

M I N U T E S

Las Vegas, Nevada
October 20, 1976

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 20th day of October, 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
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 A. Foster

Marvin A. Leavitt

Chief J. D. Miller

Bruce W. Spaulding

J. C. Cathcart

J. Robt McPherson

Laurence Hampton
Edwina M. Cole

INVOCATION
AND
PLEDGE OF
ALLEGIANCE

Mayor Briare: Ladies and Gentlemen, this is the Regular Meeting of the Las Vegas City Commission and it is now in order. If you would please all rise we will have an Invocation delivered this morning by Mr. Marvin Leavitt of the City of Las Vegas. If you will please remain standing, we will then have the Pledge of Allegiance:

"Our Father in Heaven, as we meet here this morning at the Regular Meeting of the Las Vegas Board of City Commissioners, we thank Thee for this Government which permits us to meet in these open meetings in this free Country. We ask You to Bless the Commission's deliberations this morning that they might be guided by Thee and have Thy Spirit as they make the decisions affecting the citizens of this community. We ask Thee also to Bless those who will participate in this Meeting that they may be able to articulate their thoughts and desires and present their positions on the various issues that come up here this morning. We, again, thank Thee for the many Blessings we have received from Thee; for all that we have, and we do this in the name of Thy Son, Jesus Christ, Amen."

LOS ANGELES
MIME COMPANY
Plaza
Presentation

Mayor Briare: Ladies and Gentlemen, we have an announcement, or two, and then a special presentation by the Las Vegas City Commission. I would like to call to the attention of those who are in the audience that something very special is going to be happening at the City Hall Plaza, right outside the doors here, at just about the noon hour. The Los Angeles Mime Company is traveling here to put on a Special Exhibition of their talents for any and all persons that would care to attend. This is a presentation that is sponsored by the City of Las Vegas. It is something we are very enthusiastic about and for those of you who have the time, I think you will find it very, very enjoyable. You are certainly invited to attend.

We have a Special Presentation to be made to the Las Vegas City Commission and for the purpose of introduction, Commissioner Leavitt:

COMMUNITY
ACTION
AGAINST RAPE

Commissioner Leavitt: Mr. Mayor, we have with us this morning, Florence McClure, Vice President and Director of the Community Action Against Rape, who would like to make a presentation to this Body:

Ms. McClure: I am the Vice President and Director of Community Action Against Rape, which is the corporate name for the Rape Project Center in Las Vegas. I have been with the Program since September of 1973 when it had its inception at a meeting at the North Las Vegas Library. The attendance was nearly 400 concerned citizens. They were angered by the number of rapes occurring in our Metropolitan area, especially of teenage girls on their way home from school in mid-afternoon.

The Secretary of State granted an incorporation as a non-profit organization, under the provisions of NRS 81.350 on January 15, 1974. The "Purpose", as stated in the incorporation, reads as follows: "Offering a 240hour crisis hot-line telephone, counseling service, together with appropriate medical and legal advice for rape victims; sponsoring classes in physical defense training to enable persons in the community, including school children, to learn appropriate defense measures; provide counselor escorts for victims to Police Stations and Hospitals, as well as counselor service and training programs for volunteers, and a referral service; to develop, after appropriate study, recommendations for changes in existant legislation, Police, Hospital and Courtroom procedures and develop an Educational Film to better inform the public on the crimes."

Since that date, we have spoken to thousands of citizens through the schools, church organizations of all Faiths and womens and mens organizations. Just this month members of the organization spoke to two groups at the UNLV Auditorium, cooperating with the Chief of Security at UNLV and Metro Police Community Relations Department.

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I spoke to a Social Problems class at UNLV and Ms. Petta and I made a presentation to nearly 200 members of Womens American Arts at the Temple. Ms. Petta will be making two more speaking engagements this month.

In order to continue and expand the Program, office facilities are badly needed. At the present time

COMMUNITY
ACTION
AGAINST RAPE
(continued)

the den in my home is being used. For the training of volunteers, we have been using the County Library, but it is inadequate. Last night we had the first session of the Fall Training and we were a half hour late in getting started because there was just one key to the Auditorium, and someone had taken it home with them. This has happened before, even though first scheduled with the office. This is discouraging because most of the volunteers and trained personnel have already put in a full day's work, and there is no remuneration. They are dedicated volunteers.

If the City would let us use property near the City Hall, in their possession, it would be a great step forward. There would be a place for local people to come, as well as tourist-victims.

During the month of September 1st, I picked up two victims. One woman was from Virginia and one was from New York. They stayed at my home for a few days to finish the Police work, and then they went to their destinations. One has already returned for the preliminary hearing, and will be back for the trial in November. The other will return when the preliminary hearing is scheduled. Apprehensions were made, in both cases, and the men are in custody. Treatment such as this toward a victim is more apt to insure the out-of-towners to return for the trial - if they know that someone cares makes a difference.

I feel that during the three years that we have been in existence, we have built credibility in the community. This was done through speaking engagements, the great help of the media and spreading the word of our Center and the fact that we have been able to work constructively with the institutions concerned with the crimes - the hospitals - the Police and the prosecutors.

We have had suggestions that asked for changes. They were well received. A couple of months ago I had the opportunity to meet Margaret Bates, an attorney for the Center on Womens Policy Studies in Washington, D.C. She was pleased with our work here. She had been one of five persons to do a LLEA Study on "Rape and Its Victims". She said that in her research she had found that the Rape Crisis Centers that were successful in the country were the ones who worked with, and not against, the established agencies. Her Center is now working on research relating to wives.

Having been actively involved in community work at that time, I took on that task because I thought it had an immense benefit to the community. We have gone elsewhere for help. In 1974, Miss Sandy Petit and I received the possible paper work from LLEA. We received the material from Carson City on Saturday morning by way of Airmail-Special Delivery, and it had to be in Washington by the following Monday. We worked all day Saturday. The title of the Program we were applying for was "Justice for Victims, Witnesses and Jurors". Sandy and I sat down and worked straight through for eight hours. I packaged it up on Sunday and mailed it out Special Delivery-Airmail. We had never done such a Grant Request before, but we worked on it, and the final letter said they were afraid we could not institutionalize the Program.

The last thing we want to do is to institutionalize rape victims, witnesses and juries. I personally feel that one of the reasons the public is angry at

COMMUNITY
ACTION
AGAINST RAPE
(continued)

the criminal justice system is because of the so-called institutionalization has caused the culture to lose some of its humanity it should have.

There is a place for a community organization such as ours - to be an advocate for the victim and not just an arm of the justice criminal system. Personnel at the LLEA level attempted to get us financing, but were blocked by Federal regulations. They felt the hot-line phones they were paying for in Reno and Las Vegas was one of the best programs for the least amount they had going.

Therefore, the next step was to work with the SRDAC for funding. The Criminal Justice Planner went to work on the original State Grant request to obtain any monies that might be turned back into Federal LLEA because they had not been spent by the end of the Fiscal Year.

Las May I appeared before the SRDAC and had believed there would be no opposition at the local level, but the District Attorney did not approve of Dr. Otto Ravenholt, Chief Public Health Officer, as the umbrella. I understand he did not approve, also, of the Las Vegas Mental Health in this position. He felt that since it was an LLEA Grant, the umbrella such be an arm of the Criminal Justice System, even though it was explained that a number of like Centers across the country had gone this route. The National Institute of Mental Health, under HEW, is moving into the area, as there is a tendency now to think in terms of the victim instead of just the Law Enforcement and the Courts. The District Attorney felt that the organization should be physically located in the Police Department and should refer all rape victims, even though they did not want to be reported.

I explained if that were the case, we might just as well close down, as we would lose all credibility with the community that we had built up over the years. They would no longer trust us and we would not be able to help them. Further, a poll of our counselors and officers felt that these volunteers would quit. All of us feel toward a victim as a Priest would to his Parishioner, or a Doctor to his Patient. Many of us have degrees in Counseling - Social Work - Sociology - but to be a good counselor, all one needs is to be a compassionate human being. The vote of this committee was 8-1 for our concepts but, later, I found that we could not live with the change of plans, such as reorganization of the Program; using more paid personnel instead of volunteers and I would have had to go before the Nevada Crime Commission at Ely with Dr. Ravenholt not listed as the umbrella. The Crisis Center has always had great respect for the Dr. He was the first in the community to make reforms to aid rape victims. We now have one of the finest emergency rooms in the country for the handling of rape victims. We felt stifled, so we submitted a letter withdrawing the Grant Request. This upset some, but they had to understand that we have principles to live by, and comprises are only to be made to a certain degree.

A number of womens organizations have indicated they could help with financial backing in certain phases of our operation, such as printing our brochures to be disbursed at speaking engagements; training programs to being in certain experts from out of State. In this respect, we are thinking in terms of training school teachers. We are pleased, because this indicates that the citizens appreciate, and wish to help in our effort.

COMMUNITY
ACTION
AGAINST RAPE
(continued)

Our biggest drawback is the lack of a facility to work out of. We do have a few hundred dollars in the Bank, donated by Caesar's Palace, The Stardust, the First Western Savings & Loan, The Hilton Hotel, the Bank of Nevada, the Optimist Club, the Union Plaza. The funds were originally a match for the Federal Grant, and those organizations told us when we withdrew the Federal Grant request, to keep the money for operational expenses.

I have been told that monies were not appropriated by the Nevada Crime Commission to pay for the telephone - the hot lines in Reno and Las Vegas and I have nearly had the service cut off a number of times because of this. They want their money.

If we have a Rape Crisis Center with a facility in operation, we have a chance to receive grants for demonstration and research projects. The National Institute of Mental Health sent us a list of particulars for us to apply for a Project, but it stated definitely in there that we had to be in operation - that we had to have the funds for operation - and they would only come out for Demonstration Projects and Research Projects.

I am on the recommended list of the National Advisory Board on Rape Prevention & Control, and that recommended list is on the desk of the Secretary of HEW now. I do not expect any decision will be made, though, until after the Elections.

We all know where Las Vegas stands in the FBI's Uniform Crime Report. No. 1 in overall crime; No. 2 in rape and No. 3, burglary. We all realize the agency does not recognize the tourist traffic. They are now using the population figure of 352,000. We had a little over 9 million people come to our City last year . . . and I find that about 35% of the defendants are from out of State. I have read recent articles in the papers that bear that estimate out. Often transients, living in a motel for a couple of days, are apprehended and listed as Las Vegans, which is not true.

I checked with the Research & Development Department at the University a couple of months ago to see if any study had been done attemptint to correlate crime with gambling. None had. I needed it for a requested report from the Business & Professional Womens Club in New Jersey. As you know, there is a ballot question on this year, for legalized gambling at Atlantic City. I had to do the report strictly on opinion, based on what I had observed over the past few years. I've had eleven years in Hotel Administration in resort areas - northern California and here in Nevada, and did work closely with Security at those facilities and do know of some of the crimes that are committed.

We can find people with the time and compassion to work with our Program. I do feel that the other agencies, because of the nature of their existence, cannot always provide the compassion that people in our group of volunteers do. They are dedicated people. We had our first program last night at the Library, as I have stated, to train a new group of people and we were very pleased with the quality of those who turned out.

I would certainly hope that you can help us move

COMMUNITY
ACTION
AGAINST RAPE
(continued)

forward with our Program by giving us office space.

Commissioner Leavitt: Mr. Mayor, I wish we could refer a copy of this Presentation that Ms. McClure has given to us, to our City Manager, to see whether or not there is any possibility that we might be able to provide office facilities for this group. And also to refer it to Mr. Bruce Spaulding to see whether or not there is any Federal funding that may become available that the City could use to help this group. I think through its work, they have proven themselves over the past few years and people who are familiar with the group are convinced they are doing a real good job. I would like to have Mr. Adams look into it.

Mayor Briare: Thank you Commissioner Leavitt. Are there any other comments?

(No response)

Mayor Briare: Mr. Adams, will you please proceed accordingly.

Thank you very much, Ms. McClure.

Mr. Adams, you may proceed with the printed agenda.

Mr. Adams: The first item I have to come before you is the Resolution on the State Park Bond Acquisition Program.

In November there will be a Bond Issue on the Ballot involving funds for a Park that will be of benefit to the City of Las Vegas, as well as other cities and counties across the State, and we feel it would be our recommendation to request approval of the Bond Issue. The resolution is before you for your action.

See Pages 7 and 8 of these Minutes (Resolution)

M o t i o n

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

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

ALLIED ARTS
COUNCIL

Mr. Adams: I have two walk-on items, Your Honor. First is a request from the Allied Arts Council. They are requesting a sum of money for continuation of their Program. They are asking for \$3,500.00. We have normally budgeted in the neighborhood of \$1,000.00. If the Commission would direct, the Budgeted amount could be readjusted -

Commissioner Leavitt: How much did you say we have budgeted?

Mr. Adams: We have \$1,000.00 budgeted.

Commissioner Lurie: Mr. Mayor, this request is made on behalf of the Nevada State Council of the Arts. It is part of a partnership program with Federal, State and local support. Last year, as the City Manager did mention, we allocated \$1,000.00 for the Arts Specialist. This new Program - the new position - will enable a full time executive for the Arts Council to provide information on the Allied Arts, and to serve the outlying areas as well as expand services to Las Vegas residents.

I would like to recommend at this time to the Board that we increase the amount we contribute from

1 A RESOLUTION OF THE BOARD OF COMMISSIONERS
2 OF THE CITY OF LAS VEGAS, NEVADA SUPPORTING
3 THE STATE PARK BOND QUESTION THAT WILL BE ON
4 THE NOVEMBER 2, 1976 GENERAL ELECTION BALLOT

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7 WHEREAS, Question No. 11 entitled "State Park Bond Question"
8 will be placed before the voters on the November 2, 1976 General
9 Election ballot; and,

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11 WHEREAS, said proposed bond issue will provide funds in the
12 amount of ten million dollars for park purposes; and,

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14 WHEREAS, five million dollars will be made available for
15 cities and counties on a matching fund basis for the acquisition of parks
16 and recreation sites under the State Outdoor Recreation Plan; and,

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18 WHEREAS, five hundred thousand dollars will be made available
19 to cities and counties on a matching fund basis for the acquisition
20 and development of bicycle paths; and,

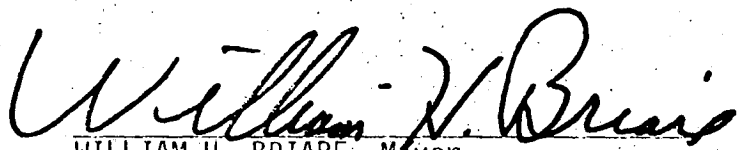
21
22 WHEREAS, two hundred fifty thousand dollars will be made
23 available to cities and counties on a matching fund basis for historic
24 preservation purposes; and,

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26 WHEREAS, additional funds will also be made available to the
27 State of Nevada for the State Park Program for the acquisition of
28 fish and game habitat.
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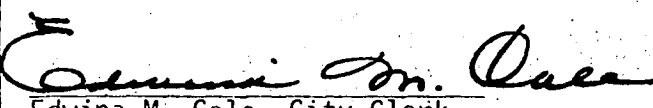
1 NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners
2 of the City of Las Vegas, Nevada that:

- 3
4 1. The City of Las Vegas, Nevada supports Question No. 11
5 the "State Park Bond Question" that will appear on
6 the November 2, 1976 General Election ballot;
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8 2. The Board of Commissioners do hereby encourage and
9 solicit the support of the residents and voters of
10 Las Vegas for this proposed bond issue.
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14 CITY OF LAS VEGAS, NEVADA

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18 WILLIAM H. BRIARE, Mayor

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20 ATTEST:

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23 Edwina M. Cole, City Clerk
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\$1000.00 last year to \$1750.00 this year.

Mr. Adams: We can make the adjustment if the Commission wants it.

Mayor Briare: Is that in the form of a motion, Mr. Commissioner?

M o t i o n

Commissioner Lurie: Yes, I would so move.

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

COMMENDATIONS

City Manager, William E. Adams: The next item I have is another walk-on and is the Commendation of members of our Fire Department who were involved in the Arson Squad investigation into the recently past problem of the church fires.

It is one we feel very strongly about, about how excellent they have done their work, and we would request Commission action to recognize the results they have accomplished.

Mayor Briare: We have before us a copy of Chief Miller's recommendation. The middle paragraph seems to be the one that is most pertinent:

"Deputy Director Cooper was present at all incidents and worked with the three Arson Investigators, Stephen Hampton, Walter Shull and Ned Barker. As a team they developed the evidence that was given to the Metro Police Department and this eventually resulted in the arrest of three suspects, who are presently incarcerated in jail and awaiting trial."

I believe it would be in order and I suggest that the Board of Commissioners go towards individually commending these people, Mr. Adams, and to all the others that participated in this problem which, as you know, and the public realizes, I think, through comments made in the Press. The City Commission prior to this meeting unanimously consented to a reward being offered for information leading to the apprehension of those being involved in this situation in West Las Vegas.

There seems to be some question, unfortunately, as to whether people who are working in the line of duty are eligible for the reward. That question, of course, will be resolved at some future time, but I certainly would request that the record of each of these individuals, and others that played a part in the overall apprehension and solution, would have in their Personnel files the hearty Commendation of this Commission.

(See Page 11 of these Minutes (Commendation Letter))

CITY OF LAS VEGAS INTER-OFFICE MEMORANDUM

Date Oct. 19, 1976

TO: DEPUTY DIRECTOR COOPER
INSPECTORS HAMPTON, SHULL & BARKERFROM: J. D. MILLER, DIRECTOR FIRE SVS.
J. D. Miller

SUBJECT: COMMENDATION

COPIES TO:
W. E. ADAMS, CITY MANAGER
ALL FILES

During the recent rash of church fires in the West Las Vegas area, the following people were involved in working the arson investigation covering the seven church fire Molotov cocktail incidents.

Deputy Director Cooper was present at all incidents and worked with the three Arson Investigators, Stephen Hampton, Walter Shull and Ned Barker. As a team they developed the evidence that was given to the Metro Police Department and this eventually resulted in the arrest of three suspects who are presently incarcerated in jail and awaiting trial.

I wish to take this means of commending these individuals for their expertise and long hours of investigation and arrests. They have obviously eliminated the church fire arson incidents to this date.

JDM:rh

CL 1

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Commissioner Lurie: I have an item I would like to bring up under the City Manager's portion of the agenda:

Mayor Briare: Please proceed, Commissioner Lurie -

Commissioner Lurie: I asked you relative to the matter on the Scooters. I find that it is an administrative item, and I would like to thank you for allowing the Parks having available to them one (1) Scooter for use at Lorenzi Park. This will better serve the public and provide security, as well as curtail some of the vandalism we are having at the Park. As an information item to the Commission, any questions the Commissioners might have concerning this. Mr. Adams or I can answer -

Mayor Briare: Are there any questions?

(No response)

Commissioner Lurie: I have one other item: Space to be made available on Youth Employment Service that the City provides during the summer months. We have the opportunity now to have a year-round Youth Employment Service with the Youth Affairs Office if the City will make the space available in the Reed Whipple Center in the Youth Affairs Office the State will provide two (2) personnel to staff the office and we can provide a service to the Youth of our community in trying to obtain employment the year-round instead of just during the summer months.

I think this will benefit the Youth as well as the Business Community in being able to have a resource for good help.

Mayor Briare: Are there any comments from the Commissioners?

(No response)

DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, DIRECTOR

SERVICE & MATERIAL
WARRANTS
PAYROLL WARRANTS
Approved

See Page 13 of these Minutes (Annotated Agenda)

DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

J. ROBT McPHERSON, DIRECTOR

See Page 14 of these Minutes
(Annotated Agenda)

Commissioner Lurie: Mayor, I have some comments: On Items 1, 2 and 3, we have "Federally funded employee left - cannot be replaced because of freeze". They can be replaced if a letter is submitted to my office. The freeze can be lifted for a period of three (3) months.

ITEM	Commission Action	Department Action
<p>I. (c) DEPARTMENT OF FINANCIAL MANAGEMENT <u>MARVIN A LEAVITT, CPA, DIRECTOR</u></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><u>*A. SERVICE AND MATERIAL WARRANTS</u></p>		
<p>Nos. 73143 to 73530, J208715 to J208718, J208722 to J208746, J208750 to J208752, J208756 to J208789, J208793 to J209025, J209027, inclusive.</p>	<p>Items A and B Approved as presented Lurie - unanimous</p> <p>Commissioner Christensen did not vote - temporarily absent</p>	<p>Director authorized to issue</p>
<p>In the amount of \$1,410,113.35</p>		
<p><u>*B. PAYROLL WARRANTS</u></p>		
<p>Nos 71965 to 73142, inclusive</p>		
<p>For Pay Period Ending 10/02/76</p>		
<p>In the amount of \$ 366,708.65</p>		

ITEM

Commission Action

Department Action

I. (d) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

BOB McPHERSON, DIRECTOR

AUTHORIZATION TO FILL POSITIONS

City funded

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>		
(1) Municipal Court Intermediate Clerk - 2 (replace budgeted vacancy)	637	To handle increased workload, particularly counter work. Federally funded employee left - cannot be replaced because of freeze.	Items 1, 2 and 3 Tabled	Director authorized to proceed
(2) PS/Animal Control Kennel Attendant - 1 (reinstate previously budgeted position)	686	Maintenance and care of animals and facilities. One Animal Control Officer position was reinstated and reclassified to Kennel Attendant. Federally funded employee left - cannot be replaced because of freeze.	Items 4 and 5 Approved Lurie - unanimous	
(3) CS/Golf Course Maintenance Laborer - 2 (1 replace budgeted vacancy 1 reinstate previously budgeted position)	721	Needed for watering, mowing and keeping the golf course in good playing condition. Federally funded employee left - cannot be re- placed because of freeze.		
(4) Business Activity Auditor -2 (replace budgeted vacancy)	1019	Conducts audits on hotel and motel tax accounts and gross- income type business license accounts. This is a revenue generating position.		
(5) Community Planning & Development Supervisor of Zoning (fill budgeted vacancy)	1476	To assume part of the responsibilities previously performed by the Assistant Director. Also, responsible for the Zoning Admini- stration function, including processing of zoning, Variance and Use Permits - Building Permits, business licenses, development plans, presen- tations to the Planning Commission and Board of Zoning Adjustment.		

PERSONNEL
: (continued)

Mr. Adams: Part of our problem is the Animal Control section in that we suddenly find ourselves in a very bad condition with the number that are Federally funded. This is a part of the problem we are trying to correct.

Commissioner Lurie: Do you want to give up these three positions and hire people on a regular basis and make them permanent City employees and not Federally funded positions?

Mr. Adams: We want to maintain our permanent employee staff, but give up all our CETA employees - No. We want to keep ourselves in a position where we are actually maintaining the status of keeping the permanent employees in operation -

Commissioner Lurie: Can we hold these three items until such time as the freeze is lifted and then, at such time, hire these people under the CETA Program - because it can be lifted.

Mr. Adams: You may -

Commissioner Lurie: OK, then I would move that Items 1, 2 and 3 be held and move for approval of Items 4 and 5.

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

M o t i o n

DEPARTMENT OF FUNDS COORDINATION & PROJECTS
BRUCE W. SPAULDING, DIRECTOR

MARION BENNET
YOUTH PROGRAM
Dates set for
Public Hearings

Mr. Spaulding: your Honor, the first item deals merely with the setting of dates for Public Hearings on a Local Option Request.

Mayor Briare: Is the earliest date possible November 17th? Do you have publication problems, or anything of that nature? Is there any way it could possibly be November 3rd? There is certainly a matter of urgency involved here and I'm just wondering if it is going to cause any statutory Public Notice intents, or anything.

Mr. Spaulding: On the Federal end of it, if it is moved up.

Mayor Briare: I would like to recommend to the Commission that the very earliest possible date being November 3rd, that that be the date set for the first of these Public Hearings. The second Hearing could then be set for the following Commission meeting. Would this cause any problem with potential Federal funding?

Mr. Spaulding: No problem.

Commissioner Lurie: Would move for the approval of the two recommended dates - November 3 and November 17, 1976.

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

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N A L A APPEAL

Mr. Spaulding: The second item is on the NALA Appeal. What I will explain is that there are four (4) levels within the Federal bureaucracy through which we go in an Appeal process. These are: The Area Office, the Regional Office; then, in Washington, the Office of the Assistant Secretary and then to the Office of the Secretary.

Within these four levels we are, in turn, appealing on two bases. The first basis is the one on the substance indicating that the ruling on the NALA Program was incorrect, and we are indicating and developing position papers on this subject, saying that the Area Office ruling was faulty. That Appeal has gone to the Area Office and has been rejected by the Area Office, which is the lowest level.

