

M I N U T E S

Las Vegas, Nevada
December 15, 1976

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

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

STAFF
PRESENT

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

INVOCATION

The Invocation was given by Rev. Ted I. Kerber,
LAS VEGAS RESCUE MISSION:

"Let us Pray. Oh God, Our Father, indeed we are grateful this morning for the privilege and opportunity You have given us to come together to take care of the business of the City of Las Vegas. God, we thank You this morning for the Mayor, the Commissioners and those in authority over us. We would ask Your special Blessings upon them. Give them much Wisdom, Understanding as they direct the affairs of this City for Your Word definitely teaches us that without You we are nothing and without You we can do nothing, so this morning we invoke Your Divine Presence in the hearts and minds of each and every one of us that in everything that is said and done here today will bring Honor to Your Presence. And, Father, we Pray this meeting today will be conducted in the form of the Season we are commemorating when You shows us Love two thousand

INVOCATION
(continued)

years ago when You gave Your Best, and may we this morning give our best for our fellow man in thinking of those less fortunate than ourselves, and especially those who are sick or afflicted, we would Pray, Father, that you would lay Your hands on them and raise them up and bring them back into our fellowship. In Jesus' Blessed Name we Pray. Amen."

PLEDGE OF
ALLEGIANCE

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

PROCLAMATION

Mayor Briare: From time to time as a tribute to certain citizens that are chosen for one reason or another, it is the pleasure of the Mayor and City Commissioners to make a Proclamation.

To begin this meeting today I am going to read just two paragraphs from a Proclamation that is to be issued this evening from the City of Las Vegas, as follows:

"WHEREAS, MOE DALITZ is an outstanding citizen of the Las Vegas community who has made great contributions to the general well being of our residents; and

"WHEREAS, through his brilliance and imagination, Moe Dalitz, whose name is synonymous with the spectacular development of our Tourist Industry, did much to create and promote the Las Vegas image of 'The Most Exciting City in the World'; and

...
"WHEREAS, a special tribute and honor will be accorded Moe Dalitz by the American Cancer Research Center in the presentation December 15, 1976, of the 1976 Humanitarian Award at a dinner . . .

"NOW, THEREFORE, We, the undersigned Mayor and Commissioners of the City of Las Vegas, Nevada do hereby proclaim December 15, 1976 (today) to be

MOE DALITZ DAY

in and for the City of Las Vegas, and we hereby urge all citizens to take note and to share in the pride and recognition of this occasion."

(See Page 3 of these Minutes (Proclamation))

WHEREAS, Moe Dalitz is an outstanding citizen of the Las Vegas community who has made great contributions to the general well being of our residents; and

WHEREAS, Through his brilliance and imagination, Moe Dalitz, whose name is synonymous with the spectacular development of our tourist industry, did much to create and promote the Las Vegas image of "The Most Exciting City in the World;" and

WHEREAS, Moe Dalitz has freely given of his time and talents in the aid and support of charitable causes and other worthy endeavors in our community; and

WHEREAS, A special tribute and honor will be accorded Moe Dalitz by the American Cancer Research Center in the presentation December 15, 1976, of the 1976 Humanitarian Award at a dinner at the MGM Grand Hotel; and

WHEREAS, it is proper that official recognition be given and that our entire community joins in tribute to this distinguished citizen;

NOW, THEREFORE, WE, the undersigned Mayor and Commissioners of the City of Las Vegas, Nevada, do hereby proclaim December 15, 1976, to be:

Moe Dalitz Day

in and for the City of Las Vegas, and we do hereby urge all citizens to take note and to share in the pride and recognition of this occasion.

IN WITNESS WHEREOF, we have hereunto affixed our hands this 15th Day of December, 1976.

OFFICE OF THE CITY MANAGER

WILLIAM E. ADAMS, CITY MANAGER

RESOLUTION
Adopted

RESOLUTION ADOPTING "ENTERTAINMENT CAPITAL OF THE
WORLD" AS MOTTO FOR THE CITY OF LAS VEGAS, NEVADA

Mr. Adams: As a little background for this, the City has already adopted the rose as its official flower and Blue & Silver as its colors and it is now recommended that a Resolution be adopted designating the City of Las Vegas, Nevada as the Entertainment Capital of the World as its motto. It has been used throughout the community for many years and accepted Nation-wide. We feel it is now appropriate that it be adopted officially.

See Page 5 of these Minutes (Resolution)

M o t i o n

Commissioner Lurie: I move for adoption of the Resolution.

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

SWIMMING POOL
Abeyance

LORENZI PARK

Mr. Adams: The next item concerns information we are requesting from you in reference to Lorenzi Park as to your feelings on the need and necessity for a swimming pool in that Park particularly. The reason for this is that we are deeply involved in the master planning and we are in the position now where we need to have a firm decision from you as to whether you want a swimming pool in that Park, or not. We recognize we have other areas where this could go in, but we need to have your opinion on the Park itself as to what you have in mind swimming pool-wise so that we can proceed with the rest of the Park design.

Commissioner Woofter: I'm a little confused - are you talking about the existing swimming pool that has been there for some time?

Mr. Adams: The existing swimming pool is almost at the condition where we yearly repair it and it is becoming more and more expensive. Undoubtedly we will have to rebuild the pool. Now, whether to rebuild another pool in that Park, or not, or whether to build one at the Gibson Jr. High School and do something else at Lorenzi - that's the big question.

Commissioner Woofter: I know that Commissioner Lurie has certain feelings in regards to this swimming pool, but, to me, that's quite a landmark, in my opinion. I can remember riding a bicycle out there from North Las Vegas when I was eight and nine years old, to the Twin Lakes Pool. It used to be advertised as the largest swimming pool in the State of Nevada.

My feeling is - I don't know what the cost is on renovation, but I would certainly encourage Staff to review this to see if we can save the existing swimming pool. Tear the concrete up and rebuild it and keep it

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A RESOLUTION BY THE BOARD OF COMMISSIONERS
OF THE CITY OF LAS VEGAS, NEVADA ADOPTING
"ENTERTAINMENT CAPITAL OF THE WORLD" AS
MOTTO FOR THE CITY OF LAS VEGAS, NEVADA

WHEREAS, the City of Las Vegas, Nevada (herein-
after referred to as "Las Vegas") is known by people
throughout the world; and

WHEREAS, one of the unique qualities of Las Vegas
is that it is an entertainment mecca for visitors to the
City; and

WHEREAS, Las Vegas is deserving of a distinctive
motto which will be recognized by people all over the
world and will associate said motto to Las Vegas, and

NOW THEREFORE, BE IT RESOLVED that the City of
Las Vegas,

1. Adopts the motto of "Entertainment Capital of
the World" for the City of Las Vegas, Nevada.

2. The Las Vegas motto shall appear on the City
Seal, Official Correspondence and on all other places of
prominence which is frequented by tourists and visitors
to Las Vegas.

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

WILLIAM H. BRIARE, MAYOR

ATTEST:

Edwina M. Cole, City Clerk

(SEAL)

SWIMMING POOL
(continued)

as it is because, to me, they are few and far between - swimming pools this size - in existence. I'm just throwing that out in response to the City Manager's request for our feelings on it.

Mr. Adams: If you are interested we will proceed to do it, bearing in mind what we have in the rest of the Park . . .

Commissioner Lurie: I have a comment I'd like to make concerning this swimming pool. About two and a half years ago I did make a motion, and the Commission adopted it, that the next swimming pool constructed in the City of Las Vegas would be an indoor swimming pool.

The City of Las Vegas, at the present time, does not have an indoor swimming pool, except for the one at the YMCA, and we have many Swim Clubs that have to go outside the City in order to get time available so their swimmers can train in order to compete in Swim Meets. I feel that the next swimming pool that is built should be an indoor pool and the location that we had discussed was Lorenzi Park or Fountain Park. Mr. Adams, you discussed that with me and the fact that you were going to talk to the School District about the Gibron Jr. High School. That Jr. High School does not have a pool and they were contemplating building one on a basis with the City participating with the School District on maintenance and upkeep of the pool as their portion.

Mr. Adams: That is still in limbo at the moment. We have made the approach to the School District and they have taken it under advisement. Gibson is the only High School that doesn't have a pool and they use our facility at Lorenzi.

The Lorenzi pool is the one, of course, that will involve a great deal of money to rebuild. One thing we want to keep in mind there, in building an indoor pool it would require a building and parking area around it. That might create a problem . . .

Commissioner Lurie: We were also asked to give some comments on a Capital Improvement Program insofar as Bonds are concerned. Again, my feeling is that if we can work something out with the School District to build a pool at Gibson or - at one time we had discussed Cashman Field being developed into a multi-purpose type of facility, as Commissioner Woofter presented before this Board. I would not be opposed to an indoor pool being built at that location because of the room for parking and accessibility to that location, but I think it is something we have to decide - where we want the indoor pool.

I somewhat agree with Commissioner Woofter in that the pool out at Lorenzi is a landmark. I would like to see that pool remain there because it does get the use and the Park is a regional type of Park for all activities - whether tennis, softball, swim or fish at the lake - these are the types of areas we're looking for to make it available for the public to use for an all-day outing, not just a few hours.

Commissioner Leavitt: Do I understand - according to the Report we have here - the pool is in such a condition that it will cost a tremendous amount of money to repair it and will cost about \$1,000.00 more than any other pool in the City to maintain it - is that right?

Mr. Adams: That's right -

SWIMMING POOL
(continued)

Commissioner Leavitt: Can it be repaired, and how much is it going to cost to repair it?

Mr. Adams: We are of the opinion that it can't be repaired. You would have to build a new one.

Commissioner Leavitt: You can't repair the existing one?

Mr. Adams: Not from the extent of the monies involved -

Commissioner Leavitt: The question, then, is whether to build a new pool there, or build it somewhere else, is that correct?

Mr. Adams: You are correct -

Commissioner Lurie: You don't have any prices on what it would cost to repair the pool or to build a new pool there at Lorenzi, at that same location?

Mr. Adams: Not at this time.

Commissioner Lurie: Maybe we should have a Committee on this to bring back a recommendation at our next meeting.

Mayor Briare: If there are no objections, that will be the order on this item - cost estimates to be submitted at our next regular meeting.

SILVER
BIRCH LANE
Petition -
Referred

PETITION FROM RESIDENTS OF SILVER BIRCH LANE
REQUESTING SPEED BUMPS

See Pages 8 and 9 of these Minutes
(Petition)

Mayor Briare: Is there anyone in the audience who joined in a petition that was sent to the City relative to speed bumps on Silver Birch Lane?

(No response)

Mr. Adams, I don't know whether there is a Commission action requested here - I think the petition that was circulated by the people who live on Silver Birch, the next move would be to determine if the petition is justified - I don't believe there is any action to be taken by this Board . . .

Commissioner Leavitt: I think the people ought to be notified as to the findings of Staff -

Mayor Briare: Right, they have the names and addresses.

Mr. Adams: I have two more walk-on items, Your Honor - at the request of the Parks & Recreation Advisory Commission, to hear a request for lighting to the UNLV Baseball diamond. I think there is someone from the Parks & Recreation Advisory Board present here and also an interested citizen who wants to talk about Cashman Field in relationship to similar lighting.

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Mayor Briare: No - this is not the time, Mr. Adams, to be discussing Cashman Field as a walk-on item. We have a real full Agenda. I asked you two weeks ago when you came in here just a few minutes before we adjourned and you wanted to get into a discussion on this. There are certain procedures - apparently this gentleman doesn't know what the procedures are, Mr. Adams.

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We, the undersigned, are residents of Silver Birch Lane. We are petitioning for speed bumps on our street. The heavy traffic, due to cars lots and dealerships in our area, does not heed the 25 m.p.h. residential speed limit. We find this very hazardous to our childrens welfare.

CITY CLERK

NAME

ADDRESS

Malcolm & Cheryl Crow

1800 Silver Birch Ln.

Gloria Mae Herring

1732 Silver Birch

Georgina Dobry Greenhof

1905 Silver Birch

Henry & Vickie Carter

Lennie & Sandra Hertell

1901 Silver Birch

Joseph H. Hefner

1805 Silver Birch

Russland & Louis Carter

1801 Silver Birch Lane

Allen Slack

1729 Silver Birch Lane

Rodger Slack

1729 Silver Birch Lane

Carol Wilder

1729 Silver Birch Lane

Alvin & Juanita

1725 Silver Birch

Sybil Allister

1724 Silver Birch

V. Kay Dea

1728 Silver Birch Ln

Herbert & Nancy Thomas

1900 Silver Birch Ln

Betty Ward

1816 Silver Birch Ln

Carole D. Gubler	1720 Silver Birch Lane
W. Samuel Gubler	1720 Silver Birch Lane
Jane Allen	2512 Howard St.
Gladys F. Bowman	1716 Silver Birch Lane
John ^{John} Truitt	1708 Silver Birch Lane
in Cardiac	1701 Silver Birch Lane
Thu - Tran	1809 Silver Birch Lane
Heidi + Mickey Foster	1813 Silver Birch Ln
Dick & Joan	1921 SILVER BIRCH CV.
Mary Ann Jarvey	1812 Silver Birch Lane

11/26/76 - Copies to:

Mayor & Commissioners
 City Manager
 City Attorney
 Director of Public Services

EMC/dmk

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 NOV 26 2 54 PM '76
 CITY CLERK

CASHMAN FIELD

(continued)

Mayor Briare: We have a very busy agenda and unless one of the Commissioners specifically requests at this time that you walk in here, without being on the Agenda to present a brand new program for the utilization of Cashman Field, then you are not going to be heard at this time. Do any of the Commissioners want to hear this matter at this time?

Commissioner Woofter: Mr. Mayor, the only suggestion I would make is that this be discussed with Mr. Saylor and Mr. Miller in regards to the Master Plan for Cashman Field for some time for input, and bring back to Staff of the Facilities Committee at the Convention Authority. That is where it is now, and I would suggest that the best bet, at this time, rather than holding the meeting up is to get with Mr. Saylor and Mr. Miller and go from there.

Commissioner Leavitt: I would suggest that whatever material you were going to give to us, you give to Mr. Saylor because we would have to give it to Staff for a recommendation anyway.

Commissioner Lurie moved that Minutes of the following meetings of the Board of City Commissioners be APPROVED BY REFERENCE and the Mayor and Clerk authorized to sign:

MINUTES
Approved
By Reference

REGULAR MEETING	JULY 7, 1976
REGULAR MEETING	JULY 21, 1976
REGULAR MEETING	SEPTEMBER 1, 1976
REGULAR MEETING	SEPTEMBER 15, 1976
REGULAR MEETING	OCTOBER 6, 1976

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

BALL PARK
LIGHTING
AT UNLV

PARKS & RECREATION ADVISORY COMMISSION RECOMMENDATION -
LIGHTING UNLV BASEBALL FIELD

See Page 11 of these Minutes (Memo)

Commissioner Leavitt: In regard to the lighting at the UNLV Baseball Field, I think we ought to consider the possibility of the Legislature coming up with the funding for this.

Mr. Adams: That would be my recommendation.

Commissioner Leavitt: Why don't we just dispose of it that way then? I feel this is something that should be taken up with the Legislature. It is something the Legislature should take care of.

Mr. Adams: We would be happy to write a letter suggesting it and offering whatever assistance we can give.

Commissioner Woofter: Mr. Mayor, I concur with Commissioner Leavitt's comments on this University lighting. Even the Convention Authority, I think, has had concern on this Downtown proposal as far as any funding is concerned at this present time.

Commissioner Leavitt: I think perhaps we ought to make a motion to advise the Parks and Recreation Advisory Commission that we would rather see this matter taken up with the Legislature - at least wait until the Legislature has an opportunity to vote the funds, and I will so move.

M o t i o n
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Date DEC. 9, 1976

TO: W. E. Adams, P.E.
City Manager

FROM: Harold P. Foster, Director
Department of Cultural Services

SUBJECT: Parks and Recreation Advisory
Commission Recommendation -
Lighting UNLV Baseball Field

COPIES TO:

At last night's Advisory Commission meeting it was voted to recommend to the City Commission that the City participate in the lighting of the existing baseball field at the University of Nevada, Las Vegas campus. It was also recommended that the City Commission request the Convention Authority and the County to participate in this project. The purpose of this project would be to provide a baseball facility that would accommodate professional exhibition games, the proposed 1980 World Series of American Legion Baseball Tournament, regular American Legion league play and possibly any other type of baseball activity that would require this type of facility. The baseball field exists on the campus but it is not lighted nor does it have sufficient seating and restroom facilities. The estimated cost for providing these improvements was indicated to be \$300,000 and the recommendation of the Advisory Commission was that the City, County and Convention Authority each provide \$100,000 to construct these improvements.

The Advisory Commission requested that this item be placed on the December 15, 1976, City Commission agenda for consideration. A representative of the University pointed out the plans for the lighting are completed for this field and they could proceed on the construction as soon as the money is appropriated. The representative stated that the University would maintain the field at their cost; however, they wish to have control of all scheduling of any type of activity on this baseball field. It should be pointed out that this is a baseball field only and would not accommodate any type of softball activity.

The above recommendation of the Advisory Commission was initiated by Mr. Rogich, who is one of the Commission members. He indicated that since the Cashman Field proposal that suggested by Commissioner Woofter will be considered by Convention Authority at their meeting on December 14, he would appear at this meeting as a private citizen and request that the Convention Authority give consideration to his proposal. I advised him at the meeting that he could not be there as a representative of the Parks and Recreation Advisory Commission because this Commission serves only in an advisory capacity to the City Commission and all actions

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CITY MANAGER'S OFFICE

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of the Advisory Commission must go to the City Commission for consideration and final decision. He was also advised if a recommendation of the Advisory Commission was approved by the City Commission, any necessary followup would be handled by City staff and would not be the responsibility of the Advisory Commission.

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HPF:pdm

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

Mayor Briare: Because of a Court appearance that Senator Mel Close has to make that was scheduled some time ago, I have asked the Commission's approval to deviate from the agenda to go to Item "0" under the Department of Business Activities:

APPEAL

Letter from Attorney Melvin D. Close, Jr., requesting an appeal to the Board of City Commissioners in re the Department of Business Activities refusal to renew Wedding Chapel License on

CHAPEL OF THE BELLS, a Nevada Corp.

Rick Truesdell	President
Trish Truesdell	V.P.
Terry Truesdell	V.P.
Sandra Jones	V.P.
Jeffrey De Luca	V.P.
John W. Jones	Secretary
Jane Truesdell	Treasurer

Senator Close, at your request, we are happy to comply with a change in the agenda for just this one item.

Mr. Close: I appreciate that very much, Mr. Mayor. I apologize for the inconvenience to the Commission. This is a matter, gentlemen, of a License for The Chapel of the Bells - a Wedding Chapel License - at Las Vegas Blvd., South.

There has been at that particular location for the past seven years a License to operate a Wedding Chapel. The owners of the Chapel have seen fit to place a sign on their advertising sign, indicating the availability of weddings and the price therefor. This, of course, is in violation and contradiction to an Ordinance.

There was a misdemeanor charge brought against the corporate officers and they are presently in the Municipal Courts for the purpose of determining whether or not this is a constitutional Ordinance.

The next thing that happened was that we were scheduled to renew our Business License and on the day before the License was to have been renewed, about noon, we were given notice that the License would not be renewed. Normally, of course, Business Licenses are taken as a matter of course - they are mailed out some time prior to the date they are due. The money is sent back in and the License is renewed. In this particular case, evidently, the notice was not mailed out. There was no notice given that the License would not be renewed and the notice was actually given to the corporation about twelve hours prior to the deadline, which meant that at midnight, I think on the 9th of December, as I recall, they would have been out of business because there had been no License clearance. They could, of course, not operate it. They did not receive that notice that it would not be renewed until approximately noon the day before.

As a result of that we were compelled to go to Court and obtain a Temporary Restraining Order against the Business License Department, compelling them, at least on a temporary basis, not to terminate the operation of

the Wedding Chapel. That matter now is pending before Judge Thompson. We have a Temporary Restraining Order and we have agreed with the City Attorney's office to extend that Restraining Order until we had a chance to come before this Commission and be heard.

I would like to point out to the Commission that there was a fairly recent Supreme Court case that dealt with a very similar matter, and it is a case that came from Virginia. Of course, at the present time, we are in a consumer-oriented situation and the advertising of prices in many areas now is not only being requested, but is being required, and rather than limiting the public's access and knowledge of the prices for your services, in many areas now that notification is required. For example, about two years ago, we had quite a discussion in the Legislature relative to advertising prescription prices. There were those who wanted it and those who did not want it and, of course, we now have advertised prescription prices. There were those that said advertising those prices would ruin the industry. Obviously, it hasn't. As a matter of fact the people in Virginia went to Court to determine whether or not they could advertise prescription prices in Virginia. This matter eventually went to the Supreme Court of the United States and they have expressed their position on this matter and they have said there is a right of commercial notification and because of that right it is protected speech under the Fourteenth Amendment, and in that particular Court's position, they have said this:

When an issue is whether a state may completely suppress dissemination of truthful information about an entirely lawful activity fearful of that information affect upon its disseminators and its recipients, reserving other questions, we conclude the answer to this one is negative.

Now, that is the Supreme Court's word on whether or not you can completely ban advertising on prescriptive drug prices. I feel it is certainly indicative of what probably, I would feel, would be the ultimate result in Nevada if the matter was tested at the present time. The Supreme Court of the United States is the ultimate Law of the Land and they feel that the advertising of prices such as this, are appropriate and should be allowed. We feel by restricting that right, people coming into Nevada, who have a desire to be married, do not have access to information as to price. We feel this is in violation of their rights. It is in violation of the Wedding Chapel's rights and we feel it is not in the best interests of the public because, certainly, the right to have knowledge of things of this nature I think are critical to making an informed decision.

Therefore, we would request that this Commission grant us the License for the Wedding Chapel, pending a determination by the Court as to whether or not the governing Ordinance is constitutional. If it is not unconstitutional, and the Court so determines, then we would obviously take down the sign because we would then be in violation of a legitimate City ordinance. On the other hand, if the Court determines that that it is not constitutional then, of course, that particular Ordinance would no longer be effective and we would have the right to our License for our sign.

Commissioner Leavitt: Why don't you do just the opposite? Why don't you take the signs down until the Ordinance is determined to be constitutional or unconstitutional. If it is determined to be unconstitutional, then leave the signs up.

Right now we've got an Ordinance that is presumed to be constitutional and if I understand what you said, Counselor, your client is in violation of the Ordinance. I assume there is no dispute as to that.

Mr. Close: He is in violation of the Ordinance, but there is a question as to whether or not that Ordinance is constitutional.

Commissioner Leavitt: You will agree, I assume, that it is presumably constitutional until ruled otherwise - isn't that correct?

Mr. Close: That is correct.

Commissioner Leavitt: That's the status of the Law, is the way I understand it. If that's the case then, if it is presumed to be constitutional, why can't we do just the opposite - take the signs down until it is found to be unconstitutional and then you can put them back up.

In other words, you are violating the Law now which presumably is constitutional. That is like - we had a similar situation on Campaign Spending recently that everybody is real familiar with - whether it is constitutional or not - go ahead and violate the Law because we know it is unconstitutional. In the meantime the Law is presumed to be constitutional - until it is proven otherwise.

Mr. Close: Well, we would probably have had other things going on this, and maybe even tested the Law ourselves, if we had known before midnight of the day the License was not to be renewed. We didn't have knowledge of this until . . .

Commissioner Leavitt: I understand the only reason the License wasn't renewed was because the signs are up. Alright, take the signs down and get your License. You are in violation of the Law.

Mr. Close: If we had had an opportunity prior to that time that they were not going to renew the License - if they had advised us of that . . .

Commissioner Christensen: Were you notified that you were in violation prior to the time you were notified that you weren't going to get the License renewed?

Howard Crow: Mr. Commissioner, I can answer that: In March of this year . . .

Commissioner Leavitt: You have stated you have a case pending in Municipal Court about it so, obviously, there was some notification that you were in violation of the Law -

Mr. Close: That's correct. We had notification that we were in violation. However, we felt the matter should proceed to the Court for determination. We were not aware of the fact that the City License Department would not send out the normal notice to renew a Business License and give us notice only twelve hours beforehand of the fact that the License would not be renewed. We felt it should proceed to the Court appropriately, and we are prepared to do that.

Commissioner Christensen: You say it is proceeding through the Courts appropriately. It really isn't "appropriately" since you were in violation of the Law and made no effort to correct that violation while they are testing it in the Courts.

I don't understand that. In other words - I hate to see someone thumb their nose at the Law and say "it's unconstitutional" and I don't have to do a dang thing until I decide. It is constitutional until it's proven unconstitutional. Your people were notified three months prior to that they were in violation of the Law - as a matter of fact they went to Municipal Court over it - which means they were in violation of the Law until such time as they prove that Law unconstitutional. I can't see any recourse there.

Mayor Briare: Senator, you are also here for the purpose of establishing administrative procedure, aren't you?

Mr. Close: That is correct.

Mayor Briare: Mr. Lovell, do you have any comments?

City Attorney, Carl E. Lovell, Jr.: No comments except as an educational aspect. We do have the City Ordinance on the books. We also have the State Statute regarding the same type of thing that was happening with hotels and their advertising, and that was upheld in the late '60's - approximately ten (10) years ago, by Federal Supreme Court and by the Supreme Court of the State of Nevada. In view of recent decisions by the Supreme Court liberalizing the area, there might be some question. But, as it is, there is a State Statute which compares that of the City, which is on the books.

Commissioner Leavitt: Do I interpret your statement to mean that the Law is constitutional until proved otherwise in the proper Court jurisdictions?

Mr. Lovell: That is correct - yes.

Commissioner Leavitt: There has been no decision by any Court of competent jurisdiction that that Ordinance is unconstitutional - has there been?

Mr. Lovell: No.

Mayor Briare: I believe the question before us then is - shall the City over-rule its Licensing Department? Does that seem to be fairly stated, Counselor?

Mr. Close: Yes -

Commissioner Lurie: Are they willing to take the sign down until the matter is settled in Court?

Mr. Close: I would have to talk with him, Mr. Commissioner, and see if he would. We are presently in Court - we have discussed it before and he may be willing to do that. I don't know - I would have to discuss that with him.

Commissioner Leavitt: That would seem to be a simple solution. Take down the sign until the status of the Ordinance is determined.

