?

Answer: No - escrow is not yet closed.

Mayor Briare: As I have previously indicated, and I am indicating again now, in view of the manner in which a Real Estate Salesman must hang up his License in a Real Estate Broker's office, I don't want any suggestions made, or any comments made, that I am involved in this transaction. My License just happens to be hanging there. Do you see any problems, Mr. Stewart? If you see even one, I want to abstain on the voting -

Mr. Stewart: As the basis on which to abstain - the first instance is - are you economically or materially affected by the transaction?

Mayor Briare: In no way, shape or form -

Mr. Stewart: The second consideration is - could there be an appearance of such, and do you want to eliminate any appearance of such -

Mayor Briare: I don't want to disenfranchise the people I represent by not voting on the subject, but I sure don't want to place any question on the issue -

Mr. Stewart: I don't see any economic benefit to you, one way or the other, so I can't say that you should not vote. If you feel you want to eliminate any question, that is entirely up to you.

Mayor Briare: Is there anyone present in the audience who wishes to be heard on this Petition for Vacation?

(No response)

Mayor Briare: The comment I had - I am a little bit concerned about the water supply. I asked the question of these gentlemen during our recess where they were putting in the pipe lines - where were they coming in and where were they going, etc. Engineering-wise I am not qualified to even interpret what they said, but I do realize that it is important to that area. Is there someone here to speak to this point?

Richard Crosley: I am a Real Estate Broker. My address is 3355 West Spring Mountain Road. I would be more than glad to answer any questions you gentlemen might have. I have my own company - I operate under my own name.

Mayor Briare: I just realize that going into an area like this there can be some problems the way the water is laid out -

Mr. Crosley: We anticipate that whatever final negotiations will have to be worked out between the various departments of the City and the Sewer and Water District - this would be fine.

Mayor Briare: Are there any comments by the Commission?

(No response)

Mayor Briare: The Public Hearing on VAC-2-76 is now CLOSED.

Commissioner Lurie: Mayor, I move for approval subject to the conditions and that the Department of Public Services work out the necessary placement of the water lines.

M o t i o n
Page 58
Minutes
Regular Meeting
City Commission -

Sept. 15, 1976

VAC-2-76
(continued)

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

A-2-76

PROPOSED ANNEXATION - JOHN AND MADELINE GINGER - A-2-76

Property located at 2111 South Hauk, Las Vegas, Nevada

Mr. Saylor: I have a very brief presentation to make. This is one step in the Annexation procedure. This is a Public Hearing on the proposed annexation. We have discussed it with you at previous meetings. It is a small parcel located west of Decatur on the north side of O'Bannon. I can perhaps place it best by saying that this is where the Grand Central Store is.

It is zoned R-4. There is an apartment house development taking place at the present time. Of course, the primary reason, I think, for coming into the City is to utilize City sewer facilities.

Mayor Briare: Is there anyone present who wishes to be heard on this proposed Annexation?

(No response)

Mayor Briare: Have the record reflect no one spoke in favor of or in opposition to this proposed annexation.

Mr. Saylor: The action today is that if you wish to proceed, to instruct the City Attorney's office to prepare the Ordinance.

M o t i o n

Commissioner Leavitt: I move that the City Attorney be instructed to prepare the necessary Ordinance.

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

SPECIAL
IMPROVEMENT
DISTRICT
No. 419

SPECIAL IMPROVEMENT DISTRICT No. 419

- UNIT 3 Cashman Drive - Pavement, Curb and Gutter
- UNIT 4 Cashman Drive - Sidewalks
- UNIT 5 Sunrise Avenue - Pavement, Curb and Gutter
- UNIT 6 Lacy Land - Pavement, Curb and Gutter
- UNIT 7 Block 7, Boulder Addition - Alley Paving

Mayor Briare: This is the time set for the Public Hearing on a proposed Special Improvement District No. 419.

Mr. Hampton: Gentlemen, this is the initial Hearing to see if there are any objections to the District by concerned property owners, as to the cost thereof and the manner of payment.

We have five Units involved - Units 3, 4, 5, 6 and 7. Units 3 and 4 involve Cashman Drive from Charleston to Oakey. The other, in blue, that you see (wall map) has been previously improved. The area we are proposing is in yellow.

Unit 4 is for sidewalks only and we have had protests from the four property owners, which you can see in red (wall map). For the area here we never did propose

sidewalks. Therefore we have protests from 67% of the property owners protesting sidewalk installation.

See Page 61 of these Minutes (Petition)

Our office feels the sidewalks would be a nice improvement. However, we feel they are not absolutely necessary and would recommend that we proceed on Unit 3, drop Unit 4, in accordance with the public wishes. There are sidewalks on the west side. The proposal was to install them on the east side as well.

Commissioner Christensen: I'm curious about something: There's a lot of talk about traffic signals at school crossings, etc., and this is a school crossing at Charleston and Cashman and the school crossing is on the east side of Cashman, obviously because the school is east of Cashman -

Mr. Hampton: I believe you are right -

Commissioner Christensen: And the cross walk is in there - am I correct?

Mr. Hampton: I think you are correct and if this is the case, we probably should remove the cross walk to the west side to line up with the sidewalk.

Commissioner Christensen: That was my question -

Mr. Hampton: Presently the property that is developed on Cashman in between, does not have sidewalks. It would look more uniform to have sidewalk entirely on one side and no sidewalk at all on the other.

Commissioner Christensen: I don't think there is a Crossing Guard there - there is a Crossing Guard down at Campbell, the next block down, and there is a light - but I think there is a cross walk and I can't remember which side of the street it's on, but it should be on the west to line up with the sidewalk.

Mr. Hampton: I would agree with you entirely. We will double check that and make sure. I want to state that we regret the delay in getting these improvements installed but holding us up, of course, was Valley View and then at the last meeting we deleted Valley View and are working it as a separate District.

Unit 5 involves improvements on Sunrise, from Mojave to approximately to 29th Street. There are only two properties involved - one is the H O-Howlett-Olson Egg Company and the LTR Stage Lines. They are both in favor of this Project and want to proceed as soon as possible. They are even trying to work out an agreement with the City Attorney to provide for street lights, which would be on the basis of a Cash Improvement District. We would not need to consider it today as it will be under a separate agreement.

Unit 6 is on Lacy Lane from Alta to Palomino - on the east side, entirely and on the west side, about half way. These improvements include the Curb and Gutter and the Pavement.

The last Unit, Unit 7, is for alley paving just south of Charleston, between Main Street and Casino Center Blvd. All of the property owners are in support of this Project.

If everything is approved today on these Units, by the subsequent Resolutions, Ordinances, etc., we would hope to be able to start construction the latter part of this this year.

September 9, 1976

Office of the City Clerk
Las Vegas, Nevada

We enter protest to the Special Improvement District 419,
Unit 4. We object to the proposed improvement of sidewalks
adjacent to our property.

Ruby S. Ferris
1333 Cashman Dr

Henry Meadows
1341 Cashman Dr

Henry J. Roche
1355 Cashman Dr.

Leonard E. Rhodes
1335 Cashman Dr.

