

M I N U T E S

Las Vegas, Nevada
November 3, 1976

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 3rd day of November, 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	William H. Briare
Commissioner	Paul J. Christensen (excused at approximately 2:00 P.M.)
Commissioner	Myron E. Leavitt
Commissioner	Roy A. Woofter (arrived at approximately 9:10 A.M.)
Commissioner	Ron Lurie

STAFF
PRESENT

City Manager	William E. Adams
City Attorney	Carl E. Lovell, Jr.
Director, Dept. of Business Activity	Ila M. Britt
Director, Dept. of Community Planning & Development	Donald J. Saylor
Director, Dept. of Cultural Services	Harold A. Foster
Director, Dept. of Financial Management	Marvin A. Leavitt
Director, Dept. of Fire Services	Chief J. D. Miller
Director, Dept. of Funds Coordination & Projects	Bruce W. Spaulding
Director, Dept. of Municipal Services	J. C. Cathcart
Director, Dept. of Personnel & Employee Relations	J. Robt McPherson
Director, Dept. of Public Services	Laurence Hampton
City Clerk	Edwina M. Cole

INVOCATION

The Invocation was given by Rev. I. W. Wilson, Pastor, Church of True Love Missionary Baptist:

"Our Father, God, we come and bow our heads and hearts and thank Thee for Thy Blessings and Thy Guidance. We Pray that Thou would Bless us in anything we are in need of; that our City Officials and our friends be guided toward the best operation of our City. Master, go with us throughout this day and guide us and protect us from all harm and danger. In Christ's name we Pray. Amen."

PLEDGE OF
ALLEGIANCE

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

CEMETERY FEES

City Manager, William E. Adams: Mr. Mayor and Commissioners, the first item on the agenda is the proposed increase in cemetery fees. I must admit that in my eagerness to have this put on, it should actually be a Study item under the Committee of Commissioner Leavitt and Commissioner Christensen.

I did add some additional information in here that will indicate to you what has happened locally relative to the private cemeteries and their operations, against our own.

We generally have been subsidizing the fund and this is an attempt to bring the operation in line so that we can come somewhere near a break-even operation.

We have been averaging over \$100,000.00 a year that we have been putting into the Cemetery operation. By making the increases we have shown in the revised schedule, we can come up to a point where we will only be subsidizing a little bit less than \$20,000 or \$25,000. The rest of it will be taken care of by the increase in fees.

It would be my recommendation that that not go into effect until the Budget year - July 1, 1977.

Mayor Briare: Do you want action on it now or do you want to leave it in Committee?

Mr. Adams: The Committee might like to study it a little more - it is entirely their prerogative, of course. The sooner we have it - Budget time is approaching and it will give us an idea of what is going to happen.

Mayor Briare: Are there any comments by the Commission?

Commissioner Lurie: You are recommending then that the increased fee schedule be approved, but not to take effect until July 1 of 1977?

Mr. Adams: That's right - it would become effective with the new Budget.

Commissioner Lurie: Then how often are you going to review this?

Mr. Adams: Staff will review it every year. I don't anticipate bringing it before you every year but we will review it every year as we review other revenue sources down through the years. Any of those we feel are necessary, we will bring before you.

Mayor Briare: Does the Commission wish to take action on this?

Commissioner Lurie: I move we follow the recommendation of the City Manager relating to increased cemetery fees.

M o t i o n

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

Commissioner Woofter temporarily absent.

DOWNTOWN
CHRISTMAS
DECORATIONS
Approved

REQUEST FROM GREATER LAS VEGAS CHAMBER OF
COMMERCE re DOWNTOWN CHRISTMAS DECORATING PROGRAM

Mr. Adams: We have in the past always participated with the Chamber of Commerce in their Downtown Christmas Decoration Program. This year they are revising their general plan a little bit and asking for the sum of \$1,000.00 from the City. Our Budget normally carried \$500.00 for this purpose - this year it carries \$675.00. The other \$325.00 would be no problem for us and we would recommend approval.

M o t i o n

Commissioner Lurie: I move we follow the recommendation of the City Manager relative to the Downtown Christmas Decoration Program of the Chamber of Commerce.

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

Commissioner Woofter temporarily absent.

AERIALIST EVENT
Abeyance

REQUEST FOR PERMISSION TO PERFORM AERIALIST
"SPECTACULAR EVENT" ON 11/27/76 - STEVE McPEAK

Mr. Adams: The next item is a request from the Aerialist, Steve McPeak, to walk a wire from the Union Plaza Hotel to The Mint Hotel.

We felt it would be advisable to bring it before the Commission in that we feel the City Attorney should verify and make sure that we would not be endangering ourselves or any of the citizens that might be involved assuming, of course, that he would be licensed. It would cross two public streets and it does cross some private property and we felt we should have the City Attorney check and verify that it would be proper and then ask for your action on it, based on what the City Attorney's opinion would be.

Mayor Briare: Is Steve McPeak present?

(No response)

Mayor Briare: Apparently there is no one present on this matter. The letter from the attorney that asks the City's approval indicates in his letter that the Union Plaza Hotel and The Mint have no objection to this.

Mr. Adams: The two Hotels are agreeable to allow the cable to be stretched as proposed.

Mayor Briare: Did the attorney represent this to you or did you find it out on your own?

Mr. Adams: No - this is what came to me from the attorney.

Commissioner Lurie: What is the liability to the City while he is making this spectacular walk between the two Hotels? Would it be the heavy traffic tie-up? I have never received a copy of the recommendation from the City Attorney's office -

Deputy City Attorney, Janson F. Stewart: We haven't done an opinion yet. I think that is what the City Manager's recommendation is - that you get an opinion.

Commissioner Christensen: I think the letter says

he intends to do it without the City's approval.

Mr. Adams: I think, of course, he anticipated no problem but I can see where a traffic problem could be created. We might want to speak to Metro about holding it off, or at least barricading the area that would be involved, because I'm sure people are going to want to stop and watch the performance - which is the object of it, of course - to bring people Downtown.

It is not set until the 27th of November so there is time to research and see if there would be any liability on the City's part. We could still take action at your next meeting.

Mayor Briare: They are going to need a lot more time than that to make their plans. I'm sorry their attorney was not any more interested in that he didn't even show up for this meeting. I don't know whether we should take any interest in it or not.

Would the Commission want to refer this to a Committee?

Commissioner Lurie: I would move that this matter be held to our next meeting and in the meantime the City Attorney furnish us with an opinion. Also that Metro be notified and I would like a letter from them with their comments concerning the traffic - whether barricades would be necessary.

Mayor Briare: Also it would seem that verification should come from the two Hotels that would be involved.

Commissioner Leavitt: Are there any of the other Hotels involved?

Mr. Adams: It's just for the one cable between the two. It will pass over the Las Vegas Club and those other little Clubs along Fremont Street.

Mayor Briare: This whole item is really not ready for action by us. Let's just remove it from the agenda until these kinds of problems can be resolved.

DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, DIRECTOR

See Page 5 of these Minutes (Annotated
Agenda)

SERVICE &
MATERIAL
WARRANTS
and
PAYROLL WARRANTS

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. J1104 to J1110, J943837 to J943838, J114492, J209028 to J209029, J209034 to J209062, J209064, J209071 to J209092, J209094, J209099 to J209354, inclusive</p>	<p>Items A and B Approved as presented L - unanimous*</p> <p>*Commissioner Woofter did not vote - temporarily absent</p>	<p>Director authorized to issue</p>
<p>In the amount of \$3,191,653.32</p>		
<p><u>*B. PAYROLL WARRANTS</u></p>		
<p>Nos. 73531 to 74708, inclusive</p>		
<p>For Pay Period Ending 10/16/76</p>		
<p>In the amount of \$385,041.96</p>		

DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

J. ROBT McPHERSON, DIRECTOR

See Pages 7, 8 and 9 of these Minutes
(Annotated Agenda)

CITY FUNDED
Item 8
Abeyance

(8)
Municipal Services 946 Provides technical
Purchasing & assistance in the
Contracts operations of the
BUYER I Purchasing & Contracts
(Create new Staff due to added
position) responsibilities
of the Dir. of Municipal
Services and Purchasing
& Contracts Officer

Mayor Briare: I would like to ask the Board to give consideration to holding Item (8). This is the creation of a new position. I asked the City Manager just before coming to the meeting if this is one of the few new positions we discussed in quite some time, and he indicated it was. I believe this Board should have a little more information on this new position before we start creating new positions, not necessarily in this department, or in any department.

M o t i o n

Commissioner Lurie: I would move for approval for Items (1) thru (7).

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

DEPARTMENT OF FUNDS, COORDINATION AND PROJECTS

BRUCE W. SPAULDING, DIRECTOR

See Page 10 of these Minutes (Annotated
Agenda)

ITEM			Commission Action	Department Action																					
<p>I. (d) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS</p> <p>BOB McPHERSON, DIRECTOR</p> <p>A. AUTHORIZATION TO FILL POSITIONS</p> <p><u>Federally funded</u></p>			<p>Items 1 thru 6 Approved as recommended L - unanimous*</p>	<p>Director authorized to proceed</p>																					
<table border="1"> <thead> <tr> <th data-bbox="24 693 203 728"><u>Dept/Class</u></th> <th data-bbox="373 666 503 728"><u>Monthly Salary</u></th> <th data-bbox="532 693 763 728"><u>Justification</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="24 766 397 927">(1) Human Resources Intermediate Clerk -2 (replace vacancy) Until 1/15/77</td> <td data-bbox="406 792 462 827">637</td> <td data-bbox="532 792 852 1061">One is assigned to EOB providing clerical assistance for the in-take and assessment unit. The other is assigned to the Local Advisory Council.</td> </tr> <tr> <td data-bbox="24 1088 397 1276">(2) Funds, Coordination & Projects Management Analyst Trainee (Transfer of funds from HUD)</td> <td data-bbox="406 1115 462 1150">758</td> <td data-bbox="532 1115 901 1249">To assist in handling additional assignments assumed by this department.</td> </tr> <tr> <td data-bbox="24 1303 397 1599">(3) Senior Citizens Senior Citizens' Aide - 2 1 - create new position (Title III funding) 1 - replace vacancy (LV Housing Authority Grant funding)</td> <td data-bbox="406 1330 462 1365">474</td> <td data-bbox="532 1330 885 1599">To assist in the Outreach Program in the Spanish speaking community and to provide clerical assistance in coordinating the Senior Citizens' program.</td> </tr> <tr> <td data-bbox="24 1626 397 1787">(4) PS/Animal Control Kennel Attendant (replace vacancy) Until 1/15/77</td> <td data-bbox="406 1653 462 1688">686</td> <td data-bbox="532 1653 795 1760">Maintenance and care of animals and facilities.</td> </tr> <tr> <td data-bbox="24 1814 397 1975">(5) CS/Golf Course Maintenance Laborer (replace vacancy) Until 1/15/77</td> <td data-bbox="406 1841 462 1876">721</td> <td data-bbox="532 1841 909 1975">Needed for watering, mowing and keeping the golf course in top playing condition.</td> </tr> <tr> <td data-bbox="24 2002 397 2190">(6) Fire Services Clerk (replace vacancy) Until 1/15/77</td> <td data-bbox="406 2029 462 2064">577</td> <td data-bbox="532 2029 876 2217">Responsible for delivery of mail and supplies between City Hall and all fire stations.</td> </tr> </tbody> </table>	<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>	(1) Human Resources Intermediate Clerk -2 (replace vacancy) Until 1/15/77	637	One is assigned to EOB providing clerical assistance for the in-take and assessment unit. The other is assigned to the Local Advisory Council.	(2) Funds, Coordination & Projects Management Analyst Trainee (Transfer of funds from HUD)	758	To assist in handling additional assignments assumed by this department.	(3) Senior Citizens Senior Citizens' Aide - 2 1 - create new position (Title III funding) 1 - replace vacancy (LV Housing Authority Grant funding)	474	To assist in the Outreach Program in the Spanish speaking community and to provide clerical assistance in coordinating the Senior Citizens' program.	(4) PS/Animal Control Kennel Attendant (replace vacancy) Until 1/15/77	686	Maintenance and care of animals and facilities.	(5) CS/Golf Course Maintenance Laborer (replace vacancy) Until 1/15/77	721	Needed for watering, mowing and keeping the golf course in top playing condition.	(6) Fire Services Clerk (replace vacancy) Until 1/15/77	577	Responsible for delivery of mail and supplies between City Hall and all fire stations.			<p>Items 1 thru 7 Approved as recommended L - unanimous*</p>	<p>Same as above</p>
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(6) Fire Services Clerk (replace vacancy) Until 1/15/77	577	Responsible for delivery of mail and supplies between City Hall and all fire stations.																							
<p><u>City funded</u></p> <p>(1) PS/Eng Services Electrical Engineer (replace budgeted vacancy)</p> <p>Page 7 Minutes Regular Meeting City Commission November 3, 1976</p>	1182	The only position of this nature within the City. Controls design of street lights, parks, athletic fields and any industrial applications of electrical engineering.	<p>Items 1 thru 7 Approved as recommended L - unanimous*</p>																						

ITEM	Commission Action	Department Action
I. (d) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS		
<u>City funded (continued)</u>	See Page 4	See Page 4
<u>Dept/Class</u> <u>Monthly Salary</u> <u>Justification</u>		
(2) PS/Quality Control Supervisor of Quality Control (replace budgeted vacancy)	1405	Responsible for all inspections, including offsite improvements, contract engineering, sub-divisions and quality control for the City.
(3) PS/Animal Control Kennel Attendant (reinstate previously budgeted position)	686	Maintenance and care of animals and facilities.
(4) CS/Golf Course Maintenance Laborer (reinstate previously budgeted position)	721	Needed for maintenance, mowing and keeping the golf course in good playing condition. To be filled by absorbing a Federally funded employee.
(5) Municipal Court Intermediate Clerk -3 (replace budgeted vacancy)	637	To handle court clerical operations, particularly counter work.
(6) PS/Sanitation Maintenance Laborer (replace budgeted vacancy)	721	One of a 3-man field crew cleaning City sewer lines. To be filled by absorbing a Federally funded employee.
(7) Business Activity License Inspector (replace budgeted vacancy)	901	Responsible for enforcement of licensing regulations and collection of revenues generated by licensing codes.
(8) MS/Purchasing & Contracts Buyer I (create new position)	946	Provides technical assistance in the operations of the Purchasing & Contracts Staff because of the added responsibilities of the Director of Municipal Services and Purchasing & Contracts Officer.
	Abeyance for further study	11/17/76 Agenda

ITEM	Commission Action	Department Action						
I. (d) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS								
<u>Other funding</u>	Approved as recommended Lurie- unanimous*	Director authorized to proceed						
<table border="1"> <thead> <tr> <th data-bbox="16 513 191 545"><u>Dept/Class</u></th> <th data-bbox="358 478 488 545"><u>Monthly Salary</u></th> <th data-bbox="516 513 751 545"><u>Justification</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="16 580 375 768">Senior Citizens Senior Citizens' Instructor (create new position) Temporary - Until 5/1/77</td> <td data-bbox="399 580 448 612">777</td> <td data-bbox="516 580 881 862">Instructing in creative movement exercise classes. \$7500 has been deposited with the City by the Saints & Sinners organization and will be utilized for this purpose.</td> </tr> </tbody> </table>	<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>	Senior Citizens Senior Citizens' Instructor (create new position) Temporary - Until 5/1/77	777	Instructing in creative movement exercise classes. \$7500 has been deposited with the City by the Saints & Sinners organization and will be utilized for this purpose.	*Commissioner Woofter did not vote - temporarily absent	Commission went on record that Admin Staff shall direct letter to the Saints & Sinners in acknowledgment of this contribution. C/M to proceed
<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>						
Senior Citizens Senior Citizens' Instructor (create new position) Temporary - Until 5/1/77	777	Instructing in creative movement exercise classes. \$7500 has been deposited with the City by the Saints & Sinners organization and will be utilized for this purpose.						
B. FUNDING OF COURT COUNSELING PROGRAM	Referred to City Manager	C/M to proceed						

COMMISSIONER WOOFER ARRIVED AT THE MEETING AT APPROXIMATELY 9:10 A.M.

ITEM	Commission Action	Department Action
I-E. DEPARTMENT OF FUNDS, COORDINATION AND PROJECTS BRUCE W. SPAULDING, AIP, DIRECTOR		
A. SET DATES FOR PUBLIC HEARINGS ON AMENDMENTS TO HOUSING ASSISTANCE PLAN	Approved Public Hearing dates as recommended	Clerk to proceed 11/17/76 Agenda
(Two (2) Public Hearings Required: Suggested dates: 11/17/76 and 12/1/76)		
B. A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA TO ESTABLISH A COMMUNITY PARTICIPATION PLAN AND PROCESS FOR THE THIRD YEAR <u>COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM</u>	Adopted Resolution Lurie - unanimous	Mayor and Clerk authorized to sign Director to proceed

DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

See Page 12 of these Minutes (Annotated
Agenda)

PERMISSION TO
RECEIVE BIDS

ANNUAL SAFETY SHOE CONTRACT - 1/1/77 THRU 12/31/77
(Various)

Mayor Briare: These shoes, of course, are for jobs and positions that require foot safety. How is that determined? Did last year's shoes wear out?

Mr. Cathcart: Normally it amounts to one or two pairs a year. Some employees have jobs that wear out shoes faster than others. The employees are responsible for taking care of their own shoes, but they are inspected prior to being given a new pair.

Mayor Briare: I'm not arguing as to whether they need shoes or not. \$8,000.00 for shoes at one crack seems like a lot of shoes -

Mr. Cathcart: These are shoes as required by OSHA -

Commissioner Woofter: I'm just wondering then . . . in the Recreation Department we have to supply certain shoes for officials for the Soccer games and Football games, as far as the cleat size, etc., on down the line?

Mr. Cathcart: The City does not furnish those. These are for those in the Park Department working around mowers - the maintenance people working around heavy equipment - warehouse personnel - and this type of thing.

Commissioner Woofter: Where did this ever originate? Why are we obligated to do this?

Mr. Cathcart: Federal Law establishing the OSHA requirement. They set out the guidelines - these guidelines come through the Personnel Department.

Commissioner Lurie: You said there are heavy fines if people working in these positions do not have the safety shoes, and it is up to the City to provide them.

Commissioner Woofter: I still can't got for it.

Mayor Briare: Are there any other comments on Item A?

(No response)

M o t i o n Commissioner Lurie: I move for approval as recommended.

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

-ITEM	COMMISSION ACTION	DEPARTMENT ACTION
<p>I-f. <u>DEPARTMENT OF MUNICIPAL SERVICES</u></p> <p><u>J. C. CATHCART, DIRECTOR</u></p> <p>1. <u>PURCHASING AND CONTRACTS STAFF</u></p> <p>J. E. Park, Purchasing and Contracts Officer</p> <p>* <u>CONSENT AGENDA</u></p> <p>All items listed under Items A and B are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.</p>		
<p>*A. <u>PERMISSION TO RECEIVE BIDS</u></p> <p>1. Annual Safety Shoe Contract, January 1, 1977, Through December 31, 1977 (Various)</p>	<p>Approved Lurie W voted "no"</p>	<p>Director authorized to proceed</p>
<p>*B. <u>AWARD OF BIDS</u></p> <p>1. Bid #76.104 - Forty-two (42) Each Traffic Signal Poles (Replacement) (Public Services - Traffic Division)</p> <p>2. Bid #76.106 - Rental of Dragline With 3/4 Yard Bucket (Public Services - Sanitation Division)</p>	<p>Items 1 and 2 Approved Lurie - unanimous</p>	<p>Same as above</p>
<p>C. <u>PURCHASE ORDER APPROVAL</u></p> <p>1. Request Purchase Order approval to 3M Co., St. Paul, Minnesota, for reflective sheeting and cutout letters. (Public Services - Traffic Division)</p> <p>2. Request Purchase Order Approval to Lionel, Sawyer and Collins, Attorneys at Law, Las Vegas, Nevada, for professional services rendered in Case No. CLV-LV-76-119 (City Attorney)</p>	<p>Items 1 and 2 Approved Lurie - unanimous</p>	<p>Same as above</p>
<p>D. <u>CONTRACT CHANGE ORDER</u></p> <p>1. Bid #76.80 - Annual Street Overlay Contract (Public Services - Quality Control)</p> <p>Recommend approval of Contract Modification No. 1 to Wells Cargo, Inc., Las Vegas, Nevada, in the amount of \$2,829.51.</p> <p>Page 12 Minutes Regular Meeting City Commission November 3, 1976</p>	<p>Approved Lurie - unanimous</p>	<p>Same as above</p>

DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

See Pages 14 thru 21 of these Minutes
(Annotated Agenda)

PAWNSHOP LICENSE
Approved

CHANGE OF LOCATION

*SLIM'S READY CASH

From: 111 Ogden
To: 131-133 North 3rd Street

J. A. "Slim" Ewing 50%
Suzanne Fled 50%

*Subject to the provisions of the Planning, Building and Fire Codes

Mayor Briare: Is Mr. Ewing here?

(Mr. Ewing responded)

Mayor Briare: I note that you are 50% on Slim's Ready Cash and 100% on Slim's New & Used. Are those automobiles, or a Hockshop, or what?

Mr. Ewing: No - the Pawnshop - I lost the lease and moved out of 111 Ogden and into 131 North Third Street which is on the corner of Ogden and Third.

Mayor Briare: You lost your Lease, though, is what you are saying?

Mr. Ewing: I lost the Lease at 111 Ogden - there was a controversy on it - I moved anyway.

Mayor Briare: The new address we are looking at is 131-133 North 3rd Street?

Mr. Ewing: That's right -

Commissioner Christensen: What's on that corner now?

Mr. Ewing: It has been vacant for some time - I don't know what was in there in the past -

Commissioner Christensen: That's the old Medical Arts Pharmacy - originally that's what it was built for there -

Mr. Adams: Then there was a Dealer's School in there -

Commissioner Leavitt: It's on the southwest corner -

Mayor Briare: You've been around here a long time, haven't you, Mr. Ewing?

Mr. Ewing: About twenty-seven years.

Mayor Briare: Now is sure no time to bring this subject up, but I thought - and the reason I was asking if Don Saylor was present - he will be a

ITEM

Commission Action

Department Action

I-g. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

*CONSENT AGENDA

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

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

1. FIRST CONGREGATIONAL CHURCH -- a church bazaar
2. LAS VEGAS HIGH SCHOOL, DRAMA CLUB -- a car wash
3. BISHOP GORMAN HIGH SCHOOL, PARENTS BOOSTER CLUB -- tickets to a dance; raffle tickets
4. HOMESITE BAPTIST CHURCH, AMERICAN BAPTIST WOMEN -- a church bazaar
5. CALVARY LUTHERAN CHURCH -- a church bazaar
6. WEST OAKY BAPTIST CHURCH, YOUTH CHOIR -- car washes, candle sales, light bulb sales, rummage sales
7. DE MOLAY MOTHERS CLUB, LAS VEGAS CHAPTER -- a candy sale
8. CHURCH OF GOD -- a garage sale
9. HYDE PARK JR. HIGH SCHOOL, STAGEBAND -- a candy sale
10. ALPHA KAPPA ALPHA SORORITY, THETA THETA OMEGA CHAPTER -- raffle tickets
11. NICHIREN SHOSHU ACADEMY -- tickets to the movie "Human Revolution - Part 2"
12. FIRST GOOD SHEPHERD LUTHERAN SCHOOL, P.T. L. -- a Halloween carnival
13. GRAMBLING STATE UNIVERSITY ALUMNI, LAS VEGAS CHAPTER -- raffle tickets; tickets to the Second Annual Ball
14. E. W. GRIFFITH P.T.A. -- a school carnival

Items 1 thru 22
 Approved
 as recommended
 Lurie - unanimous

Director
 authorized
 to issue

Page 14
 Minutes
 Regular Meeting
 City Commission
 November 3, 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 9	See Page 9
15. ED CLARK HIGH SCHOOL, CHORAL MUSIC DEPARTMENT -- a light bulb sale 16. THEATRE ARTS SOCIETY, INC. -- tickets to the production "Carnival"; membership donations 17. FIRST AFRICAN METHODIST EPISCOPAL CHURCH -- tickets to a banquet 18. BOY SCOUT EXPLORER POST #130 -- tickets to a pancake breakfast 19. TRINITY UNITED METHODIST CHURCH, UNITED METHODIST WOMEN a church bazaar 20. ROSICRUCIAN ORDER, AMORC - LAS VEGAS PRONAOS -- raffle tickets 21. INDIAN SPRINGS HIGH SCHOOL, YEARBOOK -- sale of advertising 22. MT. VIEW LUTHERAN CHURCH, LUTHERAN WOMEN'S MISSIONARY LEAGUE -- a church bazaar		
*B. <u>CHILD CARE FACILITY APPLICATIONS</u> (Approved by the Child Welfare Board)	Items 1 thru 5 Approved as recommended Lurie - unanimous	Director authorized to proceed
Family Child Care Homes - New		
1. DELORES MYLES 1078 Comstock Drive Six (6) children days 2. LINDA DIANNE LEVESQUE 4225 Sawyer Avenue Five (5) children days Four (4) children nights 3. JUDITH E. TURNER 7505 Skylark Place Five (5) children days Two (2) children nights		

ITEM	Commission Action	Department Action
<u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
*B. <u>CHILD CARE FACILITY APPLICATIONS</u> (cont'd)	See Page 10	See Page 10
4. DREETA K. JONES 5609 Auburn Avenue Four (4) children days		
5. MAE HARRIS 1409 Tonopah Three (3) children days		
*C. <u>GAMING -- Additional</u>	Items 1 thru 4 Approved as requested Lurie - unanimous	Director authorized to proceed
1. FREMONT HOTEL, INC. Fremont Hotel/Casino 200 East Fremont Street 3 poker games		
2. VEGAS VIC, INC. Pioneer Club 25 East Fremont Street 20 slots		
3. J & H VENDING CO. Orbit Inn Casino 707 East Fremont Street 10 slots		
4. PENNINGTON & BENNETT CO. Jackpot Casino 2410 Las Vegas Blvd South 4 slots		
*D. <u>RETAIL TOBACCO -- Additional</u>	Approved W - unanimous	Same as above
1. LINDLEY SERVICE CO. V. F. W. Post #10057 1200 North "D" Street		

ITEM	Commission Action	Department Action
<p><u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>E. <u>SPECIAL EVENT LIQUOR LICENSE</u></p>	<p>Approved as requested Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>1. THEATRE ARTS SOCIETY</p> <p>Location of Event: Reed Whipple Cultural Arts Center</p> <p>Date: November 11th, 1976</p> <p>Beer and Wine Only</p> <p>Responsible Licensee: Andrew Tompkins</p>		
<p>F. <u>LIQUOR & RETAIL TOBACCO -- Change of Business Name Only</u></p>	<p>Approved Lurie - unanimous</p>	<p>Same as above</p>
<p>1. From: Skagway's Discount Liquors</p> <p>To: JOEY'S DISCOUNT LIQUORS 1006 East Charleston Blvd Package Liquor</p> <p>Jobern Enterprises, Inc. Joseph Zwern, Pres - 100% Bernice S. Zwern, Secy-Treas Lori S. Zwern, V.P.</p>		
<p>G. <u>LIQUOR -- Change of Busines Name</u></p>	<p>Approved as requested Lurie - unanimous</p>	<p>Same as above</p>
<p>1. From: Harve Perry Center</p> <p>To: THE BURGER TREE 1100 East Sahara Avenue Restaurant Beverage</p> <p>Hicks & Tiberti, Ltd. Joseph W. McNamee, 100% - Sole ofcr/stockholder</p>		

ITEM	Commission Action	Department Action
<p><u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>H. <u>LIQUOR & RETAIL TOBACCO -- Change of Ownership</u></p>		
<p>1. *SEVEN DWARFS LIQUOR 238 West Sahara Avenue General Liquor</p>	<p>Approved subject to conditions Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>From: William H. Bailey, 100%</p>		
<p>To: Richard D. Pettit, 100%</p>		
<p>*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations</p>		
<p>I. <u>LIQUOR -- New</u></p>		
<p>1. *TWO GUYS FROM ITALY 1280 South Decatur Blvd Restaurant Beverage Luis Salvador Divito, 100%</p>	<p>Items 1 and 2 Approved Subject to conditions Lurie - unanimous</p>	<p>Same as above</p>
<p>2. *VILLANI'S ITALIAN DELI 240 North Jones, Space "D" Beverage Off-Sale Villmoor, Inc. - Joseph Villani, Pres 50% Virgil Moore, Secy 50%</p>		
<p>*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations</p>		
<p>J. <u>LIQUOR & RETAIL TOBACCO -- New</u></p>		
<p>1. *THE BROTHERS - MARKET AND MEAT HOUSE 1000 North Rancho Package Liquor Ltd. Joseph Vranesh, 100%</p>	<p>Approved. subject to conditions Lurie - unanimous</p>	<p>Same as above</p>
<p>*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations</p>		

ITEM Commission Action Department Action

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

N. SECONDHAND LICENSE -- Change of Business Name

1. From: Uncle Shoes
 To: JUDY'S JUNQUE
 714 North Main Street
 Daniel A. Sullivan
 Judy A. Sullivan

Approved
 C - unanimous

Director
 authorized
 to proceed

O. M-7 BUSINESS LICENSE APPLICATIONS

1. J. JOHN SHERMAN AND ASSOCIATES
 4131 West Charleston Blvd

J. John Sherman

Building consultant and
 designer -- change of location.