We anticipated the rejection by the Area Office as more or less automatic because of the fact they were the ones who made the original ruling, and it would have been a contradiction for them to reverse.

We have then received permission - as a somewhat of a minor victory - simply received permission to appeal to the Regional Office and are now in the process of appealing and providing position papers to the Regional Office on the substance of the matter.

Concurrently with that, we have appealed on another basis, and that basis is approval of funding during the Appeal period. To continue the funding during the Appeal period. And when I speak of this process, I speak of our Congressional Delegation because they have been extremely cooperative and have done yeoman work in trying to get the wheels to turn. In particular Senator Cannon's Office has provided considerable Staff time to this effort. They have called this morning twice already in terms of trying to escalate this process because, normally, that process could take as long as the Appeal on the substance of the matter and therefore be up against a potential of four or five months.

However, their efforts have only succeeded in escalating that process approximately two or three weeks ahead of the normal schedule and, in this case, we have today been turned down on freeing the funds during the Appeal period. The Area Office and Senator Cannon's office informs me this morning that the Regional Office has also turned down their appeals for freeing the funds during the Appeal period.

This leaves us where we are continuing the Appeal on substance and are now appealing the ruling on freeing the funds, to the Washington Office of the Assistant Secretary. Mr. Butler is the Assistant Secretary

That is where we stand at this date.

We have requested Area's decision to fund the Program until October 20th.

Commissioner Leavitt: What is that costing us a month?

Mr. Spaulding: About \$4,000.00 -

Commissioner Lurie: The entire Grant would be \$30,000 for twelve (12) months -

Mr. Spaulding: On an annual basis it will cost approxi-

mately \$2,800.00 a month. These months right now are running at a higher level because we're not operating the Program for the full twelve months.

Mayor Briare: It would appear that the matter before us this morning is the question - should the City continue funding for some period of time, pending the outcome of what Mr. Spaulding has just described.

It would appear also there is no question as to the need and necessity of the Program, but like so many Federally funded projects, especially those that are discontinued, or challenged, or whatever, should the City be involved - or can they be involved - in funding Programs that were heretofore the responsibility of the Federal Government and secondly, the responsibility of the State. Both of those having refused to continue it, now should the City pick it up.

I would ask you, Mr. Spaulding, if this is a correct assumption of what the problem is that we are faced with at the moment. Do you know of any other alternatives that could possibly be used?

Mr. Spaulding: Other than NALA using its own resources.

Mayor Briare: It is my understanding that the City's position was, the last time this came up, was to fund it until October 20th. That funding has now expired and I would ask if the Commissioners have any comments or questions - whether they would like to take any action further on the particular merits.

Commissioner Lurie: Mayor, I have a question to perhaps a representative of NALA that maybe could answer it. They were told at the time we agreed to extend the funding, to see if they could obtain any other sources of funding during this period. I would like to know if they were fortunate enough to find any funding.

Aida Brentz: Thank you and Good Morning. Yes, we have tried, Commissioner Lurie - we have tried from all sources to get the money to keep us going until the HUD decision is reversed, as we are almost absolutely sure that it will be. However, they feel they cannot do it for the rush of time. They have to appropriate some funds and have said they cannot do it. Senator Cannon has been trying in all directions to see if he could help us in any way. Congressman Santini has also tried. We contacted the HUD Office ourselves to see if we could get any kind of funding to keep us going at least two (2) months more. We feel that in the two months for the Appeal something would come up for the Program, but we have not been successful. We are depending on you and your decision of today to keep the place open or to have to close it.

Mayor Briare: Mrs. Brentz, when you were first here before this Commission - you are such an excellent representative of your group that you made your points very, very well. It has been going over in my mind, however, that perhaps you can help me with. If I recall this problem was first laid in the laps of the City Commission was because the State had just cut you off.

Mrs. Brentz: No -

Mayor Briare: Perhaps I am mistaking this with some other Program. There are no State funds available?

Mrs. Brentz: No Sir - not as far as I know -

Mayor Briare: I'm sorry - I've confused this with the Drug Abuse Program. Forgive me. Perhaps the same

point can be made, however - that these public programs that are somewhat similar in nature to NALA are just absolutely cut off. There is no question of the inability of Local Government, both City and County - not just the City of Las Vegas, but North Las Vegas and the cities of Henderson and Boulder City - to take these on, and yet there seems to be somewhere between twenty-eight and thirty million dollars in surplus in the State funds. The State of Nevada is so solid and yet the cities and counties seem to be so weak, financially. There would seem to be something wrong. The last I heard, the City of Las Vegas was a part of the State of Nevada and these funds that are pointed to with pride are sitting up in some State coffers and we are faced with the problem of coming up with \$4,000.00 to keep NALA going for another month. Something is wrong!

Have you made any pleas to the State of Nevada for help?

Mrs. Brentz: Only through the office of Frank M _____, who is representative for the State in this Program. Not directly for the funds to the State, because to this point, Senator Cannon was encouraging us very, very much, that in his mind there was absolutely no doubt that the Federal Government would approve this Program. But if it is advisable that we do so, we would like to do so but we need some time. If you could give us at least another month we would approach the officials - whoever would be in charge of giving us help.

We are trying very hard to keep these twenty families from going back on welfare. It would, of course, affect all of us but we do realize - like you said before - it is not the position of the City to carry on these Programs that the Federal Government started. However, it would benefit all of us in the overall picture. We want to help the people - you want to help the people - the State would be benefited - the City would be benefited - all of us would be benefited.

So if you could help us and give us an idea of what to do, or could help us one more month, then we will go ahead and ask the State to help us, once the appeal is opened, and see if we can get a successful answer.

Mayor Briare: Mr. Spaulding, I realize that perhaps up until now we've been making every effort as you have so well pointed out - Senator Cannon's office has been so extremely helpful in making his efforts to resolve this - has there, to your knowledge, is there any hope in making application, or urging the State of Nevada, through the State Board of Finance, or whatever - to come to the assistance of this Program?

Mr. Spaulding: Well, the traditional source of funding for Day Care Centers in the State of Nevada, is the State Title 20 Program and, generally, Programs that are assisted are funded through the State. It's a more normal, traditional route than to go through a City government, such as being used in this Program.

I would say there would be a possibility of exploring these alternatives and acquiring them -

Mayor Briare: Do you think that a preliminary, informal request might be made prior to the termination of this meeting so that alternative could be considered prior to making a decision on whether this matter today would be funded out of City funds?

Mr. Spaulding: There is no question that a request could be made this morning.

Mayor Briare: Would the Commission agree to making that effort before the time comes to make a decision?

(No response)

Mayor Briare: As there are no objections then, Mrs. Brentz, we're going to ask Mr. Spaulding - hopefully before twelve o'clock noon - we are going to recess at twelve, noon - perhaps some indication can be given by some responsible person that could be contacted at the State level. So if you will hang tight with us until we can make that determination.

Mrs. Brentz: Yes, absolutely, and I would also like to suggest - I don't know - Mr. Spaulding is here and could tell us - there is emergency funding from the Block Grant for such Programs as these. Is there anything available other than City money we could use for that purpose?

Mr. Spaulding: The fund you are referring to is a Block Grant Fund -

Mrs. Brentz: Isn't that an emergency one?

Mr. Spaulding: Yes, but our whole problem is that we have been told we can't expend Block Grant Funds for this Program, so that source couldn't be tapped.

Mrs. Brentz: Not even in an emergency case?

Mr. Spaulding: No - we've been told that no Block Grant Funds can be expended for the NALA Project, regardless of whether they come from the emergency pot or regular appropriation.

Mrs. Brentz: But we do have funds in the emergency, don't we?

Mr. Spaulding: That's correct. There is a local option contingency account.

Commissioner Leavitt: Mr. Spaulding, I'd like to ask you a question: How optimistic are you with regard to the appeal? What are our chances, in other words, of getting this Program funded on an appeal?

Mr. Spaulding: I would say it is approximately 50-50 by our argument. Our argument is, basically, whose decision it is to determine the local Program, whether it should be your decision as a local, elected Body to put together a Program you feel is best for the development of the community, or whether it should be a Federal bureaucrat decision, and if they buy our argument that the intent of the Legislation was that it is a local decision, then we will absolutely get through, but I would say it is perhaps 50-50 that they will buy that.

Commissioner Leavitt: Assuming that it is 50-50, how long do you think it will take before it will be resolved?

Mr. Spaulding: If it isn't escalated by some external pressure - let's say by the Congressional Delegation's urging them to move quickly - it could take another four (4) months.

Commissioner Leavitt: Is it possible it could be resolved within the next thirty (30) days?

Mr. Spaulding: It is possible, but unlikely.

Commissioner Lurie: At this meeting the main point - the argument - is the fact that the Program - the application was submitted in May; the Grant application, I believe, was approved in May, and the Program was started in June. Then comes September and somebody re-reads the regulations and decides that now that it has been approved, they do not meet these regulations. Then they want to pull the Grant back after the Program is started.

I don't agree with this concept. If there was a problem with the Grant, it should never have been approved in the first place. Not come back four months later after NALA has its Day Care Center in operation and have people attending programs so that individuals can get employment in the community. If they saw fit to change the regulations, then those regulations should be on a new application for the next year, and not come back in four months and tell us that we're wrong.

This is, I think, our argument. Senator Cannon has been of excellent help to us and I am surprised that the people back in Washington have even turned down his request to extend the funding until this litigation is taken care of.

It's a bad situation and it puts the City in a bad position when we have to fund programs that the Federal government told us they were going to fund through funds that we are administering.

Mrs. Brentz: We realize that -

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

Commissioner Lurie: Is this going to be back before us?

Mayor Briare: I'm going to ask Mr. Spaulding to direct someone in your office to, hopefully, open the door and get back to us, if you can, before twelve o'clock, noon, so that we can be in a position to make a decision.

Mr. Spaulding: Yes Sir - we will do that.

Mrs. Brentz: Thank you.

Wm. Hernstadt: Could I make a comment?

Mayor Briare: This is not a Public Hearing - did you want to make a comment regarding your candidacy to the State Senate? If it will add to what we are now proceeding with, certainly -

Mr. Hernstadt: I will be brief. The State funding during the inter-term period - the State Legislature, obviously, is not in session, and will not be in session until next January - is handled by the Legislative Interim Finance Committee, which is made up of Assemblymen and Senators, and they meet on a regular basis. I don't think a couple of phone calls could spring loose funds before noon today for this Program.

Mayor Briare: Mr. Hernstadt: You weren't listening. We are asking Mr. Spaulding to inquire, and come back to us with some expertise - whether it is the Legislative Interim Committee or the State Board of Finance or whether it is Governor O'Callahan - it is immaterial to this Commission. Mr. Spaulding is going to try to

determine - hopefully before we have to make a decision on this - if there is any possibility. Now, who the Body is or who the corporate entity is really doesn't make any difference to us because the question before us, right now, if we get a totally negative response, then we're going to have to move in one direction or another. If we get some hope, then we will be guided accordingly on that premise.

Mr. Hernstadt: Are you going to receive any public comments on this matter?

Mayor Briare: We do not have on our AGenda the time right now, because it is not a matter of need - we recognize the need. It is just the matter of - so many problems can be resolved if you have the money to resolve them and that's what we're looking for. We have already determined, to our complete satisfaction, that this Project whould be continued.

Mr. Hernstadt: Thank you.

LAND & WATER
CONSERVATION
FUNDS - 1977-78
Application
Approved

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS FOR
1977-78 LAND AND WATER CONSERVATION FUNDS

Mr. Spaulding: Next before you is the filing of an application for the 1977-78 Land & Water Conservation Funds. This is a Program normally known as BOR - essentially the Bureau of Outdoor Recreation.

These applications will be submitted, approximately, in January for funding in the late Spring and Summer. We would like to get as large a contribution from the State as possible and recommend adoption of this Resolution to submit applications for all three (3) programs on the priority list:

These are:

FREEDOM PARK, PHASE IV \$370,000.00

FREEDOM PARK, PHASE V \$100,000.00

and an acquisition fund of \$100,000.00
for park land acquisition.

The Freedom Park allocations would go for the addition of three (3) lighted softball fields and acquisition of picnic tables and other equipment, plus work on the access road and parking areas in the Park.

Mayor Briare: Commissioner Woofter, do you have any comments on this?

M o t i o n

Commissioner Woofter: None, Mr. Mayor, except I feel the need is sufficiently there for the funding of such Projects. Therefore, I would move to adopt the Resolution.

Mayor Briare: Are there any other comments?

(No response)

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

See Pages 23, 24 and 25 of these Minutes
(Resolution)

1 A RESOLUTION OF THE MAYOR AND BOARD OF CITY
2 COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA
3 AUTHORIZING THE FILING OF APPLICATIONS FOR
4 1977-78 LAND AND WATER CONSERVATION FUNDS

4 WHEREAS, the City of Las Vegas possesses legal authority to
5 apply for grants under the Land and Water Conservation Fund Act of 1968,
6 78 Statute 897, 1964; and

7 WHEREAS, the City of Las Vegas desires to make application
8 to the Nevada State Park System for financial assistance under said
9 federal program; and

10 WHEREAS, the Nevada State Park System has been assigned the
11 responsibility for the administration of said program within the State of
12 Nevada, including the establishment of appropriate and necessary adminis-
13 trative guidelines and procedures governing the applications submitted by
14 local agencies for funds under said program; and

15 WHEREAS, the statutory provisions and adopted administrative
16 guidelines and procedures established by the Nevada State Park System
17 require that the applicant must certify by resolution of the applicant's
18 governing body that the filing of the application has been authorized by
19 said body; and

20 WHEREAS, said statutes also require that the applicant must
21 certify by resolution that all understandings and assurances contained in
22 the application forms have been agreed to by the applicant's governing
23 body; and

24 WHEREAS, the Federal Act and adopted administrative guidelines
25 and procedures require that the applicant must certify by resolution the
26 approval of the proposed projects, the application, and the availability
27 of local matching funds prior to the submission of said applications to
28 the Nevada State Park System; and

29 WHEREAS, the proposed projects contained within the City limits
30 of the City of Las Vegas are consistent with the Nevada State Comprehensive
31 Outdoor Recreation Plan and other prerequisites and requirements of the
32 Land and Water Conservation Fund Act; and

1 WHEREAS, the proposed projects are consistent with City,
2 County, and regional plans.

3 NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of
4 City Commissioners:

5 1. That the Department of Funds, Coordination and Projects is
6 hereby authorized and directed to prepare and file grant applications to
7 the Nevada State Park System for financial assistance under the Land and
8 Water Conservation Fund Act, 78 Statute 897, 1964, for the development of
9 the following projects:

- 10 A. Freedom Park, Phase IV - \$370,000 (1st Priority)
11 B. Freedom Park, Phase V - \$100,00 (2nd Priority)
12 C. Acquisition of park site in the eastern part of the
13 City, 6-7 acres - \$100,00 (3rd Priority)

14 2. That fifty percent (50%) of the cost of these proposed
15 projects to be as follows: Project "A" \$185,000; Project "B" \$50,000;
16 Project "C" \$50,000, be requested from the Nevada State Park System under
17 said Program.

18 3. That the City of Las Vegas, Nevada does hereby certify
19 that it can finance 100 percent (100%) of its share of the projects.

20 4. That the City of Las Vegas agrees to the assurances and
21 understandings contained in the application.

22 5. That Ronald C. Jack is hereby authorized and directed to
23 file such applications, to provide such information and furnish such
24 documentation as may be required by the Bureau of Outdoor Recreation and
25 to act as the authorized representative of the applicant in the development
26 of the proposed projects.

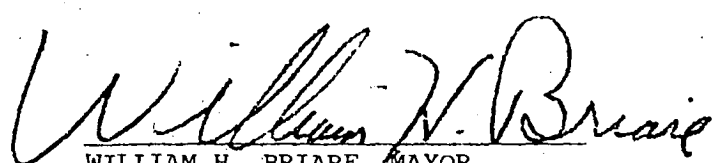
27 6. That the Mayor is hereby authorized and directed to
28 execute such assurances, contracts, or other documents as may be necessary
29 for the grants applied for, and the City Clerk is hereby authorized and
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1 directed to attest the same.

2 PASSED, APPROVED AND ADOPTED this 20th day of October,
3 1976.

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5 WILLIAM H. BRIARE, MAYOR

6 ATTEST:

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9 Edwina M. Cole, City Clerk

10 (SEAL)

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DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

See Pages 27 and 28 of these Minutes
(Annotated Agenda)

AWARD OF
CONTRACTS

Commissioner Lurie: On Item 1, I would like to know how much of this Bid is the City's portion.

Mr. Cathcart: 25% is City-funded, 25% County-funded and 50% State-funded.

Commissioner Lurie: That information wasn't given on our back-up sheet.

I have one other question: The estimate was quite a bit higher than what the actual bid came in at.

Mr. Cathcart: This was sent back to the Engineering Department, but I didn't get a revised estimate from them. I believe Mr. Ed Park can answer your question.

J.E. Park, Purchasing & Contracts Officer: The original estimate, Commissioner, was based on poles of a like nature we bought some six to eight months ago. We have checked with the suppliers. We have also checked with the manufacturers and at that time the steel prices, the availability and labor prices dictated the prices that we paid then. Since then there have been adjustments in steel prices, labor and they have plant capacities, plus the fact that these poles were combined with a shipment coming to Las Vegas.

Commissioner Lurie: That's fine, because we saved like 50% from what the estimate was and what the bid came in at.

The other item I have a question on is Item 6: I would like to know - on the rejection of the bid - what the bid actually came in at compared to what the estimate was.

Mr. Cathcart: This was approximately \$2,000.00 over, I believe. This is the second time we've bid this particular item. We reviewed the estimates on it. We felt it was within reason. Also the second time out we reduced some of the items from the bid which we felt might add to the cost. It still came in over that estimate. We have recommended rejection and then we would go out and negotiate with some of the other manufacturers. We feel it is a good estimate.

Commissioner Lurie: I do have another question on the two (2) 1,250 Gal. Fire Pumpers for the Fire Department. Are these replacements or are they going to be additional units to be put into service for the City?

Mr. Cathcart: These are replacements.

Commissioner Woofter: I have one question: On Item 4. These scooters that have been in the papers so much - maybe not for parking enforcement, but this is in the area of Parking Enforcement. Do each of these Scooters average out at \$3,000 to \$4,000 apiece?

Mr. Cathcart: Yes, Commissioner, they are as expensive as a small compact.

ITEM	COMMISSION ACTION	DEPARTMENT ACTION
I-f. <u>DEPARTMENT OF MUNICIPAL SERVICES, CONTD.</u>	See Page 6	See Page 6
5. Bid #76.101 - Sport Program Equipment - Various Recreation Centers (Cultural Services Recreation Division)		
6. Bid #76.102 - Eight (8) Each Double Door Compartments, Scott Air Pak Protection (Fire Services)		
7. Bid #76.92 - Two (2) 1,250 Gallon Fire Pumpers (Fire Services)		
C. <u>PURCHASE ORDER APPROVAL</u>		
1. Request Purchase Order approval to <u>Nifty Nickel</u> , Las Vegas, Nevada, for <u>twelve months</u> printing of "The Rocket", in the amount of <u>\$4,860.00</u> . Formal invitations for bids were solicited twice with no response to either attempt. (Senior Citizens Center)	Items 1 and 2 Approved as presented Lurie - unanimous	Director authorized to proceed
2. Request Purchase Order approval to <u>Shepherd Publications</u> , Las Vegas, Nevada, for <u>twelve months</u> newspaper setup for "The Rocket", in the amount of <u>\$2,160.00</u> . Formal invitations were solicited twice with no response to either attempt. (Senior Citizens Center)		

AWARD OF
CONTRACTS
(continued)

Commissioner Woofter: In other words then, part of the revenue derived from the Parking Enforcement - we are just more or less subsidizing businesses in California from the revenue derived? That's what it boils down to, in my estimation.

Mayor Briare: I would imagine, Commissioner - knowing your sentiments on this particular object, it is a matter of - where do we stop? As long as we keep buying Scooters, the Department is going to keep hiring people to man those Scooters and they keep going out and issuing traffic citations in order to pay for their salaries and Scooters.

Mr. Cathcart: I might add at this point that these are replacements.

Mayor Briare: What are you going to do with those being replaced? I think Commissioner Woofter would be a little happier if we proposed that these Scotters go to the Parks Department rather than Traffic Enforcement.

M o t i o n

Commissioner Lurie: I move for approval of Items 1 thru 7.

Commissioner Woofter: I would like the record to show that I am voting "No" on Item No. 4.

Motion carried by the following vote:
Commissioners Christensen, Leavitt, Woofter,
Lurie and Mayor Briare voting aye; noes,
none
EXCEPT that
Commissioner Woofter voted "No" on Item 4.

PURCHASE ORDERS
Approved

Mr. Cathcart: Items 1 and 2 are related. One is the newspaper set-up and the other is the printing on the ROCKET for the Senior Citizen Center.

Commissioner Lurie: On these two items does the City have the resources to print this paper ourselves? Do the art work and make-up on it?

Mr. Cathcart: No. This is on regular newsprint and they are run through a news-type press.

Commissioner Lurie: Does this money come out of the budget of the Senior Citizen Center?

Mr. Cathcart: Yes.

Commissioner Leavitt: Couldn't the format of the paper be changed so that it could be processed in our Graphic Arts Department?

Mr. Cathcart: It could be produced - yes. It would have to be on another type of paper - It wouldn't look like a news publication - it would be more of a Memo type of thing. I would be glad to come up with some figures on that.

Mayor Briare: Where is it being done now?

Mr. Cathcart: At the Nifty Nickel -

Mayor Briare: On a weekly basis?

Mr. Cathcart: On a monthly basis. We went on a 12-month basis and we received no bids. We were able to negotiate these prices. It was reduced from 16 to 22%, depending on the number of papers they have per month.

DEPARTMENT OF BUSINESS ACTIVITIES

ILA M. BRITT, DIRECTOR

See Pages 34 thru 41 of these Minutes
(Annotated Agenda)

M-7 BUSINESS
LICENSE
APPLICATION
Approved

4. TANNER'S WORLD WIDE FLEA MARKET
1626 E. Charleston Blvd. Clare A. Tanner

ADMINISTRATIVE OFFICE FOR
FLEA MARKET - TAKING
APPLICATIONS, ETC.

Mayor Briare: You've been before this Commission
before, I believe - haven't you, Sir?

Mr. Tanner: No Sir, I have not.

Mayor Briare: Is this a new business?

Mr. Tanner: Yes. This will be a new office - an
Administrative Office at 1626 E. Charleston. I
presently have contracts signed at the Convention
Center and the Reno Sports Colossium in Reno, where
I am presently hosting a Flea Market.

This is an Administrative Office where I will receive
telephone calls and mail. I have my Floor Plans at
my various locations where people may walk in if they
desire to look at the charts and pick their respective
locations on the Floor Plan. This is the purpose for
the office at 1626 E. Charleston.

Commissioner Lurie: Where are you going to conduct
these Flea Market sales?

Mr. Tanner: The Flea Markets are held at the L. V.
Convention Center where I presently have a contract
for two future dates, signed. I also have a contract
signed in Reno in the Colossium for the December Flea
Market and I am working on the Convention Center in
Bakersfield, California, to hold a Flea Market.

Commissioner Leavitt: This is merely the administrative
office - right?

Mr. Tanner: Yes Sir.

M o t i o n

Commissioner Leavitt: I move for approval.

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

Commissioner Christensen temporarily absent.

BATH HOUSE - NEW
Tabled

BATH HOUSE - NEW

SULTAN'S PALACE
2309 L. V. Blvd., South Baxter J. Boulet

Mayor Briare: Mrs. Britt, is this application properly
before us?

Mrs. Britt: The Bath House Ordinance requires that the
City Commission take action within a 90-day period after
the application has been filed. That is why it is on
the agenda.