CITY CLERK

SEP 10 1 52 PM '76

RECEIVED

S.I.D.
No. 419
(continued)

Mr. Hampton: If you have any detailed questions, I will be happy to answer them.

Mayor Briare: Is there anyone in the audience who wants to be heard on any of these Units?

(No response)

Mayor Briare: Have the record reflect there is no one in attendance wishing to speak in favor of, or objecting to, any of the Units under S.I.D. No. 419.

Please have the record show that the Public Hearing on S.I.D. No. 419 is now CLOSED.

Commissioner Christensen: I would like the record to show that since I live on Lacy Lane and that is a little close and I don't want any repercussions, I will be ABSTAINING on Unit 6, even though my street is paved and does have curb and gutter in front of my house where I was required to put it in by the Public Works Department when I built there.

Mr. Hampton: Just for clarification, our recommendation to you is to drop Unit 4.

Commissioner Lurie: I would like to authorize you to write a letter to the protesters on the sidewalks on Cashman, notifying them they will not be receiving this improvement.

Mr. Hampton: Right -

M o t i o n

Commissioner Lurie: I would move that we follow the recommendation of the Department of Public Services on Special Improvement District No. 419.

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

Commissioner Christensen ABSTAINED on Unit 6
of S.I.D. No. 419.

DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, DIRECTOR

See Pages 64 and 65 of these Minutes
(Annotated Agenda)

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

DONALD J. SAYLOR, DIRECTOR

Z-51-76
Approved

ZONE CHANGE Z-51-76 - JOHN E. KENNEY, JR.

Mr. Saylor" Before you at this time is the application of Kenney for a change in zoning from R-E and R-3 PUD Resolution of Intent, to R-1 and R-3 for property located on the south side of East Bonanza. This is Bonanza (wall map) - Honolulu - Pecos. There is a Town House development of Mr. Kenney's on this parcel - this has a Resolution of Intent for additional Town House development. Due to market conditions and the demand factor for housing, he is proposing a single family subdivision on this portion of it and the Pecos Avenue frontage, which is across from Nature Park, being used for apartments. There is a Mobile Home Park to the south.

The Planning Commission has recommended approval. At the first Planning Commission Meeting there was a protest from a person who indicated he represented the Home Owners Assn. in the existing Town House development. His protest was predicated upon the fact that they have trouble now keeping unauthorized people out of their pool and they felt this would increase that problem. However, it was held in abeyance by the Planning Commission to see if the matter could be worked out. The protestant did not appear at the subsequent meeting, so we assume there is no longer any problem or, at least, no longer any protest on it.

Mayor Briare: Is there anyone in the audience wanting to speak on this application?

(No response)

Mayor Briare: What is the pleasure of the Board?

M o t i o n

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

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

PUBLIC
HEARING
Set Date

APPEAL FILED BY DAVIS M. SCHREIBER, ESQ. ON BEHALF OF
EDWARD O. MARKLEY - V-54-76
to action of the Board of Zoning Adjustment in denying
a VARIANCE to allow the on-premise retail sale of wood
and hay and the local advertising thereof, on property
located at 814 Tonopah Drive, between West Bonanza Road
and West Washington Avenue, in Zoning District R-E.

Public Hearing set for 10:00 A.M., October
20, 1976 and Clerk authorized to proceed.

PLOT PLAN
REVIEW -
SPANISH OAKS
COMMERCIAL
AREA

Mr. Saylor: Mr. Mayor, I have been requested by a
Commissioner to walk on an item that is relatively un-
complicated.

It involves a Plot Plan Review of two (2) buildings -
one a Savings & Loan Institution and the other a Bank
building on Sahara Avenue in the Spanish Oaks commercial
area.

Both plot plans meet all Code requirements and have been
approved by the Planning Commission.

There is some exigency, I believe, in getting the
developments started. These were considered by the
Planning Commission on Thursday night, which made it too
late to get them on this printed agenda.

Mayor Briare: What is the pleasure of the Board?

M o t i o n

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

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

VACANCIES ON BOARDS AND COMMISSIONS

GOLF BOARD
Member
Appointed

Commissioner Lurie: Mayor, I have a recommendation for a
member of the Golf Board to fill the unexpired term of Sid
Levy - Bill Tichenor. I have discussed this with him and
he has shown an interest in serving on this Board.

Mayor Briare: Commissioner Lurie, at your request, it is
my pleasure to appoint Mr. Bill Tichenor to serve the
unexpired portion of Sid Levy's position on the Golf Board.

CHILD WELFARE
BOARD
Members
Reappointed

CHILD WELFARE BOARD - 3-YR. TERM

Mrs. Sylvia Harris Term expires 10/16/76

Douglas Medberry Term expires 10/16/76

Mr. Adams: Both parties have been contacted and they are
willing to serve again. They both have had excellent
attendance records.

Mayor Briare: If there are no objections I will appoint
Mrs. Sylvia Harris and Douglas Medberry for new terms
on the Child Welfare Board, commencing October 16, 1976.

Page 66
Minutes
Regular Meeting
City Commission
Sept. 15, 1976

OFFICE OF THE CITY ATTORNEY

CARL E. LOVELL, JR., CITY ATTORNEY

NEWS RACKS
IN DOWNTOWN
AREA

Referred

RESOLUTION APPROVING THE UNIFORM SPECIFICATIONS FOR NEWS
RACKS IN DOWNTOWN AREA

Chief Deputy City Attorney, Janson F. Stewart: This Resolution is not for adoption today. We have pending a new Bill dealing with this regulating of news racks throughout the City, and in particular in the Downtown area.

The Bill requires that specifications be prepared by the Department of Public Services. These are the specifications that have been prepared and apply in the Downtown area only.

This Resolution should be considered by the Committee having the Bill under study.

Mayor Briare: Would you know who is serving on that Committee?

Mr. Stewart: Commissioners Christensen and Leavitt.

Mayor Briare: If there are no objections, we will leave it in that Committee.

RESOLUTION OF
ACCEPTANCE
Adopted

RESOLUTION OF ACCEPTANCE - F-006-1 (15) E.A. 70228 -
PARCEL EX-F-0060CL (MESQUITE STREET)

Mr. Stewart: The next item is a Resolution of Acceptance of certain property dealing with Mesquite Street, from the Department of Highways, State of Nevada.

Commissioner Lurie: Is it all in order?

Mr. Stewart: Yes, it is.

M o t i o n

Commissioner Lurie: I move for adoption of the Resolution.

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

RAINBOW BLVD.
Resolution
Adopted

RESOLUTION RELATIVE TO TRANSFERRING RIGHTS-OF-WAY FOR
RAINBOW BLVD.

Mr. Stewart: The next item is a Resolution transferring certain City rights-of-way on Rainbow, to the State for the construction of Rainbow Blvd by the State Highway Department. It is in order and is before you for your action.

M o t i o n

Commissioner Lurie: I move for adoption of the Resolution.

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

COOPERATIVE
AGREEMENT
Approved

INTEGRATED COOPERATIVE AGREEMENT - HIGHWAY AGREEMENT
No. 182-76-012

Mr. Stewart: Next before you is a Cooperative Agreement between the City and the Department of Highways for the construction of a Traffic Signal System at the Expressway and Jones. It is the standard agreement.

