

M I N U T E S

Las Vegas, Nevada
December 1, 1976

A REGULAR MEETING of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 1st day of December, 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	Ron Lurie
Commissioner	Myron E. Leavitt
Commissioner	Roy A. Woofter (arrived at approx. 9:20 A.M.)

ABSENT
(Excused)

Commissioner	Paul J. Christensen
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STAFF PRESENT

Assistant City Manager	Richard Bunker
City Attorney	Carl E. Lovell, Jr.
Director of Municipal Services	J. C. Cathcart
Director of Public Services	Laurence Hampton, P.E.
Director of Financial Management	Marvin A. Leavitt
Management Analyst, Department of Funds, Coordination & Projects	Ronald C. Jack, Ph.D.
Director of Community Planning & Development	Donald J. Saylor, AIP
Director of Personnel and Employee Relations	Robert McPherson
Director of Business Activity	Ila M. Britt
Director of Cultural Services	Harold P. Foster

INVOCATION AND
PLEDGE OF
ALLEGIANCE

The invocation was given by Rev. Melvin A. Pekrul, Pastor, First Baptist Church:

Let us bow in prayer. Eternal God, we beseech again Thy blessing upon another meeting of our Commission and pray that Thou will give us wisdom to discern rightly the issues before us today. Give us courage to do what is best for our lovely community and the integrity to put welfare above personal gains. Father, we pray that we may not be intimidated by any explosive or controversial issues, to acting forthrightly if action is needed. We thank you again, Father, for the many achievements of our Commissioners in past days and ask for Thy blessing and for success in the future. These things we pray in Your name. Amen.

Pledge of Allegiance.

RESOLUTION
Adopted

Mr. Bunker: This is a resolution in memoriam requested by Commissioner Christensen on behalf of the wife and family of Jack Hammes.

Commissioner Lurie: Move for the adoption of the resolution.

Mayor Briare: Are there any comments? (No response).
Cast your votes.

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

(See page 2 of these Minutes - Resolution)

RESOLUTION
in
MEMORIAM

WHEREAS, Jack Hammes departed this life on November 13, 1976; and

WHEREAS, Jack Hammes, a civic and business leader of our community for 22 years, gave generously of his time and talents in civic and charitable endeavors, having served as Secretary-Treasurer of the Las Vegas Valley Water District; vice-chairman of the Clark County Regional Planning Council; chairman of the Child Welfare Board; President of the Clark County Mental Health Association, and in many other ways dedicated his efforts to the betterment of our community and its citizens; and

WHEREAS, it is with deep sorrow that the Board of City Commissioners of the City of Las Vegas joins all citizens of our community in an expression of sympathy for his family and all who know the loss of a community leader and distinguished citizen;

NOW, THEREFORE, BE IT RESOLVED, that the Board of City Commissioners in regular meeting assembled this First Day of December, 1976, adopt this resolution in memory of Jack Hammes ; and be it further resolved that this Resolution in Memoriam be directed to Mrs. Jack Hammes, and that a copy thereof be spread upon the official records of this meeting.

IN WITNESS WHEREOF, we have hereunto affixed our signatures and the Seal of the City of Las Vegas, Nevada, this First Day of December, 1976.

(Mayor)

(Commissioner)

(Commissioner)

(Commissioner)

(Commissioner)

ACTION TAKEN

[Handwritten signature]
[Handwritten signature]
Date 12/1/76

I-A

GOVERNOR'S
COMMITTEE ON
EMPLOYMENT OF
THE HANDICAPPED
Members
Appointed

Mr. Bunker: This is the Governor's Employment of the Handicapped. We have the joint resolution that has been adopted by all of the entities in Clark County, and it is now required that we appoint four members to comprise the board. There are recommendations.

Commissioner Lurie: Mayor, I would like to recommend the following people to serve on the Board. The first is Mrs. Edith Williamson, the second is Fred Kennedy, architect. Joan Adams, who is a homemaker and a paraplegic, and Harriet Ferguson who represents the deaf. I recommend these four people be appointed to serve on the committee.

Mayor Briare: Are there any other recommendations? Hearing none, then these four people that Commissioner Lurie has just indicated will be appointed to serve in accordance with the resolution.

GOLF
ASSOCIATION
LEASE
Referred to
Study
Committee

Mr. Bunker: The next item, Your Honor, is a request for a five year extension on the lease that they currently hold at the Municipal Golf Course. It is the recommendation of the Manager's office that it be referred to a Study Committee who might meet with the Golf Board and review this.

Mayor Briare: If there is no objections, this committee will consist of Commissioner Lurie and Commissioner Leavitt.

Commissioner Lurie: I would like to request if the City Manager could set up a meeting with the Golf Board and the Association and notify Commissioner Leavitt and myself of that date so that we can have that meeting and have the recommendation back by our first meeting in January.

RESOLUTION
Adopted

Mr. Bunker: Your Honor, we have one late item on the agenda at the request of Commissioner Leavitt. It has been adopted by the Clark County Commission and has been requested by the Bicentennial Commission of Southern Nevada for their last bicentennial event of this year which will be the commemoration and dedication of the Old Fifth Street School as an historical site by the City, the County, and the State. You have a resolution in your books. We would ask for adoption at this time as this would take place on December 6th.

Mayor Briare: Any comments by the Commissioners.

Commissioner Leavitt: Move the adoption of the resolution.

Mayor Briare: Any comments on the motion. (No response). Cast your votes. The motion is approved, the resolution is adopted.

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

(See Page 4 of these Minutes - Resolution)

RESOLUTION

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2 WHEREAS, 1976 is the bicentennial year of the United
3 States of America; and

4 WHEREAS, paying tribute to important sites of the
5 past is a major aspect of Heritage '76; and

6 WHEREAS, preserving for the future those important
7 sites is one of the goals of Horizon '76; and

8 WHEREAS, the Las Vegas Bicentennial Advisory Board and
9 the Southern Nevada Historical Society have proposed that
10 the mission style building with the red tile roof and court-
11 yard at 400 Las Vegas Boulevard South, known by old timers
12 as the "old Fifth Street School", be designated as a
13 significant historical structure.

14 NOW, THEREFORE, BE IT RESOLVED:

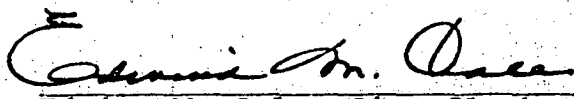
15 1. That the "old Fifth Street School Building" be
16 recognized as a historical structure.

17 2. That the attention of the citizens of Las Vegas
18 be directed in this bicentennial year to the historical
19 significance of the "old Fifth Street School."

20 PASSED, APPROVED AND ADOPTED THIS 1st day of
21 December. 1976.

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25 WILLIAM H. BRIARE, MAYOR

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27 ATTEST:

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30 Edwina M. Cole, City Clerk

31 (seal)

ITEM

Commission Action

Department Action

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

*CONSENT AGENDA

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

*A. SERVICE AND MATERIAL WARRANTS

Nos. K1111 to K1117, G207211, K209648 to K209650, K209654 to K209693, K209696 to K209699, K209702 to K209920, inclusive.

In the amount of \$ 1,943,523.68

*B. PAYROLL WARRANTS

Nos 75889 to 77067, inclusive.

For Pay Period Ending 11-13-76

In the amount of \$ 400,406.73

Items A and B
 Approved
 as submitted
 Lurie - unanimous

Director
 authorized
 to issue

DEPARTMENT OF PERSONNEL AND EMPLOYEE RELATIONS

ROBERT MC PHERSON, DIRECTOR

See Page 7 of these Minutes - Annotated Agenda

Mayor Briare: Would you like to comment on Item 4. It would appear...

Mr. Bunker: Commissioner Woofter asked that this be held at the last meeting. We have reviewed this with Commissioner Woofter and I believe Commissioner Lurie was there at the same time and at that time he did not express any opposition.

Mayor Briare: This was on the item 4?

Mr. Bunker: Yes, sir.

Mayor Briare: Did this originally come from Mr. Hampton?

Mr. Bunker: Yes, it came from Larry's department.

Mayor Briare: Is this a new program.

Mr. Hampton: No, this is just to compensate for the substantial increase in the building activity. We just don't have the manpower to adequately cover all that is going on and we feel it is imperative that we provide the adequate protection because the people are paying the fees and they're not getting the inspections, which really in many cases is to their benefit. They don't like some of the things, but they wind up with a better building.

Commissioner Lurie: I would move for approval on items 1 through 7.

Mayor Briare: Any comments? (No response). Cast your votes. The motion is approved.

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

DEPARTMENT OF FUNDS, COORDINATION AND PROJECTS

BRUCE W. SPAULDING, AIP, DIRECTOR

See Page 9 of these Minutes - Annotated Agenda

REQUEST FOR BLOCK
GRANT FUNDS:
LATINO DRUG ABUSE
COUNCIL AND
FOCUS WEST
Approved

Mr. Bunker: Item A, previously considered requests for Block Grant Funds for the Latino Drug Abuse Council for \$5,000 and Focus West for \$18,000. These were funded prior to September 1 when the new regulations were drawn out and under the new regulations, it is necessary that these be resubmitted to HUD for certification of eligibility. It would be the recommendation of the Department that they be forwarded to HUD.

Mayor Briare: Any comments?

Commissioner Lurie: Mayor, I would like to move then that these two items be resubmitted to the Department of Housing and Urban Development for a determination on the eligibility with our approval here on this Commission.

Commissioner Leavitt: I would not want to get on the same kind of a position that we were on the NALA Child Care center. Is this going to be resubmitted to the

ITEM	Commission Action	Department Action	
I. (d) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS			
BOB McPHERSON, DIRECTOR			
AUTHORIZATION TO FILL POSITIONS			
<u>Federally Funded</u>	Approved Items 1 thru 7 as presented Lurie - unanimous	Director authorized to proceed	
<u>Dept/Class</u> <u>Monthly Salary</u>			<u>Justification</u>
(1) <u>Public Services</u> 577 Clerk (replace vacancy until 1/15/77)			To handle clerical workload in the Computer Services operation.
<u>City Funded</u>			
(2) <u>Municipal Court</u> 946 Court Bailiff (replace budgeted vacancy)			This is to re- place a field bailiff which would be a revenue generating position.
(3) <u>Business Activity</u> 637 Intermediate Clerk (replace budgeted vacancy)	This position has been at the drive-in window and affects revenue. Furthermore, the Department is just beginning the animal licensing program and needs to have 2 girls at the drive-in window full time during the program.		
(4) <u>PS/Building & Safety</u> 1070 Inspector - 3 (1 Building, 1 Electrical, 1 Mechanical) (Create positions)	To conduct inspections on commercial and residential con- struction throughout the city. The electrical and mechanical inspectors will also be utilized to in- spect hi-rises and large commercial complexes.		
(5) <u>Fire Services</u> 836 Fire Alarm Operator (replace budgeted vacancy)	Because of the emergency nature of this work. If this is not filled they cannot operate at adequate staffing level. County pays one-half cost.	Page 7 Minutes Regular Meeting City Commission December 1, 1976	

ITEM		Commission Action	Department Action
<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>	
Fire Services Fire Alarm Operator (temporary employee for 3 months)	836	Because of hospitalization of regular employee.. County pays one-half cost.	See Page 4 See Page 4
(6) Fire Services Drafting Aide (replace budgeted vacancy)	758	This is the only drafting position in the Alarm Office and is necessary to all pre-fire planning. County pays one-half cost.	
(7) Funds, Coordination & Projects Stenographer (create position)	670	To take on the additional responsibilities created by the transfer of a secretary from the Department and the addition of a new Management Analyst to the staff	

ITEM	Commission Action	Department Action
<p>-E. DEPARTMENT OF FUNDS, COORDINATION AND PROJECTS <u>BRUCE W. SPAULDING, AIP, DIRECTOR</u></p>		
<p>A. PREVIOUSLY CONSIDERED REQUESTS FOR BLOCK <u>GRANT FUNDS:</u></p>	<p>Approved as recommended Leavitt - unanimous</p>	<p>Director authorized to proceed</p>
<p>1. Latino Drug Abuse Council, \$5,000 2. FOCUS West, \$18,000</p>		
<p>B. RESOLUTION ESTABLISHING A CITIZEN PARTICIPATION REVIEW COMMITTEE FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM</p>	<p>Adopted Resolution Lurie - unanimous</p>	<p>Same as above</p>
<p>C. SET DATES FOR PUBLIC HEARING RE: THIRD YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.</p>	<p>Ratified Public Hearing dates of 1/5/77 and 1/19/77</p>	<p>Same as above 1/5/77 Agenda</p>
<p>Two Public Hearings Required: Suggested Dates: 1/5/77 and 1/19/77.</p>		
<p>D. CONSIDERATION OF REQUEST FOR \$1,500 LOCAL SHARE FOR ARTIST-IN-THE-SCHOOL PROJECT</p>	<p>Approved as recommended Lurie - unanimous</p>	<p>C/M to proceed</p>
<p>From City General Fund</p>		

Federal authorities to determine that it is a good program and that it does qualify under the community block grant before we proceed?

Mr. Bunker: That's the purpose of the resubmittal.

Commissioner Leavitt: Do the people who are involved in these two requests understand that it had to be resubmitted because of what happened to us in the NALA Child Care Center.

Dr. Ronald Jack: Basically, HUD will be asked to review the priority for these programs and determine eligibility on their own part. Prior to the release of funds, HUD will have reviewed the programs and will have determined that they are eligible and then will provide the funds.

Commissioner Leavitt: So then they can't come back later and say that we didn't qualify, right.

Dr. Jack: That's correct.

Mayor Briare: Any other comments? (No response.)
Cast your vote. The motion is approved.

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

RESOLUTION
Adopted

RESOLUTION ESTABLISHING A CITIZEN PARTICIPATION REVIEW
COMMITTEE FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM.

Mr. Bunker: This is to meet the new regulations of HUD and we would request that you adopt the resolution and then possibly consider appointing the people on your December 15 meeting. There will be some public hearings held where some of these names will undoubtedly be developed.

Mayor Briare: Be sure to submit a good cross section of people that are interested.

Commissioner Lurie: Move for the adoption of the resolution.

Mayor Briare: Any comments on the motion? (No response.)
Cast your vote. The resolution is approved.

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

See Page 11 and 12 of these Minutes - Resolution

SET DATES FOR
PUBLIC HEARINGS
Hearings set
1/5/77 and
1/19/77

THIRD YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Mr. Bunker: Item C, it is necessary to set date for the public hearing regarding the third year Community Development Block Grant Program. It is the recommendation of the Department of Funds, Coordination and Projects that these are suggested for January 5 of 1977 and January 19 of 1977.

Mayor Briare: Any objections to these dates? Hearing no objections, those will be the dates set for the public hearings.

1 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
2 THE CITY OF LAS VEGAS, NEVADA, TO ESTABLISH A
3 CITIZEN PARTICIPATION REVIEW COMMITTEE FOR THE
4 THIRD YEAR COMMUNITY DEVELOPMENT BLOCK GRANT
5 PROGRAM

6 WHEREAS, the City of Las Vegas has developed and implemented
7 a citizen participation plan for the third year Community Development
8 Block Grant Program; and

9 WHEREAS, the City of Las Vegas intends to submit a third
10 year application for Community Development Block Grant entitlement funds
11 under Title I of the Housing and Community Development Act of 1974
12 (P.L. 93-383); and

13 WHEREAS, the City of Las Vegas recognizes the importance of
14 providing an on-going citizen participation process for the entire program
15 year; and

16 WHEREAS, the City of Las Vegas further recognizes that
17 the citizen participation process needs to be operative for the six month
18 programming cycle and for any subsequent amendment of the Community
19 Development Block Grant application.

20 NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners
21 of the City of Las Vegas:

22 1. That a second citizen group, the Citizen Participation
23 Review Committee, be established.

24 2. That said citizens group shall consist of eleven (11)
25 persons, three of whom live in Planning Area 1, three persons who live in
26 Planning Area 2, and five persons at large from the City of Las Vegas.

27 3. That said committee shall assist the City in providing a
28 line of communication with citizens and agencies in the community.

29 4. That said committee will also assist the Community
30 Development Program Staff to identify community needs based upon a review
31 of the completed priority checklist questionnaires collected at the public
32 meetings.

33 5. That the committee will also review the City's physical
34 development program and will provide recommendations on program options.

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6. That this committee will, along with the Community Development Program Staff, undertake to determine that citizens have the opportunity to review the development of the third year Community Development Program and application.

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

WILLIAM H. BRIARE, MAYOR

ATTEST:

Edwina M. Cole, City Clerk

(SEAL)

ARTIST-IN-THE
SCHOOL PROJECT
Approved

Mr. Bunker: Item D, consideration of a request for \$1,500 for local share for Artist-in-the-School Project. You have the backup in your agendas.

Commissioner Lurie: Move that we follow the recommendation of the City Manager.

Mayor Briare: Comments? (No response.) Cast your vote. The motion is approved.

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

DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

See Pages 14 and 15 of these Minutes
Annotated Agenda.

Mr. Bunker: Your Honor, we ask you to turn to page 27, Item F on the Attorney's agenda. It is necessary that we adopt this resolution prior to awarding the bids on special improvement district 419.

Commissioner Lurie: Move for the adoption of the resolution.

Mayor Briare: Comments? (No response). Motion is approved.

See Page 16 of these Minutes - Resolution

DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

See Pages 18 thru 25 of these Minutes -
Annotated Agenda

CASH AUTO SALES CO. & AUCTION
2000 Las Vegas Boulevard South
James Perry, 100%

Commissioner Lurie: I just have a question as far as an auction. How does the City ordinance read concerning auctions?

Mrs. Britt: This is merely licensing him as an auctioneer. He must then come before you for a permit for each and every auction sale he holds.

Commissioner Lurie: Then the auctions will be held at this location, 2000 Las Vegas Boulevard South.

Mrs. Britt: That's correct.

Commissioner Leavitt: Are the auctioneers licenses limited by population of any limitations on them.

Mrs. Britt: No. This is the first application we have had in some time. The ordinance is quite restrictive.

Commissioner Leavitt: I know the County ordinance is extremely restrictive and I assumed the City's is the same way.

Mrs. Britt: Not by population or number of licenses. But by qualifications and by requiring that each time you have an auction you must apply, I believe it is

RESOLUTION
Adopted

AUCTIONEER
Approved

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. Mirabelli Teen Center Park Improvements (Public Services)</p> <p>2. Doolittle Park Comfort Station (Public Services)</p> <p>3. Senior Citizens Center Multi-Purpose Room Flooring Replacement (Public Services)</p>	<p>Items 1, 2 and 3 Approved as submitted Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>*B. <u>AWARD OF BIDS</u></p> <p>BEFORE RECOMMENDING ACTION TO BE TAKEN ON ITEM NO. 1, PLEASE REFER TO THE CITY ATTORNEY'S AGENDA, FIRST PAGE ITEM NO. F FOR PUBLIC READING OF A RESOLUTION ACCEPTING BIDS.</p>	<p>Adopted Resolution Lurie - unanimous</p>	<p>Mayor & Clerk authorized to sign</p>
<p>1. Bid #76.87 - Special Improvement District 419 (Public Services)</p> <p><u>Bid Unit #2</u> - Sunrise Avenue 29th Street to Mojave - Street Lighting</p> <p><u>Bid Unit #3</u> - Cashman Drive Oakey to Charleston - P/C & G</p> <p><u>Bid Unit #5</u> - Sunrise Avenue 28th Street to Mojave - P/C & G</p> <p><u>Bid Unit #6</u> - Lacy Lane Alta to Palomino - P/C & G</p> <p><u>Bid Unit #7</u> - Block 7, Boulder Addition Main to Casino Center - Alley Paving</p> <p>2. Bid #76.103 - One (1) Each Compact Four-Door Station Wagon, and One (1) Each One-Ton Cab/Chassis with Utility Body (Fire Services)</p>	<p>Approved Items 1 thru 5 as recommended Lurie - unanimous</p>	<p>Director authorized to proceed</p>

RESOLUTION ACCEPTING BIDS

WHEREAS, the Board of Commissioners of the City of Las Vegas has taken steps to create certain public improvements within the City of Las Vegas, all as designated as Las Vegas Special Improvement District No. 419; and

WHEREAS, by resolution passed, adopted and approved on the 18th day of August, 1976, the City Clerk and City Engineer were directed to publish notice of the receipt of bids for the furnishing of labor, materials, transportation and services for the improvements called for in said Special Improvement District No. 419; and

WHEREAS, proper notices were given by publication of the receipt for bids for the furnishing of such labor, materials, transportation and services; and

WHEREAS, bids were received and opened on the 23rd day of November, 1976, and confirmation thereof was granted at said time

WHEREAS, the time has now arrived to award the construction contracts in accordance with Chapter 271 of Nevada Revised Statutes;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Las Vegas, at a regular meeting thereof held on the 1st day of December, 1976, that the following bids be, and the same hereby are, accepted:

Unit 3	Rico Paving & Grading	\$12,194.50
Unit 5	Rico Paving & Grading	\$27,557.80
Unit 6	Wells Cargo, Inc.	\$23,077.71
Unit 7	Wells Cargo, Inc.	\$ 7,400.67
Unit 2	Desert Construction, Inc.	\$ 9,973.90

BE IT FURTHER RESOLVED that the Mayor and Clerk of the City of Las Vegas be, and they hereby are, authorized to execute any and all documents necessary to carry this Resolution into effect.