Mayor Briare: It has been approved by the Building

ITEM

Commission Action

Department Action

I-g. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

*CONSENT AGENDA

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

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

1. LAS VEGAS BUSINESS & PROFESSIONAL WOMEN'S CLUB -- tickets to a cheese and wine tasting party
2. GERMAN AMERICAN SOCIAL CLUB OF NEVADA -- tickets to the annual Oktoberfest
3. BOY SCOUT TROOP #97 -- a carnival
4. NAACP, LAS VEGAS BRANCH -- a walk-a-thon in West Las Vegas
5. OUR LADY OF LAS VEGAS P.T.A. -- tickets to bingo games
6. BONANZA HIGH SCHOOL, CHORAL MUSIC DEPARTMENT -- a candy sale
7. CHAPARRAL HIGH SCHOOL YEARBOOK sale of advertising
8. BASIC HIGH SCHOOL YEARBOOK -- sale of advertising
9. COMBINED HEALTH AGENCIES PROGRAM (CHAP) -- employee payroll deduction solicitations; small special events
10. ALBERT EINSTEIN HEBREW DAY SCHOOL -- sale of advertising in the school yearbook
11. VALLEY HIGH SCHOOL NEWSPAPER -- sale of advertising
12. ED CLARK HIGH SCHOOL YEARBOOK sale of advertising
13. ED CLARK HIGH SCHOOL NEWSPAPER sale of advertising
14. OPTI-MRS CLUB OF LAS VEGAS -- sale of Christmas cards

Items 1 thru 28
 Approved as
 presented
 Lurie - unanimous

Director
 authorized
 to issue

Page 31
 Minutes
 Regular Meeting
 City Commission
 October 20, 1976

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 8	See Page 8
15. EL GIZA TEMPLE #139 U. D., DAUGHTERS OF THE NILE -- a bazaar		
16. LES FEMMES DOUZE -- tickets to the annual Debutante Ball; sale of advertising in a souvenir program		
17. V.F.W. POST #1753, FRED S. PENNINGTON -- annual poppy sale		
18. REX BELL P.T.A. -- tickets to a lobster dinner		
19. NEVADA LUNG ASSOCIATION -- the annual Christmas Seal campaign		
20. LADIES PHILOPTOCHOS SOCIETY, ST. JOHN'S GREEK ORTHODOX CHURCH -- a rummage sale; tickets to a New Year's Eve party		
21. VALLEY HIGH SCHOOL YEARBOOK -- sale of advertising		
22. SOUTHERN NEVADA ASSOCIATION FOR THE HANDICAPPED -- tickets to a rock concert		
23. LAS VEGAS YMCA, NYPUM PROGRAM - solicitation for sponsors for "Ride for Twenty-Four"		
24. BOYS SCOUTS OF AMERICA, BOULDER DAM AREA COUNCIL -- tickets to the annual Scout-O-Rama		
25. BONANZA HIGH SCHOOL, WRESTLER- ETTES -- sale of light bulbs		
26. BOY SCOUT TROOP #201 -- sale of first-aid kits		
27. LAS VEGAS GAMBLE-AIRES -- tickets to the annual barbershop chorus show		
28. VALLEY HOSPITAL AUXILIARY, INC raffle tickets; tickets to a dinner; sale of decorated Christmas trees		

ITEM

Commission Action

Department Action

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

*B. GAMING -- Additional

1. FOXY'S JACKPOT CITY CASINO, INC

Foxy's Firehouse Casino
 2423 Las Vegas Blvd South
 1 - "21" game
 1 Big Six

2. GEMINI, INC.

Lady Luck Casino
 206 North 3rd Street
 5 slots

3. MONEYTREE, INC.

Money Tree Casino
 2466 Las Vegas Blvd South
 1 poker game

4. SHOWBOAT OPERATING COMPANY

Showboat Hotel/Casino
 2800 East Fremont Street
 3 - "21" games

5. SUNDANCE WEST CORPORATION

Sundance West Casino
 32 East Fremont Street
 1 Crap game

6. SCOTT PLAZA INC

Union Plaza Hotel/Casino
 #1 Main Street
 5 slots

7. ROBERT COHEN

Downtowner Motel
 129 North 8th Street
 1 slot

8. GOLDEN HOTEL, INC.

Golden Hotel
 200 South 1st Street
 1 slot

9. AUTOMATIC AMUSEMENTS OF L. V.

Terry's Villa Liquors
 1311 East Charleston Blvd
 1 slot

Items 1 thru 12
 Approved
 as requested
 Lurie - unanimous

Director
 authorized
 to proceed

ITEM Commission Action Department Action

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

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

10. J & H VENDING CO

Orbit Inn Casino
 707 East Fremont Street
 1 slot

11. NEVADA COIN MACHINE CO

Duffy's Tavern
 1815 Las Vegas Blvd South
 3 slots

12. UNITED COIN MACHINE CO

Orbit Inn Casino
 707 East Fremont Street
 1 slot

See Page 10

See Page 10

C. LIQUOR & RETAIL TOBACCO -- Change of Ownership

1. *EL CHOLO CAFE
 625 Las Vegas Blvd South
 Service Bar

El Cholo Enterprises, Inc.

From: Hortense McKiernan, Pres - 100%
 Robert Gomez, Secy

To: Robert Gomez, Pres/Secy-
 Treas - 50%
 Alfred Gomez, VP - 50%

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

Approved subject to conditions
 Lurie - unanimous

Director authorized to proceed

D. LIQUOR -- Request for Extension of Inactive Status

1. DAVID'S PLACE
 2127 West Charleston Blvd
 Supper Club

David Silverman

Closed 1-12-76. Extension for 3-5-76 thru 5-3-76 apprd 2-18-76; extension for 5-4-76 thru 7-2-76 apprd 4-21-76; extension for 7-3-76 thru 8-31-76 apprd 6-16-76; extension for 9-1-76 thru 10-30-76 apprd 8-18-76. Request for 60-day extension of inactive status for: 10-31-76 thru 12-29-76.)

Approved as requested
 Lurie - unanimous

Same as above

Page 34
 Minutes
 Regular Meeting
 City Commission
 October 20, 1976

ITEM	Commission Action	Department Action
<p><u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>E. <u>SPECIAL EVENT LIQUOR LICENSES</u></p>	<p>Approved as requested Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>1. DeLUCA IMPORTING CO., INC.</p>		
<p>Responsible Licensee: Robert S. Keyser</p>		
<p>Beer and Wine Only</p>		
<p><u>October 21st, 1976</u></p>		
<p>Vegas Village 1717 South Decatur Blvd</p>		
<p><u>October 23rd, 1976</u></p>		
<p>Grand Central 2120 South Decatur Blvd</p>		
<p><u>October 27th, 1976</u></p>		
<p>Skaggs 1800 East Charleston Blvd</p>		
<p><u>October 29th, 1976</u></p>		
<p>Foodland Market 1500 East Fremont Street</p>		
<p>F. <u>RETAIL TOBACCO VENDING -- New</u></p>	<p>Approved Lurie - unanimous</p>	<p>Same as above</p>
<p>1. G. B. SERVICES Gary Boyter, 100% 224 North Main Street</p>		
<p>Location: Tieman Downtown 224 North Main Street</p>		

JTEM

Commission Action

Department Action

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

G. BURGLAR ALARM LICENSE -- Change of Location and Additional Officers

1. DETEK ALARMS
 From: 5115 So Industrial Rd
 To: 2480 So Industrial Rd

 Detek Security Alarms, Inc.

 From:
 Daniel E. Kessler, Pres/Dir
 David J. Wargacki, VP/Dir
 Gary R. Carlson, VP/Dir
 George A. Waugh, Secy-Treas

 To:
 Daniel E. Kessler, Pres/Dir
 David J. Wargacki, VP/Dir
 Gary R. Carlson, VP/Dir
 George A. Waugh, Secy-Treas
 Dayton E. Phillips, Director
 Charles L. Showalter, Director

Approved
 Lurie - unanimous

Director
 authorized
 to issue

H. PRIVATE DETECTIVE LICENSE -- Change of Location

1. AGR DETECTIVE SERVICE
 From: 324 South 3rd Street
 To: 300 So 4th, Suite 805

 Eddie LaRue

Approved
 Lurie - unanimous

Same as above

I. PRIVATE DETECTIVE LICENSE -- Change in Partnership Structure

1. HOLLEE ASSOCIATES
 880 East Sahara Avenue

 From:
 Donald Holland, 50%
 Robert D. Lee, 50%

 To:
 Robert D. Lee, 50%
 Allan W. Hansen, 50%

Approved
 Lurie - unanimous

Same as above

J. PRIVATE DETECTIVE LICENSE -- New

1. ALLIANCE INVESTIGATIONS
 810 Las Vegas Blvd South

 Wayne R. Anderson, 100%

Approved
 Lurie - unanimous

Same as above

ITEM	Commission Action	Department Action
<p><u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p><u>K. M-7 BUSINESS LICENSE APPLICATIONS</u></p>		
<p>1. FACILITATORS, INC. 1611 South Maryland Parkway Susan Ostanik, Pres Michael Ostanik, V.P. Financial resource developers and consultants.</p>	<p>Approved Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>2. J. L. MOYER COMPANY, INC. 8767 Parthenia Place Sepulveda, California Jack L. Moyer, Pres Helenmay Moyer, V.P. Marguerite D. Moyer, Secy-Treas John H. Larson, Local Rep Property management.</p>	<p>Approved Lurie - unanimous Commissioner Christensen did not vote - temporarily absent</p>	<p>Same as above</p>
<p>3. THE S I S COMPANY 1001 North Main, Sp #163 William S. Davis Management consulting.</p>	<p>Approved Lurie - unanimous (Vote same as above)</p>	<p>Same as above</p>
<p>4. TANNER'S WORLD WIDE FLEA MARKET 1626 East Charleston Blvd Clare A. Tanner Administrative office for flea market -- taking applications, etc.</p>	<p>Approved Leavitt - unanimous (Vote same as above)</p>	<p>Same as above</p>
<p><u>L. BATH HOUSE -- New</u></p>		
<p>1. SULTAN'S PALACE 2309 Las Vegas Blvd South Baxter J. Boulet</p>	<p>Tabled Lurie - unanimous</p>	

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

M. LIQUOR -- Change of Business Name and Ownership

1. From:
 Best Brands, Inc.

To:
 *SOUTHERN WINE & SPIRITS OF NEVADA, INC.
 4500 Wynn Road
 Wholesale Liquor

From: Richard Gordon, 100%

To:
 Harvey R. Chaplin, Pres/Dir 100%
 Herbert S. Joseph, Secy-Treas & Director

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

Approved subject to conditions
 Lurie - unanimous

Director authorized to proceed

N. AMUSEMENT ARCADE/DISCOTHEQUE - New

1. CEASER'S CALLOUS
 4001 West Charleston Blvd
 Robert Wiedmann

Referred back to Dept. of Business Activity
 W
 Mayor Briare voted "no"

Director to proceed

ABEYANCE ITEM - Tabled October 6, 1976

O. LIQUOR -- Change of Business Name

1. From:
 Shady Lady Lounge/Country Store

To:
 SHADY LADY LOUNGE
 3889 West Charleston Blvd
 Supper Club

Sum Thing From Milwaukee
 Robert Mann, sole officer and stockholder

Abeyance to
 Nov. 3, 1976
 W - unanimous

11/3/76
 Agenda

Department, and all of the inspections?

Mrs. Britt: No Sir, it has not.

Mayor Briare: Then it is not properly before us, is it?

Mrs. Britt: It is not properly before you because of the lack of departmental approval.

City Attorney, Carl E. Lovell, Jr.: Mr. Mayor, pursuant to the Ordinance, in order to insure that, we have a 90-day period from the time the application is filed with the Department of Business Activity, to come to this Board for a decision

I think the situation is that it is here pursuant to the Ordinance and after certain information by the Director to the applicant that certain conformities to the Business License would have to be made. I do not know what those were or whether they are prepared at this time to present their matter.

Attorney Jeffrey D. Sobel: I am the attorney for Baxter Boulet at Sultan's Palace. We were informed approximately two weeks ago that although Ordinance No 1776 is silent as to the requirements for the types of baths that my client is going to be giving, that the Building Department before giving approval, would require tiling and a drain. We don't think that is required under the Ordinance, but we are willing to do it. We have not done it to this time. We would ask that this matter be held to the next meeting of the Commission on November 3rd . . .

Mayor Briare: Mr. Sobel, we are the ones who make up the agendas, so as to when it will be on the agenda . . . if you want it held, I will ask the Commissioners if they want to hold it and if they do, it will be brought up at the proper time.

Mr. Sobel: We would just ask for at least two weeks to conform to the Building requirement - the Section that Mr. Lovell is talking about is 5-42-11, which requires action within 90 days. I think that's for the benefit of the applicant to get his application heard within that period. We would be glad to waive any rights under that Section and continue it at the pleasure of the Commission.

Mayor Briare: Without any conditions, or stipulations, as to why it is to be removed from the agenda, does the Commission wish to act on this today? Or remove it from the agenda?

M o t i o n

Commissioner Leavitt: I move that the matter be held.

Mayor Briare: If there are no objections, this matter will be held.

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AMUSEMENT ARCADE/
DISCOTHEQUE - NEW
Referred

CEASER'S CALLOUS
4001 W. Charleston Blvd. Robert Wiedmann

Mayor Briare: Perhaps the same question would apply to this application. Is this application properly before the Board?

Mrs. Britt: This application was placed on the agenda at the request of one of the Commissioners.

Commissioner Lurie: Mayor, I asked for this item to be placed on the agenda because there was a question from a Petition we received from members of the business community surrounding the location. I felt, therefore, that it would only be proper that the application be brought before the Commission and the applicant given the opportunity to speak on the application, as well as the people who submitted the Petition to speak in opposition to this type of operation and the problems that existed with the previous operation that was in this Shopping Center. That is the reason it appears on the agenda this morning.

Mayor Briare: Mr. Wiedmann, I presume you would like to say something about this application.

Robert Wiedmann: Yes, Your Honor - on the application I had planned to open an Amusement Center for young people, and older people - not just for one type of group. I want to put in around 75 machines and have dancing there too. There is no alcoholic beverages to be served - strictly health food - a Juice Bar.

In the meantime I have found out that somebody who has a business around the corner gathered a Petition against me. I went to most of the storekeepers that are in the Center that I would be in, and they have signed my Petition.

Mayor Briare: Is this an M-7 License?

Mrs. Britt: No Sir, it is not. It is just a General Business License. The dancing part of it does require a special Permit.

Commissioner Leavitt: Why is it in front of us?

Mrs. Britt: It was asked that it be placed before you, Sir.

Commissioner Leavitt: Do we have any discretion in this matter, Mr. Lovell?

Mr. Lovell: Yes, you do. If it is in a particular zone, that is clarified and there is no discretion there, but if there are other matters that come about that would appear to create a particular problem in that neighborhood, you have the right to look at it and determine . . .

Commissioner Leavitt: Well, assuming it meets the zoning, building and other requirements, do we have the discretion to deny him a License?

Mr. Lovell: The only discretion you would have would come from the results of any inquiry showing that, in fact, it has become a nuisance or a hazard.

Commissioner Leavitt: OK - we have a Petition here from people in the Shopping Center who don't want the business there. Is that sufficient?

Mr. Lovell: That, in itself, is not sufficient unless

the allegations as shown there can be sustained.

Commissioner Leavitt: They haven't opened yet -

Mr. Lovell: The allegations were based on a prior general business operation that evidently resulted in quite a few problems for the Metropolitan Police as well as to the surrounding areas, I understand.

Unless that information can be sustained by the Metropolitan Police - if, after you get that information and discuss with the new applicants to determine if it is the same type of operation - only then could you have discretion and perhaps deny it.

Mrs. Wiedmann: I have spoken to the man who is our neighbor, and he said he left his trailers out there day and night and never, ever, had any kind of damage whatsoever when that other place was there.

I'm not saying completely that I sanction everything that was done there, and this is one reason why he would not sign our Petition.

Mr. Lovell: May I interrupt you . . . regardless of what you are saying, in a sense, and regardless of what others may say, hearsay is one thing. Direct testimony of experience or direct result from Police Officer reports, etc. would have to be necessary for the discretion of this Board, rather than hearsay from anyone in the area. I think you can see what I mean.

Mrs. Wiedmann: Yes. And we also have an appointment with Mr. Lamb tomorrow, and he promised us his full support - for security, I mean. We have consulted with him.

Commissioner Lurie: I made mention to Bob and also to the people who had the Petition, that insofar as the Amusement part of the application - as far as competition goes, I'm not going to get involved in that, because that's a routine matter that would come before the Licensing Department.

The thing that concerns me the most is the problem it creates for the Metropolitan Police Department and the report we received from the Sheriff concerning other locations in the City, as well as the County, and the problem these types of operation create for the merchants and the people who frequent the Shopping Centers, puts a great burden on the Police Department. It gives the teenagers a place to congregate - there has been vandalism - there's a lot of cussing and swearing on the parking lots. I, personally, had the opportunity to pull my two children out of one of these places in the County. While I was having dinner, they wanted to go next door to one of these places. I went to get them and I was just amazed that such an operation was in existence. That is my concern - the problem it is going to create in the Shopping Center from the people who aren't inside using the facility - not the fact of competition between one business and another.

Mrs. Wiedmann: 70% of our open hours will be after that Shopping Center is closed. At that Shopping Center, after six o'clock, there isn't a car in there. We've been working there every night, and there is nobody there.

Mr. Wiedmann: All the shops close at six o'clock at night.

Mrs. Wiedmann: We have gone to every business person in that Shopping Center and except for the ones who

were out of town at this time buying, or one particular one who owns the Pet Shop down there, every one signed this Petition that they have no objection.

Commissioner Lurie: There is one paragraph in the report we have from the Sheriff's office:

The business men adjacent to the Amusement Center have, in some cases, reported valdalism, theft and the feeling that their business is hurt because of the number of teenagers in the area. Occasionally, but not often, we have fights develop because large numbers of teenagers gather at this type of a Center - the opportunity for obtaining narcotics increases and the chances for apprehension and detection are slim because of our inability to work Officers in.

That is what concerns me, not competition.

Mr. Wiedmann: Commissioner Lurie, this is why I have made an appointment with Sheriff Ralph Lamb. I would like to sit down and discuss it with him, and ask him for his help.

Mrs. Wiedmann: We expect to have very tight security. I can say that when I ran the University Restaurant across from the University, those kids came to me at that time and they had no place to go in the evening for dancing. They begged me to put dances on at night. I really didn't want to do that because after you run a restaurant all day long, you're tired. So I told the kids if they would cooperate with me and help me, I would do it, because I knew they have a problem in Vegas as far as where they can go when they are in between age groups. I ran those dances and I can tell you I never once had an occasion to call Metro. Never once. I never had a problem with those children.

Commissioner Christensen: How is your operation going to differ from the one that was there before?

Mrs. Wiedmann: Well, first of all, I think you have to be sure you have Security and if you have one child that gets out of order, and if you show them you are the Boss and they aren't, and put them out . . .

Commissioner Christensen: But you're talking about all ages, and when you get a 19-year-old in there, he's not a child and you're not going to show him much, because he pretty well knows everything by then.

Mr. Wiedmann: I do plan to have Security all the time . . .

Commissioner Christensen: I believe the last one had Security, but it was indoors. They didn't ever venture out into the Parking Lot for fear of life and limb.

Mr. Wiedmann: We will have it outside and inside, if this is what I have to do.

Mayor Briare: Would the outside Security be Metro Police?

Mr. Wiedmann: I would hire from a firm, I believe. There was one firm that came to talk to us about it. Then I had these problems and I haven't been back with them.

Mayor Briare: What do you anticipate will be the result of your meeting with Sheriff Lamb tomorrow?

Mrs. Wiedmann: We want him to know exactly what we

are planning to do - what kind of an operation we will have.

Mayor Briare: What kind of response do you expect he is going to give you? You have already indicated for the record here, that he is in total support of this -

Mrs. Wiedmann: Yes -

Mayor Briare: We have reason to believe - I don't mean Sheriff Lamb personally - himself - but we have reason to believe that the Department is not in support of this. However, we do agree with you folks that certainly there is a need for this type of a place, and I think we are talking more about zoning and location than the need. Here, again, the need is apparent and I think this Commission supports the idea for a facility of some sort, but the argument is whether that is the place to have it. You, apparently, are bearing the burden of someone who was there before, which you are certainly not responsible for. That's unfortunate, but in the Zoning regulations, Mr. Saylor, some time in the past did the previous operators of this kind of a business come before this Board?

Mr. Saylor: I don't believe so in that it was a permitted use - a matter of right -

Mayor Briare: Technically, then, any Shopping Center inside the corporate limits of the City, could establish a business similar to what these folks are applying for -

Commissioner Lurie: Except for the dancing.

Mayor Briare: What about the dancing?

Mr. Saylor: That may be a separate Licensing provision.

Mayor Briare: Were the previous operators conducting dances?

Mr. Saylor: I don't know.

Mr. Wiedmann: I do not know personally, but I have heard this from the people who talked about that operation -

Mrs. Britt: Your Honor, there is a separate Ordinance governing the dancing. They have to get a separate Permit for each dance they are going to hold. They must tell what hours it will be and who the Security will be.

Mayor Briare: Is it discretionary or mandatory to issue the License?

Mrs. Britt: Well, it is neither, as long as they comply and furnish proof that they are going to have the necessary Security, the Permit would be issued, but if it becomes a problem we would just determine if we should issue any more Permits.

Mayor Briare: Mr. Lovell, what are the alternatives for action by this Commission?

Mr. Lovell: You can approve the application subject to the Licensing requirements of the Code that Mrs. Britt has just mentioned, or in view of the circumstances, if you wish, you can hold this in abeyance until Metro Police is contacted for other information relative to matters that have come up this morning, and

bring it back at a later date.

Mayor Briare: We can either approve or we can hold.

Mr. Lovell: Right -

Mayor Briare: The options do not include a denial?

Mr. Lovell: A denial at this time I think could not be sustained based on the fact there is no substantiation of the allegations of harm to health and welfare.

Mr. Wiedmann: Your Honor, I have a letter here from Father Ward, that is addressed to you.

Mayor Briare: Please hand it to the Clerk and she will make it a part of the record.

(See Page 45 of these Minutes (Letter))

Commissioner Christensen: I would like to ask the City Attorney a question: At what point in the Law does an operation become a public nuisance? Is there a certain number of arrests that have to be made - a certain number of complaints for something to become a public nuisance? In other words, if this place opens, and it opens like the other one did with the same kinds of problems, how many weeks - months - years of appeals, courts, supreme courts - appeals - are we involved in before it can ever be straightened out? That is kind of a loaded question, and I don't mean it to be. What I'm trying to get at is - what are our chances of closing it if it becomes a public nuisance, and at what point does it become a public nuisance?

Mr. Lovell: Your question is very difficult to answer. If it opens up and creates all of the various problems, we would have to show substantially, with evidence, what those problems are - show the Court that it is a nuisance - that it is unsafe, based upon harm, damage, pilfering, or whatever might be committed - it is a matter of sufficient proof of harm that we can show to a Court, if we have to.

Commissioner Christensen: If this opens and it doesn't pan out like these people claim it will, there is not much we can do. We have to live with it until they go busted, or something else happens - that's what it amounts to.

Commissioner Lurie: So, actually, there is nothing before us except the part of the application that calls for dances. If the application was submitted as just for an Amusement Center, period, it wouldn't even come before this Board.

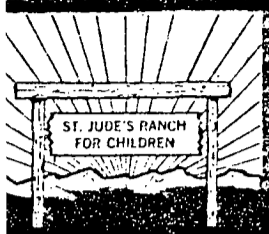
Mrs. Britt: That's correct - the Dance Permits do not routinely come before the Board either, though.

Commissioner Lurie: So if the application was approved for an Amusement Center, period, then any time that the Wiedmann's wanted to have a Dance, they would have to apply for a separate Permit for a particular night -

Mrs. Britt: They must, under the Ordinance, so that anyway.

Commissioner Lurie: And that doesn't come before this Board - it is taken care of, routinely, through the Licensing Department -

Mrs. Britt: That's correct. The Police Department is notified each time a Permit is issued.



ST. JUDE'S RANCH FOR CHILDREN

P.O. BOX 985
BOULDER CITY, NEVADA
89005
PHONE (702) 293-3131

FATHER
HERBERT A. WARD, JR.
DIRECTOR
THE SISTERS OF CHARITY
STAFF

19 October 1976

Mr. Bill Briare, Mayor
and the City Commissioners of Las Vegas

Re: Mr. Robert Weidmann's application for license to operate a
"family-fun center".

Dear Sirs:

It is my understanding that Bob Weidmann has applied to you for license to open a young singles' discoteque and family-fun game center.

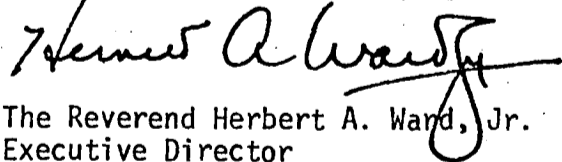
Mr. Weidmann has been a generous supporter of St. Jude's Ranch and has entertained our children on a number of occasions at his former pizza restaurant, Coney Island Boardwalk in the Maryland Parkway Wonderworld Shopping Center.

Bob's intention to have a game center geared to teenagers where only health foods and non-alcoholic health food beverages will be served is, in my opinion, an innovative idea in keeping with the present day physical fitness trends.