Commissioner Christensen: What bothers me is - why didn't they take the signs down when they were notified they were in violation, until it was decided whether it was constitutional or unconstitutional? That's

CHAPEL OF
THE BELLS
(continued)

thumbing your nose at the Law and that bothers me a little.

Robert Truesdell: I would like to answer that question for you right now. I am Robert Truesdell and I am the spokesman for the Chapel of the Bells. I do not own any part of it and I am not an officer in the Corporation.

Mayor Briare: Is Mr. Close your attorney?

Mr. Truesdell: Mr. Close is my attorney. About the last two to three years - in fact, we felt this was a good Ordinance - constitutional, or not - because it stopped a "war" a few years ago in the Wedding Chapel industry. I probably, along with a young man by the name of George Flint, have more more trips to Carson City to come up with corrective measures to help our industry along. I've been on the phone on many occasions with Mr. Howard Crow - the gentleman on my right here - asking him to enforce this Ordinance to the Letter of the Law. His comments to me were - we do not have enough help, and they are just minor violations. I don't believe there is any such thing - and my apologies to any of the ladies here in this audience - of being just a little bit pregnant. And that price sign, at my request to the President of the Corporation, went up and we have offered to take it down at any time - even though we do know it is in violation of the Law, if Mr. Howard Crow and the City Licensing staff will enforce that Ordinance against all the others to the Letter of the Law. Am I wrong in requesting that a Law be lived up to the letter? If I am, I apologize.

Mayor Briare: Mr. Truesdell, are you suggesting that because others are breaking thr Law, that gives you a license to break the Law?

Mr. Truesdell: Well, with the others breaking the Law has put a lot of pressure on our industry. We didn't know how else to fight them. We couldn't seem to get any cooperation from Mr. Crow. In fact, now Mr. Crow refuses to even talk to me or discuss it. I feel that this is unfair. I feel that if there is a violation of the Law by others - I asked him - I said - why can't you do it? In front of witnesses one day here at a Court hearing, his comments were - we do not have enough help. I said, if you do not have enough help to enforce the Ordinance completely, how come you can put a full time man on the Chapel of the Bells? We are willing, at any time, to remove that sign upon your request. We will remove it. All we request is that Mr. Crow and his Staff see that every other violation of this Ordinance is corrected. I would be willing to even step back and leave the Ordinance on the books because nobody wants a Price War in our community. The hotels don't want it - you know what happened then. I knew what happened when the Chapels had it, because it was going on when I came into this City. They had a "war" on here for a year or a year and a half.

Mayor Briare: Mr. Truesdell, would you be influential enough with your son to assure this Board that those signs will be taken off today?

Mr. Truesdell: I can assure you that that Price Sign will come down.

Mayor Briare: In that event, Mr. Crow, there is no further problem before us, is there?

Mr. Crow: No Sir -

CHAPEL OF
THE BELLS
(continued)

Mayor Briare: Well, then, I suppose by three o'clock this afternoon this matter can be resolved?

Mr. Truesdell: We will have to call a Sign Company - we do not own the sign and it would take us until about noon tomorrow because it would have to be scheduled.

Mayor Briare: Does that present any problem, Mr. Crow?

Mr. Crow: No Sir -

Mayor Briare: Mr. Close, is that going to resolve the issue for now?

Commissioner Leavitt: You can still proceed with your legal remedies -

Mayor Briare: Is this in order, Mr. Lovell?

Mr. Lovell: Yes -

Mayor Briare: Is there any further comment by any of the Commissioners?

Commissioner Lurie: There were some other matters brought up by Mr. Truesdell regarding violations by other Wedding Chapels. I would request that the License Department give us a report on other Chapels who might be in violation of our Ordinance, so they can be corrected.

Mr. Truesdell: I would ask no more from this Commission.

Mayor Briare: Thank you Mr. Truesdell, Mr. Close and Mr. Crow.

Commissioner Christensen: I have just one further comment - the thing that worries me about this case is that I don't think we have enough Policemen to stop all the burglaries either, but I sure don't want to license all burglars now.

ITEM Commission Action Department Action

I. CITY MANAGER - WILLIAM E. ADAMS, P.E.

A. RESOLUTION ADOPTING "ENTERTAINMENT CAPITAL OF THE WORLD" AS MOTTO FOR THE CITY OF LAS VEGAS

Resolution Adopted

Staff to proceed

B. SWIMMING POOL - LORENZI PARK

*

C. PETITION FROM RESIDENTS OF SILVER BIRCH LANE REQUESTING SPEED BUMPS

Referred to Dir. of Pub. Services

ADDITIONAL ITEMS

1. PROCLAMATION HONORING MOE DALITZ AS "HUMANATARIAN OF THE YEAR"

Read by Mayor Briare and ordered spread on the Minutes

*C/M to compile and submit cost breakdown re rebuilding Pool at Lorenzi; repairing Pool at Lorenzi or building indoor Pool at another location

2. BALL PARK LIGHTING AT UNLV

Directed C/M to request 1977 State Legislature to take appropriate action to provide these facilities. Leavitt - unanimous

D. MINUTES

REGULAR MEETING - SEPT. 1, 1976
REGULAR MEETING - SEPT. 15, 1976

Approved Minutes by Reference Lurie - unanimous

Mayor and Clerk to sign

REGULAR MEETING - OCT. 6, 1976

REGULAR MEETING - JULY 7, 1976
REGULAR MEETING - JULY 21, 1976

ADDITIONAL ITEMS (continued)

3. LEASE AGREEMENT BETWEEN CITY & COUNTY RE SPACE IN CITY HALL:
(a) Four (4) year term

Approved Leavitt C voted "no"

C/M to proceed 1/5/77 Agenda

(b) Exact costs to be computed and brought back before Board on 1/5/77

Approved Leavitt - unanimous

ITEM	Commission Action	Department Action
I. <u>CITY MANAGER (continued)</u>		
<u>ADDITIONAL ITEMS (continued)</u>		
4. <u>RESOLUTION REAFFIRMING PREVIOUSLY APPROVAL LOCATION OF THE I-515 U.S. 95 FREEWAY</u>	Adopted Lurie Commissioner Woofter voted "no"	Mayor & Clerk to sign
5. <u>DEPARTMENT OF CULTURAL SERVICES</u>	Effective immediately, to be officially designated as DEPARTMENT OF RECREATION & CULTURAL SERVICES (no motion)	Staff to proceed
6. <u>"STREAM-LINING" OF AGENDA ITEMS</u>		

DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, DIRECTOR

SERVICE & MATERIAL
WARRANTS
and
PAYROLL WARRANTS

See Page 21 of these Minutes (Annotated Agenda)

AUDIT REPORT

AUDIT REPORT FOR YEAR ENDED JUNE 30, 1976 - PRESENTATION
BY LAVENTHOL AND HORWATH

Mayor Briare: I think that the Commission, just having been handed this document would, of course, like to review it and then have you gentlemen available for comments or questions that might be asked. I gather, Mr. Adams, the purpose of the representatives from Laventhol and Horwath are here just to make the formal presentation, without getting into a lot of details on it.

Al Garraway: I am Al Garraway of the firm of Laventhol & Horwath and this is my partner, Merlin Jones.

Under the Nevada Revised Statutes it is required that the summary of our comments and our recommendations is read at a full meeting of the Commission, after the Report has been submitted.

We have completed the audit for the City of Las Vegas for the year ended June 30, 1976. With regard to the General Fund, the cash position in this Fund was sufficient to pay the current liabilities and the outstanding obligations of the Fund, with an excess of approximately \$1,200,000.00.

The expenditures of the General Fund during the past ten years have been increasing on an average of approximately 10.8%. Revenues have been increasing on an average of 10.13%. This is having the effect of continually depleting the Fund Balance Reserve. During the past five years the Fund Balance has decreased approximately One Million Dollars.

We believe one reason for this, because it takes time for the City's revenues to react to inflationary trends, while expenditures tend to react immediately.

Next is the Off Street Parking Fund. This Fund has shown a light improvement over the previous year. However, the General Fund continues to subsidize the operation by about \$325,000.00.

We do have some recommendations: During the course of our Audit we have studied the City's system of internal control and during that study we disclosed the following areas in which we recommend improvement.

In regard to the Parking Garage hourly rate applications, we recommend that a policy be established regarding the grace period allowed for additional charges made in order that all charges are applicable to all customers.

As to employee check cashing, we recommend that all

ITEM	Commission Action	Department Action
<p>I. (c) <u>DEPARTMENT OF FINANCIAL MANAGEMENT</u> <u>MARVIN A LEAVITT, CPA, DIRECTOR</u></p>		
<p><u>*CONSENT AGENDA</u></p> <p>All matters listed under Items A and B are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.</p>		
<p><u>*A. SERVICE AND MATERIAL WARRANTS</u></p> <p>Nos. K94704, L1118, L114494, I208211, L209924 to L209925, L209929 to L209951, L209953 to L209955, L209959 to L209994, L209996 to L209997, L210001 to L210302, inclusive. In the amount of \$ 2,739,636.55</p>	<p><u>Items A and B</u> Approved as submitted Lurie - unanimous</p>	<p>Director authorized to issue</p>
<p><u>*B. PAYROLL WARRANTS</u></p> <p>Nos 77068 thru 78250, inclusive. For Pay Period Ending 11-27-76 In the amount of \$389,952.57</p>		
<p><u>C. PRESENTATION BY LAVENTHOL AND HORWATH OF AUDIT REPORT FOR YEAR ENDED JUNE 30, 1976.</u></p>	<p><u>Items C and D</u> Accepted Report and instructed Staff to comply with the recom- mendations contained therein Leavitt - unanimous</p>	<p>Director to proceed</p>
<p><u>D. RECOMMENDATION BY LAVENTHOL AND HORWATH REGARDING FUTURE COMPUTER ACQUISITION.</u></p>		

AUDIT REPORT
(continued)

departments adhere to the City's present policy that employees' personal checks are not cashed with City Funds.

In regard to return Bail refunds, we recommend that these Bail refunds that come in by return mail, be delivered directly to the Treasurer's Office rather than to the Court Clerk's Office.

Commissioner Leavitt: Is this a Bail refund that has been sent to the person that has posted it and it has been refused, and come back?

Answer: Yes -

Commissioner Leavitt: I notice you also recommend that a stop payment order be issued, too.

Mr. Garraway: Yes - either stop payment or cancelled immediately -

Commissioner Leavitt: You didn't mean "stop payment" - you mean destroyed or cancelled, because they've got the check back -

Mr. Garraway: That's right -

Commissioner Leavitt: That confused me when I read it.

Mr. Garraway: In regards to the Accounting Manual we recommend that the Finance Office prepare an Accounting Manual to incorporate certain documents already in existence and to provide a description of all of the duties of all Finance-related personnel. This will greatly assist employees in the performance of their duties, as well as help in the training of new and additional employees.

In regards to the billing rates of Intra-governmental Service Funds, we recommend that the billing rates of these funds be adjusted, where practical, to reflect actual charges to other departments. As it is presently, the General Fund on a blanket situation, has been subsidizing the operations of the Inter-governmental Service Fund, rather than the departments paying their costs.

Reconciliation of receipt numbers: We recommend that the Finance Office's program on General Receipt Numbers be expanded to include provision for identifying missing receipts.

Internal Auditor: We recommend that the City's Internal Auditor be assigned to perform internal audit functions as soon as practical.

We would like to acknowledge the cooperation of City employees during the conduct of the Audit. If you have any questions, we would be pleased to answer them.

Mayor Briare: Do any of the Commissioners have any questions at this time?

Commissioner Leavitt: What about the previous recommendations? Have they been complied with?

Mr. Garraway: Yes, all except one I believe there was one that was accepted with modification.

Commissioner Leavitt: Did you discuss your recommendations with Staff?

Mr. Garraway: Yes, we have.

AUDIT REPORT
(continued)

Commissioner Leavitt: Mr. Adams, do you have any comment on the recommendations?

Mr. Adams: On all of these recommendations, we see no reason why we cannot comply with them as presented.

M o t i o n

Commissioner Leavitt: I move then, Mr. Mayor, that we accept the Report and instruct Staff to implement those recommendations contained in that Report.

Mayor Briare: Marvin Leavitt, do you have any comments you would like to make at this point?

Mr. Marvin Leavitt: None, except that we agree with the recommendations.

Commissioner Leavitt: Then you can put those recommendations into effect - you agree with what they have said, in other words -

Marvin Leavitt: We have no problems there -

Mayor Briare: All in all, you feel that the City of Las Vegas is in pretty good shape - is that a correct statement to make?

Mr. Garraway: Yes, Sir.

Commissioner Lurie: I would just like to thank the Auditors for the fine job they have done and also commend the Staff for being as cooperative as they were in helping to prepare this Report. It is a pleasure to receive a Report such as this and the City of Las Vegas can be very proud that we are maintaining proper accounting procedures, as well as being able to provide services without having to look for other sources of revenue.

Commissioner Leavitt: And you have also said that the City is in conformance with all of the Laws, didn't you?

Mr. Garraway: That's right - on accounting matters.

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

DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

J. ROBT McPHERSON, DIRECTOR

See Pages 25 and 26 of these Minutes
(Annotated Agenda)

Mayor Briare: On Item 7, Mr. Adams, relative to the Senior Citizen expenditure, is it safe to assume that when funds are coming from sources, including the Saints and Sinners Club, that the Saints and Sinners Club has approved the particular expenditure, or recommended the expenditure? I believe that when the Grant was made, they wanted it to be used for just certain purposes. You are aware of that?

Mr. Adams: I am aware of that -

Mayor Briare: So when it appears here you have already determined that it is in accordance with the terms of their Grant.

Commissioner Lurie: To answer that question, since I serve on the Advisory Board for the Senior Citizens, this item has been approved by that Board before it is recommended to this Board.

Mayor Briare: Thank you, Commissioner Lurie. Are there any comments on the other items?

(No response)

M o t i o n

Commissioner Lurie: I move for approval.

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

Commissioner Lurie: On the items we have just approved, I appreciate, and I'm sure the Mayor and other Commissioners appreciate it also, the justification that is attached. I would like that to be continued and also I would like when we have these authorizations to fill positions, that you give us an up-to-date list of any vacant positions we have that haven't been filled. I know at one time we were talking about between 35 and 45 positions that haven't been filled.

ITEM	Commission Action	Department Action									
I. (d) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS											
BOB McPHERSON, DIRECTOR											
AUTHORIZATION TO FILL POSITIONS											
<u>Federally funded</u>											
<table border="1"> <thead> <tr> <th data-bbox="45 620 212 647"><u>Dept./Class</u></th> <th data-bbox="370 588 483 615"><u>Monthly Salary</u></th> <th data-bbox="513 620 727 647"><u>Justification</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="87 655 126 682">(1)</td> <td></td> <td></td> </tr> <tr> <td data-bbox="45 688 321 814">Human Resources Accountant (replace vacancy) Title I funding</td> <td data-bbox="418 688 467 715">946</td> <td data-bbox="513 688 878 876">Assists the Fiscal Analyst in the handling of Grant monies and in the preparation of required reports to the Department of Labor.</td> </tr> </tbody> </table>	<u>Dept./Class</u>	<u>Monthly Salary</u>	<u>Justification</u>	(1)			Human Resources Accountant (replace vacancy) Title I funding	946	Assists the Fiscal Analyst in the handling of Grant monies and in the preparation of required reports to the Department of Labor.	Items 1 thru 8 Approved as recommended Lurie - unanimous	Director authorized to proceed
<u>Dept./Class</u>	<u>Monthly Salary</u>	<u>Justification</u>									
(1)											
Human Resources Accountant (replace vacancy) Title I funding	946	Assists the Fiscal Analyst in the handling of Grant monies and in the preparation of required reports to the Department of Labor.									
<u>City funded</u>											
<table border="1"> <tbody> <tr> <td data-bbox="87 1008 126 1034">(2)</td> <td></td> <td></td> </tr> <tr> <td data-bbox="45 1040 337 1198">MS/Purchasing & Contracts Intermediate Clerk (replace budgeted vacancy)</td> <td data-bbox="418 1040 467 1067">637</td> <td data-bbox="513 1040 894 1266">Responsible for processing invoices, requests for quotations, verification of products purchased and providing other clerical support within the division.</td> </tr> </tbody> </table>	(2)			MS/Purchasing & Contracts Intermediate Clerk (replace budgeted vacancy)	637	Responsible for processing invoices, requests for quotations, verification of products purchased and providing other clerical support within the division.					
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<table border="1"> <tbody> <tr> <td data-bbox="87 1489 126 1516">(4)</td> <td></td> <td></td> </tr> <tr> <td data-bbox="45 1521 315 1682">PS/Maintenance Air-Conditioning Mechanic (replace budgeted vacancy)</td> <td data-bbox="418 1521 467 1548">946</td> <td data-bbox="513 1521 954 1647">The complex air-conditioning system must be maintained on a 7-day, 24-hour basis.</td> </tr> </tbody> </table>	(4)			PS/Maintenance Air-Conditioning Mechanic (replace budgeted vacancy)	946	The complex air-conditioning system must be maintained on a 7-day, 24-hour basis.					
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Fire Services Firefighter - 2 (replace budgeted vacancies)	994	The two employees filling these positions have been on the federal program for more than two years; therefore, it is recommended that they be transitioned to regular employment in line with the concept of the Public Service Program.									

DEPARTMENT OF FUNDS, COORDINATION AND PROJECTS

BRUCE W. SPAULDING, DIRECTOR

WESTSIDE
DEVELOPMENT
COMMISSION

Mr. Spaulding: Both items are requests for Block Grant Funds. The two required Public Hearings have been held and they are here before you for action.

The first item is a request from the WESTSIDE DEVELOPMENT COMMISSION for \$28,000.00. The details of this proposal have been elaborated upon through the Public Hearing process. I believe they have a representative present and it is before you for action.

M o t i o n Commissioner Lurie: I would move for approval of Item A.

Mayor Briare: Are there any comments?

Commissioner Leavitt: I have a comment I would like to make to Mr. Spaulding. I don't want to get in the same position we've been in before. Would you outline for me now, the procedure to go through this Federal funding? Are they going to have to approve these things before we start putting money out? I don't want to get into the position you had with NALA where we approved it, started the operation and then they jerked the funds from us.

Mr. Spaulding: Well, they can still do that. They reserve the right to remove the funds at any time they desire, so you could be initiating these programs and they later can indicate the feeling they do not want to continue the funding, and we can be in exactly the same position as we are now.

Commissioner Leavitt: Someone in an administrative capacity can make this decision?

Mr. Spaulding: They can make that decision even though we have a signed contract with the Department of Housing & Development . . .

Commissioner Leavitt: Is there any way we can get a firm approval so that they can't pull that kind of stuff on us, like they did before?

Mr. Spaulding: Not unless we win the NALA Appeal and they are willing to change their internal administrative regulations.

Commissioner Leavitt: In other words, we can approve these Programs, get them rolling, and then they could jerk the funds - just like they did on the Day Care Center?

Mr. Spaulding: Yes.

Commissioner Leavitt: And then you have these people coming in and wanting us to use City money to fund them, etc. - the same thing you had with NALA.

Commissioner Woofter: I think Rev. Bennett is in the audience, along with Assemblyman Chaney, and they know well enough that if somebody pulls the rug out from under this Program, they are not going to come back here blaming us. They can go to Washington -

WESTSIDE
DEVELOPMENT
COMMISSION
(continued)

Commissioner Leavitt: I just wanted to make sure that you had informed the applicants that if a similar situation took place takes place with them as it did with NALA, the City does not have the money to fund this. That the only reason we are able to do it is because of a Federal Grant.

Mr. Spaulding: All of those stipulations are right in the legal documents involved.

A m e n d e d
M o t i o n

Commissioner Leavitt: I would like to make an amendment to Commissioner Lurie's motion, if I could and if he will accept it, and that is that the Program for the Westside Development Commission be approved providing Federal funds are available to finance the same.

Commissioner Lurie: I would accept that amendment.

Mayor Briare: That will be included in the motion if there are no objections.

(No response)

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

MARION BENNETT
YOUTH PROGRAM
Approved

MARION BENNETT YOUTH PROGRAM - \$7,000.00

Mayor Briare: Rev. Bennett, could you come forward, please? I was simply going to ask the question if the SYNDAC discussion, I believe, that is currently in the news, is going to have an effect on the Marion Bennett Youth Program. Do you know which decision I am talking about?

Jo Anne Jones: Yes I do. I am a Director of the Marion Bennett Youth Program. I don't believe their decision will have any bearing on this Program because it is SYNDAC's decision to consolidate. We do have a contract with SYNDAC and we do have alternatives to have them or not. In addition to that, we do have other Programs which make use of the peer counselors and offer the transportation we are requesting.

Mayor Briare: Any further comments or questions?

(No response)

M o t i o n

Commissioner Woofter: I would make the motion to approve the Marion Bennett Youth Program, Mr. Mayor, to include the amendment by Commissioner Leavitt on the previous Program.

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

Mr. Spaulding: Mr. Mayor, I would like to make one comment. These two requests exhaust the balance, with the exception of \$2,000.00, in the Local Option Account for this year. Therefore, no more applications can be considered until the next Block Grant cycle.

DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

Mayor Briare: Under Item B, Mr. Cathcart, Item 3, as Commissioner Lurie indicated on a previous agenda that he, and I'm sure all of us, appreciated the background material that was given on the Personnel section - I wonder if it might be possible - and I'm not quite sure how to define which of the items - I am interested in the fact that four new automobiles are needed by the Municipal Court. Presumably these are for the Bailiffs.

Mr. Cathcart: Yes, Your Honor, presently the Bailiffs are using our old City Detective Police cars. They are using three and one out of the motor pool. They have need for the four. The three cars they have will be transferred to the Public Services Department for Inspectors who need transportation.

Mayor Briare: Are there any further questions or comments?

See Page 30 of these Minutes (Annotated Agenda)

Commissioner Lurie: I have on Item 2 under Permission to Receive Bids on the Cultural Services Building: What is the back-up material relating to that? I don't seem to have anything. Is this for the renovation of Reed Whipple?

Mr. Cathcart: I would pass this along to Mr. Hampton for an answer on that.

Mr. Hampton: This is for the renovation of the Naval Reserve Building.

Commissioner Lurie: What is going to be done over there at the Naval Reserve Building, and which department is going to be using it? I don't remember anything coming before this Board -

Mr. Adams: This is one of the items you approved under Federal funding for the renovation of that . . .

Commissioner Lurie: Who is going to use that building? That's what I'm asking -

Mr. Adams: The Cultural Services Department.

Commissioner Lurie: Then they will be moving out of City Hall over to the Naval Reserve Building?

Mr. Adams: Yes -

Commissioner Woofter: Mr. Mayor, I'm a little concerned too. Do you mean that whole Naval Reserve Building, Mr. Adams, is going to be used for Cultural Services?

Mr. Adams: We still have some sections of it we are using for a Survey Crew - we have some Public Works maintenance equipment there and we are using the central office section, plus, for the Public Services

ITEM Commission Action Department Action

I-f. DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

1. PURCHASING AND CONTRACTS STAFF

J. E. Park, Purchasing and
Contracts Officer

* CONSENT AGENDA

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.

*A. PERMISSION TO RECEIVE BIDS

1. Miscellaneous Floor Care and Restroom Cleaners - City Facilities, for a 6-Month Period from Date of Notice to Proceed (Municipal Services - Purchasing and Contracts)
2. Cultural Services Building - Convention Center Recreation Grant (Public Services)
3. 18,000 Pounds Turf Herbicides (Cultural Services - Golf Course Division)
4. Two (2) Each Controller and Cabinet - Sahara and Paradise; Sahara and Las Vegas Blvd. (50% State Funded; 50% Regional Streets and Highways Funded) (Public Services - Traffic Division)
5. Sixty (60) Each Fiberglass Median Flasher Covers (Public Services - Traffic Division)

Items 1 and 3
thru 5
Approved
as recommended
Lurie - unanimous

Director
authorized
to proceed

Item 2
Tabled
C - unanimous

*B. AWARD OF BIDS

1. Bid #76.114 - Rectangular Band-Orchestra Risers (Cultural Services)
2. Bid #76.116 - 200,000 Parking Violation Notices (Business Activity - Parking Division)
3. Bid #76.120 - Four (4) Each Four-Door Sedans - Intermediate (Replacement) (Municipal Court)

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

Same as above

MUNICIPAL
SERVICES
(continued)

Department.

Commissioner Leavitt: That is going to house the various departments - offices? What is it going to be used for? For Offices and Personnel?

Mr. Adams: There will be some classrooms in there but, generally, it will be offices . . .

Commissioner Leavitt: This will be for the carrying out of the Recreation/Cultural Programs - right?

Mr. Adams: Yes -

Commissioner Lurie: What is going to happen to the Sixth Floor - that space that is going to be vacated by the Recreation Department?

Mr. Adams: We are in the process of altering some of our other departments to move them . . . we are in a position where we need space on the First Floor. There are some alterations we are involved in that will change the Permit Section - it will be moved down to the First Floor . . . the City is expanding and we need the space.

Commissioner Lurie: What I'm getting at, before any moves are made, I think they should come before this Board and the Commission should be made aware of the moves that are being contemplated so that we can have the input. I wasn't aware of these contemplated moves or the expenditure - I knew of the expenditure of the money on the Naval Reserve Building, but I haven't seen any material on what is going to be done with the Naval Reserve Building or what is going to happen to the Sixth Floor.

Mayor Briare: Would you like this item held, Commissioner Lurie?

Commissioner Lurie: The renovation has to be done on the Naval Reserve Building but I'm not satisfied that the Commission is being made aware of what is taking place here at City Hall.

Mayor Briare: Let's hold that item.

Commissioner Leavitt: I'd like to see a rough plan, or diagram, of what is being proposed.

Mayor Briare: If there are no objections we will hold Item A (2). What is the pleasure of the Board on the remainder of the items?

M o t i o n

Commissioner Lurie: I move for approval of the balance of the items under "A" and "B".