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

WILLIAM H. BRIARE, Mayor

ATTEST:

Edwina M. Cole, City Clerk

twenty days for a background, and be on the agenda for approval.

Mayor Briare: What's the pleasure of the Commission.

Commissioner Lurie: Move for approval.

Mayor Briare: Any comments? (No response). Cast your votes. Motion is approved.

DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, P.E., DIRECTOR

See Pages 26 thru 28 of these Minutes -
Annotated Agenda

Commissioner Woofter arrived at 9:20 A.M.

DOWNTOWN BUS
STOP PLAN
Approved

Mr. Hampton: This was held in abeyance since the last meeting and if you would like, I would brief you on what we feel the current status is and what we are recommending.

Unidentified Woman: May I ask the Commission to please consider putting this item in abeyance for two weeks. My office has attempted to contact my client both by phone and by mail and at the moment I have received no reply, so I don't know whether he is out of town.

Mayor Briare: Maybe it would be nice to hear what he has to say before we make that determination.

Mr. Hampton: The details of the things that happened since the last discussion on the matter was presented to you by memo. The people that spoke from the audience were also sent a letter outlining the proposed plan and I haven't heard any negative comments from any parties at my level. It is essentially to retain the bus stop in front of the Silver Star to remain. That would be bus stop 3, 4 and 6, Salt Lake Highway, Boulder Highway, and the Strip bus, remain at the north location. This would give the bus users an option of stopping at either the north or south Third Street location. The south Third Street locations would be as shown on this plan. It's very compact to allow for easy transfers. I would like to note one particular part of the memorandum which states the bus company is willing to embark upon a program improving the appearance of the bus stops by paying the City one hour's labor per day for one of our on-site street sweepers to police the bus stop areas. This will not keep the bus stops completely clean at all times, but I'm sure you'll agree that it will help considerably over what conditions are today. If there are any questions regarding any particulars on this matter, I'll be happy to answer them.

Mayor Briare: Did this, with the exception of the counselor for one of the people who was interested in this particular item, were there any that had disagreement with this proposal that might be submitted as a compromise proposal for the re-establishment of bus stops?

Mr. Hampton: I did get a call from Mr. Claiborne and to relate the conversation in general I feel he was satisfied after I talked to him regarding what was proposed. I pointed out to him really the new plan removes the bus stops in front of his offices. There are currently two bus stops in front of his office. This plan removes the bus stops from in front of his

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, & 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 CHRISTIAN CHURCH, MEN'S FELLOWSHIP -- annual sale of fruit cakes
2. DOWNTOWN LAS VEGAS SERTOMA CLUB -- annual wheelchair bowling tournament: sale of admission tickets; sale of ads in souvenir journal; solicitations for bowlers' sponsor fees
3. AFRO-AMERICAN UNITY FESTIVAL -- annual festival: sale of buttons; sale of ads in the festival program; sale of banquet tickets, ball tickets, and luncheon tickets
4. GIRLS CLUB OF SOUTHERN NEVADA - sale of "McDollars" (redeemable at any McDonalds restaurant)
5. MUSCULAR DYSTROPHY ASSOCIATION, INC. -- Lauder's King of the Hill Pro-Celebrity Tennis Event: sale of admission tickets; sale of ads in program
6. LAS VEGAS SOUTHWEST ROTARY CLUB -- a parking lot sale
7. CLARK TOWERS/TERRACE AARP -- a rummage sale
8. NEVADA SPECIAL OLYMPICS -- sale of buttons and pins
9. B'NAI B'RITH WOMEN, CHAPTER #415 -- tickets to a Gin Rummy tournament
10. CUB SCOUT PACK #137 -- a Thanksgiving Day breakfast
11. DISABLED AMERICAN VETERANS, CHAPTER 11 -- sale of "forget-me-nots"

Items 1 thru 16
 Approved
 as recommended
 Lurie - unanimous

Director
 authorized
 to issue

ITEM

Commission Action

Department Action

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

*A. CHARITABLE SOLICITATIONS PERMITS
 (cont'd)

See Page 8

See Page 8

- 12. FIRST BAPTIST CHURCH, BAPTIST YOUTH FELLOWSHIP -- sale of Christmas trees
- 13. SEVENTH DAY ADVENTIST CHURCH - the annual "in-gathering" campaign
- 14. AMERICAN BUSINESS WOMEN'S ASSN, MOJAVE ROSE CHAPTER -- raffle tickets
- 15. SOUTHERN NEVADA DRUG ABUSE CO COUNCIL -- sale of Christmas trees
- 16. NATIONAL ASSN OF RAILWAY BUSINESS WOMEN, LAS VEGAS CHAPTER -- raffle tickets

*B. CHILD CARE FACILITY APPLICATIONS
 (Approved by the Child Welfare Board)

Pre-School

- 1. EOB HEAD START CENTER
 Doolittle/Lake Mead & "J" Sts.
 21 children days

Approved
 as recommended
 Lurie - unanimous

Director
 authorized
 to proceed

Child Care Center

- 1. NALA (Nevada Association of Latin Americans) CHILD CARE CENTER
 2810 Ambler
 20 children days

Approved
 as recommended
 Lurie - unanimous

Same as above

Family Child Care Homes

- 1. CHERYL ARCHULETA
 5220 Mountain View Drive
 5 children days
 4 children nights
- 2. CATHY LU ANNE KIRK
 200 Princeton
 4 children days
 4 children nights
- 3. DEBRA ZARAGOZA
 313 Julie Circle
 4 children days
 4 children nights

Approved
 Items 1, 2 and 3
 as recommended
 Lurie - unanimous

Same as above

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ITEM Commission Action Department Action

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

*C. GAMING -- Additional

1. E. G. & H. INC.
 Las Vegas Club
 18 East Fremont Street
 2 - "21" games
2. AUTOMATIC AMUSEMENTS OF LAS VEGAS
 Cork ' N Bottle
 508 East Fremont Street
 4 slots
 Snick's Place
 1402 South 4th Street
 1 slot
3. BALLY DISTRIBUTING CO.
 Foxy's Firehouse Casino
 2423 Las Vegas Blvd South
 4 slots
4. GAMES OF NEVADA
 Sundance West Casino
 32 East Fremont Street
 11 slots
5. PENNINGTON & BENNETT
 Fremont Hotel/Casino
 200 East Fremont Street
 4 slots
6. UNITED COIN MACHINE CO.
 Kozy Nook
 2202 West Charleston Blvd
 3 slots
 Smith's Food King #371
 232 North Jones Blvd
 2 slots

Items 1 thru 6
 Approved
 as requested
 Lurie - unanimous

Director
 authorized
 to proceed

*D. RETAIL TOBACCO -- Additional

1. JANIE'S VENDING
 Big Jim's Pool Hall
 1515 North "H" Street
 Bob's Mobile Service Center
 1549 North Rancho Drive

Items 1 and 2
 Approved
 as requested
 Lurie - unanimous

Same as above
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 Minutes
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 City Commission
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ITEM	Commission Action	Department Action
<p><u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>*D. <u>RETAIL TOBACCO -- Additional</u> (cont'd)</p>	See Page 10	See Page 10
<p>2. WILMAX, INC. Highland-Western 66 Service Highland and Western</p>		
<p>E. <u>LIQUOR -- New</u></p>		
<p>1. *LITTLE BLACK FOREST 230 West Sahara Avenue Restaurant Beverage John Nasta, 100% *Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations.</p>	<p>Item 1 Approved subject to conditions Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>2. RALPH'S PIZZA 4601 West Sahara Avenue Restaurant Beverage Ralph Gallegos, 100%</p>	<p>Item 2 Abeyance Leavitt - unanimous</p>	12/15/76 Agenda
<p>F. <u>LIQUOR, GAMING & RETAIL TOBACCO --</u> <u>Additional/Change in Stockholders</u></p>		
<p>1. GOLDEN HOTEL 200 South 1st Street Golden Hotel, Inc. From: Robert Picardo, Pres - 25% Alfred Durante, Secy-Treas 25% (deceased) Italo Ghelfi, Director 25% Louis Navone, Director 25% (deceased) To: Robert Picardo, Pres - 25% Italo Ghelfi, Secy-Treas - 25% Esther Durante, Director - 25% Juanita Navone, Director - 25%</p>	<p>Approved as requested Lurie - unanimous</p>	<p>Director authorized to proceed</p>

ITEM	Commission Action	Department Action
<p><u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>G. <u>LIQUOR & RETAIL TOBACCO -- Change of Ownership</u></p> <p>1. *SAMMY'S NEWSSTAND/PKG LIQUOR 117½ South Casino Center Blvd Package Liquor</p> <p>From: Ruth Ann Perlman (deceased)</p> <p>To: Samuel Perlman, 50% - partner Carmen L. Bullock, 50% - partner</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>H. <u>LIQUOR & RETAIL TOBACCO -- Additional Corporate Officer/Directors</u></p>	<p>Approved as requested Lurie - unanimous</p>	<p>Same as above</p>
<p>1. LAVICIO'S DELI MARKETS</p> <p>Lavicio's Food Store #26 4400 East Charleston Blvd Beverage Off-Sale</p> <p>Lavicio's Food Store #27 5700 West Charleston Blvd Beverage Off-Sale</p> <p>Lavicio's Food Store #28 20 West Wyoming Beverage Off-Sale</p> <p>National Fast Foods, Inc. - Samson Meyer, Chmn of Bd/Pres et al</p> <p>Additional: Donald Carlson, V.P./Director David Cole, Director Lawrence Adams, Director</p>		
<p>I. <u>RETAIL TOBACCO -- New</u></p>	<p>Approved Lurie - unanimous</p>	<p>Director authorized to issue</p>
<p>1. BARBARA MOLASKY</p> <p>Foreign Affairs 300 South 4th Street</p>		

ITEM	Commission Action	Department Action
<p><u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>J. <u>RETAIL TOBACCO VENDOR -- Change From a Partnership to a Corporation</u></p>	<p>Approved as requested Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>1. JANIE'S VENDING 3851 Pennwood #B-10</p> <p>From: Nicholas Pcolar Mary Jane Pcolar</p> <p>To: Janie's Vending, Inc. Nicholas Pcolar, Pres John Kunz, V.P. Janie Pcolar, Secy.</p>		
<p>K. <u>RETAIL TOBACCO VENDOR -- Change in Corporate Structure</u></p>	<p>Approved as requested Lurie - unanimous</p>	<p>Same as above</p>
<p>1. WILMAX, INC. 1412 Western #4</p> <p>From: Richard W. Wilson, Pres 50% Vernon R. Allison, VP/Secy-treas 50%</p> <p>To: Richard W. Wilson Betty Wilson</p>		
<p>L. <u>AUCTIONEER -- New</u></p>	<p>Approved Lurie - unanimous</p>	<p>Director authorized to issue</p>
<p>1. CASH AUTO SALES CO. & AUCTION 2000 Las Vegas Blvd South</p> <p>James Perry, 100%</p>		
<p>M. <u>PRIVATE DETECTIVE -- Change of Location</u></p>	<p>Approved as requested Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>1. STATE WIDE INVESTIGATIONS, INC. From: 2750 Maryland Parkway To: 2971-A Industrial Road</p> <p>John A. De Luca, Pres/Treas Carole M. De Luca, VP/Secy</p>		

ITEM Commission Action Department Action

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

N. LIQUOR -- Requests for Extension of Inactive Status

1. KELLY'S LIQUORS
 810 West Bonanza Road
 Package Liquor-Beer Bar

 Kelly's Liquors, Inc.
 Bill A. Pappas, Pres 50%
 Earl Wilson, V.P. - 25%
 Melvin Wolzinger, Secy - 25%

(Closed 10-12-76. Request for an extension of inactive status for: 12-11-76 thru 2-8-77.)

2. PORT TACK
 9 West Charleston Blvd
 Tavern

Port Tack, Inc. -
 Robert Kostelecky, Pres/Treas
 et al

(Closed 2-8-76. Extension for 4-8-76 thru 6-6-76 approved 4-7-76; extension for 6-7-76 thru 8-5-76 approved 6-2-76; extension for 8-6-76 thru 10-4-76 approved 8-4-76; extension for 10-5-76 thru 12-3-76 approved 9-15-76. Request for 60-day extension of inactive status for: 12-4-76 thru 2-1-77.)

Items 1 and 2
 Approved
 as requested
 Lurie - unanimous

Director
 authorized
 to proceed

O. LIQUOR -- Change of Location

1. *PORT TACK
 From: 9 West Charleston
 To: 3190 West Sahara Avenue
 Tavern

Starboard Tack of Nevada, Inc.,
 parent corporation of wholly-
 owned subsidiary Port Tack, Inc.

Starboard Tack of Nevada, Inc.
 Robert Kostelecky
 William Kostelecky
 Ronald S. Katz
 William Hussey

Port Tack, Inc. (a Nev. corp)
 Robert Kostelecky, Pres/Treas
 William Kostelecky, Secy
 Ronald S. Katz, V.P.
 William Hussey, stockholder

Approved
 subject
 to conditions
 Lurie - unanimous

Same as above

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

ITEM Commission Action Department Action

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

P. LIQUOR -- Change of Business Name, Change of Ownership, Change of Location, and Reclassification

Approved
 subject to
 conditions
 Lurie - unanimous

Director
 authorized
 to proceed

1. From:
 Mini Mart
 730 Las Vegas Blvd South
 Package Liquor

David/Elaine Gelbart

To:
 *FOUR KEGS
 276 North Jones Boulevard
 Tavern

Anthony J. Benetti, 100%

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

Q. M-7 BUSINESS LICENSE APPLICATION

Approved
 Lurie - unanimous

Director
 authorized
 to issue

1. UNITED MARKETING SERVICES
 1900 East Sahara #202

Bates Corporation:
 Raymond E. Bain, Pres
 Edwin Bates, V.P.
 Slater M. Bates, Secy-Treas

Marketing/management service.

ADDITIONAL ITEM:

SPECIAL EVENT LIQUOR LICENSE

VEGAS VALLEY BUSINESS & PROFESSIONAL
 WOMEN

Location: Clark Towers
 3501 El Conlon
 Date: Dec. 12, 1976
 Beer & Wine only

Responsible
 Licensee: Kathleen Hughes

Approved
 as requested
 Lurie - unanimous

Same as above

ITEM Commission Action Department Action

I (h). DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, P.E., DIRECTOR

*CONSENT AGENDA

All matters listed under Items A, B, and C are considered to be 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 BOND

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

1. Charleston-Rainbow No. 14-A. (Sprout Homes of Nevada, Inc. Robert B. Cline, President)

*B. RELEASE OF BOND

1. It is recommended that the "Washington Avenue off-site Improvement Account" Agreement posted for improvements at the following site be released. All work has been completed in accordance with city standards. It is recommended that the work be accepted and the agreement released.

Location: Washington Ave. between Rancho Dr. & Robin St.
 Use: Off-site Improvements
 Builder: William F. & Dennis D. Curran
 Surety: Valley Bank of Nevada
 Amount: \$43,195.00
 Bond No.: Cash Deposit Agreement #3-76

2. It is recommended that the "Calvary Four Square Church off-site Improvement Account" agreement posted for improvements at the following site be released. An Assessment District Agreement for the full off-site improvements has been signed. It is recommended that the Assessment District Agreement be accepted and the agreement released.

Location: 3005 Cedar Ave.
 Use: Off-site Improvements
 Builder: Calvary Four Square Church
 Surety: First Nat'l Bank of Nevada
 Amount: \$19,500.00
 Bond No.: Cash Deposit Agreement #4-76

Item 1
 Approved
 as recommended
 Lurie - unanimous

Clerk
 to proceed

Items 1 and 2
 Approved
 as recommended
 Lurie - unanimous

Clerk and
 P&C to proceed

ITEM Commission Action Department Action

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

*C. RIGHT OF WAY ITEMS

1. Grant Deed
 From: The Housing Authority of the City of Las Vegas, Nevada, a Municipal Corporation
 To: City of Las Vegas
 For: Portion Lot 3, Block 2, Artesian Acres Dedication. Walnut St. and Julian (11-17-76)

2. Grant Deed
 From: Sproul Homes, Inc. of Nevada, a Nevada Corp.
 To: City of Las Vegas
 For: Portion NW-1/4, Sec. 34, T20S, R60E Antelope Way. Dedication (11-17-76)

3. Quit Claim Deed
 From: County of Clark, a Political Subdivision of the State of Nevada
 To: City of Las Vegas
 For: All of Lots 133A, 133B, 133C, 133D, 133E and 133F, Vegas Heights Tract Unit #4 Fire Station No. 7 (10-19-76)

4. Grant Deed
 From: L & M Walter Company, a partnership consisting of Louis Walter and Manuel Walter
 To: City of Las Vegas
 For: Portion SW-1/4, Sec. 27, T20S, R61E Main St. Dedication. Building Permit (11-10-76)

5. Right of Way Grant for Drainage Purposes
 From: L & M Walter Company, a partnership consisting of Louis Walter and Manuel Walter
 To: City of Las Vegas
 For: Portion SW-1/4, Sec. 27, T20S, R61E Drainage easement. Dedication. Bldg. Permit (11-13-76)

Items 1 thru 6
 Approved
 as recommended
 Lurie - unanimous

P/S to proceed

ITEM

Commission Action

Department Action

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

*C. RIGHT OF WAY ITEMS (Continued)

See Page 17

See Page 17

6. Request permission to appraise, purchase and condemn the 5 Points area. R.S.H.C. approved.

D. DISCUSSION ITEM

1. Downtown bus stop plan. (Abeyance)

Approved Plan as recommended by*

E. REPORTS

1. Pedestrian control, Sahara and Atlantic

Approved Signal System as recommended by Staff. Funds for construction of requested overhead walkway to be included in next Fiscal Budget
 Leavitt - unanimous

P/S to proceed

*Staff, subject to final approval by the Public Service Commission

Lurie - unanimous

P/S to proceed

office and also he was concerned about the litter and he was happy to hear of the proposal by the bus company to contribute towards the policing of that area. I can't say that he was definitely in favor, but he indicated to me that he felt it was a reasonable plan.

Mayor Briare: This has been going on for quite some time and I would sure like to see it firmly established one way or the other what we are going to do. But, I'm hesitant to suggest that we go ahead and do it right now if there is another person that has some interest in this thing. The only thing that I don't want to do, and I don't think for the benefit or for the best interests of the general public, we don't want to establish something as being firm today and then next month be called upon to change it again. I think once it is established with all the input we can possibly get to make these changes that we should be prepared to stick with them.

Commissioner Leavitt: Isn't there something on the north side of Fremont on that plan too?

Mr. Hampton: This is the plan that exists today and the proposal is that the three stops in front of the Silver Star would remain as is and the other stops...

Commissioner Leavitt: How about 8, 9 and 10. I thought that was to remain there.

Mr. Hampton: No, under the plan proposed today, those would go down to the South Third location. The three stops in front of the Silver Star, for instance, a shift bus would come down Stewart, stop in front of the Silver Star, allow the people if they wanted to proceed to the Post Office, Senior Citizens Center, City Hall, or what have you, they would be able to get on at this location. If they wanted to proceed to this stop, they would be able to do that as well.