Mr. Weidmann's intention to supervise operations personally and his own personal adamant stand against marijuana use and the presence of other prohibited substances on his premises is most admirable in today's world.

It is my hope that you will act favorably upon Mr. Weidmann's application.

Sincerely yours,
ST. JUDE'S RANCH FOR CHILDREN


The Reverend Herbert A. Ward, Jr.
Executive Director

HAW:p

A NON PROFIT, NON SECTARIAN FACILITY FOR THE CARE OF HOMELESS CHILDREN

Mayor Briare: If there is nothing further, what is the pleasure of the Board? The options are (a) to approve; (b) to postpone it and (c) no action at all, in which event these applicants would be proceeding in accordance with the existing rules and regulations.

Mrs. Wiedmann: Are there any questions you could ask us that would help?

Commissioner Lurie: I think the application has to be changed to take "Discotheque" off of there . . .

Mr. Wiedmann: On my sign I have for this it said "Discotheque" but I have changed that to "Dancing". The sign will read CEASER'S CALLOUS - YOUNG ADULT CASINO FOR KIDS FROM 6 TO 66 - GAMES - FOOD - DANCING AND AMUSEMENTS.

Commissioner Lurie: Young Adult Casino?

Mr. Wiedmann: Yes.

Mayor Briare: Mr. Wiedmann, I am going to tell you quite frankly - you two people are both very fine people - but if this was a matter of Zoning that was before us right now, I would vote against you. I don't think that is the place for that particular type of business, period. I am obliged to comply with the laws and regulations of this City - I am speaking as an individual and as to my vote on this - and I'm looking for a way to say "no", but I haven't found it. And I don't think, if my opinion should be shared by others, this really shouldn't be here. It is raising questions we have no ability to respond to.

I want you to know that I don't think this is the place for it. I wish there was some other place you could go. I don't know where that might be, but there has to be a place where this type of a facility could certainly accommodate the needs of the people who would be attending your business, without causing an upset in the neighborhood and you are, primarily, out in the neighborhoods. I know because I'm your neighbor. It doesn't do any good to count noses as to how the Commissioners feel - we have to take some kind of action on this - we've got to do something - or we have to determine that we are going to do nothing and get on to the other matters scheduled for this meeting.

Commissioner Leavitt: Mr. Lovell, if this Board does nothing, does that mean the License will be issued?

Mr. Lovell: No, it doesn't.

Commissioner Leavitt: What happens to it?

Mr. Lovell: Lack of action - lack of approval - could mean denial -

Commissioner Lurie: First of all, it didn't need to be before us. It was brought up here because a Commissioner requested it be brought before us. If we don't take any action, then what happens?

Mr. Lovell: Well, it is before you. Perhaps you could vote on the question to continue it - to have it before you at a later time. It would be just an informational item to do that.

Commissioner Leavitt: Routinely, this type of a License doesn't come before us, unless somebody requests it. A Commissioner requested that it be brought before us and if we don't do anything, does

the Department of Licenses go ahead and issue it?

Mrs. Wiedmann: May I ask a question of you? If you were standing here in our place, what would you do?

Mayor Briare: I would go to the License Department and make an application for a License.

Mrs. Wiedmann: What would you do if you had \$2,000.00 a month in rent running and we are denied a License? And you can't get a License - you can't apply for a License until you have a location. Am I right or wrong?

Mr. Lovell: That's right.

Mrs. Wiedmann: So where do we stand in this situation?

Commissioner Leavitt: That's what I'm trying to find out from the City Attorney -

Mrs. Wiedmann: Where do we stand, with all the money we have invested in this place over there? I would like every one of you to come over and see just what kind of a facility we have put in there. It is not a place that has been slapped together any old way. It is a place where good kids are - anybody that has children would be proud to come in and have a Coke or fruit juice, or whatever.

Commissioner Lurie: As I told you before, I wouldn't allow my kids in one of those places again, so don't tell me about my kids going to these places. I object to the Discotheque, number one, and now I object to the word "Casino" on your sign because I think that is misleading. What is before us today is the fact there were protests to this application and I felt they should be aired before this Board and as far as an Amusement Arcade is concerned, you can apply for a License and that never comes before this Board. It is routine.

Mr. Lovell: The point where you are now, Commissioners, is that there has been a controversial matter brought here by a Commissioner. If you wish to issue the License, you can issue it. If not, you can thank the applicants for their appearance, suggest that you do not wish to take action on it, refer it back to the License Department and let it go from there. I say that due to the fact that if the Director of License wants to inquire further, it would be at her discretion. Then she can report to you if she feels it is necessary or issue the License.

Commissioner Leavitt: I have a question: You have said that we can say we do not wish to take action. The question I have is that you have already indicated to us that we can't take action. You have indicated to us that there isn't a sufficient record here to deny this license. Is that right?

Mr. Lovell: If you wish to have it before you for action, that is correct.

Commissioner Leavitt: Yes, but there is not a sufficient record at this time to deny the License -

Mr. Lovell: That's right -

Commissioner Leavitt: What you're saying, in effect, is that we can't take action -

Commissioner Woofter: I think it can be resolved by just making a motion to refer it back to the License Department, and if they conform to the law - the

CAESER'S CALLOUS
(continued)

Zoning and what have you, which Mrs. Britt is aware of, then the License has got to be issued at this point and juncture. If something comes along the line after they open, like the Mayor has brought out, that's the only way I can see action by this Board can be taken. If it turns out to be a nuisance or there are Police problems.

Commissioner Leavitt: I would like to ask the City Attorney: Do you agree with what Commissioner Woofter has just said?

Mr. Lovell: Yes.

Commissioner Leavitt: OK -

M o t i o n

Commissioner Woofter: I make a motion then that this application be referred back to the Business License Department.

Mayor Briare: Are there any further comments?

(No response)

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

Mayor Briare: The motion is approved and it is referred back.

Mayor Briare: The next is an abeyance item:

LIQUOR - CHANGE
OF BUSINESS NAME
Abeyance

LIQUOR - CHANGE OF NAME

From:
Shady Lady Lounge/Country Store

To:
SHADY LADY LOUNGE
3889 W. Charleston Blvd.
SUPPER CLUB

Sum Thing from Milwaukee
Robert Mann, Sole Officer
and Stockholder

Commissioner Woofter: Mr. Mayor, I asked this to be held in abeyance on the basis that there were certain alleged problems brought before me. At this time I would ask for it to be deferred for one more meeting so that Mrs. Britt can ascertain whether or not Mr. Mann is the Sole Officer and Stockholder in the number one of this operation. Number two, it has also been brought to my attention that part of this operation is operating on East Sahara, as well as West Charleston.

Mrs. Britt: Yes, Commissioner, Mr. Mann had a Supper Club operation together with a delicatessen type of operation in front. The delicatessen has moved to a County location. His Supper Club operation remains in the City, and that is what occasioned the change in the business name.

Commissioner Woofter: I received a letter from a Mr. Robert Bycowsky, I believe his name is, from Milwaukee, alleging that he is a partner in this operation, so I would like to refer this letter to you and you can go from there -

Commissioner Lurie: Is this License inactive?

Mrs. Britt: I believe it doesn't open until late in the day - I haven't been informed that it was closed.

Commissioner Lurie: I was by there at eight o'clock last night and it was closed.

Mrs. Britt: I will check into that also -

Commissioner Lurie: If it is closed then they should be before us for an inactive status and ask for an extension of closure -

Mrs. Britt: Only if they remain closed longer than sixty (60) days -

Commissioner Lurie: You will check that out?

Mrs. Britt: Yes, I will.

Mayor Briare: If there are no objections, we will proceed in that manner.

Mayor Briare: Ladies and Gentlemen, as we indicated earlier in the Meeting and for those of you who have come in since our meeting this morning, we are going to recess this Meeting shortly before twelve o'clock noon, and I want to extend our invitation to each of you to stay in our City Plaza just outside these Chambers for the appearance of the Los Angeles Mime Company, who have traveled here for the purpose of putting on a Show under the auspices of the City. I am confident you will enjoy it very much.

If it meets with the approval of the Commission, we will now have a 5-minute recess. We will then reconvene and the order of business for the remainder of the morning will be to begin the Public Hearings. Following the Public Hearings we will move to the Department of Community Planning & Development, and first consider Item "D" in view of a request by the applicant due to having to catch a plane. He asked if his matter could be discussed first and under those circumstances, I agreed to it. We will then consider the remainder of the Agenda.

R e c e s s

Meeting recessed at the hour of 10:35 A.M.

Meeting reconvened at the hour of 10:45 A.M. with the Board and Staff present.

PUBLIC HEARINGS

V-54-76

APPEAL FILED BY DAVID M. SCHREIBER, ESQ. ON BEHALF OF EDWARD O. MARKLEY

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 Ave., in Zoning District R-E.

Mayor Briare: This Meeting is returned to order. In accordance with the announcement that was made prior to the recess, we are now considering matters of Public Hearing.

The first is an appeal filed by David Schreiber on behalf of Edward Markley pertaining to a wood and hay business at 815 Tonopah Drive. I would call the attention of the Commission to Mr. Saylor's memo of October 18th. Mr. Saylor, if you have that memo, go ahead and read it.

Mr. Saylor: Essentially what it is: Mr. Markley had submitted a Variance application to allow the on-

emise retail sale of wood and hay on property which is located in an R-E Zone. The Board denied that.

He now has appealed it but subsequent to the Board action and prior to this meeting, I discussed the situation with Mr. Markley and he has indicated he is willing to accept from this Commission a temporary approval, until April, to allow him to sell that which he has on the premises.

I indicated in my Memo to you that I felt that was a workable solution.

Mayor Briare: This is a Public Hearing and it is the recommendation of Staff that it be allowed to continue until Spring. Do you want to name a date?

Mr. Markley: April -

Mayor Briare: April 1st. This is a Public Hearing. Is there anyone in the audience that wishes to speak in opposition to allowing this to continue until April 1, 1977? Or to continue at all?

(No response)

Mayor Briare: Have the record reflect there is no one in attendance to protest the granting of this appeal.

Is there anyone else who wishes to be heard?

(No response)

Mayor Briare: The Public Hearing then is closed.

M o t i o n

Commissioner Leavitt: I move that we follow the recommendation that Mr. Markley be allowed to continue the operation until April 1, 1977 in order to allow him to sell the material he now has on the premises.

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

REQUESTED USE OF
CASHMAN FIELD
Approved

REQUEST OF V.F.W. POST 10057 TO USE THE PARKING LOT
AT CITY-OWNED CASHMAN FIELD ON NOVEMBER 11, 1976, FOR
A MOTOR SCOOTER CLUB DEMONSTRATION (7 MOTOR BIKES)

Mayor Briare: The next Public Hearing concerns a request of V.F.W. Post 10057 to use the Parking Lot at Cashman Field. Is the applicant present?

John Banks: We want to use the Parking Lot for practice purposes for a V.F.W. Club Motor Scooters for the Veterans Day Parade. We would like to practice in the afternoon for about two (2) hours, before dark and after School, and on Saturdays from ten until twelve o'clock. There would be seven motor scooters. The largest one we have is a 250 and the smallest we have is a mini-bike.

Mayor Briare: Is there anyone present to speak in opposition to the granting of this request?

(No response)

Mayor Briare: Have the record reflect there is no one present to protest this request.

Commissioner Woofter: I would move for approval.

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

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

Committee: Commissioners Christensen and Woofter

Mr. Saylor: In essence, this proposed a change to the Ordinance specifically referring to the R-E Zone which, in fact, would state that any parcel of land, undeveloped, which is presently zoned R-E, would be considered - could possibly be considered for a change in zoning for some other type of land use. This does not change the zoning on any property, nor does it mandate that any vacant R-E land or ten acres, or larger, will be changed to another classification. It is simply an intent on the part of the City to indicate to people that we now have a majority of the vacant land in the City zoned R-E, and it is considered somewhat in many cases, but not in all cases, as a "holding zone" until the proper path and direction of urbanization can be concluded.

Under our present situation you are all aware of the experience we have when anybody does attempt to get a change in zoning on R-E property, people for miles around will come forth and argue that it was zoned R-E when they bought and built and therefore it should remain R-E forever. This, of course, is unrealistic to this extent: That we have just about run out of vacant R-1 land and much of the vacant R-E land must necessarily, and logically, be zoned for uses of a more urbanized pattern.

The other part of the Ordinance simply refers to Tennis Courts - it allows tennis courts in all residential zones in accord with certain requirements.

Commissioner Christensen: The only comment I have to make on this Ordinance is that the purpose of it is two-fold: Not only to make it more readily available for development in the undeveloped areas of Las Vegas, but also so that the Public that buys a piece of this ground will realize that when they buy in an undeveloped area, the real estate man that tells them this is R-E Zoning, in a totally undeveloped area, cannot assure them that it will always remain as R-E Zoning.

In the past we have had people who have bought vacant ground - a lot - on the edge of the City where it is vacant all around them, with the idea in mind that that would always be R-E zoning. It can't possibly be so.

It was stated in Mr. Saylor's Memo, and it was very well put, this does not change anything with regard to the Commission's power on rezonings. Right now it zones R-E land to a higher density for the simple reason R-E has always been used as a "holding zone" in the City of Las Vegas. We have had no "holding zones". This simply puts it into a "holding zone" so that the buyer of a piece of ground - the buyer of a lot - a home builder - or whoever - is made aware of the situation that exists with undeveloped land in Las Vegas.

The City will have no more powers to rezone . . . what do they refer to this, Mr. Saylor as another classification?

Mr. Saylor: It is still R-E -

Commissioner Christensen: They didn't change the classification - OK. Anybody that goes into that particular area and requests a change to a different zone, still has to go through all of the same procedures. This does not change those procedures one bit. The only thing it does is let the whole world know that R-E is used as a Holding Zone in the City of Las Vegas, as well as Residential Estates which, in the past, they have not been aware of.

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

Moira Thompson and Joyce Rustin appearing jointly.

Mrs. Thompson: Commissioner Christensen, we fully understand the logic you are using here and we are only sorry that it isn't something that was done some twenty years ago. It wasn't done then and, of course, there are people who are living in R-E and we are screaming that we don't want it changed.

That's fine, but isn't there some way the City could take some time and look for large parcels? You are talking about ten acres, and up. There are areas where this is quite a bit of development and there are still ten, twenty to forty acres to a parcel. We feel this is spot zoning - that it is discrimination against the small property owner. We understand why you are trying to do this, but we also feel that you are telling large corporations where they can go in.

Joyce Rustin: As you say, R-E is a holding zone although the public is not aware that R-E is a holding zone. They are aware of what they can read in the City's zoning books, which says that it is Residence Estates. It does not mention about a holding zone.

I understand the need for the City to have a holding zone - undeveloped property adjacent to the City - and I can't help but feel that this is not going to get rid of the problem. The root of the problem is that all land coming into the City must be classified as R-E. The City is lacking in some kind of a holding zone.

Mayor Briare: Are you suggesting, perhaps, the establishment of a new Code Letter to indicate a different zone?

Mrs. Rustin: To definitely let the people know that this is a holding zone. Now, R-E is R-E as it says in your book. I know in our area there are several 10-acre parcels and they are right in the middle of a group of houses and here you are creating a holding zone right in the middle of a group of houses. Like you say, it doesn't change the fact that these people have to come before this Commission for a Zone Change.

I think it's the wrong approach to it. I understand what Commissioner Christensen is trying to do, but I think that all the land that is annexed into the City should be classified R-E, which your Zoning Book says is Residence Estates. You should have some kind of a holding zone classification instead of taking what is already there and making it a holding zone - after the fact.

Mr. Saylor: Let me clarify one point: Land annexed to the City is not annexed as R-E. It is annexed at the same, or most comparable, zoning it enjoyed prior to annexation.

Mrs. Rustin: It is mostly R-E, though -

Mr. Saylor: All I am sayinf to you is that it is not annexed as R-E. It is annexed with the same zoning it had prior to annexation.

Mayor Briare: I gather that you ladies are in favor of the intent -

Mrs. Rustin: The idea is good -

Mrs. Thompson: The only thing is, we feel it is discriminating and is spot zoning -

Commissioner Christensen: It is not spot zoning or discrimination at all, and I object to those remarks. There is no spot zoning involved here because it doesn't change the zoning. To have spot zoning, you have to change the zoning, so that's in error right there. There is no spot soning involved in this - none.

Mayor Briare: I believe it would appear from the intent - it is a question here as the result of dialogue between people who are interested in this Ordinance - will it be understood by the general public? That, of course, is of equal concern. If not, I think we have highly qualified people in the Planning Department to word it in such a way that the intent is clear, and then we have highly qualified lawyers to put it into language from an Ordinance standpoint.

I'm more concerned, and I think the Commission is concerned, that the intent of the Ordinance be accomplished. If there are any objections or comments on the intent - the wordage, I am sure, can be properly authored to get the intent across.

Mrs. Thompson: It is the ten acres and up that we are talking about -

Mayor Briare: Should it be less than ten acres?

Mrs. Thompson: No . . .

Commissioner Christensen: I think one of the important factors you have to consider with the growth of the community - if you can specify to me the areas of this community that will grow, and which way they will grow, then I think we could eliminate the Planning Department of the City, the County - and we could eliminate a lot of other things - but I don't think you can anticipate that. I don't think anybody would be able to specify that.

Mayor Briare: Is there anyone else that wishes to comment on this proposed Ordinance?

Irma McCoy: If you want the thing clarified, why don't you create a new zone? As a real estate sales person it makes it impossible to sell a horse-zoned area if there is a chance it is going to be zoned something else - - create your horse area and leave it a horse area.

Commissioner Christensen: How are you going to account for the growth? Let me give you an example: I moved into a vacant area. It was zoned for horses. Now I am surrounded by population. I objected to it sometimes but nevertheless, I'm surrounded. Are you telling me that my area should always remain zoned for horses and that other areas should be changed? If you are, then you've got a real problem, because I can't go anywhere - I'm surrounded.

Mrs. McCoy: I realize you have a specific problem because at that time the City wasn't as big as it is

now, but I think it is getting big, rapidly, and I think now is the time to set some kind of a plan and stick to it. We have a Master Plan, but we change it every day. If we're going to have a Master Plan - follow it. If we don't have one, create one and then follow it . . .

Commissioner Christensen: In other words, what you're advocating is a rigid Master Plan - no changes in zoning?

Mrs. McCoy: I realize that wouldn't work - it never does -

Commissioner Christensen: That's what I'm saying. You say you want a Master Plan that is rigid so everybody knows where they are, and yet you do have to change the zoning occasionally -

Mrs. McCoy: You are going to have to change it occasionally any way you work it, but I'm saying that if you create this R-E as a "holding zone" and I go in as a realtor and have two acres sitting there with horses all around it, and I say to my people - I don't know if this is going to stay R-E so that you can have horses - do you know how many realtors you are going to have down your throat? It is an impossibility to work under those circumstances. You have to have some assurance that what you're selling is going to remain

Commissioner Christensen: Mr. Saylor, maybe you can answer the question - as I recall when I asked for this Ordinance, I asked for a different zoning classification. And I think we talked about changing the zoning to different letters - RU - or R-E-2 - or something like that. Why isn't that in there?

Mr. Saylor: We had discussed that possibility, but in order to do that, we would have to make a determination at this point in time which areas are going to remain exclusively reserved for Ranch Estates type of development -

Mrs. Rustin: What's wrong with that?

Mayor Briare: Let Mr. Saylor finish, please -

Mr. Saylor: We could do that, but in so doing I don't feel adequate, and I don't know who else would be that could anticipate at this point in time what those demand factors are going to be over the next five to twenty years.

Sure - we could draw a line around those areas that are developed for R-E now, but this Ordinance, essentially, does the same thing because it refers only to vacant land. And in response to your point - if you are going to sell a client a 10-acre parcel of vacant land zoned R-E, and it is surrounded by R-E development, he has no qualms whatsoever about that remaining R-E. He's the owner. He's the only one that will make application to have the zoning changed. So if he wants to keep it R-E, this will have no affect on him whatsoever.

Mrs. McCoy: Then what are we here talking about? Really - if it is going to remain the same, I don't understand -

Mayor Briare: It is to let people realize that R-E is not necessarily an infinite thing -

Mrs. McCoy: Right - but what you are doing is - you are throwing the whole thing in the air -

Mayor Briare: As the lady said - they wish it had been done twenty years ago. Now, should we wait another twenty? Or should we try to resolve the thing now?

Mrs. McCoy: I think you have to take a stand and say - this is the way it is going to develop. It may not, but I think you have to give it some sort of a planning direction for it to go.

Mayor Briare: In saying that it may not, you are indicating that some changes will have to be made -

Mrs. McCoy: Well, along the Freeway there - where it is industrial - that was all R-E. Naturally that has to go Industrial - commercial - or whatever, but I think those patterns are pretty well laid out now. I think we are at a stage in the growth of our City now where you can sit back and say - this is the way it is going to go, and I hate to see it get bigger before you do that because you're going to have a little of this and a little of that all mixed up.

I think if you know that R-E is out northwest or southeast, that's where you are going to have the people, and if you know out in the due west they can't get it - that's fine. They'll buy that, but this thing of saying - I wonder how long this zoning is going to last. I know we're nervous right now because we're being surrounded.

Mayor Briare: Are you active in the real estate business?

Mrs. McCoy: Semi -

Mayor Briare: Do you believe in putting property to its highest and best use?

Mrs. McCoy: Yes -

Mayor Briare: Do you believe today that determines as to what your property's highest and best use will be five or ten years from now?

McCoy: If I had vacant land somewhere else - is that what you're saying?

Mayor Briare: Today, on October 20, 1976, we can make a determination as to what the highest and best use of your property

Mrs. McCoy: I'm asking that you put it in a holding classification until we can find out what that best use is. R-E I do not consider a holding pattern -

Commissioner Christensen: It is considered a holding pattern - that's what worries me. That's what I'm trying to change.

Mrs. McCoy: True - but is there any reason you couldn't put a different letter with it - changing your letter designation might take care of it -

Mayor Briare: We could use something like R-E-H.

Commissioner Lurie: That is what I thought was before us.

Commissioner Christensen: The problem - if you do that - is that you are specifying what the use is going to be, and I don't feel qualified to do that and I don't know of anybody in this room that does.

Mrs. McCoy: Why would you be doing that if you put an R-E-H on it? If you put a holding pattern on it, doesn't that kind of make it for future determination? Doesn't that make it better than having it R-E? The people who are now holding R-E, if they are notified it would be R-E-H, if they have any objections, let them come in and state them. If they don't, then so be it.

Mr. Saylor: There is this possibility - of course, we could take all of the land in the City presently zoned R-E, which is not developed for Ranch Estates, and rezone it to a new classification. This would, of course, require a Public Hearing and I could guess what the reaction would be to R-E development over here (wall map) as opposed to a change in zoning on this R-E (wall map) to R-E-H, or whatever, but that could be done that way.

Commissioner Christensen: It would sure change a lot of property values -

Mr. Saylor: That's right -

Mrs. McCoy: It does now - the way it works now, it does that.

Commissioner Christensen: How does it change the property value this way?

Mrs. McCoy: Right now, if I were going to go out and sell a 10-acre parcel, I would be a little hesitant -

Commissioner Christensen: If you had a 10-acre parcel in the heart of R-E zoning that was built up - if you had a vacant 10-acre parcel in the middle of a square mile of R-E development, why would you be hesitant to sell that to a buyer?

Mrs. McCoy: If it was an R-E buyer, I wouldn't. If it was an R-1 buyer, I would be very hesitant - he would have to come before you to get a zone change before I would ever advise him to go to escrow -

Commissioner Christensen: He would have to if it was R-E-H - he would have to come before us to get a zone change -

Mrs. McCoy: If it was R-E and he knew it was R-E and not R-E-H . . . what I'm saying is - classify the ones that are R-E-H . . .

Commissioner Christensen: You're saying two things here. You say - classify them different, but you're telling me the reason you want to is because it's a little difficult to sell it, but you haven't shown me how difficult it is to sell it yet.

I'm the buyer for the property. I want to put in a Shopping Center. Are you going to pitch it to me any different if it's R-E-H than if it's R-E? What's the difference in how you are going to pitch the sale to me?

Mrs. McCoy: Not at the moment - I am saying that R-E in the general public's eyes is Ranch Estates - Residence Estates. If it was R-E-H, at least they would know it was an open classification. It's a matter of public information . . .

Commissioner Christensen: To most of the public, R-E is an open classification right now. What I'm worried about is the guy who buys a half acre out of that ten

acres and thought he was buying R-E when it may not end up as R-E.

Mrs. McCoy: When you get it sold as an R-E-H, let him declare what he's going to do with it. I just don't see what the R-E open thing is going to do for anyone. There are definite R-E areas.