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

DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

See Pages 33 thru 39 of these Minutes
(Annotated Agenda)

LIQUOR & GAMING
Approved

CHANGE OF BUSINESS NAME

From: Centerfold Casino

To: THE JOLLY TROLLEY CASINO
2440 Las Vegas Blvd., South
TAVERN

G.S.Y., Inc.
Paul Bendetti, Pres. 33%
James A. Bilbray, VP/Dir. 34%
Peter de Lamos, Treas. 33%

Commissioner Woofter: Mr. Mayor, let the record reflect that I am abstaining on the basis that our Law Firm represents The Jolly Trolley Casino.

Commissioner Lurie: I have one question. This might be merely a formality, but the name has already been changed. If the Commission decided today they really didn't care for that name, it would be a burden on the person who spent all his money to have the sign changed.

Commissioner Christensen: He would probably just go to Court and get a Restraining Order and leave it changed.

Mayor Briare: It's a good point, however, for a couple of reasons. I know what Commissioner Lurie is driving at and I would like to add the comment that it would appear to me there are so many things on the agendas that come before us that really don't make much difference, because there is very seldom anyone in attendance - it is an almost automatic procedure. It would appear that because of the growth and content of agendas, that maybe this Board could do some streamlining on their agendas to the point where these can be handled administratively. I just can't conceive of an indication, unless it was something that was absolutely obnoxious in terms that we all have in our own minds, that we're going to argue with somebody if they want to change their name, and to have to come before this Board and spend so much time on it, it seems to me that it is something we ought to take a look at. There are quite a few items where, unless there is a law that specifically says that the Governing Body has to do it this way, perhaps we can streamline some of our agenda procedures. I would have the feeling there would be a lot of people sitting here right now that would greatly appreciate such a move.

Paul Bendetti: The Sign Company had a problem with the Holidays and this is why the sign was changed. We didn't mean to presume - this was why the sign work was done - because of Christmas.

Commissioner Lurie: I move for approval.

ITEM

Commission Action

Department Action

I-g. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, 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. CHARITABLE SOLICITATIONS PERMITS
 (Approved by the Solicitations Review Board)

Items 1 thru 10
 Approved
 Lurie - unanimous

Director
 authorized
 to issue

1. UNITED FOURSQUARE WOMEN -- a rummage sale
2. CHURCH WOMEN UNITED -- a bake sale; a Christmas tea
3. GAMMA PHI DELTA SORORITY, ALPHA RHO CHAPTER -- tickets to a New Year's Eve Disco Celebration
4. CHURCH OF GOD IN CHRIST, NEW COVENANT -- door to door solicitations for canned goods
5. NEVADA STATE YOUTH SOCCER ASSN, TORINO TEAM -- a rummage sale
6. BUSINESS & PROFESSIONAL WOMEN'S CLUB, VEGAS VALLEY CHAPTER -- raffle tickets; tickets to a Best Dressed Women show
7. HYDE PARK JR. HIGH, HONOR SOCIETY -- sale of holiday cheese and sausage
8. THE SALVATION ARMY -- annual mail appeal; Christmas Kettle solicitations
9. BOY SCOUT POST #878 -- sale of Christmas trees
10. ELDORADO HIGH SCHOOL, NAVY JR. RESERVE TRAINING -- sale of fruit cakes and Christmas candles

*B. GAMING -- Additional

Approved
 Lurie - unanimous

Same as above

1. BALLY DISTRIBUTING CO.
 Four Queens Hotel/Casino
 202 East Fremont Street
 1 slot

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ITEM	Commission Action	Department Action
<u>I-g. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
*C. <u>RETAIL TOBACCO -- Additional</u>	Items 1, 2 and 3 Approved Lurie - unanimous	Director authorized to proceed
1. G. B. SERVICES Stewart's Sahara Shell Service 336 West Sahara Avenue 2. SKY TOP VENDING Rib Shack 17/19 East Oakey Blvd 3. W. W. VENDING CO. Harris Pool Hall 2029 North "H" Street Trophy Room 1440 Las Vegas Blvd North		
D. <u>LIQUOR -- Change of Business Name</u>	Approved Lurie - unanimous	Same as above
1. From: Portofino Restaurant To: LAS MARGARITAS 429 Las Vegas Blvd South Restaurant Beverage Joseph Bertinetti, 100%		
E. <u>LIQUOR & GAMING -- Change of Business Name</u>	Approved Lurie - unanimous (Commissioner Woofter abstained)	Same as above
1. From: Centerfold Casino To: THE JOLLY TROLLEY CASINO 2440 Las Vegas Blvd South Tavern G.S.Y., Inc. - Paul Bendetti, Pres 33% James A. Bilbray, VP/Dir 34% Peter de Lamos, Treas 33%		

ITEM

Commission Action

Department Action

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

F. LIQUOR -- Change of Ownership

1. *COLONY CLUB
 2360 North Highland
 Tavern

 From:
 James Holman, 100% (deceased)

 To:
 W & M Investment Corp.
 Jean C. MacDonald, sole officer
 and stockholder

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

Approved
 subject to
 conditions
 Lurie

Director
 authorized
 to proceed

G. LIQUOR & RETAIL TOBACCO -- Change
 of Ownership

1. *TOOTS COCKTAIL LOUNGE
 417 Las Vegas Blvd South
 Tavern

 From:
 Richard/Alyse Bernstein

 To:
 John/Charlotte Wagner

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

Tabled at
 request of
 Applicant

H. LIQUOR & RETAIL TOBACCO -- Change
 of Business Name, Change of Location,
 Change From Sole Ownership to a
 Corporation

1. From:
 Big 8 Market
 2029 North "H" Street

 Herman Thrower, 100%

 To:
 *NEW BIG 8 MARKET
 1329 Carey Avenue
 Beverage Off-Sale

 New Big 8 Market, Inc. -
 Herman Thrower, 100%
 Charlene Thrower
 Sherman Thrower

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

Approved
 subject to
 conditions
 Lurie

Same as above

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ITEM

Commission Action

Department Action

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

I. RETAIL TOBACCO -- Change of Business Name and Change of Location

1. From:
 The Head Custom Graphics
 3985 West Charleston Blvd

To:
 *SMOKER'S HAVEN
 3202 West Charleston Blvd

Sidney Lederman

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

Approved subject to conditions Lurie - unanimous

Director authorized to proceed

J. RETAIL TOBACCO VENDOR -- Change in Corporate Structure

1. W. W. VENDING CO.
 818 South Main Street

Automatic Vending Enterprises, Inc.

From:
 Lawrence Vecker, Pres
 Clyde Crutchfield, V.P.
 Leonard Weiss, Secy
 Aaron Perel, Treas
 E. John Wentland, Director

To:
 Clyde Crutchfield, Pres
 Lawrence Vecker, V.P.
 Tom L. Raines, Secy

Approved Lurie - unanimous

Same as above

K. LIQUOR -- Requests for Extensions of Inactive Status

1. BRUCE'S LIQUORS
 2027 North Revere
 Package Liquor/Beer Bar

Bruce's Liquors, Inc.
 Allan Kelly, Pres
 Charlotte Kelly, Secy-Treas

(Closed 11-2-76. Request for 60-day extension of inactive status for: 1-1-77 thru 3-1-77.)

Approved extension to 1/5/77 Lurie - unanimous

1/5/77 Agenda

ITEM Commission Action Department Action

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

K. LIQUOR -- Requests for Extensions
of Inactive Status (cont'd)

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

David Silverman

(Closed 1-12-76. Extension for
 3-5-76 thru 5-3-76 appr'd 2-18-76
 extension for 5-4-76 thru 7-2-76
 appr'd 4-21-76; extension for
 7-3-76 thru 8-31-76 appr'd
 6-16-76; extension for 9-1-76
 thru 10-30-76 appr'd 8-18-76;
 extension for 10-31-76 thru
 12-29-76 appr'd 10-20-76. Request
 for extension of inactive status
 for: 12-30-76 thru 1-12-77.
MUST BE OPEN BY MIDNIGHT,
JANUARY 12th, 1977.)

3. FIESTA CANTINA
 7000-7050 West Charleston Blvd
 General Liquor

Firehouse Four, a partnership
 Donald Gilday, 25%
 Michael Stober, 25%
 Melvin Wolzinger, 25%
 Earl Wilson, 25%

(Change business name/location
 approved 8-18-76. Extension
 for 10-17-76 thru 12-15-76
 appr'd 10-6-76. Request for
 60-day extension of inactive
 status for: 12-16-76 thru
 2-13-77.)

Items 2 and 3
 Approved
 as requested
 Lurie - unanimous

Director
 authorized
 to proceed

L. FIRE ARMS PERMIT -- Change of
Location

1. DAV GUN SHOP
 From: 1201 Stewart
 To: 1238 Western

David Arndt, 100%

Approved
 Lurie - unanimous

Same as above

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

M. LIQUOR, GAMING & RETAIL TOBACCO -
Additional Corporate Officers

1. *THE CASINO
 2550 South Rancho Drive
 General Liquor
- Mini-Price Motor Inn Casino,
 Inc.
- From:
 Carl Thomas, 100% - sole
 officer/stockholder
- To:
 Carl Thomas, Pres/Treas Dir 70%
 Daniel Snyder, VP/Dir 5%
 Jerome F. Snyder, Secy/Dir 25%

Approved
 subject to
 conditions
 Lurie - unanimous

Director
 authorized
 to proceed

*Subject to the provisions of the
 Planning, Building and Fire codes
 and Health Department regulations;
 and, subject to final police
 investigation and State Gaming
 Commission approval

ABEYANCE ITEM -- Tabled 12-1-76

N. LIQUOR -- New

1. RALPH'S PIZZA
 4601 West Sahara Avenue
 Restaurant Beverage
- Ralph Gallegos, 100%

Approved
 W - unanimous

Same as above

O. APPEAL

Letter from Attorney Melvin D. Close,
 Jr., requesting an appeal to the
 Board of City Commissioners in re
 the Dept. of Business Activity's
 refusal to renew Wedding Chapel
 Business License on

As a prerequisite to renewal of
 License, Chapel to remove signs in
 violation of existing Ordinance
 until such time as said Ordinance
 may be declared unconstitutional

CHAPEL OF THE BELLS, a Nev. Corp.

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- Rick Truesdell, Pres
 Trish Truesdell, V.P.
 Terry Truesdell, V.P.
 Sandra Jones, V.P.
 Jeffrey DeLuca, V.P.
 John W. Jones, Secy
 Jane Truesdell, Treas

ITEM	Commission Action	Department Action
<p><u>I-g DEPARTMENT OF BUSINESS ACTIVITIES</u></p>		
<p><u>ADDITIONAL ITEMS (WALK-ON):</u></p>		
<p>1. <u>SPECIAL EVENT LIQUOR LICENSE</u> THE MEADOWAIRES Location: 2900 S. Valley View (Club House) Dates: Dec. 18 and 31, 1976 Responsible Licensee: Elwood Louis Machado</p>	<p>Approved Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>2. <u>MEMBERSHIP CLUB LICENSE APPLICATION</u> CHARLESTON HEIGHTS BOWL 740 S. Decatur Blvd. Ernest A. Becker</p>	<p>Approved Lurie - unanimous</p>	<p>Same as above</p>

JOLLY TROLLEY CASINO
(continued)

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

Commissioner Woofter abstained.

LIQUOR

LIQUOR - REQUESTS FOR EXTENSIONS OF INACTIVE STATUS

BRUCE'S LIQUORS
2027 North Revere
PACKAGE LIQUOR/BEER BAR

BRUCE'S LIQUORS, INC.
Allan Kelly, Pres.
Charlotte Kelly, Secy-Treas

(Closed 11/2/76. Request for 60-day extension of
inactive status - 1/1/77 thru 3/1/77)

Commissioner Woofter: I want to comment on this
item. I know that it is a request for an extension
from January 1st to March 1st and I was going to make
a motion to hold this. What effect would that have,
Mr. Lovell, because I know we won't be able to act
on it again until after the first of the year, which
would be January 5th.

(Mr. Lovell's answer "off-mike")

M o t i o n

Commissioner Woofter: I will make this motion, Mr.
Mayor, that we hold it until January 5th with the
extension of inactive status to remain until
January 5th. I'd like to meet with the Commission
and the Mayor with regards to this item.

Mr. Lovell: The extension would be granted to
January 5, 1977.

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

Mr. Adams: We have two additional items:

SPECIAL EVENT
LIQUOR LICENSE
Approved

THE MEADOWAIRES
2900 S. Valley View (Club House)

Dates: Dec. 18 and 31, 1976

Responsible Licensee: Elwood Louis Machado

and

CLUB LICENSE
Approved

MEMBERSHIP CLUB LICENSE APPLICATION

CHARLESTON HEIGHTS BOWL
740 S. Decatur Blvd.

Ernest A. Becker

M o t i o n

Commissioner Lurie: I move for approval of both
items and I have a comment to make after we vote.

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

Commissioner Lurie: The Special Event License for
the Meadowaires has me concerned and I sent a letter
to the City Attorney requesting an opinion. It seems
like the residents of the Mobile Home Park who
utilize the Recreation Area as part of their living
quarters, to hold parties - my question is: Can the
fee be waived as far as them having a Special Event

SPECIAL EVENT
LICENSE
(continued)

License just to have an Association party.

Mr. Lovell: There was a conference with the Manager - are you aware of the conversation that Mrs. Britt had with them - were you present?

Mr. Crow: I am aware of the conversation but there was nothing said with reference to the fees -

Commissioner Lurie: Was there a fee charged for this License?

Mr. Crow: Yes - a Special Events License -

Commissioner Lurie: Even when the Association and the people who live in the Mobile Home Park pay for the use of the Recreation area and they want to have a social party - the members of the Association have to have a Special Event License?

Mr. Crow: Members of the Association and the public -

Question: It is open to the public?

Mr. Crow: Open to friends - the Ordinance is quite specific. It costs \$25.00 per event.

Mayor Briare: I would venture to say there are probably a great many Christmas parties that are going on in this season that come under the same sort of a situation and there certainly shouldn't be any intent on charging a fee for their Christmas parties.

Maybe that Ordinance should be looked at a little bit in the spirit of what these people are really trying to do. They are trying to be law-abiding people and they come down and have to pay \$25.00. Most people wouldn't even bother asking and there would be no trouble.

Commissioner Lurie would like you to look into this, Mr. Crow, and perhaps get back with him on some suggestions on how we could resolve this.

We have some Public Hearings that we are going to get to in a few minutes, but first I am going to declare about a 5-minute recess.

Recess declared at approximately 10:20 A.M.

Meeting reconvened at approximately 10:30 A.M. with the full Board and Staff in attendance.

Mayor Briare: The items we must take up at this time is a statement of Findings of Fact and Conclusions of Law in a decision on the matters of DOUBLES, LTD. DBA SWINGING ESCORTS, SUZY WONG'S ESCORT SERVICE, PLEASURE SEEKERS ESCORT SERVICE and THE FORUM.

Public Hearings were held on these matters and because of the absence in each of these cases - having been out of the Country - it is going to be necessary that I abstain on this particular vote, but it is only due to the fact that I was not in attendance during the Hearings and therefore cannot render a decision, yes or no. That is the explanation for my abstention on all of these items.

At the proper time, Commissioner Christensen will make the same sort of statement on the particular item that concerns him.

DECISION -SHOW
CAUSE HEARINGS
(continued)

COLONIAL
ENTERPRISES, INC.
dba THE FORUM

Commissioner Lurie: In the matter of Colonial Enterprises, Inc. dba THE FORUM, after the Hearings, the Commissioners had drawn up, after listening to testimony, the Findings of Fact and Conclusions of Law. The decision is - and I have to read all of this for the record - so you will just have to bear with me. The Commission spends a great deal of time on trying to regulate adult oriented businesses, so I will read these for the record:

See Pages 43 thru 50 of these Minutes
(Findings of Fact & Conclusions of Law
and Decision)

M o t i o n

Commissioner Leavitt: Mr. Mayor and Commissioners, I would like to move for the adoption of the Findings of Fact, Conclusions of Law and the Judgment Order.

Mayor Briare: Any comments on the motion?

(No response)

Commissioner Christensen: Your Honor, I would like to double check with the Clerk - I believe this was concluded on the evening of Tuesday, a week ago - was it not?

Clerk: That is correct, Commissioner Christensen.

Commissioner Christensen: OK - on that evening I was in Salt Lake City on business - I was not here - even though I heard the first half of the testimony I did miss the second half so I will have to abstain on this matter.

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

Commissioner Christensen and Mayor Briare
abstained.

ANTHONY L.
WASHINGTON dba
PLEASURE
SEEKERS ESCORTS

Commissioner Lurie: The next items heard by the the Commission were Anthony L. Washington dba Pleasure Seekers Escorts; Betty Jane Langa dba Suzy Wong's Escort Service and the case of Doubles Ltd., Bonnie Sue Washington, President, dba Swinging Escorts.

These matters were heard by the City Commission and the following Findings of Fact, Conclusions of Law and Decision.

See Pages 43 thru 50 of these Minutes

M o t i o n

Commissioner Leavitt: I would move at this time, Mr. Mayor, to adopt the Findings of Fact, Conclusions of Law and the Order of Judgment.

Mayor Briare: Are there any comments?

Commissioner Woofter: I would like for the record to note that even though I heard the first part of these Public Hearings, during the second part I was in Court when they were being conducted. Therefore, I will have to abstain.

Mayor Briare: And the same applies to me. Any further comments?

(No response)

Motion carried by the following vote:
Commissioners Christensen, Leavitt and

THE BOARD OF CITY COMMISSIONERS FOR THE
CITY OF LAS VEGAS, NEVADA

In the matter of)
)
COLONIAL ENTERPRISES, INC.,)
dba THE FORUM)
)
)
)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND DECISION

This matter came for hearing before the City of Las Vegas Board of City Commissioners, sitting in special session on the 22nd day of November, 1976, and on the 7th day of December, 1976, pursuant to a complaint and order to show cause heretofore served on the Licensee, Colonial Enterprises, Inc. dba The Forum and the Licensee being present by and through its attorney, Jeffrey Shaner, and Richard A. Koch of the City of Las Vegas City Attorney's Office being present, to present evidence in support of said complaint and Order to Show Cause and said Board having heard the testimony of the witnesses, examined the exhibits, and heard the arguments of counsel, makes the following findings of fact.

1. That Colonial Enterprises, Inc., dba The Forum, a Nevada corporation, is operating a business under license of the City of Las Vegas at 2124 East Charleston Boulevard, Las Vegas, Nevada.

2. That during the months of August and September, 1976, said licensee did maintain certain signs on the exterior of its premises, which signs declared the following:

"It's legal in Nevada"
"Girls eager to please"
"This is the real thing"
"'Come' in"

3. That said licensee further did maintain on the interior of its premises numerous photographs of males and females in various stages of undress and sexual activity.

4. That said signs and photographs were intended to be and were, in fact, deceptive and misleading in that they did lead and intend to lead prospective customers of said licensee and the general public to believe that said licensee was in the business of selling and offering to the general public sexual favors and prostitution.

From the foregoing findings of fact, the Commission concludes that said licensee did commit fraud and misrepresentation in the conduct of its business, which is in violation of Title V,

Chapter 1, Section 18 of the City Code of Las Vegas. Said conduct constitutes grounds for revocation of the business license.

Based on the foregoing, it is hereby ordered that the business license of said Colonial Enterprises, Inc. dba The Forum, is hereby revoked and the proper notice be served upon said licensee.

Dated this 15 day of December, 1976.

BOARD OF CITY COMMISSIONERS
Las Vegas, Nevada

William H. Briare, Mayor

Paul J. Christensen

Myron E. Leavitt

Ron Lurie

ATTEST:

Edwina M. Cole, City Clerk

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THE BOARD OF CITY COMMISSIONERS FOR THE
CITY OF LAS VEGAS, NEVADA

In the matter of)
)
 ANTHONY L. WASHINGTON dba)
 PLEASURER SEEKERS ESCORTS)
)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND DECISION

This matter came for hearing before the City of Las Vegas Board of City Commissioners, sitting in special session on the 17th day of November, 1976, and on the 2nd day of December, 1976, pursuant to a complaint and order to show cause heretofore served on the Licensee, Anthony L. Washington dba Pleasure Seekers Escorts and the Licensee being present by and through its attorney, Alan B. Andrews, and Richard A. Koch of the City of Las Vegas City Attorney's Office being present, to present evidence in support of said complaint and Order to Show Cause and said Board having heard the testimony of the witnesses, examined the exhibits, and heard the arguments of counsel, makes the following findings of fact.

1. That Anthony L. Washington dba Pleasure Seekers Escorts is presently licensed to operate a business by the City of Las Vegas at 2401 Industrial Road, Las Vegas, Nevada.

2. That during the months of May and June, 1976, said licensee did commit the following acts:

- (a) Employed non-licensed escorts.
- (b) Employed non-licensed escort bureau runners.
- (c) Failed to make available to the City of Las Vegas, after written request therefore, employment records.
- (d) Failed to apply for a change of business location prior to such change actually occurring to-wit: operating its business at 2450 Industrial Road, Las Vegas, Nevada.

From the foregoing findings of fact, the Commission concludes that said licensee did commit acts which are grounds for revocation of its business license, City Code, Title V, Chapter 23, Section 28.

Based on the foregoing, it is hereby ordered that the business license of said Anthony L. Washington dba Pleasure Seekers Escorts is hereby revoked and the proper notice be served upon

said licensee.

Dated this ____ day of December, 1976.

BOARD OF CITY COMMISSIONERS
Las Vegas, Nevada

William H. Briare, Mayor

Paul J. Christensen

Myron E. Leavitt

Ron Lurie

ATTEST:

Edwina M. Cole, City Clerk

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THE BOARD OF CITY COMMISSIONERS FOR THE
CITY OF LAS VEGAS, NEVADA

In the matter of)
)
BETTY JANE LANGA, dba)
SUZY WONG'S ESCORT SERVICE)
)
)
)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND DECISION

This matter came for hearing before the City of Las Vegas Board of City Commissioners, sitting in special session on the 17th day of November, 1976, and on the 2nd day of December, 1976, pursuant to a complaint and order to show cause heretofore served on the Licensee, Betty Jane Langa, dba Suzy Wong's Escort Service and the Licensee being present by and through its attorney, Alan B. Andrews, and Richard A. Koch of the City of Las Vegas City Attorney's Office being present, to present evidence in support of said complaint and Order to Show Cause and said Board having heard the testimony of the witnesses, examined the exhibits, and heard the arguments of counsel, makes the following findings of fact.

1. That Betty Jane Langa, dba Suzy Wong's Escort Service is presently licensed to operate a business by the City of Las Vegas at 2450 Industrial Road, Las Vegas, Nevada.

2. That during the months of May and June, 1976, said licensee did commit the following acts:

- (a) Employed non-licensed escorts.
- (b) Employed non-licensed escort bureau runners.
- (c) Failed to make available to the City of Las Vegas, after written request therefore, employment records.
- (d) Allowed to operate another escort bureau from the same physical location for which the escort bureau license was issued, to-wit: Pleasure Seekers Escorts.

From the foregoing findings of fact, the Commission concludes that said licensee did commit acts which are grounds for revocation of its business license, City Code, Title V, Chapter 23, Section 28.

Based on the foregoing, it is hereby ordered that the business license of said Betty Jane Langa, dba Suzy Wong's Escort Service

is hereby revoked and the proper notice be served upon said licensee.

Dated this _____ day of December, 1976.

BOARD OF CITY COMMISSIONERS
Las Vegas, Nevada

William H. Briare, Mayor

Paul J. Christensen

Myron E. Leavitt

Ron Lurie

ATTEST:

Edwina M. Cole, City Clerk

THE BOARD OF CITY COMMISSIONERS FOR THE
CITY OF LAS VEGAS, NEVADA

In the matter of)

DOUBLES LTD., BONNIE SUE WASHINGTON,)
President dba Swinging Escorts)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND DECISION

This matter came for hearing before the City of Las Vegas Board of City Commissioners, sitting in special session on the 17th day of November, 1976, and on the 2nd day of December, 1976, pursuant to a complaint and order to show cause heretofore served on the Licensee, Doubles Ltd., Bonnie Sue Washington, President dba Swinging Escorts and the Licensee being present by and through its attorney, Alan B. Andrews, and Richard A. Koch of the City of Las Vegas City Attorney's Office being present, to present evidence in support of said complaint and Order to Show Cause and said Board having heard the testimony of the witnesses, examined the exhibits, and heard the arguments of counsel, makes the following findings of fact.

1. That Doubles Ltd., Bonnie Sue Washington, President dba Swinging Escorts is presently licensed to operate a business by the City of Las Vegas at 2303 Las Vegas Blvd. South, Las Vegas, Nevada.

2. That during the months of May and June, 1976, said licensee did commit the following acts:

- (a) Employed non-licensed escorts.
- (b) Employed non-licensed escort bureau runners.
- (c) Failed to make available to the City of Las Vegas, after written request therefore, employment records.
- (d) Allowed to operate another escort bureau from the same physical location for which the escort bureau license was issued, to-wit: Femmes De Nuit.

From the foregoing findings of fact, the Commission concludes that said licensee did commit acts which are grounds for revocation of its business license, City Code, Title V, Chapter 23, Section 28.

Based on the foregoing, it is hereby ordered that the business license of said Doubles Ltd., Bonnie Sue Washington, President

dba Swinging Escorts is hereby revoked and the proper notice
be served upon said licensee.

Dated this _____ day of December, 1976.

BOARD OF CITY COMMISSIONERS
Las Vegas, Nevada

William H. Briare, Mayor

Paul J. Christensen

Myron E. Leavitt

Ron Lurie

ATTEST:

Edwina M. Cole, City Clerk

PUBLIC HEARINGS

V-84-76

Appeal denied

APPEAL FILED BY JOSEPH AND PAMELA MACCIAVERNA
to action of the Board of Zoning Adjustment in DENYING their application for a VARIANCE to allow a Commercial Child Care Center (Pre-school) on property located at 1001 Bedford Road, on the east side of Bedford Road approximately 300 ft. north of West Charleston Blvd., in Zoning District R-1.

Mayor Briare: The first Public Hearing on our agenda today is an appeal by Joseph and Pamela Macchiaverna. Mr. Lovell, do you have any comment on this item? I know the Commissioners are aware of why it has been held over.

Mr. Lovell: Yes, Mr. Mayor, as a result of the meeting last week we met with the Department of Community Development to try to find out what had actually happened. We finally did, and yesterday a Legal Opinion was directed to Mr. Saylor regarding the situation.