Commissioner Leavitt: In other words, where is 8, 9 and 10 now.

Mr. Hampton: Pointed out on the map.

Commissioner Leavitt: What about the stops that were in front of the Lady Luck.

Mr. Hampton: This is all south of Fremont.

Commissioner Leavitt: The ones on Ogden, those will all be moved to the south side of Fremont.

Mr. Hampton: Right.

Mayor Briare: You don't know what your client feels one way or the other because you haven't been able to get in touch with him.

Woman: That's correct. I don't anticipate that there would be any major objection, but the one item that he might consider is the fact that the actual physical bus benches would be moved to what is called the primary location, so the bus stops would be in front of the Silver Star, but I don't know whether this would be a consideration with my client or not. I would doubt it, but as his attorney, I would like the chance to confirm it with him.

Mayor Briare: From the standpoint of the using public, notwithstanding whether it is for the convenience of a gaming casino or not, from the standpoint of the general bus users, is it your recommendation that this matter be adopted.

Mr. Hampton: Yes, your honor, we feel this is the best for the public.

Mayor Briare: There was an argument presented by the owner of the casino across the street, too, the Lady Luck. Have they withdrawn their questions.

Mr. Hampton: They withdraw their objections with the understanding that this not be a primary stop; in other words that the bus benches be moved. He is not opposed particularly to the stops being there, but he doesn't want to make that the primary stop for those three routes. That is our general operating policy that the bus stop benches are put at the primary stops. This would be a secondary stops, in essence.

Mayor Briare: Who is your client, counselor?

Woman: _____, the owners of the Silver Star Casino.

Mayor Briare: Were they present at the last meeting.

Woman: Mr. Tompkins and Mr. _____ spoke. They were here at the first meeting.

Mr. Hampton: I really think this proposal gives the best of two worlds. It allows, some of the complaints of removing the stops from the North Third location that it wouldn't allow the people good access to the Post Office, City Hall, and so forth, I think this does that for these three stops, and these are three primary stops we have. It also provides them a good transfer location at the South Third location.

Woman: As I said, the only possible objection I can see, is that removal of the actual bus benches might harm the utility of the stop for the people that would be using them.

Mayor Briare: Apparently that's not the case because the people, except your client who probably doesn't use the bus, it has been determined for the bus users that this would be the best way.

Commissioner Lurie: I believe this item has been held in abeyance long enough and I believe that all the parties who had an interest in coming up with this new plan and all of the major complaints have been satisfied and I would move at this time that we accept the recommendation from staff so that we can implement this plan so that the riders and the users of the buses will know definitely where they can locate the bus for this service.

MOTION

Mayor Briare: Any comments on the motion?

Mr. Hampton: Just for clarification. This will not be able to be enacted immediately. Once the City approves it, application will be made to the Public Service Commission, which will probably take about six weeks.

Commissioner Leavitt: Your client could still protest if he wanted to before the Public Service Commission.

Mayor Briare: Any other comments? (No response.)
Cast your votes. Motion is approved.

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

Pedestrian control, Sahara and Atlantic

Mr. Hampton: This is an abeyance item regarding the crossing at Atlantic and Sahara. At your last meeting

REPORT
Approved

there were several suggestions made. The intent of the City Commission was to develop plans for a pedestrian overpass. To carry forth your desires, a meeting was held with representatives from Metropolitan Police Department, Clark County, State Highway Department, the School District and the City. What I am going to report to you today is the results of that meeting and a recommendation regarding what we feel is a more cost effective and overall effective facility to safely cross the children at that intersection. Mr. Parvin is in the audience and may wish to comment on behalf of the Highway Department. The general consensus was that there are several disadvantages to the pedestrian overpass besides cost. One of the major disadvantages is the fact that it gives the motorist a false sense of security and it could very well cause severe accidents. To clarify this, what I mean is we would not be able to have a speed limit if we had an overpass; we would not be able to have a crossing guard if we had an overpass and even if the children in that particular school used the intersection to a higher degree than it's ever been used throughout the country, overpasses are not 100% effective. In Reno, the percentages run from 50% to 87%. But, let's say that the children in this location were extremely good about using the overpass and that 95% of the children used it. There still leaves 5% of the children who will be crossing six lanes of traffic at 45 mph, completely unprotected and we feel the chances of fatalities under that condition is worse than what exists today and not quite as bad as what we propose to you. What we are proposing is that something that is new. It would be placed on an experimental basis in hopes that it would correctify the condition. I cannot guarantee to any of you that it is going to prevent all accidents. Nothing will do that. What we are proposing... Just a matter of interest, since your last meeting, the lettering on the street has been placed. This particular rendering shows the devices that are in existence today. The Commission was concerned about double signing. That exists, it is actually triple signing. We have two speed limit signs with the childrens' crossing logo in advance of the 25 mph flashing speed limit sign. What is proposed is a double mast arm that would be located in the median, would be over the full six lanes of traffic. This would only, as proposed, only be operated at the time the crossing guards are there. When he arrives at the scene, he will go to the controlled box, flip the switch on, and all six yellow lights would go on to flash and this reader board which is a 4 x 8 digital readout on each side would read speed limit 25 mph, speed limit 15, whatever is finally determined about the speed limit. When the children are ready to cross, he would push another button that would make the lights go from blinking yellow to solid yellow and the reader board would read "prepare to stop". After that cycle, the lights would go to red and the reader board would say stop. This will remain red until the crossing guard released it.

Commissioner Leavitt: How big are the stop letters?

Mr. Hampton: At least 24". There would in addition be on each curb the traditional walk, don't walk pedestrian signs. This could be installed in a very short period of time. We estimate six to eight weeks after approval is given. We would be installing this with our own forces. The City and the County, the School District and the Metropolitan Police Department endorsed this particular device and we're recommending that the split-up cost be 1/3 City, 1/3 County, and 1/3 State Highway Department.

Commissioner Leavitt: They all agreed to that?

Mr. Hampton: You're the first ones. The State Highway Department, I understand, has agreed to their 1/3. Mr. Monahan is making the same presentation I am making today to the County on the 7th. This in a sense gives the crossing guard a great amount of visibility. We talked about him carrying around a larger sign. He can't carry around a much larger sign because it is very difficult to carry the sign he has when you consider the winds we have. This, in essence, is a 60' sign he is carrying around. He's not carrying it, but he is controlling it. And, we feel this, along with some responsibility on behalf of the students as far as obeying the traffic control devices, will provide a relatively safe intersection at Sahara and Atlantic. Are there any particular questions? I'll be happy to try and answer them. I might comment on the speed limit, Your Honor. This Board at the last meeting had requested that the speed limit be reduced to 15 mph. This is possible to do this on a city street; however, this is the State Highway Department, and we did have it at 15 mph at one time and they came and changed it to 25 mph. If the Commission so desires, I can prepare a letter for the Mayor's signature to the State Highway Department asking them to change it back to 15.

Mayor Briare: In view of this proposal, Mr. Hampton, that wouldn't be necessary, would it? Actually, this would appear to be a much better system than to post a 15 mph speed limit.

Mr. Hampton: The Traffic and Parking Commission called a special meeting last week to review this particular matter to recommend to you gentlemen what they felt. They felt that way, that this should be tried and the speed limit should not be altered until it could be fully evaluated. It is very difficult to reduce speed to 15 when it's 45. We don't get compliance from 45 to 15. If it is reduced to 15, we would recommend that the area from Maryland Parkway to Boulder Highway be reduced to 35. This can be done at a future date. We would recommend that it not be in accordance with the Traffic and Parking Commission's recommendation. Just one further note, the Metropolitan Police Department and the School District have been very cooperative and they have agreed that between the meeting we held and when something is physically constructed, they will assist in two manners. Metropolitan Police Department has agreed to put additional manpower there to try to eliminate some of the violations. The Clark County School District staff has agreed to station a man at the curb with the duties of keeping the children at the curb until the crossing guard indicates that it is time for them to cross. That is in effect today. There has been several things happen since your last meeting and I think all to the benefit of the children there.

Commissioner Lurie: What is the comments you received from the PTA when you had a meeting at the school?

Mr. Hampton: The president of the PTSA called me, wanted me to appear at the school, give the details of our plan. This was done this Monday evening. I received a telephone call from her yesterday and she indicates she would be here today. I'm not sure if she is in the audience, Mrs. Matthews. She did indicate to me that her group was going to recommend that we follow this plan.

Commissioner Lurie: Are you still planning to proceed with our recommendation on determining other intersections, other projects and getting cost estimates of overhead passes in as far as federal money and as far as including these types of overpasses in Regional Street and Highway projects at the time of construction of a major street, that all these situations can be reviewed of existing problems and future problems so

that we can take care of them at the time and not come back at a later date?

Mr. Hampton: We'll be happy to do that. We will try and comply with all those.

Mayor Briare: There's a gentleman who wants to make a comment.

Louis Garbena, 2524 Natalie Avenue: One thing that keeps puzzling me in the head, and keeps popping up every five minutes, is price. I mean, like it says pedestrian overpass rejected because they say the overpass would cost \$150,000, \$200,000, \$350,000 I don't know, I really don't know how much it will cost. This system that the department recommends costs \$12,000. I think if we start putting a price on life, we don't have nothing, all of us. This system might be very good for some places. It might not be good for other places. I don't say no and I have never seen it. I have seen overhead passes in the City of Seattle, in the City of Los Angeles, in the City of Denver, Colorado. These are the cities that I frequent quite often, but in the meantime, this for me is home. I list a caution at the meeting Monday when the gentlemen were present, and I said "would the overhead pass provide 100% safety for the people if they use it?" They say yes. Would the system provide 100% safety for the children that obey it. They say no. I think that says more than anything could ever say. This thing was without lights after the accident that happened September 13 and a child was killed. That child was my daughter. The child was crossing, walking a bicycle with other two children. The security guard was in the center of the street with a stop sign, waved the kids to start walking. The person that ran through the light, went through the sign, the crossing guard started waving the sign in front of his eyes for him to stop, and he did not stop. For drivers like this, no lighting system will be effective, no matter what. I don't care what they say, they will not be effective. Now, you were not at the last meeting we had, Mr. Mayor, but all the drive got started by the kids. They came over to me at my house, about ten kids, and they said Mr. Garbena, we want this, would you help us. I said definitely. I had a daughter coming in to K.O. Knudsen next year. I will not send that kid to that school as long as an overhead pass is not constructed. The kids are all setting an example about the meeting on Monday, but, I'm sure you come across many of these like in the hotels, they put an architect to construct a kitchen and they never ask a cook how to construct that kitchen. I feel this is the same case. I'm sure the gentlemen are doing a good job, they are doing the best they consider that should be effective. This is the children's idea. They are saying that the only solution for them to cross that street is an overhead pass. When this came out, my telephone started ringing, 12, 13, 14 times within one hour. Mr. Garbena, have you read the newspaper. I said yes, I read it. Wasn't the City Commission in favor of this? Well, they approved to go back and study to make a proper adjustment. I don't even want to hear the word "price" because if it saves one accident, one child involved, it is worth it. I don't care if it is worth \$5 million. This Wednesday, the kids called me up, said Mr. Garbena, we're not going to school today. We are going to make signs and stand in there and we're not going to let the traffic lights. I said, wait a minute. You're not going to do nothing of the sort. You are going to await the decision of that body, who are elected officials, and see what they have to say. We haven't lost the battle yet. This is just a recommendation that these gentlemen have for the Commission, and then the Commission would

be the last word. I don't know if you are aware, Mr. Mayor, but in the last meeting I brought in a clipping of a newspaper that said in 1973, May of 1973, the City Commission approved a stop light for that intersection. It was never, never built. There, approved by the City Commission, unanimously, and it was to be \$12,000 financed by the City, all the figures specified in there. I also brought a letter from the Department of Public Works of the County, the Highway Department, and everything. The PTA saying that definitely a study had been conducted for that street and the definitely there was an urgent need for the stop light at that intersection. Everything affirmative. I also had a letter from Governor Mike O'Callaghan that said he knows and he was already told by the Department of Highways that a light was needed for that intersection. It was never built. Now, somebody gets killed, somebody gets hurt. The day that I was present in front of the Commission, three children escaped injury and three cars piled up in that intersection. It's one of the most, if not the most dangerous intersection, for children in the City or County. I think the children are definite and they are determined. We bought in 11,000 signatures of people that say they are for the overhead pass. I asked three people and they said how come the overpass hasn't been built. Of course, they don't understand this takes time. They talk about building the overhead pass, even it is approved, it wouldn't be built until the next school term in September. Fine. But, then there would definitely be safety for the children. Like I say, and I repeat myself, it would provide 100% safety for those who do use it, but it will not, the other system they recommended, will not provide 100% safety for those who obey it. Thank you.

Mayor Briare: Thank you very much, Mr. Garbena. I am sure you...

(Applause.)

Mayor Briare: I know it is your understanding, we recognize that there is nobody in the country that is more deeply concerned and interested about this because this tragedy hit your family and we have members on this Board and we have people who are, it might not seem possible, but they are equally as dedicated to trying to resolve this problem as you are interested in resolving it. We too are fathers of children who have not met the tragedy that your family has. I think that probably there could be even other alternatives that might be used. And, the only thing you can hope for is to do the best you can, and I agree with you and I think the minutes of this meeting will reflect, that up until you mentioned it, there had been no questions about price by this Board at this meeting. I think my memory will serve me, and the record will so reflect, we too are not as concerned about price as we are about the safety of children and unfortunately it didn't occur at a time that it would have saved your child. Under the circumstances, as you described so adequately for us, it could perhaps be said that nothing would have corrected that. But we are trying now to make an effort to correct it and see that it doesn't happen again. So, whatever this Board does, I am not quite sure that I can adequately express to you, that it's going to be the absolute best that we can possibly do.

Mrs. Martha Mathews, PTSA President, K.O. Knudsen, 1564 Vegas Valley Drive: As president of the K.O. Knudsen PTSA, I am here to represent parents, teachers and students as well as others who are concerned about this school crossing. Monday afternoon a special meeting was held at K.O. Knudsen with Mr. Hampton, Mr. Bossi present representing the City and County representatives as well. They explained the proposed signal system to

to us. We saw the video tape that was taken of our students leaving school one afternoon a couple of weeks ago. We spent nearly two hours with questions and answers and I think people learned a lot. Yesterday the PTA officers met to discuss this proposal as well as all the concerns we have. We feel that the proposed signal system as recommended will indeed help to safeguard the students who must cross Sahara. We did ask for an overhead walkway. We feel that the overhead walkway would be the safest thing for the students who use it. Virtually a 100% safe for those who use it. We realize that you have experts in this area and they have come up with a plan which we appreciate. Whichever decision that you decide on, we know that you are doing it in the best interest of our children. However, if you accept the recommendation about this signal system, there are some items in the proposal that we feel are inadequate and we feel should be changed. We feel that there should be some sort of lighting system at Atlantic as well as on Sahara. We think that another set of blinking lights in addition to the ones we have, approximately 200' further away than they are right now would be a great help in this intersection. We would like to see if this signal system is installed that the westbound traffic be stopped on the east side of the intersection and that the eastbound traffic be stopped at least 25' away from the crosswalk. We would like to see that the control would be on both sides of the street as well as in the center so that the crossing guard could activate it from any one of three places. We would like consideration be given to after hour controls so that students in after school activities as well as pedestrians would have an adequate protection in crossing at this particular intersection, when the crossing guard is not there. We again urge that the speed limit be reduced in this school intersection to 15 mph. A question that we don't seem to be able to gain an answer to, and I'll ask of you, what assurance do we have that there will always be a crossing guard on this intersection? A lot of it depends on school children, elementary school children. We realize we are not experts in this field and we still ask that the idea of an overhead walkway not be completely abandoned. We would ask that upon completion of this signal system that a study be done on minimum of two weeks to determine the success and/or failure of the system. Would like to have increased patrolling by Metropolitan Police during this period of time with citations being issued to motorists as well as students who are jaywalking. At the end of this time, we would like to see a meeting where we could get together and evaluate. We are concerned, and we have been kept in the dark up to this point. We've had to search for our answers. We would like to be included in an evaluation of this, as well as the crossing guard, people from Metro, people from the City, the State, the County, so that we realistically look at this system and find out if it is indeed serving the purpose for which it is intended. Again, at that point, if we find that the system does or does not do what we think it will for this intersection, we would still have the opportunity to communicate with you, which is important to us. We want to take this opportunity to express our concern for all students in the school district. Many must cross a dangerous intersection and we strongly urge that if this signal system is approved and built that the money difference, we realize we are not talking money particularly, that the money difference between the \$12,000 for this and the \$200,000 for the overhead be used to adequately protect the 14 other intersections that Metropolitan Police Department has pointed out are critical. We want to express our appreciation to everyone involved in this project so far for their time and effort that has been put into it. We realize a lot of work has been done. We appreciate the priority status that the City Commission has given this project and we

hope that we will be in communication with you from now on in everything that is done. Thank you very much.

Mayor Briare: Thank you, Mrs. Matthews. I think you might have come in while Mr. Hampton was in the process of explaining the proposal. Some of the things that you indicated just now, for example, as far as more policing by the Metropolitan Police Department, was covered by Mr. Hampton. He indicated, in fact, strongly stressed the fact that the Metropolitan Police were very cognizant of this problem and that they intended to do just that. I didn't make as many notes perhaps as I should have, but a number of the things that you brought up are the expression of your PTSA were included in the overall recommendations that we had before us this morning. Do I get the impression, Mrs. Matthews, that because Mr. Hampton indicated to us that the action of your organization was to endorse this particular proposal; however, you did qualify it to a point that after an evaluation is made, that you want to keep your options open as to any further recommendations you might have, as indeed the City would want to keep their options open after an evaluation is made.

Mrs. Matthews: I just want to express again that we feel that this body has given this project or this problem to the experts in this field. If this is indeed the conclusion they have come to that this signal system will work, we've never had signals there; we have nothing there. We feel we must give it a chance but we want the assurance that we are not shutting the door on it. We think the overhead is a good idea, but we realize too we are not experts. So, if the signal system goes in, please let us look at it, let us realistically evaluate it, and if it does not solve the problem at this intersection, then let's reconsider that overhead walkway, because it seems a means of getting the kids off the street. We feel strongly that all of the students who use that overhead would be 100% safe. We don't know what our percentage would be on the use of it. But we think that it would be a good thing for our school. We are concerned about the traffic on Sahara because it's not getting any better. It gets worse, and it's probably going to continue that way. That's why to us without the expertise the overhead seemed the solution because it would get the kids off the street, the motorists aren't hassled. With this signal system, a concern that we discussed too, it will immobilize traffic for a period of time. For a lengthy time in the mornings where people are rushing to get to work because the students all don't come to school at the same time. Less time in the afternoon, but once that system is activated, the traffic is going to stop, and I know that probably some motorists will find an alternate route, but those who don't may be irritated because they are going to be brought to a dead stop there.

Mayor Briare: That particular irritation is really no concern to any of us, is it?

Mrs. Matthews: No.

Commissioner Lurie: I have one comment, Mrs. Matthews. I think the situation with the light is something we can expedite within six to eight weeks with the approval of the County Commission and the State Highway Department, and I think all those approvals will be forthcoming. I think all of the studies, I can only speak for myself, I'm not going to close the door on looking at alternatives as far as overhead crossings. I have asked the Public Works Department to contact other cities on cost, and cost is a factor in building

because if you build one, you will need two, three four on up to take care of other intersections. I feel that also the situation we have at the intersection of Atlantic and Sahara, there are three entities involved plus right-of-way that has to be purchased to set the overhead pass. There is a lot of problems. The crossing, these lights, we can put that in with the comments from Mr. Hampton in six weeks and I think that we have to look at that plan as being a situation that will prevent and maybe educate motorists that they are crossing there, not only there but in other areas of the City. If this works, we can put it in another area. The cost again is less than the overhead. We are not closing the door on all those alternatives. We are going to keep them all open and we are going to be able to learn from this signal whether or not it is feasible.