Items 1 thru 5
 Approved
 Lurie - unanimous

Same as above

2. UNITED SECURITY CO.
 624 South 4th Street

David P. Boyer, Pres
 Raymond Padratzick, V.P.
 Roger B. Conner, V.P.
 Hope Stephens, V.P.
 Arthur Lenczewski, Treas

Trustee on Deeds of Trust for
 foreclosure and reconveyancing.
 Change of location.

3. PAUL L. HICKEY
 1111 Las Vegas Blvd So, #317

Paul L. Hickey

Business consultant.

4. VEGAS READING ROOMS
 1241 Las Vegas Blvd South

Gerald J. Young

Library for on-premise reading.

ITEM	Commission Action	Department Action
<p><u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>O. <u>M-7 BUSINESS LICENSE APPLICATIONS</u> (cont'd)</p> <p>5. HOME RENTALS 1940 East Charleston Blvd</p> <p>Rentals Unlimited, Inc. - Arthur S. DeGroot, Pres Nellie Cartwright, Treas Tina DeGroot, Secy</p> <p>Home rental referral service.</p>	<p>See Page 15</p>	<p>See Page 15</p>
<p>P. <u>LIQUOR -- New</u></p> <p>1. *DARWIN LAMB'S SUPPER CLUB 7800 West Ann Road Supper Club</p> <p>Darwin W. Lamb</p> <p>*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations</p>	<p>Approved Subject to conditions Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p><u>ABEYANCE ITEM -- Tabled 10-20-76</u></p>		
<p>Q. <u>LIQUOR -- Change of Business Name</u></p> <p>1. From: Shady Lady Lounge/Country Store</p> <p>To: SHADY LADY LOUNGE 3889 West Charleston Blvd Supper Club</p> <p>Sum Thing From Milwaukee Robert Mann, 100% - sole officer/stockholder</p>	<p>Abeyance (at request of Commissioner Woofter)</p>	<p>11/17/76 Agenda</p>
<p><u>ADDITIONAL ITEMS:</u></p>		
<p>1. SKAGGS DRUG STORES Fremont & Jones <u>PACKAGE LIQUOR LICENSE</u> Request for waiver of investigation and investigation fee for Officers not residing in the State of Nev. and not exercising control over Applicant's local operation</p>	<p>Approved C - unanimous</p>	<p>Director authorized to proceed</p>
<p>2. <u>GAMING - NEW</u> SNICK'S PLACE, 1402 S. 4th St. <u>7 SLOTS</u> Ralph L. Vandersnick</p>	<p>Approved W - unanimous</p>	<p>Same as above</p>

PAWNSHOP LICENSE
(continued)

little later - and this is certainly no reflection on you, Slim - you've been around here too long for any disparaging remarks to be made against you - or your business, I mean - but I thought at one time that efforts were going to be made - as leases expired - as buildings were built, sold, etc., that some of these Second Hand Stores and Pawnshops, and other businesses that usually acquaint with an older part of town - they were not going to be allowed. As hard as it might seem, Slim, it just boils down to this - that those types of businesses perhaps should be in another area than the Downtown area. Now I realize is not the time to talk about that subject, but I did want to inquire of Mr. Saylor. . . Mr. Saylor, you heard the comments - would you elaborate just a bit on that while the subject is before us?

Again, Slim, I know that now is not the time to be discussing this - it puts you at a disadvantage and I apologize to you for it, but it is here and so all of a sudden - at least, insofar as I am concerned, I want to ask that question.

Mr. Ewing: I only have a month-to-month lease - it will be a rather temporary proposition. Then I would consider moving out of this district, if possible. I would rather be someplace else. I have been looking at two or three locations to discuss with you at a later date, but I would like to have approval here. It is temporary anyway and I would like to have someplace to drift along until I can make a formal application for a different location.

Mayor Briare: At this moment, the only item on the agenda that we're talking about now is the Pawnshop License that you want to move from Ogden to North 3rd Street, which would be one block off of Fremont Street.

Mr. Ewing: That's right -

Mayor Briare: Mr. Saylor, you heard my comments on the loudspeaker back there - do I need to repeat them, or do you get the point of what I am trying to inquire about?

Mr. Saylor: Yes and no - I believe we have set aside certain areas within the City for Second Hand Store operations, and they are not allowed in the immediate Downtown area. Maybe I didn't hear all of your comments -

Mayor Briare: I was talking about two things: Let's get back to the Pawnshop License - that is for Slim's Ready Cash to move from 111 Ogden to 133 North 3rd Street. The recommendation is to approve it subject to provisions of the Planning, Building and Fire Codes. Slim has already indicated he is on a month-to-month basis, which I don't know whether there is any provision in the Ordinance to issue a License on a month-to-month basis, but my point was that if at some time in the future it appeared - it seemed to me that if efforts were going to be made to have establishments such as Pawnshops and Second Hand Stores, etc., removed from the Downtown area to some other area -

Mr. Saylor: We treat the two differently -

Mayor Briare: For now, let's talk about the Pawnshops -

PAWNSHOP LICENSE
(continued)

Mr. Saylor: OK - on the Pawnshops, and not talking specifically that point, we are in the process of working up a proposal for a Downtown zone which will allow certain uses and exclude certain uses. That is in preparation. Now we don't have that type of a zoning classification on our books at the present time. Staff will be coming forth with a recommendation on that within the next two or three months, perhaps.

Commissioner Christensen: Do I understand there is no zoning on Pawnshops, other than the Commercial type zoning?

Mr. Saylor: That is correct insofar as the Zoning Ordinance is concerned. Now there is on the sale of second hand, or used, articles where that is the primary function. We all know, of course, that Pawnshops sell second hand material, but where the primary function is the sale of second hand materials, there is a specific restriction on that.

Commissioner Christensen: Which does a Pawnshop fall into?

Mr. Saylor: Under our Zoning, it does not fall into a Second Hand Store category.

Commissioner Christensen: You are telling me then that in any Commercial district now that you can get a Pawnshop License - that it is legal to operate there?

Mr. Saylor: Any General Commercial Zone - a C-2 Zone, yes. Now there may be prohibitions under the licensing ordinance.

Mayor Briare: Again, Mr. Saylor, while you are here, I am going to repeat it again because I don't want any comments - certainly none of mine - to reflect on Slim's business ability and his long time residency here in this City.

Again, Slim, the subject came up so we have to talk about it. Is there any way that a License can be tied in with the Lease, or a limited time put on a License? Meaning in the event a new ordinance be drawn to restrict certain licenses in the Downtown area, that the applicant for a license would be on notice that his license is only temporary?

Mrs. Britt: That perhaps is a question for the City Attorney rather than for me. There is a Pawnshop district under the Licensing Code. It is restricted to certain areas and when it was amended a few years ago, it specified that any Licenses existing on Fremont Street would no longer exist when they lost their lease.

Mayor Briare: Please say that again -

Mrs. Britt: When the Pawnshop Ordinance was amended a few years ago now, it did provide that any Pawnshop that was located on Fremont Street would have to move when the present lease expired -

Mayor Briare: Just on Fremont Street?

Mrs. Britt: Yes Sir - otherwise the district is Downtown -

Mayor Briare: So if it is exclusively on Fremont, to my knowledge it doesn't apply at all because there are no Pawnshops on Fremont Street.

PAWNSHOP LICENSE
(continued)

Commissioner Lurie: Yes there is - there is one between Main and 1st Street.

Commissioner Leavitt: Do I understand you to say that if a Pawnshop is located on Fremont Street and its present lease expires, it has to move?

Mrs. Britt: That is correct. Also there is one area on the West Side where they are allowed.

Commissioner Leavitt: There are no other exceptions?

Mrs. Britt: No Sir.

Mayor Briare: Mr. Stewart, does the Ordinance permit exceptions?

Deputy City Attorney, Janson F. Stewart: Would you repeat your question, Mayor?

Mayor Briare: There are several, I think the order in which they arise: Can a restriction be put on Slim's application to allow a new License at . . . or a change of location which, in a sense, is a new License - can a restriction be put on for six (6) months, or a year, or something to that effect?

Mr. Stewart: I think so - he is operating under a temporary License, are you not?

Mayor Briare: Well, he has already consented to a month-to-month lease, but that month-to-month lease could be indefinite as far as any policing authority from this Board.

Mr. Ewing: It could be indefinite - I could be ordered out in thirty (30) days.

Mayor Briare: Would you move if the City asked you to?

Mr. Ewing: Certainly.

Mayor Briare: I am just thinking that maybe in the not too distant future there are going to be some dramatic changes in the Downtown area, one of which, of course, we are aware of, with the street lighting and the whole Downtown complexion could change in a very rapid manner. If the City were to make requests of those businesses that are there that are of this nature - and Pawnshops are just as honorable, or more so, than a lot of businesses I know of - the request could be made to change, or to move, without condemnation. I don't want to get into any condemnation arguments.

Mr. Stewart: Unless the Ordinance specifically provides for removal, I think he would be entitled to stay there if he wanted to force the issue. If he is willing to move, that makes it easier, but I think under the present circumstances the Ordinance doesn't provide for removal.

Mayor Briare: Could there be a separate agreement that the City of Las Vegas would draw up, if it met with the approval of Mr. Ewing, that the City could enter into a special agreement with Mr. Ewing to this effect, because he seems willing to recognize that this is possibly a concern.

Commissioner Christensen: Mayor, along this same line, don't you have to have a certain amount of security, etc., for a Pawnshop operation? Isn't there some

regulation governing the security of the customers articles, etc.? Doesn't it require a substantial investment, etc. to operate a Pawnshop?

Mr. Ewing: You have to have a little money to finance one - sure - but I've run into a situation where I've got to do something. The man claims that the lease ran out, and I claim it didn't . . .

Commissioner Christensen: What I'm getting at is - what about the investment you are going to be required to make? Don't you have to build in a vault system, etc.? Isn't that kind of difficult to do under a month-to-month lease?

Mr. Ewing: Yes, but I have ample safes to store the merchandise -

Commissioner Christensen: You don't build a vault - you just move the safes in?

Mr. Ewing: Yes. Now if I am permitted to go on here for a month or two, I will assure you that I will have a new location - in fact I am working on one right now that I may want to submit at the next meeting. I want to move somewhere else that is out of the immediate Downtown business district. It is four blocks from Fremont Street.

Mayor Briare: My question to the City Attorney's office, Mr. Ewing, was to the effect that you have now gone on record agreeing to that sort of a condition. We're not allowed to put conditions on it, but I'm going to ask the question again - couldn't some agreement be drawn that would put in writing what Mr. Ewing has just said? And then be enforceable - that's the whole idea.

Mr. Stewart: We can try it - that's all I can say . . . we are entitled to put some reasonable restrictions to those spelled out in the Ordinance . . . in this instance we are not treating this man different from any other -

Mayor Briare: Well, if by mutual agreement though to treat him different than any others, does that make it unconstitutional?

Mr. Stewart: The question will be raised on equal protection . . . I really would hesitate to guarantee that such an agreement would be upheld in court.

Mr. Ewing: May I ask what agreement you are referring to there? To guarantee that I would move if I were asked to do so?

Mr. Stewart: Yes -

Mr. Ewing: Well, I will guarantee you that I will move because I have plenty of storage buildings that I could move the stuff into. It would work a hardship, but I could do it.

Mr. Stewart: Alright, may I suggest then if the Board is inclined to approve your change of location, we could have this condition, or stipulation, on it?

Mr. Ewing: It's all right with me.

Commissioner Woofter: I would move to approve on that basis -

Mayor Briare: Subject to that condition?

PAWNSHOP LICENSE
(continued)

Commissioner Woofter: Right, Mr. Ewing has been around here a long time - I take him at his word.

Mayor Briare: As do I, Slim, but unfortunately in a complicated society, as Commissioner Woofter well knows, you have to have lawyers around.

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

M-7 BUSINESS
LICENSE
APPLICATION
Approved

VEGAS READING ROOMS
1241 Las Vegas Blvd., South
LIBRARY FOR ON-PREMISE READING

Gerald J. Young

Mayor Briare: Is Gerald Young present?

Response: Yes Sir.

Mayor Briare: Mrs. Britt, do you have the application for Vegas Reading Rooms?

Mrs. Britt: I didn't bring it with me, Your Honor, but I am familiar with it. As I understand it, Mr. Young has a number of rare manuscripts which he proposes to allow people to come in, for a fee, and read on-premises. Is that basically correct?

Mr. Young: Yes, Your Honor.

Mayor Briare: What kind of rare manuscripts?

Mr. Young: They are old magazines - old books - that I have collected over the years - that have been given to me over the years.

Commissioner Leavitt: You will charge a service for looking at these books and magazines?

Mr. Young: I was contemplating charging a service fee, to be reimbursed on the purchase of the books.

Commissioner Leavitt: In other words - sales, too?

Mr. Young: Yes Sir.

Commissioner Leavitt: It's not just where you would come and read the books?

Mr. Young: Sale offer - that is correct Sir.

Mayor Briare: There is no way you can better define - we're not in the book censoring business here, or anything like that. Quite frankly, what we're wondering about - unfortunately you might have a 100% legitimate Book Store operation - there are other businesses that suggest that you can come into their premises and they will read books for you, or to you -

Mr. Young: No - these are just old magazines and old books -

Mayor Briare: And it smacks what we refer to as adult oriented businesses -

Mr. Young: No Sir - not at all.

VEGAS READING
ROOMS
(continued)

Mayor Briare: Forgive me - I'm not suggesting that you do, but if you have been around here a long time you know that some of these types of businesses are of concern to us.

Mr. Young: It is not at all an Adult Book Store - no Sir.

Commissioner Christensen: What he wants to know is if you have any old PLAYBOYS, or anything like that?

Mayor Briare: Now you mentioned that title, Commissioner - I didn't.

Commissioner Woofter: What are some of the books?

Mr. Young: Old LIFE magazines - no PLAYBOYS.

Commissioner Lurie: We're just a little spooky about it -

Mayor Briare: You're right. You might have some pretty scantily clad girls there to help old men, like me, read books. Are there any other questions?

(No response)

M o t i o n

Commissioner Lurie: I move for approval.

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

Mayor Briare: The motion is approved.

Mr. Young: Thank you, Your Honor.

LIQUOR
Abeyance

CHANGE OF BUSINESS NAME

From: Shady Lane Lounge/Country Store

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

Sun Thing from Milwaukee
Robert Mann 100%
Sole officer/stockholder

Mayor Briare: The next items is one that was held in abeyance from the last meeting.

Commissioner Woofter: Yes, Your Honor, Mr. Crow and I are working on this situation. Mr. Crow advised me he wanted to interview another individual who states he has an interest in this establishment. He is supposed to be in the City this week. Consequently I would request that this again be held in abeyance to our next meeting.

Mayor Briare: Are there any objections by the Commissioners?

(No response)

Mayor Briare: Hearing none, such will be the order.

LIQUOR

REQUEST FOR WAIVER OF INVESTIGATION AND INVESTIGATION FEE
FOR OFFICERS NOT RESIDING IN THE STATE OF NEVADA AND NOT
EXERCISING CONTROL OVER APPLICANT'S LOCAL OPERATION

SKAGGS DRUG STORES
Fremont & Jones Blvd.
PACKAGE LIQUOR LICENSE

Mayor Briare: Just after the time of printing the agenda, Mr. Keefer's letter came in. It has been submitted to us by the City Manager. Did you want to add anything to what you have said in your letter, Mr. Keefer?

See Pages 29 and 30 of these Minutes (Letter)

Attorney Milton W. Keefer: Just briefly, Your Honor:

Mayor Briare and Commissioners, this is a request for investigation and investigative fees under Ordinance No. 1830 passed on July 7th of this year, which provides that the Commission may waive investigation and investigative fees with respect to directors of corporations or officers only of such corporations not residing in the State of Nevada and not exercising management control over the local applicant's operations.

There are some eleven (11) officers and directors of Skaggs Companies, Inc., who are not licensed. There are eleven (11) who are, including the Chairman of the Board, the President and the top Administrative and Executive Officers.

These additional eleven (11) would be rather inconvenient and expensive to license, and Skaggs has been licensed for many, many years in Las Vegas, and we are requesting this waiver on the basis that these officers - all of them - are non-residents and none of them are concerned with the management or control of the local operation, those local operations being controlled by resident, licensed managers, and a district manager also licensed by the City.

That is the substance of our request, Your Honor.

Mayor Briare: Is there a provision in the Ordinance to waive, or would it be necessary to amend the Ordinance?

Mr. Keefer: The Ordinance permits the Commission to so waive for just this type of situation.

Commissioner Christensen: We have done some in the past -

Mr. Keefer: Yes, there have been some.

Mayor Briare: I can understand, as Mr. Keefer has so well pointed out, that there are always exceptions. I would be reluctant, however, to set a precedent. This might not be a bad precedent at all insofar as Skaggs Drugs are concerned, and I would hope that it wouldn't come up in something else where we would be bound because we did it for Skaggs and we should do it for some other firm.

Is there any reason, Mr. Stewart, to feel that any kind of governing board would be bound because they do for one and perhaps at their discretion, do not do it for another?

10/29/76 This matter is on the November 3rd agenda of the business Activity portion. Mr. Keefer has been notified to be at the meeting.

rme

MILTON W. KEEFER
WAYNE G. CLARK
JOHN F. O'REILLY

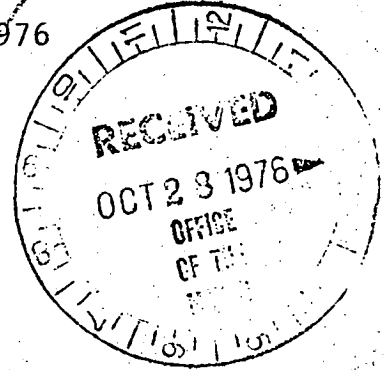
LAW OFFICES
KEEFER, CLARK & O'REILLY
SUITE 1020 BANK OF NEVADA BUILDING
225 BRIDGER AVENUE
LAS VEGAS, NEVADA 89101

TO: BILL ADAMS
B' 12/29
AREA CODE 702
382-2660
384-8944

October 28, 1976

Honorable William Briare
and City Commission
400 E. Stewart
Las Vegas, Nevada 89101

Re: SKAGGS COMPANIES INC.
Fremont and Jones



Gentlemen:

The undersigned is attorney for Skaggs Drug Stores and has filed an application for package liquor license at the new Skaggs Drug Store at Fremont and Jones.

As you know, Skaggs has six drug stores in the metropolitan area and two in the City of Las Vegas. The new store will also be in the City and thereby contribute to the fiscal requirements of the City government.

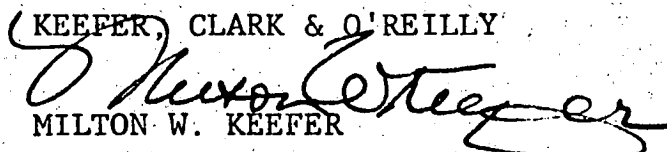
Since the last applications were approved, there have been some additions to the Board of Directors, most of whom hold secondary offices in the corporate administration. A list of these officers are attached hereto for easy reference but none of them exercise management control over the local operations.

All of the local units of Skaggs are under the management of resident managers and a district manager who are all licensed by the City.

Therefore, under the terms of Ordinance # 1830, approved the 7th day of July 1976, under Section 1 Title B, Chapter 18, Section 6 D of the Municipal Code, it is requested that the Board of City Commissioners approve a waiver of the investigation and the investigation fee for said officers who do not reside in the State of Nevada and are not exercising control over the applicant's local operation.

Very truly yours,

(KEEFER, CLARK & O'REILLY)


MILTON W. KEEFER

MWK:ac
Enc.

Page 29
Minutes
Regular Meeting
City Commission
November 3, 1976

PRINCIPAL OFFICERS AND DIRECTORS

	Lennis S. Skaggs 529-14-6047	Chairman of the Board and Chief Executive Officer	1821 East Countryside Dr. Salt Lake City, Utah
	John Hartman 105-16-9920	Vice Chairman of the Board and Chief Financial and Development Officer	2810 Crestview Drive Salt Lake City, Utah
	George Jeffers 562-24-1844	President and Chief Operating Officer	212 West 13th South Salt Lake City, Utah
	Robert C. Buckmiller 516-18-4068	Executive Vice President- Merchandising	1004 Oak Hills Way Salt Lake City, Utah
	Robert S. Lowen 551-22-6297	Executive Vice President- Administration and Director	2440 South 23rd East Salt Lake City, Utah
NEW	Robert M. Bingham 520-07-5996	Senior Vice President- Merchandise and Advertising	4444 Park View Drive Salt Lake City, Utah
NEW	Ralph E. Davis 545-38-5983	Senior Vice President- Corporate Development	22 Sunwood Lane Sandy, Utah
NEW	Arnold E. Ford 464-03-6286	Senior Vice President- and District Manager	6325 Fiesta Way Salt Lake City, Utah
NEW	Mont H. Gutke 519-01-7132	Senior Vice President- Professional Relations	1981 St. Mary's Drive Salt Lake City, Utah
NEW	Clyde McCoy 566-10-1434	Senior Vice President- and District Manager	17642 East 17th Street Tustin, California
NEW	John B. Reese 528-20-2497	Senior Vice President- and District Manager	10295 East Evans #114 H Denver, Colorado
NEW	Richard L. Shanaman 534-30-9536	Senior Vice President- Treasurer and Director	915 N. E. Capital Blvd. Salt Lake City, Utah
NEW	Norma Weathers 565-30-4887	Senior Vice President- Cosmetics	5226 Cobble Creek Road # Salt Lake City, Utah
	Eugene Arthur Sinclair 528-03-8239	Secretary and Director	2110 Walker Lane Salt Lake City, Utah
NEW	Scott Bergeson 518-50-5875	Assistant Secretary	3187 Mohawk Lane Provo, Utah
NEW	Calvin O. Drecksel 528-34-3277	Controller	3805 South 2860 East Salt Lake City, Utah
	Joe A. Albertson 518-07-3325	Director	800 Houston Road Boise, Idaho
	Carl H. Buckmiller 516-10-2150	Director	1564 South Wasatch Drive Salt Lake City, Utah
	Ernest L. Elwell 518-07-9484	Director	957 East 5014 South Salt Lake City, Utah
	Barrett S. Heddens, Jr. 495-20-6777	Director	1025 West 62nd Kansas City, Missouri
	Archie B. Kealer, Jr. 528-01-0690	Director	3157 Louise Avenue Salt Lake City, Utah
NEW	Ewart A. Swinyard 529-09-7360	Director	2055 Michigan Salt Lake City, Utah

SKAGGS
(continued)

Mr. Stewart: Not as long as you follow the provisions of the Ordinance.

Mr. Keefer: And the Ordinance so prescribes, Your Honor, it is a discretion to the Commission in each instance.

Mayor Briare: Are there any further comments?

(No response)

M o t i o n

Commissioner Christensen: I will move for the waiver as provided for.

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

DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, DIRECTOR

See Pages 32, 33 and 34 of these Minutes
(Annotated Agenda)

ELBERT EDWARDS
SCHOOL

STATUS REPORT - ACCESS TO ELBERT EDWARDS SCHOOL

Mr. Hampton: Next is a discussion item, Your Honor, relative to the Elbert Edwards School. With reference to the plat to my right (wall map) you can see the area serviced by the new School. It is located just south of Bonanza and east of Page, which has been . . .

Commissioner Leavitt: Mayor, before we start this discussion, I wonder if there is anybody in the audience from the PTA of this School? I know I received a letter and maybe she would want to come up so she can see the map -

Mayor Briare: This discussion is on a report concerning the Elbert Edwards School. Are you the authoress of the letter that we all received?

Commissioner Leavitt: Why don't you state your name for the record?

Response: Ronnie Walsh.

Mr. Hampton: This matter has been discussed at length with the School District. The parents are concerned about the safety of the children, as are we. We have studied the area thoroughly and feel there are certain improvements needed for the safe travel of the children.

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What we are stating that we feel is necessary is some sort of method of getting the children to the School from Stewart. A pathway would be sufficient. However, in the very near future we feel that a roadway would also be desirable. Therefore, the most economical method is to construct both the pathway and the road at the same time.

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, and F 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. RELEASE OF SUBDIVISION BONDS

All offsite improvements in the following subdivisions have been completed in accordance with agreements and city standards. All work has been inspected by the Public Works, Fire, Electrical, and Sanitation Departments. It is recommended that the improvements be accepted for these subdivisions.

1. Charleston-Rainbow Unit No. 12-E. (Sproul Homes of Nevada, R. B. Cline, President)

2. Torrey Pines Park No. 2. (Twin Lakes Village, Inc., Charles M. Heers, President). A sidewalk bond (Surety Bond with Summit Ins. Co. of New York) in the amount of \$26,000.00 has been posted. Such sidewalk has been constructed in accordance with city standards, and it is recommended that the bond be released.

*B. RELEASE OF CONSTRUCTION CONTRACTS

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.: 76.71
 Contractor: Claude E. Cooke Const. Co.
 For: Dula Center Roof and Cooler Replacement
 Notice of Completion: September 17, 1976
 Release Date: October 22, 1976

2. Bid No.: 76.7
 Contractor: Desert Construction, Inc.
 For: Traffic Signal Installation - Jones & Charleston, Oakey & Valley View, Sahara & Valley View
 Notice of Completion: October 6, 1976
 Release Date: November 12, 1976

Items 1 and 2
 Approved
 as recommended
 Lurie - unanimous

Director
 authorized
 to proceed

Items 1 thru 4
 Approved
 as recommended
 Lurie - unanimous

Clerk and
 P&C
 authorized
 to proceed

ITEM	Commission Action	Department Action
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I (h). DEPARTMENT OF PUBLIC SERVICES (Continued)

*C RIGHT OF WAY ITEMS (Continued)

See Page 18

See Page 18

4. Right of Way Grant for Sewerage Purposes
 From: Ted Mossman and Sahla Mossman, husband and wife
 To: City of Las Vegas
 For: Portion N-1/2, Sec. 13, T20S, R60E Sewer Easement (Proposed Charleston Heights Tract No. 54) (10/1/76)

5. Request permission to purchase a portion of Jones Blvd. (Vegas Dr. to Washington) from Lied Motor Car Co. R.S.H.C. project and approved (\$91,750.00).