M o t i o n

Commissioner Lurie: I move for approval.

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

NEW SIGN
ORDINANCE

Commissioner Leavitt: Mr. Mayor, at this time I would like to, once again, make a request of the City Attorney's office for the drafting of a new Sign Ordinance . . . I would like to have Mr. Stewart look into it and see what the status of that Ordinance is.

We had a meeting - Commissioner Christensen, Commissioner Woofter and I were present - we met with the Beautification Committee and made certain recommendations which were forwarded to the City Attorney's office

Mayor Briare: Mr. Stewart, are you familiar with Commissioner Leavitt's request?

Mr. Stewart: Yes, I have discussed it with him. I will check as to the status and report to him on that.

FORMAT TO
REQUEST
NEW BILLS

Mayor Briare: I have a question: The City Manager has made a recommendation toward a new format for new ordinances, which I find, personally, acceptable. However, in some instances I have noticed that requests come from the City Attorney's office as the result of a Board action; sometimes requests come "inter office". Does the City Attorney's office distinguish between the two?

Mr. Stewart: No - there is no formal policy to distinguish. We receive a request on a pink sheet or, in fact, requests come to us in a variety of ways now.

Mayor Briare: The reason I bring the question up is because I am patiently waiting for a couple of ordinances to be drafted by the City Attorney's office that I would like to present to the Commission - one in particular.

Mr. Stewart: Which one would that be?

Mayor Briare: One is a - actually, I just followed it up with a little note to Mr. Lovell yesterday. It makes no difference as to how it gets to your office and attention - I don't need to discuss it any further.

Mr. Adams: I would like to add something here, Mayor: The City Manager's office meets on Thursday, following the Tuesday meeting of the Beautification Committee, so we will be able to relate some of that information directly, and that should clear that matter up.

NEW BILLS

BILL
No. 76-58
Referred

BILL No. 76-58 - ANNEXATION ORDINANCE - A-2-75

Mr. Stewart: Your Honor, this is an Annexation Bill involving the Las Vegas Dunes property. I believe it has to be acted upon within ninety (90) days following the Public Hearing and I believe the Public Hearing was held August 18, 1976 on this matter. I can read it by title and you can either refer it to a Recommending Committee or a Study Committee; whatever would be your pleasure. If you want this property to be annexed, you would adopt the Ordinance. If you do not wish to annex this property, then you would not adopt it.

A Bill entitled: "AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO" was read by title by the Deputy 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. 76-58. (1st reading)

Mayor Briare appointed Commissioners Christensen and Lurie as the Committee for Recommendation on Bill No. 76-58.

BILL
No. 76-48
Referred

BILL No. 76-48 - TO PROVIDE THAT THE R-E CLASSIFICATION OF LAND CONSISTING OF TEN (10) ACRES OR MORE SHALL BE CONSIDERED AS A HOLDING DESIGNATION; ALSO PROVIDING REGULATIONS FOR THE SCREENING OR FENCING OF TENNIS COURTS IN REAR YARD AREAS

Mr. Stewart: The next item is a new Bill which provides that land of ten (10) acres or more, R-E would be considered as more or less as a holding designation.

Mayor Briare: This will be referred to a Study Committee consisting of Commissioner Christensen and Commissioner Woofter.

I would like to ask that Committee to give consideration on Page 2, Item B (2) that prohibits fish or fowl. I have no argument with the fish, but as far as fowl is concerned, I assume chickens and pigeons are referred to as "fowl", Mr. City Attorney, and we have some very innocent law breakers in this City that I would like to make legal and give some consideration to the possible amendment of this Bill to allow for chickens and ducks. Obviously, R-E is a classification for people who like to keep some sort of livestock - I would just generally classify them as "livestock". For those people who want to keep ducks and chickens - I realize there should be some limitation on it, but I think they should be allowed to do it.

Commissioner Christensen: As I understand this the only changes to the existing Ordinance is that which is under-

lined, which is the first Section and (G) 5. So it is your suggestion, Mayor, that we modify the existing Ordinance. I would like to do one other thing as long as it looks like I'm going to be Chairman of this Committee, I would like to ask the City Manager and the City Attorney if it is proper and legal - I guess my problem is the notification of people. I'd like to have citizen input on this and I'd like to hold a little public hearing. I am going to suggest that we do that and I wonder if we couldn't also send a copy of this Ordinance to the Board of Realtors? Or would it be discriminatory if we sent a copy to the Board of Realtors and didn't send one to the owner of ten acres or more. I think the Homebuilders Association should have a copy also.

Mr. Adams: We could cover most of them and then publish a Notice in the papers.

Commissioner Christensen: I would appreciate that and would make that request. I'm trying to look at a time table for this - I think we should definitely look at it with the idea of the amendment and maybe hold the public hearing before it goes to the Recommending Committee. Then we could get it amended the way we want it - it would go to the Recommending Committee and we could go ahead and adopt it. So all we're talking about at this time is the scheduling of a public hearing, so that when you notify these groups you can also notify them of the date of the public hearing on it.

Mr. Adams: The only Public Hearing I can recall for October 20th is the Appeal matter set today -

Commissioner Christensen: Let's set this for October 20th then and we'll get the input on it at that time.

Mr. Adams: I think we could run a box Ad with letters to the groups - I think that would cover it.

Mayor Briare: The Notice should indicate that Commissioner Christensen would be willing to receive comments by letter -

Mr. Adams: We can include that in the box Ad - that those who are interested may contact Commissioner Christensen or Commissioner Woofter -

Mayor Briare: Commissioner Christensen, in whatever way you want to work it out, get together with the City Manager on the details.

Mr. Stewart: On this kind of an Ordinance there has to be a Public Hearing by the Board. Although we will be soliciting comments from the general public, we will still have to hold the required Public Hearing.

Commissioner Lurie: I would just like to comment, Mayor, on your recommendation and I wholeheartedly agree that there has to be some provision made in this Ordinance for the keeping of rabbits or ducks. I have been contacted by some people who live in the West Charleston area whose children have some 4-H Projects requiring them to raise rabbits - maybe three or four - for show purposes and I think there should be some provision in the Ordinance for them, as long as the City knows where they are and it does not threaten the public health, safety and welfare by having these animals in their yard. I believe the City of Henderson has just passed an Ordinance allowing this type of thing - you might check with them - get a copy and see how they did it.

BILL
No. 76-56

BILL No. 76-56 - Re PARKS AND RECREATION ADVISORY
COMMISSION - DELETING THE TITLE, DIRECTOR OF RECREATION
AND PARKS AND INSERTING THE TITLE "DIRECTOR OF CULTURAL
SERVICES

Committee: Commissioners Lurie and Woofter

Published by Title 9/7/76 LAS VEGAS SUN

Commissioner Lurie: We have one question that concerns both Commissioner Woofter and myself because we don't want to lose the identification of the Parks & Recreation Departments by changing the name to Social Services.

The Director of Recreation is being changed to the Director of Social Services, but is the Department still going to be known as the Parks and Recreation Department? That is the question.