Mrs. Matthews: My concern, and I think I express this for everyone involved. This is not a new thing. It started in 1972 concerning this intersection, through the PTA there at K.O. In October, I began at that point trying to do my homework and find out where do we go with a thing like this. I have contacted every person within the City, within the County, at Metro, anybody that would even look like they might know something about this kind of thing. They didn't give me the time of day. Only one person with the County would talk to me and actually discuss it with me. We don't want to lose that. We brought you 11,000 signatures and you are talking to us. That's what I don't want to lose because I want to feel good that whatever we do at this intersection, whether it's an overhead, whether it's a signal system, or whatever it is, that we've done the very best for those kids and that we'll continue to be concerned about it because it has taken us five years to get here with it. Now, suddenly someone is taking action and we don't want to lose that.

Mayor Briare: Thank you, Mrs. Matthews. I think you will recognize that we certainly don't have any arguments on any of those points that you bring up.

Jody Schreck, 1473 Vegas Valley Drive: I would just like to say Sahara Avenue comes off the strip and a lot of drunks come off the strip. I feel if the light goes up, it's not going to assure all the kids to use it. Because, they are drunk and if they run one light they will run all the rest. I really feel the overhead is one of the best things. It's got to be the best. And it will assure the kids that use it.

Mayor Briare: Thank you very much, Jody. We appreciate you coming to the meeting.

Judy Mare, 2325 Marlin: I just have one question for you guys. What's going to guarantee the signal lights? Sometimes they go out of order and the people start running it when it's four way. Not just one car goes, but four go. Then five go, then people start crowding. What's going to happen when the light doesn't function right?

Mayor Briare: Judy, that's a good question. I think the only assurance you can have, of course, on anything that is mechanical is to hope that it is in mechanical order and that it is maintained and kept that way. Also, the additional safeguard that is put in here is the human element, the crossing guard, and a more concentrated effort by the Metropolitan Police Department, as you having sat here heard discussion on. That they will be there to hopefully make sure, that if, as a second safeguard, if the mechanical situation should fail as you suggest it might, then we have the human

element also present to be able to hopefully correct that mechanical error. You see, there would be people there that are activating this particular type of device.

Judy Mare: Ok, so the guy was there with the stop sign too, but that didn't help. What's he going to do, he doesn't have the stop sign anymore because he uses the buttons. With the overhead it doesn't matter if the guy is there or not because you use common sense and your own safety. Do you think your kids would be more safe if they knew that they could walk over the traffic, instead of well, maybe its not working, but maybe he'll stop because its been here. What about somebody that is across town that doesn't even know if that works.

Mayor Briare: Those are all interesting points, Judy and it's difficult to answer as to what might happen on the occasion such as you outline. Anyone else?

(No response.)

MOTION

Commissioner Leavitt: I would like to move at this time that we install the proposed specialized signal on an experimental basis only. According to briefing that I have received, it is very mobile and it can be moved. Is that correct, Mr. Hampton?

Mr. Hampton: That's right.

Commissioner Leavitt: In other words, if we spend the \$12,000 to install the signal and it doesn't work we can move it somewhere else, is that correct?

Mr. Hampton: That's correct.

MOTION

Commissioner Leavitt: I would also like the Department of Public Works to take into consideration the comments of the PTA regarding the additional lighting and the blinking lights in the design of this signal. I would also move that the Department of Public Works consider as one of the items in the budget next year the amount of \$200,000 for construction of an overpass and that that item be included in your budget for the next fiscal year and that we continue to study the idea of an overpass, continue the evaluation of the system seeing if it works, and also the idea of reducing the speed limit. That those matters still be given consideration, even though we are using the signal now. I just feel, Mayor, that something should be done immediately and the signal is the easiest way to do something now. I would like to see us adopt that for the time being, with the understanding, of course, that it is mobile and the overpass, I don't want the idea to be rejected, I want it to continue to be studied and with that in mind I would make that kind of motion with the idea that it also be considered in the budget for next fiscal year. I know the money is not there now, and I'm not trying to put a price on anybody's life, but we do have a problem. When we are talking about an item of \$200,000, the money has to be found and if the money may be available in federal funding. May be available in the County, State, and so forth. But in any event, if we start now with the idea of planning for that in the budget for the next fiscal year and to locate that source of revenue that we can use to build that overpass. It will take us a little while to get the money, possibly. Since we are in the planning stages now for the budget of the next fiscal year, I would recommend and make part of the motion that that item \$200,000 be included in the budget for next year for an overpass at that location.

Mayor Briare: Thank you, Commissioner. I think you

you have made it very plain, also, that the whole situation certainly is not going to end today if your motion is adopted. It is going to be a continuing thing, and I think that would be the impression I have from the people in the audience who are interested in this to know that this doesn't end here. That it is a continuing program to make sure that ultimately what is done is the best thing.

MOTION

Commissioner Leavitt: I would also like to make part of the motion any study or evaluation made after the signal has been in operation should be presented to the people in the area for their consideration, and also the school authorities, for their consideration and for their input and their ideas on how the system is working, whether it is or it isn't. With the understanding that this is a mobile unit, temporary, experimental, to be put up immediately, that it be approved on that basis, but with the long-range planning that we consider that overpass as still a possibility and is one of the items in the budget for next year.

Mayor Briare: Thank you, Commissioner. Commissioner Lurie.

Commissioner Lurie: I have one question here on the motion and I hope you will answer in the affirmative. It is that the money that you are asking for today, the \$12,000, that the City can approve the \$12,000 today with the understanding that we can bill the County and the State for their share, but we are going to give the approval to proceed with the project and not worry about all the red tape and the delay of the State approving or the County approving.

Commissioner Leavitt: If the State and the County will participate, that will be fine, but if they don't, I'm sure we can find the \$12,000.

Mayor Briare: Any other comments? (No response.)
Cast your votes. The motion is approved.

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

Commissioner Leavitt: On that item we requested be held until later in the meeting, Ralph's Pizza, Item 2 under E, I had requested that the matter be held until the end of the meeting. At this time, I would like to request that the item be held until the next meeting.

Mayor Briare: If there are no objections, the item will be held until the next meeting. December 15, 1976. This is the time set now for proposed amendment to the City of Las Vegas Three-Year Housing Assistance Plan.

THREE YEAR
HOUSING
ASSISTANCE PLAN
Approved

Dr. Jack: This is an amendment to the Housing Assistance Plan for the last five months of this program year. Previously, under new rental units there had been a total of 250 units. This has been increased to include 800 units under the Local Housing Authority conventional which Mr. Art Sartini from the City Housing Authority would be able to provide and also 100 units under HUD Section 8 which will bring a total of 900 units for the new rental units for the balance of this year.

Mayor Briare: This is a public hearing. Is there anyone in the audience who wishes to be heard on this proposed amendment?

(No response.)

Mayor Briare: This is the second required public hearing. Mr. Jack, is the matter now before us or do we have to continue it in the event we close this public hearing?

Dr. Jack: Your action today will meet the requirements.

Mayor Briare: There being no one present to speak either for or against this proposal, I will declare the public hearing closed and ask for comments or questions by the Commission. (No response.) What's the pleasure of the Board.

Leavitt: Move to adopt.

Mayor Briare: Any comments on the motion to adopt? (No response.) Cast your votes. The motion is approved, the amendment is adopted.

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

V-81-76
Denied

APPEAL FILED BY LAS VEGAS METROPOLITAN BEAUTIFICATION
COMMITTEE ON THE APPLICATION OF NORMAN KAYE REAL ESTATE
COMPANY.

Michael Scher, Beautification Committee: The Beautification Committee is appealing this decision on the following bases: That when the decision of the BZA was brought before our committee, there was some question as to whether a hardship had been presented. Now, under the zoning laws of the State of Nevada, City of Las Vegas, it states that when practical differences, unnecessary hardships dictate inconsistency with the general purpose of the chapter regarding variances, subparagraph 3, substantially showing that "(1) there are exceptional and extraordinary circumstances and conditions applicable to the property involved and that such circumstances and conditions do not apply generally to other properties in the same vicinity or zoning district." Our committee has found that there are no such extraordinary circumstances or exceptional hardships shown there. Under B it says, "such variances necessary for the preservation and enjoyment of a substantial property right which is possessed by other

properties in the same vicinity and zoning district and denied to the property owner in question." Now, in regard to this one, there was no denial to Mr. Kaye of the realty company; however, this particular variance does create a problem under this section. Because it says, "If it is denied to the property in question whereas other property owners have it." Now, if this variance is granted, all the property owners in this P-R zone will be denied the same privileges that Mr. Kaye has and they too will then have to seek a variance. If they seek a variance, we are now really changing our zoning from a P-R zone to C-1, C-2. This is really a major change in our zoning for the City. We cannot see any hardship involved. We cannot see any denial of the premise that Mr. Kaye provide under. On that grounds, we wish to challenge the decision of the BZA.

Mayor Briare: Edwina, has this, or do you know when this item came. Has this been before this Board yet? The decision we are to look right now is whether we are going to set a public hearing for an appeal.

Mr. Saylor: This came before you to set date for public hearing and this is the public hearing on the item. It was two meetings ago.

Mayor Briare: Is there anyone that wishes to be heard on this matter?

Mr. O'Reilly of the law firm of Keefer, Clark and O'Reilly, offices at 225 Bridger: I am appearing on behalf of Norman Kaye Real Estate Company. Mr. Norman Kaye is also present, as is Mr. Gulbranson who designed the sign to be put on the wall, as also is the branch manager, Ms. Kelly Barry. I think there has to be some clarification as to what it is the Board of Zoning Adjustment approved. I don't believe Mr. Scher was there and heard the presentation and I know for a fact that he made no presentation himself to the Board. What we are involved with here is not a new sign as the nomenclature used in the notice indicates. It is a wall sign as the wall sign is defined in the City Code. It's a sign that will be mounted to the south side of this structure, mounted to the eaves, facing south. The Board of Zoning Adjustment, in considering the facts surrounding this particular sign, unanimously approved the sign as proposed. Mrs. Emmett abstained because of a feeling of conflict since she is also in the real estate business. There does not seem to be any issue other than the size of the sign itself. The law permits two signs, even with the P-R zoning, one being a free-standing sign and one being a wall sign. The office there now has a free-standing sign of relatively small proportions in the front. There is no wall sign. The area to the north on the north end of the house faces a residential street now. The south end of the house, which is where the sign is proposed, faces what is basically the corner of Charleston and Decatur. I have some pictures I will present to indicate to give you some recollection as to what the area actually is. The zoning in the properties immediately adjacent to the property in question, on the corner of Charleston and Decatur, there are two lots that are apparently zoned C-1 for the service station that is there and out of the next three lots, two are also zoned C-1. Out of the five lots, four of them virtually immediately adjacent, are zoned commercial. Also, I think they possibly considered the other businesses that are in that area, a gas station, Nevada Savings, Mobil station, Valley Bank, a Standard station, there's a large clearing in here, Two Guys from Italy, a bar, and two shopping centers, all of which this sign will be competing with. I have a picture of several shops that may look a little tacky now, since when I presented them to the

Board of Zoning Adjustment, we were advised by Mr. Chapman, there would be no appeal after that hearing so they were all dismantled. I put them back on, indicating (presented to the Commission) the picture in the Roman numeral I position has each notation on it with a box that is not drawn exactly to scale indicating the approximately location and the size. It would be 4' x 12'. The only objections raised at the Board of Zoning Adjustment by the Beautification Committee were basically all structures from the sides are to hang up on the roof and will be visible from the residential area. That is not, in fact, true at all. You can see from the diagram in the upper portion and also from the picture, it will only be the corners of the sign that will protrude and any view of theirs will be blocked by the air conditioner, the swamp cooler on the roof, and they will be completely enclosed. I can see no argument that this is in fact a resigning, and it clearly fits within the wall sign provisions of the ordinances. As I indicated, Mr. Kaye and Mr. Gulbranson are both here willing to answer any questions you might have. I think it is clear that the Board of Zoning Adjustment was proper in their unanimous determination. I see no reason for changing the determination they made.

Mayor Briare: This description that we have in our agendas here is a little misleading because when you read it, it would appear it is request that this sign be installed 13' higher than the top of the building, whereas actually it is almost on a plane with the top of the eave on the building. Is there any possibility that you might have been led to believe the same thing.

Mr. Scher: There's a possibility of that, but if that is the way the variance reads, then we have a problem anyway because they may do it according to variance, if they get the variance with the 12' unless we make a stipulation here.

Mayor Briare: That it be done in accordance with the renderings or plans.

Mr. Scher: That would be fine. But, is 4' x 12' the proper size for a wall sign? I thought it was 4' x 6'.

Mr. O'Reilly: The wall sign that's proposed is a 4' x 12' sign, which you can see by the picture, is almost a minimum that is necessary to compete with the signs it is facing. There are signs that are probably 8 to 10 times that large with which this sign is competing. The view of the pictures is over a gas station lot which has a concrete block wall on the north side of it, and there is a difference of just a few feet between the house and the block wall, so there is actually nobody who will see it except the people on Charleston and the people coming south from Decatur and there is no residential that I know of that will have any view whatsoever of the sign.

Mr. Scher: The edges of the sign be kept below the surface of the top of the building and, secondly, the basic objection was it was a roof sign and the size of the sign. However, I cannot see a roof designation here. It only extends over on a small portion.

Commissioner Lurie: How high are those corners above the roof.

Mr. Saylor: They're at least two feet above the roof.

Commissioner Lurie: Why can't those corners of the sign be contoured to the design of the roof?

Mr. O'Reilly: I would have to confer with Mr. Gulbranson on that.

Mr. O'Reilly: I think from a practical standpoint, that it, the pictures indicates, it is not going to make any difference in terms of visibility because the sign is not going to be visible, just sticking up that little bit. Especially with the other structures around it, the heating, the cooling, etc. that is on there now.

Mr. Scher: I don't think the question is whether or not it is visible, but whether or not we set a precedent of, this could be applied as a roof sign later on in the years.

Mr. O'Reilly: I think that is quite inconsistent with the ordinance. The ordinance reads that the term wall sign shall mean a sign applied to or mounted on the wall or the surface of the building or structure and it goes on to say marquees, facades, false fronts, etc. shall be considered to be wall surface. I think it clearly makes it a wall sign, not a roof sign. Whereas, on the other hand, a roof sign is defined as an on-premise or an off-premise sign erected, constructed or maintained upon the roof of any building. There is not even going to be a brace on the roof, it's going to be to the side of a house. I don't see any problem of it being considered a roof sign.

Commissioner Woofter: I can see merit on both sides, as far as the argument is concerned, the wall and the roof, and like Commissioner Lurie stated, I think the whole thing can be rectified if there could be a modification of the corners that overlap above the roof. If there is a possibility of that, I don't think there is any problem.

Mr. O'Reilly: Mr. Gulbranson indicated to me that it is possible to mount the sign in such a way that the corners would not protrude above the roof line if that would be the desire, again I don't see that it will make any substantial difference whatsoever. But make it more difficult to mount the sign and re-design the structure in terms of its mounting.

Mayor Briare: Anything else?

Mr. Scher: That was basically the objection which... The sign is a little large, but I think that there is sufficient premise under hardship of the signs in the area for it being slightly larger, although I would suggest you make a special note that this does face commercial property, this building does face commercial, although it is on P-R zoning and therefore the variance is being granted because it faces commercial, not that it faces residential or P-R under provisions in other sections that it faces residential, it's supposed to go to planning.

MOTION

Commissioner Woofter: I make a motion to deny the appeal filed by the Las Vegas Beautification Committee, but to amend the action of the Board of Zoning so as that the sign in question be modified where the upper corners be modified where it will not protrude above the roof level.

Mayor Briare: Any comments on the motion? (No response.)
Cast your votes. Motion is approved.

APPEAL FILED BY JOSEPH AND PAMELA MACCHIAVERNA

Mayor Briare: Mr. Saylor, when was the commercial child care center at 1001 Bedford Road before this Board on its original application?

Mr. Saylor: I think about four months ago because I think that once they are denied they can't file again for four months.

Mayor Briare: So what is it, four months and a day and the appeal is now before us?

Mr. Saylor: It is probably a little longer than that. They could not file their variance with the Board again for four months, but it takes another month to get before you, so I would think five months.

Mayor Briare: So, in accordance with the laws and regulations that we must follow, this is a perfectly proper matter to have before us at this time. Edwina, do you recall what the vote was on this child center when it was originally before us?

Commissioner Leavitt: Four to one.

Mayor Briare: In any event, we know that it was denied, whether by majority or unanimous. It was denied. We had no discretion as to whether this should be brought before us, do we? The reason I say is because I think we have a weakness and I want to say that because I am not sure which side you represent. I think it is a shame when this Board takes action on something and it is brought back before us because of the mechanics of our ordinances. Unless, there is some new material to be brought before this Board that we did not previously consider. This is something that I think, if my memory serves me when it was brought before us, there was some very strong feelings among the neighbors in that particular area, and I hate to go through the whole thing again, but apparently we have to, whether or not there is anything new to talk about or not.

Mr. Saylor: We have amended the ordinance or are in the process of amending the ordinance so you do have that discretion of setting a public hearing.

Mayor Briare: Right, to have reasons to have another public hearing, other than the fact that the party who did not prevail wants to come forth and bring it up again.

Paul Sorenson, Attorney, 323 Las Vegas Boulevard South: I am here on behalf of the appellant, Mr. and Mrs. Macchiaverna, who are also present along with Jim Ward, a title officer and I do have new matters and I don't wish to bore the Commission with the items that were heretofore discussed before this Commission. First of all, I would like to submit a copy of an ordinance, certified copy of Ordinance 934.-90 and ask the Commission to take judicial knowledge of the contents of that ordinance.

Mayor Briare: I guess it is safe to assume that this is our ordinance.

Mr. Sorenson: I submitted certified copies to the Clerk. I would ask the Commissioners to take judicial knowledge of the fact, and if the Commissioners wish me to call the title man, the zoning on the property in question already is C-1. Therefore, I would ask the Commission to direct the appropriate officers of the City of Las Vegas to issue the appropriate licenses to the Macchiavernas for a child care center.

Commissioner Leavitt: Is this C-1? According to the agenda, it says it is R-1.

Mr. Saylor: According to our position on it, it is not C-1. Obviously, if it is, the variance is moot. But I don't know...

Commissioner Leavitt: Are you saying that this ordinance changes your property from R-1 to C-1, Mr. Sorenson?

Mr. Sorenson: Absolutely.

Commissioner Leavitt: Does the description here include your property?

Mr. Sorenson: It absolutely does.

Commissioner Leavitt: Let's let Mr. Saylor look at it and see if that's the case. I can't understand why you are here for a variance if that's the case.

Mr. Sorenson: Your Honor, I just got involved in the case. I believe that my people came to the City officials to get appropriate licensing and were told...

Mr. Saylor: That's the only thing I cannot answer, Commissioner, is whether there was any subsequent action to this case.

Mayor Briare: For the benefit of those ladies and gentlemen who are in the audience who had been opposing this application, what the lawyer has handed us here was an ordinance dated May the 18th, 1966 where a Board consisting of Commissioner Whipple, Commissioner Fountain, Commissioner Mirabelli, Commissioner Stewart, and Mayor Gragson approved the changing of this property from R-1 and R-3 to a C-1. This is something new and has not previously been brought up.

Mr. Sorenson: Your Honor, I would like to, for the edification, as we all know in public hearings and zone changes, we can't have 100%. There are always good people who do oppose this matter; there are some people who are in favor, and prior to this time we hadn't had an opportunity to submit signatures of those people who do approve it, and now I hand copies of petitions from people who do approve of the thing.

Mayor Briare: I don't see we even need to go any further until we have a decision on this particular matter that has been handed to us.

Mr. Saylor: I agree, if it's C-1 and the attorney has said it's C-1 representing the applicant, the question of the variance is moot. There is no action before you, really. I, however, am not agreed with the attorney that the property is C-1 necessarily. I'll have to check.

Mayor Briare: Because of something that may have happened since May of 1966 up until December of 1976.

Commissioner Leavitt: Can we hold this for a minute and have that checked out, or is it something that will take a little longer than that.

Mr. Saylor: It may take a while longer than a few minutes.

Commissioner Leavitt: Then, let's hold it until the next meeting.

Mayor Briare: Those people who might be here in favor

of this matter, if there is indeed a matter before us, you're not going to have anything to say right now. However, for those people who are here opposed to it, is there anyone that has any questions as to why this thing has taken the particular motor that it has?

Unidentified Woman: Does that include the main house? Or is it just the property in back?

Mr. Sorenson: It does not include the main house.

Mayor Briare: You have stipulated that it does not include the main house.