D. DISCUSSION ITEM

1. Status report access to Elbert Edwards School.

Approved*

E. REPORTS

1. Request of Gary Moffatt at 2175 Lindell to hook into city sewer from outside city limits.

Items 1 thru 4 Approved as recommended Lurie - unanimous

Director authorized to proceed

2. Request of David L. Weide, 1228 Shadow Mountain Place to hook into city sewer from outside city limits.

3. Request of Jay Orlande for property located at the SE corner of Westwind and Oakey to hook into city sewer from outside city limits.

4. Request of Eddie Roger, 5890 Gowan Rd. to hook into city sewer from outside city limits.

*F. APPROVAL OF SUBDIVISION PLAT

Approved as recommended Lurie - unanimous

Same as above

It is recommended that the following final plat be approved. All engineering designs have been checked and accepted. Fees have been paid, bonds have been posted, and agreements signed for this subdivision.

1. Stewart Place Unit 2. (First Western Savings Association)

*City to provide temporary access road to subject School and School District to build a Softball/Soccer Complex under a Joint Use Agreement with the City
 W - unanimous

Director authorized to proceed

ELBERT EDWARDS
SCHOOL
(continued)

Due to the fact that Page to the north is the only access planned at the present time, there would be a severe traffic jam at Page and Bonanza at the times when School is starting and ending.

The blue area (wall map) delineates the sidewalks in the vicinity, and what we propose - there is also a need for a paved pathway in this checkerboard red area (wall map) and as far as Crossing Guards are concerned this, of course, is dependent upon the final decision of the Metropolitan Police Department. However, we do feel there is a good chance there will be a Crossing Guard at this location on Page.

These improvements we speak of would be of a temporary nature. This would not be a finally graded street. We would go in there and build what has been referred to as a "Press Lamb Special", with asphalt. There would also be a crossing of the Cedar drain. The School has agreed to pay one-fourth (1/4) of the cost of a permanent structure. However, we feel it is not the proper time to construct that permanent structure inasmuch as the other three-quarters are not developed at this time. It would probably consist of a small culvert under the road for a small flow of water.

These temporary improvements that we are proposing would be in the range of about \$10,000, maximum. Unfortunately the School is not in a position to do these improvements and there is not another responsible entity that I'm aware of that is willing to do them. Therefore the obligation appears to be left with the City to insure the safety of these children.

The School District has indicated that they will be willing to bus all the students in the area for a period of up to sixty (60) days after the School is open, so this would give us time to do this. This would be about four months from this date because the School is not prepared to open until about the first of the year.

They have also indicated they would be willing to construct a Park on the School site. The School site is a 10-acre parcel. The School itself encompasses about half of that acreage and they would be willing to develop the remainder with a Softball Field, some Tot Lots, and in talking with Mr. Foster this morning, we would like to also recommend that they leave the field open so that soccer could be played at that field. I'm sure that wouldn't be a problem to the School District.

Mayor Briare: They will maintain the Field?

Mr. Hampton: No - they will not participate in maintaining the field -

Commissioner Leavitt: If I understand what you are saying, Mr. Hampton, if you put those temporary improvements in, we do not have to participate with them in developing the Park - they will pay the expense of developing the Park all by themselves rather than the Joint Agreement we have had in the past?

Mr. Hampton: That's right -

Commissioner Leavitt: Then we won't have to pump

in half the money for the Park, but we still will have the problem of maintaining the Park in the summer - or is that all year?

Mr. Hampton: All year -

Commissioner Leavitt: Alright - the City will have to maintain it - they will build them - right?

Mr. Hampton: That is what they are proposing - yes.

Commissioner Leavitt: Alright - Mr. Foster has indicated then that they wanted that left open for soccer. Did the School District agree to that?

Mr. Hampton: No. The soccer aspect was merely discussed with Mr. Foster this morning. There is a representative from the School District here -

Commissioner Lurie: I have a question: Why do we have the problem with the School District in communication? They knew they were going to build this School and they knew where the location was and now that the School is built and ready to open they come in here - there is no access to the School. It seems like there is a lack of communication - maybe the School Board - the Administration - with the City.

This is the second time in six months we've had a problem with the School District on Schools and accessibility to the Schools for the safety of the children who are going to attend the School. It is similar to a situation we had with Bonanza High School.

It is a serious problem that the School District never bothers to even make the problem aware to the City until we brought it up about a traffic signal and now the widening of a street for the safety of the students walking along Torrey Pines to get to the School.

This is a similar situation. It seems to me it is just a lack of planning on the School District's part that when a School is planned, at the same time we should have some planning for the accessibility for the students who are going to be using the School and not come back after the building is ready for occupancy and say - we have this problem about a road and we'll do some of the improvements, but we're not going to put the road in so the students can get there. It just seems to me there is a lack of something on the part of the School Board - the School District.

Maybe somebody can answer that question for me, because this is the second one in six months, and there's another problem with another School - with the Smith School, up on Rainbow, with Crossing Guards. I appreciate your problem because it is not only with your School that you are talking about here, but there are other problems and I think that somewhere we've got to have a better understanding with the School District on planning.

Commissioner Christensen: Commissioner Lurie, maybe I can answer your question a little bit: Recently you have been aware of the controversy we've had that _____ - apparently he got the credit for creating on the Regional Planning Council. The School District recently approved, by a unanimous vote, a proposal - not a proposal, but they approved the suggestion made by the current Chairman of the Regional Planning Commission, who is also a member of the School Board, that the School District maintain absolutely equal representation on the Regional Planning Council

with the City of Las Vegas. At that time it was pointed out they feel they are involved in Planning as much as anybody else. I think this is a clear-cut example of what we're talking about, where the Regional Planning Council is so busy sending letters to people complaining about environmental problems, etc., they forgot to plan to build a School where a street is. If they are such great Planners it seems like they would communicate better with the planning agencies in the City and find out where the streets are.

Commissioner Lurie. I agree. It is a problem. Now we have to make a determination as to whether or not we want to spend the \$10,000.00 for the streets so the kids can get to the School - and the necessary traffic signals - and the reflecting lights for School Zones - and then the Metropolitan Police Department is going to have an impact because you're going to have to put Crossing Guards along there for the safety of the children attending that School. To me it is just poor planning.

Chuck Needer: I am with the Clark County School District and in response to a couple of questions that have arisen here this morning regarding the planning and the location of schools.

The Clark County School District, in years past, purchased various sites throughout the District in anticipation of future growth. Each time that we have to build a school, some of our property is not located in a developed area at the time, and we do have schools and we have built schools, that do not have roads to them. In each instance we tried to buy a piece of property that was located south - any subdivision. We were unsuccessful in negotiating an agreement with the owner of this property. Therefore the decision was made to build on this property that we owned just south of Bonanza.

With regards to notifying the City, all of our plans are approved by the City and the City is aware at that time where we plan on building a school, and it takes approximately one year to construct an elementary school, and a year and a half to two years for a Senior High School.

In August of 1976 we sent a letter to the City asking them to study the safety routes for the students going to the schools. We are trying to keep in touch and work with the Metropolitan Police and the City Planning Office.

Commissioner Christensen: The problem I see here is - I agree that they have to build schools where they have to build schools - but perhaps what we've got to do then is amend our Zoning Ordinances and now allow schools to be built where they can't be serviced. Because what that does - that transfers all the expense upon the City taxpayers, who are already bearing the expense of the schools. Consequently it kind of loads it on the people who pay the taxes - they pay a tremendous amount of taxes to support these schools and then they have to pay a tremendous amount more in taxes to make access routes to them. Nobody else gets that opportunity. Anybody else who builds anything has to worry about their own access, or they don't build there. So perhaps we had better amend our Zoning Ordinances so that we have to approve the school sites and make sure there is a safe route for children to go to school before we allow a school to be built there, because it is ridiculous to build a school out in the middle of the desert and put the offsite improvements right

around the school and then say to the City - now it's up to you to build two miles of road to get there - two blocks, or whatever - to get there. It really is a little bit ridiculous to stick the taxpayers twice.

Mayor Briare: Another alternative, Commissioner, might be that the next time the School District floats a construction bond, it might be recommended in their negotiations with the bond buyers, etc., that they change the language of the bond covenants, as I understand them now, that the bond covenants do not allow for money to be spent for capital improvement funds for road improvements. I believe this information was given to me by the Administrative Staff of the School District. It is very true, as the Commissioner well points out, that it is all coming out of the taxpayer's pocket. The only this is - with the Great American Way, it's a little easier to fund construction of this nature on a pay-as-you-go basis over a long period of time, such as the amortization of bond issues, as opposed to making it necessary for the City of Las Vegas, with its meager resources, to come up unexpectedly sometimes, to have to put in these kinds of improvements. Am I correct, Mr. Needler, that the Bond Covenants have a restriction and that perhaps the School District is cognizant and does plan to change those Covenants when any new issues are floated?

Mr. Needler: Well, I think this is covered by State Statutes, to the effect that we cannot spend these funds on any property that is not owned by the District. Now, of course, the 10-acre site - we always improve and dedicate the streets, but beyond the property that the District owns we have not been able to spend the money at this time.

Commissioner Christensen: They didn't always, because we had a problem with Rancho High School on this regard -

Mr. Needler: Let me correct that - let me say that since Dr. Gwynn has . . .

Commissioner Christensen: I think the City picked up most of the tab on Rancho High School for the street - did we not?

Commissioner Lurie: That's right.

Commissioner Christensen: We ended up with Rancho High School in North Las Vegas and North Las Vegas refused to fix the street - the street in front - and the City of Las Vegas had to fix it in order to eliminate the mud puddle.

Ronnie Walsh: As taxpayers and parents in this area, how come we weren't notified of this school being built here? We are driving by Lamb and all of a sudden we see this building going up and a lot of us were concerned as to why it was going up out in the middle of nowhere. There are going to be 400 children crossing Lamb and Stewart, both.

Commissioner Leavitt: That's the problem - you're not concerned with what our problems are with the School District. You're concerned about the safety of those children.

Commissioner Christensen: That is what brings up the problem - there are no streets - there is no access to the school. That's what creates the safety problem. A school built out in the middle of nowhere, surrounded by major streets that everybody has to cross. Rather

than build the school where the students are, they built the school out in the middle of the desert and run the students to it.

Ronnie Walsh: I guess they could cross through the desert, but when it rains . . .

Mayor Briare: See what happens when you write a letter - it covers a lot more than what your letter suggested. You had a number of very good points in your letter, most of which were directed to the School District, but you also asked the cooperation of the City of Las Vegas, and that's how we got into it with you. At the same time perhaps, other problems - communication and otherwise - might be resolved by going ahead and discussing the matter. I don't know that there are any arguments that are being brought up today in opposition to trying to resolve the safety factor . . .

Commissioner Leavitt: Mr. Mayor, could I inquire of Mr. Hampton - your recommendations are then those you have outlined and will cost about \$10,000.00 - is that correct?

Mr. Hampton: That is out-of-pocket expense and does not include some of our own labor.

Commissioner Leavitt: Do you have the money in your Budget to go ahead and complete that Project?

Mr. Hampton: It is my understanding that our Finance Director has indicated there is money there - yes.

Commissioner Leavitt: It is available then?

Mr. Hampton: That's right.

Commissioner Leavitt: At this time you want to request approval of that Project - is that what you're saying? I so move.

Mr. Hampton: For approval to go to bid - yes.

Commissioner Christensen: What will that do, Mr. Hampton, to the chances of an Assessment District repaving that street when and if that area gets built up in there?

Mr. Hampton: This, most likely, would be developed as a residential subdivision and we would require the developer to remove the temporary street that is there and improve it to our permanent standards at permanent grade.

Commissioner Leavitt: Mrs. Walsh, do you understand what the City's proposal is?

Mrs. Walsh: Will it be driveable or will it just be a walk-way?

Commissioner Christensen: It will be a macadem road -

Commissioner Leavitt: It is not going to be a graded street - it is just going to be temporary, with asphalt on it.

Mrs. Walsh: Will the kids be able to get over this - the water run-off there - it is constantly full of water - it has 6 ft. 4 inches of standing water in it all the time.

Mr. Hampton: There will be a pipe across the Cedar drain that this flow of water would go under . . .

M o t i o n

and there will be a separate pathway along Page -

Commissioner Leavitt: Alongside one side of it - right?

Mr. Hampton: Right.

Commissioner Christensen: What concerns me here: We talk about the Bond Covenants not allowing them to improve other property. I'm sure the School District operates from some other funds other than from Bonds. It seems to me that the Schools have a much bigger budget than we do and could afford to spend \$10,000 to pave the street. Do they operate strictly with Bond money?

Answer: At the present time the School District does not have a Capital Improvement out of the operating funds.

Commissioner Christensen: Well, the City doesn't either. We have to make these funds available. Now what makes the City more responsible for making the cost available out of other funds than the School District making these funds available?

Mayor Briare: It might be, Commissioner - this very question has been brought up before - it would be apparent that we don't have a satisfactory answer, but after we take action this morning, we might request our City Manager to get in touch with the Superintendent of Schools and set up some kind of appropriate means so that these types of matters won't necessarily be repeated. I know, Mrs. Walsh, that Commissioner Woofter has kind of spearheaded this thing for you, and he would like to make a comment.

Commissioner Woofter: I believe - and correct me if I'm wrong - I feel that you think there is a need for the School to be out in that area. If not now, in the immediate future. Actually I see a break as far as getting some communication with the School District in respect that the School District has advised us that they are going to do certain things that they haven't done in the past, as far as absorbing some of the expense that we are talking about.

I agree with the Mayor as far as a meeting in the near future with the School District, Dr. Gwynn, etc., as far as setting certain guidelines for the future, but at the present time I am very impressed with what the School District and Mr. Hampton have worked out as far as correcting a lot of these problems that we know possibly can exist.

Of course, I am always concerned with the need for the need for new recreational facilities and I see where the School District is agreeable to build a Softball/Soccer Complex. They will do the work and even though we have to absorb it after they build it, it is still something we haven't had in the past, as well as these precautions in the future as far as traffic control, on down the line, and I have to joint with Commissioner Leavitt insofar as seconding his motion.

Commissioner Leavitt: I think also, Mr. Mayor, as part of the motion, I also ought to ask that Mr. Foster get in touch with the School District regarding the design of that Park.

Mr. Needler: There is space enough there for a Soccer Field.

Mrs. Walsh: We're talking about having a Crossing Guard at Page and Stewart. What about the children

ELBERT EDWARDS
SCHOOL
(continued)

who have to cross Lamb and Stewart?

Mayor Briare: Mrs. Walsh, we don't get into the Crossing Guard situation right now. Did you hear the comments that were made that the City of Las Vegas has interjected here to try to assist as far as they can go - as Mr. Hampton indicated, and I believe one of the Commissioners indicated also - that the Traffic Crossing Guards is something you have to bring up at the Metropolitan Police Commission. Is that correct?

Mr. Hampton: That's right, Your Honor, they make the final decision -

Mayor Briare: Are you aware of who the Metropolitan Police Commission is? It consists of the members of the Clark County Commission. There are seven of them now -

Commissioner Lurie: Hopefully before the School opens some of the members of the City Commission will be on that Metropolitan Police Commission to help eliminate some of the problems.

Mr. Hampton: I would just like to point out, Your Honor, that the two major intersections are signalized and unfortunately, the Metropolitan Police Department places a very low priority in Crossing Guards at signalized intersections.

Mayor Briare: Is there anything further? Thank you, Mrs. Walsh, for coming today. We appreciate your letter and your presence.

The motion and the second is to approve.

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

RECESS

At the hour of 10:25 a.m., Mayor Briare declared a 5-minute recess.

Meeting reconvened at the hour of 10:35 a.m. with the Full Board and Staff in attendance.

DOWNTOWN BUS
STOPS

PUBLIC HEARINGS

Mayor Briare: We will now begin the items for Public Hearing and the first item is what is referred to as the Downtown Bus Stop locations. Mr. Hampton, are you going to make the opening comments?

Mr. Hampton: Yes, Your Honor. I would, this morning, just like to point out the two situations we have. The map to the left (wall map) shows the existing Stops: six (6) Stops on the north side of Ogden on 3rd Street and four (4) Stops south of Fremont.

The Plan that has been proposed takes all the Stops and removes them from their existing locations - puts all the Stops on one block on 3rd Street, between Fremont and Bridger.

The Traffic Division of our Department sent out a letter to the property owners on the north side of

Ogden, requesting their opinion as to whether or not the bus stops should be moved or not. The official replies we received, we received a protest from this property owner, and an approval from the tenant. I'm sorry, that's vice-versa. Approval from the owner and a disapproval from the tenant. We have an approval from the property owner at this location and approval from the, two approvals from two owners at the Silver Star location. The area south of Fremont was previously polled. If you recall at that time there was no official protest. When we did take a survey of the property after the last meeting, there were protests from 106, which is Mr. Breeze, Mr. Claiborne, Mr. Dorsey, Mrs. Wanderer with approval indicated from C. H. Baker. There are representatives of the bus company in the audience that would like to present their proposal to you and unless there is any other questions, that possibly would be in order.

Commissioner Woofter: The other property owner, I understand, or the only one in objection to the existing bus stop, Larry, was the Lady Luck Casino. Did they indicate since the last meeting what their...

Mr. Hampton: The Lady Luck did not return an official letter that we sent out. We would also have objections from Mr. Paratory (approximate spelling) and Mr. Cohen objects to the bus stops being where they are today.

Commissioner Christensen: He's got a new tenant at Third and Ogden. What did he say about it?

Mr. Hampton: He didn't respond. The properties shown in brown are the properties that were contacted in our survey.

Commissioner Christensen: Larry, you said you got the buses on this proposed plan there stopping all on Third Street between Fremont and Bridger. Where's Bridger on there?

Mr. Hampton: Bridger would be...

Commissioner Christensen: That's Carson.

Mr. Hampton: Carson, I'm sorry.

Commissioner Christensen: Then you got them in one block.

Mr. Hampton: One block.

Commissioner Lurie: Larry, how did this get back before us? Did the bus company request that they wanted to change locations? I think I asked this before, but I never really quite understood why this was back before us because we haven't had any real major problem since the buses have been at these particular locations like we've had in the past two or three years. Now all of a sudden they want to change them which is going to create to me another problem down the road six months or a year from the time if we were to allow a change at the present time.

Mr. Hampton: As I understand it, the bus company was approached by property owners in the area north of Ogden requesting that they move to some other location. They came to the City. They also came to the Downtown Improvement Association. The plan that seemed to be the most workable plan was presented to you at our first meeting on the subject. It was approved. If you recall the last meeting there was a protest of that approval. That was held in abeyance and we are considering this for the third time.

Commissioner Lurie: What you are saying is we are asked either to decide if we want to keep the original approval or rescind our action that was taken at a previous meeting.

Mr. Hampton: That's right.

Mayor Briare: Would you restate that, Commissioner. The posture of the item that is before us has already been approved and...

Commissioner Lurie: We approved the change, and then some people came in and objected to the change so what is before us today is the item to either rescind our action or approve the action that was taken at a previous meeting.

Mr. Hampton: There was an approved motion at the last meeting to reconsider our original approval, and that was held in abeyance. The motion was approved to reconsider.

Mayor Briare: So now the matter is open in its entirety. Is that your understanding, Commissioner Leavitt?

Commissioner Leavitt: That's my understanding, but what I'm trying to figure out here is which one, you've got two up there, one's proposed and one's existing?

Mr. Hampton: Existing and proposed. It's a little bit out of scale here. As you can see the distance between Ogden and Fremont has been shortened. So, it's a little bit hard to, this is actually larger scale as well.

Commissioner Leavitt: The biggest complaint I remember Mr. Claiborne had about that strip bus being in front of his office, under the existing that shows it's been placed back. Is that right?

Mr. Hampton: Shortly after the hearing two weeks ago on this matter, we did move the bus benches as far north as possible. We moved those approximately 34'. This move takes the bus stop further away from Mr. Claiborne's business.

Commissioner Woofter: And puts it in front of Mr. Breeze's?

Commissioner Lurie: It puts it closer to Third and Fremont.

Mr. Hampton: Right, the benches are actually right now all the way up to Fremont Street. It makes it further away from Mr. Claiborne and Mr. Breeze.

Commissioner Christensen: I think one of the questions that is confusing everyone here, is that when you say existing and proposed, the existing one is the one that was not going to remain anyway. Weren't they going to change to the proposal?

Mr. Hampton: Yes, that's right. This is one that has the current approval by the Public Service Commission. This one is the one that they came to the City, got approval on this plan. They were in the process of making application to the Public Service Commission.

Commissioner Christensen: Then you are talking about the current one and the proposed one. The current one is not the one that is scheduled to be in existence from now on. They have already approved, the PSC and everyone else, to change to the other one, is that correct?

Mr. Hampton: No. The bus company came to the City, got their approval, was in the process of making application to the PSC when there was moved for re-consideration. So, the PSC, as I understand it, has not received an official application for this change here.

Commissioner Leavitt: The only reason, then, as I understand it, the Public Service Commission has approved the existing routes, but the only change is because of complaints from property owners in the area. Is that right?

Mr. Hampton: That's right.

Commissioner Leavitt: In other words, the existing bus stops were approved by the Public Service Commission. The ones that are in existence now.

Mr. Hampton: That's right.

Commissioner Leavitt: And the only reason for change at this point, it has been suggested, is not because of traffic patterns or anything else, but because of complaints of property owners in the area, is that right? Is that the reason for the change?

Mr. Hampton: That was the reason the change was initiated. The bus company feels, however, that the new proposed plan will service the people better. This is their thinking, they supposedly deal with this problem every day. This is what they feel. That the concentration of all the stops in this one area will make it easier for people to make their transfers and will better service the users.

Commissioner Leavitt: What came first?

Mr. Hampton: I believe the request of the property owners to move from the north of Ogden location.

Commissioner Leavitt: In other words, the complaints by the property owners, then the bus company says well, we can do this and it's better off. Is that right?

Mr. Hampton: That's essentially how I understand the question.

Mayor Briare: Any other questions of Mr. Hampton? I think that Commissioner Leavitt was alluding to, or one of the points he was making, we should hear from the representatives of the bus company because I think the prime consideration has to be for the people who use the buses. Secondly, or at least equally perhaps, we also must give consideration to the people who either own or run their businesses from that immediate area. Is there someone here representing the bus company that wishes to address themselves to that and other comments?

Mr. Barry Perea: I'm the general manager and vice-president for Las Vegas Transit. The reason that we requested the relocation of our bus stops was, number 1, Mr. Andy Thompkins, who's the owner of the Lady Luck Casino, asked us to move. We use this facility for making change and selling commuter cards. After he made his wishes known to us, we got together with staff from the City and our own operations people and started literally driving up and down the streets in Downtown Las Vegas to find out what would be the best location for the passengers that ride our buses. We determined that the location on Third Street between Fremont and Carson would be the best location that we've ever had available for the riding public. We also considered the fact that there was not very

many businesses located in this area, so we wouldn't have large disruption or interruption of business or businessmen there. We discussed this matter with members of the Downtown Progress Association. After we made our plans, we submitted them to the members of the Downtown Progress Association and Board of Directors. This item was thoroughly discussed by them at a meeting on July 22. I have a copy of the minutes if you'd like to see them. They concurred with our proposal that this would be the best stop for the riders of our bus service, and it would also be the best location for the downtown business community. This is really the issue here. I mentioned at the other meeting that this was the first time that a bus move had ever been protested for us getting away from somebody's business. I would also like to mention that that business isn't even open. I don't know when it is going to be open. I don't know if they have a City business license, if they have a gaming application or license yet, and they are the ones protesting and they're not even open for business.

Commissioner Leavitt: Could I ask you a question? Did you get any complaints from the public, the passengers about the location of your bus stops where they are now?

Mr. Perea: Yes, we have complaints on it.

Commissioner Leavitt: But that evidently wasn't any primary concern.

Mr. Perea: That wasn't the primary mover, Commissioner. The primary decision is based on Mr. Thompkins just doesn't want us to run in his facility anymore.

Commissioner Leavitt: How many complaints did you have about where the bus stops were?

Mr. Perea: How many? I couldn't say for sure. It's never been the ideal location for it.

Commissioner Leavitt: But basically you haven't been pressured by passengers or the public to move the stops, is that correct?

Mr. Perea: No, sir, we have not.

Commissioner Leavitt: In other words, the people that use the buses have not complained about it.

Mr. Perea: They have not complained about it, but I would like to mention that this new location would better serve the public. They wouldn't have, ... We'd have all the buses located on one block and make it very easy for transfers. I would also like to mention that we are in the process, if we get approval here today and from the Public Service Commission, of opening up an office on Third Street where we would man it 18 hours a day. We would have a commuter card available for sale there. Change for our drivers. It would also give us a very good control on our buses so that we can insure that they are running on schedule, not running early or late, because they'd have supervision there right on that block to see when they are getting there.

Commissioner Leavitt: Has anybody from the Public Service Commission suggested a change of bus stops?

Mr. Perea: The Public Service Commission doesn't

suggest we change anything. We submit the request to them.

Commissioner Leavitt: But you're not getting any pressure from them to change, because they are not getting any complaints about where they are or anything. Is that correct?

Mr. Perea: No. But again I would like to mention that the overriding factor here is Mr. Thompkins request for us to move his grid, because it stimulated our thinking to find a location that is best for the public. That's what the issue is, really, what is best for the public, the riding public that ride the Las Vegas Transit System, and this location would be the best location that we have ever operated out of.

Commissioner Woofter: Along with what Commissioner Leavitt said, remember at the last meeting I questioned that issue, what you've brought up again, what is best for the public, and my concern was the senior citizens. Now how does that benefit the senior citizen over on the south side of Fremont, when I can see a senior citizen utilizing the bus service that his benefit would be the post office, the senior citizen center, any of those functions over on that side of town. It causes them to walk that much further.

Mr. Perea: The senior citizen, primarily, is not the main rider of our service, unfortunately. They primarily have now moved their ridership over to the E.O.B. because they get just about door to door service, and we don't do that. We have very, very little ridership from senior citizens. I wish it was more.

Commissioner Woofter: Did you ever take a tally or a poll, how many get off that bus in front of the Lady Luck that walks over to the post office?

Mr. Perea: The operations manager is here. C. J, have you seen a tremendous amount of traffic in that area? (Answer was inaudible.)

Mr. Perea: There are post offices all over the City now, so that's ...

Commissioner Lurie: You mentioned you want to service the people. We've gone through this before, through transportation studies. The things that we have to look at is better service to the residential and outlying areas, better head times and shelter areas and scheduling, if you want the people to use the buses and this is, again, you bring that up about service. We can get into a long discussion about your service and I don't think that we really want to take up that time this morning. The fact is, we haven't had, and you mentioned complaints that you have, I don't know about the other members of the Board, since the buses have been in this location now, the way they are, I haven't received any complaints from your riders or from the merchants in the downtown area. I was under the impression that everybody was satisfied. Now when you moved them before, when you were located over on Sixth Street, and Carson, I believe, that was a bad area because it wasn't well lit and there was problems there. When they were located over at the Union Plaza, there was problems there with security, and lighting, and then we turned around and now we're in a location where we're not receiving any complaints and now we want to move them. I don't understand why it's even back before us.

Mr. Perea: As I said, Mr. Thompkins makes his facility available to us to make change and sell commuter cards. That facility is not going to be available to us any-

more. Without that facility being available to us, we need a facility.

Commissioner Lurie: At the last meeting, the new owners of the Silver Star said that they would set up the same service in their casino as Mr. Thompkins is providing now, so...

Mr. Perea: Well, number one, they are not open for business. I don't even know if they have a business license. I understand you have to go before the Gaming Commission to get a license to operate there and I understand that's a procedure that takes 90 to 120 days and sometimes longer. I don't know when they are going to be open. I know Mr. Thompkins has wanted us out of there for some time now. Talk about the convenience of the passengers. This would be very convenient for them. You would have all the buses on one corner. I might also add that Mr. Brechler from Regional Streets and Highways has applied for funding for bus shelters and a bus shelter will be installed along the garage area on Third Street which is something that is not available to the public now.