We can't determine by this Ordinance.

Mr. Adams: We have previously suggested the name of CULTURAL SERVICES as the Department of which the Parks is a Division and Recreation will be a Division.

Probably by your next meeting we will have a Report made by Staff dealing with this entire Department.

Commissioner Lurie: We just don't want Parks and Recreation to lose identification because of the change of the name to CULTURAL SERVICES -

Mr. Adams: The Board would not lose its identification but the Parks and Recreation Department will go to CULTURAL SERVICES -

Commissioner Lurie: And that will be Parks and Recreation?

Mr. Adams: Right -

Commissioner Lurie: OK, we would move the Bill out of Committee favorably and move for its adoption.

M o t i o n

A Bill entitled: "BILL No. 76-56 - FIRST AMENDMENT - ORDINANCE No. _____ - AN ORDINANCE TO AMEND TITLE II, CHAPTER 11, SECTION 2, 3 AND 4 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, RELATING TO PARKS AND RECREATION ADVISORY COMMISSION, BY INSERTING THE TITLE 'DIRECTOR OF CULTURAL SERVICES' IN LIEU OF 'DIRECTOR OF RECREATION AND DIRECTOR OF PARKS'; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH", was read by Title by the Deputy City Attorney. (2nd reading)

Mayor Briare: Mr. Adams, I'm not sure in my mind whether Commissioner Lurie's point is resolved. It would appear from looking at the Ordinance that there is no question but that this is to be referred to in the future - if the terms of this Ordinance be followed - as the DIRECTOR OF CULTURAL SERVICES.

In order to not lose the identification of Parks and Recreation in the eyes of the General Public who, in one instance might look at "Cultural Services" performing one type of service and Recreation and Parks another.

I'm not sure that the Committee's question is resolved.

I think what I might be trying to say is - should, for example, Mr. Foster be referred to as the Director of Cultural and Recreational Services?

Mr. Adams: Our concept of CULTURAL SERVICES is that would encompass the Recreation Department.

Mayor Briare: I understand that, and we all understand that -

Mr. Adams: With the idea in mind there would be a Recreation Division, which name will show up -

Commissioner Lurie: When people call in and want to know about baseball diamonds, tennis courts or basketball courts - they are not going to think to look under CULTURAL SERVICES. They will look under Recreation -

Mr. Adams: That is correct, but under the CULTURAL SERVICES DEPARTMENT there will be a Recreation Division which I think will still carry the same connotation -

Commissioner Lurie: I hate to bring this up again, but when we were having our Consolidation Committee meetings and we were trying to bring these departments together we tried to figure out a new name to identify Parks and Recreation - Cultural Services - Leisure Services - and the end result was that we would stay with Parks and Recreation, because people do relate to Parks and Recreation more than to Cultural Services or Leisure Services.

M o t i o n
Withdrawn

Since there are some questions on it at this time, I will withdraw my motion. We don't have to take action on this until our Next meeting so maybe we can get some comments from the Commission and the Mayor.

Since there is some question on it, I would just as soon not adopt it today - let's clarify what we are talking about when we say "Cultural Services".

Mayor Briare: Mr. Stewart, having read the Ordinance by Title, where do we stand?

Mr. Stewart: You may just hold it in abeyance. It doesn't have to be acted upon right now.

Mayor Briare: Then, if there are no objections, this matter will be held over to October 6, 1976.

Is that the proper procedure, Mr. Stewart?

Mr. Stewart: That is correct -

Commissioner Lurie: Could Commissioner Woofter and I have comments from Commissioners Christensen and Leavitt and the Mayor prior to that date? As to whether or not you feel this name change should be made at this time?

Mr. Adams: There will be a Report coming to you from Staff - I think you will then be able to get a more complete recommendation of what we are after.

Mayor Briare: We made a committment earlier that we would meet with Judge Mullen at twelve o'clock. This is the time on the agenda where we ask if there is anyone in the audience that wishes to bring anything up.

Commissioner Christensen: May I bring up a couple of items?

Mayor Briare: You have first priority, Commissioner -

Commissioner Christensen: Referring to Reports from Study Committees: What was the disposition of:

BILL No. 76-28 - re ENFORCEMENT OF SITE RESTRICTIONS CONCERNING RECREATIONAL VEHICLES PARKING NEAR

BILL
No. 76-28
(continued)

INTERSECTIONS

Committee: Commissioners Christensen and Lurie (4/21/76)

at the last meeting when we held a pittle public on it?

Mr. Stewart: It was referred back to the Traffic & Parking Commission.

Commissioner Christensen: OK - fine -

The other one I have a question on is:

BILL
No. 76-57
Committee
Meeting

BILL No. 76-57 - TO REGULATE THE INSTALLATION, USE AND MAINTENANCE OF NEWS RACKS ON PUBLIC STREETS OR RIGHTS-OF-WAY

Committee: Commissioners Christensen and Leavitt (9/1/76)

I would like to schedule a meeting with the Beautification Committee and the Newspaper representatives who will be involved in this, at the request of the Beautification Committee, to be sure we have it the way we want it.

Can we schedule a meeting and notify those people of the Committee meeting?

Mr. Adams: Mr. Saylor, would you handle that through the Beautification Committee?

Commissioner Christensen: Make sure the Newspapers are informed also.

Mayor Briare: Is there anything else?

Commissioner Woofter: Your Honor, on:

BILL
No. 76-57

BILL No. 76-29 - REPEALING V-1-1 (C) WHICH PROVIDES THAT APPLICANTS MUST APPEAR IN PERSON BEFORE THE BOARD OF CITY COMMISSIONERS FOR A BUSINESS LICENSE

Committee: Mayor Briare and Commissioner Woofter (4/21/76)

you are the Chairman of this Committee. I for the life of me can't understand why there is such a proposal since there are - I can't think of one meeting where we haven't had certain questions of individuals applying for a Business License.

As a member of this Committee I would ask that this Bill be stricken.

Mayor Briare: As I recall, that came about as the result of our ins-and-outs with the Courts and this was a possible vehicle to use to keep us out of Court so much. Maybe we should just dissolve the idea and abandon the Committee until the situation comes up again - if it should come up again.

Does the Commission have any objection to dissolving, not only the Committee, but the proposed Ordinance?

(No response)

Mr. Stewart: You can just take it off the agenda.

Mayor Briare: Very well - that would be the simplest way - we will remove it from the agenda.

While we are on this subject, are there any other proposed Bills the Commissioners would like to have removed?

Commissioner Lurie: Mayor, on:

BILL
No. 76-7

BILL No. 76-7 - TO PROVIDE THAT NO PERSON SHALL BRING ANY ANIMAL UPON THE GROUNDS OF ANY PUBLIC PARK EXCEPT FOR SPECIALLY APPROVED ANIMAL SHOWS AND EXHIBITIONS
Committee: Commissioners Lurie and Leavitt (2/4/76)

Commissioner Lurie: I requested some time ago an amended version of this proposed Bill, but I have never received it. If we are ever going to take any action on it, I would like the City Attorney's office to proceed with the amendment so we can move it out of the Study Committee.