Apparently there was a Rezoning Ordinance, which was in error at the time - approximately ten years ago so the property that is in issue here was not before the Planning Commission or the City Commission, or anyone whose attendance at the meeting when the decision was made concerning that particular piece of property.

Also it was found that it was not the recommendation of the then Planning Department that this particular piece of property be zoned C-1, nor was there any suggestion that it was brought to the attention of Staff at the request of the property owner. Further it was found that subject property was not considered in the Map at that time presented to the Planning Commission or the Board of City Commissioners when additional properties involved in that particular Ordinance were rezoned. Consequently, apparently the description, which included the south 445 ft. was simply included in the Ordinance in error, as the minutes of the City Commission meetings at that time do not reflect this was ever considered.

Consequently, it was the opinion of our office that the legal description of rezoning the south 445 ft. of subject property contained in there, as such, does not rezone the property.

Attorney Paul R. Sorenson: I am the Attorney for the Macchiavernas. Mayor and Commissioners, I just received a copy of the Legal Opinion from Mr. Lovell about ten minutes ago. I requested a copy of that Opinion the first of last week, approximately. I understood this Opinion was in existence for some time prior to that.

I think the principal thing the Opinion overlooks is the basic presumptions that a land owner is entitled to. The Macchiavernas just purchased this property, prior to the time they made their first application to this Commission to put in a Child Care Center. At that time they were aware of the fact it was zoned C-1 and relied upon it. They were told by the Licensing people they could not put a Child Care Center there due to something they didn't understand, and they applied for a Variance. I think they relied upon it and I think they are entitled to rely on it as a matter of Law

and are damaged now if the Commissioners are going to take the position to change an Ordinance which has been in effect since May of 1966. They are going to substantially damage my clients by inversely taking their property and subject the City Commission to a law suit for that zone change as it will substantially reduce the value of that property.

I don't feel we have to face that problem now, however. I have submitted to the Commission, the last time, a list of people who are in favor of the Child Care Center - some 90-odd people - vs. some 20 people who are opposed. As we all know, there is no such thing as everybody being in favor of a zone change.

If this Commission, in all good conscience, looks at this piece of property, it will see that there is nothing that can be done with the property except put in a Child Care Center. It is a lovely piece of property. If it is kept in its present condition, it would be a credit to any neighborhood. The Macciavernas have pledged themselves to doing that. It would be silly for us to do anything but approve it - a Variance or Zone Change - at this time so we can correct any prior error that has been made on the record.

Commissioner Lurie: I have a question: You just made a statement that your client purchased the property knowing that the property was zoned C-1?

Mr. Sorenson: They were aware that the back of the property was C-1.

Commissioner Lurie: That items has never come up since I've been on this Board, and I think I have sat through this twice now - that that property had ever been rezoned - that it has ever been anything but R-1. I researched the minutes of all the meetings before coming here this morning to hear additional testimony. I don't think that's a true statement. I don't think your clients purchased that property with the idea that the property was C-1. They bought it as R-1 property.

Mr. Sorenson: Commissioner Lurie, I only wish to point out the fact that I did not represent my clients at the last Hearing. Another Counselor did. He did not see fit to bring that forward. This is a matter of public record - Ordinance No. 934-90, as a matter of fact.

Commissioner Lurie: It was an important matter if it concerned the back portion of what they wanted zoned to put a Child Care Center facility in, and if it was zoned C-1, they would never have had to come before this Board - as was mentioned at the last meeting..

Mr. Sorenson: I appreciate that - I believe what was brought forward - I believe that my clients brought this out to the Board of Zoning Adjustment in their discussions with them, and were told that they had to have, because of the nature of the property being attached to, basically, a Bedford address and not a Charleston address - they were required to have the Variance or Zone Change so they could put a Child Care Center in.

Commissioner Lurie: At no time did the C-1 ever come up in the application as to the entire piece of property - the frontage on Bedford as well as the back portion.

Mr. Sorenson: I appreciate the fact that you may not have been aware of it prior to the time the matter came before the Commission, but the fact is - you are being made aware of it now.

Commissioner Christensen: Does the application ask for C-1 Zoning on that area?

Mr. Saylor: This is a Variance application.

Commissioner Christensen: I'm talking about the previous one - when they asked for rezoning.

Mr. Sorenson: The prior applications are not before the Commission . . .

Commissioner Christensen: I realize that, but we are allowed to use some of that information, are we not?

Mr. Sorenson: I don't believe it is germane, Commissioner. All we have before us right now is a very simple position. Our clients - my clients have purchased a piece of property that was, in fact, according to records in Clark County and the City of Las Vegas, zoned Commercial - C-1. They are merely asking you to direct your appropriate . . .

Commissioner Christensen: No, you are confused. What we have before us is an Appeal from the BZA action, which is not like a Court of Law in that we don't have to suppress certain evidence. We can seek out all the facts that are available for us to base our decision on. That's why I am asking the question - which I think is a perfectly legitimate question - I've sat through this Hearing twice myself, and it sticks in my mind the last time we had this application on this same piece of property for the same use, there was a Zone Change request. Now, did the Zone Change request assume it was Commercial or did they ask for Commercial, which would indicate that the owners didn't think it was Commercial at that time?

Mr. Saylor: The previous request, Commissioner - again - was for a Variance to have a Commercial Child Nursery in a Residential Zone.

Commissioner Christensen: Then they assumed it was a Residential Zone at that time -

Commissioner Lurie: And that is what is before us right now. The Board of Zoning Adjustment denied it based on a Commercial Child Care Center on property located at 1001 Bedford Road, on the east side of Bedford Road, because it is in a district zoned R-1. If there was any information brought up before the BZA that it was Commercial, then they wouldn't have had to act on it insofar as the Commercial goes. They would act on it insofar as a Child Care facility on property already zoned C-1.

Mr. Sorenson: Mrs. Macciaverna, I believe, was present and she can explain to you how it was brought to the attention of the City of Las officials that it was, in fact, C-1.

Commissioner Lurie: I have the minutes of the last BZA meeting, and there is not anything in there that

relates to C-1 Zoning.

Mrs. Macchiaverna: How about the meeting - the very first one where it was discussed. It was not discussed at the last two BZA meetings but it was the very first time I went. When I first called I believe the confusion was because I gave the address of 1001 Bedford. When I was going to apply for a License, they said I had to check with Zoning. When I checked with Zoning they said I would have to get a Variance because of the mailing address.

However, when I went before the Board of Zoning Adjustment, it was clearly marked on the map that it was C-1. It was clearly identified as C-1 property in the Notice that was sent out to all the people. It was clearly marked on the agenda as C-1 property. I appeared before the Board at that time - I questioned them at least three times as to why I even needed to appear since I really only wanted to put the Nursery on the rear part.

They said the map was wrong - they said they had sent everything out in error, but I really didn't believe that. I thought it was C-1 Zoning and I ask you to examine the minutes of the first Board of Zoning Adjustment meeting and you will see that I did question them on that item - why I needed to appear if I only wanted a permit to have a Child Nursery on the rear portion of the property, and it was already zoned C-1. They wishy-washed around it and said it was some kind of an error.

Mayor Briare: Mr. Sorenson, in order to try to get the matter that is properly before us in perspective you, of course, two weeks ago brought to the attention of this Board for the first time, an Ordinance that would give the indication that this matter shouldn't even be before us.

Our City Attorney now has just ruled that it is properly before us on the original Appeal, for reasons that he has stated. If the Commission is in agreement with the Opinion that Mr. Lovell - I don't think that's the way to say it - I don't think it's a matter of whether we agree or not - this is to be considered now as an Appeal, you are going to contend, Mr. Sorenson, that there is only one thing for us to do, and that is to direct the City departments to do what they are supposed to do. The impression I get from Mr. Lovell is that the matter before us is properly before us, to consider a Child Care Center on that property. I'm sure there are going to be arguments offered on both sides at some later time in some other jurisdiction than the City Commission . . .

Mr. Sorenson: Your Honor, I believe the real danger here is creating a presumption where we have an Ordinance on the books - for some ten or eleven years - since May 18, 1966. We are not going to create a presumption that we can come back with a presumption that he was not present at - I know none of you were present at. Here is a document that affects real property. If a buyer - if my clients were to rely upon it we are going to create havoc in the Real Estate market - if you have to face the problem in a Court of Law you will have to overcome substantial presumption . . . I am certain that I would find, when I review the Real Property Law, that you are virtually in an impossible situation. My clients do not want to put you in an impossible situation - they just want to get to work and do what they want to do.

As the Commission will recall, this application was before the BZA twice. And they approved it twice.

We have 90 people in favor; 20 against. We are not talking about something that is going to affect the property badly. It is going to help the area. This is a beautiful piece of property - not approving it is going to hurt the property.

Commissioner Christensen: I would like to ask a question of Mr. Saylor. You will have to bear with me because I wasn't present at the last meeting when this started. The back half of this property - assuming it is Commercial - and that's what the rhubarb is about - what was the access to this back half? Do they have to go through the residential zoning - is that a proper ingress and egress to Commercial property - through residential zoning like that where it isn't a public street, etc.? Do you see what I'm driving at, Mr. Saylor?

Mr. Saylor: Yes. When Mr. Hyde originally purchased this rear portion, it was in connection with, I believe, two lots he had on Bedford and it was to be combined with those to provide a playground area for the kids there. There was no other access to the property that I was aware of then, and at this point in time there is no other access to the property. Our Ordinance does prohibit access to Commercial property across Residential property. So even if the contention is that it is Commercial, it would not allow access.

Commissioner Christensen: Even if it is upheld, there is no way to get to it without going over residential property.

Mr. Sorenson: There are two points of access to the property - into the Commercially zoned part of it. There is access off of Charleston - there is parking that comes in off of Charleston - this was discussed before the Commission before.

Commissioner Christensen: There is access off of Charleston?

Mr. Sorenson: That is correct.

Commissioner Christensen: What is the name of the street?

Commissioner Lurie: It's an alley. Permission has to be granted by the Water District in order to get back there, and all you have on that basis is a verbal committment - nothing in writing.

Commissioner Christensen: This would have to be reviewed by the City Traffic Engineer. If it creates a traffic hazard, we're not going to open the street on to Charleston right there.

Mr. Saylor: There is no dedicated access -

Commissioner Christensen: I'd like to ask you kind of a touchy question: Do you know an Attorney named Martin Becker?

Mr. Sorenson: He is in my office, Mr. Commissioner.

Commissioner Christensen: We are under suit filed by a Mr. Chadburn, represented by Martin Becker, to stop us from allowing a Child Care Center at Charleston & Rancho Drive, and his contention is the traffic problem.

Mr. Sorenson: Mr. Commissioner, I don't believe that has any bearing upon this particular proceeding.

Commissioner Christensen: Well, I'm named in that suit as having a conflict of interest, and I think there's a conflict of interest right here. You are asking us to open up an access on Charleston and create a traffic hazard, and your law partner is suing us to prevent from creating a traffic hazard a half a mile down the street. I'm having a hard time understanding that.

Mr. Sorenson: Commissioner, do you wish me to respond to you, or not? First of all, the first question - did you have a conflict of interest in the first case?

Commissioner Christensen: No.

Mr. Sorenson: You did not?

Commissioner Christensen: I did not.

Mr. Sorenson: The second question - in that particular case, if you then voted legitimately to have access to a Child Care Center on the corner of Rancho and Charleston, this area is much less congested than the one at Rancho and Charleston. I think you would have to acknowledge that.

Commissioner Christensen: The point I am making is that the biggest contention was that it was too much of a traffic hazard. If you open a street on to Charleston that close to Hinson, you create a worse traffic situation than you have at Rancho . . . and I kind of suspect here that perhaps we're trying to keep one Child Care Center from opening so that the other one will survive.

Mr. Sorenson: Mr. Commissioner, I don't think your comments are even worthwhile to comment upon. As we probably have a conflict, I would request that you dismiss yourself from these proceedings, and I don't care to go into those particular matters. I have represented the Macchiavernas for over ten years.

Commissioner Christensen: Because you say I have a conflict, you want me to dismiss myself from these proceedings?

Mr. Sorenson: I would certainly request it.

Commissioner Christensen: On what grounds?

Mr. Sorenson: Conflict of interest.

Commissioner Christensen: What is the conflict of interest?

Mr. Sorenson: You have just suggested it to me. You have suggested to me that I am here suggesting to you that you should vote for the Macchiavernas in opposition to someone else.

Commissioner Christensen: No - I'm just asking how you can justify one being a traffic hazard at one end of the block and one not being a traffic hazard at the other end of the street.

Mayor Briare: It may very well be, gentlemen, that there is not going to be a determination made here as to what constitutes a traffic hazard in either direction. That would certainly be a matter of judgment based upon some Traffic Engineering surveys and other matters. I think if you will allow it, Commissioner, I think your point has been made and we can go ahead and try to determine whether this is

properly before us, or not. I would like to ask the Commission if they would be prepared now to make a decision as to whether this Appeal is properly before us. If it is, then we can proceed accordingly.

Commissioner Leavitt: Mr. Mayor, I would like to ask the City Attorney a question: He is our Legal Advisor. Is this matter properly before us?

Mr. Lovell: I think it is. Yes.

M o t i o n

Commissioner Leavitt: I move that we go ahead and hear the Appeal.

Mayor Briare: The motion is that the matter has been declared to be properly before this Board. Are there any further comments?

(No response)

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

Mayor Briare: Would you then, Mr. Sorenson, wish to make any comments, or statements, relative to the denial of this Variance that is now before us on Appeal?

Mr. Sorenson: Other than the matters I have heretofore suggested to the Commission -

Mayor Briare: Which we will note now, in this phase of the discussion.

Mr. Sorenson: That the Opinion of Carl Lovell, City Attorney, does not take into account all of the judicial presumption notices required concerning real property; overlooks the fact that the land owners are entitled to presumption as a matter of law; that a Zone Change has been granted, and

Commissioner Leavitt: Could I interrupt you a minute? I know you've started your argument on legal grounds, which is fine, but I think we are obligated to accept the City Attorney's Opinion in this case. Mr. Lovell is our Legal Advisor and our City Attorney. As the Mayor indicated, there may be another jurisdiction somewhere, someplace, sometime, where this matter may be argued again and we do not have jurisdiction.

At the present time I think we are bound by our duly elected and qualified City Attorney's Opinion and therefore I think any arguments about his Opinion not being good, or not being valid, are not of any benefit to us at this time. I think at this time what we are to consider - as I understood the motion was - at this point now, we are going to consider whether or not we should allow a Child Care Center on this property.

Mr. Sorenson: I will keep my attention solely to that. Without further commenting upon the prior objections, I would point out to this Commission that we have submitted the names of people who live in the area and who have approved the Variance that has been requested. I think if the Commission will look at the property you will see that it is suitable for only one purpose, without destroying it.

Mr. Hyde put, as nearly as I could determine, a quarter of a million dollars into building what was obviously intended to be a Child Care Center. If the Commissioners were to go out and look at it, they will see that it was intended for that.

With regard to the traffic problem on Charleston, and perhaps to justify Commissioner Christensen - and with all due respect to him - with no comments about this claim he has been talking at me - I don't believe that 100 children, or approximately that many, will create any traffic problem on Charleston. It would be like a drop on the ocean. That is the number of cars that will be going in and out, maybe two times a day.

I just don't see that the Commission has any alternative that this is a proper Zone Change - a proper Variance. It will be a benefit to the area and it will be a credit to this Commission to have granted the change.

Commissioner Leavitt: Counselor, when this matter came before us before, my understanding was that there was an agreement to have access from Hinson Street.

Mr. Sorenson: There is also an easement along Hinson. There are two easements . . .

Commissioner Leavitt: That's what I want to clarify. It was my understanding that you could have two accesses and one of these could be from Charleston and one from Hinson. That the one from Charleston was Water District property and it was verbal - nobody knew whether you could get it or not have it. The other one was by the Fire Station -

Mr. Saylor: There was a request - if I remember correctly - there was a request made to the City to allow access from the east end of the property across City property from Hinson, but that was not approved.

Commissioner Leavitt: It seemed to me that at one time, it was -

Mr. Saylor: That would have brought the access right between the Fire Station and the Park & Recreation facility there.

Commissioner Leavitt: But at the last hearing wasn't that access granted before it came before us? It was my understanding they had access coming in from Hinson Street.

Commissioner Christensen: It would have had to be granted by this Board, would it not?

Commissioner Lurie: We have never approved that -

Mr. Saylor: Not that I am aware of, Commissioner -

Commissioner Leavitt: Wasn't that the Plan (wall map) because I remember there were two ways of having access to the facility.

Mr. Saylor: My best recollection of the situation was there was no access granted by the City to Hinson. The only access they had under consideration was the possibility of going along the rear of the property to Charleston, which involved their getting access rights from the Water District and, as Commissioner Lurie stated, I don't know that it ever got beyond something verbal between them and the

Water District.

Commissioner Leavitt: Well, it may have been a proposal at the time then, at the time we had the hearing. I don't know, but there was a proposal . . .

Mr. Saylor: There was a proposal to go across City-owned property -

Commissioner Leavitt: That's what I thought - that if the Zone Change was to be granted, they were to use access from Hinson - between the Fire Station and the Park and, I think, that was a motion at one time, but it was defeated. That was my understanding that there is no basic right of easement at this point to provide access to the rear of the property.

Mr. Saylor: Insofar as I am aware of - no.

Mr. Sorenson: I would disagree, as a matter of law. If you will go out and look at the property you will see two obvious easements. One comes up from Hinson and one comes in from Charleston. The one from Charleston is obviously the most favorable one. There is parking provided off the Charleston easement. I can't tell you we have something in writing and can throw it at you, but I as a matter of law, it is there. I don't believe there is any problem with the Water Company. The immediate problem was to be prepared for this particular meeting so I did not get the easement documented for you.

Commissioner Leavitt: Well, my understanding was when we had the hearing on it before that that was only oral. The only way it could have been approved was for the City to give you the easement to City-owned property next to the Fire Station - between the Fire Station and the Park - so that you could have access that way. And that was shot down - it was voted down. So you have no access at this point from Hinson.

Mr. Sorenson: I believe there is, Commissioner. I believe there is an easement as a matter of law. There is a curb cut . . .

Commissioner Christensen: Explain this "matter of law" easement to me -

Commissioner Leavitt: Do you mean by necessity? Or use?

Mr. Sorenson: There has been a curb cut for the easement -

Commissioner Leavitt: That's on Charleston -

Mr. Sorenson: That's on Charleston -

Commissioner Leavitt: I'm talking about Hinson -

Mr. Sorenson: I believe there is also one on Hinson.

Commissioner Leavitt: Mr. Saylor just indicated to us that there wasn't.

Commissioner Christensen: Does a curb cut guarantee easement rights?

Commissioner Leavitt: No.

Commissioner Lurie: There is no curb there. We are familiar with that area, so don't try to read

something into this that is not there. First of all, that access from Charleston is for the Water District to get to their equipment - and that water tower that is there - and there is no parking unless you park in the alley - unless you are going to park behind the gates.

Mrs. Macchiaverna: The Water Company had a meeting and they said they would give us the easement.

Commissioner Lurie: The County Commissioners?

Mrs. Macchiaverna: No - the Water Company.

Commissioner Lurie: The County Commissioners are the Water District. They make the policy decisions and we have nothing before us here, in writing, that they have allowed you to have access over that property.

Commissioner Leavitt: The way I look at it, there is no way that you can come in off of Charleston, and that's why I'm wondering if there is any way - if there is an easement off of Hinson. Charleston is just too congested, right there next to the signal and everything -

Commissioner Christensen: If it is that close to the signal they won't allow it - you've got an island blocking that kind of traffic.

Mr. Sorenson: With all due respect, Commissioner Leavitt, I don't believe that the traffic created would be a drop in the bucket compared to what is there right now.

Commissioner Leavitt: This came up at the last hearing, and I remembered that was one of the key issues - as to whether or not you would have access from the rear or access from Charleston. That is what I want clarified. If I remember correctly, there was a motion that it be approved providing the access could be assured, and that was defeated. At least, it was understood that was the only way you could have access. In any event, Mr. Saylor, it is correct that they do not have any easement at this time from Hinson over City property, of any kind -

Mr. Saylor: There was a request made but not approved . . .

Mayor Briare: I realize that all of these points might be necessary in order to make a fair judgment on this. However, with respect to the zoning itself, if the zoning itself is approved, then the next problem would be to straighten out the accesses, etc. But, first of all, it has to be approved from a zoning standpoint and then, at a later time, your problems with the Water District over which this Board has no jurisdiction, would have to be resolved.

Mr. Sorenson: The street is paved behind the Fire Station -

Commissioner Lurie: It was paved to get to the Park and to the Jr. High School and then on around to the other street. It wasn't paved for access to the property on Bedford.

Mr. Sorenson: I don't believe we are here to determine whether it is an easement by matter of law - I believe it is.

Mayor Briare: If there is anyone in the audience who wishes to speak in opposition to this, would they now

come forward?

Please keep in mind there have been a number of points made at previous hearings, and some here, that the Commission is fully familiar with.

Mark Garrett, 801 Bedford: I live in the immediate vicinity of this area. I bought the house and moved in there upon completion in 1953. I have lived there without ever moving away and when I moved there, I moved there with the understanding that it would be a quiet neighborhood and there would be nothing built behind us. I live on the east side of Bedford, adjacent to Cragin Park. In about two years, a School was built; two years later, Cragin Park was built and there have been infringements on what we were promised by the people selling homes in the area when it was built.

It appears there are more askings for more things in the neighborhood and I don't believe we are ready for any commercial activity in the neighborhood. It is a close-built neighborhood and who is to tell the parents of these children where they can drop their children off, or pick them up?

I've heard the arguments about the pavement and the easements from Charleston. There is a cut for a drive-in right at the water tower, where the Water Company can go in and service their tower and equipment. There are no curbs and gutters on Hinson, so there is no drive-in off of Hinson. It is desert, and the paving that was stated is a parking lot behind the Fire Station. There is nothing going directly to this property and, as one of the original home owners, I don't understand how C-1 was given to this property in the middle of a neighborhood, which is locked out from any access to the property.

I believe Jim Shetakis owned this property at the time at the time this C-1 came about - he is in the business of potato chips, candy, etc., in the area and maybe he was permitted, without a hearing, to store his trucks and some equipment in the back. I do not know, but how this could come about without going along with City Ordinances of locking off a Commercial Zone from the residential area, where it is not accessible.

The question is - they say there will be no vehicles coming and dropping kids off in front. I don't believe you can stop the parents from it. A person wanting to enter and go into the alley are afraid of the type of some of the people we have lying around Cragin Park - on the dope and on the booze - these people being afraid of being mugged and robbed back there. I don't think you could force them to pick their children up behind in the alley in the darkness.

I believe the Commissioners here are for the good of all the people and not for the gluttonous good of one person. Our neighborhood is not ready for this type of thing and we do not want it. I speak for myself and the people I have talked to and related to me the same feeling.

Mayor Briare: Thank you very much Mr. Garrett. I'm sure you have probably expressed the feelings of most of those who are objecting.

Mayor Briare: Is there anyone else who wishes to speak?

Pat Robinson, 4207 Cory Place: I have three more letters of protest. We are an organized group and I would ask they stand up so that you can see how many there are in the neighborhood concerned enough to come here. We do all protest and I think you are aware of all of our reasons. Most of us have been in touch with you before.

Mr. Garrett: I do have one more word on this. There was something brought out on the petitions - the petitions that were signed. The people who are here and the letters you have are in the immediate neighborhood. They are not three or four houses from the street - they are not in areas far away, and the petition they have - I would be willing to challenge their positions. Some of the people I talked to in getting some of these letters, they were threatened with - - if they didn't sign the petition for them, they were going to bring in alcoholics to an Alcoholic Center and bring in people for the cure of dope. That was a threat to these older people in the neighborhood.

Mayor Briare: Is there anyone else who wishes to speak?

(No response)

Mayor Briare: Mr. Sorenson, do you wish to make any concluding remarks?

Mr. Sorenson: I don't believe so -

Mayor Briare: This Board is appreciative of the receipt of petitions and we use a lot of judgment, Mr. Garrett, when we review petitions. We recognize the substance, and the neighborhood, you are speaking of. Petitions are always very important and they are impressive, but not the sole reason for decisions made by this Board.

Are there any comments by the Commissioners?

It would appear, gentlemen, that we have one of three alternatives. I am going to try to state the questions that are before us now: If the pleasure of the Board is to allow this Nursery, the motion would be something to the effect - shall the Appeal be allowed and the Zoning request be granted? If the Board is opposed to the Nursery School, the question would be - shall the Appeal be denied and the Zone request be denied? Other motions, of course, would be in order relative to seeking more information, postponement or whatever.

Sometimes it is very difficult to state the question on this particular type of matter because sometimes a "yes" is a "no" vote, and a "no" is a "yes" vote, so I wanted to try to clarify this if I could. Am I stating the questions properly, gentlemen?

Commissioner Lurie: I think what is before us is whether or not we deny the Appeal on allowing Commercial in an R-1 Zone. That's what is before us.

Commissioner Christensen: I move for denial of the Appeal.

M o t i o n

Commissioner Leavitt: That would uphold the action of the BZA?

Commissioner Christensen: That's right - it would uphold the action of the Board of Zoning Adjustment in denying the use.

Mayor Briare: The Appeal would be denied and, consequently, the zoning would not be allowed. Are there any questions on the motion?

Commissioner Woofter: Mr. Mayor, let the record reflect that I am going to abstain on this motion, based on my previous vote, because my feeling is that no matter what action this Board takes, that ultimately the Court is going to decide whether or not this Appeal will stand or not stand.

Mayor Briare: Very well, Commission. A "yes" vote then, is for denial. A "no" vote would be against the denial. Please cast your votes.

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

Commissioner Woofter abstained.

S.I.D. No. 421
Approved

SPECIAL IMPROVEMENT DISTRICT No. 421 - DOWNTOWN
STREET LIGHTING

Mr. Hamton: This is the advertising Public Hearing on Special Improvement District No. 421 in accordance with the Nevada Revised Statutes and the desire of this Board.

The Project, as previously described and outlined in a memorandum submitted to you, the overall cost for the benefit of interested parties who may be in the audience, is currently estimated to be \$815,953.98. Deducting the \$200,000.00 Revenue Sharing allotment, which has been designated by this Board, leaves a total assessable amount of \$615,953.98.