Commissioner Lurie: That's through funds that the City has set aside as matching money with federal money.

Mr. Perea: That's correct. On the location we are located at right now, there is no facility there where you could add bus stops shelters where there is where we are proposing to move.

Mayor Briare: You've represented to this Commission as an expert, that in your opinion, and I suppose in the opinion of your technicians and whoever else you have, that the public would be better served in the proposed area. Is there any other comments now?

Mr. Perea: Mr. Brechler is here.

Mayor Briare: I want to hear from some of the other folks who might want to rebut.

Commissioner Woofter: Is Mr. Brechler here? I would like to ask him a question.

Mayor Briare: There are some people in the audience I am sure wants to be heard on this.

Eugenia Ohrenshall: I simply wish my appearance in the audience to be noted for the record. Because I did make a statement at the previous hearing I wish my appearance in the audience noted and upon instructions of my client, I have no further statement at this time.

Mayor Briare: Thank you.

Harry Claiborne: I'm a country lawyer who practices in what used to be a very desirable location. I'm sure glad that I'm an Arky because it sure helps now that I have to wade through the beer cans and the slop that is left by the patrons who are getting on these buses in front of my door every day. Had I been raised in a different part of the country, I might not be able to tolerate it. But it is difficult. I don't really understand the new proposal. In front of my office now is the Hyde Park, Salt Lake Highway, and Boulder Highway bus stop. Just to the east of Mr. Breeze's front door, who adjoins my office, is the #6 bus stop, that's the Strip bus stop. Looking at the one on the right hand, I take it that the Salt Lake and Boulder Highway bus stops, #3 and #4 are going to be moved across the alley from my office and the #6 bus stop for the Strip will remain in the same place as it is. The Huntridge and College Parks

buses will be moved across the street, over by Baker's shoe store. Is that correct?

Mr. Perea: That is the new proposal, right.

Commissioner Leavitt: Haven't they already moved the strip bus away from where it is on the existing one, though, Harry?

Mr. Claiborne: No.

Commissioner Leavitt: I understand they moved it to the north part of the block.

Mr. Claiborne: They haven't moved the bus stop at all. What they did, they took the two benches that were there.

Commissioner Leavitt: The one on the left is the existing one.

Mr. Claiborne: I know. The #6 stop has always been here. There's just a sign that says Strip. There were two benches along there, and what they have done, is they moved the benches up closer to the corner, not right at the corner, but closer to the corner. That's to alleviate some of the congestion down here. But that isn't the answer anyway, because all the people that are throwing the beer cans and leaving the garbage in the street in front of our offices, they are not generally the people that sit on the benches anyway. What happens there is with the main bus stop is the Strip bus. Of course, there is a lot of traffic, surprisingly, on the Hyde Park, Salt Lake and Boulder one right in front of my office, because that's the one I see all the time, I know. But, the people move down the wall. They are waiting for the bus, people fill the seats and benches and move down the wall and lean against the wall. They lean against Mr. Breeze's window. They lean against his front door. They lean against my front door. They congregate, I used to have a flower planter that came out beside my door, of course. I mean they have used that as a seat waiting for the buses. Of course there's no plants there anymore. Those have been killed, from people sitting on them. Now they use them for a garbage receptacle, the planter box, and a place to sit and they back up against my door. There's a lot of people. They are in this room today, and particularly lawyers that walk by there every day going to lunch, they constantly talk about the situation. I really don't like to complain about it, but to say that it is better for the community it just isn't so. I don't doubt that the Improvement Association approved it, but they don't have to tolerate it. None of those people on the Improvement Association have to tolerate the condition. There's not one of them that would want it front of their store, I'll tell you that. None of them would want that mess in front of their store. If any of those people that are on the Improvement Association are operating businesses downtown could not get in their door, and when some of them get in, can't get out. I am telling you, gentlemen of the Commission, that's just not an occasional thing. It's almost a daily thing at my office that we have to go outside of my back door, into the alley, my secretary, and ask people to please move from the door so my clients can get out of the office. It just isn't right. There just has to be some other place it can be placed. I understand originally there was a proposal to move these bus stops they have dumped down on us across the strip, I mean the street of Fremont, alongside the Fremont Hotel. There's no entrance to the Fremont Hotel on Third Street except right in the corner of the building on the south corner and it's a corner entrance.

You have a thousand feet along that wall there are no businesses. It doesn't hamper anybody right across the street. Surprisingly, the Fremont Hotel didn't want it and they objected to it. So they don't want to raise the ire of the people in the Fremont Hotel, so they are jumping on me and Dean Breeze. Well, there has to be a better answer for it. I mean, an insignificant matter that just gets on your nerves, or something that you have to accept in this day and time if you're in any kind of business, but Mr. Breeze and I have been in that location... I've been there 22 years and Dean's father was there before I was. So, that's a great number of years in one location. That doesn't give us the right to any special privileges, but we have a right to operate our businesses without interference, without our clients being inconvenienced, and the noise and the debris is the thing that I object to the most. You can tolerate the people sometimes, but there has to be a better system than that. There has to be a better location. Certainly the City has a parking area, a parking building right across that alley that runs the whole length of Third Street and there are no entrances except on Bridger Street. Certainly, I can't see why that if this is so convenient to the traveling public, that they couldn't be moved along the City building, because moving the others across the street is not going to alleviate the condition in front of our offices, because we are going to have the Strip bus now, which causes most of the trouble. We protest it.

Mayor Briare: Thank you, Mr. Claiborne. Do any Commissioners have any questions of Mr. Claiborne?

Commissioner Christensen: No, but I'd like to ask our attorney one. Do we have any ordinances that prevent people from blocking his doorway and sitting on his planter box and so forth that are constitutional at this point?

Mr. Jan Stewart: I think we have ordinances on the doors that they couldn't be allowed to obstruct the sidewalk.

Commissioner Christensen: Perhaps, then, what we have here is a police problem.

Mr. Stewart: We have a clean-up problem too.

Commissioner Christensen: That's what I mean, a litter ordinance and so forth. If you have those that are still considered constitutional, maybe what we ought to do is call the Metropolitan Police and have them solve their problem. Then it will end up in the courts and then the attorneys can handle it.

Mr. Claiborne: The only trouble with that is a man would not be legally obstructing if he was standing in a place designated by you people for him to wait for a bus.

Commissioner Christensen: You see, that's part of the problem. If it's scheduled as a bus stop, that's part of my question, where do we end up with enforcing the rules as far as obstructing on a sidewalk because it is scheduled as a bus stop, but how much of that sidewalk is scheduled as a bus stop. Where do we draw the line? Does it stop at the property line or what? How do you determine those things? I've experienced Mr. Claiborne's problem downtown myself and I know exactly what he's talking about.

Commissioner Leavitt: I think if you started having people arrested, Mr. Claiborne would probably be the first to come to their defense.

Commissioner Christensen: It's a real problem because if we have ordinances on the books which prevent littering and making a mess of a private businessman's front door yard, my question is why aren't they enforced. If they are enforceable, I think we probably better enforce them.

Mayor Briare: We'll get to our own City people on that, Commissioner, as to why the debris and what is going to be possible to solve the debris problem whether it is up in Mr. Claiborne's neighborhood, or whether it's in somebody else's neighborhood, I'm sure debris doesn't hold any particular priority in front of Claiborne's office than it would be if it were in front of the City garage, or in front of the Fremont or whatever.

Mr. John Wanderer: I'm an attorney and I'm here speaking for our office and for that of Bob Dorsey's. Our offices are located right here (map). This building is a, Mr. Dorsey and I occupy virtually the whole bottom floor of that building. They're building a large courtyard with shrubbery and plants.

Commissioner Christensen: Is that the old Bigelow building?

Mr. Wanderer: Yes. As it is right now, it is not to be no bus stop here. I have observed what goes on in front of Mr. Claiborne's office virtually every day, at all hours of the day, the afternoon rush hour and even in the afternoon with tourist traffic out there. I think it is a deplorable situation. I can fully sympathize with Mr. Claiborne's situation. I have seen people congregating around his door. Mr. Breeze's door. They actually do not have access to the buildings. It's for this reason that we are here objecting to their wanting to move the buses down in front of our offices. They are just compounding the situation as far as we are concerned. We see this situation that exists in front of Mr. Claiborne's and now they are going to expand it. These are, all these offices that are located here are professional offices. They are not stores. C. H. Baker may want the people congregating in front of their show windows to show off their shoes, but certainly a law office doesn't care to have 8' high buses sitting in front of their offices all day with the hundreds of people who congregate around and leave the trash and the mess that they do. Especially the configuration of our building, I have no doubt that very soon we wouldn't have any shrubs or any greenery in our courtyard that exists there now. I don't think that they have given adequate consideration to moving the bus stop. If they really feel that putting all the stops in one block is a service to the public, I don't know how they have come to that conclusion or whether it was properly derived, but if they do feel that way, it's a shame that this map was drawn with this street abbreviated, but as this is a full block in here. Fremont Hotel is in this area with no access onto Third Street. Behind the Fremont Hotel is a large parking lot which is always locked. They don't use the access to Third Street into the parking lot. They come around through this alley. There is no reason, there is no business people that would be harmed if the buses were in this block. Additionally, over here is the City parking garage which is similar to the one which is located down at this point here. There is no access to this garage on Third Street. There is no harm to anybody's businesses if the buses stop here. In short, they could use the block between Ogden and Fremont if they are so concerned with having all these buses stop between two blocks to the service of the public. To do so certainly would not interfere with anybody's business. I'm not so sure what the Fremont Hotel is concerned about. All they have on Third Street is a

solid concrete wall with no windows, no nothing. Other than the fact that they are probably concerned about the trash in front of their building too. They are going to have to go out and clean it up. I don't think this is a solution. It's quite obvious that with Claiborne's experience, with the rest of us that are on that block, it's not a very happy thing as far as we are concerned, the businesses. The buses would sit up in this area right here. I frequently walk up here to go to the post office and apparently those buses go out on routes where there is not regular service, because frequently those buses are parked here for 15, 20, 30 minutes at a time, I've seen them. By the time I go to the post office and come back, they are still there. Those buses are now going to be down located in here (map). Now, law offices don't have neon signs in front of them. We have no real way of having the public find our office other than at least having the office visible from the street. What they are going to do is just wall us off behind a solid wall of buses. I think it is less than appropriate. I have nothing further to say.

Mayor Briare: Thank you. Do any of the Commissioners have any questions of Mr. Wanderer? Thank you very much.

Nicholas Bainan: I'm the owner of the Silver Star Casino. We are in the process of applying for a license and we do welcome the buses that are presently in front of the Silver Star and would make our facilities available to the bus company. Thank you.

Mayor Briare: Anyone else?

Mr. Wanderer: One thing I would like to add. There was some comment about they need facilities for proposing a transit authority office on the other side of Fremont. There's a good deal of small empty stores and businesses which can be readily rented. Just as much as there is on the south side of Fremont.

Mayor Briare: Thank you very much, Mr. Wanderer. Anyone else?

Andy Thompkins: Lady Luck Casino. I came here with one consideration and now I have another and that the attorneys were up here who had such a good case, I wonder if I'm going to get sent a bill. They represented the problem very, very well. I would like to go over the history of it a little bit. As I recall, when the buses were on Fourth and Fremont, the merchants there objected to having the buses in that area, and all the merchants were happy to have the Strip bus, but they don't want the detrimental factors of all the rest of the buses. I was approached on accepting the buses on the corner where Lady Luck is. I could not understand why the merchants were opposed to having all this traffic in front of their stores. Therefore, I understand Mr. Bainan's position in that he has not operated a casino and he has not dealt with this problem and he thinks it would be advantageous to have that traffic in front of his store. I did the same thing and said yes, fine, put them in front of the Lady Luck. After a few months, I realized that this was detrimental to my business. When the Union Plaza was ready to make the same mistake that I had made, and that Mr. Bainan is now ready to make and was happy to take the buses away from me, I very nicely allowed them to. Shortly after, they requested the City to transfer the buses from their property to somewhere else. And the City did, and as I recall, transferred them to Sixth Street. Somewhere along the line, there was some objections over that. Then Al Bossi called me and asked me if I would object to the buses being temporarily, and that word was used,

temporarily placed across the street from the Lady Luck Casino, and I said yes, as long as it is temporary. That's where they are now, and that's the history of what occurred. I think one problem is, if Mr. Bainan who has a non-existent casino at the moment, and is planning to open one up, I assume, thinks this over, he might realize there is a good reason why the merchants and casino owners have objected to having the buses around their properties. The point the attorneys make are very well taken. Their suggestions don't sit too well with me. One of the problems is, first consideration, of course, is the bus passenger. The second consideration is the overall economic values in the downtown area, and the history has proven it is detrimental to tourism to have those buses around a retail trade area or a casino area. To have them at Ogden is, seemingly obviously building up into a tourist area, whereas Carson Street is building up into an area of financial and local concerns and attorneys offices. To place the buses where tourists would have to walk through the area would be detrimental to the tourist activity of downtown Las Vegas. What I'm saying is that I don't want the buses around Lady Luck Casino. It is detrimental to my business, and they were placed there temporarily and I will no longer cooperate, and I said I would on a temporary basis. As a solution as to where you put them and what's best for the bus rider, I really don't know. I can't come up with an answer.

Commissioner Lurie: Andy, you object to the buses across the street in front of the Silver Star, or the ones on Ogden because there are two different locations. There is the one across the street and there is the one right next to your business.

Mr. Thompkins: I object to having them anywhere around my intersection. It's detrimental to my business and I think that the bus company, what I think you were getting at, Commissioner Lurie, is they have to keep them pretty much together. They can't separate them too greatly and still have proper transfer control. Thank you very much.

Mayor Briare: Thank you, Mr. Thompkins.

Mr. Bainan: I appreciate Mr. Thompkins consideration in regards to advising me on the bus situation, and I don't mean to make my problems your problems, but Mr. Thompkins has the present facility surrounding the Silver Star and we don't have any parking facilities. Without the buses, I don't think I would have any business, but then again I don't mean to make my problems yours.

Mayor Briare: Thank you. Anyone else?

Dale Gabby: I don't have anything to do with any of these various parties. I have heard a lot of people that don't want the thing and none of them have had any solutions. Like I say, I came down for another reason altogether, but why do they have the buses have to be on the streets in the first place, I mean as far as transfers? You push them from this guy to that guy to another guy. Continental Trailways is off the street. Greyhound is off the street. Why can't the transit authority get off the street and stay within their own confined area such as those two that I just mentioned and within their own confined area like those two areas that I mentioned, they could police their own garbage and not have it in front of the other people.

Commissioner Lurie: That was tried.

Mayor Briare: Thank you very much, Mr. Gabby. Any-
one else? There apparently being no one else to be
heard on this matter, I will now declare this public
hearing closed. Any comments or questions by the
Commission? There were a number of points that were
brought up that sound not only logical, but quite
reasonable. We had a little bit of a time problem
here, and I don't know whether it would serve any
purpose to have the technicians from the bus company
and our public works department review some of those
points that were brought up and suggestions as to
even a third alternative than what's been given to us.
I would suggest that we can certainly sympathize with
the people who own a bull and they don't want to get
gored, don't mess with me, go ahead and do it somewhere
else, but we have a serious problem here that has to
be resolved. I don't know what any of the Commissioners
at this particular time have any recommendations on
this.

Commissioner Woofter: I do. I think, listening to
everyone concerned, like you have suggested, there is
a problem as to wherever we decide that these bus stops
are located. I see one problem where they are at the
present time, the Lady Luck Casino, Mr. Thompkins.
Other than that, the north side, they are satisfied
where they are at, overall, except for two protests
and I'd like to question them, but they're not here
at the present time. I agree with Mr. Claiborne
and Mr. Wanderer in respect to that one side of the
Fremont, and the bus transit situation as far as the
transfer, making sure they are in immediate locations
to transfer from one to the other. I can certainly
see that being a more reasonable location than where
businesses are located. Here we go back to the repre-
sentative of the transit system saying we are always
having to move because of complaints of where we are
at. Here we have a representative of a casino that
is about to be open saying that they welcome with
open arms, that they will do everything possible, and
I would certainly hold them to it if they come back
six months from now and say we don't want them, we'd
shove it right back down their throats as far as
what I intend to make as a motion. I'd certainly
encourage that we can resolve the situation by res-
tricting the whole situation to the northern part of
Fremont Street and looking at that east side of the
hotel Fremont complex as far as the location to be
transferred from the immediate side of Lady Luck.
Therefore, I'm making a motion at this time to rescind
our previous approval of transferring the downtown
and leaving it as is at the present time with that
recommendation as far as looking at the Fremont Hotel
as far as the transfer location, rather than the
south side of Fremont.

MOTION

Mayor Briare: Commissioner Leavitt, were you going to
restate the status of this?

Commissioner Leavitt: No, I'd like to make an amend-
ment to the motion.

Mayor Briare: Just before you do, I was not present
when this matter was brought up and then referred to
today. Was it referred to today by virtue of a motion
to rescind the previous action? Or was it just brought
up for consideration of a possible motion to recon-
sider?

Commissioner Woofter: I'd interpret it that way,
Mayor.

Mayor Briare: So, then the first question is to
consider your motion to rescind the previous approval.

Commissioner Leavitt: I just wanted to know if

Commissioner Woofter would accept an amendment to his motion that the Director of Public Works be instructed to consider moving the buses that are now located on the west side of the 100 block on South Third to the west side of the 100 block on North Third. In other words, from in front of Mr. Claiborne's office, it would be in front of the Hotel Fremont across the street. If Mr. Hampton could be instructed to look into that possibility as part of your motion.

Commissioner Woofter: I have no objection.

Commissioner Christensen: I would like to ask one question of Mr. Hampton. Can you recall or refresh my memory of what the width of the street is at the parking garage on Third and Ogden. Is that street wider along the garage like it is on the Carson Garage. Did we widen that street on both sides of Fremont, in other words? You can see the jog right here. It shows on your proposal map on Third Street on the side of the parking garage. You pick up actually a parking lane there. Does it do the same thing north of Fremont where the Ogden garage is?

Mr. Hampton: No, I don't believe it does.

Commissioner Christensen: That's straight all along there. It looks to me like that's a logical place to put the buses because we do have a traffic problem on that street and if you can get those buses far enough over so they alleviate some of that traffic problem where that street is wider, looks to me like the proper place to park a bus. For two reasons, not only is the street wider, but you're parking at just a blank wall which bothers no one.

Mayor Briare: Commissioner, I would interpret your comments, perhaps to express my feelings also, that there are alternatives that have been touched upon today that might be a better solution than leaving the buses where they are right now. Although, I don't pretend that this Board has the ability to perform miracles and satisfy everyone, but I think there is room to resolve the matter where there would be less people that would be affected by it. Commissioner Leavitt was asking you, Commissioner Woofter, if you wanted to amend your motion to a degree. You didn't make the amendment, Commissioner Leavitt. If you want to go ahead and make the amendment, we can vote on your proposed amendment.

Commissioner Leavitt: I move then that the motion be amended to include that the Department of Public Works be instructed to look into the possibility of moving the bus stop that are presently located on the west side of the 100 block of South Third to the west side of the street on the 100 block of North Third.

Mr. Adams: We have already received a protest in that area.

Commissioner Leavitt: You'll have a protest no matter where you go.

Mayor Briare: I think, Commissioner, I'm not in a position, I'm going to vote against the amendment and I'm going to vote against the motion. Because I think what we are trying to do, we're trying to solve a technical problem by virtue of a parliamentary procedure. And, I myself, am in sympathy with Commissioner Woofter, Commissioner Leavitt, and yourself, and if Commissioner Lurie speaks, it will probably be a fourth opinion I would agree with. I feel that the matter obviously deserves some technical consideration that

MOTION
AMENDMENT

we can't do by virtue of offering amendments to the amendment, etc., etc. I wish that somebody might agree with me and suggest that the matter be referred for further technical study, maps incorporating Commissioner Leavitt's proposal; maps including the suggestion that it be moved down to City property where there is blank walls, and others. Any other comments?

Commissioner Lurie: I would just like to say, Mayor, that a vote for the amendment and a vote for the motion would do just exactly what I think you are thinking should be done. It would take it back to... it would rescind our previous action and would actually take it back to where we were before, and we could look into further study on the situation concerning the locations of the buses in the downtown area.

Commissioner Leavitt: I'm just asking that Mr. Hampton look into that possibility. I didn't ask that it be made permanent. That he be allowed to investigate it.

Commissioner Lurie: It would also keep the bus company from having to apply to the Public Service Commission on this particular change and then come back at a later date and file another application for a change.

Commissioner Christensen: I agree with you, Mr. Mayor. I don't see why we go through all these motions and amendments and so forth. Commissioner Leavitt just wants Larry Hampton to look into the possibility. I don't think that needs a motion. I think he can tell Larry to look into that possibility if it can be done. We don't need all these motions and amendments. I think what we better have is to hold the whole thing, table the motion, until we have a study made to find out where it goes.

Mayor Briare: Are you going to offer that?

Commissioner Christensen: I'll do it.

Commissioner Leavitt: I'm going to withdraw my motion.

Mayor Briare: Thank you, Commissioner Leavitt. The motion now is...

Commissioner Leavitt: The motion now is that we leave them where they are now, right?

Commissioner Christensen: No, I've got a motion to table.

Mayor Briare: We're not going to debate the motion to table, however. We're going to vote immediately on the motion to table, and then we'll see what the outcome of that is. Cast your votes on the motion to table. The motion to table dies. Now we are on the motion to follow Commissioner Woofter's... Is Commissioner Woofter's motion clear to everyone? Would you restate your motion.

Commissioner Woofter: The motion is to leave them where they were before we made the motion to approve it.

Mayor Briare: Are there any questions on the motion? Cast your votes. The motion is approved.

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

MOTION WITHDRAWN

COMMUNITY
DEVELOPMENT
BLOCK GRANT
LOCAL OPTION
FUNDS

Mayor Briare: Incidentally, before you all leave, I would like to call your attention the fact that in the City Plaza right outside the door here at 12:00 Noon, something of quite a different nature is going to take place that we would like to invite you to. It's the Ballet Folklorico, there's going to be a very nice street cultural series. It's going to take place at 12:00 Noon. You are certainly invited and urged to attend. It's going to be very interesting.

APPLICATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT
LOCAL OPTION FUNDS

Mr. Spaulding: Your Honor, this is the first public hearing on five requests for Block Grant Local Option funds. Under a new federal requirement that before you can take formal action in considering these requests that there be two opportunities for formal public hearing. This is the first. At the end of the second public hearing it would be then appropriate to take action one way or the other in support or not in support of these proposals. This public hearing has been appropriately advertised in the newspapers and additionally, the applications themselves have been on file for review by any citizens who were interested. What essentially this morning is a public hearing for people to have the opportunity to comment on these proposals, either positive or negative. We would point out, it is not, however, the appropriate time for the agency themselves to elaborate and give their more or less pitch or description of their proposal. It's just for general public comments.

Mayor Briare: Is that understood? If there is anyone here that is actually representing the Latino Drug Abuse Council, the Westside Community Development Commission, the Nevada Catholic Welfare, Focus West, or the Marion Bennett Youth Program, if there is any staff, are you suggesting Mr. Spaulding, staff is somebody who actually represents the program, we will be in a position to hear from them at the next public meeting. The purpose of today's public meeting are for people other than those I've just mentioned if they wish to make any comments about any one of these programs. Keep in mind there will be another public hearing after this one. Is there anyone present who wishes to be heard?

There was no one in attendance to be heard on this particular matter.

Commissioner Lurie: Bruce, did you mention that these applications are on file in your office for public inspection so that if anyone has any comments, they can review the applications in your office before the next public meeting?

Mr. Spaulding: Yes, Commissioner Lurie.

Commissioner Woofter: May I clarify your representation for the record. I believe there are people in the audience that are concerned with these applications, but I imagine since you advised them there will be another public hearing, they probably don't want to be heard. But Latino, Westside, and Focus I know are represented here.

Mayor Briare: Are they representing the program itself? Bruce, elaborate on what you mean by that.

Mr. Spaulding: The applicant. At the first public hearing, the purpose is for the public to generate comments to indicate whether they feel there will be a need, or if they are opposed to this particular program. At the second, at the termination of the

second public hearing, you can then take action on the merits of the proposal and whether you desire to submit it to HUD. So, the second public hearing would be the appropriate time for any representative of an agency to speak out and defend or elaborate on their proposal. They could, as individual citizens, speak out at this meeting on general needs, but it would be more appropriate...

Commissioner Woofter: I understand that, Bruce. I just wanted the record to reflect that there is an interest here at the present time in such programs as far as the first public hearing.

Mayor Briare: I'm going to ask a question of Mr. Spaulding. When is the second public hearing to be held?

Mr. Spaulding: It was scheduled for the 17th, I believe.

Mayor Briare: November the 17th, Wednesday, two weeks from today. Now, if there is anybody, perhaps I asked the question in a manner which was unclear. Is there anyone here that is here to speak on these matters, or if you don't want to speak today, would you like to be recorded as being here today. If there is anyone who wants to be recorded in the minutes to show that they were here today, and they want to speak at another time, that is perfectly proper and you can do that with Mrs. Cole.

Vivian Martinez: I'm the program coordinator/consultant of the Latino Youth and Family Outreach Program. We have been here since 9:00 since you started, and the reason we have been here all this long time is because we thought this was the time that we would have a chance to either explain the program or the purpose of this proposal. If you remember, this is in reality the third time that we have been here. I don't understand very well the process Mr. Bruce Spaulding explained, but we were approved and then because of a discrepancy we have to start all over again. So, at least I would like to state that. I don't know if the persons on my board would like to say anything.

Mayor Briare: Incidentally, we approved your request the last time you were here, but because of a technical matter, you have to come back. I certainly couldn't at a public hearing, prior to the time that we heard everyone speak, suggest to you that if we approved it before, the likelihood is we might approve it again, but we've already heard all of the justifications in the instance of your application and the information, the impression I had from Mr. Spaulding, upon whom we must rely for technical matters, you would certainly be welcome at the next time to go ahead and discuss the whole thing again fully if you felt that was necessary.

Mrs. Martinez: Like I say, we have been here at this time, but if you have any questions or anything that need to be clarified at this time, I'll be more than happy to do so.

Mayor Briare: Is there any Commissioners who would like to ask any questions at this time? Thank you very much.

Sergio Mendoza: I would just to make for the record that we have been present. We are not backing out and we're not backing out on any questions that may arise in the back. I am the president of the program.

Mayor Briare: Thank you very much.

Joanne Jones: Acting Director of Marion Bennett Youth Program.

Mayor Briare: Thank you very much. Anyone else?

Commissioner Lurie: My question to Mr. Spaulding, has there been any changes from the regulations and the changes, what I'm talking about is the thinking of the people who approve these applications after we approve them and send them on, as far as funding of these particular programs. Do these programs have any hope of being funded because of the regulations that have to be approved?

Mr. Spaulding: Up til yesterday, there have been no changes. Perhaps the events of last night might change some minds, but there had been no changes in philosophy and the indications that we have, they are informal, was that several of these applications would perhaps be viewed unfavorably when submitted, if submitted I should say.

Mayor Briare: Anything else? It's a quarter to twelve, and I'm very hopeful that we might be able to even, perhaps, conclude the Department of Community Planning and Development portion of the agenda, but it is going to be necessary that we recess promptly at twelve noon, and depending on where we are on the agenda, we'll determine what time after the recess we'll reconvene.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

DON J. SAYLOR, AIP, DIRECTOR

See Pages 86 thru 93 of these Minutes -
Annotated Agenda for conditions of
approval, etc.

WAIVER OF CONDITION - J. WILLIAM SIMPSON

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.

Mr. Saylor: The first item is an abeyance item held so we could notify the property owners in the area, which we've done.

Mayor Briare: Were there any objections or comments?

Mr. Saylor: There was no contact from anybody.