Commissioner Leavitt: Is the variance for the home or for the area behind it? Where do you want to put the nursery?

Mr. Sorenson: I think the application quite specifically states it is just the area behind the home.

Mayor Briare: Commissioner, I think this. Obviously we are going to have to take a look at this, because this is a bazaar twist in the thing. There is a legal description in this document that has been certified and presented to us of an ordinance that is in existence and apparently has been that way for a long time without our knowledge, but with a legal description of specifically what this does cover, rather than for we to speculate in answer to your question, we should really determine without any doubt as to what it does include. That being the case, Mr. Saylor, because we do have other things here before us, and I think it is obviously necessary that this be determined first.

Mr. Saylor: We could hold it for a while and I'll call my staff and see if they can get a quick answer. I would like to correct one other thing, however. The attorney has indicated it does not include the house, yet the legal description of the application for the variance does include that property.

Mayor Briare: We better get all that clarified before we go any further.

Unidentified Gentleman: I, as a home owner adjacent to this property, would like to know how this rezoning came about without notification of the residents in the area.

Mayor Briare: Would you come forward, sir. I don't know if you have seen this. Maybe this might be of some help to you. There are questions that are going to have to be resolved that we are beginning to try to resolve right now.

Commissioner Lurie: How long have you lived in your house?

Unidentified Gentleman: I was one of the first eight people to buy a house in the area and I moved there in the early part of 1953.

Commissioner Leavitt: What I suspect here, and I am only speculating, is that when they put the ballparks in at Cragin Park that that land might have been included in that ordinance. If you look at the ordinance, it is quite a lengthy legal description.

Gentleman: The back of his property was walled up at the time the swimming pool was back there.

Commissioner Leavitt: Like I say, I'm only speculating, and maybe I shouldn't even do that, but the ordinance does indicate back in 1966. I think it is something we have to determine, whether the property is actually

zoned C-1 or R-1. That's the first question I asked.

Gentleman: In 1960, Carl Hyde maybe got this thing rezoned, the back part of it, because they had a train back there and was charging the kids 50 cents to ride it. But, we were never confronted with this thing.

Mayor Briare: While Mr. Saylor is getting the matter started to try to resolve that, why don't you bear with us folks for a few minutes and we'll see if we can't give you some indication of where we go from here. Let's proceed with the rest of the agenda.

VACANCIES ON BOARDS AND COMMISSIONS

PARK & RECREATION
ADVISORY COMMISSION

Mr. Bunker: I have some information on the Parks and Recreation Advisory Commission. Mrs. Roberts, who is currently chairman and wishes to be reappointed. Mr. Scott does not wish to be reappointed and Mrs. Lee Heenan has excellent attendance and wishes to be reappointed.

Mayor Briare: Is the Board ready to take any action on this? The appointments of Jeanne Roberts and Mrs. Heenan will be renewed. The Board will take into consideration the replacement for Mr. Scott.

LAS VEGAS METRO-
POLITAN BEAUTIFI-
CATION COMMITTEE

Mayor Briare: Does the Board wish to take action on the expiration of the term on the Las Vegas Metropolitan Beautification Committee, Mr. Chapman.

Commissioner Lurie: They usually make a recommendation don't they. He represents one of the clubs.

Mr. Saylor: There is a memorandum in the mail from the Beautification Committee to you and they do recommend that Mr. Chapman be reappointed. They say his attendance has been very good.

Mayor Briare: If there is no objections, Mr. Chapman's appointment to the Beautification Committee will be renewed.

ELECTRICAL
EXAMINING BOARD
Abeyance

Mr. Bunker: Items C and D are just information matters that these are coming up. We will provide you with information at a later date.

GOLF BOARD
Abeyance

Mayor Briare: We'll hold those until we have further comments.

Mr. Saylor: The property in question is not zoned commercial. What happened, at the time this ordinance was adopted the legal description in the ordinance did include it erroneously. However, when the application was actually processed, the legal description did not include Mr. Hyde's property; therefore, our attorney has ruled that the only portion of this that is actually been zoned C-1 is that which was described in the application. Or, putting it in other words, Mr. Hyde's property is not zoned commercial.

Mayor Briare: Mr. Sorenson, did you hear that?

Commissioner Leavitt: When you say the attorney, Don, which City Attorney advised you?

Mr. Saylor: It believe it was Jan Stewart's opinion.

Commissioner Leavitt: Just recently? When the appli- was processed.

Mr. Saylor: I think it was at the time when this appli- cation was first filed, the other variance. I believe the matter came up then and we checked it out and that's why we did not give them the license, and did accept

the variance.

Mr. Sorenson: Mr. Mayor, I have not seen any opinion from counsel. I am prepared to go forward with my title officer who is an expert in this matter and will testify concerning the metes and bounds of this property and show that it is zoned C-1.

Mayor Briare: It is probably something that we should have together. I think it is going to be necessary not only for this Board, but for the folks who are probably as equally surprised as some of us that just what part of the property is zoned commercial in accordance with the ordinance that was passed back in 1966, and which part is not. It would more than likely then be the position of your client that that portion which is not described in this ordinance, that you are looking to get included in the commercial zoning.

Mr. Sorenson: I think the application was inadvertently filed. Based upon this information. I was just involved in a case approximately a week and a day. As the Commission well knows, Mr. Hyde, who is the original developer of the area, is an extremely astute businessman, and the Commission is at all reasonably aware of the property would know that he would never landlock himself and never leave him in a position for that particular property to be residential. It is an absurdity.

Mayor Briare: Mr. Saylor, is there a way we could get a plot plan showing the overall property and then superimposed on it with an overlay to show that area which is described in the ordinance that was passed back in 1966?

Mr. Saylor: Here's the plot plan of the entire... This front part are the two residential lots fronting on Bedford. I think the ordinance description describes this portion (referring to map).

Mayor Briare: Do you have any argument, Paul.

Mr. Sorenson: I'm not sure I completely understand.

Mr. Saylor: Essentially, what I am saying is this ordinance describes the property behind the lots that front on Bedford where the train and that was, which at the time Mr. Hyde bought it, it was for that purpose. However, the two lots on Bedford are included in the variance application before this Board. According to our attorney, Mayor, none of this is zoned commercial.

Mayor Briare: You say our attorney contradicts the ordinance that was presented by Mr. Sorenson?

Mr. Saylor: Yes, sir.

Commissioner Woofter: In light of what's gone on here, I would ask Mr. Lovell, what is your opinion of proceeding with this at this time?

Carl Lovell: I think it would probably be more expeditious for us to bring to you some kind, the opinion, if it does exist. I was just discussing this with Mr. Stewart but didn't bring up any discussion as to the former opinion. So if we have one, we ought to bring it to you and let you see it before we go ahead. It's rather difficult at this stage for me to say anything.

Mr. Sorenson: Mr. Mayor, this is the concept of a public hearing. This should not be a matter.. I understand Mr. Saylor saying this was brought before this Commission in some way, shape or fashion. I do not know how it was brought to this Commission's attention. This matter is a simple matter of metes and bounds descriptions. It

is not a legal matter. It is purely a matter of zoning, whether it was granted or wasn't. It was. I don't know how you are going to prove it was a mistake if that's what the intention is. It just seems incredible that we're here talking about something that has already been done and over with.

Commissioner Woofter: Mr. Sorenson, somewhat I agree with you, but here's the problem. If this is properly zoned C-1, it shouldn't be before us for a public hearing. And if it isn't, it should be before us. And, before I proceed and I'm sure the fellow Commissioners and the Mayor, they certainly want to hear which is the legal loop to go here. If you are automatically entitled to it with the C-1 zoning, there's not much we could do.

Mr. Sorenson: All I said, Commissioner Woofter and Mr. Mayor, the fact that I do have my evidence to present to the Commission. I am prepared to go forward with this public hearing to show to the Commission this matter is in fact moot and ask this Commission to direct the appropriate officers in the City to issue the appropriate permits and licenses.

Mayor Briare: I'm not quite sure that that's the procedure that we'd follow. The procedure we certainly are perfectly and properly authorized to follow is that this is a public hearing as you point out, and it is perfectly proper from time to time to recess public hearings for whatever purposes this Board might feel is proper. This might be one of the cases. I'm just kind of curious if the folks that were here to oppose this matter, and from many of whom we have received letters in opposition to this, repeating letters that they submitted before, whether they are now cognizant as we are of this new development that we had not anticipated and they recognize that we have some checking to do on our own files. Is there any question in the minds of you folks? There is question? Then, perhaps to clarify it, as to where we stand right now. This matter, which we gave to one of the gentlemen back there, has been brought to our attention that that area which consists of everything except the houses on Bedford is already zoned in a manner that would allow them to do what they want to do. The original application included the homes on Bedford. We are not in a position yet to address ourselves to the homes on Bedford until we can have some clarification from our City Attorney's office as to the authenticity of the zoning in the other matter. I know it is disappointing to come down here and sit through a whole meeting and then have the Board suggest that we are going to hold the matter off. You have already heard us instruct the Community Development Department to begin putting some of this together. Commissioner Woofter has indicated that we have to have some legal opinions that date back ten years ago. It might be necessary, and I think it might be very possible, it might be impossible to resolve this this morning. I'm indicating to the Commission. I don't know how long this is going to take to do. I would like to resolve that today because I am not going to be present this afternoon if we have to go into an afternoon session and I want to be here to hear this matter.

Mr. Sorenson: I might suggest the file is not complete. The Commission has in front of it the feeling of the entire people in that area. There has been nothing submitted to show the people who are in favor of it. We do have petitions that have been signed and I would like to submit them. I point out to the Commission that there are 92 people who support this. We have 20 people who are opposed and they are honorable people, and I respect...

Commissioner Leavitt: Where do these 92 people live. Do they live in the area?

Mr. Sorenson: They all live in the immediate area. Some of these people originally signed petitions saying they were opposed to it under some mistake in the set of circumstances. Basically, 18 of the signatures are on Bedford...

Mayor Briare: Forgive me for interrupting. As you understand, we do have some confusing situations here. Now, are the rest of your remarks this morning directed towards those two homes on Bedford.

Mr. Sorenson: No, they are not.

Mayor Briare: Why would you direct them in regards to the other property when you are of the assumption that it is already zoned in your client's favor?

Mr. Sorenson: I'm only trying to do this for the Commission's edification. I believe that there was good reason for the Commission having done what they did in the first place. Mr. Hyde, as best I can guess, spent a quarter of a million dollars putting this beautiful facility that is geared for children into existence. It is the most beautiful piece of property probably Las Vegas has ever seen. Now, I know that he was not an idiot. I know that he went and got proper zoning. That is what I told my clients when I first saw the piece of property. We know as a practical matter that there had to be opposition then to this beautiful work that he did, and that he had to go through the process of getting approval. We are still getting objections to it. You can see, there is a variance of 20 and there's 100 in favor of it. So, I think that if you take a look at the original proposal of Mr. Hyde, one person sent him a letter saying whatever it is, I'm against it. I'm not saying these people are the same type of people. I'm sure they're here with good motives but I also suggest that in all conscience if you go out and look at this property, there is nothing else to do with it. It would be a waste of a man's lifetime not to grant a variance or direct the Commission to issue the license.

Mayor Briare: Grant a variance for what, Mr. Sorenson?

Mr. Sorenson: Whatever the status of the title. I'm suggesting to the Commission that the title is the way I set it forth.

Mayor Briare: To include the homes on Bedford. I don't want to make this sound like a cross examination, you know it's not. I'm trying to determine exactly what it is you feel this Board has before it. Part of the application that is before us has a big cloud on it relating to that part which you might refer to as the recreation area. Are you here before us to ask for a variance on the two homes on Bedford or are you of the opinion, through your research on this that those two homes are already zoned commercial.

Mr. Sorenson: The two homes on Bedford are not zoned commercial.

Mayor Briare: That's the answer I wanted, thank you. You are interested in getting them zoned that way?

Mr. Sorenson: No, I'm not. I think the original application, and if the Commission will review the prior times that this was before the Commission, you will see that the BZA had approved it two times before subject to certain conditions, and I think the principal condition was that the front houses be cut off from the child care facility in an appropriate

manner. I think my people are satisfied with that recommendation.

Commissioner Lurie: I don't understand why you are before us, then. If you are under the impression that the land is already zoned, then why don't you just apply for your license to operate a child care facility.

Mr. Sorenson: A business license has been applied for but turned down because of misconception and I am asking the Commission to take an appropriate action to direct the City officials to issue the license, no matter what the zoning is. I have given you reasons whether it is one or the other.

Mayor Briare: I doubt very seriously, Counselor, that this Board would want to direct a department to do something which, by law, is already covered.

Commissioner Lurie: It seems like you are trying to railroad this thing through before we have a chance to have our legal people give us the opportunity to research the fact whether or not you are correct in your statements. I think we have an obligation to the people who live in the Hyde Park area not to change the characteristic of the neighborhood based on your comments.

Mr. Sorenson: This is the reason I have handed the Commission 92 signatories in that area indicating they are in favor of it. I don't think it changes the area; this area has been that way since 1956 when Mr. Hyde put this in. I can hardly see there is going to be a change. I think my people are dedicated to keep it the same way.

Commissioner Woofter: Mr. Mayor, I would, at this time, keeping all the comments in mind as well as the number of people that's been here several times in regard to this matter, I just don't see how we can proceed until we get a legal opinion from the City Attorney's office in regard to the status of the zoning on this property. Mr. Lovell has already indicated he needs some time to do this, so I think there is only one recourse we have. How much time did you need, Mr. Lovell? Two weeks?

Mr. Lovell: Yes, sir.

Commissioner Woofter: We are regularly going to meet on the 15th, of course.

Commissioner Lurie: Let's recess this public hearing until the 15th.

Mayor Briare: Because of the dilemma which I hope everybody in the audience now recognizes that we're in, this matter will be continued until 10:00 on December 15, 1976.

Commissioner Leavitt: Mr. Mayor, I believe in view of the fact there are so many people here that wanted to be heard on the matter, could we have this matter placed first on the agenda.

Mayor Briare: For those folks who are here in favor and for those folks who are here in opposition on this matter, I hope you will understand that this is the only action we can take.

COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT

DON J. SAYLOR, AIP, DIRECTOR

STATUS
REVIEW &
REPORT
Z-102-73
Approved

Mr. Saylor: The first item is somewhat of a status report on the Dayton Hudson shopping center, and also before you to get concurrence with staff's opinion on some minor technicalities. This is a plot plan of the proposed shopping center, (referring to map), this being the freeway, Decatur, Meadows Lane, which they have constructed, Valley View. One of the conditions under the zoning was that the first phase include at least two majors. We have a permit before us for the construction of the first major which is Diamonds. The second major, which is Broadway, is proposed to start some time this summer. The tenant lease area, which is a Dayton Hudson project, is scheduled to start some time about, some time in the Spring. So, what they are asking for is your concurrence that we can proceed to issue the permit for Diamonds, even though at the same time we are not simultaneously issuing a permit for another major. We feel, even though there is a few months separation, it is all part of phase I. I might also point out that the interchange at Valley View and the Freeway, the contract is to be let in February. One of the other technicalities that arises from this is that because it is a regional shopping center, some of these parcels are owned individually with Dayton Hudson holding the ownership on the overall. There are some of them that do not have direct frontage on a dedicated street; however, they will have access in perpetuity through the Dayton Hudson properties, so we are willing to accept that in lieu of the frontage on a dedicated street. The other matter is the wall along the south side. As you know, Dayton Hudson constructed Meadows Lane to our standards and one of the conditions was that they put in a wall and a strip of landscaping along the south side, which was to protect the homes that back up to it from this point to about this point. Now, we did, at the request of the Y.M.C.A. and Dayton Hudson, waive the requirement of the wall on the east end where it abuts the Y.M.C.A. property. The question now comes up as to the wall between this street, which I believe is _____ and Dayton, which is undeveloped. There is no homes there and it more than likely will go commercial because it is Decatur frontage. Yet, the condition said along the whole south side and as I say, I know we did not, staffwise, did not intend that it should be constructed along this about 200 feet here. So, we would ask that that onus be lifted.

Mayor Briare: Any comments. Mr. Beckley, did you wish to ...

Mr. Beckley: No, Your Honor, I have nothing.

Mayor Briare: Edwina, show that Mr. Bruce Beckley is here representing Dayton Hudson, for whatever purposes...

Commissioner Lurie: I move that we approve the recommendations by staff.

Mayor Briare: I have a question on your motion, Commissioner. I have not been around in City government long enough to know what is the normal procedure with a large regional shopping center. I hope that it is not going to be necessary to come back every couple of weeks every time they sign up a tenant.

Mr. Saylor: This should take care of it all. All of the exigencies that we can predict at this time.

Mayor Briare: Any comments? (No response.) Cast your votes. The motion is approved.

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

Z-75-76
Abeyance

ZONE CHANGE - Z-75-76 - DASCO, INC.

Mr. Saylor: The application of Dasco, Inc., abeyance item from your last meeting. This again is a recurring item. It was denied about four months ago. It involves the undeveloped property in connection with the Bradford Place townhouses on the south side of Pennwood. This much of it has been developed. This is the parcel in question (referring to the map) under which they have proposed an apartment house complex. We do have the protest factor from the townhouses, the Homeowners Association. There were about 20 at the meeting, but I do believe that the protest represents all of the home owners.

Kirk Lanhart, attorney with Wiener, Goldwater and Waldling. We represent the homeowners of the Bradford Place condominium development. At this time again we would like to request a continuance as we advised a few members of the Board earlier. We feel that the decision of the Board will affect the livelihood or the financial well-being as well as the health and welfare of well over 200 people in this development and as a result we feel it would be imperative in the interest of fairness that we have a full board hearing. Meaning, five Commissioners, on this application. So there is no question of a tie vote or anything along that line.

Commissioner Leavitt: Perfectly proper request.

Mayor Briare: There might be some objections to it, but we'll hear those and see what the Board wants to do.

Jeffrey Green, Attorney from law firm of Bell, Leavitt and Green, 316 East Bridger: We are prepared to go forward. I represent Dasco and we would object to any continuance at this time.

Mr. Lanhart: I might add, we were prepared last time to go forward, and we did have a full board, or at least an odd-numbered board, so we could have a final determination on this matter. At that time, at Dasco's request, this matter was continued. I again suggest to the Board...

Commission Lurie: At this time, may I make a motion that we table this item until our December 15 meeting. I would also request that the City Attorney give us a written opinion on the briefs that were filed in the court case with the Association against the Grant company.

Mayor Briare: Any comments on the motion? (No response.) The motion then is to table this until, well on the condition there is a full board on the 15th, or just to the 15th.

Commissioner Lurie: To the fifteenth.

Mayor Briare: Any comments on that motion? (No response.) Cast your votes. The motion is approved.

Commissioner Leavitt: It has just been brought to my attention that my nephew's law firm represents the applicant. So I am going to abstain.

Motion carried by the following vote:

Z-75-76
Continued)

Commissioners Lurie, Woofter and Mayor
Briare voting aye; noes, none.
Commissioner Leavitt abstained.

Z-66-64
Approved

PLOT PLAN REVIEW - AZTEC PLUMBING CORPORATION

Mr. Saylor: Items C and D are fairly routine. They are in order. If you want details, we will give them to you.

AND

Z-18-68
Approved

Mayor Briare: Two plot plan reviews. Any comments or questions by the Commission?

Commissioner Lurie: Move we follow the recommendations of the Planning Commission on items C and D.

Mayor Briare: Any comments? (No response.) Cast your votes. The motion is approved.

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

(See page 55 of these Minutes - Annotated
Agenda)

Z-9-75
Approved

REQUEST FOR REINSTATEMENT - MARY CLAY

Mr. Saylor: This is a request for reinstatement by the property owner. The property on Madison and Washington that was zoned commercial under a resolution of intent. The owner indicated that she had been physically unable to proceed with the project but now is able to. The Planning Commission, however, recommended denial of the extension simply because they recommended denial of the zoning in the first place and felt that they should follow through on that basis. This is the property in question (referring to map.)

Mayor Briare: Was this before this Board?

Mr. Saylor: Yes, and it was approved by this Board. As I say, the owner indicated she had been physically ill, I believe and in the hospital, and was not able to proceed with the project.

Commissioner Lurie: What was going to be put there? I think there was some question about the type of business that was going to be built. Was it a convenience store.