BILL
No. 76-30
Time
Expired

Mayor Briare: To any member of the Commission this might apply to - in my absence at the last meeting, apparently there was some technical flaw in the Ordinance providing for a 200-room Hotel or Motel. I forget what the minutes reflected as to what the action of this Board was.

Commissioner Woofter: As the result of no action, it died at the last meeting. However, the Commission instructed me to continue study on this and bring it back at some future time.

Mayor Briare: As I recall it, the only comment I had on this was the possible "grandfathering". Up to that point I was favorably inclined to approve it.

Is there anything else to come before this Board?

(No response from audience)

MUNICIPAL
COURT
PROCEDURES

Mayor Briare: I want the record to show that the Judge said he would be here at twelve o'clock noon and it is now exactly twelve o'clock noon.

Judge Robert E. Mullen: Let the record further show that he was here one minute before the Mayor recognized the fact I was here.

Mr. Mayor and Gentlemen, I would assume that by now all of you have been briefed as to what the problem is -

Commissioner Leavitt: We have not been briefed - we have been sitting as members of this Board ever since you left earlier, so why don't you brief us?

Judge Mullen: Very well. Back in May there was a meeting held in one of the Conference Rooms on the 8th Floor, or the 10th Floor, of City Hall. The persons present at that meeting were myself, Judge Brown, Judge Horsey, the City Attorney, Mr. Lovell, Mr. Adams, the City Manager and Mr. Morgan Harris of the Public Defender's Office..

We were advised that the Public Defender was no longer going to handle indigent misdemeanors in the Municipal Court unless the City hired him - I believe at that time they were talking about - Mr. Harris was talking about two (2) Deputies that the City would pay for, plus a Secretary, plus some room space, and he had some projected figure of some \$84,000.00 or \$86,000.00. I don't exactly remember, but one of those figures I believe is what it was.

Page 74
Minutes
Regular Meeting
City Commission
Sept. 15, 1976

At that time it was decided - it was stated - that this pull-out would not be immediate but, in fact, it was.

Another meeting was held with the City Manager, Mr. Lovell's office, myself representing the Court, where we discussed whether the City should, in fact, contri-

bute "X" number of dollars to the County, earmarked specifically for the Public Defender's office to budget two people, plus a secretary and I believe the City Manager indicated that it would be his responsibility to find appropriate space in this complex here.

We also discussed at that time as to whether or not it would be feasible to possibly put this thing out to bid to private counsel to some private firm. Cutting through on that, it was referred to Committee again - and again they wound up with a camel instead of a horse.

I really don't know what took place during those meetings with the Committee it was referred back to. In the meantime I attended this one meeting - this last meeting, when they were bandying about as to how much money it was going to cost. I indicated to the City Manager, to Mr. Lovell and to the people of the Press at this meeting, that the Court could not proceed without proper counsel - without counsel being there.

At the same time when Mr. Harris pulled out from City misdemeanors, there was probably some eighty (80) or ninety (90) cases that had already been assigned to the Public Defender's office. At that time Attorney Dave Schreiber had a contract - a side contract - with the Public Defender to appear both in Municipal Court, and then I guess for about nine months to a year he was actually the one who appeared to handle the indigents out of the Public Defender's office, but this was on a side contract. I knew nothing about that contract - this part of it is strictly hearsay . . .

At the time the Public Defender pulled out, I believe it was Mr. Lovell and Mr. Harris and myself - I don't believe Mr. Adams was involved in this particular thing - we were told to decide what to do with these 80 or 90 cases and it was the consensus of all of whoever was involved in that meeting that inasmuch as Mr. Schreiber had already interviewed these people - had already been involved in all of their cases because on a day-to-day basis he was the one who had been here - the Public Defender felt that rather than try to distribute all these files around and try to get other attorneys to take these files and start over and get continuances and the whole thing - that the Public Defender would take these - I don't know how many files there were - there could have been as few as 50 or as many as 150. I don't have those figures.

Mr. Schreiber, I believe, is here and he can probably come closer to telling you just how many cases this was.

It was determined that the contract was cancelled, or put on the shelf, or whatever. I don't know what happened to the contract. I wasn't involved in that part of it, but it was agreed that Mr. Schreiber would be paid for the representation of those indigents by the City, rather than out of the Public Defender's office.

Commissioner Lurie: Judge, may I ask you who agreed because I don't remember you coming before this Board and us authorizing any money -

Judge Mullen: That is correct. It did not come before this Board. As I said, the agreement was between the City Attorney's office - maybe the word "agreement" is a bad choice of words on my part. It was simply stated that Mr. Schreiber would go ahead and represent these indigents and paid under the Statutes . . . I don't believe Mr. Schreiber was involved in this discussion at this time. In fact, I know he wasn't involved in this discussion.

Things went along pretty good then during the month of

June. Apparently there were no problems. The claims came through, the claims were paid by the Court. At the same time I received letters from several other local attorneys indicating that they were interested - there was quite a bit of pressure on this thing as you will remember - and several attorneys contacted me by mail saying that if it was going to be by private appointment that they were available for private appointment, and they were used. I rotated them.

At the same time I indicated to these young attorneys that I needed somebody for all of the indigent arraignments each day, but there was no way I could pay them for this. This was told to each and every one of them. I indicated to them that under the Statute, and I believe you have copies of 7.145 - I would hope you have copies of that - "Claims for Representation Expenses". I indicated to them that the Statute does call for \$20.00 in service and \$30.00 out of service, but under Subsection 2 of that Section, it also says - and I quote from it:

Each claim shall be supported by a sworn statement specifying the time expended in Court, the service rendered out of Court, the expense incurred while the case was pending and the compensation or reimbursement applied for or received in the case from any other source, except as otherwise provided for approval of payments except when the statutory limit, the Magistrate (and I am a Magistrate) or the Court to which the claim is submitted shall affix and certify the compensation and expenses to be paid, and the amounts so certified shall be paid.

Now, on any number of occasions these various attorneys came over . . . spent anywhere from two to three - two and a half - sometimes four hours advising each of these indigents as to their rights under the Law, and I know on several occasions and I know of innumerable occasions where Mr. Schreiber was concerned - on three or four cases where Mr. Bray was concerned that they came over - spent several hours in the Court advising each one of these indigents and no bills were submitted to the City because I had already told them I could not pay them.

What I did tell them that I would do, on those appointments that I gave them, I would take a look at it and I would keep in mind the fact that they did the Public Defender's job on those days they were over here and I would probably attempt to see to it they got paid a little bit more than the actual number of hours they spent there.

My reason behind that, Gentlemen, is that, while I am not a lawyer - there are two others on the Bench and on this Commission, I felt their spending the only thing they have to sell in my Court - doing my Court a favor - and that is having these matters go on - at least the City is not laid open for law suits -

Several thousand worth of claims in May and in June and then all of a sudden I started hearing rumors that none of the claims were being paid. Apparently it came to a head yesterday. I was aware of it last week. I talked to one of Mr. Lovell's Deputies, who came down to my office. I gave him the affidavit of my feeling that each and every one of those instances - that each and every one of those claims was a fair amount of money, both to the City and the County.