Mayor Briare: Mr. Simpson, I believe the Commission recalls from last time you were before the Commission. Any comments from the Commissioners.

Commissioner Lurie: Mayor, I move that we approve this application.

Mayor Briare: Any comments on the motion. The motion is approved.

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

Z-41-74
Approved

Z-67-76
Approved

ZONE CHANGE - JOE JOHNSTON FOR NEVADA SOUTHERN TITLE
& NEVADA SOUTHERN ESCROW

Property located at 617 Hoover Avenue and 824 South
7th Street, from R-4 to C-1.

Mr. Saylor: The next item is the application of Joe Johnston for Nevada Southern Title and Escrow for change in zoning from R-4 to C-1, property located at the corner of 7th and Hoover. Planning Commission has recommended approval of the application. This is the property in question (map). There's commercial across the street and to the south. They are proposing an office complex as shown on here. This is 7th, the alley, parking primarily to the rear.

Commissioner Christensen: Isn't there already an office there?

Mr. Saylor: Yes, on the one lot. There are two properties involved in this application.

Mayor Briare: There've been no protests?

Mr. Saylor: No.

Mayor Briare: Any questions or comments by the Commission?

Commissioner Woofter: Your Honor, would the record reflect that I am abstaining from voting on this. The factor, Mr. Johnston being a political.... The possibly of a conflict of interest on the fact that Mr. Johnston is a political associate, as well as a business associate of mine.

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

Mayor Briare: Comments on the motion? The motion is approved.

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

Z-68-76
Approved

ZONE CHANGE - DR. FRANK GRAHAM

Property located at 818 East Charleston Boulevard,
from R-4 to C-1.

Mr. Saylor: Application of Dr. Graham for a change in zoning from R-4 to C-1, property located at 818 East Charleston. There were no protests to this application. The Planning Commission recommends that it be changed to P-R zoning which the applicant has agreed to. It's in this block between 10th and 8th. This is the lot in question. Plot plan of the proposed development. There is an office there under a use permit action.

Commissioner Leavitt: Who's the owner of the premises?

Lou Hess: Dr. Frank Graham. I'm Lou Hess for the applicant.

Mayor Briare: What's the pleasure of the Board?

Commissioner Lurie: Move for approval subject to the conditions set forth.

Mayor Briare: Any comments? Motion is approved.

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

Z-69-76
Approved

ZONE CHANGE - LLOYD KATZ FOR NEVADA THEATER CORP.
Property generally located on the west side of Vista Drive, 200 feet south of West Charleston Boulevard, from R-E to C-1.

Mr. Saylor: This is a request for a change in zoning out in the West Charleston area, essentially at West Charleston and Vista. Hyde Park subdivision to the north. Mr. Katz owns this entire piece. As so, this much is already zoned commercial. They are asking for the additional up to the alley to be zoned commercial. There is commercial zoning immediately to the west to the alley. The proposed utilization is a furniture store type of development. This is the plot plan of the proposed development. Planning Commission....

Mayor Briare: What was the nature of the protest, Mr. Saylor?

Mr. Saylor: There were two protestants, one of them property owner immediately to the south and I believe the other one was over on Arville, and, of course, they objected to the commercial extending further south on Vista.

Mayor Briare: Are the protestants present? Dr. Katz, did you want to add anything to this?

Mr. Katz: No, I have one question. I just wanted to mention, it's not a furniture store. It's carpet, retail carpet, which obviously would affect far less traffic than other types.

Mr. Saylor: My apologies, Dr. Katz.

Mayor Briare: Are there any buses that are going to park in front of your store?

Commissioner Woofter: Motion to approve.

Mayor Briare: Commissioner Woofter's motion to approve. Any comments? The motion is approved.

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

Z-70-76
Approved

ZONE CHANGE - W. J. URGA, P.H. LAMPEL, & TOM MOORE
Property generally located on the southwest corner of South Jones Boulevard and West Oakey Boulevard, from R-E to C-1.

Mr. Saylor: This is the application of Urga, Lampel, and others for a change in zoning of property located at the corner of Oakey and Jones. To the west is City, to the east is the County. There is a commercial child care facility in the County in an R-E zone here and I believe a church nursery operation. At this point in time, the request is to allow a plant nursery as shown on this plot plan. There were two protests, one of which was the operator of the commercial child care facility. The other was the property owner a little further away. Planning Commission has recommended approval subject to the conditions set forth on the agenda.

William Urga: Representing the applicants.

Commissioner Christensen: Don, where does this fit in geographically with that application we had several months ago regarding Lewis Homes?

Mr. Saylor: Lewis Homes. It's to the northeast of it.

This was the property involved in the Lewis Homes application, this larger piece here (map) and this is up at the intersection of the two major streets.

Commissioner Lurie: What improvements are going to be done as far as the intersection goes? Because that's a fairly dangerous intersection as it is at the present time.

Mr. Saylor: Public Works, I imagine, has requested the normal off-site improvements which would be probably curb, gutter and sidewalk.

Mayor Briare: Dedications, also.

Mr. Urga: Dedication of 40'. We agree with those.

Commissioner Christensen: What they are actually proposing here is a C-1 operation right abutting that R-E that was voted to remain R-E the last time it was up here, isn't that correct?

Mr. Saylor: In essence, yes.

Mr. Urga: Commissioner, I would point out there's a total of 5 acres and we're only talking about approximately half. There still is a buffer zone of 2 acres around this area.

Mr. Saylor: This is the existing townhouse development.

Commissioner Christensen: The protestants didn't care about buffer zones, they wanted it all R-E. No ifs, ands and buts about it at the time that was turned down. That's what makes me curious there wasn't much protest this time.

Commissioner Lurie: This is going to be one nursery, flower shop business on that corner?

Mr. Urga: Correct.

Mayor Briare: Anything else? What's the pleasure of the Board?

Commissioner Woofter: Move to approve.

Mayor Briare: Any comments? The motion is approved.

Motion carried by the following vote:
Commissioners Christensen, Leavitt, Woofter
and Mayor Briare voting aye; Commissioner
Lurie voted "no".

ZONE CHANGE - ELIZABETH E. HEYER
Property located at 4201 West Charleston Boulevard,
from C-1 to C-2.

Mr. Saylor: The next item is the application of Elizabeth Heyer for a change in zoning from C-1 to C-2. Property again located out on West Charleston, right at the immediate corner of Vista and Charleston. There was a service station on the property. They are proposing, or in fact are using it as a tire sales. They were granted a license in the C-1 zone for a tire sales, which you can do, but you can't have the outside storage and they were so advised. They do have outside storage and they now have requested a change to C-2 which would allow or accommodate this type of use. There were no protests to the application. The Planning Commission recommended denial on a 4-2 vote because they felt in this area of West Charleston a C-2 type of development was not appro-

priate.

Commissioner Christensen: What do they require for a service station?

Mr. Saylor: C-1.

Mayor Briare: But outside storage...

Commissioner Christensen: Don't they have outside storage at service stations?

Mr. Saylor: No. Outside storage is not allowed in a service station, except we do allow the oil on the racks, but they are taken in at night and the tires have to be kept in a type of enclosure. They are exposed, but it can be enclosed.

Commissioner Woofter: I'm curious, Don, there on the vote because I've seen that store. It's up in my old neighborhood. It's a clean operation. Tire racks are outside. When they say outside storage, we visualize debris, things like we've had in the past and it's a very neat operation. What I've seen up there, and I go by there many times a day, and I'm concerned when the Planning Commission says it doesn't fit into the operation along West Charleston, and that's all businesses along that side. Service stations, grocery stores, and I just can't figure it out when I see, and it's been like that. If there is any change, let me know, but it seems like a neat storage operation. It's just tire racks outside and my understanding the reason for it is it's a 24 hour operation and that's the reason why they are outside the 24 hours.

Commissioner Christensen: It's far superior to a closed up service station. It was a boarded up service station.

Commissioner Lurie: I'd like to say that I agree. For many months that station was boarded up, and I think that's more of a blight on an area than a neat and clean type of a business type operation. I would like to include that in the denial there was no conditions set forth, what conditions would go with this type of operation, as far as making sure that it doesn't turn into a type of an area where the old tires are going to be piled alongside of the building and the possibility of also a little landscaping maybe around the operation to sort of dress it up a little bit.

Mr. Saylor: The normal conditions would require landscaping and I notice he was shaking his head affirmatively, so I assume that they agree to that. The other would be, I think you should specifically state that there shall not be any open storage of the used tires. I think that's where a potential problem could creep in if they haphazardly pile the used tires and so forth.

Commissioner Lurie: I went by and looked, and they have at the present time some large containers where they put the used tires. One's used tires and one's I believe trash.

Applicant: We have, this is my attorney Mr. Woodbury, we have trash containers and we have one big large container that has our warranty products and one big large container that has our used tires.

Commissioner Lurie: You don't object to keeping those type, and you don't object to some landscaping around the building?

Applicant: No, it's all in our plan.

Commissioner Lurie: Under those conditions, Mayor, I would move for approval of the application.

Mayor Briare: Do you have the plans? Are the plans laid out here?

Mr. Saylor: Plot plan...

Mayor Briare: Does it show these things that Commissioner Lurie has...

Mr. Saylor: No, they'll have to be stated specifically as conditions in the action.

Commissioner Lurie: Those conditions can be worked out with our Planning Department.

Mayor Briare: In other words, you are giving the Planning Department quite a bit of leeway, aren't you?

Commissioner Christensen: They have it anyway. If you look at every one of these conditions you will find that it says landscaping as approved by the Planning Department.

Mayor Briare: And storage, etc., etc. All those etc., etc., Mr. Saylor, are going to be resting on your shoulders so it doesn't become a situation which the members of the Planning Commission were trying to avoid.

Commissioner Christensen: I've considered this very thing. I know what you are talking about and I've questioned many times some of these conditions which to me are rather obvious. But, if you look around town, I don't think you will find too many successful operations that look too shabby. They can't afford it. I don't think Don will have any problem working it out. You'll find that every one of these zone changes that comes up, every one of them has these conditions on them and they all read the same thing. I think it is a standard set of conditions that they put on every one of them. Well, the one that you just approved, Item E, use of the property restricted, landscaping shall be provided as required by the Planning Commission, submittal of a landscaping plan, no outside storage except live plant material. They are all the same. Conditions are the same on every one.

Applicant: We also have letters from our surrounding neighbors wanting us to continue in business under the present circumstances.

Mayor Briare: Mr. Woodbury, you're going to be prepared to advise your client that he is going to have to comply.

Mr. Woodbury: Everything I think has been said already, so maybe my best strategy would be to shut up.

Mayor Briare: Especially when you get a motion to approve to help out. Any further comments. Cast your vote. The motion is approved.

Z-72-76
Approved

ZONE CHANGE - ELDA CRANE

Property located at 1765 East Charleston Boulevard,
from C-1 to C-2.

Mr. Woodbury: Mayor, can I ask Elda Crane, she's
the owner of the property...

Mayor Briare: Unless she is going to speak against
you...

Mr. Woodbury: She's going to speak for it and she
has one thing she would like to say.

Elda Crane: I've owned this property for the last
25 years, and I pay taxes and I've not asked for any
consideration, but now inasmuch as the property
adjoining is C-2, I am asking for approval to be
rezoned from C-1 to C-2.

Mayor Briare: Thank you, Mrs. Crane. After 28
years you deserve consideration.

Mr. Saylor: Planning Commission recommended approval
of this application. There was one protestant up
on Circle Drive.

Commissioner Christensen: Move for the approval.

Mayor Briare: Comments? The motion is approved.

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

RECESS

Mayor Briare: We're going to be in recess now and
we'll reconvene at 1:30 P.M.

Meeting reconvened at 1:30 with all members and staff present.

VAC-3-76
Public Hearing
Set for
10:00 A.M.
December 15, 1976

PETITION OF VACATION - WILLIAM F. DALEY, THEODORE B. LEE, AND JAMES ROGERS

Mr. Saylor: This is a proposed vacation of right-of-way, and it's on the agenda to set date for a public hearing.

Mayor Briare: Edwina, what's the date.

Edwina Cole: December 15.

Mayor Briare set the public hearing on VAC-3-76 for December 15, 1976 at 10:00 A.M.

Z-27-76
Approved

PLOT PLAN REVIEW - VALLEY HOSPITAL

Property generally located on the southwest corner of Pinto Lane and Shadow Lane, C-1 zone, to allow a four-story addition, including a penthouse on the roof and a basement below ground surface within 5' of the rear (west) property line.

Mr. Saylor: I think you will all remember we recently had an application for a change in zoning to accommodate the expansion plans of the Valley Hospital. This plot plan shows Shadow Lane and Pinto. They own all of this property. This is the existing hospital facility. They propose an addition, three story high at this point, 20 feet from this rear property line. That was approved. Subsequent to that, they acquired the property to the rear of it, so they own all of the property out to this next street which is Kingsbury. They now are proposing to build a 4-story building which they have indicated really will not be much higher than the three story in that they have a change in their air conditioning system which will allow a lesser height for each floor. Together with that is the penthouse that was also proposed as part of the original construction. The Planning Commission has recommended approval. They are also asking to go closer to this property line no longer is a real property line in that, as I said, they own all the way out to there. We did notify the protestants at the time it came before the Planning Commission. Nobody spoke in opposition. Since that time, however, I found that we neglected to notify Mr. Painter, who was one of the original protestants and I indicated that to you in my memo.

Mayor Briare: Mr. Rudiak.

Mr. Rudiak: Your Honor, I have very little to add to what Mr. Saylor has said unless you have some questions to direct to me.

Mayor Briare: Does anybody have any questions? What's the pleasure of the Board?

Commissioner Lurie: Move we follow the recommendation of the Planning Commission.

Mayor Briare: Comments? The motion is approved. Mayor Gragson, it's nice to have you here. I was just about ready to call you to make a quorum here, but we managed to get it on.

PLOT PLAN REVIEW - PHILIP DEALE

Property located on the southeast corner of East Charleston Boulevard and South 6th Street, C-1 and P-R zone, to allow a restaurant facility.

Mr. Saylor: The next item is a plot plan review under a zoning action of a property located at the southeast corner of Charleston and 6th. I'll give you some of the history to bring you up to the reason for the request. This being Charleston and 6th (map), this property right on the corner was originally zoned P-R. The property owner of that property together with others then acquired the property larger piece immediately to the east. They came in with an application for C-1 zoning on the entire parcel with exception of the south 100' which was to remain P-R for parking only. This was the plot plan of that proposed development. It constituted a four or five story building right in the middle of it, and the bank building at the upper right hand corner, parking around it and landscaping. That plan has since the approval of the zoning gone down the drain. The zoning has expired on this part of it. The attorney has ruled, however, in that this was already in operation, the C-1 zoning is still in effect. The new owner is proposing a supper club on the property as shown on this plot plan utilizing the existing buildings, and joining them together with an addition. However, there's one big difference and that is the traffic flow. They are proposing the parking around the building and using 6th Street as access. I'm sure all of you are acquainted with the problems we've had on 6th Street over the years, some of which prompted the construction of the island at 6th and Charleston. This plan did not allow access to 6th. All of the flow was to Charleston. At the hearing before the Planning Commission, we received a petition of protest, some 50 properties represented. This being the property in question (map) 6th and Charleston. This red dotted pattern shows where the protestants live, going all the way down to Sahara. The property owner immediately to the south which would be this property owner, also was present at the Planning Commission in protest. The Planning Commission has recommended denial of the application.

Mayor Briare: Don, we're discussing a couple of things, of course, as you've already indicated. Is one of the things that we are discussing the architectural supervision of the design. Sixth Street, I can see by the content of your memo and as you just explained, the 6th Street thing shouldn't really be before us. The applicant should understand what the 6th Street thing is.

Mr. Saylor: To answer your question, Mayor, the architectural design is of great concern; however, the applicants have indicated they propose to use the existing house, substantially as it now is. In other words, they are not proposing a commercial looking building or restaurant on it. They plan to convert it into a supper club. The only construction involved with it would be the joining of existing building with the smaller one to the rear.

Mayor Briare: He's entitled to put a restaurant on that property, period. But, it's the placement of the restaurant and the access?

Mr. Saylor: Not really. This gets a little bit confusing. The C-1 zone, per se, does allow a restaurant. That's one of the permitted uses. However, in the approval of zoning, you can and have limited it to certain uses and in conjunction with

with this C-1 zoning which was considered for this entire property and this was represented to us as continuing to be a title company, escrow service. Even if, for example, they came in to develop under this plan, without suggesting access to 6th Street, but everything would have been same, they still would have had to get permission to change this use from the title company to the restaurant. However, if you have a piece of C-1 zoning, say three blocks away that had been zoned C-1 some time ago without any restrictions or conditions, yes, you could go in there and put in a restaurant.

Mayor Briare: So the original application was for an office type of structure and now the applicant is asking instead of an office type of complex, he is asking for a restaurant. The question of a restaurant has never been before this Board before.

Mr. Saylor: That's right, plus a change in design in the traffic flow.

Senator Ty Hilbrecht: Your Honor, members of the Commission, I have with me Mr. Phil Deale. This morning, Mr. Marvin Strusser who is the co-applicant was present, but was unable to be here owing to another commitment this afternoon. I would like to say that I believe that there is some confusion regarding the use of this particular parcel and I believe it's outlined by Mr. Saylor's remarks. For example, clearly the Title Company, if that building, that is the existing building, which appears on the map which was used as a basis for the resolution of intent on which this review is based, if that building was intended to be continued in the use of a title company, the P-R zoning it presently had at that time would have sufficed and the necessity to rezone it C-1 would have been entirely frivolous. So, it's not altogether clear that that was the intended use in this new development. Indeed, there have been several variations on that original plat. It is true, however, that my client, Mr. Strusser and Mr. Deale, were not involved in that and to my knowledge, it was not supposed to be used simply as a restaurant but as a portion of a large rental facility involving an office complex, a bank and some other facilities. It was because of the fact that there was no intention to limit the use that the building in question was placed and incorporated in the resolution of intent to C-1. This, gentlemen, I am pleased to be here in support of this position of the applicants in this matter for the reason that like all of you, I've lived here a number of years and candidly, quite honestly, before I was ever approached by Mr. Deale to represent him in this matter and Mr. Strusser, having seen the Ham house go by the wayside, I was fearful that the Wengert one would be the next. And, I won't conceal from you that I was delighted when I discovered that Mr. Strusser and Mr. Deale, who I think have a pretty good representation with the City fathers, for their management of real property in the community, and in particular the restoration of some venerable buildings here, purchased this with the intent of utilizing the C-1 resolution for the purpose of a permitted and conforming use under that zoning, namely a supper club. I believe, although I did not attend the Planning Commission hearing, that residents of the area expressed some legitimate reservations, particularly concerning the traffic on 6th Street. Unfortunately, neither Mr. Strusser nor Mr. Deale were familiar, as some of us in the community have been, with the sensitivity of that particular problem, and I have discussed it with them and we have discussed it with some of the traffic people. We are persuaded that we do not need access on 6th Street and that the now existing access of 6th Street may be terminated,

and certainly would not resist a condition, should the Commission see fit to approve this action, a condition involving those steps necessary to limit the access or to deny access to the property to the use on 6th Street, but rather directly on East Charleston, which, of course is the principal artery anyway. In order to assist you, we felt it imperative upon us, in view of the Planning Commission action to prepare for you, so that you can understand the good faith involved that we've gone a great deal farther than the simple plot plan in this matter, and with your Honor's permission, I have asked to be prepared a set of plans for everyone, in particular call the Commissioners' attention to pages 4, 5, and 6 which contain renderings and photographic representations of the Wengert home with which you are all familiar. Sheet 5 indicates the, sheet 4 indicates the photograph of the existing building which it is Mr. Strusser...

Mayor Briare: Excuse me, just one second, Mr. Hilbrecht. Are you folks here for this particular matter. Perhaps it would be helpful, would you allow them to look at these particular things also. We have a few extra sets.

Mr. Hilbrecht: We have sufficient copies, I think.

Mayor Briare: Why don't you back up now, Ty, and start so these folks can look at the pages. Is there anyone else that was here in the audience to be heard on the application? Okay, it looks like it was just this couple here.

Mr. Hilbrecht: Calling your attention to sheet 4, these are views of the existing building which it is Mr. Strusser's and Mr. Deale's intent to maintain intact to refurbish, that is where the plaster is failing and where the trim is failing, where the paint is peeling to replace it, and to make it structurally sound and comply every way with the County Health Department ordinances. The following page is a site plan indicating the existing building, the addition that Mr. Saylor exhibited. Basically, it's a connection between two existing buildings. It has been designed by the architect so as to create minimal interference with the architectural design of the Wengert building. It will accommodate the new kitchen area, and thereby make it easier to comply with health and other ordinances by virtue of the installation of new plumbing, electrical, and such materials all in the new structure rather than the old.

Commissioner Lurie: Did you say you were going to eliminate the access from 6th Street?

Mr. Hilbrecht: Yes, that is our, I indicated that our applicant would agree to that kind of condition on the granting of approval. As I said, I don't believe the applicants understood the sensitivity of the problem until they attended the Planning Commission hearing. I think that is probably a legitimate complaint. Finally, on page 6, we have indicated the internal changes contemplated, and as you can see they are indeed minimal. Those of you who have been in the Wengert house, I think, can appreciate the architect taking great pains to try to leave the structure as nearly as possible as it was.

Commissioner Leavitt: Mr. Hilbrecht, I notice that you, what appears to be the present garage is where you have for storage, refrigeration and so forth. What do you have for your delivery area?

Mr. Hilbrecht: There'll be, see where it says office, right there, there's a little door there. It's coming off Charleston.

Mr. Hilbrecht: Your Honor, and Mr. Commissioners, we have prepared a set of photographs for the protestants. I have a copy of them. Just to indicate generally the character and nature of the particular area, I know you gentlemen are all familiar with it, but just to refresh your recollection, I thought it useful to bring that along for another reason. That is, that there is a depiction in one of the photographs in my judgement very graphically, of the principle reason I'm pleased to support this application, and that is the large scar that appears directly across the street from the Wengert home on 6th Street, and it would be my judgement that unless, within a very short period of time, some permitted use can be developed which will be revenue producing. The Wengert home will meet the fate that was visited upon the Ham residence and one of the City's, I think, outstanding landmarks will cease to exist. So, I believe you can tell by the adjacent uses that this is the Commission's original purpose in granting the resolution was directed toward orderly development, that the use is one that is consistent with the surroundings. That with the exception of the access to 6th Street, which I indicated we would work in any reasonable way to adjust, it certainly was consistent with what must have been the Commission's intent at the time this resolution was adopted. If I may, I have one additional handout that I feel the Commission ought to consider. This handout, I think, is a pretty graphic indication that these applicants are not asking the Commission to accept a pig in a poke, it's a little presentation respecting a similar property restored and maintained, I think to the credit of the community, by Mr. Strusser who is one of the co-partners in this venture. At 1200 Maryland Parkway you will note that there is a news article attended together with a certificate of commendation from the community leaders, and I suggest that with those remarks, we would earnestly request that the Commission give consideration to granting that. I would also indicated, and I believe Mr. Saylor would verify this, I believe that we must also consider, and whatever the appropriate mechanism for so doing would be, some modification with respect to the parking area which now has the P-R 9:00 p.m. curfew regulation in accordance with the zoning ordinance. I would, therefore, suggest that while it was perfectly reasonable owing to the fact that that portion of the property was intended to be used for professional uses in the plot plan originally presented, and based upon which the resolution of intent was adopted, that either a use permit or a zone change with respect to the back 100', that is the parking area only, would be necessary in order to accommodate the supper club. Once again, in conformity strictly with the zoning, which of course provides for appropriate landscaping, appropriate walls, one of which is already existing, off-site improvements, and again, any reasonable traffic pattern design that would accommodate this use, without utilizing 6th Street access. Thank you.

Mayor Briare: Thank you, Mr. Hilbrecht. Did you have anything else, Mr. Deale?

Mr. Deale: As far as the landscaping, and the whole thing, we think it is better to leave the whole thing exactly like it is. The whole front of the house, there will be no driving up to the front entrance. You'd have to walk. The whole front would be exactly like it is today.

Mayor Briare: Thank you very much.

Commissioner Lurie: People will park in the back and have to walk around to the front?

Mr. Deale: They'd have to walk to the front. We was going to have it to drive around the building, but then we decided the weather here is not that bad, and if we fixed the front up with a cobblestone walk and the whole thing, it could be a little fun to walk.

Commissioner Lurie: I see on the new addition you have a trash enclosure. How close is that to the property next to it.

Mr. Deale: 100 feet.

Mayor Briare: Folks, would you like to be heard on this matter? Would you come forward.

Vic Rubelad (approximate spelling): I was elected this morning to represent Mr. Lawrence Harvey as the chairman of the committee. He was unable to make it today. I have a copy of six signatures here if you'd like to have a copy of them. The committee, or the protestants in this matter, have taken a lot of things into consideration. We believe that the homes on 6th Street from Charleston on up to Sahara is one of the oldest best kept sections in the Las Vegas area. We are not talking \$30,00, \$40,000 homes. We are talking homes that are valued at \$100,000, \$200,000. People that have to hire gardeners to keep their lawns up. We are in the process right now at 1040 and 1044 South Sixth Street, we are converting two residences into one which belong to Mr. Lawrence Harvey. It's about \$500,000 remodel projection on it. We're going strictly Victorian and the whole house is hand carved, done by hand, moldings and... He feels that to enhance the elegance of the already beautiful area by putting a restaurant on the corner of 6th and Charleston, it would be detrimental to the value of the properties immediately adjacent to the restaurant. This is the biggest opposition. Also, the mature shrubbery that will have to be taken out. The residents of the neighborhood would like to leave the shrubbery as it is. It is mature shrubbery. It was kept when the one residence in the corner was tore down, but I understand that there are some plans to purchase that property and rehave it done. I don't know what the projection is on this, but we feel that by putting a restaurant there on the corner of 6th and Charleston, it wouldn't enhance the area as far as the property owners are concerned. We feel that if a man is going to invest \$500,000 to remodel a house to enhance the elegance of the area, that we shouldn't have a restaurant 200 yards from this private home. That's where it stands now.

Mayor Briare: Mr. Hilbrecht, of course, is very capable of responding to a couple of your comments, but to save him the bother of coming up here, two things that you mentioned immediately came to mind about the mature shrubbery, I believe he indicated that their plans call for maintaining everything that is in existence. Was that correct, Mr. Hilbrecht?

Mr. Hilbrecht: That's correct.

Mayor Briare: And also with respect to Mr. Arvey's plans to do something quite spectacular on his house, incidentally, how far away ten hundred block from this particular property.

Mr. Deale: About a block and a half.

Mayor Briare: Also, just so I have it in my mind as to what you have already represented to the Commission, they intend to keep the so-called Wengert house just the way it was originally designed, which I think all of us agree is a very, very attractive type of architecture for 6th Street. Was that your understanding, sir?

Mr. Rubelad: Yes.

Mayor Briare: So, then we all do understand, that they do intend to keep the shrubbery and they do intend to keep the integrity of the old property intact.

Mr. Rubelad: Yes, sir. We were also mainly concerned with the parking lot.

Mayor Briare: He didn't mention that.

Commissioner Lurie: While they're looking at that, how long has Mr. Arvey had that property?

Mr. Rubelad: I believe it's going on about ten years now, somewhere in there.

Commissioner Lurie: When we first reviewed this application for the project that was initially going to be on that corner, he never protested. He was never before this Board with any concern about it. Now he seems to have a great concern over whether or not that is rezoned. The person I feel has the most concern is Mrs. Schwartz who is in the audience and probably will speak, who lives right next door. I'm concerned about her welfare, her home, and her privacy that having restaurant there, might deprive her of some privacy. But, Mr. Arvey lives down the street and I don't ever remember him coming in before and protesting anything on that particular corner, but I do remember Mrs. Schwartz here before.