Mrs. Rustin: The point I was trying to make and the point I think she is trying to get is - say there is five houses on a half acre, or like out in out area, an acre and a quarter, or two and a half acres, and there's a 10-acre parcel in the middle. If this goes through you're going to have R-E with a holding zone in the middle . . . surely there must be undeveloped areas that are zoned R-E now that could be zoned as a holding zone -

Mayor Briare: Let me suggest what we're all saying: What we're saying is that we all agree that there is a problem here that needs a solution and to try to solve it in an argumentative manner is probably not going to accomplish anything. The reason this was brought forward is because we solicited comments on it, based simply on the fact that we sure don't know everything, and I'm grateful to the people who have come forward and offered suggestions. I would interpret the situation we are in right now as being one in which we have to do some more work. We have to perhaps come up with something that will incorporate not only the feelings as you express them - which are not too different from the feelings that have already been expressed, except that it is a matter, again, as I say, of semantics.

Mrs. Thompson: Could I ask what your recommending committee came up with on this?

Commissioner Christensen: As a matter of fact, it has been in a Study Committee comprised of myself and Commissioner Woofter. It hasn't been referred to a Recommending Committee. I am the one that specified that this be the subject of a Public Hearing so we could get public input on this, rather than just pass it like a lot of Ordinances pass - at the end of the meeting when everybody has gone home. I did it for your benefit and I resent being chastised so severely for it, because you two women both told me, months ago, that you were going to oppose this Ordinance before you even saw a copy of it. How can you oppose an idea before you even know what it is?

Mayor Briare: Never in my life have I heard an instance where people all agree to something - they like to argue a little bit. If there are no objections from the Board - unless there is somebody to come forward specifically to discuss it - if they would like to add any more input - I think these ladies both know that their comments are well taken and we understand what the ultimate intent is, even though it might not exactly come out that way - there is more work to do on this. The reason it was here, as Commissioner Christensen has indicated, was to invite comments. Not to get into an argument. Is there anyone else to be heard on this that might be in a different tone than what we've already heard?

We're not going to take any action on this today, because we can't. It is in a Study Committee. Perhaps Commissioner Christensen and Commissioner Woofter would agree to have a second Hearing and, if necessary, a third or fourth Hearing prior to any type of action being considered one way or another on it. The purpose of this Hearing today is for input

from those people who are here today. I am confident there will be other Hearings on this matter and when there are, they will certainly be as best advertised as we can possibly make them. Is there anyone else to be heard at this time?

(No response)

Mayor Briare: Then I'm going to declare this particular Public Hearing closed and as I indicated a moment before, there is no reason to believe there won't be future ones. Right now the matter is still in Study Committee.

Mayor Briare: Before we go on to the first item on the Community Development & Planning matters, which will be Item "D", as already agreed to, we would ask Mr. Spaulding if he has a report for us on his inquiry to the State.

Mr. Spaulding: Yes, Mayor, George Miller, the head of Welfare, was out of town. I was able to contact Helen T _____ of Contract Services, and Kenny Shank in the Office of Social Services. They indicated that they do not have funds available at this time; that the Federal funds and the General Funds available to them have been allocated until the end of this Fiscal Year, June 30th.

They indicated that they would not entertain an application for the NALA Program.

Mayor Briare: Was there any other office in the State, or interim committee, that you could think of that might be contacted? Or was there any other you feel would be qualified as a proper agency to contact?

Mr. Spaulding: For the Day Care Center, the only one that has the authority, other than a general appropriation through the Legislative process, would be the Welfare Division of the Department of Human Resources.

Mayor Briare: To those of you who were not here earlier, it might appear that I might have been abrupt with State Senate candidate Bill Hernstadt, which I didn't intend to be. I thought he was going to offer some suggestions as to who he might call upon. Perhaps I should have heard his suggestions because as a candidate and, very possibly, a successful candidate, you would have had a solution for us right now, but I don't want him to be able to tell us something we don't already know.

Commissioner Lurie: You didn't talk to the Governor or to the State Finance Committee - is that correct?

Mr. Spaulding: Well - yes - to the other . . .

Commissioner Lurie: Do they make these decisions based on what the Governor tells them or what the Finance Committee tells them?

Mr. Spaulding: Being of the Executive Branch they would be responsive to the Governor.

Commissioner Lurie: Then maybe we should go to the Governor's office and ask for a report from him, or his representative, on whether or not there are some funds available, or whether they are just listening to one of the staff members, who really can't make the final decision.

Mayor Briare: If we ever had a person who has better entree to the Governor's Office than Mrs. Brentz, I don't know who it is.

Mrs. Brentz: Thank you -

Mayor Briare: Did you contact your boss?

Mrs. Brentz: No Sir, I haven't. The reason I haven't contacted him is because all the indications were that we were going to get some favorable results from the HUD Office. Really, after talking to Senator Cannon, he said - wait and see what happens, because I do believe, he said, that something is going to happen.

Mrs. Brentz: But, unfortunately, like Mr. Spaulding said today - I guess he talked to him today - and something didn't work out.

So if it is your wish that I talk to the Governor, I will be glad to talk to him. He is not aware of the question -

Mayor Briare: He is not aware?

Mrs. Brentz: As far as I know. I have not informed him of this situation. I thought about talking to him yesterday with the whole intention to keep him aware of this, but when I talked with Mr. Frank Mathews, who was going to be in San Francisco today talking to the people in HUD, he also assured me he would contact me before this Commission meeting and would have some answers for us. And he told me that without a doubt, there would be some favorable answers. Without a doubt, he has not been able to either talk to the people he was going to talk to, or something happened because we just didn't get that information before you met this morning.

So, if you wish, and if it is your advice that we should contact the Governor now, I would be glad to do it right away. He is in town.

Mayor Briare: I would think, Mrs. Brentz, that any and all avenues that have any light on them at all would be worthy of pursuit. Is the Day Care Center locked up right now?

Mrs. Brentz: No - it is open as of today.

Mayor Briare: But tomorrow, you're not sure -

Mrs. Brentz: Tomorrow we're not sure - no. We were depending on your decision of today.

Mayor Briare: I am aware there are a number of Day Care Centers - in fact, I would say there are quite a few Day Care Centers that could very well meet the need of a number of the users of your Day Care Center. Is there any possibility of transferring them for a while until . . .

Mrs. Brentz: Unfortunately, we have tried that -

Mayor Briare: You have tried that?

Mrs. Brentz: We have tried it -

Mayor Briare: And you have been turned down?

Mrs. Brentz: They said it would be a minimum of \$20.00 a week, or \$25.00 a week, for a child and unfortunately the parents . . .

Mayor Briare: Was the EOB one of them, perhaps?

Mrs. Brentz: The EOB Child Care Center on the West Side, do you mean? On the West Side - it's so far for the parents. They can't take their children over there. Some of them don't even have transportation - they don't have cars.

Mayor Briare: Do you know if there were some more folks expecting that we were going to have an answer before twelve o'clock noon?

Mrs. Brentz: I stayed so I could relay the message to them. They had to go back to work.

NALA APPEAL
(continued)

Mayor Briare: Does the Commission have any further comments or questions or suggestions as to what action should be taken today?

Commissioner Leavitt: Your Honor, this is one of those always difficult problems in that when a Program is funded by Federal money, and Federal money stops, there is that decision that has to be made whether you want to use the local taxpayers money to continue the Program.

I think if this Program had come before us originally with the idea that we were going to use local money, I don't think it would have been approved, and I wouldn't have voted for it.

At this time, Your Honor, we did allow this to go on for one month in order to find out what the status would be at the end of the one month. Mr. Spaulding has indicated to us that there is a 50-50 chance. He has also indicated there could be a considerable length of time before this matter is finally resolved.

M o t i o n

I would like to make a motion that Mr. Spaulding be instructed to continue the Federal appeal to its conclusion, and that he also be authorized to explore any other areas for funding that may become available; but that, in the meantime, the City funding stop; that we no longer fund the Program with City funds.

Mayor Briare: Are there any comments by the other Commissioners?

Commissioner Lurie: Did Commissioner Leavitt say he wanted to fund it for another thirty days?

Commissioner Leavitt: No - we've already done it for thirty days - the funding is to stop as of today -

Mayor Briare: Actually, there is really no motion necessary, is there? By direction, we can direct Mr. Spaulding to pursue the matter further as indicated by Commissioner Leavitt.

Commissioner Leavitt: The motion last time was for thirty days of City funding. That thirty days has expired.

Mayor Briare: The avenues now, including a further pursuit of State sources - it might be that Governor O'Callohan would have some answers. I think he has certain executive discretion he can use, especially as far as his interim boards are concerned, and also the Legislative Interim Finance Committee and, as you well know, now is a darn good time to approach some of those legislative committees.

Mrs. Brentz: Believe me, we will approach them. We will have to close the place now. Before I talked to you Mayor, we polled some of the committees that originated this proposal - they did approach the State before we came to the City for help. Mr. Spaulding has a copy of that letter - that the State said they would not approve a Program like that. I don't remember the reasons because I didn't see the letter - it was just informed to me by one of the committee members. So I don't know at this time if it will do much good, but we are going to try. No matter what avenues, we are going to try. Thank you very much for your efforts. We appreciate what you have done and we understand, very well, your position. We will continue to try and see what we can do. Thank you very much.

Mr. Saylor: This involves some R-E development. Mr. Becker is proposing a Ranch Estates development with a bridle path around the property - this being the area in question with the orange indicating the bridle path pattern (wall map).

There is an existing R-E development immediately to the south. When this property was in the County, Mr. Becker got certain permission from the County in terms of the common stable area and a smaller lot size because of the common area, and one of the conditions was that he put a block wall completely around the property.

We don't feel that a block wall is compatible with Ranch Estate development, particularly when it abuts another Ranch Estate development and under the Zoning regulations, the horses must be kept in the rear. If you have a bridle path along here (wall map) and a block wall on the south side of it, it somewhat defeats the wide open space connotation you are striving for in a Ranch Estates development. I'm sure it will not lend anything to the bridle path and I fail to see the need for protection of the Ranch Estates development to the south, particularly - as I've said - when their horses are supposed to be in the rear yards also.

Mr. Becker is asking for a waiver of that condition. We did not impose it on any of the other boundaries because there was no development, but in connection with this, because the County had put it on as part of their action, we had carried it through with ours.

Commissioner Christensen: Is the area to the north R-E too?

Mr. Saylor: It is vacant R-E - yes.

Mayor Briare: The request is for a waiver and we have heard from Staff. We will hear any comments the person making the request has and then we will hear comments from anyone in the audience who wishes to speak in objection to the request.

Mr. Ernest Becker: The main problem is that the block wall is a hazard to our horses from the fact the insurance companies raise the insurance coverage to the Association because when they ride in the area there, if they should be spooked and run into something besides a rail - if they hit a solid wall it has a tendency to injure both the rider and the horse. Consequently the insurance companies brought out the fact that not even Calumet Farms has stalls or fences or anything in their area. It is all done by wood rails and the stalls are all made out of wood. In the Santa Anita area the barns are all wood, not out of block, and the fact that it is a solid block wall . . . so from a safety standpoint we would like to have this waived. It would also save the people from having to pay the insurance cost it is going to cost us for the block wall. The requirement was put on by the County before we purchased the property and it followed through when we annexed to the City.

It came to our attention when we were in here and in that the people hadn't been notified, we thought at that time we shouldn't do anything about it until we notified the people. One or two of the people talked

to us and felt there would be some objections so we felt the best way to do it was to have you notify the people to be here. This is the only thing I can say, from all the horse people we talked to - that it is not best for us to have a solid block wall along there.

Commissioner Leavitt: What kind of a wall, or fence, are you going to propose along there?

Mr. Becker: There is a rail fence in there now -

Commissioner Leavitt: Instead of a block wall - is that what you're asking for?

Mr. Becker: It would be better because they can see on both sides of it - I think it's almost a 20 ft. bridle path -

Mayor Briare: Is there anyone in the audience that wishes to be heard, either for or in opposition, to this request?

Lorna LaPointe: I live at 5446 Sheila. This first came to my attention in January or February when he first came in, I guess, to annex the property. I first called Mr. Weisner, who is the Commissioner for our area. Then I called Commissioner Christensen who is the City Commissioner for that area. They were most helpful but I felt there was no need to come down because nothing was being done except the annexation, which is pretty routine anyway. So I didn't come to that meeting. The next was some other proposal that didn't concern me after I inquired, so I didn't go to that meeting. Then suddenly I look out my back window and they are putting up a rail fence, which we went before the County Commission three years ago when Pacific Balboa had that particular development. They were to develop it, I believe starting in June - the engineering was all taken care of at that time. We had 62 people there - my memory is not too great on numbers, but I know we had a multitude of Hillcrest Manor property owners at that County Commission meeting. We met with the people from Pacific Balboa out in the Chambers and discussed all the things we would like done. They were most agreeable - we compromised on a few items and the one thing they decided upon was a block wall. As a matter of fact, they were going to stucco it so it would look Spanishy, because that was the theme of their proposed development. That's where it ended, as far as we knew. The wall was going up.

Now we've seen in the paper where he is not going to put up the block wall. I checked with the Commission and they said - no, a permit had been issued for a rail fence. I said - how come? The Plot Plan calls for a block wall. We were never notified of any of this. Through my efforts in hounding Commissioner Christensen, I kept abreast of it pretty well. I wrote all of you letters on June 15th stating our reasons for it. At the time, I believe Commissioner Christensen informed me that 50% of the property owners were supposed to approve the block wall. I have over 60% of the entire area and 99% of the property owners on Shiela that want the block wall there.

I have ridden horses since I was three and trained them probably since I was twenty. There is no basis whatsoever that I can see about a horse shieing against a block wall. I'd rather ride my horse along a block wall than any chainlink fence with three dogs barking at me. There is no basis to that at all - horses get used to what they get used to - period. Anything new

is going to be a nuisance to them until they get used to it.

Insofar as the common corral area is concerned, I think if you go out and look at it you will find a corral behind each house -

Mayor Briare: How many horses do you have?

Mrs. LaPointe: I have three -

Mayor Briare: What kind of a corral do you have?

Mrs. LaPointe: A cyclone fence with redwood slats for a windbreak. We had originally planned to landscape our back yard but a couple of years ago they came in and said they were putting in a block wall - I don't like block walls - I would rather there would be nothing back there, but if we have to have something for our own protection where this had not developed into R-E zoning, we have this problem, but he came in specifically to get a variance to the zoning for smaller lots than a half acre. We all have a half acre so our horses are not that big a problem. If you put two horses on a quarter of an acre and it gets to be a problem in a hurry.

Now, for our own protection - I guess the property owners do own part of the bridle path and part of their arena, which is fine for them, but I think somebody suggested at the last meeting when he wanted to have that wall released that we could use their facility, but it is quite clear from the plot plan that we would not have the use of their facility. I can't see that a rail fence would be any easier to get through than a block wall as far as getting into the bridle path - you would still have to go around. I just don't understand quite what he is trying to do here.

I made me a little angry because we thought we had this all resolved three years ago - we had the plot plans and some 60 people there to get to all ironed out. We had it ironed out. Now, suddenly, it is not convenient any more, and I just don't think it is fair to the property owners.

I do have a new petition - I presented one to you with all but one property owner - one home owner on Shiela, in June. I have another one from the rest of the people in the area. They were not notified of this meeting, but they are here today to help me. This is the old one and this is the new one. I have a total of 62 names on here - property owners. There are more names but it's because the husband and wife both signed. There are 62 property owners on this list and that is a majority of the people who have homes in the area.

Mayor Briare: Thank you. The number of homes that are actually - irrespective of whether it is a block wall or a rail fence or a cyclone fence, or whatever, are how many, Mr. Saylor?

Mr. Saylor: I don't know how many of these lots have houses on them - there are eleven in each block. We sent notices to those property owners backing up to this development. It had no bearing on anybody further south -

Mayor Briare: Would you take exception about the people who are not abutting . . .

Mrs. LaPointe: No - I agree with that - we shouldn't

have to be bothered with people who are not affected but in June I had already given you all but two - I forgot about the vacant lots - there are two vacant lots - one person did not sign because he worked for Mr. Becker - but all of the people in that block signed that petition in June and Mr. Becker is well aware of that -

Mayor Briare: The people who abut the property in question?

Mrs. LaPointe: Yes -

Mayor Briare: They others are being very good neighbors and are trying to help -

Mrs. LaPointe: When I got this petition in June, I thought the problem had ended -

Claudia Keene, 5576 Shiela: I don't have horses but I have a pool and I have some mean dogs. If somebody rides in that bridle path and throws a match and there is dry grass, up goes my fence and people are going to have to cope with those dogs and I don't want to be responsible - not at all.

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

Dave McFarland: I live at 5750 Shiela, which is just down the street. Mr. Becker has already, by his building the Tract behind us, destroyed the view that we so much enjoyed. Now that he has the license to build his Tract, to comply with that license, it is stipulated that he would put up the wall. If so, I don't see any reason for it to change. We want the wall put up and all of our neighbors do.

Commissioner Lurie: What do you have behind your house now - a chainlink?

Mr. McFarland: A chainlink fence, yes Sir.

Commissioner Christensen: What are you going to do with your fence if he builds the block wall?

Mr. McFarland: Leave it right there and grow bushes on it.

Commissioner Woofter: Would this be the only wall in the area? The only block wall?

Mr. Saylor: No - I don't know whether some of the people already have block walls or not. I want to make this clarification in case I didn't in my original presentation. Mr. Becker's development is essentially an R-E development. The individual lots are smaller than R-E. However, the total area comes out - there are 77 acres and I think 158 lots which is, essentially, two lots per acre, which is R-E density. Mr. Becker has tried to do something which I think will help solve some of the problems we have with R-E development, in that usually no provisions are made for bridle paths and consequently there is no room for people to ride their horses except on the street or the open desert. I don't know if this will work, but as he has proposed it, it appears to be a workable situation. If you own a lot in here (wall map) there is a common stable area and a bridle path system to ride your horse.

Question: I wonder what he means by "common stable

area"? Is that incorporated within the arena area?

Answer: It is within the arena area -

Question: But the people still keep their horses at their homes?

Answer: That's right -

Commissioner Woofter: Outside of the one young lady who doesn't have horses, I can't understand the need for a block wall. Being around bridle paths - there have been several in this area that don't have block walls.

Mrs. LaPointe: With regard to Pacific Balboa, the original developer of this area - it is my understanding that when Mr. Becker took over it was without any particular problem simply because he agreed to do it as they said they would.

Mr. McFarland: I don't know it as a fact, but I understand that Mr. Becker also intends to have a tennis court and parking area, or something of this nature, back there. If so, and if it is going to be used, I want the buffer zone of the wall that he promised to put in to block out the noise, the light, and what-have-you back there. I don't want to have some sort of entertainment in my back yard and have to deal with that type of crowd, which there will be if it is going to be used.

Commissioner Christensen: Does he have a Variance, Mr. Saylor, for the block wall to be higher than 6 ft.?

Mr. Saylor: No -

Commissioner Christensen: Is there a tennis court planned for there?

Answer: In the interior -

Mr. McFarland: It will help out on the noise, even if I have to look at the lights. I would appreciate it if he would put that wall up.

Mayor Briare: Thank you very much, ladies and gentlemen. Does the Commission wish to take any action on this? What is the pleasure of the Board?

Commissioner Christensen: Your Honor, I have to agree that I probably wouldn't have made a block wall a stipulation between two R-E areas. To me, two R-E areas should be compatible and if they are R-E zones that's like stipulating that a block wall be built around every home.

Unfortunately, that was made a condition of this development and I think that since it was made a condition it really is unfair to the people that were able to get this condition put on, to have it removed now, so I would move that the block wall as originally agreed be installed.

Mayor Briare: That the waiver not be allowed?

Commissioner Christensen: Yes - that we not allow the waiver.

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

M o t i o n

M o t i o n

Mayor Briare: The motion fails. The matter now before us is to consider what action, if any, the Commission wishes to take on the request for a waiver.

Commissioner Lurie: Your Honor, I would move for approval of Mr. Becker's request for this waiver.

Mayor Briare: The question is on the motion to allow the waiver.

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

Mayor Briare: The motion is approved and the waiver is allowed.

At the hour of 1:20 P.M., Mayor Briare declared a 10-minute recess.

At the hour of 1:30 P.M. the meeting was reconvened with the full Board, except Commissioner Woofter who was excused from the balance of the meeting, and Staff in attendance.

WAIVER OF CONDITION - Z-41-74 - J. WILLIAM SIMPSON
(Abeyance Item)

Request for Waiver of Condition to allow an additional office (Denturist) in conjunction with the existing Architectural Office on property located at 1522 Pinto Lane. P-R Zone (under Resolution of Intent)

Planning Commission recommends denial because they felt only one (1) office should be permitted as stated in the original approval and that another office use would not be compatible with the surrounding residential area.

Mr. Saylor: Mr. Simpson applied for the P-R Zoning to allow the use of the property for his office only and he is now asking permission to have an additional office on the property, the specific use being a Denturist. There was some legal question as to the Denturist and it has been ruled they cannot operate in a P-R Zone. However, that special use is not the real issue. The real issue is whether or not he should be allowed to expand to a full office use.

Mr. Simpson: I feel the application is a legitimate one. It is between Desert Lane and Highland. The County owns 50% of the frontage there and 95% of the traffic goes to the Hospital. Just south of Valley Hospital we have half an acre zoned for P-R. I would like to develop the property to its full use. I do feel this is a transitional area and I would appreciate it if you would hold this in abeyance and take a look at the property in question. There is a full 60 ft. street dedication there.

Mayor Briare: Was there anyone present at that meeting to discuss this application?

Mr. Saylor: I don't believe so.

Mayor Briare: I would hope that if the Commission does want to consider this, that the people out there have been notified.

Commissioner Christensen: Was there notification of the hearing before the Planning Commission, Mr. Saylor?

Mr. Saylor: No -

Commissioner Lurie: I think this depends on what type of office uses you want to put in there.

Mr. Simpson: The Denturist facility is out, completely now, and I would like to develop the full half acre. If you get a business tenant, it takes a month or two to get cleared through all of the Boards -

Mr. Saylor: At the time he got the P-R Zoning, he had it for only one office. He is now asking that it be expanded to a full P-R Zone.

Commissioner Lurie: I would move that we hold this matter over to our next meeting on November 3rd, and also that the property owners in the neighborhood be notified that this item will be back before us.

M o t i o n

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

Z-65-76
Approved

ZONE CHANGE Z-65-76 - H. A. CHISM

Mayor Briare: Mr. Simpson, are you going to make the presentation as far as the application is concerned?

Mr. Simpson: I would appreciate Mr. Weir doing that. He can perhaps explain the point a little quicker.

Mr. Weir: Mr. Mayor and Commissioners, my name is David Weir with the firm of B & J of Nevada, a Land Planning Firm here in Las Vegas. I believe Mr. Saylor has pretty much given you all of the pertinent facts. Mr. Perry has expounded somewhat on us presenting the large parcel all at one time, rather than piecemeal.

We originally stated on this project in November of last year, doing various kinds of planning with members of Mr. Saylor's staff - we went through the annexation procedure. We started our initial development in the County, but we limited that to just a 15-acre portion that front on Vegas Valley Drive. We did this because we knew it was going to be in the City and we wanted the City to have the final say on the matter of what the zoning was. We felt that was only right and only fair.

I would like to go into a little bit of the Planning Commission's recommendations regarding the R-2. As I've said before, we spent a lot of time in planning and researching the adjoining properties to determine the existing zoning and getting this Plan to be compatible with what is existing and what is proposed.

Directly across the street from the proposed R-2 on Jones - the R-2 area being a single block area there on the east side (wall map) - directly across the street is existing R-3. It is vacant - and this area here (wall map) is being proposed for R-2. This street, when projected through, would be Carl - all of this area here is proposed R-3.

Mayor Briare: Has it already been zoned R-3?

Mr. Saylor: It is under a Resolution of Intent to allow R-3 and there is no time limit under the Resolution. For all practical purposes, if a person came in tomorrow with a Building Permit to develop it for R-3 density, they could go ahead.

Mayor Briare: What density are you allowed?

Mr. Saylor: R-3, I believe, roughly is 20 units per acre.

Commissioner Lurie: How long has that Resolution of Intent been in effect?

Mr. Saylor: Since right around 1962 or 1963 - over ten years, I'm sure.

Mr. Weir: As a little further history on that property - I believe it was in 1972 there was a request before you to rezone that to R-P-D-9, which was approved, but nobody ever went ahead with that Project, so it reverted back to the R-3.