Just to digress for a second - during one of those meetings I think I advised Mr. Adams, Mr. Lovell - I advised them that if they didn't do something immediately on private counseling, limiting what I was going to do, it was going to cost the City somewhere between \$10,000.00 and \$12,000.00 a month if private counsel were appointed. As a matter of

fact, if I remember correctly, Mr. _____ quickly made some computations and he said - you are talking about somewhere around \$125,000.00 a year.

Apparently in the last two months, somebody in Finance or in Procurement, or whatever processes these, took a look at them and decided - something is wrong here, and I agree with them that there is something wrong.. The Court has sat and waited since May, or actually the 15th of June, for the Public Defender's office, the City Attorney's office and the City Manager to make some kind - apparently there has been submitted to the City Manager's office or to the City Attorney's office - a proposal from the Public Defender's office about hiring the proper staff. Apparently that has never gotten to this Board, from what you just indicated a few minutes ago to me.

Gentlemen, I can't operate a Court without counsel being there. You can ask your own City Attorney that a defendant may waive his right to counsel, but the minute you tell a person you are going to him in jail, or there's a good change you are going to put them in jail if they plead guilty to a charge, or found guilty of a charge, almost without exception they will ask to be represented by counsel. If they want that representation they can even go so far as to say they want a Judge . . .

Be that as it may, these attorneys - and there are several in the audience now - have not been paid. They are entitled to every dime. I certified, and in most instances, they put their time down - the true hours they spent on each case. I did compute - and as I was not satisfied that under the Statutes the \$30.00 in Court and the \$20.00 out of Court, plus the hours they had expended . . . and I tacked on an extra \$20.00 or \$25.00. I didn't get any of that \$20.00 or \$25.00 back in my pocket.

I want it understood that each one of those claims in most instances - if you will look at the individual claims you will find that the amount written in the claims is submitted certified or signed by the attorney involved, and the amount is written in in my handwriting. In each and every one of those instances I feel that it was a fair and just amount for that particular case for that particular attorney.

As long ago as a month ago there was a meeting in Mr. Adam's office where it was decided that it be brought to this Board the feasibility of hiring - we agreed, Judge Horsey and Judge Brown and the City Attorney's office, that we could probably get along with one attorney. I've never seen the proposal -

Commissioner Woofter: In order to expedite this matter, that was brought before this Board and we approved it - that we would furnish the physical facilities and allow one Public Defender and a secretary.

Judge Mullen: Do you remember the date that was approved?

Commissioner Woofter: About two or three m-etings ago -

Judge Mullen: May I ask a question, and I am just asking a question - why hasn't the Public Defender's been coming over and handling the arraignments during the last month?

Commissioner Lurie: You're the Judge - you should be able to answer that question -

Judge Mullen: I disagree with you Commissioner Lurie. Number one, no one ever told me that it was brought to this Board and this was what was agreed upon. Number two,

it isn't my responsibility to go to the Public Defender and say - you are going to do something. As far as that is concerned, there have been some statements made that the Public Defender could never have walked away from us in the first place because of the State Statutes. My question then to Mr. Lovell and Mr. _____ is way back in May why didn't you file a Writ of Mandamus in the District Court to prevent the Public Defender from leaving the Municipal Court?

Commissioner Lurie: He never left - he was ready to leave but then he sat down and agreed to work out the problem, and we think we worked it out. You, I think, took it upon yourself not to wait for these meetings to resolve the problem and went ahead and appointed private counsel. . . .

Judge Mullen: Nobody told me this has been approved, or anything else -

Commissioner Lurie: You spoke about Mr. Schreiber's contract with the Public Defender's office - maybe a lot of this money should be paid by the County - not the City, if he was representing the Public Defender's office on a contract, then the County ought to be liable for some of these expenditures - not the City. You are trying to stick us with a bill here where we are questioning some of the figures and this whole thing, I think, has probably come to a head . . .

Judge Mullen: I would like to back away from the microphone long enough to put Mr. Schreiber on long enough to answer that question . . .

Mr. Schreiber: As of approximately the 24th of June, give or take a day, there were no further appearances by the Public Defender's office. I was on a contract with them for approximately ten or eleven months before that day - I was told on that day there would be no further payment to me under the contract. That anything further as far as any representation in the Municipal Court would have to be by Court appointment, unless and until the City did something else to get representation down there.

As of about that date - the last week in June - that was it for the Public Defender. They did pull out.

I was not present at any of these meetings the Judge was discussing and where it was discussed that since I had been representing all of these indigents and was familiar with most of the cases, and I was on a contract that had been terminated, whatever understanding or agreement they may have had concerning these then existing files, every one of those that I did receive was Court-appointed. It wasn't an agreement that I would just take over those cases and work on them. They were Court-appointed and vouchers were submitted documenting time in court, out of court, monies expended, on each of these cases -

Commissioner Leavitt: It seems to be two separate problems. The way I understand it is - there are certain claims for attorneys who were Court-appointed by the Judges -

Mr. Schreiber: That is right -

Commissioner Leavitt: That have not been paid -

Mr. Schreiber: That is correct -

Commissioner Leavitt: Let's forget about the Public Defender for the moment - we're talking about those claims that haven't been paid. Now, is there a reason why those claims haven't been paid?

Mr. Adams: The information was brought to me . . .

Commissioner Leavitt: Have you been advised by the City Attorney's office that these should not be paid?

Mr. Adams: That's correct.

Commissioner Leavitt: In other words, there's a legal dispute as to whether or not these claims are legitimate under the Statutes - is that correct?

Mr. Adams: That's true.

Commissioner Leavitt: Judge, are you aware that yesterday before the State Supreme Court, there was an argument on a case involving this very point. This case is in the County on whether or not the claims can be in excess of the amounts contained in the Statutes -

Judge Mullen: There is no claim in excess of \$300.00, Commissioner Leavitt -

Commissioner Leavitt: There are all under \$300.00?

Judge Mullen: Every single one of them.

Commissioner Leavitt: Well, then maybe I'd better find out before I ask the next question - why the City Attorney thinks they are not proper -

Mr. Lovell: Commissioner, when the Procurement Department got concerned as to the then numerous amounts of claims that came in, they came up to our office. Mr. Koch and myself took a look at the Law, which indicates there is a certain hourly rate of \$20.00 out of Court and \$30.00 in Court which can be charged. That makes a maximum of \$300.00 in Municipal Court and \$300.00 on appeal.

Then there is a provision that states that, with reference to the Section we're talking about - the \$300.00 - you can pay more if there are unusual circumstances. But in this particular case that Mr. Koch found that an attorney would charge three hours - which might be \$90.00 - in Court, but would be getting \$150.00. So the question came up - if he hadn't reached the maximum, it would still have to go by the \$20.00 or \$30.00 and, until he reached that maximum, there were no additional amounts that could be paid.

That, in view of two other very important factors: No. 1, that none of the attorneys in their claims presented have submitted a sworn statement as required by State Statute. In addition to that, the majority of them - I can't name one or another - but the majority of the attorneys themselves also did not comply with the State Statutes by stating the number of hours that they actually served in or out of Court -

Commissioner Leavitt: Are you saying that the claims, as presented, were not sworn to and the hours specifically stated - and that's the reason they were rejected?