Mr. Rubelad: I don't know whether Mr. Arvey had started his remodeling program at the time this matter came up before the Commission originally. Of course, my standing before you, we'd be putting ourselves in the place of Mr. Arvey, the way he would possibly think.

Commissioner Lurie: That's what I mean. If he was so concerned, I don't know why he sent you here. Why he didn't come down himself.

Mr. Rubelad: He was unavailable. As a matter of fact I was elected at the very last minute. I guess he felt since I'm fairly well acquainted with the neighborhood and the problems, I was elected.

Mayor Briare: If you were elected, then you speak for him. Anything else, sir?

Mr. Rubelad: No, I don't think I have anything else.

Mayor Briare: Thank you very much. Mrs. Schwartz, did you want to make any comments? Am I correct in assuming you are Mrs. Schwartz?

Mrs. Schwartz: Yes. Mayor and gentlemen, I have a few pictures here which I would like to show you. These are the homes around there. May I ask Mr.

Saylor, the property directly east of this property was also C-1, is that correct? Now that's run out. How come this other property has not run out as C-1. It was supposed to be professional at one time.

Mr. Saylor: This was all included in the same application. The time expired on that a couple of months ago. The attorney ruled, however, that the time limit was in fact applicable to this piece only, in that it was undeveloped and the reason for the time limit was to insure the control of the development with the plan. That this was already developed and being used for the title company, and therefore, the time limit did not apply to that piece.

Mrs. Schwartz: That was used as professional and nothing had been changed to make it C-1.

Mr. Saylor: I'm simply relating to you the opinion of the attorney.

Commissioner Woofter: Do you know, Mrs. Schwartz why they tore the beautiful home down across the street from you?

Mrs. Schwartz: I understand that there were people not children, but youngsters breaking windows and so forth and I heard also that in her will she didn't want anyone else to live in, so I don't know which is true. But, I'm definitely against a restaurant going in. I can hear the garbage disposal coming around at 5:00 in the morning. I can smell the aroma of a restaurant directly next door to me. My children and other children, there will be much more traffic around. I'm definitely against the whole thing. The values of our homes will go down. I'm just definitely against it. Professional, yes, I realize that the City has to continue and grow, fine. But I cannot see a restaurant there. I can see professional buildings there, fine. It doesn't bother us on Saturday and Sunday. But this is going to be an all night thing. My bedroom is right there, right by the parking lot. The fumes and exhausts, everything. It's going to be I just am completely against it. That's all I have to say. There are 65 names there too that are against a restaurant.

Mr. Hilbrecht: Mrs. Schwartz, are you immediately to the south?

Mrs. Schwartz: To the south, yes. And the parking lot is right there.

Commissioner Woofter: How high a wall is that, Mrs. Schwartz?

Mrs. Schwartz: It's only a 6' wall. I have a two story home.

Mayor Briare: Is there anyone else? Anything else, Mr. Hilbrecht?

Mr. Hilbrecht: I don't want to belabor the records. There are a couple of matters I would point out. The Arvey home, as this photograph points out, backs up Heers Roder's yard. It is at one point within about 35' from the Heers Roder's parking lot and garbage collection area now. It is difficult for us to ascertain how Mr. Arvey feels that the supper club application on the property would deteriorate the property. Also, the Schwartz property is a distance in excess of a 100' from the building area there. There is unpaved and before the Planning Commission there was discussion about developing a plant or garden area there to assist in screening the exhaust

fumes, any confusion the parking in the adjacent area might cause. Again, my clients, the applicants here, do not object to any kind of reasonable, under the zoning authorities vested in the Planning Commission, any reasonable direction in this area. We have the feeling, however, that a \$400,000 improvement which is the plans for this particular property based on the plans, would be a definite asset to the community, and would not be generate any detrimental of the property values in the area.

Commissioner Lurie: On the south property line, there is a 6' wall between your property and their property?

Mr. Hilbrecht: I might add, gentlemen, I can look at the language of this petition, your Honor, and I think we concur with everything in it except the language utilization of the house as a restaurant, because in our opinion that does not materially affect the neighborhood whatsoever in the manner in which it is intended to be used.

Commissioner Christensen: Ty, has Mr. Deale ever been in the restaurant business?

Mr. Deale: Yes, I own Vince's Supper Club on West Sahara.

Commissioner Christensen: What do you propose to do about odors, because I know there is a problem there. There are several restaurants, that you know you are passing a restaurant as you drive by because of the odors. Is there any, that would be offensive to me in my yard, and that's why I wondered is there a way, do you have any plans to hold that down?

Mr. Deale: The big thing with odors is cleanliness. If you go by a restaurant that is clean, you are not going to find any odors. If you go by a place that is filthy, you have a problem.

Commissioner Christensen: I'm talking about the...

Mr. Deale: It's usually in the trash area. That's where your odor will come from. It's a question of keeping it clean.

Commissioner Christensen: I understand that you're not going to have much traffic in a dirty restaurant.

Mr. Deale: It's pretty bad advertisement.

Commissioner Christensen: In other words, what you are saying is you've got to have the smell eliminated from your parking lot or otherwise people are going to open the door to get out of the car, and then close it and drive away.

Mr. Deale: In this particular plan, you're not driving up to the front door.

Commissioner Christensen: No, you're driving around by where the stink would be, if there is one.

Mr. Deale: Right, and then you walk through the front yard through the greenery and so forth.

Commissioner Woofter: Mr. Mayor and Commissioners, Mr. Deale's has pointed out he has been in business. I'm very much aware of the fact he has had successful businesses in the past here. Vince's he spoke of. He developed that from nothing to a successful supper club, so I don't think there is any problem or question in my mind as far as that aspect is concerned. The

other aspect of concern what Mrs. Schwartz professes as far as living next door, as far as what Mr. Hilbrecht mentioned, living here most of my life, I'm like him. I like, I was very disappointed that one home across the street was torn down, and I can foresee if we don't act upon this, I don't know what can happen in the future, but I can foresee since Charleston is developing into all of commercial zone, that something more drastic, I shouldn't use that terminology, something that I wouldn't want to see happen, could happen and the residents we're concerned with, in that this could possibly very well be torn down to make way for progress. What Mr. Deale proposes and Mr. Hilbrecht, I have to concur with. I think that it's restoration is going to preserve it, and I can't foresee anything in the future that would deter from this restoration and maintaining it from here on out. On that basis, and on the basis I think the main complaint has been resolved, the traffic situation in question, which the applicant has agreed to eliminate, on that basis I would make the motion to approve the appeal.

MOTION

Mrs. Schwartz: I'd like to say something else, Mayor.

Commissioner Lurie: I have one question of Mr. Saylor. If this was to be approved with another condition that the wall along the south side be raised to 8', what would be your recommendation as far as that.

Mr. Saylor: You could do that, but I think that I would leave up to the adjacent property owner, whether they wanted an 8' high wall. It was mentioned and this is one clarification I would like Commissioner Woofter, you are saying without access from 6th Street, there is some indication of landscaped strip alongside of that south line. Is that included in the conditions?

Commissioner Lurie: Is that the new submitted plan?

Mr. Saylor: This is one we worked out on how it could. They could have their parking. They would lose some spaces, but without access to 6th and providing the landscaped strip along here, they could get essentially, you know.

Mr. Deale: The landscaping thing wouldn't do her a lot of good here. What I propose to do, if it would help matters any, would be something tall. As far as 6th Street goes, the only place from here to here (map) there is full grown trees, real big ones. From here down is shrubbery. I propose here to completely eliminate this driveway completely and plant all the way across. No way you can get in. In other words, anybody that comes to the restaurant, there is no way to get on 6th Street, coming or going. It's impossible.

Mayor Briare: Do you use valet parking.

Mr. Deale: No, I don't believe in valet parking. I don't like the idea of people...

Mayor Briare: Did you want to make one further comments, Mrs. Schwartz?

Mrs. Schwartz: Yes. No doubt there will be wine and liquor there, is that correct?

Mr. Deale: Yes, ma'am.

Mrs. Schwartz: This is an all night thing.

Mr. Deale: No, it's midnight. It's a limited license. I'm only allowed to open at 5:00 and I have to be closed by 3:00.

Mrs. Schwartz: Three o'clock.

Mr. Deale: Midnight.

Mrs. Schwartz: It's tough. I can see a professional building going in there, anything else, and I am sure there are many professional buildings that would continue to keep that same look that is there. But I still cannot see a restaurant, I don't care how clean your restaurant is, I know I have got a clean kitchen and you can sure smell that fried chicken. Any way you look at it.

Mayor Briare: Any other comments?

Mayor Briare: Mr. Saylor, would you help me out on one point once again. The property, when it was purchased by Mr. Deale, was zoned how?

Mr. Saylor: It was zoned professional, but was under a resolution of intent to commercial in accord with this plan.

Mayor Briare: Would a reasonable buyer expect that he could utilize that property for other purposes other than what was shown on Planning Department records? The thing that disturbs me is that Mr. Deale, I am sure, didn't buy that property to build an office building. He bought the property for the purpose of a restaurant. That's his business.

Mr. Saylor: Right, expecting to use it.

Commissioner Christensen: Mayor, maybe I can help answer your question because I was on this Board when that resolution of intent was granted. Part of the problem that we had, and Mrs. Schwartz brings it up, part of the problem we had was that center building that they wanted to build a multi-story building. There was a tremendous protest factor in that area and south of there, due to the fact that those people in those offices, they have a high elevation and they would lose any privacy they had in their yards across the block wall to the south. I believe they agreed at that time, correct me if I'm wrong, Mr. Saylor, to shield those windows so that they didn't have that. But, the thing that sticks in my mind about that whole thing, was that those people, in order to satisfy the residents in that area, they had to go for that type of a building and that type of a business that would close in the afternoon late, so that in the evening they did not have the noise, the parking lot that they were going to be close to. In fact, they moved the parking lot to the front, as I recall, and moved the building back so that they wouldn't have the parking there because the residents' biggest complaint at that hearing was the noise and the lack of privacy. So they eliminated the lack of privacy and they eliminated the noise by the fact that their use was limited to normal business hours. There was no night use, as I recall. I don't know that that was limited in the zoning, but wasn't that the gist of the conversation, Don, that that would be closed up at nights? That it would be no problem to the residents in the evening hours, and no sleep disturbing and so forth?

Mr. Saylor: The south 100' here and the south 100' here was kept P-R which carries with it a 9:00 or 9:30 evening closing. That was brought up by Mr.

Hilbrecht, even if you approve the restaurant and what's before you today....

Commissioner Christensen: We'd still have to change that or they couldn't use the parking lot.

Mr. Saylor: Either that or get a variance under the P-R to keep it open later than 9:30.

Commissioner Christensen: This is what I'm saying, that the time that was zoned and contrary to what Mr. Hilbrecht said, that zone was granted with the idea in mind of the users and one of the things about the users that's important here was that it was to cease by dark. Not necessarily by dark, but that it was like an 8 to 5 office building. There wouldn't be a night use next to those owners.

Mr. Deale: The house wouldn't be a night use next to the residential owners. There's a 100' buffer in between. The houses, you know, are like on Charleston.

Commissioner Christensen: The parking lot, though. You've got cars coming and going until possibly three o'clock in the morning right by your bedroom window and that's what they attempted to solve when they made that zoning originally. When that original resolution of intent went in there, that's one of the things they attempted to solve was the problem of all night traffic in that parking lot.

Mr. Hilbrecht: For clarification, it certainly wasn't my intention to mislead anyone. But, it is my intention that the use that Mr. Johnston was putting the property to would not have required the C-1 zoning, and so I do have a little difficulty...

Commissioner Christensen: It was part of the overall package, that was just included with it.

Mayor Briare: In the event, Mr. Hilbrecht, action one way or another is taken on this, let us say for the sake of my question, say that favorable action was taken on it, that parking property then would still have to come back before a Board of some sort. Well, in that case, let us say, affirmative action were taken on Mr. Deale's application for a restaurant, then that is tantamount to saying prior to any notices, or prior to any book work done, that we also approve the parking, because reasonable people aren't going to approve a restaurant and then deny parking. Is that a fair statement? You'd probably like to have from this Board, that if, instead of talking about a restaurant, we were talking about rezoning P-R property to whatever classification is necessary for the purpose of using it as a parking lot, in that event you would also get, you'd also resolve the whole matter.

Mr. Deale: My situation as it sits right now, I paid \$225,000 for the property as a residence and this was what it was sold to me, that's okay. I did check downtown before I signed off contingency on the offer and acceptance agreement. I checked with Mr. Crow. We called up Planning. We did check with Planning. Somewhere along the line we got our wires crossed. Mr. Dye, who is a real estate person over here, and we were told it was okay for a restaurant. We were told from Johnston this was all right for a restaurant. So, I signed off the contingencies on this thing and I paid the \$225,000 for this. Right now, I'm spending \$100 a day for a empty house.

Mayor Briare: I had the feeling, Mr. Deale, that obviously you felt when you bought that property that

representations were made to you which in a sense you know, that's really something we, at least as far as I'm concerned can't take into great consideration, because we have keep in consideration some of these people here.

Mr. Deale: No, I realize that. That's the situation. This is why we are trying to make it, do things right by everybody if possible.

Mayor Briare: Well, in the event, and I don't know what the Commissioners feel about, because whatever decision is made, if action is taken on Commissioner Woofter's motion right now, that's going to settle the matter from here on. But you still, if Mr. Woofter's motion prevails, you are still not ready. Then you have to go and start worrying about keeping your parking lot. Now, which comes first. Which should be brought to the point first?

Mr. Deale: Somewhere along the line try to do both at once. To go around the whole horse again, economically, it's getting a little on the tough side.

Mayor Briare: Don, outline for Mr. Deale what his steps, in the event, and I wouldn't want to give the impression, I'm sure I probably am, but I don't intend to be giving the impression that I know something that hasn't been displayed on that Board yet, and I don't, what would be their next step if they should prevail?

Mr. Saylor: Either apply for a variance under the P-R to keep the parking lot open later, or apply for C-1 zoning on the part that is P-R. Either way would achieve the same results.

Mr. Deale: I'd go for one o'clock limit on the parking right now.

Mayor Briare: Well, that's not going to...

Mr. Deale: Four hours difference, that's when we would close the restaurant, everybody is worried about it being open all night. This would limit it to that. Completely. A supper club is a supper club, and that's exactly what it amounts to.

Mayor Briare: The motion is to approve. Is there any other comments or questions?

Commissioner Lurie: With all the conversation, I'm quite confused. Maybe we ought to have all this information that was presented before us with plans and pictures, hold this item until our next meeting and get some of these items that are resolved in our minds before we vote on the motion.

Mayor Briare: What time element is Mr. Deale involved in. If he were to go upstairs this afternoon and make an application to change that property from P-R to C-1, or whichever is the most expeditious manner to allow him to park cars up there until whatever hour is allowed by law.

Mr. Saylor: If, and I can't say this with complete accuracy because I don't remember all of the filing dates plus the fact that in November we have two holidays that fall on our normal meeting dates, but I think it is safe to say that if he were to submit an application for a change in zoning, it would go to the Planning Commission on December 9 and could go before this Board on the 15th of December. I don't know whether he can still get on the November meeting

of the Board of Zoning Adjustment or not if he applied for the variance. Ordinarily, I would say yes, but because of Thanksgiving I think they set it ahead a week which may not allow sufficient time for us to process it for that meeting. If he can't get on the November meeting, we would set it toward the end of December.

Mayor Briare: Are you involved with the mailing of notices problem.

Mr. Saylor: We have to send out notices, all of that.

Commissioner Lurie: That's what I'm trying to do is save a step somewhere along the line. My biggest objection to the whole thing was sort of answered, number one by the shrubbery on the south side of the property; number two, the closing of the access on 6th Street. It's just a shame that that has to face on 6th Street. If it was facing onto Charleston, I don't think there would be any question that that home could be turned into a restaurant, because that whole property along Charleston is going to become commercial. Our General Plan calls for it. It's just unfortunate that it is facing the wrong direction while the application is before us. There are some other items that concern me as far as the conditions on the P-R and the time limitation of a 9:00 opposed to a 1:00 that have to be resolved. You would have to come back before this Board regardless of what action we took today.

Mayor Briare: In other words, it would be kind of a hollow application if this matter were approved today and then a certain set of procedures are to be done to go through the Board of Zoning Adjustment. One thing, in order to quit speculating so much, one way to resolve it right now would be to take a vote to see if the Commissioners are of a mind to take action one way or the other. The only thing is it possibly could go against you, and then you're really in a big problem. Whereas, if it went for you, then there's not that much of a problem. Mr. Stewart, I want to get this, and I don't mean to belabor this, I feel sorry for this guy and I think he's got a problem there, but I also feel sorry for those folks too. Mr. Stewart, in the event that this Board would today approve the application, in a sense that is tantamount to approving the parking. Surely we would like to believe ourselves as reasonable people, and that's to be assumed. Wouldn't you say that's a correct statement.

Mr. Stewart: It doesn't change the regulation on the parking. People, I am sure, would make a conclusion that it's an indication that you might be favorably inclined.

Mayor Briare: Why, sure. That at some future date when the book work is done and the paperwork is done, we're going to approve the parking. That would seem like a foregone conclusion. Are we in violation of anything that you can think of by making such a decision today prior to its going before the Board of Zoning Adjustment and whatever.

Mr. Stewart: You are not in violation of any provision of the code that I know of; however, that parking would still be restricted by the P-R restriction.

Mayor Briare: But, you see, Ty, the thing that bothers me is that certainly if this Board were to approve the restaurant, you've got to approve the parking.

Mr. Hilbrecht: I understand that. I think we are looking on the one hand, at the Planning Commission appeal, and I believe Mr. Deale would like to have that resolved so that he knows how to proceed from there.

Mayor Briare: You've got a petition here of 50 some people that, as soon as that Board of Zoning Adjustment acts, can automatically throw an appeal and that takes a good number of days to proceed, and we're obliged to do it. If we were to give tacit approval to a zone change on the parking lot, then I think really we are stepping further than we have a right to do until everybody that is on that petition and so forth has their day in court. I'm really concerned about it. I've been in your restaurant before and I think you run a first class operation and it would probably an asset to that neighborhood out there, but I don't like to get caught in a jam where we're innocent parties and the people who live out in that area have a very proper complaint against their government.

Mr. Deale: You've got people on the petition three blocks away.

Mayor Briare: I understand, but that's still their right to sign.

Commissioner Woofter: I made a motion, Your Honor, but I defer to the applicant since they are very much aware they have to come back to us ultimately on the parking, the possibility to come back with the whole package at that time.

Mayor Briare: Mr. Hilbrecht, are you sympathetic to the problem we have here?

Mr. Hilbrecht: I'm sympathetic, but also sympathetic to the applicant.

Mayor Briare: You're a lawyer. If you were sitting here or if you were sitting in the legislature and had a similar type of problem presented to you, what would you do?

Mr. Hilbrecht: My question is would it be the intention of the Commission to continue or put over the matter of the appeal, which is now properly before the Commission, until the rezone application or the variance application catches up with it and then reschedule them on the agenda at that time. We certainly want to protect our...

Commissioner Christensen: What he's saying, Ty, and I agree with the Mayor, that this gentleman has indicated it is costing \$100 a day for the house, so you hold this off for two weeks, theoretically that's worth \$1400. However, would he, as a prudent businessman start remodeling on this home before he's got the parking because without the parking, he can't do business. It's kind of like a Mexican standoff there.

Mr. Deale: This parking thing came up, and Mr. Saylor will hear me out, this parking was not brought

up to me until a week ago Tuesday, I believe, he called me at home. Everybody flat overlooked it. He called me up, and said even though the restaurant one with the C-1 is all right, we've still got a problem with 9:00 parking. I didn't know about this. This was never mentioned to me by the Planning Department, this was never mentioned to me by the Licensing Department. It was never mentioned to me by Johnston who I bought it from. The real estate man never mentioned it to me.

Mr. Hilbrecht: (inaudible portion) this matter was put over in such a fashion that our notices and procedures taken heretofore are not for naught, and held up til a time perhaps when the other application, whichever one, should be considered appropriately by the Commission. That would be my recommendation.

Mayor Briare: Mr. Saylor, if it should be the pleasure of this Board to hold this application what could you do to expedite, or perhaps we could instruct you to do everything you could do to expedite his application, so at least the entire matter is before us at one time, because of the Thanksgiving holiday and everything.

Mr. Saylor: We, obviously, will do whatever we can to expedite it, and quite off hand I would have to conclude the most proper procedure would be to try for the C-1 zoning because if we go the other way on variance, it would have to go before the BZA. Then if it's appealed, it has to come to you and then be set for a date for public hearing. That takes it way down the road. As soon as we're done with the meeting here and get back upstairs, they can check the calendar to find out as to whether or not we can do it sooner than December 15, I am quite sure we can get it back before you by December 15.

Mayor Briare: We could belabor this all afternoon. There is no motion on the floor right now. Is there any particular action the Board wants to take? If there is none, we're just going to hold it until some further, something further comes before us.

Commissioner Woofter: Mr. Mayor, for the record, I should withdraw.

Mayor Briare: I understood you were going to withdraw.

Commissioner Woofter: I more or less asked the applicants if that would be their desire.

Mayor Briare: Did you want the record to reflect that you have withdrawn.

Commissioner Woofter: Yes.

Mayor Briare: Edwina, the record will so reflect.

PLOT PLAN REVIEW - FLETCHER JONES CHEVROLET
Property located at 444 South Decatur Boulevard to allow a body shop and paint room, C-2 zone.

Mr. Saylor: The next item is a plot plan review for Fletcher Jones. I think you are probably all acquainted with the location. This being Decatur, Alta, this is the existing operation. The Senior Citizens housing here. This piece was recently zoned commercial to allow the expansion. This is Michael. They are proposing a body and paint shop. Planning Commission has recommended approval. One of the conditions set forth, however, was that the building be moved from 20' further east to take it further off this property line, which is the west line. There will be no access onto this street. There is a block wall and landscaping along that west line.

Z-30-74
.Continued

Mayor Briare: There were no objections to this. No, this is a plot plan. Any comments? Edwina, would you note there are two votes to block out.

Commissioner Lurie: Move for approval.

Mayor Briare: The motion is to approve. Any comments on the motion? The motion is approved.

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

Z-41-73
Referred back
to Planning
Commission.

PLOT PLAN REVIEW - NEIL J. BELLER, ATTORNEY
Property located at 1609 East Sahara Avenue, C-1 Zone,
to allow the sale of electric vehicles.

Mr. Saylor: The next item is a plot plan review, property at 1609 East Sahara. The proposed use is the sale of electric vehicles. In fact, they were talking about vehicles somewhat like a golf cart operation, but they are designed and will be constructed to be used on the street. They do not, however, come under the same category as a new car agency. The location is on Sahara in the block between 17th and Chapman. When this went commercial, it was on the basis that each specific use come back to you for review. The Planning Commission has recommended approval subject to the conditions set forth.

Mr. Neil Beller: The approval was tentative based upon two conditions, or three conditions. One of them was that there be no outside storage or repair of vehicles and the other that there will be no outside displays. Since coming before the Planning Commission and reviewing it with my clients, they feel that because of the nature of the business, that it is going to be necessary to have outside storage of vehicles and in addition to which, they would have to have outside displays. Originally, to go over this from the beginning, I spoke with Mr. Clemmer and he indicated that there was no particular problem with this particular business and in this particular location. Subsequent to that, I wrote him a letter confirming it. He then got back with me and told me that sale of vehicles requires a C-2 zoning, when in fact this was a C-1 zoning, and that we would have to go before the Planning Commission and subsequently the City Commission to get a variance. We did do that and then these three conditions came forth. They feel at this juncture that if these conditions have to remain, they would probably have to go to a C-2 zoning. The problem with the ordinance is that this really is not the sale of a vehicle. The sale of a vehicle is defined as exactly that under C-2. These are electric carts. They will vary in length from 6' to 8'. They'll be generated strictly by electricity and no gas, but at the same time, they will be, people can ride in them, and they will be utilized as such. It will be more than a mere....

Commissioner Woofter: I'm still confused, Neil. What are they?

Mr. Beller: They are electric cars literally.

Commissioner Woofter: You drive them down the street like a car?

Mayor Briare: They're licensed for highway use, are they?

Mr. Beller: Right now they are not, except they are coming out within a short period of time with freeway type vehicles. But they are not licensed to go on the freeway now, but they are licensed to go on the street.

Mayor Briare: By the Motor Vehicle Department?

Mr. Beller: Yes, they are electric cars.

Mr. Adams: Is this what they call a city car?

Mr. Beller: Probably so. There are quite a few of them in California in retirement communities and places such as this. You can generate them and they will go approximately 50 miles if they are plugged in a normal outlet overnight.

Mr. Adams: If the Commission will recall, we had one here before for demonstration purposes, that we leased for a couple of weeks to use with our meter mollies.

Commissioner Lurie: This is a lot bigger than the ones we had. We had just small scooters. This has to be licensed, has to have a motor vehicle registration.

Mr. Beller: That's right, except that it's not a gas driven vehicle. That's the only difference and the ordinance doesn't clarify that. They are defined in California. They can get into commercial areas. In fact, they are opening up a store in California in a commercial area with this type of zoning. They are not defined as motor vehicles per se.

Mayor Briare: You don't have any pictures. Are you contemplating any rentals?

Mr. Beller: At this point I couldn't tell you, Mayor. Primarily it will be for sale. Mr. Wilson represents Mrs. Garside who is the owner of the property.

Commissioner Woofter: It looks like a motor vehicle though, right?

Mr. Beller: Yes.

Mr. Saylor: It is a motor vehicle. No matter how you describe it, it's still a motor vehicle. It's got an electric driven motor for the motor part and obviously it's a vehicle, so you can't, you can use all the semantics you want, but ...

Mayor Briare: If this were a gasoline operated vehicle, would those same conditions be put on?

Mr. Saylor: That's right. In other words, you can't have the outside storage or repairs was represented to us that it would not be done. What I would suggest, this has changed substantially since the time it was given to the Planning Commission and the explanation thereof, and my only suggestion would be that it be thrown back to the Planning Commission because I don't believe what they want to do, or what they describe here that they want to do, can be done in this zone.

Mayor Briare: The ultimate user of their property, counsellor, should also, unless you are, are you

the distributor or dealer?

Mr. Beller: Oh, no, John and Jerry Whalen.

Mayor Briare: Why aren't they here?

Mr. Beller: They are in California. It's a corporation, Las Vegas Electric Car Company. They are the two principals. If I may just clarify what Mr. Saylor has said. I don't believe there was any difference in the explanation at the Planning Commission with the exception, at that time we concurred with the outside storage or no outside storage and no outside display. With the exception of that, I don't think there has been any difference.

Mr. Saylor: That's a substantial difference and it wasn't your concurrence, that was the description on your part on the way the business would be.

Mr. Beller: That's correct.

Mayor Briare: It would seem, Counsellor, that something between the time this recommendation came out of Planning Commission until it got before us, that something occurred to change the need, your client's need. Would the Commission object to referring this back to the Planning Commission? I would recommend that someone be available with answers to any questions that perhaps would be technical of a nature that you wouldn't be necessarily inclined to want to answer. In other words, get one of the applicants here.

Mr. Beller: Well, as far as what? I feel I can answer any questions...

Mayor Briare: Listen, that's not my responsibility. Is there any objection to referring this back to Planning Commission?

Commissioner Woofter: None, Mr. Mayor, but also I would like to request the City Attorney's office to look into this question.

Mr. Beller: They did, Commissioner Woofter, and they indicated that because this was not a gas driven vehicle that it would come within the C-1 definition.

Commissioner Woofter: That's what I mean. If it's something that is vague in our present ordinances that needs to be covered, I suggest that the City Attorney's Office look into it so that it can be covered in the future.

Commissioner Lurie: My question is whether or not the City Attorney's Office agrees that it doesn't fall in that classification. If it has to be licensed like you license your automobile, then I think it does fall into that classification.