Directly across the street on at least half of where we are asking for R-2, is proposed R-3. We feel that is a very compatible use. These down here (wall map) where we propose R-2, is directly across the street from a strip that is 150 ft. in depth - it fronts on Jones and backs up to the existing R-1, which is the neighborhood the protestors are from.

That 150 ft. strip is zoned R-1. Two or three things can happen to that piece of property. One, it can develop as R-1. If that happens, you have homes fronting on Jones Blvd., a major thoroughfare. Jones, some day, I think you could probably compare it to Decatur - maybe Charleston. Single family homes fronting on a street like that, I really don't think is good planning.

If that happens - it it happens today when Jones isn't such a busy street - five years from now they will be faced with a multitude of zone change requests because - I can't live there in a single family home any more. They will be asking for Professional and on the corner they are going to ask for Commercial. I think what's really going to happen there, is that it is going to be some type of strip apartments, or some type of strip town houses, which is presently existing just south of Vegas Drive on Jones. You've got that same 150 ft. of depth and you've got just that one row of townhouses, or apartments, in there. So, between us and the R-1 development, we've got proposed R-3 and we've got that 150 ft. strip - a kind of no man's land at this time, as I see it. It is zoned R-1 but I can't really see it being developed as R-1. It is going to some other type of higher density.

Mayor Briare: Mr. Saylor, you have already indicated to us the length of time the Resolution of Intent has been in existence for R-3. Do you recall as to how the R-1 on the 150 ft. strip came about?

Mr. Saylor: Yes, simply through the subdivision pattern. The subdivider left this strip out of the subdivision.

Mayor Briare: Would you speculate as to why the developer, who probably sold these folks their homes, left this particular strip out?

Mr. Saylor: I would have to guess that he probably had in mind there would be apartments in there - at this end of the strip (wall map) homes have been

developed here . . .

Commissioner Christensen: As I understand what you're saying to us is that if you start and work east you are working from undeveloped in the County, to R-1, to R-2 and then R-3, or Commercial - whatever that 150 ft. strip is . . .

Mr. Saylor: The 150 ft. strip is zoned R-1.

Commissioner Christensen: I understand that, but that portion that adjoins it is already R-3, so it is going to be R-3 or Commercial - the north of it is already R-3. The reason you're telling me that 150 ft. strip is vacant might actually be the result of good planning - rather than build homes there and then after ten years have to tear them down and make offices out of them, like as has happened on other streets. In other words, we've planned a major street far enough in advance so we know where it's going to be now, which we didn't know ten years ago.

Mr. Weir: It might go to some sort of Professional use -

Commissioner Christensen: I'm sure that Regional Streets and Highways has planned for Jones to be a major street through there.

Commissioner Lurie: Let me bring that up, because it has already been approved and it should be started within the next year - from Charleston to Smoke Ranch Road, to be widened to a 100 ft. street - all the way through. We just approved that and will be going out to bid shortly.

Mr. Weir: Maybe the best way to answer your question is to ask you if you would buy a home in there?

Commissioner Christensen: I wouldn't, but I don't like to live in an apartment either, but I don't "down" apartment people because I lived in an apartment for a while. It would be harder to sell a home in there -

Mayor Briare: Do you have anything else, Mr. Weir?

Mr. Weir: I don't think so -

Mayor Briare: Is there anyone else that wishes to speak in favor of the application.

Mr. Chism: My name is Hank Chism. Our request here is just based on what has happened out there before. The protestors that live in the area now enjoy the privilege of living in that area and their children attending the schools in that area, and we feel that other people who would like to live in that part of town should also be entitled to the same privileges, and we can only make that possible by providing housing for them. Also, that any of us who choose to live in Las Vegas, such as myself, the protestors and others, choose to live in a community that is progressive.

In our subdivision out there, another thing that we and other developers do - we are the people who build and create employment and our industry is probably the second largest industry in the area and in building this subdivision, we will create employment for several hundred people that will last over a number of years. We feel this should be taken into consideration, and we ask for your favorable consideration.

Mayor Briare: Apparently there is no one else who wants to speak in favor of the application, so I will now call on any of those people who are present that wish to speak in opposition.

Robert Gant, 1829 Mallard: That 150 ft. that has been kicked around here - I'm going to have to look at that apartment house sitting back there and I believe it is going to end up as low rent apartments with its derelict automobiles and their trash blowing in my yard, and whatever. I don't know that Mr. Chism can't sell an R-1 house on Jones Blvd - I don't know that he couldn't speculate with that and keep it for commercial property. All I know is that I paid \$44,000.00 for a piece of property and you're going to come along and stick an apartment house behind me that is going to have low rent people living in it, and I don't think I'm very well taken care of.

Mayor Briare: Mr. Saylor, please point out the location of Mallard (wall map).

Mr. Saylor: This 150 ft. strip is not involved in this application at all. I thought there was some misunderstanding. The only thing Mr. Chism has before this Board is this property west of Jones.

Mr. Chism: That is not up for consideration here today at all.

Mr. Gant: I'm sorry to have bothered you, but I wanted to make my feelings known about that 150 ft.

John Isham, 5921 Gordon Avenue: Mr. Mayor and members of the Commission, I would like to thank you for being much more candid than the Planning Commission was concerning four lots on the corners of the property that are not involved. That is one of our major thoughts - we prefer not to have a Gas Station and a 7-Eleven on each corner.

As long as Mr. Chism was sort of throwing a red herring about his industry providing employment, the City also provides employment and we can use that 150 ft. strip - contract to landscape it.

We are now R-1. We would prefer to avoid further strip development of apartment units. The consensus is, and I think it is pretty much throughout the City, that these smaller units do not improve property values. Our major "beef" is on the commercial area - which is the pink on this map (wall map) and the two apartment areas. There are already two commercially zoned areas back there - this area can only afford one shopping area. Why couldn't the existing zoned areas be developed? Also, within two miles of this site - in fact, within one mile of the corner, is presently nearing completion a complete neighborhood shopping center at the corner of Jones and the Vegas Valley Expressway. I don't see the need for a shopping center there.

Also the apartments would have an untoward impact on the schools. The only schools planned as far as I know are in the Valley. These are the new schools and I understand there is a question as to whether these will go in if we don't get some Bond Issues passed. These higher density units will have an impact on our school system. We have three schools out there now - all at capacity - so we are objecting to a large influx of people.

I don't think, except for the fact that Mr. Chism is ready to develop this now, that we need that many apartments back in there. It would be nice if we could keep this all R-1. I think in our micro-neighborhood - our micro-community - that these additional people will strain the community resources - in particular, right now, our schools.

Development from where we are - out toward the mountains, should be watched carefully so that it does not cause a further impact to our area. This has to be watched carefully.

Right now we don't need more apartments and we don't need a commercial center - this is what they are primarily objecting to.

Commissioner Christensen: Mr. Chism, what kind of apartments do you have planned for your R-3/R-2 property?

Mr. Chism: We have never indicated to anyone the value and price of the apartments. I fail to understand why this comes up quite often from the protestors. Number one, it would be economically unfeasible to put in low cost apartments because of the price of the land. Our units would be in the price range of from \$45,000 to \$48,000. The rental would probably be from \$300.00 to \$350.00 - somewhere in that range.

Commissioner Christensen: For what size - two bedroom?

Mr. Chism: Two bedrooms, one bath; three bedrooms, 2-bath. It is quite possible we would keep them and that many of them would be for adults.

Mayor Briare: Are you saying then, Mr. Chism, that you have no intention of making an application for any Federal housing type of approval?

Mr. Chism: I can answer that right now - we have never got into any type of Government subsidy program in any of our building programs anywhere. We have no intention of so doing.

Commissioner Christensen: The chances are that you would not be impacting the schools in the area any more than if you were building R-1, insofar as children are concerned. Most people who have children don't like to live in apartments - as children grow up, they need a yard.

Mr. Chism: I am sure there would be no additional impact over and above, or as much, as far as the school impact is concerned.

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

Bill Daniels, _____ Mallard: I would suggest that this Board see how many apartments there are already in this area.

Mr. Weir: I don't think we're going to have that impact where we are really going to change the existing pattern of the neighborhood out there.

Commissioner Lurie: Mr. Saylor, insofar as the density is concerned, does this plan meet all of the new guidelines established in our new General Plan that the City adopted, concerning buffer zones - going from R-3, then down to R-2 and R-1?

Mr. Saylor: Yes, it meets all of the requirements with

the one exception that was mentioned - the matter of the proposed small shopping center.

Commissioner Christensen: How many blocks are we talking about in an area that size? If you can compute that to square blocks, how many blocks are we talking about between shopping centers?

Mr. Saylor: I would say a couple of blocks - several blocks . . .

Mr. Weir: We can live with the recommendations of the Planning Commission.

M o t i o n

Commissioner Christensen: I move we approve this application as recommended by the Planning Commission, subject to the following conditions:

Property generally located north of Vegas Drive, west of North Jones Blvd., south of West Lake Mead Blvd. and east of North Torrey Pines Blvd.

From: R-E

To: R-1, R-2, R-3 and C-1

1. The portion of the property requested for R-2 Zoning under this application, be amended to R-1 Zoning.
2. Planning Commission approval of a Plot Plan on the R-3 and C-1 portions of property prior to development.
3. Conformance to Code requirements and Design Standards of City departments.
4. Dedication of a 50 ft. half-street on Lake Mead Blvd., and a 40 ft. half-street on Torrey Pines Blvd., as required by the Department of Public Services.

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

ZONE CHANGE Z-66-76 - MADGE HARRISON

Mr. Saylor: Next before you is the application of Madge Harrison for a change in zone from P-R to C-1 on property located at 1510 E. Sahara Avenue, on the northwest corner of Chapman Drive and E. Sahara Ave.

It is in an area where you have allowed the pattern of Commercial Zoning along Sahara. This is the lot in question (wall map) - this is the Plot Plan of the proposed development.

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

1. Submittal of a Landscaping Plan prior to or at the same time application is made for a Building Permit.
2. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

Z-66-76
(continued)

3. A 6 ft. high block wall along the north property line, stepped down to a lesser height along the east end of the wall, as required by the Department of Community Planning & Development.
4. Conformance to Code requirements and Design Standards of all City departments.
5. Conformance to the Plot Plan to reflect the above conditions.

Mr. Saylor: There were no protests.

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

V-49-75
Variance
Rescinded

REVIEW - V-49-75 - INEZ FREMONT

Mr. Saylor: This involves a Variance to occupy a mobile home as a residence as part of a business on Rancho Road. I think you will remember the incident where the man and the son got up and spoke and said what a nice development they were going to have.

You did allow this trailer occupancy, providing we reviewed it after a year. They have since vacated the property so we bring it back to you at the end of the year and ask that the Variance be rescinded.

Mayor Briare: Is there anyone present to comment on this Review matter?

(No response)

Commissioner Lurie: I would so move that we follow the Staff's recommendation that Variance V-49-75, be rescinded.

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

CV-1-74
Approved

REVIEW - CV-1-74 - ECHOES OF FAITH MINISTRIES

Status Review as a condition of approval by the City Commission to allow the continuation of the above operation on property located at 1401 E. Washington Ave. C-V Zone.

Mayor Briare: I think we are probably familiar with this, are we not. We approved it for six months before. Is it in order to approve it for another six months, subject to all of the same conditions?

Mr. Saylor: You can do that - or approve it for a year - or whatever.

Commissioner Lurie: I move that it be approved for one (1) year.

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

Commissioner Christensen temporarily absent.

U-72-76
Withdrawal
of Appeal
Approved

U-72-76

Request to withdraw an Appeal which had been filed concerning the approval of a Gravel Pit operation, by the Board of Zoning Adjustment, for the State of Nevada.

Mayor Briare: If I mis-state the matter before us, Mr. Saylor, please correct me. The only matter before us at this time is whether the applicant should be allowed to withdraw his appeal request. We are not here to discuss the merits of the existence of a Gravel Pit or its operations. Am I correct, Mr. Saylor?

Mr. Saylor: With one exception. It is not the applicant. It is the protestant that appealed.

Mayor Briare: But he is the applicant. He is applying to withdraw his opposition. In other words, he was convinced that he should not oppose the action of the BZA. He is now before us and the discussion is going to be relative as to whether or not the gentleman can withdraw his appeal. The applicant is present, does he wish to make any comment?

Donald E. Nelson, P.O. Box 2153, Las Vegas, Nevada:
I explained the matter in my letter of October 13, 1976:

"Honorable Mayor and
Board of City Commissioners
of the City of Las Vegas, Nevada

"Re: U-72-76
Sec. 17, T19S, R60E

"I wish to withdraw the appeal filed October 4, 1976 to the action of the Board of Zoning Adjustment approving the above referenced Use Permit.

"The reason for this appeal was to request that the approval be modified to require the State to cease operation of the existing crushing facility located in Section 17, on the east side of the Tonopah Highway, adjacent to Durango Drive. This condition of approval was recommended by the Director of Public Services in a memo to the Planning Department . . . however, the Planning Department overlooked this recommendation in their presentation to the Board of Zoning Adjustment.

"Mr. Jack Parvin of the State Highway Department has subsequently assured me that as of this date the Plant operation will cease and be relocated a distance of approximately six (6) miles northwesterly of the existing location, and that there will never again be any Plant operation in this Pit.

"It is also understood that the Use Permit is for temporary sand and gravel removal only, and that there will be no processing of the material on the site."

/s/ Donald E. Nelson

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Regular Meeting
City Commission
October 20, 1976

Mayor Briare: I believe you indicated you wished to withdraw your objection, and it was based on your letter that we proceeded with this. Neighbors were notified and they have indicated to us by letter, if not petition, joining you in your request and I'm sure now they would oppose the withdrawing of your request. That is the matter before us. For the record, would

you care to state your reason as to why you wish to withdraw your appeal? State your name and address -

Donald Nelson 7200 North Rancho Drive: The reason for the appeal, originally, was to request that the Commission require the State Highway Department to abandon the existing pressuring facility they had in the Pit adjacent to the Tule Springs Road. I don't know if it was before this Board, but Mr. Hampton had requested the State Highway to abandon that Pit. They claimed they were exempt from City ordinances so they didn't have to abandon it.

The Highway Department promised me that they would abandon that facility, if I would withdraw my appeal. Mr. Parvin of the State Highway Department, who is here now, gave me his word that they would pull out of that Pit and that it would be leveled off and fenced.

Mayor Briare: Thank you, Mr. Nelson. Is there anyone else here to speak on the question of whether this appeal should be allowed to be withdrawn?

Julia S _____: I am here from Santa Monica - I came from California. I am against that withdrawal because the company will move to our land and dig that hole next to my land on the west side of the Tonopah Highway.

City Attorney, Carl E. Lovell, Jr.: Mayor, what she is saying, I believe - I spoke to her earlier - she would not like the appeal withdrawn because she would like to add her comments at any hearing you might have.

Mayor Briare: You want the matter to stay - you do not want it to be withdrawn?

Julia S _____: I think it best not to withdraw because they would be taking gravel from the nearest neighborhood to my land. My land is on Elkhorn - they will move to other land - to my neighborhood and I want to establish my residence there on my property I bought some years ago. I do not want them to dig gravel in the vicinity of my land.

Robert Crone: I am from Fullerton, California. I am concerned. I have five acres of land that is right adjacent to the proposed gravel operation. I purchased the land approximately twenty years ago and I figure in about two more years I will be retiring and putting up a retirement home there.

Mayor Briare: You want the process to be continued?

Mr. Crone: I would like it to be continued - yes - so that I can get more information. I am concerned - I haven't heard how they propose to restore the land after this operation so that it would not impair the value of the property - what are the details of the actual operation.

Mayor Briare: Thank you very much - you might have that opportunity, depending upon what becomes with this matter that is before us now, and that is, simply, shall we allow the appeal process to expend its course.

Mr. Crone: If the appeal should be allowed to be withdrawn today, then I will have no opportunity to learn of all the details -

Mayor Briare: That's correct. So you are going on record as stating that you want to have the opportunity

to hear the matter out?

Mr. Crone: Right.

Jack Parvin, State Highway Department: I would like to make a few points clear to you gentlemen, and bring you up to date. I think Mr. Nelson stated quite clearly what the situation is, but I would like to bring you up to date on what has happened - what is going on with the State Highway Department and their proposed construction plan.

This material site is not a Gravel Pit yet. It is classed as a "Material Site". There is no activity on it. This is on the south side of the Highway. We did vacate - we moved out of the controversial area - we moved the contractor out without any objections whatsoever and he has gone clear up to Indian Springs. If it hadn't been for the contractor getting a bad piece of equipment, this matter would not have come up at all, gentlemen. We would have had it out of there months ago. The contractor was trying to crack this aggregate, making these chips, with a bad piece of equipment and it didn't produce as it was promised.

So much for that phase. Now we have some Ten or Eleven Million Dollars in highway construction left on Rainbow up to the Tonopah Highway. This includes the remaining portions of the Expressway. If the withdrawal is not approved and the appeal is to be considered, it would delay this and we have two contracts all ready to go. In the event of a delay, I don't know what could happen here and the City of Las Vegas, the Regional Streets & Highways, and the entire community, is on record to put this on a real high priority.

Mayor Briare: For the benefit of those folks who travelled here thinking that the merits of the case were going to be discussed today - perhaps you might indicate what is the process of using the piece of land and what is its condition, both before and after you have used it, and how it might affect their property.

Mr. Parvin: We will, in the event this Material Site is used, there is no reason why we can't go in there and - not landscape it, but restore it in a good, presentable condition, which would not be unsightly - no rubbish - trash - debris, which has happened at several other Material Sites. We will be working with Mr. Hampton and Mr. Saylor and there is no reason in the world why we can't - if it is used - go in there and restore it to a presentable condition.

Now, the one we have abandoned: As soon as the contractor gets all his equipment out we are going to clean it up and put it in a presentable condition. We have already directed our engineer to do that.

Mayor Briare: How deep do you go?

Mr. Parvin: I couldn't answer that, Mayor - but the type of material we usually encounter out there, I wouldn't say over five or six feet.

Commissioner Christensen: Who owns the property?

Mr. Parvin: We have what we call a "Withdrawal" from back in the late '50's. We have a withdrawal right on this from the BLM - the Bureau of Land Management.

Commissioner Christensen: You mean that that, essentially, is BLM property that you will be taking the gravel from?

Mr. Pinjuv: I'm with the State Highway Department also - Yes - I will just show this to you (plot plan) - the one shown in red is the one we want for our construction project - we have an agreement with the Federal Highways that we will not take any material within 1000 ft. of a major highway.

Commissioner Christensen: How are you going to get into it?

Mr. Pinjuv: To answer your question as to how we are going to get into it, Commissioner Christensen, Mr. Saylor wrote us a letter requesting that the State pave a road into it. I took it up with Carson City and they agreed to pave what would be approximately the first 1500 ft. of Elkhorn into it, if the City acquired the right-of-way because you are on private property and we don't have that authority. If we went through the center of our Pit, it is all Uncle Sam's and those other areas I have outlined in green (wall map) - we have that today. It would go down Elkhorn. I have talked with Mr. Hampton and he is acquiring a right-of-way and we would pave the first 1500 ft. for the City.

Commissioner Christensen: What would happen - you are going to have to remove some material from there - when you pull out and restore it, then the area you have removed the gravel from would possibly be a little lower - you would have to fill in there so that would take away the flood hazard from the adjoining land because it would have the effect of raising that land, would it not?

Mr. Pinjuv: If you will look at that area there - all those little holes are test holes. We show there is about 1,300,000 yds. of gravel that could be used. We don't need all of that. That is where we could draw enough to build a section of Rainbow Blvd. that goes from Sahara to Fremont, which is a Boulevard, which we want to advertise the 11th of next month. From Fremont to the Tonopah Highway, we want to build the Rainbow Expressway, we want to advertise the first of the year.

Now, this is not even a guarantee that we would use the Pit. As Mr. Saylor and Mr. Hampton can tell you, you people have to do the same when you let road contracts - you have to guarantee your contractor that there is a source - a material source. This source is so far from the Project, the chances are maybe 50-50 that the contractor would use it. For example, if Wells Cargo got the job, they would use their own commercial Pit, and why not? It's closer than this. Why haul from miles away when you have a closer source? But there has to be that Materials provision in the Specs when the contractor bids.

Mr. Parvin: The key thing here, Mayor, is that this isn't what we call a Gravel Pit for the State Highway. We have from Uncle Sam what we call a Free Use Permit for a 5-year term for a specific construction job, and that's what it is for. This is about a 2-1/2 year job but we got the 5-year term just in case there is some slippage in Federal monies.

Mayor Briare: How did this get on the agenda? What happened a while back, and how far back was it, that caused Mr. Nelson to want to appeal? I don't recall what action, if any, this Board took to which Mr. Nelson submitted an appeal.

Commissioner Christensen: He appealed a Board of Zoning Adjustment action.

Mr. Saylor: The State Highway Department applied to

the Board of Zoning Adjustment for a Use Permit. It was approved. Mr. Nelson was one of the protestants. He appealed to bring it before this Board. A date for Public Hearing I believe was set in November, but since that time he has asked permission to withdraw and it takes City Commission action to withdraw.

Mayor Briare: At the BZA Meeting where there any protestants?

Mr. Saylor: Yes - there were several.

Mr. Parvin: Mainly the two ladies who live out at Tule Springs - they were protesting the Moto-cross thing at that time -

Mayor Briare: And while they were there, they protested your application?

Mr. Parvin: Right.

Mayor Briare: Mr. Crone, were you notified of the Board of Zoning Adjustment meeting?

Mr. Crone: Yes -

Mayor Briare: And you sent a letter protesting. Are there any further comments?

Commissioner Lurie: The Pit across from Mr. Nelson's property - that is going to be abandoned?

Mr. Parvin: We've moved out of it.

Commissioner Lurie: But you're going back in there and do some clean-up work so it doesn't look like an abandoned Gravel Pit?

Commissioner Christensen: He said he was going to clean it up.

Mr. Parvin: We're going to clean it up. That is our Maintenance Pit. We did make some chips there - we will maybe take a truckload, or two, out a year to patch the holes in the highway. There will be no more commercial activity as you have seen it. It will remain a State Pit because that one happens to be ours from way back in the '50's.

Commissioner Christensen: But no more crushing or equipment?

Mr. Parvin: As we have told Mr. Nelson, all the equipment is being removed - we will be taking only a couple of truckloads a year out of there.

Commissioner Lurie: I have one other question: Mr. Nelson wants to have his appeal withdrawn. What about the other protestors now who didn't file a formal appeal because Mr. Nelson proceeded. Where does that leave us insofar as these people are concerned, who went on record as opposing the Project? Are they going to come back if this Board voted to accept the withdrawal of the appeal.

Mr. Saylor: If you allow Mr. Nelson to withdraw the appeal, the action of the Board of Zoning Adjustment stands. There is no further appeal procedure, and that is why we put in the Ordinance that if a protestant appeals an item, he cannot withdraw it without your permission. So, if you allow the appeal to be withdrawn, the Board of Zoning Adjustment's action stands. They did approve it subject to several conditions

DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, DIRECTOR

See Pages 83, 84 and 85 of these Minutes
(Annotated Agenda)

JONES & RANCHO
Appraisals
Authorized

REALIGNMENT OF JONES AND RANCHO (Abeyance Item)

Mr. Hampton: This is an abeyance item, Your Honor, and concerns the realignment of Jones Blvd. and Alexander and Rancho Road.

Just to give you a brief description of the matter the last time, this Plan No. 1 is the Plan we discussed approximately two years ago. It had Planning Commission approval. It was held in abeyance because it severely affected some of the property owners in that area.

We have studied various other alternates, including the alternate seen on the board here (wall map). This is the alternate that Commissioner Leavitt had suggested, which would eliminate the necessity of having two crossings on Rancho Road. We looked at this particular alignment, as well as the next one (wall map) which is essentially the same thing, only there was a separation of 120 ft. between Rancho Road and these frontage roads.

These particular Plans, either one of them, cause severe traffic problems. There is, of course, the advantage of eliminating the necessity of the one signal. However, I feel the disadvantages outweigh the advantages. I have a list of disadvantages if you would care to go into those. I think that from just a casual observation, you can see the possibility of a severe traffic jam at that intersection. There is more right-of-way required and there is also more cutting up of the land.

Therefore, considering all of the Plans, along with the most recent, we would recommend, again, that this Commission Plan No. 1. At the last meeting we had recommended that this be adopted with the condition that the Regional Street and Highway Commission and the City acquire these four (4) green areas (wall map) and give the joint property owners the first right of refusal to purchase this property.

I was informed by the property owner here (wall map) - Mr. Toby Lamuraglia, that he was in agreement with this proposal. I was informed by him today that he is agreeable to the proposal - however, he feels that the City should purchase the two pieces on his side and give the property to him in return for what he feels is damages.