As you will recall, the area was divided into three (3) assessment areas. Area III is the Casino/Major Hotel and those businesses on Fremont Street between Main and Third Streets.

Area II consists of the primary commercial areas such as hotel and casino parking lots, theatres, motels, restaurants, etc.

Area I covers all the remaining Commercial and Residential lots and parcels included in the District.

Estimated costs for Area I is \$549.22, which is a few cents under the original \$550.00 estimate. This price is predicated upon the best system possible. We are including in the design several alternates which would allow us to know exactly what it would cost to replace the top fixture, making it a circular fixture vs the standard fixture that is there now.

This rendering has been prepared (wall map) to clarify what is being proposed. I would have you note, however, that the color of the standards - we are proposing they all be painted a dark bronze to blend in with the area.

What we are requesting today, if you determine this Project has propriety and if allowed to make these improvements, we would request that you give us permission to receive bids on this Project.

M o t i o n

Mr. Hampton: If permission is given to receive bids, we would advertise during the month of January, open bids February 1st and award on February 16th with Notice to Proceed on Construction in March of 1977.

Commissioner Leavitt: I move for approval as recommended.

Mayor Briare: This is a Public Hearing. Is there anyone present who wishes to make any comments at this time?

Mr. Hampton: Mr. Mayor, at this time I would like to state we have received three (3) protests, as shown on the map (wall map)

Wilford Olive, 631 Carson Ave.: I built my home at 7th and Carson in 1928 and as far as the lighting is concerned, with what we have now we have met all the requirements. We have paid for it and as far as I know, the property owners are satisfied with it. I believe that any improvement that the City wants to make, the City should take care of it.

Another thing, in the brochure that I have, it is very indefinite - the estimated cost of the improvements was \$615,953.98 and the total cost was \$815,953.98. There is \$200,000.00 there that is not explained. I feel that the Project should be written up in some way so that a lay member, such as myself, could understand what is going to happen with that \$200,000.00.

I also feel like if we are going to change just the bulbs on the lights, or the heads on the lights, maybe our City Electrical Department should take care of it. There shouldn't be any need for any \$200,000.00 extra cost on this Project.

I feel that it should either be more fully explained because as I read this suggestion on the Improvement area, it is not acceptable, that's all. It would be \$200,000.00 spent for more benefit than we would receive.

I am not against an improvement in the lights - we have lights there now that light up like daylight all the way around, and here we're being asked for another improvement which would be very costly.

Mayor Briare: Mr. Hampton, would you respond to Mr. Olive?

Mr. Hampton: I would like to apologize for not making the letter clearer. However, that is the official letter as required by law. We have held three informational meetings prior to this meeting at which we tried to explain exactly what we were proposing. The cost you refer to - the \$815,953.98 - is the total cost. The assessable cost is \$615,953.98. The difference of \$200,000.00 is what this Commission has thrown into the pot, you might say, to assist the property owners by decreasing the cost by about 25%. In other words, the City is participating in this Project to the tune of 25%, using Revenue Sharing monies above and beyond what they would be required to, by Law, under normal procedures.

Barbara Gates: I live at 7th and Carson. We have received Notice that they have plans to change the lighting. They've already put them in once and we paid for that - I think I paid \$4,900.00 for that about ten years ago and now you're putting in another

Now they've got something they are going to paint bronze so it won't stand out like a sore thumb - and maybe they can do this and maybe they can do that. Why don't we determine this first so that in another ten years we aren't are going to be replacing these? This Project is coming off half-cocked - why don't we find out first? I'm going to be paying \$1,095.00 for this, and I object to it as being frivolous the way it stands now.

Mr. Hampton: Mr. Mayor, may I comment that this particular Project was conceived to improve the Downtown Las Vegas area as far as the lighting is concerned and these fixtures could not have been placed at the time of the original installation - they were not even available. These are a new type of fixture, or relatively a new fixture, and basically doubles the amount of fixtures on the streets and even more than doubles the amount of light.

Barbara Gates: You can read a newspaper in the middle of the street now. Just how many more do you want? I understood you were going to put these in the back alleys to keep people from being mugged in the back alleys.

Mr. Hampton: Approximately \$31,000.00 of the total is for lighting the alleys.

Barbara Gates: How are you going to light the alleys for \$31,000.00?

Mr. Hampton: This would be for putting two fixtures on each alley.

Mayor Briare: Which is two more than they have now.

Commissioner Leavitt: Did you understand that the City, through Revenue Sharing money, Mr. Olive, was going to pay for 25% of this out of Federal funds we receive? That can be used for anything we want to use it for. It amounts to \$200,000.00. The City voted earlier to use Revenue Sharing money we receive from the Federal Government, which we can use for any Project we want, but the City has voted to use \$200,000.00 of that money toward this Project. Were you aware of that phase of it?

Mr. Olive: No, that is certainly not clear in the letter I have.

Commissioner Leavitt: That is what Mr. Hampton was just explaining - that 25% of the cost is going to be picked up by the Federal funds allotted to the City, so that will cut down your assessment that much. In other words, your assessment would be 25% more if we didn't do this.

Mr. Olive: I have another point that I would like to bring out: I don't think that all of the property owners know about this and have had an opportunity to express themselves. All of those I have talked to - I talked to the Trust Officer in the Bank and they were to have a representative here this morning opposing it.

Mr. Hampton: Mr. Mayor, certified letters were sent to all property owners within the District.

Commissioner Leavitt: According to the last address in the Assessor's Office -

Mr. Hampton: That's right.

Janice Gould: I am from the Nevada National Bank Trust Department and we are the Trustees of properties on Carson Avenue, and we did not receive Notice. We have checked our files but found no record of it so we were unaware of this Hearing, except that Mr. Olive notified us. We would appreciate some more information so that we can investigate it more thoroughly.

Mayor Briare: What is the Trusteeship name?

Janice Gould: It is in NEVACO, INC.

Mayor Briare: Is there anyone else who wishes to be heard?

Tom Key: I live on North 6th Street between Ogden and Stewart. Has it gone through - this assessment?

Mayor Briare: No Sir - This is a rather lengthy procedure that has to be followed in matters of Improvement Districts. They all have to be taken in a certain sequence and any time from the beginning until today, it can be scrapped. That is why we are holding this Public Hearing - to hear what your feelings are toward the matter. We will take into consideration what you all have to say before we proceed any further.

Mr. Key: I don't think it is stated in here at all - in this letter - how many standards they are going to put in the alleys. I asked once before when we had a meeting here and they said there would be two standards added to the streets and one at each end of the alleys. What good can that do? The thing is lit up now like a Christmas Tree over there. What more benefit could we get by adding two more standards?

Mr. Hampton: Some of the fixtures will be 250 watts - some will be four - depending upon whether it is a mid-standard light or the one at the top. Light readings have been taken throughout this area and it has been determined it could be improved, promoting the public safety insofar as thefts, muggings, etc., are concerned. It is a matter, really, that has to be determined by the people whether or not we have enough light. It appears to us that the majority of the people felt they didn't have enough light and this is why the Project was initiated.

Mr. Key: Something like twelve years ago I was in an Assessment District over there for \$1,522.00, I think it was, and now, all of a sudden, it is not enough. Why is it that you keep adding all the time? I am not for this at all this levying of new assessments all the time.

Gilbert Biebieri: I own the property at 6th and Carson. I believe the lighting on the streets is sufficient. Your letter does not specify how much light they have now and how much more they are going to have. I think there is a possibility for the alleys in that regard - my alley is lighted - I put them in myself.

Mayor Briare: Yes, and you heard Mr. Hampton indicate that . . .

Mr. Biebieri: Yes . . . I put the light in myself because it was so dark . . . what is the difference?

Mr. Hampton: I apologize for not having those displays here. We had them before the public at the last two meetings when we discussed this. They were

readings we have taken and the estimates for the new lighting. The lighting will be approximately 8 lumens as compared to an average of about 3 - so we will be improving the lighting approximately two and a half times.

Commissioner Woofter: In order to expedite the proceedings, as I see it the only protests we have in regards to the Plans submitted to us, are from residential owners and not any from the Casino area or the Commercial area.

So, is there the possibility in order to expedite this, that we could follow through on the certain areas not affected by the residential area, that most of the protestors here in the audience are from, and review this? I think most of the protestors agree there is possibly a need for more lighting insofar as the alleys are concerned, but not as far as the streets are concerned.

I think the Project is fine, other than that - but I am certainly concerned, along with the residential owners, as to whether or not there is a need for this additional lighting when they, who live there, say there isn't.

Mr. Hampton: Commissioner Woofter, this is possible. However, I would recommend against it for several reasons. Really, you lose the integrity of the Project - if we were to allow that in the 6th Street area, as an example, we would have other areas on the boundaries that would say - I want to pull out, as well. Thus, your Downtown Lighting Project is going to shrink and become fragmented. The pedestrian travel from the residential areas to Downtown - we were concerned in getting Downtown. Once you get Downtown on Fremont everybody knows we don't need any lights on Fremont. It is getting to that area that is the concern.

I would think that the value of the properties in this area would increase substantially more than is being assessed. We have had requests from people outside of this boundary to be included. We have not included them because they came in sort of after the fact, but it is hoped that if this Project is a success, that we could go out from this core area to improve the lighting in all directions. We did extend the Project to 10th Street at the request of a property owner - we have inquiries as to why we couldn't spread the Project further north. Right now, it just can't be done, but we have suggested it might be done on a Phase II Lighting Project.

It is possible, Commissioner Woofter, but it is a little bit tricky to get involved in that type of thing.

Mayor Briare: There is a peculiarity in the law - if that is the proper description - that by your presence here and by you indicating to us that you are opposed to this Improvement District, for those who did not choose to come to the meeting, and did not choose to by mail, notify that they are in protest; consequently, they are assumed, by Law, to be in favor of it. The reason I say it is peculiar is because I just know how else to describe it. If you don't say anything - that means you are in favor. So we have to draw this conclusion: That if this map is correct, that for Mr. Olive and Mr. Barbeiri and for Mrs. Gates and the Nevada National Bank - who, I don't think opposed it - you just wanted to get some more information on it - it would appear that you are the only ones in the whole

area, except written requests - how many written?
We have three (3) protests, in writing with 3-1/2
here today - 4-1/2 - I am giving you a half a vote
back there -

Mr. Gist: One of those heard today has also been
received in writing - that of Mr. Barbieri -

Mayor Briare: Consequently, the only thing we can
determine here - in all of the area, if you were to
put bodies next to each one of these pieces of pro-
perty, it is overwhelmingly in favor. Is that a
fair assumption?

Mr. Hampton: Yes, it is, Mayor. I might clarify
some concerns. I believe I just brushed over the
fact that the area shown in red (wall map) and
blue will pay a higher amount than the area shown
in white, which is the residential. The red areas
pay three times the base amount. The blue areas
pay twice the base amount -

Mayor Briare: All based on beneficial use, more or
less -

Mr. Hampton: That's right. The Casinos proposed
this formula because they felt they would be
receiving the most benefit and they were willing to
pay three times the base amount.

Mayor Briare: Are there any further comments?

Commissioner Lurie: Insofar as Revenue Sharing
goes, we wouldn't be able to spend this money here
if it was not for the public safety, and I think the
safety is for the residents who live in the Downtown
area, as well as tourists who visit our Downtown
area. We all know that the characteristics of that
area that we have outlined there (wall map) is
changing so that the Downtown area can expand with
more commercial businesses and hotels.

Therefore I think the Project is one that, if it is
voted favorably on, we can all be very proud of and
hopefully it will give the interest to the people to
expand in our Dosntown area.

Mayor Briare: If there are no more comments I will
declare the Public Hearing closed and ask what the
pleasure of the Board is on the matter as it stands
today.

M o t i o n

Commissioner Leavitt: Mayor, I move that we approve
Special Improvement District No. 421 and allow the
Department of Public Services to proceed with the
advertisement for bids.

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

V-74-76

APPEAL FILED BY DR. NEIL CARMENA ON THE APPLICATION
OF GILBERT SCHWARTS - V-74-76

to action by the Board of Zoning Adjustment in approving a VARIANCE permitting the construction of a 12 ft. high fence for a Tennis Court on property located at 2905 Pinto Lane, between Campbell Drive and Shetland Avenue, in Land Use Zone R-A.

Dr. Carmeno: I reside at 2825 Pinto Lane and I am appealing the decision of the Board of Zoning Adjustment. I would like to see Mr. Schwartz' application for a 12 ft. fence denied. I believe his application calls for a 12 ft. tennis fence at the side and rear property lines.

I already have a tennis fence at the side property line and a second fence would be unsightly and unnecessary.

My reason for asking for denial of a fence at the rear of the property is sort of based on the harrassment that he has given me over the years with my tennis fence. I have now in my possession, a letter where he agreed in writing to a 12 ft. tennis fence to the rear of my property, dated July 2, 1972. However, when this came before a previous City Commission, he was successful in getting my 12 ft. fence denied - to which he had agreed, in writing, prior. So, it was never constructed. However, in 1975 this current Commission allowed me to put up my 12 ft. tennis fence at the side and rear property lines.

However, Mr. Schwartz has sued me in Court in the sum of \$50,000.00 because of the nuisance created by my tennis court at its present location, and now he wishes to do the same thing.

A point I would like to make is that, based on your decision to allow me to have my tennis fence, he sued the City Commission and the Board of Zoning Adjustment in July of 1975 and - I will just read it - he states that the action taken by the Defendant (City Commissioners) on July 2, 1975 was arbitrary, capricious, unreasonable and constituted an abuse of discretion and resulted in a variance contrary to the safety, health and welfare of the public, and more specifically, of the Plaintiff and his family and interfered with the Plaintiff's quiet enjoyment of his property.

So, I am objecting to the side fence because I think it would be unsightly and I'm objecting to the rear fence, in principle, because the man has been unreasonable and has created a lot of problems.

I was able to use my tennis court prior to this tall fence because I was able to raise and lower the tennis net, and I would be pleased to see him go through the same activities for several years before being granted his rear fence.

Commissioner Lurie: How much distance is there going to be between the two fences on the side yard?

Dr. Carmena: I think they are both on the property line - my block wall is entirely on my property, but they are adjacent to the property line.

Commissioner Christensen: Do you have a block wall

and then a wire fence above?

Dr. Carmena: Yes.

Commissioner Christensen: Does the wire come off the center of that block wall, the inside edge of it or the outside edge of it?

Dr. Carmeno: It was set on the inside edge of the block wall -

Commissioner Christensen: Your wall is probably a 6-inch block wall -

Dr. Carmeno: It is a 6-inch block wall -

Commissioner Christensen: Then you could conceivably have two chain link fences 12 ft. in the air, 6 inches apart?

Dr. Carmena: Right. I think that would not be necessary, or look very good -

Commissioner Christensen: How would you keep the debris cleaned out between them - how would you keep the leaves and everything like that out of there?

Dr. Carmena: That would be a problem - maybe you could ask that of Mr. Schwartz.

Mayor Briare: We will in just a moment. Incidentally, I don't blame you a bit for being here. I remember what the situation was some time back and I am going to make a comment, which is probably totally improper, but the Court of Domestic Relations is now in session! Neighbor, would you come up here and defend yourself? Too bad you fellows can't just shake hands and forget the whole thing.

Gilbert Schwartz: Let me say this - I think there are a few mis-statements here. I agreed about the fence on the south side of Dr. Carmena's property - no question about it - in writing, and I have never objected to that at all, and I still don't. The only thing I ever objected to was the fence that ran along the north/south property line. That, I thought, should have a 10 ft. setback.

I am now asking for exactly the same thing that he is asking for. Let me say that insofar as the lawsuit he is talking about, there was a suit initiated against him - not for money, because I didn't want money from him - but what has happened is that the lights from his court - you will remember from previous hearings - seriously interfered with and shone in my home. So I asked my attorney what could be done and he said - let me write a letter and check to see if there couldn't be certain shields put on them. I have a copy of the letters here. A letter was written to the Doctor asking him to get the corrective shields on two lights to keep those rays from coming into my home. We waited eight months and finally the shields were put on the lights. One worked fine. The other was not adjusted properly, so the attorney wrote him another letter and asked him if he would mind adjusting that shield. We waited another nine months and nothing happened. Then my attorney said - well, I guess the only thing I can do is start an harrassment suit. I said - I don't want money - all I want is for him to adjust that shield 2 inches. He said - this is the only way I can suggest.

V-74-76
(continued)

OK - it didn't get the job done so he proceeded to file the suit about it. Maybe it was good advice or bad advice, or whatever.

Insofar as the two fences abutting each other, that is a peculiar situation, but I think it could very easily be rectified if the good Doctor would be willing.

He's got a 6 ft. block wall and then what he has done - he has erected a 3-inch post against that block wall

Question: Against it, or in it?

Mr. Schwartz: The post is against the block wall - here is the wall (wall map) - then the post -

Commissioner Christensen: Was this erected to put the fence on, or was this erected to raise the net and then subsequently used to put the fence on?

Mr. Schwartz: I couldn't tell you that - the wall was there prior to anything happening, of course, so whatever was done, was done after the wall was there -

Commissioner Leavitt: The poles are inside your property line?

Mr. Schwartz: "o - they are attached to his side of the block wall - a 4-inch in diameter pole and then the netting goes on the face of that. So, in effect, then, there is a gap of about so much between the wall and his fence, but the leaves would trickle all through, and so do the tennis balls -

Commissioner Leavitt: But this is on his property, though?

Mr. Schwartz: Yes - but I have done the same thing - don't misunderstand - I would exactly the same situation on my side, so the tennis court builder - and, by the way, it's the same Contractor that built his court that is building my court - suggested that a way out of the whole thing would be that all he would have to do is just attach a little 2 ft. section of fence on his fence that would loop over the wall and stop my balls from going into that space. He said he would discuss it with the Doctor and arrange for the whole thing, if possible.

Commissioner Christensen: As I see part of the problem here - you indicated that you initiated the suit, not to collect any money, but what a lot of people, except the attorneys, don't really understand is that when you initiate, money changes hands, generally between the Plaintiff and his attorney and the Defendant and his attorney. Even though you didn't collect any money, there was a whole lot of money spent in defending that suit.

Mr. Schwartz: You are quite right. That is why two letters were written over the period of a year or two for get one light shield. That is all that was needed.

Commissioner Christensen: I can understand the Doctor's point in that he is now being harassed over a fence - not monetarily in your eyes, but monetarily in his eyes because he has had to shell out a lot of dollars to an attorney to defend him in that suit -

Mr. Schwartz: And by the same token, I've had to do the same thing -

Commissioner Christensen: And so has the City Commission - the taxpayers have shelled out on behalf of the City Commission to defend the City Commission in this same law suit - which creates a third problem.

Commissioner Leavitt: Mr. Schwartz, do I understand that what you are saying now is that you really don't need that 12 ft. fence providing there is a little piece connected to his fence to keep your tennis balls from going into his yard?

Mr. Schwartz: I do not need the fence along the common property line. Of course not. I would need of course, the rear back line and two 10 ft. pieces because you are supposed to stay 10 ft. back, and I would need that.

Mayor Briare: How much are you going to pay him for his fence?

Commissioner Christensen: You are going to pick up half the use of his fence - are you willing to pay him half the cost?

Mr. Schwartz: I offered to do that at one time, but he turned me down.

Commissioner Lurie: I have a question regarding your law suit with the City - where it stands - and what is going to make this suit any different than a suit the Doctor could file against the Commission . . .

Mr. Schwartz: There are no suits pending at this time.

Mr. Lovell: Suit was filed . . . at the Plaintiff's request a stipulation for Dismissal was filed -

Mr. Schwartz: I walked out of here kind of hot last time, thinking - I don't think you fellows are right -

Commissioner Lurie: We were a little hot too - we want to get through with this -

Mr. Schwartz: I'm not arguing that with you - but when I walked out, I thought - Well, Gee, if that's the way it goes we'll just drop the whole case. So now I'm coming in and asking for the same thing that was granted.

Commissioner Lurie: Are you going to put shields on your lights so they don't shine in the Doctor's house.

Mr. Schwartz: I have lights that will be 2 inches high rather than 30(odd) ft. high - it is a light that is approved in Palm Springs - it is a complete down light rather than a throw light. If it does interfere with him at all, it will certainly be corrected, but I am sure it will not.

Commissioner Leavitt: It seems to me there would be some kind of a solution rather than having two 12 ft. high fences back-to-back. There ought to be some other solution to this.

Mr. Schwartz: There are two problems - his fence that is there can be taken down at any time - I'm not saying it will - don't misunderstand, so I guess my protection

PETITION OF VACATION SUBMITTED BY JAMES ROGERS,
THEODORE B. LEE AND WILLIAM F. DALEY TO VACATE:

PARCEL 1

Being a portion of Westwood Drive, immediately south of the Sahara Avenue east bound off-ramp of the I-15 Freeway

a n d

PARCEL 2

Being the undeveloped portion of Highland Drive, immediately south of Sahara Avenue.

Mayor Briare: Are these people who are making the application for a Vacation here?

Dan Byron, 3700 Las Vegas Blvd.: I am here on behalf of the applicants.

William F. Daley 3729 Greencrest Dr..

Mayor Briare: You, obviously, are here in favor of this Petition to Vacate. Is there anyone in the audience here to speak in opposition to the granting of this Vacation?

(No response)

Commissioner Leavitt: Does this vacated property go to the property owners? Is that what will happen on this, Mr. Saylor?

Mr. Saylor: Whenever the City vacates a right-of-way they, in fact, vacate the City's right, title and interest in the property, which means that under normal procedure, it would then accrue to the abutting property owners.

In this case there is a private owner on one side and the State on the other side. The State has a small piece here (wall map), so half of this would go here and half would go this way (wall map).

I might add that the Public Works Department first of all opposed the vacation because it created very strong potentials for traffic problems. It was approved by the Planning Commission subject to the access being worked out with the Department of Public Services. I believe it has been agreed by the two parties to have a cul-de-sac at this end (wall map) . . .

Commissioner Leavitt: Do we have the necessary property to do that? I don't want to vacate and then have to go and buy it -

Mr. Saylor: Subjective to that condition, they will have to provide part of the property for the cul-de-sac -

Commissioner Leavitt: Shouldn't we get that agreement before we vacate it?

Mr. Saylor: This is a part of the Vacation conditions - The conditions should be - subject to the construction of the cul-de-sac at the north end of Westwood. We have other utilities involved and we have the normal language included - to the satisfaction of all the utilities.

Commissioner Lurie: I have a question, Mr. Saylor: When the City doesn't have any use for property and it is vacated, does the State go along with the same rule, or is there any compensation given to the owner of the property before they vacate it?

Mr. Saylor: I believe in this case, Commissioner, that the State owns this small piece here (wall map) and when this is vacated, this half will go to the State because they are an abutting property owner, and I believe there is a lease arrangement between the developer and the State to utilize that.

In the case of the other half, the property owner of the abutting property would get that. If the City had property, it would accrue to the City.

Mr. Daley: According to the State, they really don't want the rest of the property - as a matter of fact, they would like to get rid of the other problem they had - they wanted to fix the property up and beautify it - put in shrubbery - there is no problem there -

Mayor Briare: Have the record indicate there was no one present to protest this Petition.

M o t i o n

Commissioner Christensen: I move for approval under VAC-3-76, subject to conditions that Mr. Saylor has explained - the construction of the cul-de-sac at the north end of Westwood and the satisfaction of all utilities.

Commissioner Woofter: Just for the record, there are certain matters I have represented Mr. Daley on. On that basis I will abstain from the vote.

Mayor Briare: Any further comments?

(No response)

Mayor Briare: I will then declare the Public Hearing closed and ask that you cast your votes.

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

Commissioner Woofter abstained.

PUBLIC HEARING

SHOW CAUSE HEARING

Re: GERALD YOUNG
VEGAS READING ROOMS
1241 Las Vegas Blvd., So.

See Pages 78 thru 81 of these Minutes

Mayor Briare: Is Mr. Young present?

Deputy City Attorney, Richard Koch: I don't believe so.

Mayor Briare: Is his Attorney present?

(No response)

NOTE: This Show Cause Hearing was recorded by a Certified Public Stenographer, the proceedings of which are on file in the Office of the City Attorney and made a part of these Minutes by reference.

Mr. Koch: (Following summation) The City asks that the Business License of Gerald Young, dba Vegas Reading Rooms, be revoked.

Commissioner Leavitt: Your Honor, I would move that we adopt the following Findings of Fact, Conclusions of Law and Judgment, in this order:

The No. 1 Finding of Fact be that Gerald J. Young, dba Vegas Reading Rooms at 1241 Las Vegas Blvd., South, was heretofore issued a License by the City of Las Vegas, being License No. M-07-478-5-02105 and that said License provided for the operation of a Reading Room, and that in the application for said License, said Gerald J. Young represented that the business to be conducted thereon would be private reading rooms, accoustically balanced for quiet reading and consultation.

No. 2. That the Respondent by reason of statements made in his written application to the Department of Business Activities, and all statements and representations made to the City Commission of Las Vegas, Nevada, on November 3, 1976, did conceal and misrepresent the true nature of his business.

No. 3. The Respondent did, through advertisement in the Panorama Newspaper, represent to the Public that sexual favors were provided by Respondent at his place of business.

(I should change those "Respondents" to "Licensee")

That Licensee did, through the use of signs on the exterior of his premises and through the acts and statements of his employees, represent to prospective customers that it was selling sexual favors and did, in fact, agree to provide sexual favors for a price.

From the Facts, the Commission has concluded that the Licensee, Gerald J. Young, dba Vegas Reading Rooms, has engaged in fraudulent practices and misrepresentation in the operation of his business and did, in fact, conceal and misrepresent facts to the Board of City Commissioners in the procurement of said License,

M o t i o n

THE BOARD OF CITY COMMISSIONERS

CITY OF LAS VEGAS, NEVADA

December 1, 1976

TO: GERALD YOUNG
VEGAS READING ROOMS
1241 Las Vegas Blvd. South
Las Vegas, Nevada 89104

WHEREAS, Title V, Chapter 1, Section 18 of the Municipal Code of the City of Las Vegas, 1960 Edition, as amended, provides that a business license issued by the City of Las Vegas may be revoked at any time upon a showing that the business has been conducted in an unlawful, improper, or irregular manner; and further that a business license may be revoked upon a showing of fraudulent practices or misrepresentations in the operation of the business or concealment or misrepresentation in procuring the license; and

WHEREAS, Respondent is operating a licensed business under the name of Vegas Reading Rooms at 1241 Las Vegas Blvd. South, Las Vegas, Nevada; and

WHEREAS, Respondent did commit certain acts during the month of November, 1976, which constitute grounds for revocation of its business license, to-wit:

1. Respondent, by means of statements made in its written application to the Department of Business Activity, and oral statements and representations made to the City Commission of Las Vegas on November 3, 1976, did conceal and misrepresent the true nature of his business.