Mr. Beller: The statute just says "vehicles". It doesn't define gas driven or electric vehicles. In California, these are not described as automobiles, per se, and based upon my conversation with Mr. Ahlstrom, he felt that because of the fact that they are electrically driven, that we could then construe them to be in an area other than C-2, which is normally for the sale of gas operated vehicles.

Mayor Briare: Mr. Beller, unfortunately, those are matters that should have been resolved in the Planning Commission stage and this type of meeting, rather than here. It makes it very difficult to conduct an orderly agenda, an orderly meeting, when things change between the Planning Commission when

Z-41-73
Continued

they have had nothing to consider. Sometimes you wonder if there is any need to have a Planning Commission if everything changes, not just your application, but if things change between the time it's before the Planning Commission until it gets before this Commission, and then we have to sit and resolve those kinds of problems, then there's no reason to have a Planning Commission.

Mr. Beller: I can appreciate that.

Commissioner Lurie: We should have had a copy of the opinion from the Attorney's Office on this particular application, telling us of their conversation with you that they approved of this type of operation in the C-1 zone. We didn't get that.

Mayor Briare: Is there any objections if we send it back to the Planning Commission? Mr. Saylor, would you notify them then as to when they will next be taken care of on that matter.

Z-31-73
Approved

PLOT PLAN REVIEW - BELCHER/HESS ARCHITECTS
Property located at 1310 Maryland Parkway, P-R Zone, to allow an office facility.

Mr. Saylor: The next item is a plot plan review of P-R zoning on Maryland Parkway. This is the plot plan of the property, utilization of the existing building. There'll be landscaping along the side, in front of the building; some parking in front, the majority of the parking in the rear, landscaping in the rear of the building and on both sides in the rear.

Lou Hess: For Belcher/Hess, the applicant.

Mayor Briare: Any comments or questions?

Commissioner Lurie: Move we follow the recommendation of the Planning Commission.

Mayor Briare: Any comments on the motion? The motion is approved.

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

Commissioner Christensen was excused from
the balance of the meeting.

Z-40-74
Approved

EXTENSION OF TIME - JOHN E. KENNEY, JR.
Property generally located on the southeast corner of East Bonanza Road and Pecos Drive, extending south 709 feet, C-1 zone.

Mr. Saylor: The next item is a request for extension of time by John Kenney for property out at Pecos and Bonanza. The area is not quite ready for commercial development yet. The original approval was at the end of 1974. He has had a couple of extensions since then. The Planning Commission recommends that we simply change the zoning by ordinance, subject to the conditions of the resolution.

Mayor Briare: Does that mean we have to go through the procedure of introducing an ordinance and...

Mr. Saylor: This is done I think twice a year under a blanket ordinance, Mayor. It's not an individual ordinance on each change.

Mayor Briare: What kind of motion is in order then if we follow the recommendation of the Planning Commission?

Z-40-74
Continued

Mr. Saylor: Right, that's all you need.

Commissioner Lurie: I so move.

Mayor Briare: Any comments? The motion is approved.

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

JADE PARK
UNIT #5
Approved

TENTATIVE MAP

Property generally located at the southeast corner of
Craig Road and Lorenzi Boulevard.

Mr. Saylor: This is the tentative map of the mobile
home estates out along Lorenzi, Craig Road and
Michael. I think you are probably acquainted with
it. Part of the development already exists. We've
had a zone change in connection with expansion of it,
which was subsequently denied. This is simply a
continuation under the existing zoning. This is
Craig, Lorenzi (map). This street pattern all
flows into the existing street pattern of the part that
is already constructed. The Planning Commission
recommends approval subject to the conditions set
forth on the agenda.

Mayor Briare: Any questions or comments?

Commissioner Lurie: Move we follow the recommendation
of the Planning Commission.

Mayor Briare: Any comments on the motion. The motion
is approved.

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

Mayor Briare: Have the record show that Mr. Clay
Lynch was here representing the applicant.

V-84-76
Public Hearing
Set 12/1/76
10:00 A.M.

APPEAL FILED BY JOSEPH & PAMELA MACCHIAVERNA

V-81-76
Public Hearing
Set 10:00 A.M.
12/1/76

APPEAL FILED BY LAS VEGAS METROPOLITAN BEAUTIFICATION
COMMITTEE

Mr. Saylor: I have two appeal items, V-81-76 and
V-84-76. Dates should be set for public hearings.

Mayor Briare: Edwina, would you take care of that.

Mayor Briare: Any Commissioners have anything you
would like to bring up at this present time?

CASHMAN FIELD

Commissioner Woofter: Yes, Mr. Mayor. I would like
to, for the record, to make the motion and for the
Commission and His Honor to approve for me and
Commissioner Christensen, who are members of the
Las Vegas Convention Authority Board, to meet with
other members of the Las Vegas Convention Authority
Board at their next meeting in respect to considera-
tion of more or less sitting down for a meeting of
the minds to see what can be done as far as Cashman
Field is concerned, in respect to the hope that maybe
if we, the City, furnish the land in principal, that
the Las Vegas Convention Authority will consider
funding the construction of a multi-purpose baseball,
softball, soccer and bicycle path complex. And,
more or less, I just want the approval of the Commission
to approach the Las Vegas Convention Authority in that

ITEM	Commission Action	Department Action
<p>-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT DON J. SAYLOR, AIP, DIRECTOR</p>		
<p>A. <u>ABEYANCE ITEM - WAIVER OF CONDITION - Z-41-74</u> <u>J. WILLIAM SIMPSON</u></p>		
<p>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 ROI).</p> <p>Planning Commission recommends DENIAL (4-yes, 1-abstention) because they felt only one office should be permitted as stated in the original approval and that another office use would not be compatible with the surrounding residential area.</p>	<p>Approved Applicant's request, subject to the usual Conditions Lurie - unanimous</p>	<p>Director authorized to proceed Clerk to notify</p>
<p>B. <u>ZONE CHANGE - Z-67-76 - JOE JOHNSTON for</u> <u>NEVADA SOUTHERN TITLE & NEVADA SOUTHERN ESCROW</u></p>		
<p>Property located at 617 Hoover Avenue and 824 South 7th Street.</p> <p>From: R-4 (Apartment Residence) To: C-1 (Limited Commercial) Proposed Use: Offices</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license. 2. Submittal of a landscaping plan prior to or at the same time application is made for a building permit. 3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. 4. Dedication of a radius corner at Hoover Avenue and South 7th Street as required by the Department of Public Services. 5. Conformance with the plot plan to reflect the above conditions. 6. Conformance to code requirements and design standards of City departments. <p style="text-align: center;">Protests: 0</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p> <p>Commissioner Woofter Abstained</p>	<p>Same as above</p>
<p>C. <u>ZONE CHANGE - Z-68-76 - DR. FRANK GRAHAM</u></p>		
<p>Property located at 818 East Charleston Boulevard.</p> <p>From: R-4 (Apartment Residence) To: C-1 (Limited Commercial) Proposed Use: Doctor's Office</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Same as above Page 86 City Commission Minutes Regular Meeting November 3, 1976</p>
<p style="text-align: center;">Continued . . .</p>		

ITEM Commission Action Department Action

(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT
 CONTINUED

- C. Z-68-76 continued . . .
1. Application be amended to P-R zoning.
 2. Installation of concrete sidewalk and driveway aprons along East Charleston Boulevard and the signing of an assessment district agreement for future street lighting along East Charleston Boulevard as required by the Department of Public Services.
 3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
 4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
 5. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
 6. Conformance to the plot plan to reflect the above conditions.
 7. Conformance to code requirements and design standards of City departments.

See Page 20

See Page 20

Protests: 0

D. ZONE CHANGE - Z-69-76 - LLOYD KATZ for
 NEVADA THEATRE CORPORATION

Property generally located on the west side of Vista Drive, 200 ft. south of W. Charleston Boulevard.

From: R-E (Residence Estates)
 To: C-1 (Limited Commercial)
 Proposed Use: Retail Carpet Store and Patron Parking Area.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Use of this property restricted to a retail sales operation only and any other proposed use of the property to require notification of the surrounding property owners.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

Approved as recommended by Planning Commission
 W - unanimous

Clerk to notify

Director authorized to proceed

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Continued . . .

ITEM	Commission Action	Department Action
I-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT CONTINUED		
<p>D. ZONE CHANGE Z-69-76 continued . . .</p> <p>5. Installation of half-street improvements along Vista Drive and installation of one street light on Vista Drive as required by the Department of Public Services.</p> <p>6. Conformance to the plot plan to reflect the above conditions.</p> <p>7. Conformance to code requirements and design standards of City departments.</p> <p style="text-align: center;">Protests: 2</p>	<p>See Page 21</p>	<p>See Page 21</p>
<p>E. ZONE CHANGE - Z-70-76 - W. J. URGA, P. H. LAMPEL & TOM MOORE</p> <hr/> <p>Property generally located on the southwest corner of South Jones Boulevard and West Oakey Boulevard.</p> <p>From: R-E (Residence Estates) To: C-1 (Limited Commercial) Proposed Use: Nursery & flower shop.</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Use of the property restricted to a nursery and flower shop operation only. 2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license. 3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit. 4. No outside storage except live plant material. 5. Construction of a 6 ft. high masonry wall along the west and south property lines. 6. Dedication of 40 ft. along West Oakey Boulevard and installation of half-street improvements along West Oakey Boulevard and South Jones Boulevard as required by the Department of Public Services. 7. Dedication of a 25 ft. radius corner at the southwest corner of Jones and West Oakey Boulevard as required by the Department of Public Services. 8. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. <p style="text-align: right;">Continued . . .</p>	<p>Approved as recommended by Planning Commission Woofter</p> <p>Commissioner Lurie voted "no"</p>	<p>Clerk to notify Director authorized to proceed</p> <p style="text-align: right;">Page 88 Minutes Regular Meeting City Commission November 3, 1976</p>

ITEM	Commission Action	Department Action
<p>I-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT CONTINUED</p>		
<p>E. ZONE CHANGE Z-70-76 continued . . .</p> <p>9. Resolution of Intent be restricted to a twelve (12) month time limit.</p> <p>10. Conformance to the plot plan to reflect the above conditions.</p> <p>11. Conformance to code requirements and design standards of City departments.</p> <p style="text-align: center;">Protests: 2</p>	<p>See Page 22</p>	<p>See Page 22</p>
<p>F. <u>ZONE CHANGE - Z-71-76 - ELIZABETH E. HEYER</u></p> <p>Property located at 4201 West Charleston Boulevard.</p> <p>From: C-1 (Limited Commercial) To: C-2 (General Commercial) Proposed Use: Retail Tire Sales.</p> <p>Planning Commission recommends DENIAL (4-2 vote) because they did not feel the proposed tire sales operation, which would include outside storage and displays, would be compatible with the development on West Charleston Boulevard.</p> <p style="text-align: center;">Protests: 0</p>	<p>Approved Applicant's request subject to conditions Lurie - unanimous</p>	<p>Director authorized to proceed</p> <p>Clerk to notify</p>
<p>G. <u>ZONE CHANGE - Z-72-76 - ELDA CRANE</u></p> <p>Property located at 1765 East Charleston Boulevard.</p> <p>From: C-1 (Limited Commercial) To: C-2 (General Commercial) Proposed Use: Retail Tire Sales.</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Resolution of Intent be restricted to a twelve (12) month time limit. 2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license. 3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit. 4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. 5. Conformance to the plot plan to reflect the above conditions. 6. Conformance to code requirements and design standards of City departments. <p style="text-align: right;">Con't .</p>	<p>Approved as recommended by Planning Commission C - unanimous</p>	<p>Same as above</p> <p style="text-align: right;">Page 89 Minutes Regular Meeting City Commission November 3, 1976</p>

ITEM Commission Action Department Action

I-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT CONTINUED

H. PETITION OF VACATION - VAC-3-76 - WM. F. DALEY, THEODORE B. LEE & JAMES ROGERS

Petition of Vacation for:

Parcel 1: Being a portion of Westwood Drive, immediately south of the Sahara Avenue east-bound off-ramp of the I-15 freeway.

Parcel 2: Being the undeveloped portion of Highland Drive immediately south of Sahara Avenue.

Planning Commission recommends APPROVAL (5-1) subject to the following conditions:

1. Working out the traffic circulation problems in accord with the requirements of the Public Services Department.
2. Satisfaction of the requirements of the various utility companies.
3. Conformance to the requirements of all City departments.
4. Vacation not be recorded until all of the above conditions have been met.

Protests: 14

SET DATE FOR PUBLIC HEARING

Approved as recommended by Planning Commission Lurie - unanimous

Clerk to proceed
C/A to prepare NOTICE OF VACATION
12/15/76 Agenda

10:00 A.M., December 15, 1976

I. PLOT PLAN REVIEW - Z-27-76 - VALLEY HOSPITAL

Property generally located on the southwest corner of Pinto Lane and Shadow Lane, C-1 zone, to allow a four-story addition, including a penthouse on the roof and a basement below ground surface within 5 ft. of the rear (west) property line.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to code requirements and design standards of City departments.
3. All conditions of approval under the original zoning approval shall be applicable.

Protests: 0

Approved as recommended by Planning Commission Lurie - unanimous

Clerk to notify
Director authorized to proceed

J. PLOT PLAN REVIEW - Z-21-75 - PHILIP DEALE

Property located on the southeast corner of East Charleston Boulevard and South 6th Street, C-1 and P-R zone, to allow a restaurant facility.

Planning Commission recommends DENIAL (5-1) because they did not feel the proposed restaurant facility would be compatible with the development pattern in the area.

Protests: Approx. 50 properties

Abeyance

11/17/76 Agenda

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Minutes
Regular Meeting
City Commission
November 3, 1976

ITEM Commission Action Department Action

-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT
 CONTINUED

K. PLOT PLAN REVIEW - Z-30-74 - FLETCHER JONES CHEVROLET
 Property located at 444 S. Decatur Boulevard to allow a body shop and paint room, C-2 zone.
 Planning Commission unanimously recommended APPROVAL subject to the following conditions:

1. Relocate the proposed building 20 ft. to the east.
2. All other conditions of approval under the original zoning approval shall be applicable.
3. Conformance to the plot plan as amended to reflect the above conditions.
4. Conformance to code requirements and design standards of City departments.

Approved as recommended by Planning Commission Lurie - unanimous
 Commissioners Christensen & Leavitt did not vote - temporarily absent

Clerk to notify Director authorized to proceed

L. PLOT PLAN REVIEW - Z-41-73 - NEIL J. BELLER, ATTORNEY
 Property located at 1609 East Sahara Avenue, C-1 zone, to allow the sale of electric vehicles.
 Planning Commission unanimously recommends APPROVAL, subject to the following conditions:

1. All conditions applicable under the original zoning approval for this property.
2. There shall be no outside storage or repair of vehicles.
3. There shall be no outside displays.

Referred back to the Planning Commission

M. PLOT PLAN REVIEW - Z-31-73 - BELCHER/HESS ARCHITECTS
 Property located at 1310 Maryland Parkway, P-R zone, to allow an office facility.
 Planning Commission unanimously recommends APPROVAL, subject to the following conditions:

1. A 6 ft. high masonry wall shall be constructed on the rear (west) property line as required by the Department of Community Planning and Development.
2. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
3. Redesign of the parking layout on the front portion of the property as required by the Department of Community Planning and Development.

Approved as recommended by Planning Commission Lurie - unanimous
 Commissioner Christensen did not vote - excused from balance of meeting

Same as above

ITEM	Commission Action	Department Action
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(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT
CONTINUED

M. Z-31-73 CONTINUED . . .

See Page 25

See Page 25

4. Landscaping to be provided as required by the Department of Community Planning and Development, including submittal of a landscaping plan prior to or at the same time application is made for a building permit.

5. Conformance to the plot plan to reflect the above conditions.

6. Conformance to code requirements and design standards of City departments.

N. EXTENSION OF TIME - Z-40-74 - JOHN E. KENNEY, JR.

Property generally located on the southeast corner of East Bonanza Road and Pecos Drive, extending south 709 feet, C-1 zone.

Original Approval: 11-6-74 (6 mo.)

Extension Granted: 5-21-75 (1 yr.)

Extension Granted: 6-2-76 (6 mo.)

Planning Commission unanimously recommended the zoning be effected by Ordinance, subject to the following conditions:

1. All other conditions of approval be applicable, including submission of a plot plan prior to construction.

2. All requirements imposed by ordinances adopted subsequent to the initial approval of this application shall be adhered to.

Approved
as recommended
by Planning
Commission
Lurie - unanimous

Clerk to notify

Director
authorized
to proceed

O. TENTATIVE MAP - JADE PARK UNIT #5

Property generally located at the southeast corner of Craig Road and Lorenzi Boulevard.

Owner/Subdivider: Home Savings Association.

No. of Acres: 16.5 No. of Lots 60

Zoning: R-E (under ROI to R-MH)

Planning Commission unanimously recommends APPROVAL, subject to the following conditions:

1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.

Approved
as recommended by
Planning
Commission
Lurie - unanimous

Same as above

ITEM	Commission Action	Department Action
I-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT CONTINUED		
0. TENTATIVE MAP - JADE PARK UNIT #5 CONTINUED 2. Street names shall be provided in accord with the City's Street Name Policy. 3. Subject to all conditions of City Departments and State Subdivision Statutes.	See Page 26	See Page 26
P. SET DATE FOR PUBLIC HEARING ON ALL APPEALS FILED FROM THE BOARD OF ZONING ADJUSTMENT MEETING HELD OCTOBER 28, 1976.		
1. V-84-76 - APPEAL FILED BY JOSEPH & PAMELA MACCHIAVERNA 2. V-81-76 - APPEAL FILED BY L.V. METRO BEAUTIFICATION COMMITTEE	Public Hearings on Items 1 and 2 set for 10:00 a.m. December 1, 1976	12/1/76 Agenda

vein as far as the principal is concerned, and then after the meeting of the minds, hopefully, we can work out details of the possibility of doing such with Cashman Field.

Mayor Briare: You notice how Commissioner Woofter always includes the soccer?

Commissioner Lurie: I was going to include one other thing while we're talking developing all areas, maybe that would be a location for an indoor pool also. Just look at it as part of the overall general plan. At one time I had discussed it with Mr. Saylor and we developed a tentative type of a multi-purpose use with the Cashman Field, and I agree, and I'm glad to see Commissioner Woofter taking this before the Convention Board, to do something with Cashman Field. I can remember, and most of us can who have been here a number of years, that used to be the number one location in the City as far as events. I was kind of upset when they turned it into what it looks like today. I would like to see it developed and I think that the idea is a good idea and wish them all the luck with the Convention Authority and I'll support them 100%.

Commissioner Leavitt: I think the whole Board will.

Mayor Briare: I think I interpret Commissioner Woofter's suggestion here that it's a non-committal thing. It's a matter of opening up negotiations, right, Commissioner?

Commissioner Woofter: Right.

Mayor Briare: So a show of support for your proposal is not necessarily a vote of approval for something we are not quite sure as yet.

Commissioner Woofter: Correct.

Commissioner Leavitt: Putting it another way, you want authority to go to the Convention Authority so that you can work out some proposal for development of Cashman Field, and what you have in mind is a multi-purpose baseball, softball, bike path and soccer field.

Commissioner Woofter: Whatever we can work out, I will report back to the Commission.

Commissioner Leavitt: I support Commissioner Woofter on this. I think Cashman Field is a disgrace to continue to let that lie dormant this long. I would certainly like to see some kind of plan for development come forth and I'll support him in this matter.

Mayor Briare: Anything else under Commissioner's recognitions here?

GAMING - NEW
SNICK'S PLACE

1402 South 4th Street
Ralph L. Vandersnick
7 Slots

Mr. Adams: At the last Commission meeting you approved the liquor license to go into Snick's place on South Fourth Street. Inadvertently, we left off the new gaming application for seven slot machines down there. It's all in order. It's just our own error for not putting it on.

Commissioner Leavitt; What place is this?

Mr. Adams: Snick's Place.

Commissioner Woofter: The old Mug 'N Jug.

Mayor Briare: Was there a motion on that?

Commissioner Woofter: Move to approve.

Mayor Briare: Any comments? The motion is approved.

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

Mayor Briare: I have several here that because of having received them here, I don't know whether they came through the City Clerk's Office or not. They only arrived yesterday. The Hialeah Menagua Sister City Committee is proud to announce the Fourth Annual Roberto Clemente Humanitarian Award to be presented to the individual who best exhibits the humanitarian qualities of the late baseball star who was killed while on a relief flight to Menagua, Nicaragua. The committee will make the award at its annual banquet March 4, 1977, based on nominations received from throughout the United States and Canada. You are cordially invited to participate in the award by nominating from your City or organization the individual who you think best qualified for the Roberto Clemente Humanitarian Award. Your nominations should be based on the following criteria. There's a number of criteria to be followed and I would like to recommend that the City of Las Vegas certainly consider submitting someone who would qualify under the guidelines set forth and if it meets with the approval of the Commission, I would appoint Commissioner Woofter as the chairman of a committee for this Board to select from appropriate organizations or individuals a committee to solicit nominations for such an award and then that those nominations be filtered through your committee or reviewed by your committee, and then three or five finalists be submitted for the Board of City Commissioners for the City's nomination to receive this award. Would that be agreeable? In the meantime since this arrives late, in the meantime we'll ask the City Manager to photograph copies of this and distribute it to the members of the Commission, and especially the chairman, so that they can proceed. If there is no objections, that will be the procedure. Another timely matter that arrived yesterday in the office was from the Senior Companion Volunteer Program where a letter to the City is indicating that they are pleased to advise that the City of Las Vegas will receive some excellent national publicity. ACTION which is an organization home-based in Washington, D. C. involving the Peace Corps, Vista, University Year for Action, National Student Volunteer Program, Foster Grandparents, Retired Senior Volunteers, Service Corps Retired Executives and Active Corps of Executives, has just informed the local Senior Companion Volunteers which we support of an intent to produce a motion picture using our Senior Companion Project as a model. The excellent exposure of the City of Las Vegas as a result of this movie being shown on TV stations all across the nation is, in my judgement, great for our image. It is a fine example that behind the gaming industry with its deluxe hotel/casinos and super stars of show business, is a community of warm, compassionate people who do care about the elderly, who support sound programs designed to promote and improve the lifestyle of our aging population. It goes on to say some more nice things about the City for supporting this program. But it is interesting that a film of this nature is going to be produced for nation-wide distribution and it's going to be about a program that came about as a result of an action by this Board. So, Mr. Adams, I'll also refer this to you

so that you can make sure that Mr. Zobel and Mr. Langbell get copies.

VACANCIES ON BOARDS AND COMMISSIONS

See Page 97 of these Minutes - Annotated Agenda

Mr. Adams: I would request that A is here for consideration as the Parks and Recreation Commission has recommended that Mrs. Roberts remain and she is willing to serve, but I would request, due to something that just came up recently on the Solicitations Review Board that that be withdrawn until I can get back and get some information in that the two of them that were willing to serve, have since, because of the nature of some business involved, asked to withdraw. I need further time on B. Mr. Nutter apparently is involved in a business venture of some kind that will take him away and apparently Mr. Levy is also.

Mayor Briare: I'm advised that also there was a letter submitted as a suggestion for appointment to the Parks and Advisory Commission, so that being the case, we have two more meetings prior to the expiration of that term, that let's just hold them both, Bill.

ITEM

Commission Action

Department Action

III. VACANCIES ON BOARDS & COMMISSIONS

A. PARK & RECREATION ADVISORY COMMISSION
 (3-year term)

Jeanne Roberts - Term expires 12/11/76.

Abeyance

11/17/76 Agenda

B. SOLICITATIONS REVIEW BOARD - (2-yr. term)

Terms of following members expire 12/20/76:

- 1) Joy Hamann
- 2) Al Levy
- 3) Paul M. Nutter

Abeyance

11/17/76 Agenda

Mr. Stewart: Your Honor, if possible, I would like to skip to Page 32 of the Agenda with referense to:

BILL No. 76-69 - Re MASSAGE PARLORS
Committee: Commissioners Lurie and Leavitt

Mr. Stewart: This is an Ordinance increasing the number of hours for a person to become licensed as a masseur or a masseuse. We have some testimony we would like to give in reference to that Ordinance.

Mayor Briare: You may proceed if there is no objection by the Commissioners.

Deputy City Attorney, Richard Koch: I might preface this by stating that since I've been in the City Attorney's office I have tried to make sure that the Commission is fully advised on this particular Ordinance change, and that we feel it is necessary that certain testimony and evidence be presented to the Commission, that a decision might be properly made on an adequate basis, especially in the event it is ever in Court there is a question on the validity of this particular amendment.

As the Commissioners are aware, I am sure, the amendment proposes that the required hours of training for anyone who applies to be a masseuse or masseur within the City of Las Vegas, be changed from 225 hours to 400 hours.

I do have a witness here today - Mr. Jack Close, who has, at considerable inconvenience to himself, agreed to be here and take up his valuable time. I would ask him to come forward and we will have this testimony.

Mayor Briare: Yes - the Committee consisting of Commissioner Lurie and Commissioner Leavitt, is here and you may proceed.

Mr. Koch: Would you state you full name, please?

Answer: Jack D. Close.

Mr. Koch: Mr. Close, how are you presently employed?

Answer: I am a Consultant Physico-therapist and Co-Director of Physical Therapy Services at Desert Springs Hospital.

Mr. Koch: What, exactly, are your functions there?

Mr. Close: I supervise a staff of sixteen (16) individuals who provide the physical therapy for in and out patients in the facility.

Mr. Koch: So you are a licensed Physico-therapist yourself - is that correct?

Mr. Close: That is correct.

Mr. Koch: And what is your educational background?

Mr. Close: I have a Bachelor's Degree from Brigham Young University and a Master's Degree in Physico-therapy from the University of Southern California.

Mr. Koch: First let me ask - as a Physico-therapist, are you familiar with the art of massage?

Mr. Close: The art of massage is a component . . . which physico-therapists use as a part of their treatment

program.

Mr. Koch: So that is within the ambit of your studies - is that correct?

Mr. Close: That is correct.

Mr. Koch: Would you define a massage to us, please?

Mr. Close: Well, again, the types of massage vary according to that person who is providing it. That which we see in physico-therapy is basically a therapeutic massage which is designed to either relieve tension, to relieve muscle spasms, to relieve pain and likewise increase range of motion of that joint or muscle.

Mr. Koch: So when you speak of the therapeutic massage you are distinguishing that from a massage for pleasure - is that correct?

Mr. Close: That is correct. There are made times that the patients to whom we would see would not classify a massage as being very comfortable, because our goal is not necessarily for comfort, but to gain a specific function for a muscle, as opposed to that provided at a Health Spa which is more or less a relaxation, or a comfortable type, of massage.

Mr. Koch: Is there an extreme difference between the types of technique and training required to conduct a proper massage?

Mr. Close: Yes. Every physico-therapist has to have a minimum of a Bachelor's Degree as opposed to someone who would work in a Spa. The criteria set up for them as far as educational programs now, is quite varied and there are some who have no training at all doing this technique.

Mr. Koch: Would you say that some degree of knowledge and experience would be necessary to conduct a proper massage for pleasure also?

Mr. Koch: Yes - I think because you can do just as much harm with not having any knowledge at all, in trying to give a massage.

Mr. Koch: You say "harm" - what do you mean by that?

Mr. Close: Well, there are many indications and counter-indications for a massage and I think you have to be able to know when not to massage, just as well as know when to massage.

Mr. Koch: You are saying that someone who is not properly trained could actually cause harm?

Mr. Close: Yes. Definitely.

Mr. Koch: What kind of harm might that individual cause?

Mr. Close: A good example would be someone who would have a post-phlebotic type of problem, which is an irritation, or inflammation, of a vein. If that area is massaged, it might break loose a clot which would then pass to the heart and the individual could either have a heart attack or a stroke.

Mr. Koch: Can you give any indication as to what type of educational training you think a person should be required to have to know how to conduct a proper massage, either therapeutic or relaxation?