Mr. Saylor: Small shopping center.

Commissioner Lurie: Are you ready to proceed with the shopping center now. Do you have the financing and the tenants?

Unidentified Gentleman: No, not all of the tenants. What we need to do is first get the property commercial and then from there we can submit to a couple of companies we have in mind. We have x-amount of money, enough to get started and then from there try to get additional financing.

Mayor Briare: Mr. Saylor, the Planning Commission denied it, and then it came before this Board, and this Board overturned the Planning Commission decision. In a sense, but because of some failure upon the applicant's part to make application for an extension of time, in a sense what we have before us is an extension of time.

Mr. Saylor: That's correct.

Commissioner Woofter: I believe I made the motion the last time to overrule the recommendation of the Planning

ITEM Commission Action Department Action

I-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT
DON J. SAYLOR, AIP, DIRECTOR

A. STATUS REVIEW & REPORT - Z-102-73 - DAYTON
HUDSON PROPERTIES

Property generally located on the northeast corner of Decatur Boulevard and Michael Way, C-1 zone.

Approved as presented
Lurie - unanimous

Director authorized to proceed

B. ABEYANCE ITEM - ZONE CHANGE - Z-75-76 -
DASCO, INC.

Property generally located on the south side of Penwood Avenue, between Valley View Boulevard and Wing Street, 300 ft. east of Wing Street.

From: C-1 (Limited Commercial) and "M" (Industrial)

To: R-3 (Limited Multiple Residence)

Proposed Use: 76 Unit Apartment Project

Abeyance
Lurie - unanimous
Leavitt abstained

12/15/76
Agenda

Planning Commission recommends APPROVAL (1-abstention, 1-no, 4-yes), subject to the following conditions:

1. A 6' masonry wall shall be constructed on the south and west property lines. An emergency access gate shall be provided at the southeast corner of the property to allow access for emergency vehicles in alignment with the existing driveway to the south.
2. Expunge the existing Resolution of Intent to R-3 PUD which pertains to the portion of the property under this development as provided for under Z-83-70.
3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. Conformance to the plot plan to reflect the above conditions.
5. Conformance to code requirements and design standards of City departments.

PROTESTS: Approx. 20 at meeting, plus Homeowners Association of 171 as represented by an officer of the association.

C. PLOT PLAN REVIEW - Z-66-64 - AZTEC PLUMBING CORPORATION

Property located at 59 North 30th Street to allow the construction of a warehouse and an office building, "M" zone.

Approved as recommended by Planning Commission
Lurie - unanimous

Clerk to notify
Director authorized to proceed

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

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ITEM	Commission Action	Department Action
<p>I-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT <u>CONTINUED</u></p>		
<p>C. continued</p>	See Page 19	See Page 19
<p>1. Landscaping and 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.</p> <p>2. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.</p> <p>3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.</p> <p>4. Conformance to the plot plan to reflect the above conditions.</p> <p>5. Conformance to code requirements and design standards of City departments.</p>		
<p>D. <u>PLOT PLAN REVIEW - Z-18-68 - STANSBERRY CONSTRUCTION</u></p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Clerk to notify Director authorized to proceed</p>
<p>Property located at 3216 West Charleston Boulevard to allow an addition to the existing building, C-D zone.</p>		
<p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p>		
<p>1. All other conditions of approval shall be applicable.</p> <p>2. Conformance to the plot plan.</p> <p>3. Conformance to code requirements and design standards of all City departments.</p>		
<p>E. <u>REINSTATEMENT - Z-9-75 - MARY CLAY</u></p>	<p>Approved W - unanimous</p>	<p>Director authorized to proceed Clerk to notify</p>
<p>Property generally located on the east side of Highland Avenue between Washington Avenue and Madison Avenue, R-E to C-1.</p>		
<p>Planning Commission unanimously recommends DENIAL because they felt this would be spot zoning in the area and because their previous recommendation had been for denial.</p>		
<p>F. <u>AESTHETIC REVIEW - AR-14-76 - MINT HOTEL & CASINO</u></p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Clerk to notify Director authorized to proceed</p>
<p>Property generally located at Ogden and 1st Street, C-2 zone, to allow expansion of their existing facilities.</p>		
<p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p>		
<p>1. Landscaping on Ogden Street as shown on the plans.</p> <p>2. General conformance to the elevation and rendering.</p>	<p>Page 56 Minutes - Regular Meeting City Commission December 1, 1976</p>	
<p>Continued</p>		

Z-9-75
(Continued)

Commission. I haven't seen any reason for changing my motion at this time. So,...

Mayor Briare: You are making a motion to reinstate?

Commissioner Woofter: Yes.

Mayor Briare: Any comments or questions on the motion? (No response). Cast your vote. The motion is approved.

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

AR-14-76
Approved

AESTHETIC REVIEW - MINT HOTEL AND CASINO

Mr. Saylor: The next item is an aesthetic review for the Mint Hotel expansion. The Planning Commission has recommended approval. It's primarily the north end along Ogden where the expansion is taking place. There will be some landscaping along Ogden, the rest of the architectural motif will be in accord with that which exists at the present time.

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

Mayor Briare: Comments? (No response.) Cast your votes. The motion is approved.

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

(See Page 56 of these Minutes - Annotated
Agenda)

LD-25-76
Approved

STREET ALIGNMENT - FRANCES ROYER

Mr. Saylor: This is a minor street alignment out in the northwest part of the City in the general vicinity of Washburn and LaMadre which is west of the highway. It is a quarter of a mile, I believe, that they are proposing a new residential street. Planning Commission has recommended approval.

Commissioner Lurie: Move we follow the recommendation.

Mayor Briare: Any comments on the motion? (No response.) Cast your votes. Motion is approved.

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

Z-76-76
Denied

ZONE CHANGE - JANETTE K. LITTERAL

Mr. Saylor: This application of Janette Litteral for a change in zoning from R-1 to R-2 for property generally located at Smoke Ranch and Jones. It involves the Lewis Homes development on a major portion of the property which has been zoned R-1, subdivided as shown in this pattern. It did provide for a row of lots along Smoke Ranch which we did approve R-2 zoning for recently because they are across the street from multi-family zoning. They are now asking for duplexes on this tier of 7 lots on Jones. It's R-E to the west and to the north. This shows the R-1 and the R-2 that is proposed (referring to map). The rest is in the County, but developed on an R-E pattern. The Planning Commission has recommended denial of the application. There were three protests from homeowners in the area.

Z-76-76
(Continued)

Mayor Briare: What's to the east and south?

Mr. Saylor: The east is where they are proposing to put in their R-1 subdivision. To the south is existing R-1 except along Smoke Ranch which has some multi-family and townhouse development on it. This is vacant at the present time, but they are proposing a Lewis Homes development.

Mayor Briare: Is the applicant present or a representative of Janette Litteral?

(No response.)

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

Mayor Briare: Comments on the motion? (No response.)
Cast your votes. The motion is approved.

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

Mayor Briare: The Planning Commission recommendation of denial is upheld.

Z-80-76
Approved

ZONE CHANGE - ROBERT & SONIA BALIN

Mr. Saylor: This is the application of Balin from P-R to C-1, property located at the northeast corner of Sahara and Santa Clara. This is in an area where we have allowed and are allowing commercial zoning along Sahara. The plot plan of the proposed development, the application appears to meet all requirements. The Planning Commission has recommended approval. No protests.

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

Mayor Briare: Comments on the motion. (No response.)
Cast your vote. Motion is approved.

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

(See Page 59 of these Minutes - Annotated
Agenda)

Z-81-76
Approved

ZONE CHANGE - CALVIN & KATSUKO WEISS

Mr. Saylor: This is the application of Weiss for a change in zoning from R-1 to C-D. Property located at Maryland Parkway and Franklin, I believe. We have allowed a pattern of P-R all along Maryland Parkway. We have also allowed C-D zoning. This particular lot is at Franklin. This is the plot plan of the proposed development. The utilization of the property is a little bit difficult to describe except as I understand it, it is the making of prototype or sample uniforms and costumes. If the order is then taken for any number of them, they will be made elsewhere. They will not be handled on these premises. We did have six protests in part to the expansion of C-D zoning from Franklin south, and in part there was the problem we have now with those properties that have not been converted, the residential properties, many of which evidently the owners are allowing to run down. We have very little control over that. The Planning Commission recommended approval of the application, however; they felt that the zoning request was proper.

Mayor Briare: What was the staff recommendation?

ITEM	Commission Action	Department Action
<p>-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT CONTINUED</p>		
<p>G. <u>STREET ALIGNMENT - LD-25-76 - FRANCES ROYER</u></p> <p>New street alignment under a Land Division for property generally located at Cimarron Road and Washburn Road.</p> <p>Planning Commission unanimously recommends APPROVAL.</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Clerk to notify Director authorized to proceed.</p>
<p>H. <u>ZONE CHANGE - Z-79-76 - JANETTE K. LITTERAL</u></p> <p>Property generally located on the east side of North Jones Boulevard, beginning 550 ft. north of Smoke Ranch Road and extending north 712 ft. From: R-1 (Single Family Residence) To: R-2 (Two-family residence) Proposed Use: Seven (7) duplexes</p> <p>Planning Commission unanimously recommends DENIAL because they did not feel the proposed development would be compatible with the development in the area.</p> <p>PROTESTS: 3</p>	<p>Denied as recommended by Planning Commission Leavitt - unanimous</p>	<p>Clerk to notify Director authorized to proceed</p>
<p>I. <u>ZONE CHANGE - Z-80-76 - ROBERT & SONIA BALIN</u></p> <p>Property located at 300 East Sahara Avenue, on the northeast corner of Sahara Avenue and Santa Clara Drive. From: P-R (Professional Offices & Parking) To: C-1 (Limited Commercial) Proposed Use: Offices & retail sales.</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Landscaping and permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler 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. Replace deteriorated concrete driveway apron and sidewalk section on Santa Clara Drive as required by the Department of Public Services. 5. Conformance to the plot plan to reflect the above conditions. 6. Conformance to code requirements and design standards of all City departments. <p>PROTESTS: 0</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Clerk to notify Director authorized to proceed</p> <p>Page 59 Minutes Regular Meeting City Commission December 1, 1976</p>

Mr. Saylor: We recommended approval.

Mayor Briare: Is there anyone present that wishes to speak on behalf of this application.

Calvin Weiss, 1439 Cottonwood Place: I also own the property in question at 1301 South Maryland Parkway. As I said before to the Planning Commission, as to the exact use of the property which I explained previously. If there are any other questions, I would be happy to clarify at this time.

Mayor Briare: You own the property? But, you're not going to be the tenant?

Mr. Weiss: Yes, I own the property, and I will be the tenant also.

Commissioner Woofter: I notice there were six protests and evidently it had an effect on one of the members of Planning Commission because they voted against this. Do you recall if any protestors showed up to voice their disapproval?

Mr. Saylor: Yes, there were, I would guess 3 or 4, maybe all 6 of them in attendance at the meeting, Commissioner, but the matter of the protest did not focus completely on the request for the rezoning but it was an indication from some of them that they don't like what is happening to Maryland Parkway. But, after a substantial amount of discussion, it was pretty concluded, as I mentioned, that where the big problem lies, are on the residential properties that have not been converted as yet. The owners anticipate that type of action and they are not keeping the property up. I believe the property owner immediately adjacent to this request got up and spoke on behalf of the application and he put it quite succinctly that it's going that way, let's go.

Mayor Briare: Is there anyone present in the audience who wishes to speak in opposition to this application?

(No response.)

Mayor Briare: My question is under condition #4 on this application on page 22, "Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license". Do you have any legal opinion on that statement? The question being, on that particular street from time to time complaints are received by different departments in the City because of the failure upon the part of the property owners (this is not directed toward you, Mr. Weiss) failure of the property owners to maintain their premises in a manner which would perhaps come under this particular type of condition.

Mr. Lovell: Under the revocation of ordinances of the City, it can relate and refer to conditions by this Board for a zone change. Now, if there is a zone change with certain conditions, if those conditions are spelled out, I'm not sure this is really spelled out, If that did happen to be a condition of an approval, that is a requirement and failure of that requirement could well be, number one, a misdemeanor and could be a multiple misdemeanor, depending on how many times the citation, and that cumulatively possibly could be grounds for revocation, if it were strong enough and substantial enough. It's hard to say for sure.

Mayor Briare: One of the major complaints out there, Mr. Weiss, I don't know what the condition of your property is right now, you're the applicant for this business, that you might be more inclined to want to keep your property up as opposed to others.

Commissioner Lurie: I think what you are getting at, and Don mentioned it, is the fact that the properties were allowed to go P-R are being kept up in a manner that are pertinent to our agenda and the conditions followed. I think the properties Don is speaking of are the ones that are for sale or the ones that people are waiting for the transition who aren't keeping their property up, who are making the other properties surrounding the area look bad and downgrade the area. I think those are the people who should be cited and be able to be made to keep their properties up to a standard as the area is changing. Why can't we enforce those ordinances and cite these home owners or these speculators who are buying these homes along Maryland Parkway and force them to keep up their properties so persons such as Mr. Weiss who has put an investment in there doesn't have to look next door or across the street at a property that is not being maintained.

Mr. Saylor: It is very difficult in connection with residential properties. For example, we don't have any ordinance requirements that says you have to keep your grass cut or watered, bushes trimmed and this type of thing. That's where a lot of it comes in. Just a lack of maintenance on their lawn, trees and bushes.

Mayor Briare: You have no intentions of doing anything regarding used merchandise?

Mr. Weiss: No sir, I would like to clarify that if I may. The specific use of the property would be fabrication and designing of uniforms and costumes as Mr. Saylor said. This will be restricted to this type of operation. Naturally it does not include manufacture of any type. I would also like to say that there was a petition that has been filed to the approval of the rezoning which included a total of 37 signatures and I believe four personal letters to the approval of the rezoning. As was said before, I received a letter from the Commission with the recommendation of approval subject to the following conditions which you have already brought up and I can assure the Commission that this will be upheld. At the present time the property is in the process of being remodeled. The appropriated funds for the completion of it which would include the blacktop parking facility as shown on the plot plan and also the automatic sprinkling system which will go in and will be properly maintained and used at all times.

Commissioner Lurie: I would move we follow recommendations of the Planning Commission.

Mayor Briare: Any comments on the motion? (No response.) Cast your votes. The motion is approved with one abstention.

Commissioner Leavitt: The reason that I abstained on this matter is that I own property directly across the street from this property.

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

(See Page 62 of these Minutes - Annotated
Agenda)

ITEM	Commission Action	Department Action
<p>I-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT CONTINUED</p> <hr/> <p>J. <u>ZONE CHANGE - Z-81-76 - CALVIN & KATSUKO WEISS</u></p> <p>Property located at 1301 South Maryland Parkway From: R-1 (Single Family Residence) To: C-D (Design Commercial) Proposed Use: Clothing Design, fabrication and retail sales.</p> <p>Planning Commission recommended APPROVAL, (3-yes, 1-no), subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Meet all requirements of the C-D zone. 2. The fabrication to consist only of the making of samples or one-of-a-kind costumes. 3. There shall be no merchandise on the premises for sale except for the sale of one-of-a-kind costumes or samples, or the taking of orders for costumes and uniforms from the display of the sample or prototype. 4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license. 5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit. 6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. 7. Conformance to the plot plan to reflect the above conditions. 8. Conformance to code requirements and design standards of all City departments. 9. Resolution of Intent be restricted to a twelve (12) month time limit. <p>PROTESTS: 6</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous Commissioner Leavitt abstained</p>	<p>Clerk to notify Director authorized to proceed</p>
<p>K. <u>ZONE CHANGE - Z-82-76 - STATE OF NEVADA, DEPARTMENT OF HIGHWAYS</u></p> <p>Property generally located on the north side of Washington Avenue, between North 4th Street and Main Street, extending north a depth of 900 ft. From: R-T, R-4 and R-1 To: C-V (Civic) Proposed Use: Administrative Headquarters, shops and storage facilities.</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Clerk to notify Director authorized to proceed</p> <p>Page 62 Minutes Regular Meeting City Commission December 1, 1976</p>

ZONE CHANGE - STATE OF NEVADA, DEPARTMENT OF HIGHWAYS

Mr. Saylor: The next item is the application of the State Highway Department for a change in zoning from various zones to a civic zone which would allow the development of a complex, including administrative headquarters, shops, storage facilities, etc. This proposed development is part of an application on behalf of the State for some of the Public Works funds. We can perhaps show best by means of this air photo. This is the existing State facilities. They have acquired the additional property extending south to Washington, and east to the rear of the properties which abut on Fourth Street. This is a subdivision. Quite a few years ago the streets, full improvements were put in but it was never developed. Under the C-V zoning, of course, you can allow a public use such as they are proposing which would be the administrative functions on Washington. The shop facility back here and then their existing utilization, or utilization of existing buildings for other uses in this area. There would be access from Main through to Washington, but part of it is not by means of dedicated streets. As part of the action on the zoning change, even though you can't approve the vacation today, it involves the vacation of these dedicated streets. The reason I brought that up, is we did have, I would have to say probably a protest from the owner of these apartments which front on Fourth Street and his objection was not to the proposed development or the zoning, but to the fact that many of his people now going to the apartments come in either from Las Vegas Boulevard on Washington to this paved street, and up here, or from the other way on Washington. If that is vacated, they then can only get access from Adams to Las Vegas Boulevard which is about here, which is extremely bumpy and ill constructed. It probably never was constructed to standards, or by means of Washington on Fourth which is not surfaced at all. Now, we could not, let's say entangle the application by imposing a requirement as to the resurfacing or some type of treatment on Fourth Street, however, there was an indication that there would be extreme cooperation on the part of the people involved to take care of that matter. Planning Commission has recommended approval.

Mayor Briare: Mr. Parvin, is there anything you would like to add?

Mr. Jack Parvin, State Highway Department: No, but we would like to answer questions. We are busting at the seams. This is an expansion program just like any other business.

Commissioner Leavitt: What are you going to put back there? Is that the administrative building where they are going to vacate those streets.

Mr. Parvin: Yes. In lieu with what Don said on that Fourth Street problem, we would not be adverse to try and improve that Fourth Street. The only thing, you wouldn't hold us to a standard city street on that Fourth Street, would you?

Mr. Saylor: No. My position was that you had offered your complete cooperation.

Mayor Briare: I have never known Jack Parvin to be uncooperative.

Mr. Saylor: I have not either, Mayor.

Commissioner Lurie: Move for the approval.

Mayor Briare: Any comments on the motion? (No response.)

Z-82-76
(Continued)

Mayor Briare: The motion is approved.

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

(See Page 65 of these Minutes - Item K,
Annotated Agenda)

VAC-4-76
Public Hearing
Set for 10:00 A.M.
January 5, 1977

PETITION OF VACATION - STATE OF NEVADA, DEPARTMENT
OF HIGHWAYS, ET AL

Mr. Saylor: This is to set date for public hearing.

Mayor Briare: The public hearing will be set for
10:00 A.M., January 5, 1977.

Mayor Briare: I'd like to, with the Board's per-
mission, and go to Page 28 because I have already
indicated I'm not going to be able to be present
this afternoon, and depending on what the pleasure
of the Board is to get out of here before 12:00
noon, it has been brought to my attention there are
certain appointments. I would like to go ahead and
make the committee assignments for the new bills
that have been brought before us, on page 28 under
New Bills.

(See Page 66 of these Minutes - Annotated
Agenda for Committee Assignments)

BILL 76-79
1st Reading
and Referred

A Bill entitled "AN ORDINANCE TO AMEND TITLE V OF THE
MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960
EDITION, BY ADDING CHAPTER 43, PROVIDING FOR THE
APPOINTMENT OF A HEARING EXAMINER AND DEPUTY EXAMINER
BY THE BOARD OF CITY COMMISSIONERS TO CONDUCT HEARINGS
CONCERNING THE DENIAL, NONRENEWAL, SUSPENSION, OR REVOCATION
OF BUSINESS LICENSES, AND TO REPEAL ALL ORDINANCES
AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was
read by City Attorney Carl Lovell.

Mayor Briare referred this Bill 76-79 to
a Recommending Committee consisting of
Commissioners Woolfer and Lurie.