2. Respondent did, through advertisements in the Panorama Newspaper, represent to the public that acts of prostitution and other sexual favors were provided by Respondent at its place of business.

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3. Respondent did through the use of signs on the exterior of its premises, and through the acts and statements of its employees, represent to prospective customers that it was selling sexual favors, and did in fact agree to provide sexual favors for a price.

WHEREAS, the City Commission of Las Vegas has determined that probable cause exists that Respondent and its employees have committed the above acts, which acts do constitute concealment and misrepresentation in procuring the license, fraud and misrepresentation in the conduct of the business, and the conduct of the business in an irregular, improper, and unlawful manner, and are therefore grounds for revocation of Respondent's business license.

NOW, THEREFORE, the Board of City Commissioners of the City of Las Vegas, Nevada, meeting in session on the 1st day of December, 1976, hereby orders that said Licensee, namely, GERALD YOUNG, dba VEGAS READING ROOMS, appear before the Board of City Commissioners of the City of Las Vegas, Nevada, on the _____ day of December, 1976, at the hour of _____ o'clock P.M., and show cause why License No. M07-478-5-02105 heretofore issued to said Licensee should not be revoked. The said order is entered pursuant to Title V, Chapter 1, Section 18 of the City Code of the City of Las Vegas, Nevada, 1960 Edition. At such time as stated above the charges announced in the preamble of this order shall be considered.

IT IS FURTHER ORDERED that the City Attorney of the City of Las Vegas, Nevada, give notice of the Show Cause Hearing in the form and manner prescribed by Title V, Chapter 27 of the City Code of the City of Las Vegas, Nevada, 1960, Edition, by causing a copy of this Complaint and an Order to Show Cause and Notice of Hearing to be served upon the Respondent, GERALD YOUNG,

dba VEGAS READING ROOMS, in the form and manner required by Title V, Chapter 27, of the City Code of the City of Las Vegas, Nevada, 1960 Edition.

DATED this _____ day of _____, 1976.

COMMISSIONER PAUL CHRISTENSEN

COMMISSIONER RON LURIE

COMMISSIONER ROY WOOFER

COMMISSIONER MYRON LEAVITT

MAYOR WILLIAM H. BRIARE

ATTEST:

Edwina M. Cole, City Clerk

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THE BOARD OF COMMISSIONERS FOR THE

CITY OF LAS VEGAS, NEVADA

TO: GERALD YOUNG
VEGAS READING ROOMS

YOU ARE HEREBY NOTIFIED that a Show Cause Hearing will be held before the City Commission at CITY HALL, 400 East Stewart, Las Vegas, Nevada, on the _____ day of _____, 1976, at the hour of _____ . M. upon the charges made in the Complaint served upon you. You may be present at the hearing and may be (but need not be) represented by counsel. You may present any relevant evidence, and you will be given full opportunity to cross-examine all witnesses testifying against you.

CARL E. LOVELL, JR.
CITY ATTORNEY

By _____

RICHARD A. KOCH .
Deputy City Attorney
400 East Stewart #906
Las Vegas, Nevada 89101

and that said License be, and same should be, hereby revoked; that this Commission revoke said License and the City Manager be directed to take the steps that are necessary to close the business.

Mayor Briare: Does that conclude your motion?

Commissioner Leavitt: It's a long one, but that covers it.

Mayor Briare: Are there any comments on the motion?

(No response)

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

Mayor Briare: The motion is approved. The City Manager, the Attorneys and Licensing Department will proceed accordingly.

Ladies and gentlemen, for some mistaken reason I felt that this whole proceeding was going to take about fifteen minutes. You have all been here a long time, and so have we. I would ask the pleasure of the Commission . . .

Commissioner Leavitt: What is next on the agenda?

Mayor Briare: The next item on the agenda is the Tule Springs Park.

TULE SPRINGS PARK

TREE FARM

Request by the Division of Forestry to allow a lath house and utility building in Tule Springs Park.

Mayor Briare: I think we have all read the back-up on this, Mr. Saylor. Does the Commission have any questions?

(No response)

Commissioner Lurie: I move for approval.

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

R e c e s s

At the hour of 1:05 P.M. Mayor Briare declared a 5-minute recess.

Meeting reconvened at the hour of 1:15 P.M. with the full Board and Staff in attendance.

Z-75-76

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

Mayor Briare: The next item is a matter that was held in abeyance relative to a zone change for Dasco, Inc. Mr. Saylor, I recall that a representative of the protestants to this request, at the last meeting, requested that it be held. Is there anything further that need be said about the reasons for or against?

Mr. Saylor: No. One point of clarification in case it is brought up by either side, there was some question relative to the potentiality of a court case between the Homeowners Association and the previous developer. We have an opinion from our City Attorney which, in fact, says that it has no bearing on the action before you.

Z-75-76
(continued)

Paul Reising: I am the Treasurer of the Bradford Place Community Association, a member of the Board of Directors. I have a Petition here protesting the passage of this proposed complex - 81 signatures - which I would like to present to you now.

(Petition handed to Clerk)

Your Honor, we have gone to the trouble of going out and getting this Petition for the second time, and I firmly believe that when this thing was turned down before, it should have stayed that way. I have lost time from my work - people on the Board of Directors have lost a lot of time going around gathering names. I don't believe that Dasco has shown anything new to bring this back up here before you people. I think the proposed complex definitely disagrees with the Master Plan of the City and at the first meeting in May, Mr. Saylor's Staff recommended denial of the application - the Planning Commission did - on the basis of over-population in our area. However, he chose to over-rule his Staff and he recommended approval. We came before you people and it was turned down.

Now we have gone back before the Planning Commission - it was again recommended for approval and, again, we are here. It seems to me that what they are trying to do is wear us down. At the first meeting we had 65 or 70 people - at the last one we had about 20 and now we are down to 4 or 5 because it is just simply a lack of interest - not only that, it is monetary to us - we can't afford to come down here and take time off and fight this thing. How long is this going to go on? Are we going to have to face this thing every four months - every five months?

We believe we have proven our point. We feel we have excessive vandalism in our area - we have statements of fact to prove this - I have copies for you people if you wish to see them. We say that what this gentleman proposes to build does not go along with what is already there because he is planning to put up a Spanish type structure in the middle of a contemporarily designed tract of condominiums and mini-warehouses.

We also say he will be adding to the sewerage problem in our area, which at this point in time is critical. On Pennwood and Silver Dollar there are solid apartments from Valley View to _____, getting an average of a dozen calls a day by Metro right now. They had a large drug bust the first of November . . .

How many times do we have to come before you here? We have all agreed in our area that we would rather see the mini-warehouses - we would rather see the commercial - we would rather see anything except those apartments go in there. The reason we feel this way is that at five o'clock in the evening those businesses are going to shut down - the people are going home and they are going to lock their doors - and they are going to keep those places clean and take care of them because they own them. But in an apartment complex, you can't say that. You're going to have traffic in and out of there all hours of the day and night. The front doors of some of our people border right alongside of this thing - right along where they are planning a driveway is somebody's front door - it's a matter of a few feet - a block wall in between - a big deal! At three o'clock in the morning if some clown is racing through there,

it's going to wake you up and it's going to make you mad and there will be a lot of problems. We are trying to protect against these things. We are raising our fees every year - we have two full-time employees - that's all they do - is take care of our property. We own it and we want to see that it is kept nice. We do not want apartments in that area.

We have one half a block where there is already mini-warehouses and storefronts. We have another quarter of a block that is condominiums and now you want to put apartments in?

Mayor Briare: They want to put the apartments in -

Mr. Reising: Yes - they want to. I can't see it. I simply can't understand why we can't leave the zoning the way it is. That's all I have to say.

Commissioner Christensen: Your Honor, I have one comment I would like to interject, if I may. What this gentleman says is true, regarding the people who were here to protest at the meetings. I have had a number of calls during the past week from people who were at the Planning Commission meeting and who indicated they could not be here, and were very adamant in wanting me to understand their absence was not an indication in any way that they had lost interest, but simply an indication that they could not afford to attend these meetings in the day time.

Mayor Briare: With respect to your comments, Sir, about having to come back frequently, I think this Board is sympathetic with your feelings along that line. If I am not mistaken, I think the law, at the present time, does provide that a person may make application after a certain number of months -

Mr. Saylor: Four months -

Mayor Briare: After a certain number of months have gone by -

Mr. Saylor: Four months the first time and eight months the second time -

Mayor Briare: It seems to me the last time this very subject came up that there was a request made to perhaps extend that. Do you recall?

Mr. Saylor: There was some discussion - I don't believe it ever got to the point of a definite request -

Mayor Briare: Mr. Saylor, didn't you say this was kind of a standard procedure all over the country in Planning matters?

Mr. Saylor: I think it is standard to have a waiting period between successive applications. I don't know that the 4 and 8 months is necessarily standard - in some places it is less and in some places it is more. We have, in the past, considered the possibility of waiting a year. In a growing community - in a very vibrant community - a year's time could be a very severe factor. This was all considered when the Commission decided on the 4 months and 8 months.

Mr. Reising: Your Honor, is there any way these things can be reviewed before they are brought up the second time, and possibly have the City ordinance changed, or something to have a Committee to review any new action by the Petitioner?

Mayor Briare: There is a proposed ordinance - it has not

even been introduced yet - but there is a proposed ordinance addressing itself to that very point - that only on the indication of a member of the Commission that there is, indeed, new evidence and new facts that have come to light, that an Appeal would be allowed from a Board of Zoning Adjustment decision. But that is not ready yet. There is a lot of work that has to go into that because no one wants to take away anybody's rights to make an appeal to this Board. It is something that requires a great deal of study and effort. It is on the way, though.

Mr. Reising: This is the problem I see - if we do come in here every four months, or whatever it might be, and we have prepared ourselves to try to get this thing beaten back, so to speak, and there is new evidence introduced by the Petitioner that we aren't aware of and therefore not knowledgeable about it, this thing could go through without us doing anything about it. It really is a bad situation for both sides, because it works either way.

Commissioner Leavitt: Changing the ordinance for one particular situation may ruin it for others. As the City grows we have to allow for changes in these types of things - the ordinance should be flexible to allow that.

Commissioner Lurie: I have a question: Where does your Association's law suit fit into the picture here? Insofar as when you bought your Townhouse you were told the particular project would be completed?

Attorney from the Law Firm of Wiener, Goldwater and Waldman: I could probably answer that. I will be honest with you - the law suit has no effect on the City Commission whatsoever. It involves a private contract and that is a matter for the District Court to determine. One way that you could conceivably fit in is that once you permit apartments on this property no monetary damages, in essence, compensate these people.

Mayor Briare: Are there any other comments?

Dudley Smith, President, Dasco, Inc.: Gentlemen, as you are all aware, this matter has been before the Planning Commission and City Commission now for the best part of a year. There are a lot of things that have been said - there are a lot of representations that have been made. I, personally, am inclined to get a little emotional about it and, for that reason, I do not intend to make the presentation today.

I have asked our Architect to make our presentation. Mr. Matland is here . . .

Mayor Briare: Mr. Smith, is this presentation going to be different from the one that has already been made?

Mr. Smith: We think it is, yes Sir.

Mayor Briare: A different concept, or what?

Mr. Smith: I think the over-riding feature that is here today that was not here before is that it has been established that the property is now zoned Commercial across the front and Industrial in the rear. Consequently, what uses can we make of that property? The uses we can make are very exact in the Zoning Manual, and one of the uses that can be made of the property is for apartments. In effect, we are asking for a lesser use

of the land by down zoning it from Commercial and Industrial to R-3. In effect, that is what we are asking at this time.

Mayor Briare: Mr. Smith, my only purpose in asking is because I wondered if perhaps it was necessary to go through the whole thing again. If you feel that it is - it's a new application as far as this Board is concerned, but I don't really know if the Commission feels it is necessary to go through the whole thing and add on . . .

Mr. Smith: Possibly not. There are uses, and I hope the Commission will understand, that the objection we understand from the Bradford Place Homeowners Assn., is that if an Industrial use goes in there - so they have told us and we have specifically said to them - how could you really want an Industrial use alongside rather than an adult apartment house, and their answer has been that with an Industrial use they will go home at five o'clock and that it will be quiet at night. That is the only answer we have been given.

I wish to say that under the present zoning, tomorrow we could come in and get a Permit for a restaurant - for an all night Bar - for other uses that are proper uses under the Commercial/Industrial zoning. It seems to me that refutes the argument that they have made. Possibly there are not other extenuating circumstances - I don't know. It would take about 15 minutes to make the presentation, but if the Commissioners would rather not, then I guess there is really not anything too different.

Mayor Briare: I don't want to suggest to you that we're trying to hold you back from doing something. However, if it is no different from what has already been presented, I don't know of any benefit that would be served, but I certainly don't want to give you the impression that we are trying to stifle you -

Mr. Smith: We feel our presentation completely supports our contention that that is the best use of the land. We think if we went all the way through that presentation, we could prove that point.

Mayor Briare: Proceed -

Mr. Smith: I will turn the presentation over to Mr. Matland.

M. Matland: I am a partner in the Architectural Firm of Matland & _____, Architects. I will try to skim through the highlights - the history of the Project and our involvement with Dasco.

Basically, the property in question is the parcel grouped in the fourth and final stage of Bradford Place Townhouse development. The developers, finding there was no longer an economic justification for the Project, initiated an attempt to sell the property. As such, it was presented by a Broker to my client, Dasco, whose intent for the land was an apartment house project.

We researched the records at that time and on the basis of the Title Report, determined there was no legal requirement to conform with the initial Townhouse Association's initial Townhouse development plan.

We then went to the Planning Department for a preliminary view of the concept plan for an apartment house project. We were told that our proposal was

sound and compatible with good zoning.

We next had a meeting with the Officers of the Bradford Place Homeowners Association and reviewed our proposal. As the result of their suggestion, made at that meeting with the officers of the Homeowners Association, such as location of ingress and egress, setbacks, recreation facilities, etc., we modified our drawings to incorporate these suggestions.

We then made a formal application for a Zone Change to R-3. At the Planning Commission hearing there was a 4-0 vote in favor of our request for the Zone Change. However, at a very involved meeting of the City Commission, there was a 3-2 vote for denial. This was after some of the protestants stated that they would definitely prefer warehouses adjacent to their property, rather than exposed to all of the negative aspects of apartments.

After the negative vote before the City Commission, we seriously made an effort to investigate any other alternate uses for the property. Relative to a Townhouse use, we had letters to submit in evidence from Frontier Savings & Loan, the McDuffy Company and the Coldwell Company rejecting any Townhouse financing due to an over saturation of the market.

Regarding Commercial and Industrial uses: We had a sign placed on the property indicating our desire to "build to suit". No interest was evidenced.

We also circulated the property with various Brokers. Also, no interest. As such, we still felt that an apartment development was the most feasible use of the land and, again, we applied to the Planning Commission for such use. At the hearing the vote was 4-1 for approval. During this period of time, the previously existing Resolution of Intent for the Townhouse development, was vacated, returning the property to its initial zoning of C-1 and Industrial, which was the zoning in effect prior to the Bradford Place Project use.

At this point it comes back as to the R-3 Project we are proposing, which we feel, certainly, is a request for a less intensive use than current zoning allows.

In our design we are projecting a Project of 76 units consisting of 36 1-bedroom apartments and 40 studio apartments. Assuming an occupancy load of 1-1/2 people per unit, we have approximately an occupancy of 114 people. This compares with 126 people if the original Bradford Place concept had been completed, based on an average of 3 people per unit in 2 and 3-bedroom units.

Mayor Briare: Would you hold it there for just a moment, please - you have made what I think is quite a valid point. Do you people disagree with that statement? Would you argue with what he has just said? In other words, are his statistics his own, or would they be applicable? He said based on 1-1/2 persons per unit, there would be less people than there would be if they were to build another unit like yours.

Mr. Reising: I would like to ask one question: How is he going to control 1-1/2 people . . .

Mr. Matland: We are referring to the fact that the size of the apartments determines the number of rooms - when you have 2 and 3-bedroom units as opposed to efficiencies and 1-bedroom -

Mayor Briare: These are all 1-bedroom?

Mr. Matland: 1-bedroom and efficiencies -

Mayor Briare: How many units?

Mr. Matland: We have 36 1-bedroom and 40 studio apartments.

Mayor Briare: I wanted to know if you cared to argue the occupancy factor?

Mr. Reising: Yes - definitely. He can't control the occupancy is what I'm saying. He is going to have like five college kids sharing one studio - and he's not going to have any control whatsoever, and he can't tell me he is. There is no way - when I was renting apartments as a younger man, I know darn good and well I cut costs where I could, and that's exactly what his units are designed to do that - to enable people to cut costs where they can.

Mayor Briare: You have answered my question - thank you very much. He disagrees with your statistics. Will you please proceed?

Mr. Matland: As another exhibit later we will show you the floor plans which I think will indicate there would definitely be a preclusion to 4 or 5 people occupying one unit.

In our design we are providing a decorative block wall as a separation from the Bradford Place property. This was an initial request of the Homeowners Association. We are providing a 35 ft. setback from our southerly property line, and an 80 ft. setback on our westerly property line, also items deemed desirable by the Homeowners. We have an approximate 15% land coverage projected, which I feel is certainly less intense than the current coverage in Bradford Place. We have limited access to the property, solely from Penwood. We have provided for Emergency Vehicles by virtue of an emergency crash-gate at the southeast corner of the property. This was requested by the Fire Department and Planning.

Our Project is primarily inwardly oriented - it has its own major courtyard. This was to minimize sound transmission of any recreational activities to adjacent properties. Extensive landscaping is contemplated. Parking is provided . . . we provide 17 additional parking bays to preclude any vehicle congestion.

Again, our Project has been endorsed by the Department of Planning and Community Development, by the City Planning Commission by a vote of 4-1.

Relative to current zoning: C-1 on Penwood and M in the rear. This zoning would allow the construction of a 2-story building, or a block wall, to our property line and I sincerely have to feel that this potential would certainly be detrimental to the adjacent homeowners, notwithstanding their request for same.

Uses presently permitted under the current zoning would allow Car Washes, Restaurants, Bowling Alleys, Laundries, and many others of like nature. A specific Use application could allow a Service Station, a Motel, Hospital, Pinball Arcade as well as any manufacturing operation which meets the noise and health standards.

Based on what took place earlier here today, I'm not

sure, but I believe we could also operate a legitimate Reading Room.

In light of all this, we respectfully ask that the Commission uphold the action of the Planning Department and the Planning Commission.

(At this point the Architect exhibited the Floor Plans of the units contemplated in the proposed development)

Commissioner Christensen: How much are you going to rent them for?

Mr. Matland: From \$175.00 to \$200.00 a month.

Mayor Briare: Furnished?

Mr. Matland: No, that would be unfurnished.

Attorney for the Homeowners Assn.: I think you are all forgetting the Zoning Ordinance of your City. Your Zoning Ordinance has four strict requirements. The first is that you have to have special or extraordinary circumstances pertaining to that land alone - different than other areas. What extra ordinary circumstances have been shown here?

Mr. Smith has admitted that he took this property with the knowledge that it was to have been the fourth unit of a Condominium development. He took it with knowledge. He went in there with open eyes and comes in here now and says - I can't do anything with my property. He's got to show extra ordinary circumstances. I suggest that he walked into this situation.

I would also suggest that you have a duty to preserve substantial property rights, according to your own Zoning Ordinances. It was originally zoned R-1, I believe, or whatever single family residential is zoned - I would suggest to this Commission that if, in fact, it is determined there should be a rezoning, for the preservation of the property rights in the vicinity, it would require rezoning to Single Family Residential and not to permit apartment dwellings.

I would ask that you consider the feelings of the people who live in that area.

Mayor Briare: Thank you very much. Mr. Saylor, I'm going to ask for your technical advice on a matter that has been brought up. I am impressed - however, I am not completely convinced because this gentleman gave a pretty good argument against it - I am impressed with the density that the Architect indicated could be here - one and a half people per unit. This gentleman, of course, disagrees with that. What is your professional opinion on something like that?

Mr. Saylor: I am inclined to feel that the proposed apartment house development would introduce less density into the area than if it had been completed under the Townhouse Zoning . . .

Mayor Briare: I know what you mean because I've been involved myself when you pile six or seven people into one area - they are pretty well packed in. I just wanted to establish that fact, Mr. Saylor.

Commissioner Christensen: Your Honor, now I have a question. You've confused me a little with with your arguments because you are telling me, on the one hand, that this should be rezoned R-1, like it was originally.

I don't believe there was any property in this community that was originally R-1, other than that on Fremont Street, was there Mr. Saylor? Doesn't all property come in as R-E and then go from there?

The thing I'm getting at - it just depends on how far back we go . . . now you can talk about Commercial - you can talk about Industrial - you can talk about R-1 - you are talking about whether it should be zoned back to R-1 to preserve the property rights - you've got a suit in Court asking for it to revert to PUD to preserve a property right - you would rather have it Commercial than have an apartment house complex on it - I'm confused. What is it that you want?

Attorney for Homeowners Assn: I believe you misunderstood what I was saying, and I apologize. I'm saying they are applying for a zoning variance. I'm saying that anything can be carried back to single family residential.

And in answer to the law suit, we have no ability to compell them to build condominiums. Our law suit is for money damages -

Commissioner Christensen: Because they didn't?

Attorney for Homeowners Assn: Yes Sir.

Mr. Reising: Commissioner Christensen, I would like to say something on that: We already have store fronts and mini-warehouses there. They take up half the block now. The problem is - you are putting apartment complexes in between the condominiums and the warehouses and the store fronts, coming this way. If you want to even make it look right, in all sincerity - if you don't want four different things in the same block, then continue with one or the other. That's what we're saying.

Commissioner Christensen: I appreciate your position but I would hate to be a property owner and have somebody tell me what architecture I could use, if I was going to build a building, because of what was down the street. That is almost what you are suggesting to me here and I don't think that's a right of somebody further on down the street to tell me what architecture I can use . . .

Mr. Reising: But you are not talking about "further down the street". You're talking about right up next to it -

Commissioner Christensen: Alright, right next door. I don't want my next door neighbor telling me what kind of architecture I can use in my home.

Mr. Reising: Yes, but you wouldn't want somebody coming in next door to you and putting up church spires on this house, either.

Commissioner Christensen: There's not much I could do about it if it was permitted by Code.

Mr. Reising: If it's with the Code - who has the power to say?

Commissioner Christensen: You are talking about property rights - your own attorney is talking about property rights - individual property rights. If I happen to like a pink house and you don't, you don't get to tell me what color I can paint my house, or

whether I put a spite on it.

Mr. Reising: That's very true, but you could object to living next to something like that -

Commissioner Christensen: If I did object to it, I would have two courses of action - either learn to live with it, or move . . . I'm just saying there are rights on both sides and what you're suggesting is that we've either got to make it look like mini warehouses or like your place, and that is not necessarily the case. I just want to get that into perspective -

Attorney : I'm not attempting to be argumentative here - all I want - all we are arguing is that a zoning variance showing must be made to grant the zoning variance. I don't say that we can control the architecture. All we're trying to do is control the zoning on that plot of property.

Commissioner Christensen: Your people would rather have Industrial Zoning there than Apartments -

Attorney for Homeowners Assn.: That is what they have represented to me -

Mr. Reising: We've had open Board meetings - closed Board meetings - I met, personally, with Mr. Dudley Smith last week when we left out of here, and he asked me the same question. He said - are you sure? I said - look, we brought it before 171 families in there, and we have come to the decision that we would prefer a business, or even an industrial, or whatever the City would deem compatible with that area, rather than have an apartment complex right next door to us - right at our front doorsteps. That's 171 families and I do definitely represent them - I do speak for them.

Mayor Briare: Thank you very much. Is there anything else?

Commissioner Lurie: Mayor, I'd like to make a comment: Also to speak to members of the Association. - I really feel they have a case, but since the Attorney gave us an opinion, we can't base our decision on a pending law suit, I am under the impression that - in reviewing our General Plan - that we should encourage developers to build to fit the natural environment. That side of the street has Commercial and also has Townhouses except for the area in question.

On the other side of the street, between Pennwood and Tara and Valley View and Arville, we are sitting with 1008 apartment units and I just feel that is an over-saturation of density at that particular location, and I think we have to look at residential development that focuses on the neighborhood Elementary Schools . . . we have to look at pedestrian traffic and bicycle paths as well as recreation and open space use, which that area lacks. I think that mixing housing types and densities is a situation we have to take a close look at.

M o t i o n

I understand Dasco's problem - I understand the Townhouse problem - but I think in all fairness to the people who live in the Townhouses, I have to consider their complaint one that I would have to favor, and I would move for denial of the application.

Commissioner Christensen: I would hate to see a motion come this fast because there are a couple of things that still bother me that I would like to ask about:

You object to the apartments. I understand all those objections - you would rather have Commercial than the Apartments. Can you give me some kind of a time frame as to what was built first? Whether there were apartments there when the Townhouses were built, or whether the apartments that are there came after the Townhouses, or before, or when? What was in the area at the time this whole thing came to pass?

Mr. Reising: I believe - I am not positive - but I think that Unit No. 1 of Bradford Place was put up almost at the same time that the mini warehouse structures were begun at the east end of Pennwood. Unit No. 1 abuts on Pennwood and Wayne to the rear of Clark High School.

Mayor Briare: Could you give us a year?

Mr. Reising: 1972 -

Mayor Briare: Let me interrupt you a minute . . . you might not like this comment - it doesn't necessarily mean I am being held to it - I used to sit on the Board of County Commissioners in 1968, or thereabouts, and that area was zoned Industrial - there was nothing out there except some apartment buildings. The land was already zoned -

Commissioner Christensen: The apartments were there first then -

Mayor Briare: The apartments were there first - the Fabulous Forty Apartments and then came the Industrial right next door on Pennwood -

Commissioner Christensen: Then, going back into history and protecting the property rights, it might be that the apartments have the property right here - that's what I'm questioning -

Mr. Reising: On the other side of the street for four blocks - from Arville to that other street - are you going to give them a lot, or how much, or how much can that area take?