Mr. Close: I think any time we are involved in therapeutic, an individual should be licensed by a Board which is qualified to license them in their specific speciality practice, namely, any field of medical practice - physico-therapy - occupational therapy, etc. For those involved in a Spa area, I can only give my personal opinion because I don't know right now exactly all the various types of requirements placed upon them throughout the country. I know for a fact that in the State of Florida there are some 1000 hours required by an individual before they can work in the area as a masseur or masseuse in a Health Spa. I think that kind of varies - as opposed to presently in our Clark County Board the individuals who apply for and, hopefully, pass the examination to which we are alluding, do not have to have any hours of schooling at all.

Mr. Koch: As you may be aware, and as it has been explained to you, it is proposed that the requirements for applicants to hold a Massage License in the City of Las Vegas, be extended to 400 hours. Can you tell me, in view of your experience and your understanding of the requirements necessary to become a masseuse, or masseur, whether 400 hours is unreasonable, or burdensome, as an amount of study, or training?

Mr. Close: I think you have to go back to where the individual receives the 400 hours. There are many programs throughout the country wherein 400 hours would not be a very credible type program, as opposed to other institutions, or other facilities, where 400 hours would be more than adequate. So I think it is not just the number of hours the individual has to study, but the type of study they are required to be involved with and the detail included in their study. I think we, as the Clark County Board of Massage Examiners, feel that the applicants which we have seen so far definitely should have some type of preparation prior to coming to our Board to pass our examination.

Mr. Koch: You say these people would have some type of preparation - would you think that 400 hours, in view of the people you have seen take these exams, and pass them - that 400 hours would be unreasonable?

Mr. Close: No, I do not. This is, basically, a minimum amount.

Mr. Koch: Would you feel that a requirement of 400 hours might help prevent those persons who are not properly trained, from coming in to be licensed?

Mr. Close: That is a broad question. Again, I think we would have to depend upon who provided the education, but I think there should be some type of input in regards to the certification of those schools which provide the 400 hours.

Mr. Koch: Do you feel that such a requirement might help keep out those people who are not properly trained?

Mr. Close: Yes.

Mr. Koch: I have no further questions - unless the Commission wishes to proceed.

Mayor Briare: Thank you, Mr. Close, that was very interesting. The point that you raised pertaining to 400 hours - that perhaps 400 hours is not sufficient but let's presume, for the moment that it is, theoretically, if there was a "diploma mill" operating

in some state, that a person could enter that "diploma mill" and they could go horseback riding all day long and come up, after 400 hours, with a Certificate in his, or her, hands saying that he, or she, has put in 400 hours and you are now a Masseur or a Masseuse.

Would you have any suggestions - lacking a school that is under the supervision of the Department of Education for the State of Nevada - do you have any recommendations as to how this Ordinance might be further amended to do away with the possibilities of a "diploma mill" Certificate being foistered upon the City of Las Vegas as evidence of completion of a 400 hour course?

Mr. Close: I don't think the problems which are facing the City of Las Vegas are much different, really, than the County of Clark, even though the County of Clark does not have the problems, per se, that you are having with your Massage Parlors right now - but I think you would find the same problem throughout the country.

Personally, I feel that it should be, not necessarily a City or a County Ordinance, but basically a State Law - a State licensing regulation and we as a Board of Clark County Examiners, are going to look towards this next Legislature to try to see if the Governor and the Legislature would approve some type of Licensing Board to where we could require certain requirements of individuals prior to their applying for the examination.

However, that answer is somewhere down the road so at this time we are stuck with the problem presently facing us. We feel we would like to have some type of requirement placed upon our applicants that come to us, but, again, just exactly what to prescribe - we have seen several individuals come to us who hold that type of Graduation Certificate and there is no way we can dispute that situation - so we, basically, have to look down the road somewhere to get some type of criteria established for certifying certain educational institutions. But, again, that is some way down the road. I am not getting down to the point - I think now what we have to do is require some type of education which cannot be specific in placing where the individual goes to school, but they have to pass the examination. Our examination is a written and a practical. I think the aspect that could be of some assistance is the requirement placed on the individual having to work with a licensed masseur, or masseuse, for an "x" period of time following the passage of an examination - an apprenticeship, if you will, to basically certify that this individual is doing it in a proper method and techniques and, after serving that apprenticeship, finally receiving their license in that area.

Mayor Briare: Thank you, very much. I would hope that the City of Las Vegas might be able in some way to support you on this.

Mr. Close: We, on the Board, would like to establish something in Clark County. Our Board, we feel, is functional at the present time. We are learning - we are going down a road where we've never been before and we are looking down the road, again, trying not to prevent those who want to work in the area of massage, but yet prevent those who are trying to degrade the area by doing things other than what they were trained to do.

Mayor Briare: Is there anything else?

BILL NO. 76-70
Adopted

Mayor Briare: While we're all here, do you want to take up 76-70, Jan.

AMENDING TITLE V, CHAPTER 1, SECTION 18, re REVOCATION OF BUSINESS LICENSES

Committee: Mayor Briare and Commissioner Lurie
(10/20/76)

Mr. Stewart: Would you like me to read that, Mayor?

Mayor Briare: The Committee is ready to report this out.

A Bill entitled, "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 Jan Stewart, Deputy City Attorney.

Mayor Briare: Is there any comments, or anything for the record you'd like to interject, or put in here?

Richard Koch: I'll just make a brief statement, that there are some problems inherent in the present revocation ordinance. One is that it applies only to Chapter 1 of Title V, and there are a lot of businesses in the City of Las Vegas which are not covered in that chapter. This has been amended in part to make sure that we have no equal protection problems, that all businesses are regulated by this particular ordinance. Additionally, we've had in the past no grounds for the denial of a business license application. This ordinance does establish guidelines. There is some language within the ordinance which have been taken directly from recent Supreme Court of California cases. Language which has been upheld. I can only say we drafted this very carefully and we think it may help cure some ailments in the present revocation ordinance.

Commissioner Lurie: Mayor, I move for the adoption of Bill No. 76-70.

Mayor Briare: Any comments? The motion is approved, the ordinance is adopted.

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

BILL NO. 76-68
Adopted

ORDINANCE LEVYING ASSESSMENTS IN SPECIAL IMPROVEMENT DISTRICT NO. 409

Committee: Commissioners Leavitt & Christensen

Commissioner Leavitt: Mayor, I think we can move out Bill No. 76-68.

Mayor Briare: Would you proceed, Mr. Stewart.

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

BILL NO. 76-68
Continued

IMPROVEMENTS IN SAID DISTRICT AND PRESCRIBING DETAILS IN CONNECTION THEREWITH, AND OTHER MATTERS RELATING THERETO" was read by title by Jan Stewart, Deputy City Attorney.

Mayor Briare: The motion is to adopt. Any comments. The motion is approved, and the ordinance is adopted.

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

BILL NO. 76-71
Adopted

RESCINDING ORD. 1829 AND ADDING A NEW CHAPTER 43 TO TITLE V ENTITLED "MEMBERSHIP CLUBS"

Committee: Commissioners Lurie and Leavitt

Commissioner Lurie: We are ready to move this one out also.

Mayor Briare: Would you proceed.

A Bill entitled "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 Jan Stewart, Deputy City Attorney.

Mayor Briare: Any comments, questions?

Commissioner Lurie: Move for the adoption of Ordinance 76-71.

Mayor Briare: Comments on the motion? The motion is approved, the ordinance is adopted.

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

CITY ATTORNEY, CARL E. LOVELL, JR.

DOC KNOLLER
OPINION

OPINION REGARDING DOC KNOLLER'S REQUEST FOR USAGE OF WATER FROM TULE SPRINGS

Mayor Briare: Do we have a legal opinion on the request of Doc Knoller for the usage of water from Tule Springs? Who's going to give the opinion.

Jan Stewart: I think you should all have copies of that opinion. Basically it sets forth several reasons why we cannot give Mr. Knoller water rights, and the main reason being at the present time, we are using all the water available out of that well, for the benefit of Tule Springs. In other words, we don't have any excess water at this point to share with Doc Knoller.

Mayor Briare: Doc, you are aware of this opinion. Do you have any comment you would like to make?

Doc Knoller: Yes, I have. The fact is I have consulted two attorneys, Joe Schumaker and George Foley, and they are both pretty good, and they said in this case, the consideration for this contract has failed. Only one opinion, the City Attorney said they didn't have any water at that time do not now have any water, and will not have any water in

the immediate foreseeable future. Well, that was part of the consideration of this contract. Therefore, the consideration has failed. I want to get this thing settled one way or the other, so therefore, I'll give you back the money that they paid, the woman that owned the property prior to myself, and they will return that 75' to me. It's 75', by a quarter of a mile.

Commissioner Leavitt: In other words, you are making proposal for settlement of the problem, is that right?

Doc Knoller: I'd like to settle it either one way or the other.

Commissioner Leavitt: What was the proposal again, give the money back?

Doc Knoller: I'll give the money back to the City.

Commissioner Leavitt: To the City of Las Vegas?

Doc Knoller: Right.

Commissioner Leavitt: What money is this?

Doc Knoller: That they had paid this woman for this piece of property.

Commissioner Leavitt: The City of Las Vegas had paid for the 75'. You want to give that money back to the City of Las Vegas? And you want the City of Las to do what? Convey the 75'?

Doc Knoller: They in turn reconvey the property back to me and we'll both be in our original positions, because the consideration for this transaction has failed.

Mr. Stewart: I disagree with Doc Knoller on this line. I don't feel that the consideration has failed to Mrs. Mancowitz or Doc Knoller in reference to this property. It is my understanding that the City paid at the time the appraised value, or what was considered the value of that 75'. The only people and the only party to this transaction which didn't get the consideration that was contemplated really was the City. It was contemplated that the City would get a water-well and it turns out the water well wasn't on that property at all. So, I think if there is grounds for rescision at all, it would be in the hands of the City.

Doc Knoller: No, you see, here's the situation. You say that she had got value received. The original contract in accordance with the deed says that the City will furnish water at the same price as charged by the Las Vegas Valley Water District. That leads one to believe that they're going to give her some water. Now they said...

Jan Stewart: There is one correction. It was not a contract. There was a reservation in the conveyance. In other words, when she conveyed that property to the City, she reserved therefrom, according to the deed, certain interest in that property and the reservation was some kind of a request to use the water. It turned out that there was no interest for her to reserve, so she really had nothing to reserve in the deed.

Doc Knoller
-Continued

Doc Knoller: Well, then, in that case there was a mutual mistake in the fact. The City thought the well was on their property and her property. She thought the well was on your property, is that right? A mistake, a mutual mistake?

Commissioner Woofter: Where's this 75' stretch at? Is it right in the middle of the land that you own there?

Doc Knoller: No, no, it's on the other side of the road. It's, the parking area, and the road in front of the grass of Tule Springs.

Commissioner Leavitt: I don't think we are going to resolve a law suit today, and I think what Mr. Knoller has indicated that he has consulted with his attorneys, and his attorneys have told him that he has a good legal claim, and our City Attorney disagrees with that, at least at this point. May I suggest that perhaps Mr. Knoller should, that he has made an offer of compromise, perhaps Mr. Knoller should put that offer in writing and deliver it to the City Attorney and let him study it and then let him make the recommendation to us whether or not we should accept such an offer of compromise. Because, you are talking about 75' of land. Nobody is going to build a great big building on 75'. I don't know if it is a strip or how wide it is. 75' wide, but how long and how deep it is?

Doc Knoller: A quarter of a mile.

Commissioner Leavitt: A quarter of a mile, 75' a quarter mile long?

Doc Knoller: Right.

Commissioner Leavitt: That's a pretty good size piece of property, but I think that is the procedure we should follow. That the offer of compromise should be given to the City Attorney to study and then make a recommendation to us as to whether or not we should take it.

Commissioner Woofter: You said there was an alternative though, didn't you Doc?

Doc Knoller: Well, I have been fighting about this area for three years, and it still hasn't gotten any place and my heirs will be fighting about it in years to come.

Mayor Briare: That's just typical of problems that come about as a result of water rights, Doc. It'll be hundreds of years.

Doc Knoller: That's right. That property according to all your surveys and your master plans, is needed for the improvement of Tule Springs Park. There's no getting away from it. So, as another compromise, I would sell that property to the City at the appraised value because they have more use for it than I have for that water.

Commissioner Leavitt: Maybe we want the property, if that's the case, if it is on the side that Tule Springs Park is located. So, give us a couple of offers and maybe we can have the City Attorney look at it and have the land appraised, and see what we can do from there. Like I say, I don't think we can resolve a law suit. I told the Mayor in the early West there was more people killed over water rights than there were over women. Let's see if we can get this thing resolved, so your heirs won't have to be fighting the City then, either.

Doc Knoller
Continued

Commissioner Leavitt: If it can be compromised, let's compromise it. Let's either buy the property and let him use it, or buy it back if we have use for it.

Doc Knoller: Let's get it settled now. I've been coming up here three years and it still hasn't got...

Mayor Briare: Doc, I think what you're doing, you're resolving the administrative process so that you can get into the legal process.

Commissioner Leavitt: I don't think he wants to go to legal is my impression.

Doc Knoller: No, I don't. I've already talked to attorneys.

Commissioner Leavitt: You found out they are expensive, didn't you.

Doc Knoller: No, they're friends of mine and the expense wouldn't be that great.

Commissioner Lurie: Another two weeks isn't going to make a difference, so why don't you get that proposal in writing to us and then we can study that through the recommendation of the attorney, and also take into consideration the fact that you want also to sell the property, and what the appraised value is, and then we can take that into consideration also.

Commissioner Leavitt: If you've got a couple of alternatives, put them both in there.

Doc Knoller: All right, will do.

Mayor Briare: Thanks, Doc.

COOPERATIVE
AGREEMENT NO. 62
Approved

COOPERATION AGREEMENT NO. 62 COVERING THE CONSTRUCTION OF JONES BOULEVARD BETWEEN CHARLESTON BOULEVARD AND SMOKE RANCH ROAD. (REGIONAL STREET AND HIGHWAY COMMISSION AGREEMENT)

Mr. Stewart: The next item is a Cooperative Agreement. It's a Regional Streets and Highway Project involving Jones Boulevard between Charleston Boulevard and Smoke Ranch Road. It has been approved by the Regional Streets and Highways Commission. It does require one amendment; page 2 just above paragraph 3, where it says "the title of this right-of-way shall be in the name of the COUNTY". That particular sentence should be amended to say "the title to this right-of-way shall be in the name of the acquiring governmental entity". In other words, the City will be involved in acquiring quite a bit of right-of way along this project, and that title to the property should be in the City. I think this has been discussed with the Regional Highways and they are in agreement with that amendment.

Mayor Briare: Do you agree with that, too, Larry?

Mr. Hampton: I checked with Mr. Brechler and he's admitted that's an error.

Jan Stewart: With that change, it's hear for your approval.

Commissioner Lurie: Move for the adoption of the Cooperative Agreement.

Mayor Briare: Any comments? The motion is approved.

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

SHOW CAUSE
Withdrawn

REQUEST FOR ORDER TO SHOW CAUSE FOR CHAPEL OF
THE BELLS WEDDING CHAPEL

Jan Stewart: We would like to hold the next item.

Mayor Briare: Is there any objection to holding the show cause? There are none, it will be held.

BILL NO. 76-72
1st Reading
and Referred

TITLE XI, CHAPTER 1, PROCEDURES FOR THE CLASSIFICATION
OF ANY NEWLY ANNEXED TERRITORY

Mayor Briare: Who is the introducer of Bill No. 76-72?

Mr. Stewart: This bill was prepared at the request of Commissioner Christensen.

Mayor Briare: We'll refer that to a Committee consisting of Commissioner Christensen and Commissioner Leavitt.

A Bill entitled "AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY AMENDING SECTION 4(A) RELATING TO ZONING DISTRICTS BY ADDING A NEW CLASS OF ZONING DISTRICT TO BE KNOWN AS N-U NON-URBAN; BY AMENDING SECTION 4(C) RELATING TO PROCEDURE FOR THE CLASSIFICATION OF NEWLY ANNEXED TERRITORY; BY AMENDING SECTION 8 BY DELETING THE SECTION ENTITLED R-R, RURAL RESIDENCE DISTRICT REGULATIONS AND ADDING A NEW SECTION 8 ENTITLED N-U NON-URBAN, DISTRICT REGULATIONS; BY AMENDING SECTION 8(A), (B), (C), (D), (E), (F) & (G) RELATING TO USES PERMITTED, USES EXCLUDED, BUILDING HEIGHT LIMIT, BUILDING SIT AREA REQUIRED, FRONT YARD REQUIRED, SIDE YARD REQUIRED AND REAR YARD TO CONFORM TO THE REQUIREMENTS SET FORTH IN TITLE XI, CHAPTER 1, SECTION 9; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO" was read by title by Jan Stewart, Deputy City Attorney.

Mayor Briare referred Bill No. 76-72 to a Recommending Committee consisting of Commissioner Christensen and Commissioner Leavitt.

BILL NO. 76-74
1st Reading
& Referred

Title V, Chapter 16, Section 11, Regarding Sale of
Tobacco to Minors

Commissioner Leavitt: Where did this one come from?

Mr. Stewart: I think Commissioner Lurie requested this ordinance. It deals with...

Mr. Adams: That's the one I asked that we bring the ordinance in line with the statute.

Commissioner Lurie: I did sign this.

A Bill entitled "AN ORDINANCE TO AMEND TITLE V, CHAPTER 16, SECTION 11 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, RELATING TO THE SALE OF TOBACCO TO MINORS, BY MAKING IT UNLAWFUL TO SELL TOBACCO TO ANY PERSON UNDER THE AGE OF 18 YEARS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO" was read by title by Jan Stewart, Deputy City Attorney.

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Regular Meeting
City Commission
November 3, 1976

Mayor Briare referred Bill No. 76-74 to a Recommending Committee consisting of Commissioner Lurie and Commissioner Woofter.

SHOW CAUSE HEARINGS
SUZY WONGS
PLEASURE SEEKERS
DOUBLES, LTD.

Show Cause
Hearing
Rescheduled
for 11/17/76
2:00 P.M.

Jan Stewart: Back to the Public Hearings we had scheduled for 2:00 today Show Cause Hearings on three escort services: Suzy Wong's Escort Service on page 28 of your agenda, Pleasure Seekers Escort Service, Doubles Ltd, d/b/a Swinging Escorts. We have been issued a stay order by Judge Wendall for a period of at least five days in which he's requested or giving a stay to the escort services prohibiting us from proceeding with the show cause hearings for that period of time. So, at this time, we request the show cause hearings be continued from this date until some time after November 8 and you should set the date so that we can comply with that court order.

Mayor Briare: Perhaps November 17 might be the earliest date that the Commission can hear this, and at the same time give you the necessary time to make sure that the proper summons and services are issued.

Mr. Stewart: We take the position they have already been served. We'll just merely continue this hearing.

Mayor Briare: If that's agreeable with the Commissioners, do you want a time certain?

Mr. Stewart: Yes, so we can notify them.

Mayor Briare: 2:00 November 17, 1976.

SHOW CAUSE HEARINGS
THE FORUM
MADAM'S

Show Cause
Hearing
Re-set for
11/22/76, 2:00 P.M.
on The Forum;
11/9/76, 2:00 P.M.
on Madam's

Mr. Koch: A show cause hearing has been set for tomorrow evening for the Forum and we had some trouble effecting service upon them. I would ask that that be a date set some time next week. As you know, on Tuesday evening of next week, you have a hearing on Madam's. The businesses are closely related and I believe it would be to the best interest of the Commission to have them very close in time. I do need a date certain.

Mayor Briare: Have you already scheduled one for this Madam's?

Mr. Koch: Madam's is set for Tuesday of next week, 11/9.

Mayor Briare: Has the service been made on that?

Mr. Koch: Service has been made and there are out-of-state witnesses preparing to come and that date has been set for about a month.

Mayor Briare: There's a conflict of schedules on that matter that is kind of serious.

Commissioner Lurie: Can we set it earlier?

Mr. Koch: It would be kind of difficult. We gave them notice Friday that the ordinance calls for seven days notice. I don't know that it is proper to amend it at this time, now that we've told them. Possibly we could change the date next week some time, I don't know, we better get a date certain at this point now.

Mayor Briare: Let me make sure I've got you right, Richard. As far as the Forum is concerned, you haven't been able to effect service, so we can put that off to any time that this Board should determine right now. Do you suppose if there is an attorney for the Madam's, that he would be...

Mr. Koch: I don't know. Mr. Andrews will be the attorney for Madam's. I'm sure he would be happy to delay it as long as possible.

Mayor Briare: Do you think it would be possible to include, if it's all right with Andrews, and it is ludicrous to wonder whether Andrews will do us a favor.

Commissioner Lurie: I don't even want him to ask him to do a favor. I'd just as soon be here as to ask him to do anything.

Mr. Koch: Is that date going to inconvenience all of the Commissioners?

Mayor Briare: It's a traditional activity in the City of Las Vegas. The Commissioners are traditionally invited to, and it's much nicer to be participating in a church activity than it is to be participating in the type of activity we'd like to set aside. Why don't you see if there is any possibility of getting the Forum in here at the same 2:00 public hearing as the other, and get all these public hearings hashed out at the same time.

Mr. Koch: That's fine; however, I think it is easy to consolidate the escort services because they have virtually the same ownership and they are on the same issues involved and the same witnesses. One attorney will represent all three and I'm sure there is no problem consolidating those.

Mayor Briare: What do you recommend in view of the fact that that Tuesday evening is a difficult evening.

Mr. Koch: Possibly we could postpone for a couple of days, I don't know. We could amend the notice.

Mr. Stewart: I don't think you can do it, unless you do it by stipulation with the attorney.

Mayor Briare: What I'm suggesting, you see, is that that be explored, and if it is impossible, then, of course, it will be on the 9th. If it is possible to make a stipulation, then what date should be choose to stipulate to postpone it? Would you estimate how much time is going to be involved?

Mr. Koch: It's difficult to say. I don't think they will be nearly as involved as the hearings on the massage parlors. I'm sure it will take several hours on each one of those. The service will take a couple of hours. I have two witnesses on each, possibly three. I'm sure there will be all kinds of cross examination.

Commissioner Woofter: That brings up a point. Have you done any research in regards to that hearing officer?

Mr. Koch: Yes, there was a recent convention of Municipal Law Officers in Las Vegas and there was one hearing officer they set up in Tacoma. They mailed us their ordinance, we got them yesterday, and we're going to prepare some model after those.

Mayor Briare: If you can get it stipulated, does the Board wish to stipulate to a certain date that we could all adhere to? Or do you just want to go ahead...

Commissioner Lurie: Earlier in the day.

Mr. Koch: On the Forum there is nothing to stipulate to. No one has been served, and you can set any date you like.

Mayor Briare: It would be nice to get that and Madam's together if we can.

Commissioner Lurie: Maybe see if we can't move it up to 2:00 in the afternoon, on that date.

Mayor Briare: If it could be done in the afternoon.

Mr. Koch: Do you see any problem with that, Jan?

Mr. Stewart: If you're going to move the time, you're going to have to amend it, and you're going to have to serve them again. They're going to have to be entitled to the seven day notice.

Mr. Koch: For an amendment?

Mr. Stewart: I think so.

Mr. Koch: I'll talk to him and we may be able to stipulate to that. I'll get in touch with him.

Mr. Stewart: If he'll stipulate to it, then we can do it. Otherwise you can't.

Mayor Briare: You recognize what the problem is. Why don't you see if you can work it out and get back with each Commissioner as quickly as you can as to what time it will be.

Mr. Koch: Very well. What if we cannot stipulate to anything. What course then?

Mayor Briare: We have no...

Mr. Koch: We'll go ahead on that evening? What about the Forum. We can set any date we want on that one.

Mayor Briare: Are you going to have similar witnesses?

Mr. Koch: No different witnesses. I take that back, we'll have a couple of the University professors again. They'll be testifying on both. I have one witness for each of the two businesses, both of them out-of-state. We need to make a date certain. They are different witnesses. I'm sure it will be a couple of hours for each one.

Commissioner Lurie: Do you need a full board?

Mr. Koch: We need three. There will probably be a different attorney on the Forum, also.

Mayor Briare: And 2:00 is the time set for the 17th.

Commissioner Lurie: We're going to get Shaner and Andrews again?

Mr. Koch: I asked Shaner and he said he didn't know. He didn't know who was going to represent the Forum. I expect he will be the one.

Mr. Koch: The escort hearings I really don't think will take too long. I'll have someone from the telephone company testify about the way they handle their telephones. I'll have Ila Britt testify very briefly and we'll have an undercover officer testify. That'll be it. It should be quite short. That matter may be stayed by the Supreme Court. We don't know yet.

Mr. Koch: I have one out-of-state witness for each of the two talk shops, none for the escort services.

Mr. Stewart: How about the 22nd or the 23rd?

Mayor Briare: If we go into December, we're going to be in worst trouble than we are in November. How about the 10th of November. How about 2:00 on the 10th of November?

Mr. Stewart: You don't have your seven days.
I'd say the 22nd.

Mayor Briare: How about the 22nd, members of the
Commission.

Mr. Koch: Is that the Forum?

Mayor Briare: The Forum.

Mr. Stewart: The escorts are scheduled for the 17th
of November. The Forum would then be scheduled on
November 22 at 2:00. Madam's is scheduled for November
9, and we'll see if we can get a stipulation to set it
over on another day.

Mr. Koch: No, I understood it's stipulated to 2:00
that day. If he won't, I understand we're going to
have it that evening anyway?

Mayor Briare: Right.

Mr. Koch: The Forum would be 2:00 November 22.
The 17th is the escort services at 2:00. The Madam's
right now is set for next Tuesday at 7:30. I'll see
if I can stipulate it to 2:00 or possibly Wednesday
evening.

Mr. Stewart: Scheduled it on the 9th. We'll see if
we can get it for 2:00 instead of the evening, and if
that's not possible we'll see if we can arrange a
date on either Wednesday, the 10th or the 12th.

Mr. Koch: Are those days convenient.

Mayor Briare: Yes, they're convenient. Since I've
already made the comment I will not be here on the
17th, perhaps I would like to indicate the reason for
my absence and I hope that the Board will join with
me in my good luck. I have been invited by the State
of Israel to take a trip to their country at their
expense and I just on that alone said yes. But, there
is some further good things involved, and that is it
is going to involve visiting areas in Christianity,
as the beginning of Christianity. Cities like
Jerusalem, Tel Aviv, Nazareth, the Golan Heights.
I'm going to have the pleasure of meeting the President
of Israel, the Prime Minister, the Foreign Minister,
Interior Minister, Minister of Education, and others
and then after that's over, at my own expense, unfor-
tunately, I'm going to, since I'm that close, and
somebody's put all that money out on my behalf, I'm
going to take full advantage of it and go to Rome,
and visit the Pope, I don't know about the Pope,
I haven't made that arrangement yet. If I can meet
the Prime Minister of Israel, I should surely be
able to at least have an audience with the Pope.
We've got some priests here in the State of Nevada,
native born, who worked in the Vatican for years and
if they can't use some good old Las Vegas juice to
get the Mayor in to visit with the Pope, then we're
going to have to get after them. I'm very pleased
about that, gentlemen, and I can assure that when I
do get to Israel, there are thirteen Mayors from the
United States that have been invited, and I'm very
pleased to be one of them. You can rest assured
that when I do get there, I will pass on the greetings
of each of the Commissioners and especially the City
of Las Vegas and I'll bring a few tokens of proper
caliber to present them on behalf of the City of Las
Vegas. Anything else.

There being no further business to come before the Board, at the hour of 4:55 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
WILLIAM H. BRIARE, MAYOR

ATTEST:

Edwina M. Cole

EDWINA M. COLE, CMC
CITY CLERK

APPROVED BY REFERENCE at a Regular Meeting of the Board of City Commissioners held on the 4th day of May, 1977.