Again, it is our recommendation that this Plan No. 1 be adopted, the land acquired and the property owners given the first right of refusal.

At this point Toby Lamuraglia and Chas. Perry stepped forward to the Wall Maps on display:

Mr. Lamuraglia: I think Mr. Hampton made a mistake when he said the Planning Commission did approve this Plan. They didn't. I don't think you meant that, did you?

ITEM Commission Action Department Action

I. (h) DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, P. E., DIRECTOR

* CONSENT AGENDA

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

*A. APPROVAL OF SUBDIVISION PLATS

It is recommended that the following final plats be approved. All engineering designs have been checked and accepted. Fees have been paid, bond posted, and agreements signed for these subdivisions.

1. Stagecoach Depot No. 2 (Old West Construction Co., Inc., Tom Kadlic, President).
2. Charleston Rainbow No. 14-B (Sproul Homes of Nevada, R. B. Cline, President).

*B. APPROVAL OF AMENDED SUBDIVISION PLATS

It is recommended that the following final amended plats be approved. Offsite improvements are already under bond and agreement with the original final map submittals. No additional fees required.

1. An Amended Plat of Lots 28 and 29, Block 2, Stewart Place, Unit 1 (First Western Savings Association, R. J. Gregor, President).
2. Spanish Oaks No. 4 Amended (Royal Crest, Inc., E. A. Collins, President).

*C. RELEASE OF CONSTRUCTION CONTRACT

The following contractors are requesting release of retention and bond following the expiration of the 35-day lien period. All work has been completed in accordance with contract plans and specifications. Subject to no liens filed in the 35-day period it is recommended that the contract bond and retention be released.

1. Bid No.: 76.26
 Contractor: Jim Burns Contracting, Inc
 For: Drain Repairs - Bid Group
 I Units A,B,&C. Valley
 View Blvd. - Alta Dr.
 Notice of Completion: September 24, 1976
 Release Date: October 29, 1976

Items A, B, C, D and E
 Approved as presented
 Lurie - unanimous

Director authorized to proceed

Clerk to proceed

ITEM Commission Action Department Action

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

*C. RELEASE OF CONSTRUCTION CONTRACT(cont.)

See Page 16

See Page 16

2. Bid No.: 76.26
Contractor: Rico Paving & Grading
For: Drain Repairs - Bid
Group II Valley View
Blvd. - Alta Dr.

Notice of
Completion: September 24, 1976
Release Date: October 29, 1976

3. Bid No.: 76.63
Contractor: Empire Construction Co.
For: Partitions & Doors
Fire Station #1 -
Casino Center & Mesquite

Notice of
Completion: September 28, 1976
Release Date: November 2, 1976

*D. RELEASE OF BOND

Clerk to proceed

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

1. Location: 875 No. Lamb Blvd.
Use: 7-11 Store
Builder: Southland Corp.
Surety: Fidelity & Deposit Co.
Amount: \$8700.00
Bond No.: 8839610

*E. RIGHT OF WAY ITEMS

1. Grant Deed
From: The Board of Trustees
of Clark County School
Dist., a Municipal Corp.
To: City of Las Vegas
For: Portion of the NW 1/4
Sec. 32, T20S, R62E,
Page Street & Diamond
Dedication. Bldg. Permit
(9-23-76)

2. Grant Deed
From: John K. Stansberry and
Janice Stansberry h/w
as joint tenants
To: City of Las Vegas
For: Portion SW 1/4, Sec. 28,
T20S, R61E
Bonanza Road Dedication
Bldg. Permit (10-8-76)

ITEM Commission Action Department Action

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

*E. RIGHT OF WAY ITEMS (continued)

See Page 16

See Page 16

3. Grant Deed

From: Pernal E. Price and
 Mary G. Price, h/w as
 to an undivided 1/2
 interest, and Willard A.
 Minyard and Mildred
 Minyard h/w as to an
 undivided 1/2 interest
 To: City of Las Vegas
 For: Portion SE 1/4, Sec. 17
 T19S, R60E
 Elkhorn Dedication
 Variance for State
 Highway (10-7-76)

*F. DISCUSSION ITEMS

1. Realignment of Jones and Rancho
 (Abeyance Item)

Authorized Appraisals
 *

Director
 authorized
 to proceed

*G. REPORTS

1. Request of Frank & Rajka Campagiorni
 southeast corner of W. Oakey and West Winds
 Road, to hook into city sewer from outside
 city limits.

Approved
 recommended
 Lurie - unanimous

Same as above

2. Survey for Street Lights - Chapman Dr.,
 16th & 17th Streets for SID.

Instructed Eng. to
 prepare Plans & Specs.
 Lurie - unanimous

Same as above

3. Water service at Park west of Teen
 Center.

Stricken at
 request of Dir.

None required

*H. TRAFFIC & PARKING ITEMS

The Traffic & Parking Commission recommends
 approval of the following items:

Items 1 and 2
 Approved as
 recommended
 Lurie - unanimous

Same as above

1. Request of Dick Kendt, Western Cigar
 Company, 1400 Industrial Road, to remove
 curb and allow for larger curb cut.

2. Request of Hazel Ringo, 1401 Hassell, for
 a curb cut variance.

*on triangular pieces of property, the
 acquisition of which would allow Toby
 Lamuraglia and Chas. Perry to develop
 their property as proposed in Plan No. 1
 for this intersection.

Mr. Hampton: Yes, Mr. Saylor informed me they did approve it -

Mr. Lamuraglia: No - they disapproved it - unanimously. They didn't like the Plan. The reason they gave for not approving was that it would destroy our property. They had five meetings on this - very elaborate meetings - and with a vote of six to nothing they voted against this Plan. Specifically, they put it in the Minutes they didn't like the Plan because it hurt the property owners.

On this Plan here (Plan No. 1 - wall map) I can see that the City and Mr. Hampton want this Plan. I think we can live with the Plan, with conditions. Under this Plan we are losing 2000 ft. of frontage on section lines of the highway - that is about 1200 ft. on Alexander, which is a Section line; we're losing 600 ft. on Jones and 150 ft. on Tonopah Highway. That's 2000 ft. of major streets that we're losing with this Plan. If we did get these pieces, then we could be repaired, but we don't feel like we should have to put a bunch of money in to repair our own property because of the design.

Mayor Briare: Mr. Perry, is that essentially your argument too?

Mr. Perry: Yes Sir - that is.

Mayor Briare: Which piece of property is yours?

Mr. Perry: We are partners.

Mr. Lamuraglia: What we would like to do, of course, is to have this street come down a little further (wall map) -

Mayor Briare: So you would get more frontage -

Mr. Lamuraglia: No - it wouldn't give us any more frontage -

Commissioner Leavitt: I think you would have those crossings too close together -

Mr. Lamuraglia: In fact I would rather have it this way (Plan No. 1 - wall map) but our big point is that we would have to acquire this and we can't afford to buy it.

Commissioner Lurie: My understanding was - this was brought before us last week and you agreed to the Plan - you sat down with Public Works and you worked this all out. You agreed to it and now you're coming back and you don't agree.

Mr. Lamuraglia: I disagree that I agreed with it, Mr. Commissioner -

Commissioner Lurie: Staff told us that everything was worked out - there was no longer any problem - we would go out and have that appraised and they would give you the first right of refusal to purchase it -

Mr. Lamuraglia: What we agreed to with Mr. Hampton was that we would take this Plan and we would take these two pieces to compensate us for our damage. He never gave us an answer - I'm not saying he did agree to give it to us - but this is what we brought up - that we should be compensated for our damages. We would have to put out another few thousand dollars to repair the damages done by the design -

Mayor Briare: Do you consider you are damaged because

you are on a Section line and you figure that at sometime in the future that Section line might be a major thoroughfare?

Mr. Lamuraglia: Let me explain, Sir. This property was in the County - Charlie, Mr. Hawkins and I own it together. We bought it right at nineteen years ago and, of course, have paid taxes on it since. I think you might have been on the County Commission then, yourself, Sir. This was zoned, specifically, for a shopping center - the front ten (10) acres was for a shopping center. The back ten (10) acres is R-4. This was beautiful property and beautiful zoning. In fact, it was the only specific zoning up there outside of Commercial frontage. Then the City wanted to annex it, and we agreed with it, with that zoning. Now, with this Plan there, if we didn't get these two pieces of property - say we didn't get these two triangles, our property is destroyed for Commercial -

Mayor Briare: I didn't realize that you had - and you still have - shopping center zoning. But in truth, back in those days, whether I was on the County Board or not, it seems like it used to be the rule in the County that there was a certain time limit within which you must develop. You really had no intention whatsoever of developing that property -

Mr. Lamuraglia: Yes, Sir - we put in for zoning once for Trailer Estates -

Mayor Briare: You said a shopping center -

Mr. Lamuraglia: At first it was a shopping center - then we put in for Trailer Estates. It was turned down because the people around in that area didn't want it. We had the financing for Trailers. Then we got this other zoning and we had the financing for the apartment houses on it -

Mayor Briare: What about the Shopping Center - did you ever have the financing on that?

Mr. Lamuraglia: No - that was for the future.

Commissioner Christensen: Would it damage your property if that major street was routed somewhere else instead of passing in front of your property?

Mr. Lamuraglia: I couldn't answer that -

Commissioner Christensen: Then you wouldn't have to have that intersection if we moved the whole thing west. Would you consider that as a damage to your property?

Mr. Lamuraglia: What, Sir?

Commissioner Christensen: If that major street wasn't there? If neither one of those major streets were there, would it damage your property?

Mr. Lamuraglia: Well, the Section lines are there - in fact, when we bought the property we considered that - these are the Section lines when we bought it -

Mr. Hampton: They aren't fully dedicated. In fact, the major streets bounding on your property are not dedicated -

Mr. Lamurgalia: That's just because it never went through, I guess - it is a major street -

Commissioner Christensen: In other words, the value of

your property depends upon the major streets being there.

Mr. Hampton: This matter was brought up at the request of the property owners for a definite decision as to where the streets will be. It is very important that we do this at this time. I would point out that if we were not to make a good intersection at this location, we could very well wind up with something like we have at Eastern and Fremont and Charleston. That particular intersection is a damage to the property and that is why it is not fully developed at that intersection.

Mayor Briare: I had never heard of Alexander - the impression is that it is going to be a major arterial -

Mr. Hampton: I believe it is a mile from Craig Road - Alexander, as such, does not exist, but some day it will be a major street -

Commissioner Leavitt: But there is no existing street that is named Alexander?

Mr. Hampton: No.

Commissioner Lurie: Mr. Saylor, that Plan you are putting up now - is that the same Plan we are looking at here?

Mr. Saylor: Yes - this is the one that was approved.

Mr. Lamuraglia: Mr. Saylor, I think you are saying that is the one the City Commission approved - not the Planning Commission. The Planning Commission denied it -

Commissioner Lurie: That's what we're talking about - the City Commission approved it. I voted against that Plan because I felt they could bring the two intersections closer together. My argument was - you had asked for 150 ft., which I thought met the guidelines. They could have brought the intersections 150 ft. in - closer together - which would give you the 100 ft. of frontage on Jones Blvd. Actually, I would still go along with that Plan. The other Plan you have is kind of questionable in my mind as to how much damage there is now.

At that intersection - those curves - we were talking 35 mph to 45 mph when you enter a curve from an intersection. Mr. Brechler of the Regional Streets & Highways, disagreed with what I said. I said 35 mph - what was that - 1200 ft, Mr. Hampton?

Mr. Hampton: It was 1200 ft. Now it is 1050 ft.

Commissioner Lurie: So does that mean more frontage on Mr. Lamuraglia's property there?

Mr. Hampton: Yes - the curve on the south end was shortened to get more frontage.

Commissioner Lurie: They want another 100 ft. We were talking about reducing it another 100 ft.

Mr. Hampton: We feel right now that it is designed for 35 mph -

Commissioner Lurie: But the Plan is for 45 mph, isn't it?

Mr. Hampton: Yes - that is what Regional Streets likes to have - the 45 mph limit, but in this particular case, coming in here at 45 mph until you got to that turn, it would be posted at 35 mph.

Mayor Briare: Mr. Hampton, are you anticipating the necessity of condemning in order to acquire that green property?

Mr. Hampton: No, not on all four pieces. I believe the Right-of-Way Division has indicated the only one they felt they might have to condemn would be the southwest corner - that little piece there (wall map)

Mayor Briare: You would acquire it by Grant Deed or dedication?

Mr. Hampton: No, by offer and acceptance -

Mayor Briare: You would negotiate it -

Commissioner Lurie: Could this be by Regional Streets & Highway money, or if they don't agree with the action this Board takes, they appeal to the Regional Streets & Highways for damages?

Mr. Hampton: That's right. This would be a Regional Streets and Highways project. They would purchase the right-of-way and, of course, they have agreed in concept. I should say that Mr. Brechler has agreed to recommend this to his Commission, and that we do it immediately so that we can get the thing established for the sake of future planning.

Mayor Briare: That property that would be acquired by negotiation, condemnation, or whatever, then becomes of no value to the Regional Streets & Highways - is that correct?

Mr. Hampton: I am sure that the two most northerly sections could be sold for Commercial. It is questionable whether or not the two southerly portions could be sold for Commercial interests as they are quite small. But there are several things that could be put on the two larger ones.

I think the only help we were giving the property owners from what was originally planned, was to adopt this without any reservation as to purchase and sell-back, we are putting the property owners at the mercy of other property owners as to the price they might want to set on that property. If we were to purchase it at the fair market value and be obligated to sell at fair market value, at least the property owners would have some assurance they were not going to be jostled in the process of obtaining the property they need.

Mayor Briare: Engineering-wise, everyone is in agreement with this formula -

Mr. Hampton: From a technical standpoint, this is the best Plan for this intersection we have come up with, in design.

Mr. Lamuraglia: I will go along with the Plan -

Commissioner Lurie: The way this got before us is because I brought it back on for reconsideration because I felt there was some damage to the property and the property owners asked me to bring it back before you. I was against this Plan at its initial presentation because I thought there was damage there - they owned that property there - they had frontage all along on both Alexander and Jones, and now it was taken away from them. So I brought it back for

reconsideration by this Board and it will probably have to go on to Regional Streets & Highways.

Mayor Briare: This isn't the time, gentlemen, I'm sure, to do any horse trading, but I'm wondering whether if an effort has been made - I'm not making any declaration here - I'm sure none of us are - but I can certainly see the argument that these gentlemen present here, and I don't know if there has been any effort made by the City or by the Regional Street & Highway Commission, to open negotiations with these people and if they have to do a little horse trading, do some horse trading. They feel they have something of value now and it's not fair to come along and say - we will go ahead for another \$50,000 - \$10,000 or \$5,000 - I don't even know what we're talking about in terms of dollars - we'll let you buy this for \$10,000 or \$15,000 . . . they don't want to buy this. They just want to remain whole on their own. Maybe some trading can be done. I don't know that there is any value to another corner on that property . . . I hate to get into a horse trading thing, but if the City were to go ahead and keep them whole and take a piece of property off the far corner of their property, which is not as valuable to them, and use it for some purpose.

Commissioner Christensen: Could you tell me approximately how much, if they bought that property - those two pieces that adjoin theirs - how much would that increase their area and how much would it increase their exposure on major streets?

Mr. Hampton: Well, say you have 10 acres now - right?

Mr. Lamuraglia: Twenty -

Mr. Hampton: Those two pieces, I think, amount to three (3) acres - two acres on the south side and one acre on the north side - so they would be increased by about 15% in their acreage. Their frontage would be increased considerably more than that. I would not venture to state the percentage at this point.

Commissioner Christensen: Well, then, if you gave them the property you would be giving them more than you would be taking away from them.

Mr. Hampton: That's right.

Commissioner Christensen: If we trade them that property cost free, we would be getting the short end of the trade, because they would be getting more than they are giving up, by quite a bit - not only in increased area but increased frontage.

Mayor Briare: Except for the fact they are sitting out there and they would just as soon have everything stay as it is. They're happy, and this is being put on them now, so they aren't interested in a fair trade.

Commissioner Christensen: If we had a 5-way intersection there, it would totally destroy their property -

Mayor Briare: Mr. Hampton, is it premature to start negotiating with these people?

Mr. Hampton: No. I believe this is a better time than any if you are going to proceed - proceed now while prices are reasonable out there. This is why this matter should be resolved as soon as possible. A property appraised at this time is obviously going to have a lower value than if we wait.

Mayor Briare: You have someone on your Staff who is

assigned the task of negotiating, don't you?

Mr. Hampton: Not on these types of matters. I would be involved myself if something of this nature did come up. The only thing I might suggest, Mayor, and you might consider it here today, the pieces on the south are of marginal value - request the Regional Street & Highway Commission to approve this whole concept with the idea of offering the two northerly pieces to these property owners, for sale, and offering them, at no cost, the two smaller pieces.

Commissioner Leavitt: I think we are going to have to ask the City Attorney whether we can offer that or not -

Mr. Lovell: We are going to have to get some sort of compensation, whether it be monetary or there is going to have to be some kind of finding made that there is some other type of compensation, or consideration, here

Commissioner Lurie: Who owns those two little pieces of property? Maybe they are not going to want to sell that property - then where do we stand?

Mr. Hampton: That's the one where they probably will not want to sell it and we will have to condemn.

Commissioner Leavitt: If we condemn it, the City has to pay the money for it -

Mr. Hampton: Maybe the thing to do is to have this Commission request the Regional Street & Highway Commission to authorize the appraisals. Once we have the appraisals we can see what values we are talking about.

Commissioner Leavitt: Why don't we approve the Plan -

Commissioner Lurie: It has been approved already -

Commissioner Leavitt: Alright, then why don't we go ahead and buy the land then have them decide if they want the right of first refusal on it. That's what your recommendation was -

Mr. Hampton: That's right -

Commissioner Leavitt: I agree they should have the right of first refusal, but we can't give it to them. There has to be some compensation. If you receive damages you are going to have to file suit for severance of some kind and then maybe it could be compromised -

Mr. Lamuraglia: We don't want to file a suit - if you people are willing to compromise, we will pay half -

Commissioner Leavitt: I don't know if we can legally sell it to you for half of what we paid for it - that's the problem. I would have to ask the City Attorney - I don't think it's legal - we can't do it, can we?

Mr. Lovell: No, we can't. Before any decision or consideration can be established, we should have Public Works, our office, the Planning Department and some real estate appraiser sit down and figure out where the consideration lies and which way it goes - what obligations and considerations would be passing each way.

Mr. Lamurgalia: I would be willing to go along with whatever is decided.

Commissioner Leavitt: Why is it here before us today if we've already approved the Plan?

Mayor Briare: To give these gentlemen the opportunity to come before us, and indicate the hardship they are under. And I agree with them. I think there should be - I don't like to use the word "horse trading", but I would feel that Mr. Hampton is a pretty good horse trader insofar as the City is concerned, and maybe something can be worked out wherein you guys can remain whole. I'm not saying that you really deserve it, because going out there as many years ago as you did and getting the type of zoning you did, you are not going to convince me that you were willing, ready and able to proceed with a Shopping Center -

Mr. Lamurgalia: To proceed with the R-4 -

Mayor Briare: I'll bet you couldn't build R-4 out there - you still won't be able to - no matter what happens here - for a good several years. In any event, you speculated - you have every right in the world to speculate . . .

Commissioner Christensen: What was the vote of the Planning Commission on this Plan?

Mr. Saylor: I would like to correct that - it was denied by the Planning Commission -

Mayor Briare: Well, we can't make a final determination here - we have a certain procedure to be followed -

Mr. Hampton: If possible, Mr. Mayor, I would like authorization to get these appraisals so we can know where we are going.

Mayor Briare: And these appraisals are at the expense of Regional Streets & Highways - they are reimbursable, aren't they?

Mr. Hampton: Right.

Mayor Briare: It has to be done anyway - is that correct?

Mr. Hampton: It doesn't have to be done at this time -

Mayor Briare: But eventually it has to be done so we can have something we can work with.

Mr. Hampton: That's right -

Mayor Briare: Then, when can you sit down and talk to these two gentlemen?

Mr. Hampton: We really should wait until the appraisals come in, which would probably be from 30 to 60 days.

Mayor Briare: In any event, Mr. Lamuraglia, you know that has to be done. So we might as well go ahead, if it meets with the approval of the Commission, and get the appraisals and then everybody sit down at a table and get your pencils sharpened, etc. Is there any objection to that procedure? Is that in agreement with you, Commissioner Lurie?

(No objections)

Mayor Briare: Very well - that's the way we will proceed then.

PROPOSED
SPECIAL
IMPROVEMENT
DISTRICT
Approved

SURVEY FOR STREET LIGHTS - CHAPMAN DRIVE, 16TH AND
17TH STREETS FOR A SPECIAL IMPROVEMENT DISTRICT

Mr. Hampton: Next before you is an item concerning a Special Improvement District for Chapman Drive, 16th and 17th Streets. A petition was received from 37 of the 61 property owners in the vicinity of Chapman Drive and 16th Street just south of Charleston Blvd, to install street lights under a Special Improvement District Project. In addition several inquiries have been received from property owners in a block on 17th Street just north of Wengert for street lights also.

We took a survey and by memorandum dated October 6th we transmitted the results of that survey, which indicated that we had "yesses" amount to 54.8% and "no answers" which were indicated on the letter as being approval of the project, of 17.8%, giving a total of 72.6% in favor of this particular proposed project.

The may (wall map) that Mr. Gist is pointing to shows those approvals in green - the disapprovals in red and the white areas would indicate "no response".

If the Commission desires, the appropriate action would be to request our Department to proceed with the design of this Special Improvement District project.

M o t i o n

Commissioner Lurie: I would so move that the City Engineer be instructed to proceed with the Plans and Specifications for a proposed Special Improvement District for street lights - Chapman Drive, 16th and 17th Streets.

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

Mr. Hampton: As an additional item, Your Honor, you may not have heard - the Boulevard is closed due to a landslide right in front of the Elks Club. This happened right around lunch time. Fortunately, no one was injured - either workmen in the trench or in traveling vehicles. I can't estimate at this time how long it will be closed, but it will be some days before it will be usable again.

Commissioner Lurie: How are you re-routing the traffic?

Mr. Hampton: They are closing it at Washington and right by Sample's there.

Commissioner Christensen: What caused the slide?

Mr. Hampton: They were installing that large underground culvert and it looks to me in just the little time I was there this afternoon, that an old fault ran right down the middle of the Boulevard. It fell about 4 ft. in back of the travel lanes. It could have been a real disaster. The only ones really affected are the Elks Club - that will be pretty well shut off until we get the Boulevard back in operation.

This fault ran along the center line of the road, about 6 ft. to the west. It looks like you went out there and took a knife and cut it, it was so straight. I really don't have all the details of how it happened, but if you get a chance, stop by and look at it.

VACANCIES ON BOARDS AND COMMISSIONS

See Page 95 of these Minutes (Annotated Agenda)

GREATER LAS VEGAS
COUNCIL ON
WEATHERIZATION
7-Member
Board
Appointed

Mayor Briare: Commissioner Lurie, we are on Item "C". These are your recommendations for appointment?

Commissioner Lurie: Yes, they are, Mayor. However, if there are any other recommendations you might have or that member of the Board may have, I would be glad to hear them.

(No response)

Mayor Briare: Then if it meets with the concurrence of the Board, these members are so appointed.

Commissioner Lurie: What this Board will consider is the applications for weatherization of homes of Senior Citizens under the Federal Energy Act. There are some 200 homes and we have to have a Board that we can send out - the Grant is for \$50,000.00, but we have to go through the formalities of the Board and the meetings.

Mayor Briare: Is there any objection to the appointment of Commissioner Lurie as the City's representative on this Board?

(No response)

Mayor Briare: Hearing no objections, Commissioner Lurie you are hereby appointed.