Commissioner Christensen: Did the homeowners in Bradford Place know those apartments were there when they bought?

Mr. Reising: They knew they were there -

Commissioner Christensen: Then why do they object to apartments? Why did they move in there if they object to apartments?

Mr. Reising: What we're saying is - how many more of them? How come they have to be put on the front doorstep when they are already across the street?

Commissioner Christensen: What I don't understand is their objection to apartments, because if you buy a house across the street from apartments -

Mr. Reising: They weren't across the street - not that way. Our fronts face on Wayne and Sirius - none of which face on Pennwood - they face out towards Valley View. They do face that way - our front doors. Now you're asking us to face our front doors right into apartment buildings we've never had before - they've

never been on that side of the street - they have never been in that entire block, for that matter on that side - going south.

Commissioner Christensen: As to the number of people, it has been represented that it would be less than if they were Townhouses -

Mr. Reising: I'm sorry - I disagree with that - wholeheartedly. You cannot control that and you will never be able to convince me there there will be 1-1/2 people per unit in those apartments when they will rent for \$175.00 a month - two or three college kids will get in there - and you may have as many as six living there -

Commissioner Christensen: Couldn't that also be true of the Townhouses?

Mr. Reising: I defy you to come out there and see - I think I have a pretty good working knowledge of that area, and I don't think we have that situation . . .

Commissioner Christensen: Do you have any proof that people would stack up in the apartments, or is that just a supposition? I am curious as to what background material you have to indicate that that would be the case, other than you think it would be the case because you're against it? That's what I'm trying to get at.

Mr. Reising: I would just say common sense, because I did that when I was a younger man and I know there are kids attending the University, and all over this town, who will . . .

Commissioner Christensen: Would you sleep more than two people to a bed?

Mr. Reising: Not necessarily two to a bed, but two to four to an apartment - the floor is plenty good - it was for me.

Commissioner Christensen: I went to College and lived in an apartment too - we were cramped for space . . . the problem here is that we are talking suppositions. We really don't have any substance to back it up. You are making allegations we don't know will hold true or not. That's what I'm trying to get to the bottom of.

Attorney for Homeowners Assn.: I think the main complaint these people have is - comparing apartments to condominiums - these people are more concerned with people coming into their area committing valdalism - running rough-shod over there and the lack of care shown in apartments. Let's face it - a home owner shows more concern for his property than the average renter of studio or 1-bedroom apartments. I think common sense dictates that whether you agree with that theory or not.

Mayor Briare: If there are no other comments, the motion before us is a motion to deny. Please cast your votes:

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

Mayor Briare: The motion fails. What is the pleasure of the Board?

Z-21-75
and
Z-85-76

PLOT PLAN REVIEW - Z-21-75 - PHILIP DEALE (Abeyance
Item)

a n d

ZONE CHANGE Z-85-76 - PHILIP DEALE

Mayor Briare: Senator Hilbrecht, are you ready?

Senator Hilbrecht: Yes, Your Honor.

Mayor Briare: Mr. Saylor, on the item Z-85-76 on the Agenda - we have Z-21-75 that was held in abeyance. Would you refresh my memory - did the applicant then go before the Planning Commission with application for Z-85-76?

Mr. Saylor: Item Z-85-76 is really what is before you. Item Z-21-75 was put on the Agenda merely because it was held in abeyance -

Mayor Briare: Then we can consider Z-21-75 and Z-85-76 together?

Mr. Saylor: Right -

Mayor Briare: The issues are going to be on both Z-21-75 and Z-85-76 and whatever the motion is, it will apply to both items, I would assume.

Mr. Hilbrecht, is there anything new that you would like to bring up now that you didn't bring up before?

Mr. Hilbrecht: Your Honor, it would not be my intention at this time to discuss it. The only reason there are two items - you will recall that there was some inadvertance at the time the matter was brought originally before Planning, and that was picked up between the Planning Commission and this Commission's review. Since that time we have followed the Commission's direction and gone back and got our house in order.

Mayor Briare: The Action of the Planning Commission, Mr. Saylor, on Z-85-76?

Mr. Saylor: To approve the back portion.

Mayor Briare: Then the application stands as presented the last time?

Mr. Hilbrecht: Yes, Your Honor.

Mayor Briare: Before we ask Attorney Hines to step up, I want to ask you some more, Senator: The family that lives - in fact, I think it is the only family that lives immediately adjacent - and the only adjacency is to the south - they were, if I recall, were concerned about the odors from a restaurant. I think that was one of the prime complaints. Senator, the reason I bring it up again is because my memory doesn't serve me as to what - whether it's this one or any other - if a restaurant wants to avoid this kind of obnoxious situation, what do they do?

Mr. Hilbrecht: Your Honor, I believe this was brought up again at the Planning Commission, and I don't know if you or members of the Commission have been furnished with the conditions under which the Planning Commission reviewed this matter. Incidentally, I will

Z-21-75
and
Z-85-76
(continued)

represent to the Commission that the whole - and I believe Mr. Saylor will confirm this - pretty much the whole issue of the proposed utilization of this existing building, with the minor modifications we outlined - pretty much the whole matter was reviewed again by the Planning Commission although, technically, before them was only the question of the back property.

In this connection I believe an effort was made to deal with that by the requirement of the location of the disposal - the waste disposal area; requirements concerning the boundary wall between the existing home to the south, the only home occupied adjacent to the property. Furthermore, requirements concerning the nature and intensity of lighting in the parking area, and these types of matters.

With respect to the odor itself, I believe that was addressed by the requirement that no garbage disposal or disposal area be located near or adjacent to the rear fence area, or to the neighbor, but be placed adjacent to the building itself. I believe our Plan indicates that this will be done.

Mayor Briare: Before we hear from Mr. Hines, do any of the Commissioners have any comments or questions they would like to ask?

Commissioner Lurie: Mr. Mayor, I have a question: I don't think we should take both items together in one motion because we might not have an objection to the property being rezoned, but maybe some of the members would have an objection to the use.

Mayor Briare: I merely wanted to indicate there was a connection between these two items. In any event, when it comes time for a motion, however it is made I would not insist on keeping them together.

Attorney Michael Hines: I am an Attorney at Law and my address is 300 Fremont Street, Las Vegas, Nevada. I am the retained Counsel of Mr. J. K. Houssels, Sr. and Mrs. J. K. Houssels, who live directly across the street. I also, at this time, have permission to represent Charles King of the Lawson Trust, who owns the property; Mrs. Jorgenson, who lives next to the lady whose property abuts this property, and also Art Hamm, III who has a beneficiary interest in the property across the street.

I would like to state that it might be ironic that one of the original builders of this town, Mr. J. K. Houssels, would oppose this change and would oppose the restaurant in this area. Certainly he was one of the founders of the community and did a lot to build the community.

Most of you people know as much about the area as I do - you've lived here. I would like to state that south 6th Street is only a little over 20 ft. wide. There are no sidewalks on that street.

The house in question is the old Wengert house - Mr. Housells informed me she realized it would all go Commercial but it was zoned for offices and for parking for offices, which use would close at nine o'clock in the evening, which she has no objection to. But she does object to the restaurant, not only because of the night time traffic, but the fact that she and her husband are living in that neighborhood and Mr. King told her that he respected the area and would not build anything around the neighborhood right next to them as there are around the corner on 5th Street - there are some residences there, but

Z-21-75
and
Z-85-76
(continued)

they have been there for some time. This restaurant, in particular, would operate night and day - the house itself sits within about 8 ft. of the street, on 6th Street, and across from the Housells home there there are lots that have not been watered - not been taken care of and the area does look bad.

Certainly, and I speak only for myself, I do think we have enough restaurants in Las Vegas at the present time to take care of the City's needs. We have had several that have gone bankrupt.

I would like to state that Mrs. Jorgensen, who lives next door, is eighty-five years old. She signed the Petition I have here. There is another Petition which Mrs. Housells did sign. She said, however, there was a portion of that Petition that was presented to the Planning Commission, that she did not approve of, and that was the portion - if you happened to have read it - that said that action would be taken to impeach the people in office. That is not the Housells' way of doing business or Charlie King's way of doing business, nor Mike Hines' way of doing business of making any threats. The Housells are not threatening anybody . . .

I feel that if you know that area - if you know 6th Street and that corner - it is backing up to Mrs. Schwartz's property - it is right directly across the street from the Housells' property and the Jorgensen's property and I just don't believe that particular area is best suited for this use.

Commissioner Leavitt: Did you notice that on the Plot Plan, Mr. Hines, that there is no entrance to 6th Street?

Mr. Hines: There is access right there (wall map) -

Joan Schwartz: I don't want to be redundant - Mr. Hines has stated exactly how I feel and I am definitely against this proposed restaurant. I've done this four other times - I guess Mr. Saylor is getting tired of it. This whole thing was Professional at one time, and this back part, especially, was supposed to be for Professional. I have a 2-story home and no matter what you do and you are upstairs overlooking from your bedroom, you can see everything downstairs - all the cars are going to be there with the pollution. It's the same thing - traffic in and out at night and I'm sure, gentlemen, that none of you would want to be living with this right under your bedroom. Again, everything that Mr. Hines has said, if I were to mention would, of course, be just redundant. I am definitely against a restaurant - anything Professional where they close up at five o'clock and Saturdays and Sundays - we had no problems - it was really delightful when the Title Company was there. We want our privacy and we won't have our privacy at all if we have this restaurant..

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Mayor Briare: Mr. Saylor, on Z-85-76, what was the recommendation of the Planning Commission?

Mr. Saylor: The Planning Commission recommended approval of the change in zoning, subject to several conditions. They are not on the agenda because their meeting was after the deadline for getting them on the agenda.

Mayor Briare: Why were they inconsistent? Why did they deny in one instance and approve in the other?

Z-21-75
and
Z-85-76
(continued)

Mr. Saylor: It is conceivable that different people sat at the various hearings. One came up at the last meeting and one came up at a previous meeting, plus, I know there were some other circumstances in connection with Z-21-75 - they had requested access on to 6th Street, and I'm sure the Planning Commission felt that was one of the major factors to be considered.

On the zoning action on Z-85-76, there was to be no access on 6th Street - there is a parking area to be lighted under certain conditions - to keep the light from raying out - to control the garbage receptacles and things of that nature, but the primary one was the matter of access on 6th Street.

Frank Wright: I am representing the homeowners in the area, Mr. Mayor and Commissioners. On the petition we have taken out that little portion that Mr. Hines mentioned and we wish to present what remains to you now -

Mayor Briare: Did they agree to tearing out that part?

Mr. Wright: Yes, they did -

Mayor Briare: When did they do that?

Mr. Wright: Before we came here - I have it both ways -

Commissioner Christensen: We've seen it the other way - before that center section was torn out -

Mayor Briare: Are you the one who circulated the Petition?

Mr. Wright: I was asked to by the people in the area -

Mayor Briare: That sure kind of defeats the purpose - I think you've defeated the whole thing by tearing that out - I don't think you had authorization from those people to tear that out. You have taken it upon yourself to change what those people signed. Which one are you going to stand by? You say you represent these people - are you authorized to cut out part of their Petition? I respect these people for signing the Petition, and then you come before this Board and, on your own initiative, tear out a piece . . .

Mr. Wright: I do have other copies, which I shall be glad to give to each one of you.

Commissioner Lurie: Why don't you read it for the record so everybody will know what it says?

Commissioner Leavitt: It says something about a recall?

Mr. Wright: It was written by one of the homeowners: "We, the undersigned, in the area of South Sixth and Charleston, hereby unequivocally protest the reclassification of property on the southeast corner of Sixth and Charleston from Professional Offices and Parking to Limited Commercial for the purpose of using this for a Restaurant and Parking facility.

Furthermore the undersigned residents of the area would support the removal from office of any official who would, in any manner, fail to protect our neighborhood . . ."

Z-21-75
and
Z-85-76

(continued)

Commissioner Leavitt: How would you remove someone from public office, unless it was by recall?

Mr. Wright: The homeowners put this together and asked me if I would go around and collect signatures, and I had somebody do that - there are the names of 86 people on here, and I believe the opposition had only one name from quite a ways down the block -

Commissioner Christensen: Your Honor, I would like to make a comment: It is unfortunate that we are put in a position - and yet maybe it's fortunate that we have to test our own intestinal fortitude and deliberate and make decisions of this nature without letting our own feelings get involved. I appreciate the position a Judge is put in at the District Court level, because here we have been threatened - and I consider that a real threat - and yet we still have to make a decision based on sound judgment rather than on immediate instinct - saying - if you want to sue or if you want to throw us out of office, or whatever, get in line! There's a whole lot of people in front of you.

I appreciate the problem we have placed ourselves in and I'm sorry we are in this particular predicament, but I would hope that everyone would let their better judgment over-rule their instincts and feelings, and I am prepared to make a motion at this time, if it is in order.

Mayor Briare: The floor is open for a motion, Commissioner.

M o t i o n

Commissioner Christensen: I would move that it be denied, based on several items. Number one, I don't have anything against the Restaurant, and I don't have anything against the people who want to put it in, or the property owners in the area, or anything else, but we have spent many years - I used to live on Charleston Blvd. - at 7th and Charleston - and am extremely familiar with the area - I grew up there - we spent many years - Commissioner prior to this one - went through quite a few public hearings relative to West Charleston to prevent what happened on East Charleston from happening on West Charleston, and recognized the problems they had with hodge-podge Commercial just because it happens to be a busy street, and did create a C-D Zoning on West Charleston so they would have some type of control.

The mere fact they recognized that this type of problem existed, I think has a lot of bearing on this particular instance. I've sat through several hearings on this same piece of property, and the Piece of property just to the east of it, and it was always relative to a Professional type use where it is closed at night, and I think the homeowners deserve the right - deserve the protection - from this Board for the evening hours and night time activities and quietness - and it is a quiet residential neighborhood - and that is the reason for my motion.

Commissioner Woofter: Before we vote, Mr. Mayor, I would like to make a comment: I, like everybody who has lived here for some time, do appreciate that South Sixth Street area. The home in question I have always thought was one of the most beautiful homes in the City of Las Vegas. But also, across the street there, there was also a beautiful home at one time. I note that that was leveled out.

Z-21-75
and
Z=85-76
(continued)

Here we have a property owner - Mr. Deale - who has stated and represented that he intends - that's why he wants to put a Reasaurant in there - because of the beautiful complex - a beautiful home - he intends to maintain it and keep it restored in that condition. He has already represented - he's very much concerned about the odors - the parking situation - and has cooperated 100% with the Planning Commission in that regard.

I'm just questioning the preservation of the neighborhood. Who is to say that somebody else comes along - makes a purchase from Mr. Deale and wants to level that home off? We did see a beautiful home leveled right across the street there, and that is my concern - that this could very well happen.

Commissioner Christensen: My home was a beautiful home at 7th and Charleston and it was leveled to make way for a Real Estate Office, which has been built - which is Professional type zoning, which closes in the evening. I haven't been on the inside of it, but from the outside it is just as beautiful as the home that was leveled.

Mayor Briare: If we all keep making comments, we might not have to bother with a vote. I am going to make one: There is no one in Las Vegas that I have a greater affection for than J. K. Houssel, Sr. He has been a loyal supporter of mine and the only thing he has ever wanted of me is to do what I think is right and I think you would all agree that's the kind of a guy he is.

I happen to think that this particular zoning is right. The motion is to deny.

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

Mayor Briare: The motion is approved - the application is denied.

CHARLESTON
HEIGHTS
TRACT No. 54

REQUEST OF WAIVER

Request of Waiver from requirements of the Sub-division Ordinance concerning certain off-site improvements in connection with Charleston Heights Subdivision, Tract No. 54.

Mr. Saylor: This is all in order. It is in accord with the policy - this is in connection with a Ranch Estate development designed around the use of horses - it is for the waiver of the sidewalk and curbs. The Department of Public Services, together with this Department, recommend approval of this request.

Commissioner Christensen: I move for approval as recommended.

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

DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, DIRECTOR

RELEASE OF
CONSTRUCTION
CONTRACTS

See Page 102 of these Minutes (Annotated
Agenda)

RIGHT-OF-WAY
ITEMS

See Page 103 of these Minutes (Annotated
Agenda)

REPORTS

1. Request of Nevada Power Co., 2515 S. Industrial Rd., to connect a private sewer system into the City sewer from outside City Limits.

Mr. Hampton: It would be very uneconomical for them to extend the County's operation and it isn't really that large of a service. We would recommend allowing them to hook in to the City sewer system.

Commissioner Lurie: I have a question, Mayor: Are we going to be expecting a lot of these requests now because of their toying with the Wastewater Treatment Plant, insofar as asking to hook into our Plant? You know our Plant is just about at capacity now, isn't it? And is it going to prevent us from being able to stop their building permits if we are overloaded?

Mr. Hampton: It could very well do that at some future time. Hopefully, this wouldn't be the case. We have approximately three million gallons surplus at the present time which, with our normal growth, would last us from two and a half to three years.

Commissioner Lurie: We are also servicing North Las Vegas, so if their growth increases we will have to handle more of their effluent -

Mr. Hampton: This Board, several months ago, took the position that they would consider single connections and not blankly disapprove, but felt that subdivisions outside the City should not be connected in. The only ones you have approved within the past few months have been single connections.

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

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

Request permission to negotiate contract with
Consulting Electrical Engineers, DWYER, LOBER
& COHEN for electrical facilities at Freedom Park.

Mr. Hampton: This is something we could do with our Staff - however, with the Downtown Lighting project, the lighting of the tennis courts, will take a considerable amount of our time. Our Electrical Engineer, Mr. Evans, has retired (as of a month ago) - we are attempting to fill that position but in the interest of time we would request that we get a Consulting Firm on this particular

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 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. RELEASE OF CONSTRUCTION CONTRACTS

1. Bid No.: 76.54
 Contractor: Howard's Artistic Landscaping and Sprinkler Co.
 For: Sr. Citizens Center Landscaping - City Hall Plaza Landscaping Phase I - Bid Group I
 Notice of Completion: November 16, 1976
 Release Date: December 21, 1976

2. Bid No.: 76.80
 Contractor: Wells Cargo, Inc.
 For: Annual Street Overlay Contract
 Notice of Completion: November 29, 1976
 Release Date: January 3, 1977

Items 1 and 2
 Approved
 as recommended
 Lurie - unanimous

Clerk &
 Purchasing to
 proceed

4TEM

Commission Action

Department Action

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

*B. RIGHT OF WAY ITEMS

1. Grant Deed
 From: A. G. Spanos Construc-
 tion, Inc., a California
 Corporation
 To: City of Las Vegas
 For: Portion Government Lot
 36, Sec. 36, T20S,
 R60E
 Alpine, Brush and radius
 Dedication. Bldg. Permit
 (11-29-76)

Items 1 thru 5
 Approved
 as recommended
 Lurie - unanimous

Public Services
 authorized
 to proceed

2. Grant Deed
 From: Bessie E. Harber
 To: City of Las Vegas
 For: Portion SE-1/4, Sec. 21,
 T20S, R61E
 Radius corners at High-
 land, Doolittle, and
 Wyatt
 Dedication. Bldg. Permit
 (11-24-76)

3. Grant Deed
 From: Richard S. DiNicola and
 Jeanne C. DiNicola, hus-
 band and wife as joint
 tenants
 To: City of Las Vegas
 For: Portion NE-1/4, Sec. 5,
 T19S, R60E
 Rocky Road and radius
 Dedication. Bldg. Permit
 (11-24-76)

4. Grant Deed
 From: Frances Royer
 To: City of Las Vegas
 For: Portion SW-1/4, Sec. 33,
 T19S, R60E
 LaMadre, Washburn, Cim-
 arron, Rosada, Tomsik
 and unnamed street
 Dedication. Land
 Division (11-19-76)

5. Permission to appraise, purchase or
 condemn parcels for Michael Way, Decatur
 to Washington.

C. REPORTS

1. Request of Nevada Power Co., 2515 So.
 Industrial Road to connect a private
 sewer system into the city sewer from out-
 side city limits.

Approved
 C
 Lurie voted "no"

P/W to proceed

2. Request permission to negotiate con-
 tract with Consulting Electrical Engine-
 ers, Dwyer, Lober and Cohen for electri-
 cal facilities at Freedom Park.

Approved
 Leavitt
 Lurie voted "no"
 C abstained

Same as above

ELECTRICAL
CONSULTANTS
(continued)

Project. We have interviewed the two local Consultants - they are both very qualified, but we would recommend that we enter into a contract with this firm.

Mayor Briare: There is no way you can use one set of Engineering Studies prepared for one Park and use it at another Park?

Mr. Hampton: Not unless it would be of the exact same shape and size - there probably would be special features -

Commissioner Lurie: What is the approximate cost for this type of Consulting service?

Mr. Hampton: I'm not certain - I think it's between \$4,000 and \$5,000.

Commissioner Lurie: Are you in the process of taking applications to replace our Electrical Engineer, who retired?

Mr. Hampton: Yes. We had that approved a couple of meetings ago and I believe it is being advertised right now.

Mayor Briare: Do we have any candidates?

Mr. Hampton: I don't know, Your Honor, I haven't checked -

Mayor Briare: I'm wondering if we hadn't wait until he comes on board and give it to him as his first assignment -

Commissioner Lurie: We're talking of spending four or five thousand dollars - I don't know what his salary is going to be - we don't have the money yet to light those tennis courts -

Mr. Hampton: This is for Freedom Park - the one at Fountain Park will be designed in-house - the tennis courts will be designed in-house . . .

Commissioner Lurie: The time frame, though - is it more economical for us to approve this expenditure to have this Consulting firm do it, or will we have somebody on board in time to do it ourselves?

Mr. Hampton: It was our thought that we should proceed as soon as possible with the design. The cost we would save in construction would off-set the savings we might effect by doing it ourselves. The fact is, with just the one man and with these other Projects having the priorities they have equal rights as far as getting the work out. We probably couldn't get to this Project due to the retirement of Mr. Evans. I'm convinced that if we want to get this Project completed in good order, we could best use the services of this Consulting firm.

Commissioner Lurie: How long is it going to take to negotiate with the Consulting firm? If it takes just as much time to negotiate a contract as to hire somebody and put them on board, why go outside?

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Mr. Hampton: The contract with the Consultants could be back before you at your next meeting insofar as the Consultants' services are concerned.

Commissioner Lurie: And you already have a Consultant picked out?

Mr. Hampton: We've talked to both the local firms and are recommending that we select Dwyer, Lober & Cohen. Between now and the next meeting we would get together with them and negotiate a contract.

ELECTRICAL
CONSULTANTS
(continued)

M o t i o n

Commissioner Leavitt: In other words, all you want is permission to negotiate?

Mr. Hampton: That's right.

Commissioner Leavitt: I will so move.

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

Commissioner Christensen temporarily absent.

See Page 106 of these Minutes (Annotated Agenda)

Mr. Hampton: The first is a recommendation by the Traffic & Parking Commission that the speed limit on Alta Drive, between Highland Drive and the westerly City Limits, be changed to 30 mph.

Presently it is 35 mph - then it reduces to 25 mph - then goes back to 35 mph again and then back down again to 20 mph.

The average travel speed - we have studied the accident ratios and considering all these factors and for safer conditions it would be best to make the speed limit uniform at 30 mph from Highland to Decatur.

M o t i o n

Commissioner Woofter: I would so move, as recommended.

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

Commissioner Christensen temporarily absent.

Commissioner Lurie: From Highland to Decatur? This says from Highland to the westerly City Limits. Are you changing it now? If you are talking about the westerly City Limits, that's clear up at Rainbow.

Mr. Hampton: It should read between Highland and Decatur.

Mayor Briare: What is it from Decatur to the City Limits?

Mr. Hampton: 35 mph.

Commissioner Lurie: You'd better look at the signs again - the way I read it, it's 30 mph from Highland to the westerly City Limits - make it uniform all the way through -

Mr. Hampton: It must be 30 mph now from Decatur -

Commissioner Lurie: It's 25 mph in some areas - like between Upland and Lorenzi - there are signs up there and there are always radar units on that hill -

Mayor Briare: You've got a combination of 15 mph, 25 mph, 30 mph and 35 mph . . .

Mr. Hampton: The recommendation of the Traffic & Parking Commission was that it be 30 mph from Highland to Decatur. That's where the inconsistency was and I would recommend that those limits be changed.

M o t i o n

Commissioner Lurie: I so move.

ITEM

Commission Action

Department Action

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

*D. TRAFFIC AND PARKING ITEMS

1. Traffic and Parking Commission recommends approval of speed limit change on Alta Drive from Highland Drive to westerly city limits to 30 MPH.

Approved
 W - unanimous*

P/W to proceed

2. Request of Bob Rosequist for joint driveways on Padua Street and Milam Street. Traffic and Parking Commission recommends approval.

Approved
 Lurie - unanimous*

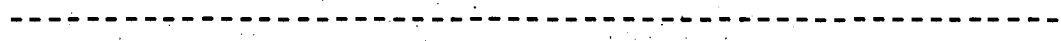
Same as above

* Commissioner
 Christensen
 temporarily
 absent

TRAFFIC &
PARKING ITEMS
(continued)

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

Commissioner Christensen temporarily absent:



VACANCIES ON BOARDS AND COMMISSIONS

REGIONAL STREET
& HIGHWAY
COMMISSION
Members
Reappointed

Mayor Briare: Apparently there is a requirement that members of the Regional Street and Highway Commission be appointed prior to December 31st of each year.

If it meets with the approval of this Board, I would reappoint Ron Lurie who serves as the Vice Chairman of the Commission, and Mayor Briare.

If there are no objections, those reappointments are now made.

See Page 108 of these Minutes (Annotated Agenda)

PARK & RECREATION
ADVISORY
COMMISSION
Bob Scott
Reappointed

Commissioner Leavitt: Mr. Mayor, I understand from the Park & Recreation Advisory Commission that Bob Scott does want to be reappointed.

Commissioner Lurie: He said he would step down if there was another appointment, but that he would like to be reappointed.