Mr. Lovell: That was the original reason they were rejected - yes.

Commissioner Leavitt: And that could be rectified by the attorneys making a sworn statement and submitting an itemized statement as to the number of hours spent -

Answer: That has been done -

Mr. Lovell: The only outstanding problem now that remains is whether for three hours of Court time, for example, which is \$90.00, they could be paid \$150.00 or

\$175.00 or they could paid only the \$90.00. The Statute, as we read it, indicates that they must be paid - and one of the claimants even agrees - they must be paid pursuant to the \$20.00 or \$30.00 rate and when you get to the \$300.00 maximum if you put 10 hours in (at \$30.00 that comes to \$300.00) and you end up spending 2 more hours at it, the Court in its power can justify the excess.

Commissioner Leavitt: The Judge justifies everything over \$300.00 - so they are not involved in that?

Mr. Lovell: That's right, but he has - the Judge has given them more than the \$20.00 or \$30.00 rate - that's the problem.

Judge Mullen: His interpretation of that and my interpretation is where the foul-up comes in. My interpretation is that the unusual circumstances . . .

Commissioner Leavitt: Yes, but you are not above the \$300.00 so that;s the problem. Now, in view of the fact they have made a sworn statement - an itemized statement - they can at least get paid that much, can't they? There's no problem with that. Can't you pay the attorneys for the sworn statement and itemized bill and we can leave the rest of it to be resolved later?

Mr. Schreiber: There is no "rest", Mr. Commissioner -

Commissioner Leavitt: The arraignment situation -

Mr. Schreiber: Well, but the problem -

Commissioner Leavitt: Maybe you ought to submit separate claims for that.

Mr. Schreiber: There is no way that any of the attorneys involved kept records of the dates we came for arraignment for each of the indigents that we counseled with . . .

Alan Bray: The problem is that the arraignment time is inexplicably related to the billing, in that no records were kept for the arraignment time which, as the Judge has mentioned, was sometimes between four hours and an afternoon. The only time it is submitted relates to the actual appointment of cases for a specific defendant that went further to trial.

So what we're saying, basically, the unusual circumstances interweave with the arraignments and also the actual appointments and Mr. Lovell is making the statement, basically, that the \$20.00 or \$30.00 limit is imposed on each and every statement that is submitted by the respective attorneys when, in fact, Judge Mullen is saying that this allocation of \$150.00, maybe, for three hours time - which is \$50.00 an hour - takes into consideration the arraignment time also and is an unusual circumstance for which the attorney should be compensated.

Commissioner Leavitt: You have to realize that Mr. Lovell is the duly elected City Attorney and is our Legal Advisor, so if you have a dispute with him over what his legal opinion is, then there is an avenue available to you for that. But, as our Legal Advisor, we have to follow his advice. What I am suggesting to you is this: That he has indicated that where you have made the sworn statement and itemized the number of hours on the case - there is nothing wrong with that part of the claim - is that correct, Mr. Lovell?

Mr. Lovell: That is correct -

Commissioner Leavitt: And they can be paid to that amount of the claim -

Mr. Lovell: Under the provisions of the Statutes - yes.

Commissioner Leavitt: So I would suggest that we go ahead and approve those claims and pay those amounts and the other problems be resolved by some other way because our Legal Advisor has informed us that we should not pay that.

Mr. Schreiber: Mr. Commissioner, may I point out one thing? This opinion that Mr. Lovell is expressing to the Commission has just existed in the last several weeks. Up until then, dating way back to the first of July, numerous vouchers were approved, were paid and never once was this issue raised -

Commissioner Leavitt: He may wish to review it and get some of the money back - I don't know. But the point is that we have now been given a legal opinion by our City Attorney that we should not pay them. I don't see how we can do anything but follow that opinion. What I'm trying to arrive at here is to get those amounts, at least in our City Attorney's opinion, legal and then the other problem can be resolved by filing a claim and if we reject it, then you can file a claim against the City -

Mr. Schreiber: For the time spent in Court -

Commissioner Leavitt: For the time Judge Mullen has indicated in his discretion were extra ordinary circumstances and would require additional compensation. That's the only remedy I can see. In other words - that's the way it can be resolved . . .

Mr. Schreiber: Well, with all due respect, I think that following his advice is a matter of discretion with the Commission . . .

Judge Mullen: I have no objection to that - I don't speak for the attorneys or anybody else except the Court. Now, that bring me to my next problem. What do I do when I ask these attorneys to come over and they refuse to come over because they can't get paid?

Commissioner Leavitt: As far as that is concerned, we've got to find out why the Public Defender is not in here to handle it. . .

Mayor Briare: Judge, I would hate to think that any member of this Board - I'm going to be leaving in about two minutes - but I would hate to think that anybody on this Board questions your - these two lawyers here or any other lawyers - we don't question your good intentions. To me it sounds like something that is administrative but there is a legal question on it. I have listened to Commissioner Leavitt and I certainly subscribe to what he has said. If the City Attorney's office gives us a legal opinion I, for one, am going to accept that opinion. It is an administrative problem and our City Manager is going to resolve it.

Judge Mullen: But what do I do at 1:30 this afternoon?

Mr. Lovell: Judge Mullen, I think as far as what they've said, they approved those attorneys who are supposed to be there. You, because of your authority and because of the contract, or agreement, they have approved a Public Defender. He is supposed to be there and you can appoint him. Now, where he is, obviously, I don't know but we'll find out real quick -

Commissioner Leavitt: I am going to suggest that the City Manager contact the Public Defender's office and find out why we have not been receiving a Public Defender and a secretary - we've got the space available - why they are

MUNICIPAL COURT
(continued)

not functioning as we all agreed on.

Mr. Adams: We set some space aside - we had discussions with the County Administrator . . .

Commissioner Leavitt: If that hasn't been resolved by our next meeting - which is the 6th of October - obviously between now and then you will continue to have your Court appointments. I'm going to ask the City Manager to today get in touch with the Public Defender and say - how come you don't have a Public Defender over here as agreed on?

Judge Mullen: In other words, all of the indigents who are facing a jail term will have an attorney to represent him until Mr. Harris makes up his mind what to do . . . I just can't let them sit in jail without counsel.

Commissioner Leavitt: Obviously you can't, Judge. What you are going to have to do is appoint an attorney to provide for arraignments.

Judge Mullen: Is it the consensus of this Board that the three or four hours that individual comes in and arranges the arraignments will be paid at \$30.00 an hour, submitted through the proper channels at the end of that day?

Commissioner Leavitt: Judge, that's where the dispute is. The City Attorney says we shouldn't pay it -

Judge Mullen: That's not what he said - he hasn't said one word about the arraignments. He said that I couldn't give the overage. I am asking now . . .

Commissioner Leavitt: One attorney to handle the whole arraignment . . . what about that, Mr. Lovell, do you think that would be permissible?

Mr. Lovell: I think it would have to be under the circumstances -

Mr. Schreiber: Am I to assume for those attorneys that are involved in this situation, that if we submit vouchers - a documented voucher for all of those days we spent in Municipal Court, without regard to a specific case, that those will be approved?