BILL 76-78
1st Reading
and Referred

A Bill entitled "AN ORDINANCE CREATING LAS VEGAS,
NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 419;
ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND PARTS
THEREOF; PROVIDING FOR THE LEVY AND COLLECTION OF
SPECIAL ASSESSMENTS THEREFOR; RATIFYING ACTION HERETO-
FORE TAKEN RELATIVE TO SAID DISTRICT; AND PROVIDING
FOR RELATED MATTERS" was read by City Attorney Carl
A. Lovell.

Mayor Briare referred Bill 76-78 to a
Recommending Committee consisting of
Commissioners Woolfer and Leavitt.

BILL 76-77
1st Reading
and Referred

A Bill entitled "AN ORDINANCE TO AMEND ORDINANCE 1795,
FIRST AMENDMENT, FIXING SALARIES FOR THE JUDGES OF THE
LAS VEGAS MUNICIPAL COURT; TO CONFORM THE FIXING OF
THOSE SALARIES WITH THE CITY CHARTER OF THE CITY OF LAS
VEGAS, AS AMENDED, AND TO REPEAL OR AMEND SECTIONS
ADOPTED PREVIOUSLY PURSUANT TO SENATE BILL 601, THE
CONSOLIDATION LAW, DETERMINED TO BE UNCONSTITUTIONAL;
PROVIDING FOR MATTERS PROPERLY RELATING THERETO; AND
REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN
CONFLICT THEREWITH" was read by City Attorney Carl
Lovell.

Mayor Briare referred Bill 76-77 to a
Recommending Committee consisting of
Commissioners Woolfer and Leavitt.

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

- K. Continued . . .
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. Planter or decorative wall to be installed on Washington Avenue as required by the Department of Community Planning and Development. Also, a wall or hedge to be provided on the east property line from the end of the building to Washington Avenue.
 3. Adams Street to be blocked and not used for access as required by the Department of Community Planning and Development.
 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. Approval of this zoning subject to approval of the Vacation, VAC-4-76, and to meet the requirements under VAC-4-76.
 7. Dedication of necessary right-of-way and installation or replacement of curb and gutter, sidewalk, street lighting and paving of Washington Avenue as required by the Department of Public Services.
 8. Installation of sidewalk along Main Street frontage as required by the Department of Public Services.
 9. Conformance to the plot plan to reflect the above conditions.
 10. Conformance to code requirements and design standards of all City departments.

PROTESTS: 1

L. PETITION OF VACATION - VAC-4-76 - STATE OF NEVADA, DEPARTMENT OF HIGHWAYS, ET AL

Property generally located on the north side of Washington Avenue, between 4th Street and North Main Street.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Satisfaction of the requirements of the various utility companies.

Continued

See Page 22

See Page 22

Set Public Hearing for 10:00 A.M. January 5, 1977

1/5/77 Agenda

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ITEM	Commission Action	Department Action
V. NEW BILLS - TO BE REREFERRED TO RECOMMENDING COMMITTEE OR TO STUDY COMMITTEE		
A. Bill No. 76-73, Ordinance No. _____ Ordinance re Housing Code	1st Reading & Referred - Commissioners Woofter and Christensen	Clerk to proceed with 1st Pub. 12/15/76 Agenda
B. Bill No. 76-75 - Ordinance No. _____ Ordinance to prohibit bi-sexual contact at Health Clubs, Baths, Spas, etc.	Withdrawn by City Attorney	
C. Bill No. 76-76 - Ordinance No. _____ Ordinance regarding parking exemption permits	1st Reading & Referred - Mayor Briare and C/Christensen	Clerk to proceed with 1st Pub. 12/15/76 Agenda
D. Bill No. 76-77 - Ordinance No. _____ Ordinance amending Ordinance No. 1795 by specifying the term of Department III and adjusting the salaries of each of the judges for the three departments of the Municipal Court	1st Reading & Referred - Commissioners Woofter and Leavitt	Same as above
E. Bill No. 76-78 Ordinance No. _____ Ordinance Creating District for SID 419 (Cashman Dr., Sunrise, Lacy Lane, etc.)	1st Reading & Referred - Commissioners Woofter & Leavitt	Same as above
F. <u>BILL No. 76-79</u> -- Ordinance creating Office for a "Hearing Officer" to conduct all future "Show Cause - License Revocation Hearings"	1st Reading & Referred - Commissioners Woofter & Lurie	Same as above

BILL 76-76
1st Reading
and Referred

A Bill entitled "AN ORDINANCE TO AMEND TITLE 10, CHAPTER 3, SECTION 12 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY DELETING THE EXISTING SECTION 12 ENTITLED "PARKING METER EXEMPTION PERMITS"; AND ADDING A NEW SECTION ENTITLED "PARKING EXEMPTION PERMITS"; 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 City Attorney Carl A. Lovell.

Mayor Briare referred Bill 76-76 to a
Recommending Committee consisting of Mayor
Briare and Commissioner Christensen.

BILL 76-75

Mr. Lovell: We would ask you to strike this. We are preparing specific provisions for particular ordinances.

Mayor Briare: Item B will be struck from the agenda.

BILL 76-73
1st Reading
and Referred

A Bill entitled "AN ORDINANCE TO AMEND TITLE IV, CHAPTER 5, SECTIONS 8(A), 10(A), 10(C), 2(E), 2(F), 5(A), 5(B) AND 5(C) RELATING TO THE HOUSING CODE, TO BRING THE HOUSING CODE IN CONFORMITY WITH THE BUILDING CODE SO THAT THE HOUSING CODE IS NOT MORE RESTRICTIVE, TO ESTABLISH THE BOARD OF ZONING ADJUSTMENT AS THE HOUSING APPEALS BOARD, TO ESTABLISH A SPECIFIC LIST OF DEFICIENCIES WHICH WILL CONSTITUTE SUBSTANDARD CONDITIONS, TO ESTABLISH A STAFF TECHNICAL REVIEW COMMITTEE WHICH SHALL HAVE THE AUTHORITY TO MAKE RECOMMENDATIONS TO THE BUILDING OFFICIAL, AND ESTABLISH A LIST OF MINOR NON-HAZARDOUS DEFICIENCIES WHICH SHALL CONSIST OF THE GENERAL PROVISIONS OF THE HOUSING CODE INTO SPECIFICS; 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 City Attorney Carl A. Lovell.

Mayor Briare referred Bill 76-73 to a
Recommending Committee consisting of
Commissioners Woofter and Christensen.

BILL 76-61

Commissioner Leavitt: Before we go to the City Attorney's agenda, under Study Committee, on Bill No. 76-61, of which I am the Chairman, regarding Off-Premise Sign Regulations, we have all received a memo from Mr. Saylor and at this time I would like to ask Mr. Saylor be directed to amend the proposed ordinance to correlate with the County ordinance as much as practical and to run that past the Beautification Committee and they report back to the Study Committee. In his recommendation to us, he says in the last paragraph, "If you do wish to correlate our sign ordinance with the County, suggest that...provide with the recommended correlation." There are some areas where standardization could not apply and I wanted to know if we could just authorize to go ahead and amend that proposal in compliance with the last paragraph in your memorandum to us.

Mayor Briare: Don, would you go ahead and prepare that and submit it to Commissioner Leavitt for his committee.

CITY ATTORNEY

CARL A. LOVELL, JR.

CLAIM AGAINST
THE CITY
Denied

CLAIM AGAINST THE CITY OF LAS VEGAS FOR WITNESS FEES
FROM JOHNNY HUGHES

Mr. Lovell: This is a claim for witness fees against the City of Las Vegas. Pursuant to an opinion which

CLAIM AGAINST
THE CITY
(Continued)

the City Attorney's Office rendered some time ago pursuant to an Attorney General opinion of the State statutes, we would suggest you deny it.

Commissioner Lurie: So move.

Mayor Briare: Motion is to deny. Cast your votes. The motion is approved. The claim is denied.

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

RON'S LOCK
& KEY
Tabled

Mr. Lovell: This gentleman has been delayed waiting for a recommendation of the City Attorney's Office whether or not a business applicant can get a temporary, special privilege license that's never been issued before or not. The City Attorney's Office has looked at this, discussed it with the applicant's attorney, and if, in fact, the Board wishes to give a temporary privilege license to this gentleman for which there is no specific ordinance, you can do so under general licensing discretion. However, it would begin to perhaps set a precedent and if you do so, I would like to take the applicant under oath, ask certain questions, waive certain rights he may have if you so choose not to renew his license in six months. There are two other things you can do. The second, of course, is to deny that and either deny the fact that you can do that and then make a decision whether he gets that license or does not. The third alternative is that you can request the City Attorney's Office, in the licensing ordinances which relate to him, to put in a provision to give him a temporary license for that particular period of time which it does not now. You can do what you want. It has never been done before and it may be setting some precedent that you may or may not wish to do.

Mayor Briare: This matter, of course, was before us under the licensing agendas and if my memory serves me it went on for quite some time until we finally asked for these opinions which you have just given to us. Based on....

Applicant: I did go to the Sheriff's office and I did obtain a temporary work card. I am working for a locksmith at the present time here in town. It was a temporary card also was issued and it also states any trouble whatsoever it will be revoked and will not be renewed.

Mayor Briare: Let me review a couple of the alternatives with you. Based on, the only thing that is before us now is a request for a locksmith's license. Based on Mr. Moppert's past record that all these questions arose. Under the same situation we have in other matters, not relating to Mr. Moppert, do we have a discretion based on a record to say yes or no?

Mr. Lovell: In a case such as this, in a privilege license, the answer is yes.

Mayor Briare: Any other comments by the Commission? You heard the alternatives Mr. Lovell has laid out. It would seem the matter before us is either to grant the license under certain conditions, or deny the license, or to request to hold it until an ordinance would be drawn to make it possible to restrict him for six months. Incidentally, if your work card is removed, I am directing this to you, Mr. Lovell, if Mr. Moppert's work card is taken away by the Sheriff Department, that doesn't affect his business license, does it?

Applicant: Yes, you must have a police card to even be in that type of business.

Mr. Lovell: He is working as an employee of a locksmith, he must have a sheriff's work card. If that work card were revoked for some reason, he couldn't work there doing that job.

Mr. Moppert: Even in my own business, I must have a work card to be in that business.

Mayor Briare: You have a temporary one. How long is temporary?

Mr. Moppert: Thirty days, that's all they will give it to me for.

Commissioner Woofter: There was a question in regard to Mr. Moppert's employment in the apprenticeship category before. Whereas we never did, I don't think, ascertain whether or not sufficient work was done by Mr. Moppert in Boulder City, if I'm not mistaken. There was a question whether he worked or what his working capacity was on down the line. And, now Mr. Moppert advises us this morning that he is again employed here locally and I would like to get some more information in regards to this employment, as far as his present employer is concerned, because there were certain reports submitted to us by his former employer in Boulder City that gave us concern here.

Mayor Briare: Who is your employer?

Mr. Moppert: Liberty Locksmith on Industrial Road.

Commissioner Woofter: I know there were several questions in this regard as far as Boulder City that was brought to our attention by Metro Police Department and I would certainly like to hear from them again in regards to the present employer, Mr. Moppert, before I vote on this situation myself.

Mayor Briare: Any other comments? There is no motion as yet before the Commission. The City Attorney has outlined several avenues. Commissioner Woofter would apparently be interested in hearing something further from Metro.

Commissioner Woofter: And his employer, Mr. Mayor. I guess in that regard then, I should make a motion to continue it to the next meeting so we could hear from these sources.

Mayor Briare: Mr. Moppert, I'm going to lay it on the line. I'm going to vote against you and that's it. And I hate to see you come back here and keep coming back. I hate to look you in the eye and tell you that, but I would rather do that. I'm going to vote against the matter to table because I would like to resolve the matter right here and now. I don't know, you might be approved and you might be disapproved, but I want to let you know in advance that I'm going to vote against the motion to table just for that one particular reason. The motion is to table. Cast your votes. The motion loses, so the matter is before us now on the application of Ron's Lock and Key. What's the pleasure of the Board? Nobody wants to take any action, Mr. Moppert, so the matter is still before us. It will be brought up again at the next meeting.

Mr. Lovell: This is an opinion regarding "Doc"

Knoller's proposal dated November 4, 1976 about his property.

Applicant: There's an opinion, I think you'll all go along with me. I think you all should have a copy of it. It was written by Joe Shoemaker, my attorney. He says, "First, some of the facts which the City Attorney has presented to the Board are incorrect. The Deputy City Attorney then indicates on the second page of the opinion that in 1964 when this 75' strip was originally purchased, that the sum paid for it was considered by all parties to be fair and reasonable compensation. Second, even without the additional water rights, this we would vigorously dispute. It should be noted that just a few weeks before the purchase of the 75' strip, the City purchased what is now Tule Springs for a total consideration of \$850,000. This purchase price indicates that the land in that area was worth approximately \$1,328 per acre. The 75' strip which the City purchased was purchased at a price of \$500 per acre." Now, there may be a mistake on that because of the amount of acreage, but even at that it was not purchased near the \$1328 which was the same type of land. Certainly based upon those facts, it cannot be said that a fair and reasonable compensation was paid without the water rights. The City Attorney cites LoBue v. State of Nevada as grounds for a showing that rescission could not occur. It is submitted that that case is not in point, for number one, there was not a conditional Deed executed in that case. Number two, even if the case were in point, an equitable relief would not lie, there would still be damages that Dr. Knoller could and should assert in the event he is not granted the appropriate rights he is titled to under the Deed. That case totally supports that proposition. The City Attorney has further asserted that it was not a mutual mistake. I don't know how you could find a case where there was not more of a mutual mistake than this case. There was insufficient consideration given to Dr. Knoller's predecessor in interest for the purchase of the property and, further, all parties to the transaction thought that the well was on Dr. Knoller's predecessor's in interest property. It would be appreciated if you would give the above thoughts your careful consideration before reaching any conclusion in this matter.

Mayor Briare: Thanks, Doc. Mr. Lovell, does your office, does this change your opinion in any way?

Mr. Lovell: No, it doesn't. As soon as I got this I had Mr. Stewart and another gentleman in our office take a look at it. They indicated that the sum that was paid was considered reasonable by all parties of concern at the time of transaction. Mr. Shoemaker's \$500 per acre figure is totally incorrect. The deed conveys 2.291 acres at a cost of \$2,500 which would be \$1,091.25 which is \$237 difference in the price per acre and what he quoted in Mr. Shoemaker's letter. Insignificant in real estate transactions. Dr. Knoller had no privity of contract and cannot assert there was any inequitable bargaining at the time the City and his predecessor had arrangements for the sale.

Dr. Knoller: I bought this property with that deed and as third purchaser, I thought I was getting something which I did not get. I would not have bought the property without that. You talk about \$300 and some dollars is insignificant on the purchase of property; \$300 an acre was about 25 percent of the purchase price. Even if Joe Shoemaker's facts were wrong, the facts that you presented show that the City bought that for approximately \$300 an acre less than I paid, than paid for the preceding transaction. These here were on the committee for Tule Springs. They recommended the land should be sold to the City,

and I think so too, because if I turn it into one acre parcels and put on 475 homes in the middle of the park, it is going to just screw it up something terrible.

Mayor Briare: When you very first came before us on this matter, I wondered why in the world is it coming before this Board. Because, it would appear obvious legal argument that cannot be resolved by this legislative Board. I'm not even quite sure, I know you are very anxious to do something. I don't know what it is that you are very anxious to do because no matter what we do we are involved in litigation here and I haven't changed my mind one bit, except that it's a pleasure to see you every Wednesday. We have an opinion from our City Attorney's Office that I think perhaps this Board because of the laws the way they are would be hard pressed to go against. Your attorney disagrees with the City Attorney's Office. The City Attorney's Office has just indicated that they're not, at the present time, of a mind to rescind their original decision. You are asking us to be a judicial body and we're not one.

Dr. Knoller: What I'm getting at, I do have some legal... If you buy it at the appraised value...

Mayor Briare: I don't know if we're in the market for it.

Dr. Knoller: You should be. That's why I want you to listen to what these girls have to say. Go ahead, girls.

Mayor Briare: Wait a minute. You don't tell them to go ahead. That decision is made up here. As soon as we are through conferring on the matters that we have to confer, then we'll indicate whether they...

Commissioner Woofter: I think what Doc Knoller is referring to is that letter that he submitted to the Board approximately a month ago. He gave an alternative to the Board in regards to one, to see what could be done by us in regards to the 75' strip. But also for the Board to consider the alternative if we were in the market to buying land, consider this also as an alternative rather than going into litigation on the other part. I believe the young ladies are here to state that this is more or less part of their factfinding as far as this special committee that was set up by Commissioner Lurie in regards to the Tule Springs development.

Commissioner Leavitt: Could somebody show me the 75' strip we are talking about.

Mr. Hampton: The 75' is a little bit hard to see. If you see the main park in this area, parking is right out in front, right alongside the road. That's the 75' that was purchased.

Commissioner Leavitt: Was that the road going into the park?

Mr. Hampton: This is the main road coming in and then it goes into the gun range here. There is a 75' strip on the east side. It belongs to the City.

Commissioner Leavitt: Ok. What does Doc Knoller want us to buy? Eighty acres?

Dr. Knoller: Seventy six acres.

Mr. Hampton: What you see in red is the existing property we own which the exception of the green area which is leased.

Commissioner Leavitt: So what he wants to do is square the boundary off and suggest that we purchase the 80 acres from him.

Mayor Briare: What would be the total price on that?

Dr. Knoller: Whatever your appraiser and my appraiser comes to.

Mayor Briare: Multiply \$4000 times 76 acres. So what we are talking about is \$304,000. Does the City want to spend \$304,000 for this. Do you argue with that, Doc? You want to sell a piece of property to the City for \$304,000, give or take. Can we resolve this for you by determining whether this Commission wants to buy that property from you for \$304,000 in the name of the citizens of Las Vegas. Would that resolve the whole thing? Whether the people of the City of Las Vegas wants to buy your property? I'm getting more deeply confused with this matter coming up every two weeks, with different legal opinions. To boil it down to basic elements, you want to sell the property to the City.

Dr. Knoller: All right, yes. Let's put it that way.

Unidentified woman: I want to say before we say anything. This was something that was discussed at the committee for the park, but it was not recommended and it was not approved. We see the price a little differently than a lot of people. Now I know a lot of parks, like Lorenzi, have parking inside the park in various spots in the park. We see the park, I think that asphalt paving and parking in the park would ruin the park. As big as that park is, it could really be something. We see the parking outside the park, with some kind of a little train or a tram running through the park to different locations. This is what we had thought. The 80 acres is on two roads and when we first started on the committee...

Commissioner Leavitt: How many acres is that park?

Mr. Saylor: 680 acres.

Commissioner Leavitt: You want trains running around there, 680 acres?

Woman: Not the whole thing. We figured that central parking would be better.

Second Woman: Central parking rather than a bunch of parts running to the different spots they had designated in the plan.

Woman: Picnic areas, lakes, etc. Rather than having all the cars running through this area...

Second Woman: As big as it is, you are either going to have all the cars running through it with parking areas everywhere, or you are going to have people walking to different areas. We did bring it up at the committee and we thought since this property was not developed and it was away from the park itself, yet on two access roads to the park, it would make an excellent parking place and you could go out from there to different areas of the park.

Mayor Briare: Mr. Bunker, we have hopefully some experts on City staff that would give this Board an answer to the question, is there a need from Tule Springs to buy \$304,000 more property. Do we have any experts that can at least make a recommendation along that line? None have come forward as yet.

Mr. Saylor: Let me clarify one thing, Mayor. Prior to you or any of these Commissioners being on this Board, several years ago Doc Knoller made the same offer to the City to buy this land and at a much less price because it was several years ago. At that point in time this was reviewed thoroughly by staff and all the departments concerned. The Commission decided not to buy it. They felt the 680 acres already represented sufficient land area, plus there is some 1340 more acres of federal land available to us at \$2.50 an acre. So a determination was made. Granted, none of you sat on the Board at that time, but I presume that remains valid.

Commissioner Leavitt: How many areas of federal? Where?

Mr. Saylor: 1340 acres.

Commissioner Lurie: Right above it, north or east.

Woman: It's not on the road, right?

Commissioner Leavitt: That can build a lot of road.