Commissioner Leavitt: Apparently there has been a communication problem and I would move that Mr. Bob Scott be reappointed for another 3-year term.

Mayor Briare: If there are no objections, then Mr. Bob Scott is hereby reappointed.

GOLF BOARD
J. Wentz McCoy
Appointed

Commissioner Woofter: Your Honor, relative to the Golf Board, a Mr. McCoy, who lives in the City on North 10th Street, is a retired individual; has been in the community for some time, called and requested that I ask the Mayor and the Commission to consider him.

Mayor Briare: Commissioner Woofter is recommending Mr. McCoy to serve on the Golf Board. If there are no objections, I will appoint Mr. McCoy at Commissioner Woofter's request, as a member of the Golf Board.

CITIZENS
PARTICIPATION
REVIEW
COMMITTEE

re COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Mayor Briare: We have one Committe that Bruce Spaulding is putting together . . . I would like to propose these names and then you can add to them if you want:

Howard Wellman -

Perhaps each Commissioner, and the Mayor, might appoint one - do you have one Commissioner Christensen that you would like to name?

Commissioner Christensen: I think my selections are already on the list there -

Mayor Briare: But I can't tell who is named by who -

ITEM	Commission Action	Department Action
<u>III. VACANCIES ON BOARDS & COMMISSIONS</u>		
A. <u>PARK & RECREATION ADVISORY COMMISSION (3-year term)</u>		
1. Bob Scott - Term expires 1/3/77	Bob Scott reappointed	Clerk to notify
B. <u>LAS VEGAS METROPOLITAN BEAUTIFICATION COMMITTEE (3-year term)</u>		
1. Milica Weinstein - Term expires 1/20/77	Abeyance	1/5/77 Agenda
C. <u>ELECTRICAL EXAMINING BOARD - (2-year term)</u>		
1. Raymond Soard 2. Raymond A. Larsen 3. William Kent 4. Duane Leary	Abeyance	1/5/77 Agenda
Terms will expire 2/2/77		
D. <u>GOLF BOARD (5-year term)</u>		
1. E. O. Underhill - Term expires 1/3/77	Appointed J. Wentz McCoy 417 N. 10th St. (382-3038) (Commissioner Woolter's nomination)	Clerk to notify
E. <u>CITIZENS PARTICIPATION REVIEW COMMITTEE in re COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM</u>		
Eleven (11) Members to be appointed: (Six (6) from Planning Areas I and II Five (5) at large)	Approved those recommended for Planning Areas I and II. Five at large appointed as follows: Eleanor Walker, 953 Genoa, #72 Ron Junius, 1500 Arthur Ave. Ann Lynch, 4305 Fortune Ave. Howard Wellman, 708 Delta Ave. Moira Thompson, 8512 Log Cabin Way	Dept. to notify
 <u>ADDITIONAL ITEM:</u>		
1. <u>REGIONAL STREET AND HIGHWAY COMMISSION</u>		
William H. Briare Ron Lurie	Reappointed (for 2-year terms)	Clerk to notify
Terms expire 12/31/76		

Mayor Briare: Very well - the following have been proposed:

Eleanor Walker
Ron Junius
Ann Lynch
Moira Thompson

If there are no objections the citizens-at-large on this committee will consist of these 5 citizens. Mr. Spaulding, do you need those for Planning Areas I and II also?

Bruce Spaulding: Yes, Your Honor - there are three for each of these Areas.

Mayor Briare: Then for Planning Area I, we have recommended

Everlean Terry
James Lea
Governor Johnson

and for Planning Area II, we have

Robert E. Brewer
Hazel McCormick
Robert Mitchell

If there are no objections, those citizens will be appointed for Planning Areas I and II.

CLARK COUNTY
COMMISSION -
SPACE IN CITY
FACILITIES

Mayor Briare: For quite some time discussions, of course, have been going on back and forth in a friendly manner - and I emphasize in a friendly manner because sometimes it would appear that perhaps it is not friendly, with respect to the housing of facilities for the Clark County Commissioners.

There have been some informal discussions between Commissioner Ronzone and myself. There is nothing too exciting to report except that the County agrees with a proposal such as I will suggest, and I would ask that if this Commission feels it is a fair proposal, that the City could concur.

That Commissioner Ronzone and Petitti would vacate the 10th Floor bubble area. Any space on the 8th Floor needed by the County - excluding Metro - we're not talking about the Metro Police - area to be leased from the City at a square footage cost to be determined consisting of all the normal charges that go into a rental rate, with the exception of a profit to the City. In other words, it is to be purely cost only.

I'm going to skip one and get back to that last because there might be some discussion on it. The 8th Floor would be used by the County and they would be allowed to alter it, at their expense, in any way they see fit - obviously to be compatible with the structure of the building.

Payment for the use of any other facility would be negotiated on the basis - and this is only a formula - we can't put a dollar value yet to it, because it has to be negotiated - however, the criteria would be, first of all, availability - the City would have to be the sole determining body, and it would be at cost only - determined, again, in accordance with normal business practices, except there would be no profit factor involved. Strictly on the basis of cost only, but all

the factors that go into a rental rate would have to be negotiated.

Now the part that perhaps might be in question in the minds of some of the Commissioners, would be the fact they are requesting a four (4) year agreement. The reason for the four year agreement, according to Commissioner Ronzone, is because we counted backward from the time it would be possible, with the County using every expeditious move to have a Bond Issue - the Bond Issue would, of course, be designed for a number of things which is their concern - perhaps at this moment, more so than ours, and they said the earliest they could think of when they would be able to move into a permanent facility, considering design time, construction time, Bonding time, etc., would be four years.

From a practical standpoint they are anxious to move into an area under the permanent ownership of the County, and rather than make it appear there are arguments going on, they felt five years - but four years was suggested as being more realistic.

Commissioner Christensen: Do we get to discuss that?

Mayor Briare: Of course, you can discuss every bit of it.

Commissioner Christensen: I think we should make it for two (2) years, for these reasons: Number one, we don't know what the status of the Metropolitan Police Department will be following the next Session of the Legislature. Number two, there are certain petitions being circulated in some of the unincorporated areas requesting unification with the City of Las Vegas, which would have a bearing on this, and I'm sure that will come to a head one way or another before four years are up.

Both of those items have a bearing on space at City Hall because, as I understand, one of the things that the people behind the unification drive are after, is four (4) seats on the Commission, or more seats on the Commission, based on the population of the people that are annexed, that we will have to house, and I foresee here another situation where we could end up in the same kind of a battle where the County Commissioners object to being moved into an interior office and somebody else having a window, or something like that.

I think we've got a space problem that is looking us right in the eye, sooner than four years.

Then this could conceivably be used as another action to forestall any unification because of the lack of space at City Hall to take care of the increased functions and responsibilities of the City, because it is obvious that it can never come about the way unification of our Police Departments came about where all the space that was being used came from the new City building because the County has no new building, so if we end up having to take over some of their responsibilities in municipal matters in that area, we're sure not going to be able to handle them out of the Courthouse, and I think four years is too long a time.

Mayor Briare: Commissioner, I think your points are certainly valid, especially when you talk about that unification aspect, and I know that you are aware, as we all are, that we're talking about very limited space on the 8th Floor - very, very limited, and I would certainly urge you to look at it in the eyes of

the County Commissioners in view of the Bonding program they are thinking of, because two years would just not give any peace of mind as far as any kind of stability is concerned, especially with the new members and, incidentally, I gather this has been more or less discussed with the new members coming on the Board and they too were impressed with the fact that four years would be an almost minimum time, in good conscience, anybody could act on this.

Commissioner Christensen: Since I came on this Board the problems that the City has had with regard to space - trying to get their act together to properly serve the citizens, has been of the least concern to the County. I don't say that in a vindictive way about the County - I'm just saying that we are concerned primarily in serving the citizens of the City of Las Vegas, whom we represent, and I see no reason to put out the citizens of the City of Las Vegas and curtail their services to make room for the County.

Commissioner Leavitt: Mr. Mayor, do I understand this proposal is to be limited to the 8th Floor?

Mayor Briare: That is correct, as far as housing facilities are concerned. As far as utilization of these Chambers, for example, that is to be negotiated based on a cost basis.

Commissioner Leavitt: I'm just a little concerned too about it - I agree with everything contained in the proposal, but I'm concerned about what factors are to be taken into consideration to arrive at "cost estimates". You haven't taken the depreciation?

Mayor Briare: Yes - as far as I am concerned, that is one of the factors that goes into a rental agreement -

Commissioner Leavitt: Bond payment - interest . . .

Mayor Briare: Everything except a profit.

Commissioner Leavitt: I don't want the City to make any money - I don't think it's proper for the City to make money on renting space to the County. On the other hand, I think they should pay their fair share.

Mayor Briare: And they would be delighted to do it - at least the representation is that they would be delighted to do it. The only thing I can report to you is what the discussions were between Commissioner Ronzone, who is the Chairman of the Space Committee, and myself, and the understanding was that we would discuss things that we felt, knowing our own Boards hopefully as well as we do, that they would, of course, have to go back - and I said - I'm not going to discuss it with my Commission until such time as I have an indication from you that this is a satisfactory arrangement.

I had a call today at approximately noon time representing to me that these were agreed to, in concept, by the County. Now I am doing what I said I would do. I am reporting to this Board to determine what their feelings are.

Commissioner Leavitt: Mr. Mayor, in view of the experience all of us had a few months ago over a thing called "consolidation" - you will recall some of those experiences - I happened to be Chairman of that Consolidation Committee - I would like to move as follows:

That the Lease be for a 4-year period, beginning

January 1, 1977 and that the proposal setting forth what the exact cost is to be, be brought back to us on January 5, 1977 for adoption by this Board, as a matter of public record.

Mayor Briare: I would sure like to have unitively - and I don't know that I'm going to get it on your motion -

Commissioner Christensen: No, you are not -

Mayor Briare: OK, Commissioner Leavitt, then would you hold off on the term of the Agreement and vote on the rest of it? Then we will vote on the term and let the vote go as it will. I want you to separate the motion.

Commissioner Leavitt: I have no objection to separating the motion.

Commissioner Lurie: Mayor, I think the important thing is the spirit of cooperation I think the City has shown towards the County. They do have a problem and I think the fact that the obligation we all have as elected officials to save the taxpayers money and provide services - I think in our case here - the spirit we are showing - I don't know whether or not the County would have shown the same spirit, but I think the proposal is a good one and one that will provide better local government for the residents of both the City and the County, and I would vote in favor of the motion.

Commissioner Leavitt: I would like to make just one further comment, and that is this: You will all recall, I am sure, that one of the good things that came out of the consolidation effort was the fact that we were able to move the County Commissioners into the City Hall and that was an accomplishment.

You will recall that at the time Consolidation was going on that the County had, and was at that time, considering leasing space from private enterprise to use for their own Commission Chambers. We averted the necessity of them having to lease at that time by offering them space in City Hall so the space where they were could be used for the Judges. That was the whole reason they got over here to begin with - to make sure the taxpayers would not have to pay the expense of leasing from private industry space to house the County Commissioners. The City cooperated at that time, and I still feel the same way - I have no objection to them being in City Hall.

Commissioner Christensen: I think we should make one thing abundantly clear. It's true that the taxpayers in the County saved money by having the County Commissioners move into City Hall - at the expense of the taxpayers of the City of Las Vegas. That is the thing that has really never been made clear and I think needs to be made clear.

The County taxpayers saved a bundle of money at the expense of the residents of the City of Las Vegas within the corporate boundaries of the City. I think everyone should understand that.

You can make all the comments you want about sticking the taxpayers with an extra bill to force the County Commissioners to find another place to live - and I agree that we shouldn't do that if we can possibly help it, but I think everybody should understand that it is at the expense of the taxpayers within the

corporate boundaries of the City of Las Vegas. Now we lock these guys into a 4 year Lease. That means there is nothing we can do for four years. If the next session of the Legislature sees fit to double the size of the corporate City of Las Vegas it will decrease the County Commission down to three members, we're still stick with this for three more years. That's what I object to . . .

Mayor Briare: OK - on the motion then, which has been split - we are not voting on the length of term on the Agreement - we are voting only on the other matters.

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

Mayor Briare: The motion is approved. The motion before you now is on the term of four (4) years for the Lease.

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

NEW BILLS

BILL No. 76-84
1st Reading
& Referred

BILL No. 76-84 - AMENDING NEWS RACK ORDINANCE BY
ADDING A DEFINITION OF DAILY NEWSPAPERS, PROVIDING
A FORFEITURE FOR LOCATION AND CHANGING THE EFFECTIVE
DATE OF ORDINANCE No. 1843.

A Bill entitled: "BILL No. 76-84 - AN ORDINANCE TO AMEND TITLE IX, CHAPTER 12(A) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING A DEFINITION OF DAILY NEWSPAPERS; PROVIDING A FORFEITURE FOR LOCATION OF NEWS RACKS IN THE DOWNTOWN AREA FOR NON-USE AND CHANGING THE EFFECTIVE DATE OF ORDINANCE No. 1843; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Title by the City Attorney, who recommended that it be referred to Committee and that the City Clerk be authorized to proceed with the first publication, by Title, of said Bill No. 76-84. (1st reading)

Mayor Briare appointed Commissioners Leavitt and Christensen as the Committee for Recommendation on Bill No. 76-84.

BILL No. 76-77
Adopted
Ordinance
No. 1858

BILL No. 76-77 - SPECIFYING THE TERM OF DEPT. III AND ADJUSTING SALARIES OF EACH OF THE JUDGES FOR THE THREE DEPTS OF THE MUNICIPAL COURT
Committee: Commissioners Woofter and Leavitt

Bill No. 76-77 moved out of Committee favorably.

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Minutes
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A Bill entitled: Bill No. 76-77 - Ordinance No. 1858 - 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 Title by the City Attorney. (2nd reading)

Commissioner Woofter moved that Bill No. 76-77 be adopted and the Clerk authorized to proceed with the second publication, by Title, of said Bill No. 76-77, Ordinance No. 1858.

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

Commissioner Lurie: While we are waiting to ascertain the status of Bill No. 76-48, I would like to bring before you a Resolution by the City Commission of the City of Las Vegas reaffirming the previously approved location of the I-515 U.S. 95 Freeway.

At the Regional Street & Highway Policy Committee meeting last Thursday, we reaffirmed our position and we are requesting now that each entity reaffirm their previous Resolution that this is the route they wish the Freeway to follow.

M o t i o n

At this time I would move that this Resolution be adopted.

See Pages 115, 116 and 117 of these Minutes
(Resolution and Exhibit)

Mayor Briare: Are there any comments?

Commissioner Woofter: Yes, Your Honor, since this was just presented to me and basically affects the major part of the District I represent, since there was certainly a matter of controversy brought up originally and subsequently there have been several comments . . . I will have to represent that I will vote "no".

Commissioner Lurie: We did hold a Public Hearing before the Regional Street and Highway Commission and there was no one there protesting it -

Commissioner Christensen: There were several Public Hearing held on this by the City Commission before we ever passed the original Resolution - some years ago. It isn't new.

Mayor Briare: Have the record reflect that Commissioner Woofter has raised the point that he is concerned about this because the route goes through a part of his District. Any other comment?

(No response)

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

Mayor Briare: Mr. Adams and I are going to get together some recommendations for the Commission to consider "streamlining" the Agenda, somewhat.

DEPT. OF
RECREATION &
CULTURAL SERVICES

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Also, I would like to request, and I believe I am reflecting the feelings of the Commission, by doing whatever is necessary to change the name of the Department of Cultural Services to Department of Recreation & Cultural Services. There has been quite a bit of discussion going on and it can be resolved if only the word "Recreation" be used. I would hope we would not have to get too technical about it - that it not require an ordinance or Resolution, but merely meet with the approval of the Commission to change what used to be referred to as the "Department of

RESOLUTION BY THE CITY COMMISSIONERS OF THE CITY OF LAS VEGAS
REAFFIRMING THE PREVIOUSLY APPROVED LOCATION OF THE I-515
U.S. 95 FREEWAY

WHEREAS, the provisions of NRS 408.100 declare in general terms the policy of the Legislature of the State of Nevada and states that for the preservation of the public safety and the promotion of the general welfare, the improvement and development of transportation facilities in the State is necessary; and

WHEREAS, Section 408.940 of the Revised Statutes of Nevada provides that after and upon a resolution of the Board, the Department, under the provisions of Chapter 408, may lay out, establish, acquire, open, construct, reconstruct, improve, maintain, regulate or abandon freeways with the approval of the Board of County Commissioners of the county in which freeways may be proposed and with the approval of the City Council of any incorporated city directly affected thereby; and

WHEREAS, the City Commission did on August 6, 1969 hold public hearings on the location of this freeway and placed it on the master plan of streets and highways for the City of Las Vegas; and

WHEREAS, the Nevada Highway Department did hold a public hearing on the location on June 10, 1971 for the portion of the freeway described as:

BEGINNING at a point on U.S. 95 (Boulder Highway) approximately 400' northwest of the intersection of Sandhill Road and the Boulder Highway; thence proceeding northerly along the east side of Sandhill Road to a crossing of Charleston Boulevard at a point approximately 500' west of Del Amo Drive; thence curving westerly and proceeding along the north side of Marlin Street to Bruce Street; thence proceeding westerly to a crossing of Las Vegas Boulevard at a point near Linden Avenue; thence westerly to connect with existing Interstate 15. Length approximately 5.9 miles, as shown on Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, the City of Las Vegas by resolution dated January 20, 1972 adopted this above described location for the freeway; and

WHEREAS, by resolution dated November 6, 1974 the City Commissioners of the City of Las Vegas did request this freeway to be placed on the Federal Aid System; and

WHEREAS, the Nevada Highway Department did hold a public hearing on August 3, 1976 concerning the location of this freeway; and

WHEREAS, additional studies have been conducted which prove the feasibility of the adopted route.

NOW, THEREFORE, BE IT RESOLVED by the City Commissioners of the City of Las Vegas that it reaffirm its previous action adopting the location of the I-515 U.S. 95 Freeway as follows:

BEGINNING at a point on U.S. 95 (Boulder Highway) approximately 400' northwest of the intersection of Sandhill Road and the Boulder Highway; thence proceeding northerly along the east side of Sandhill Road to a crossing of Charleston Boulevard at a point approximately 500' west of Del Amo Drive; thence curving westerly and proceeding along the north side of Marlin Street to Bruce Street; thence proceeding westerly to a crossing of Las Vegas Boulevard at a point near Linden Avenue; thence westerly to connect with existing Interstate 15. Length approximately 5.9 miles, as shown on Exhibit "A", attached hereto and made a part hereof.

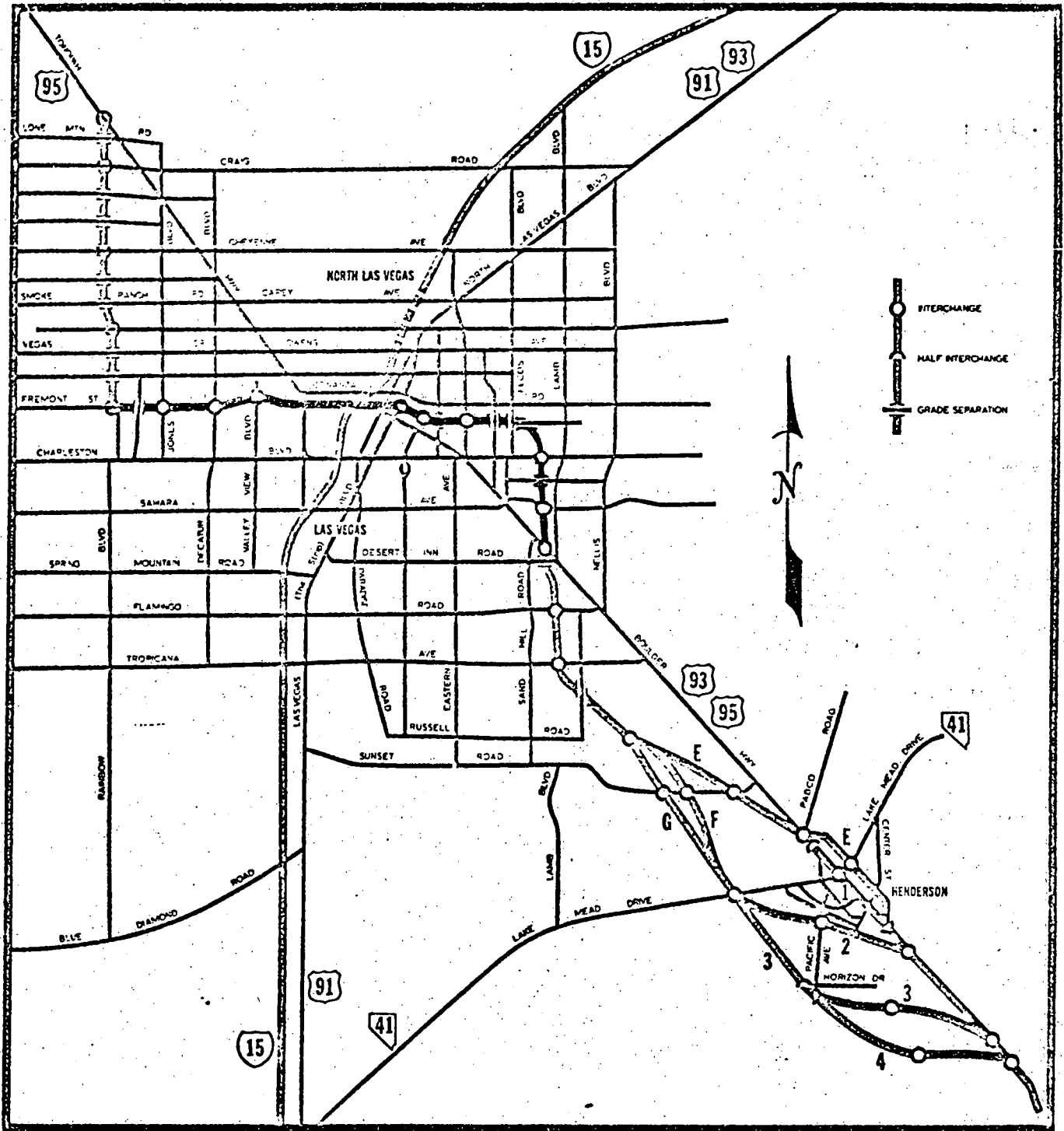
DATED this _____ day of _____, 1976.

ATTEST:

THE CITY COMMISSIONERS OF THE
CITY OF LAS VEGAS

Edwina M. Cole

Mayor WILLIAM H. BRIARE



**PROPOSED CONSTRUCTION OF U. S. 95 FREEWAY
IN LAS VEGAS VALLEY**

Location through Las Vegas approved.

Location through Henderson pending.

EXHIBIT "A"

DEPT. OF
RECREATION &
CULTURAL
SERVICES
(continued)

Cultural Services" be now referred to as the "Department of Recreation and Cultural Services". Does the Commission have any objection to that?

Commissioner Christensen: It's sure gling to make an awful lot of things to write - that's like changing South 5th Street to Las Vegas Boulevard, South. You can't write it on one line any more.

Mayor Briare: We still call it 5th Street . . .

Commissioner Christensen: Nobody knows what you're talking about unless they have been here for over twenty years . . .

Mayor Briare: It is important, I think, that both of those interest - namely "Recreation" and "Cultural Services" be spelled out -

Mr. Adams: Actually, it should because there is more in the Department than just Recreation. We will just go ahead and start the process for the change.

Mayor Briare: Is there anything else to be brought up?

Commissioner Christensen: Yes - what about Bill No. 76-48? If it isn't acted upon today, it dies in Committee. If you don't agree, vote against it but I'm not ready to take it off the agenda.

Mr. Adams: It was inadvertantly left off the agenda for today. It should normally be before you for action at this point.

Bill No. 76-48
Adopted
Ordinance
No. 1857

BILL No. 76-48 - TO PROVIDE A "HOLDING" DESIGNATION FOR TEN (10) ACRES, OR MORE, OF R-E CLASSIFICATION LAND; CLARIFYING PROVISIONS FOR SCREENING AND/OR FENCING OF TENNIS COURTS, ETC.

Committee: Commissioners Christensen & Woofter

Bill No. 76-48 moved out of Committee favorably.

A Bill entitled: "BILL No. 76-48, ORDINANCE No. 1857 - AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 9 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING A PROVISION TO PROVIDE THAT THE R-E CLASSIFICATION OF LAND CONSISTING OF TEN (10) ACRES, OR MORE, SHALL BE CONSIDERED AS A HOLDING DESIGNATION; TO CLARIFY AND TRANSFER A PROVISION ON THE SCREENING OF TENNIS COURTS FROM SECTION 9 TO SECTION 6 (G) OF SAID CHAPTER 1; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by title by the City Attorney. (2nd reading)

Commissioner Christensen moved that Bill No. 76-48 be adopted and the Clerk authorized to proceed with the second publication, by Title, of said Ordinance No. 1857.

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

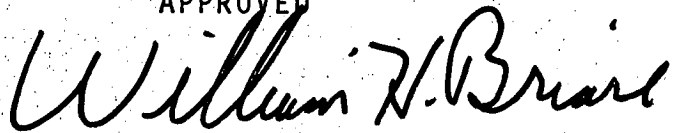
Mayor Briare: The motion is approved and the Ordinance is adopted.

Mayor Briare: Is there anything further to come before the Commission?

(No response)

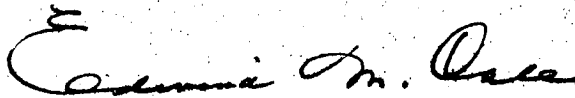
At the hour of 3:20 P.M. Mayor Briare declared this Regular Meeting of the Board of City Commissioners
A D J O U R N E D.

APPROVED

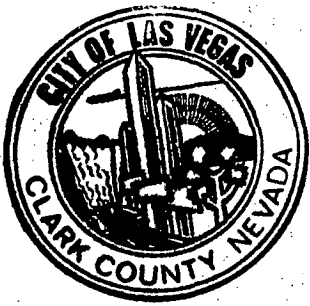


WILLIAM H. BRIARE, MAYOR

ATTEST:



EDWINA M. COLE, CMC
CITY CLERK



APPROVED BY REFERENCE at a Regular Meeting of
the Board of City Commissioners held on the 16th
day of March, 1977