Commissioner Leavitt: I would suggest that you submit the vouchers on the arraignment time separate from the other -

Mr. Schreiber: Yes -

Commissioner Leavitt: And then we will have Mr. Lovell look at them.

Mayor Briare: This is very dangerous, Counselors, because I notice Mr. Bray is over here coaching the Judge - and I've never known the Judge to need a coach - he does pretty good by himself - Mr. Bray has been whispering in his ear and I'm sure it wasn't sweet nothings - and you are here taking about these things. Don't, please, whatever we do before leaving here, insofar as I'm concerned - any question that comes before this Board has to have a motion and a vote, and I'm going to get the City Attorney's opinion, because this idea that the Judge outlined a little earlier - that this was the understanding, or that you had a side contract with the Public Defender - that a meeting took place in Mr. Adams' office and who was there. All that stuff doesn't mean a thing to me, Judge.

Alan Bray: Let me make one comment insofar as any "coaching" was concerned. All I was trying to find out was what the situation would be in the future.

Mayor Briare: You want to get paid for what services you have rendered and I would be the first one to vote to pay you what you are entitled to.

Mr. Bray: I'm not even worried about that at this point. I just want to know if we come over here, what arrangements will be made. That's all.

Mayor Briare: I don't think that this Board is in a position to give you an answer to that question. If you can't resolve it within the Court system, I can't imagine why in the world you want this Board to resolve it.

Mr. Bray: I think it might be appropriate to consider the possibility of going out to bid on it - for a Public Defender. I don't think you need the secretary, to be perfectly honest with you.

Judge Mullen: I would like to say one more thing in closing: I have never been advised by anyone that you had voted on and approved a Public Defender . . .

Mr. Schreiber: I am not concerned with a future situation. I am concerned about the past. Now, if those of us who have spent hours in the Municipal Court, aside from a specific case - if we document that and submit a sworn voucher for those hours up until now, will those vouchers be recommended for approval?

Mr. Lovell: Yes - you submit those to the Judge and he can approve those for whatever reason existed . . .

Commissioner Leavitt: This doesn't involve this Board. This is something that you and Mr. Lovell have to get together on and resolve. Mr. Lovell has given us an opinion and that's where we are and I think we should take these facts into consideration and I would like the Mayor to request that the City Manager be instructed to check with the Public Defender's office and let's get that part of the program clarified.

Judge Mullen: I don't care who the attorney is, just as long as I have an attorney there -

Commissioner Christensen: Just for my own edification - how do you pick the attorneys that are appointed? Do they solicit you?

Judge Mullen: Yes -

Commissioner Christensen: Do you solicit them, or what?

Judge Mullen: Generally the appointments go to the young attorneys just starting out in private practice, or an attorney who happens to be in Court at that time.

Commissioner Christensen: What is the greatest amount that we owe one attorney?

Mr. Lovell: \$14,000.00.

Commissioner Christensen: For one single attorney?

Judge Mullen: I explained why -

Commissioner Christensen: \$14,000.00 is a fairly healthy yearly income. How does \$14,000.00 break down for three months work?

Mr. Adams: That's part of the problem we've run into -

Commissioner Christensen: At \$30.00 an hour - it would seem like a lot more -

Mr. Adams: Yes Sir - quite a bit more.

Commissioner Christensen: That's what I don't understand - the figures just don't add up. This raises a Red Flag - there is no way a guy can make Fourteen Grand in three months representing indigents unless he's in Court twenty four hours a day and drawing a pretty good fee for that.

Commissioner Lurie: Let me say just one thing: We have vouchers for \$25,000.00. The City Attorney has said we should not pay them. Staff says we are being billed double the amount we should be paying. This is the question that comes before me because I am responsible to the tax-payers of the City - it's their money - and when someone tells me that we are over-paying \$12,000.00, then I want a complete investigation and answers on these vouchers if they are not legitimate.

We have to go along with the City Attorney's opinion and we have to go along with the suggestions that have been made here today. As far as the communication between your Court and the City Manager and the Public Defender, I think we can get that resolved by 1:30 today - as soon as we can get in touch with Mr. Harris.

As to the expenditures, that is questionable.

Mr. Schreiber: Using a hypothetical case, Mr. Commissioner, where there were, let's say 4 hours on a given case by the time it concluded. Four hours in Court which, under Statute, would be \$120.00. The Judge in that particular case has approved \$175.00 because of the reasons he outlined earlier.

In another case there may have been 2 hours work - let's say it was almost all out of Court. Under the \$20.00 and \$30.00 rate, it might have been only \$50.00 or \$60.00. The Judge may have, in that case, approved \$150.00. That is how the amount is more than the straight \$20.00 and \$30.00 an hour rate.

Commissioner Christensen: That's what bothers me - I can see where it could be a little more than the \$20.00 or \$30.00 rate, but if a guy can make Fourteen Thousand Bucks representing indigents in three months in Municipal Court, then we are all in the wrong profession -

Mr. Schreiber: We are talking about a mass number of cases Mr. Commissioner -

Commissioner Christensen: And you are talking about \$240.00 a day - that's a pretty healthy salary -

Mr. Schreiber: That entails at least three or four hours a day, every day, down there - covering several cases - - - I would be very surprised if either of the attorneys on the Board, or any other attorney other than one right out of Law School, would do a whole day in Court for \$250.00.

Judge Mullen: At this state, I have nothing further to present at this time.

M o t i o n

Commissioner Woofter: I make a motion that we adjourn.

Commissioner Leavitt: There is a motion for adjournment but we also have a request from the Mayor and Commissioner Leavitt that you find out what the communication problem is

MUNICIPAL COURT
(continued)

and bring it back to us at the next meeting.

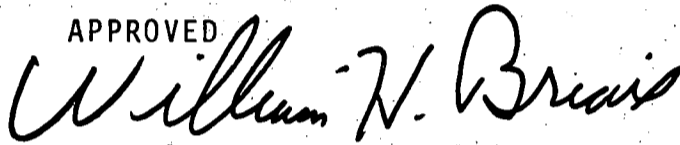
Mr. Adams: The communication problem, as far as I know, with the Judge - in talking to Mr. Spaulding a moment ago - is that we relayed the information back to the Public Defender that he proceed and bill us. We have yet to have a billing or an attorney so we will find out what that is all about.

We have no objection, of course, in the meantime to the Judge proceeding in the way he wants to operate it. Our question came when we suddenly found the one individual attorney with the large amount. We went back to check it - the City Attorney has said the price is too high, so we stopped it.

We have no objection to paying the prices provided under the Statute - it's the excess that has created the problem for us.

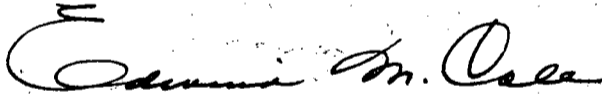
There being no further business to come before the Board, at the hour of 12:55 P.M. this Regular Meeting of the Board of City Commissioners was A D J O U R N E D.

APPROVED



WILLIAM H. BRIARE, MAYOR

ATTEST:



EDWINA M. COLE, CMC
CITY CLERK

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