Dr. Knoller: This piece of property is surrounded on three sides by the park. I want to do something with the property. I can turn it into one acre pieces. That would be about 66 one acre pieces with roads. If the City ever decided to do something with this park at a later time, the property would be so valuable nobody could afford it. And, it is surrounded on three sides by the park and all the master plans I have seen call for that particular 80 acres to be in on it. There's even a state master plan on it, where they call for that to be used. One road runs around the property and one road runs right through the property.

Woman: Can I tell you something about the roads on this? This is why we thought it was so good. This is a major road coming up here, Durango. We come in off the highway. It turns off to Tule Springs. Right down in the middle here, right across from the front gate is another road that goes through the park. This comes out on Durango also. We thought as if all of this was developed, later on by State or regional, or whatever is going to eventually develop the whole park. This is a large park, and we don't like the idea of parking throughout the whole park. We just thought this has roads, it has ingress and egress.

Commissioner Leavitt: How is that 80 acres classified now?

Woman: R-E.

Mr. Saylor: It is zoned R-E and he can develop it for half acre estates.

MOTION

Commissioner Woofter: It looks like we have to have some input by staff. We have figures ranging from \$1000 something an acre to maybe \$3000. Possibly the staff can give us some input as far as a fair appraisal of this. The ladies say the state master plan includes this. I think if the Board if along with me in this consensus to refer to a study committee and we'll go from there.

Mayor Briare: That's fine by me, Commissioner. I just want part of that staff to have anybody come up and make a recommendation to this Board that the City has a need for that property at \$4000 an acre or whatever. Any comments on Commissioner Woofter's motion? Cast your vote. The motion is approved. This is on a committee. Commissioner Woofter, who would you like to

choose for your co-worker?

Mayor Briare: Since Commissioner Lurie established this committee, Tule Springs Advisory Committee. If you have no objection, Commissioner Leavitt, the committee will consist of Commissioner Woofter and Commissioner Lurie.

Commissioner Leavitt: I have no objections.

Mayor Briare: It would appear that the Board is anxious to recess for lunch, so Mayor Pro-Tem Lurie would you like to indicate when you would like to have this meeting reconvened? If there's only five more minutes, let's stay put then and finish.

RESOLUTION
Adopted

RESOLUTION ALLOWING FOR THE ADDITIONS AND CORRECTIONS
OF SCHEDULES PERTAINING TO TITLE X OF THE CITY CODE

Mr. Lovell: This is a resolution for corrections and changes in the City Code for traffic engineering in regards to parking on avenues and main streets for your adoption.

Commissioner Leavitt: Move for adoption.

Mayor Briare: Any comments on Commissioner Leavitt's motion? (No response). Cast your votes. The motion is approved.

Motion carried by the following vote:
Commissioners Leavitt, Lurie, Woofter
and Mayor Briare voting aye; noes, none.
(See resolution on Page 75 of these Minutes)

VEGAS READING
ROOM

Set Show Cause
Hearing for
11:00 A.M.
12/15/76

Mr. Lovell: This item is the request for the Commission to set a time for an Order to Show Cause for the Vegas Reading Room.

Mayor Briare: What's the earliest date, on this particular show cause hearing.

Mr. Lovell: Ten days from Monday.

Mayor Briare: We'll set it for 11:00 on the 15th of December. It might be our agenda will be light that day and we can conclude it in the morning.

REPORT
CEMETERY

Mr. Lovell: The other thing is a report to you on the cemetery. I have Mrs. Perry who would like to speak to you on that. She is an attorney licensed to practice in California and has an interest with reference to the cemetery and she has some action she would like you to take.

Mayor Briare: Now before you begin, Mrs. Perry, I don't see anything on the agenda here relating to this. That again is confusing. Is Mrs. Perry before the right board or should she be at the County Commission meeting?

Mr. Lovell: She was ordered by the Commission to bring it up at the last meeting.

Toni Perry: The problems at the Southern Nevada Memorial Veterans Cemetery and Mausoleum have existed for some time. The problem most recently precipitating concern was vandalism and the breaking into of a crypt and exposure of remains of John Hansen of some six weeks ago. John Hansen was my step-father and my mother, Mrs. Hansen, has asked that I speak to you. The coroner's office is holding Mr. Hansen's remains and has done so for the six week period. The problem is an acute one which has caused my mother a great deal

R E S O L U T I O N

WHEREAS, Ordinance No. 1589 allows for the additions and corrections of schedules pertaining to Title X of the City Code to be done by Resolution; and

WHEREAS, it has been determined and recommended by the Traffic and Parking Commission and the Traffic Engineer that the following additions and corrections be made in said schedules; and

WHEREAS, the City Commission deems it to be for the betterment of traffic and parking conditions to adopt said recommendations of the Traffic and Parking Commission and the Traffic Engineer.

NOW, THEREFORE, be it resolved by the Board of City Commissioners of the City of Las Vegas, Nevada, that the following schedules pertaining to Title X of the City Code be amended as follows:

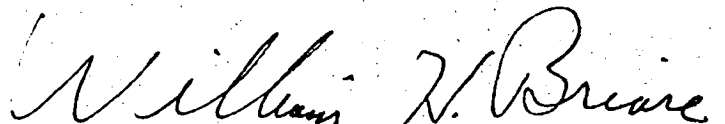
Schedule 17-VI, Page 29, be amended to include the following as parking time limited:

Garces Avenue - south side - from 3rd Street west to the alley
Clark Avenue - south side - from 6th Street east to the alley
Ogden Avenue - north side - from 8th Street to 10th Street
8th Street - east side - from Ogden Avenue to Stewart Avenue

Schedule 18-1, Page 32, be amended to include the following as passenger curb loading zones:

Ogden Avenue - along the north curb line in front of the Rendezvous Hotel extending from 4th Street east to the alley

PASSED, ADOPTED AND APPROVED this 1st day of December, 1976.


WILLIAM H. BRIARE, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

of concern. In researching initially, the matter of reinterments, I came upon a Nevada Revised Statute, Section 452.240. That section provides that whenever a mausoleum containing a deceased human body shall, in the opinion of the health division, become a menace of public health, any court may order reinterment. The section further provides that, well on that point, Mr. Owen _____ of the Nevada Health Division, told me by telephone and admitted in a public meeting on November 3 held at Mr. Main's request, the coroner's meeting, that there was agreement among all the health officers who were there at the time, that the casket when it was discovered open was a health menace. The body was then removed to the morgue, but the cited statute goes on to provide that reinterment of remains when such a condition does exist is the responsibility primarily with the owner of the mausoleum. If no such owner is found within the county, then the responsibility falls to a cemetery authority, the City, or town where the mausoleum is situated. Under that language we take the position that the City would be responsible for reinterment on that narrow question only, if there is no owner of the mausoleum found within the county. However, my research indicates that the County is the owner of the property. On April 26, 1976 a deed was recorded on the property transferring title on the property to W. W. Galloway, County Treasurer, as trustee for the County and the State. On November 3, in the public meeting, Mr. Terry Hess of the District Attorney's Office represented to us that the matter would be set for the next regular County Commissioners meeting. That was I believe on the 16th or 17th of November and it was not on the agenda. It was then reported that it would be agendized for the next meeting which was held yesterday on November 30. Again it was not on the agenda, because I was present and had traveled from California to speak to the matter and another representative, Mr. Woody Rainboldt from the Veterans of Foreign Wars Americanism Committee was here. We were given a few minutes to speak to the Commission and at that time they agreed that it would be on the agenda for the 7th of December. The D.A.'s Office for the County has argued that the County is a _____ passive trustee and as such as no responsibility to maintain that property. They have analogized the position to one of a mortgagee interested only in the amount of back taxes and costs attached to that. They argue that they are prohibited by law from operating a cemetery and they argue that the City has the responsibility for protecting personal property in the cemetery and the mausoleum; that is the headstones, the remains, that sort of property. The County argues also that the City has responsibility for the interment of Mr. Hansen's body which is of direct concern to us pursuant to the section of the Nevada Revised Statutes I just cited to you. I have found that the County's position is inconsistent. My research indicates that there are numerous statutes which give to the County a great deal of latitude in dealing with the property. The County can rent the property, can grant a oil or gas geothermal lease, any profit which the County might derive from sale of the property, which is also discretionary, goes into the County General Fund. That to me is not a _____ passive trustee. The County arguments they have are prohibited by law from operating a cemetery is probably or no doubt based on a number of holdings that the County is only allowed to act as authorized to statute. I would not disagree with that position. However, the Nevada Revised Statutes clearly draw distinction between operating a cemetery business and maintaining cemetery property. I think the latter is something the County could do. Certainly, they have direct authority to maintain property that they own. The analogy to a mortgagee's position I think is clearly inapplicable. The County has held the property under

a lien for two years, but once the two year period is past, the deed has been recorded and the County is the owner. We would agree that Metro Police has the responsibility for policing the area, as far as preventing vandalism to the extent that that responsibility falls on the policing department. But, in concluding that the County is the owner and having responsibility for reinterment, we conclude that also the County has the responsibility, as owner of the property, to maintain it in a condition which is free from indecent and offensive conditions to the owners nearby. Also, to maintain the property in such a manner that it is not restrictive or does not prevent the free enjoyment and use of that property by owners. It should be remembered that the people who own cemetery plots who have had mausoleum spaces that they have paid for and made arrangements for have some property interest in the mausoleum and the cemetery. Also, the relatives of those persons interred there have the right to the free use and enjoyment of that property. Because of the condition, the City Public Works Department has boarded up the mausoleum. It is no longer possible for relatives and friends to visit the gravesites or mausoleum sites. There is no way to gain access. Under Section 873 and 875 of the City ordinances, the City has the power to find a nuisance there and order abatement thereof. I am appearing before you today on two points, for your edification. First, if the County is found, if it is found that the County is not the owner of the property, then it is my position that the City has the responsibility for reinterment of Mr. Hansen's body under N.R.S. 452.240. Secondly, the City can notice the owners of the property and require that this nuisance be abated. This is a long standing problem. It is my understanding that Mr. Rainboldt has been dealing with the problem over a year. Due to the fact that the County is the owner on the deed recorded in the Clerk's Office, we ask that the Mayor so notice the County and seek abatement of the nuisance. We do intend to proceed with the County. But, our dealings with the County to this point have indicated that they are skirting and side-stepping the issue and in fact, the only action that the County has indicated it is willing to take at this time is to notice public sale and try to slide out of any responsibility for the things that have gone on heretofore.

Commissioner Leavitt: Where's the body now?

Ms. Perry: It has been held at the morgue.

Commissioner Leavitt: The body has been at the morgue for six weeks?

Ms. Perry: Yes.

Commissioner Leavitt: I would like to ask Mr. Lovell if it isn't possible if we got to court on declaratory judgement on these statutes. Have a determination made by a court who is responsible and who isn't. Isn't that a possible solution?

Mr. Lovell: Yes.

Commissioner Leavitt: I'd authorize the City Attorney to file a Declaratory Action to determine who is responsible for the maintenance of the cemetery and also in the specific case, the reinterment of Mr. Hansen. Obviously, the County is disagreeing with your interpretation of the statutes, so the only way to resolve it would be have a court determine what the statutes say and how they apply in this case. I would suggest the City Attorney be authorized to file such an action.

Mr. Lovell: Along with a restraining order from any junctions or other matters of equitable relief.

Commissioner Leavitt: I'm not going to limit you in declaratory judgment. Any other action you feel like you want to file.

Mayor Briare: I can understand your concern, Ms. Perry. Not only in respect for the dead, it becomes kind of bizarre when we talk in terms of the particular problem before us and perhaps Commissioner Leavitt's suggestion is an excellent one because this is the first time it's been before this Commission...

Commissioner Leavitt: I would also like to suggest to Mr. Lovell that in view of the fact that Mr. Hansen hasn't been reinterred for six weeks it ought to be granted priority on the calendar. I think you can probably use that for a basis to get an immediate decision from the Court. And also because of the other conditions that exist down there.

Mayor Briare: Thank you, Mrs. Perry for appearing before us. It is a shame it has to be under these circumstances and conditions. If there is no objection by the Commissioners, then Mr. Lovell, you are requested to proceed in accordance with Commissioner Leavitt's request.

RECOGNITION
OF GORMAN HIGH
SCHOOL STUDENTS

Mayor Briare: Do we have a class representative of Gorman High School?

Unidentified Gentleman: We have a class of senior State and Local Government class.

Mayor Briare: I wish that your senior State and Local Government class could have been here a little earlier this morning. You got here in time for us to go to lunch.

Gentleman: We were told it would be a hot and heavy session today and that's the reason, unfortunately we couldn't get here any earlier.

Mayor Briare: Is there any way we could encourage you to come back to our meeting on December 15. Come back early. What you're doing, you're letting these young people come here on their lunch hour. Why don't you let them come when they are supposed to have school.

Commissioner Leavitt: They don't want to miss school.

Mayor Briare: Having had a couple of students at Gorman High School, I can understand because my son and daughter, they would never want to take a day off, not much. Could we then request that you be our guests on December 15.

Mr. Lovell: Before he speaks, could we officially follow the direction to file that action make it a motion.

Mayor Briare: Commissioner Leavitt's motion is before us. Cast your votes. The motion is approved.

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

Mayor Briare: This is the item on the agenda for anybody that's here that wishes to be heard on something

Mr. Ramsey, 1805 Jefferson Street: Since I'm here, I might take five minutes of your time to ask for your permission to do something. What I'd like to do, since it's been in the files for some time, I would like to ask permission and get it from Mr. Lovell, on the City ordinances concerning rock concerts at Cashman Field.

Mayor Briare: I would suggest, Mr. Ramsey, did you request our City Clerk to put this matter on the agenda.

Mr. Ramsey: No.

Mayor Briare: I would think for a matter such as that you might want to get in touch with Mr. Lovell outside of this meeting and meet with him so a matter of this importance can be properly brought before us. This is not the time, certainly, when appointments have been made otherwise, to bring up a matter such as this.

Mr. Ramsey: Very good.

Mayor Briare: Do any of the Commissioners wish to proceed on the recommendations from their committees?

Mr. Lovell: Commissioner Christensen requested that we read it at the next meeting.

BILL NO. 76-38
Adopted
Ordinance No.
1850

A Bill entitled, "AN ORDINANCE TO AMEND TITLE V, CHAPTER 1, SECTION 11 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, RELATING TO LICENSE FEE FOR OTHER BUSINESSES BY DELETING THE PORTION REQUIRING BUSINESS LICENSE APPLICANTS PURSUANT TO TITLE V, CHAPTER 1, SECTION 11, TO BE REFERRED TO THE BOARD OF CITY COMMISSIONERS AT THE NEXT REGULAR MEETING AFTER APPLICATION IS SUBMITTED, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by City Attorney Carl Lovell.

Mayor Briare: This is for the purpose of reading the amendment, is that correct?

Mr. Lovell; It is for adoption.

Commissioner Woofter: Move for adoption at this time.

Mayor Briare: Any comments? (No response.) Cast your vote. Motion is approved, the ordinance is adopted.

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

Commissioner Lurie: I would like Ordinance 76-59 and Ordinance 76-62 read by title. Some applications are waiting pending the outcome of this ordinance being adopted today.

BILL NO.
76-59
Adopted
Ordinance No.
1851

A Bill entitled "AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, ENTITLED "ZONING" BY AMENDING SECTION 3(B)L THEREOF TO PROVIDE FOR A DEFINITION OF "LOT, COVERAGE" AND BY AMENDING SECTIONS 6(D) and (E) AND SECTION 11(D), (E) AND (G) TO ALLOW GREATER FLEXIBILITY IN THE LOCATION OF HOUSES ON LOTS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF" (Second Amendment) was read by City Attorney Carl Lovell.

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Commissioner Lurie: Move for the adoption of Ordinance 76-59.

BILL 76-59 Contd.

Mayor Briare: Comments? Cast your votes. 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.
76-62
Adopted
Ordinance
No. 1852

A Bill entitled, "AN ORDINANCE TO AMEND TITLE V, CHAPTER 42, ENTITLED "MEMBERSHIP CLUBS", OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION BY: DELETING SECTION 3(G), (H) AND (J) IN THEIR ENTIRETY, RELATING TO PHOTOGRAPHING AND FINGERPRINTING OF LICENSE APPLICANTS; DELETING SECTION 4(A), (B) AND (C) IN THEIR ENTIRETY, RELATING TO INVESTIGATION; ISSUANCE; DELETING SECTION 6 IN ITS ENTIRETY RELATING TO LICENSE FEES; DELETING SECTION 8 RELATING TO THE DUTY OF THE SUPERVISOR OF LICENSE; AMENDING SECTION 9(A)5 AND (B) PROVIDING GOOD CAUSE CONTAINED ELSEWHERE IN CHAPTER AND FOR PROVISIONS PROVIDING FOR REVOCATION, NOTICE AND HEARING; AMENDING SECTION 10 BY DELETING THE WORD "SHERIFF"; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by City Attorney Carl Lovell.

Commissioner Lurie: Move for the adoption of Ordinance 76-62.

Mayor Briare: Comments? Questions? Cast your vote. Motion is approved, the Ordinance is adopted.

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

Commissioner Leavitt: I would like to have items E, F, G, and H all read by title.

BILL NO.
76-64
Adopted
Ordinance
No. 1853

A Bill entitled "AN ORDINANCE TO AMEND MAJOR STREET PLAN MAP ADOPTED BY ORDINANCE 1537 ON OCTOBER 6, 1971, BY REDESIGNING WESTCLIFF DRIVE FROM RAINBOW BOULEVARD TO BUFFALO DRIVE; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by City Attorney Carl Lovell.

Commissioner Leavitt: Move for adoption.

Mayor Briare: Comments on the motion? Cast your votes. The motion to adopt 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.
76-65
Adopted
Ordinance
No. 1854

A Bill entitled "AN ORDINANCE TO AMEND MAJOR STREET PLAN MAP ADOPTED BY ORDINANCE 1537 ON OCTOBER 6, 1971 BY WIDENING CRAIG ROAD FROM DECATUR BOULEVARD TO JONES BOULEVARD; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by City Attorney Carl Lovell.

Commissioner Leavitt: Move for adoption.

Mayor Briare: Comments? Cast your vote. 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.
76-66
Adopted
Ordinance
No. 1855

A Bill entitled "AN ORDINANCE TO AMEND MAJOR STREET PLAN MAP ADOPTED BY ORDINANCE 1537 ON OCTOBER 6, 1971, BY REALIGNING MARION DRIVE FROM STEWART AVENUE TO CHARLESTON BOULEVARD; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by City Attorney Carl Lovell.

Commissioner Leavitt: Move for adoption.

Mayor Briare: Comments? Cast your votes. 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.
76-67
Adopted
Ordinance
No. 1856

A Bill entitled "AN ORDINANCE TO AMEND MAJOR STREET PLAN MAP ADOPTED BY ORDINANCE 1537 ON OCTOBER 6, 1971, BY DELETING THEREFROM PEAK DRIVE FROM JONES BOULEVARD TO RANCHO DRIVE; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by City Attorney Carl Lovell.

Commissioner Leavitt: Move for adoption.

Mayor Briare: Comments? Cast your votes. The motion is approved, the ordinance is adopted.

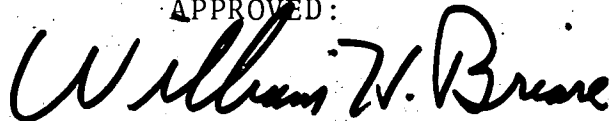
Motion carried by the following vote:
Commissioners Lurie, Leavitt, Woofter
and Mayor Briare voting aye; noes, none.

BILL NO.
76-48
Abeyance

Commissioner Leavitt: I would like this to be held until next meeting. This is Commissioner Christensen's ordinance, I would like to have him present.

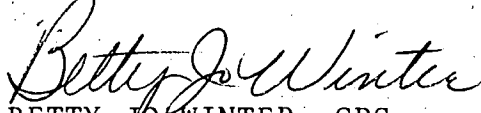
There being no further business to come before the Board, at the hour of 12:45 P.M., Mayor Briare declared this Regular Meeting of the Board of City Commissioners A D J O U R N E D.

APPROVED:



WILLIAM H. BRIARE, MAYOR

ATTEST:



BETTY JO WINTER, CPS
ASSISTANT CITY CLERK

APPROVED BY REFERENCE at a Regular Meeting of
the Board of City Commissioners held on the

6th day of April, 1977.