OFFICE OF THE CITY ATTORNEY

CARL E. LOVELL, JR., CITY ATTORNEY

See Page 96 of these Minutes (Annotated Agenda)

NEW BILLS

See Page 97 of these Minutes (Annotated Agenda)

BILL No. 76-67 - ORDINANCE No. _____ - ORDINANCE
LEVYING ASSESSMENTS - SPECIAL IMPROVEMENT DISTRICT
No. 409

A Bill entitled: "AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN PROVIDING FOR CERTAIN STREET IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT No. 409; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING THE COSTS AND EXPENSES OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SAID IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE BOARD OF COMMISSIONERS AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE INSTALLATION OF SAID IMPROVEMENTS IN SAID DISTRICT AND PRESCRIBING DETAILS IN CONNECTION THEREWITH, AND OTHER MATTERS RELATING THERETO" was read by Title by the City Attorney who recommended that it be referred to Committee and

ITEM	Commission Action	Department Action
<p>III. <u>VACANCIES ON BOARDS & COMMISSIONS</u></p>		
<p>A. <u>LAS VEGAS METROPOLITAN BEAUTIFICATION COMMITTEE - (3-year term)</u></p> <p>Irene Schwartz - Term of office expires 11/3/76.</p>	<p>Appointed Adele Sheehan 2221 Glen Heather Way 02</p>	<p>Clerk to notify</p>
<p>B. <u>PARK & RECREATION ADVISORY COMMISSION (3-year term)</u></p> <p>Jeanne Roberts - Term expires 12/11/76</p>	<p>Abeyance</p>	<p>11/3/76 Agenda</p>
<p>C. <u>GREATER LAS VEGAS COUNCIL ON WEATHERIZATION</u></p> <p>7-Member Board to be appointed, as provided for in Resolution adopted September 15, 1976.</p>		
<p>(1) Appointment of Board of City Commissioners representative.</p>	<p>Commissioner Ron Lurie, as City representative</p>	
<p>(2) Confirmation of nominees of Economic Opportunity Board:</p>	<p>and nominees of EOB</p>	
<p>a. Wyatt Coleman</p>	<p>Approved</p>	<p>Clerk to notify</p>
<p>b. James Roberts</p>	<p>Lurie - unanimous</p>	
<p>c. Margaret Busa</p>		
<p>d. Maya Hill</p>		
<p>e. Lois Wulf</p>		
<p>f. Joe Fujimoto</p>		

ITEM

Commission Action

Department Action

IV CITY ATTORNEY

A. Opinion regarding Dr. Knoller's request for usage of water from Tule Springs

Abeyance (at request of client)

11/3/76
Agenda

B. Legal Opinion - Ron's Lock & Key

Stricken by City Attorney

C. Report - Clark County Sports Enterprises

Stricken by City Attorney

ITEM Commission Action Department Action

V NEW BILLS - TO BE REFERRED TO RECOMMENDING COMMITTEE OR TO STUDY COMMITTEE

A. Bill No. 76-64, Ordinance No. _____ Amending Major Street Plan Map adopted by Ordinance 1537 by redesigning Westcliff Drive

B. Bill No. 76-65, Ordinance No. _____ Amending Major Street Plan adopted by Ordinance 1537 by widening Craig Road

C. Bill No. 76-66, Ordinance No. _____ Amending Major Street Plan adopted by Ordinance 1537 by realigning Marion Drive

D. Bill No. 76-67, Ordinance No. _____ Amending Major Street Plan Map adopted by Ordinance 1537 by deleting therefrom Peak Drive from Jones Boulevard to Rancho Drive

E. Bill No. 76-68, Ordinance No. _____ SPECIAL IMPROVEMENT DISTRICT 409 Ordinance Levying Assessments

F. Bill No. 76-70, Ordinance No. _____ Amending Title V, Chapter 1, Section 18 regarding revocation of business licenses

G. Bill No. 76-69, Ordinance No. _____ Amending Title V, Chapter 29 regarding Massage Parlors

H. Bill No. 76-61, Ordinance No. _____ Amending Title 11, Chapter 3, Section 8, Off-premise sign regulations

I. BILL No. 76-71 - Ordinance No. _____ Re: Membership Clubs

Items A, B, C and D

Referred to Study Committee Commissioners Christensen and Leavitt

1st Reading and Referred - Leavitt and C

1st Reading and Referred - Mayor Briare & Lurie

1st Reading and Referred - Lurie & Leavitt

Referred to Study Committee - Leavitt & Christensen

1st Reading and Referred - Lurie & Leavitt

Clerk to proceed with 1st publication

Same as above

Same as above

Same as above

NEW BILLS
(continued)

that the Clerk be authorized to proceed with the first publication, by Title, of said Bill No. 76-68. (1st reading)

Mayor Briare appointed Commissioners Leavitt and Christensen as the Committee for Recommendation on Bill No. 76-68.

BILL No. 76-70
1st Reading
and referred

BILL No. 76-70 - Ordinance No. - AMENDING TITLE V, CHAPTER 1, SECTION 18, REGARDING REVOCATION OF BUSINESS LICENSES

A Bill entitled: "BILL No. 76-70 - ORDINANCE No. - AN ORDINANCE TO AMEND TITLE V, CHAPTER 1, SECTION 18 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY INCLUDING IN THAT SECTION GROUNDS FOR DENIAL OF BUSINESS LICENSES, AND BY SETTING FORTH ADDITIONAL GROUNDS FOR SUSPENSION, CANCELLATION OR REVOCATION OF LICENSES" was read by Title by the City Attorney, who recommended that it be referred to Committee and that the Clerk be authorized to proceed with the first publication, by Title, of said Bill No. 76-70. (1st reading)

Mayor Briare appointed Mayor Briare and Commissioner Lurie as the Committee for Recommendation on Bill No. 76-70.

BILL No. 76-69
1st Reading
and referred

BILL No. 76-69 - ORDINANCE No. - AMENDING TITLE V, CHAPTER 29 REGARDING MASSAGE PARLORS

A Bill entitled: BILL No. 76-69 - ORDINANCE No. - AN ORDINANCE TO AMEND TITLE V, CHAPTER 29 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, PROVIDING FOR THE MINIMUM REQUIREMENTS OF NOT LESS THAN FOUR HUNDRED (400) HOURS OF INSTRUCTION TO OBTAIN A LICENSE AS A MASSEUR OR MASSEUSE" was read by Title by the City Attorney, who recommended that it be referred to Committee and that the Clerk be authorized to proceed with the first publication, by Title, of said Bill No. 76-69.

Mayor Briare appointed Commissioners Lurie and Leavitt as the Committee for Recommendation on Bill No. 76-69.

BILL No. 76-71
1st Reading
and Referred

BILL No. 76-71 - Re: MEMBERSHIP CLUBS

A Bill entitled: BILL No. 76-71 - ORDINANCE No. FIRST AMENDMENT - AN ORDINANCE TO RESCIND ORDINANCE No. 1829, AS AMENDED, ENTITLED "MEMBERSHIP CLUBS"; TO ADD TO TITLE V A NEW CHAPTER, CHAPTER 43, DESIGNATED MEMBERSHIP CLUBS; MAKING CERTAIN PROVISIONS RELATING TO THE LICENSING, INVESTIGATORY FUNCTIONS AND BONDING OF MEMBERSHIP CLUBS; DEFINING MEMBERSHIP CLUBS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the City Attorney, who recommended that it be referred to Committee and that the Clerk be authorized to proceed with the 1st publication, by Title of said Bill No. 76-71. (1st Reading)

Mayor Briare appointed Commissioners Lurie and Leavitt as the Committee for Recommendation on Bill No. 76-71.

BILL No. 76-57
Adopted
Ordinance No. 1843

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

Committee: Commissioners Christensen and Leavitt

Published by Title 10/9/76 LAS VEGAS SUN

A Bill entitled: "BILL No. 76-57 (REVISED) -
ORDINANCE No. 1843, FIRST AMENDMENT - EFFECTIVE
JANUARY 1, 1977 - AN ORDINANCE TO AMEND TITLE IX
OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960
EDITION, BY ADDING A NEW CHAPTER 12(A) TO REGULATE
THE INSTALLATION, USE AND MAINTENANCE OF NEWS RACKS
ON PUBLIC STREETS OR RIGHTS-OF-WAYS, AND TO AMEND
SECTION 1 OF CHAPTER 12 TO CONFORM TO SAID REGULATIONS;
PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND
REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN
CONFLICT THEREWITH" was read by Title by the City
Attorney. (2nd Reading)

Commissioner Christensen Moved that Bill No.
76-57, Ordinance No. 1843, be ADOPTED and the
Clerk authorized to proceed with the second
publication, by Title, of said Bill No. 76-57,
Ordinance No. 1843.

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

M o t i o n

Commissioner Christensen: I would like to move for
adoption of the Resolution which is a part of this
Ordinance.

See Pages 100 thru 103 of these Minutes
(Resolution with Specifications)

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

BILL No. 76-63
Adopted
Ordinance
No. 1842

BILL No. 76-63 - ANNEXATION A-2-76 (GINGER)
Committee: Commissioners Lurie and Christensen

Published by Title 10/9/76 LAS VEGAS SUN

A Bill entitled: "BILL No. 76-63 - ORDINANCE No.
1842 - 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 City Attorney. (2nd Reading)

Commissioner Lurie moved that Bill No. 76-63 -
Ordinance No. 1842, be ADOPTED, and the Clerk
authorized to proceed with the 2nd publication,
by Title, of Said Bill No. 76-63, Ordinance No.
1842.

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

R E S O L U T I O N

WHEREAS, the Board of City Commissioners duly adopted Bill No. 76-57 regulating news racks; and (Ordinance No. 1843)

WHEREAS, said ordinance provides that news racks in a special district, known as District A, will be of similar design and appearance and in accordance with the standards on file in the Office of the Director of Public Services and approved by the Board of City Commissioners by resolution and that the steel frames supporting the newsracks shall also be in accordance with standards on file in the Office of the Director of Public Services; and

WHEREAS, the Director of Public Services has recommended and prepared standards and specifications as set forth herein and attached hereto.

NOW, THEREFORE, the Board of City Commissioners of the City of Las Vegas, Nevada, does hereby adopt the following specifications:

1. The base and legs shall be an integral part of the news rack construction and shall have a leveling system to maintain the news rack in a plumb position.

2. The base and legs shall not extend horizontally outward from under the news rack and shall not be attached to the sidewalk.

3. The base shall be constructed of steel and shall be painted with a prime coat and a durable, baked black enamel finish.

4. All news rack bases shall be modularized to facilitate the addition and/or removal of a news rack along with its section of base.

5. News racks placed adjacent to each other shall be joined together by the modular system. No more than four news racks shall be joined together.

6. Empty news rack bases shall not be installed or maintained on public sidewalks.


7. News racks and bases joined together in groups of two or more shall be dimensionally alike and shall have the same color and appearance.

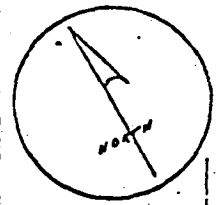
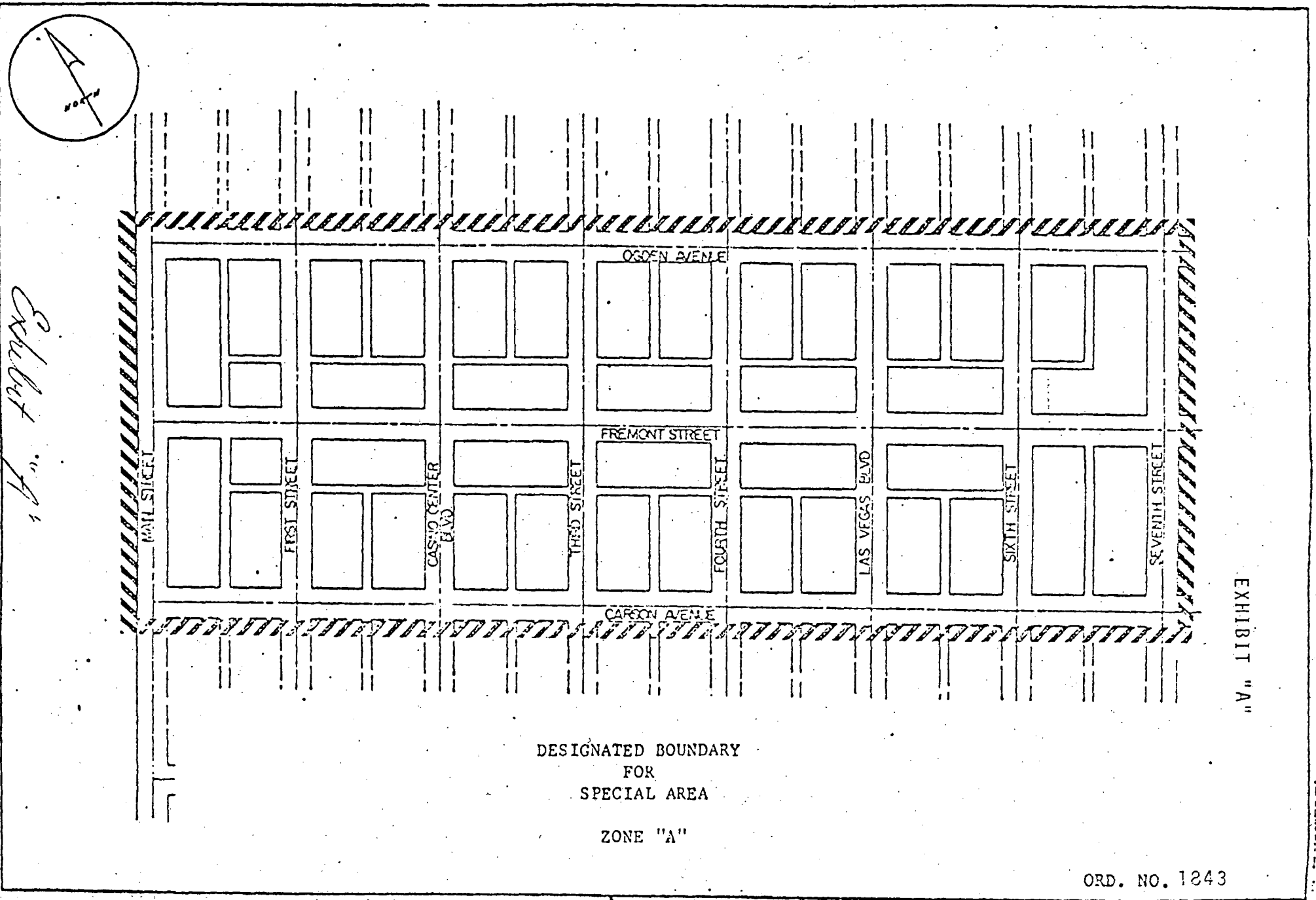
8. Newsracks, their bases and their location shall comply with the drawings attached hereto in Exhibit "A", Exhibit "B" and Exhibit "C", and made a part hereof by reference.

APPROVED this 20th day of October, 1976.

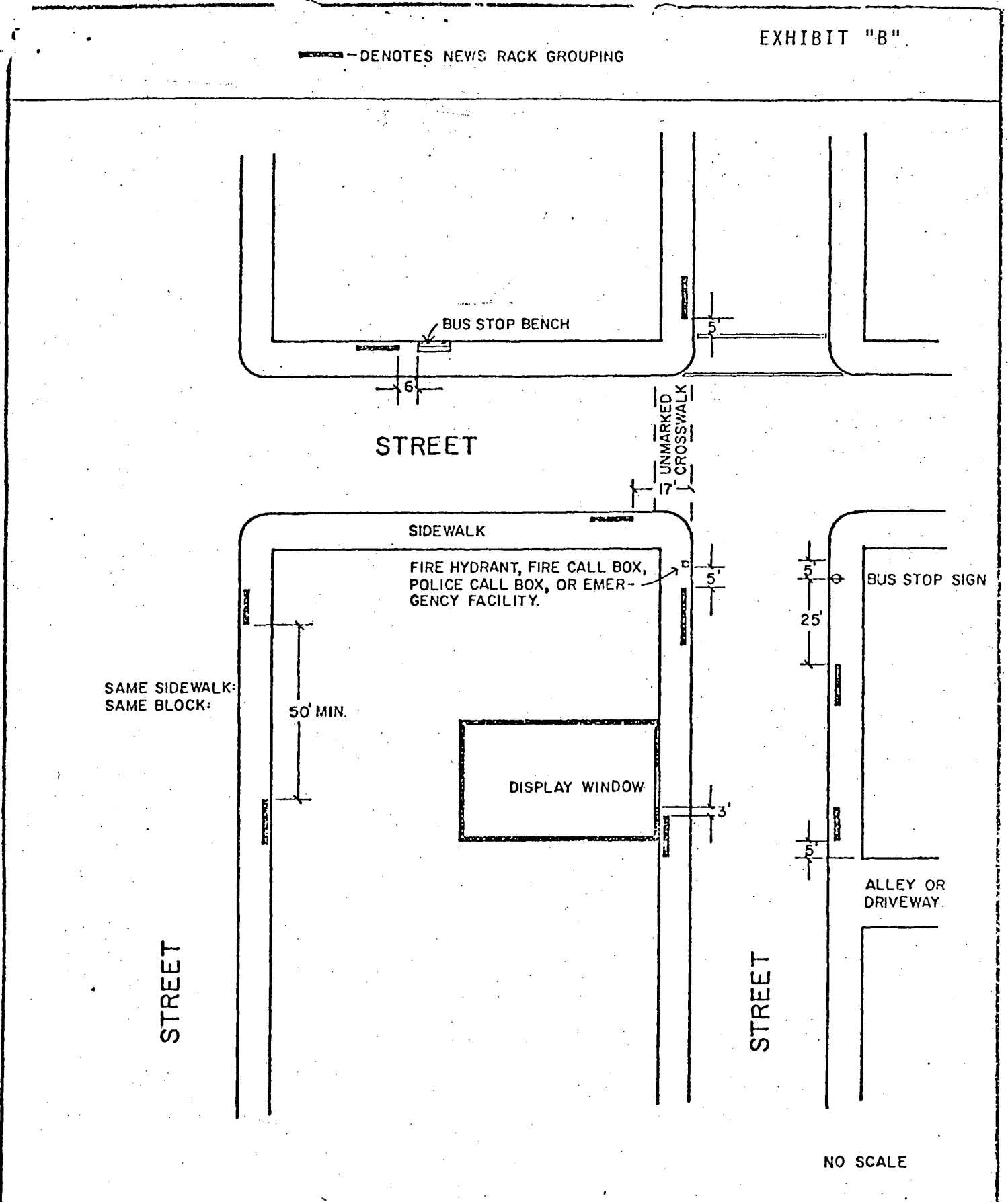

WILLIAM H. BRIARE, MAYOR

ATTEST:


Edwina M. Cole, City Clerk



---DENOTES NEWS RACK GROUPING



SAME SIDEWALK:
SAME BLOCK:

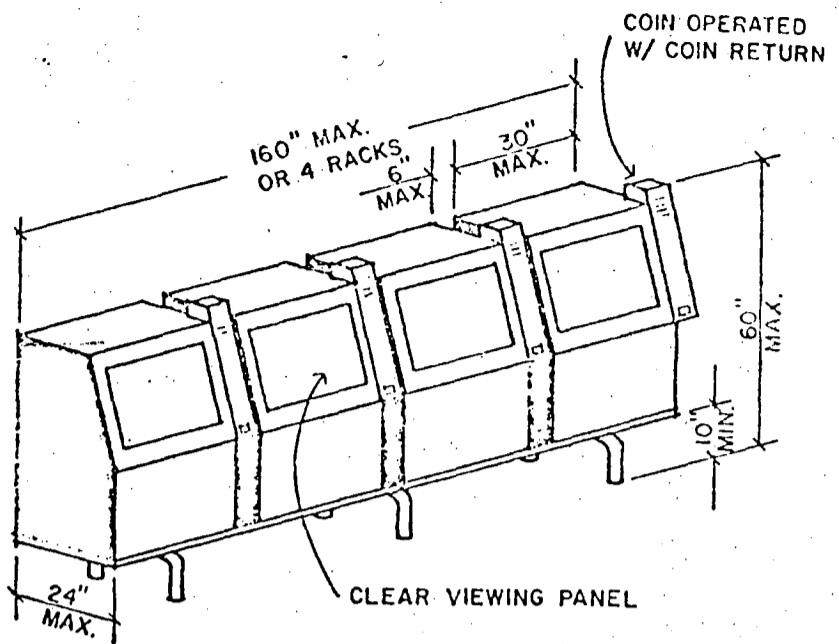
NO SCALE

APP'D. / DIR. OF PUBLIC WORKS	SPECIFICATION REFERENCE
<i>Lawrence Hays</i>	
NEWS RACK PLACEMENT REQUIREMENTS BEING A PART OF CLV ORD. NO. 1843	UNIFORM STANDARD DRAWINGS FOR PUBLIC WORKS CONSTRUCTION CITY OF LAS VEGAS
ISSUED	<i>Exhibit B</i> DRAWING NUMBER

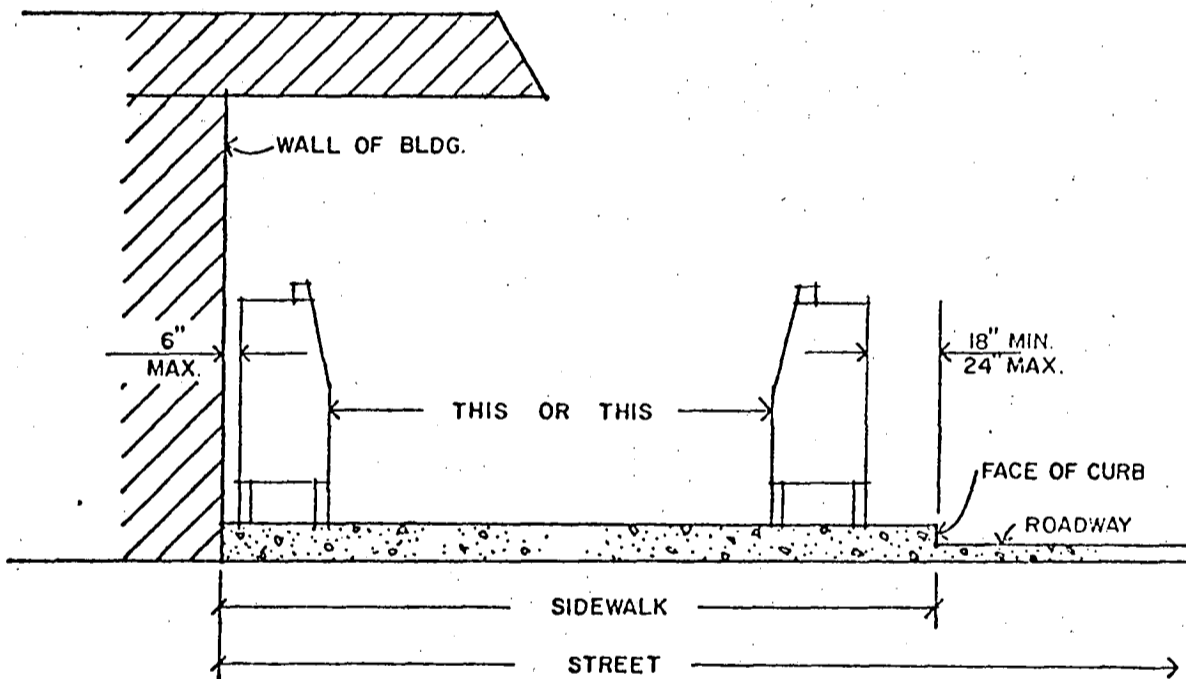
NOTES

1. News racks shall be automatic coin operated with coin return.
2. Color shall be olive brown or simulated wood grained vinyl over heavy gauge steel.
3. Viewing panel shall be clear.
4. Units shall be stabilized to withstand a wind load of 15 lbs./sq. ft. Added weight to be an integral part of the news rack. Any attachment of weights to the exterior of the cabinet by chains or cables is prohibited.
5. Unit clusters may vary from one to 4 maximum.
6. For additional details on placement of news racks see std. dwg No. —

EXHIBIT "C"



OPTIMUM UNIT & GROUP DIMENSIONS



PLACEMENT ON SIDEWALK IN RELATIONSHIP TO BUILDINGS OR CURB

APP'D./DIR. OF PUBLIC WORKS	SPECIFICATION REFERENCE
<i>James H. [Signature]</i>	
NEWS RACK DIMENSION AND PLACEMENT REQUIREMENTS BEING A PART OF CLV ORD. NO. 1843	UNIFORM STANDARD DRAWINGS FOR PUBLIC WORKS CONSTRUCTION CITY OF LAS VEGAS
ISSUED	DRAWING NUMBER
<i>Exhibit C</i>	

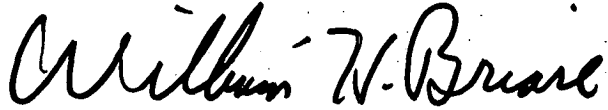
ADJOURNMENT

Mayor Briare: Is there any further business to come before this Board?

(No response)

At the hour of 4:30 P.M., Mayor Briare declared this Regular Meeting of the Board of City Commissioners
A D J O U R N E D.

APPROVED:



WILLIAM H. BRIARE, MAYOR

ATTEST:



EDWINA M. COLE, CMC
CITY CLERK

APPROVED BY REFERENCE at a Regular Meeting of
the Board of City Commissioners held on the
5th day of January, 1977.