

M I N U T E S

Las Vegas, Nevada
March 16, 1977

A REGULAR MEETING of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 16th day of March, 1977, was called to order by His Honor, Mayor Pro-Tem Ron Lurie at the hour of 9:00 A.M., with the following members present:

Mayor Pro-Tem	Ron Lurie
Commissioner	Paul J. Christensen
Commissioner	Myron E. Leavitt
Commissioner	Roy A. Woofter
	(Arrived 9:15 A.M.)

ABSENT (Excused)

Mayor William H. Briare

STAFF PRESENT

City Manager	W. E. Adams, P.E.
City Attorney	Carl E. Lovell, Jr.
Director of Financial Management	Marvin Leavitt
Director of Personnel & Employee Relations	Robert McPherson
Director of Business Activity	Ila M. Britt
Management Analyst, Department of Funds, Coordination & Projects	Ronald C. Jack, Ph.D.
Director of Municipal Services	J. C. Cathcart
Director of Public Services	Laurence Hampton, P.E.
Director of Community Planning & Development	Don J. Saylor, AIP
Director of Cultural Services	Harold P. Foster
Metropolitan Police Department - S.I.D.	Stuart Brown
Assistant City Clerk	Betty Jo Winter, CPS

INVOCATION AND
PLEDGE OF
ALLEGIANCE

Rev. Joel Rivers, Pastor, Vegas Valley Christian Church:

Our Heavenly Father, we thank Thee for this time together. We would pray for wisdom for these who lead us, realizing that they affect the lives of thousands of people. We know how important their decisions are, so we would pray that this morning; that You would watch over our president as he travels, be with each of our leaders, for we ask this in Thy name. Amen.

PLEDGE OF ALLEGIANCE.

BILL NO.
77-15
1st Reading
& Referred

A Bill entitled "AN ORDINANCE TO AMEND TITLE I, CHAPTER 5, SECTION 8, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, TO RE-ESTABLISH THE WARD BOUNDARIES OF THE CITY OF LAS VEGAS BASED UPON VOTING PRECINCTS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was read by title by City Attorney Carl Lovell.

Mayor Pro-Tem Lurie appointed a Recommending Committee consisting of Commissioner Leavitt and Commissioner Christensen.

Commissioner Leavitt: I have already looked at the map, and as I understand it, this ordinance is to create wards that are more equal in population, is that correct, mandated by the Supreme Court decision. In view of the fact that the election is imminent, we would like to move this at this time for adoption.

I'd like to make a motion that we adopt the ordinance.

Carl Lovell: First of all, since this is the first reading of the ordinance, we will have to have it published once and then report back at the next Commission meeting.

Mayor Pro-Tem Lurie: At this time, then I will inform the Commission that this meeting is going to be recessed today to 9:00 A.M. on March 23 for the second reading of the bill and publication of this bill for that day so that these new wards will be established for the election coming up.

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

EXTERNAL
AUDITOR
Approved
Laventhol &
Horwath

Mr. Adams: It is time to pick our external auditor within the City for checking our funds in our general operation financially within the calendar year. Based on the fact that we have in the past gone through a change in our accounting system in which we have involved the auditor and he is familiar with the problem, we are in the process of implementing that now with the computer that we are in the process of buying, all involving the same operation, and, because of this, since we are still in the process, it would be my recommendation that we continue for this year and hire Laventhol and Horwath as our external auditor.

Mayor Pro-Tem Lurie: Any comments? (No response.) I would at this time, then, move that we follow the recommendation of the City Manager and have as our auditor Laventhol and Horwath. Cast your votes. Motion is approved.

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

RESOLUTION
Adopted

Commissioner Leavitt: The Commission has a resolution in front of you. Basically, the purpose of this resolution was to clear up some misunderstanding in regards as to whether or not there has to be a notice given for an executive or a personnel session. In view of the fact that the City at the present time is adopting the policy manual, the resolution states that "No executive session shall be held until the City Commission has first convened in open session at a regular or special meeting and a majority of the members have voted to go into executive session and the vote of each member is recorded into the minutes. Prior to retiring for the executive session, the Mayor shall announce whether or not the Commission will reconvene after the executive session." What the effect of this would be is that we would not have any executive or personnel sessions except those that would be called at regularly scheduled or special meetings of the Board of City Commissioners. Under the present status of the law, it wouldn't be necessary for us to give notice of the executive session. We could hold an executive session at any time, any place. The law is not clear on that. By adopting this resolution, it would set forth our policy that we only have these meetings during a regular session of the Board of City Commissioners. I, at this time, move for the adoption of this resolution.

Mayor Pro-Tem Lurie: Will this resolution now be sent to the Legislature?

Commissioner Leavitt: It wouldn't have an effect on the legislature. One thing that I did request to go along with this. Our regular meetings are scheduled on the first and third Wednesday, so the public is

aware of that. The only question arises in regards to special meetings. Our Charter only requires that we give six hour notice of a special meeting or that all City Commissioners agree. What I suggested was the Charter be changed to the extent that when special meetings are held, it be posted notice of the special meeting on the bulletin board in City Hall, which isn't a requirement at the present time. I have asked that our Charter be amended. That's the only legislative action that may be required.

Mayor Pro-Tem Lurie: There's been a motion to adopt the resolution. Cast your votes on the motion. The motion is approved.

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

See Pages 4 and 5 of these Minutes -
Resolution

MINUTES
Approved by
Reference

Mayor Pro-Tem Lurie: I would move for approval of the Minutes A, B, C, D, and E. Cast your votes on the motion. Motion is approved.

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

Regular Meeting - December 15, 1976
Special Meeting - December 28, 1976
Recessed Regular Meeting - January 21, 1977
Special Meeting - February 9, 1977
Regular Meeting - February 16, 1977

SECOND AMENDED
ORDER DECLARING
ELECTION
Approved

Commissioner Leavitt: This had to do with the order declaring election.

Mr. Adams: They had changed some of the voting precincts.

Commissioner Leavitt: Also adding the fact that we are going to add another municipal judge. The first order had three municipal judges. Don't we have to adopt this.

Mr. Adams: It should be adopted.

Commissioner Leavitt: I move that we adopt the second amended Order for the Call of Municipal Elections.

Mayor Pro-Tem Lurie: Cast your votes. The motion is approved.

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

See Pages 6 thru 9 of these Minutes -
Order Declaring Election.

DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN LEAVITT, DIRECTOR

Page 3
Minutes
City Commission
Regular Meeting
March 16, 1977

See Page 10 of these Minutes - Annotated
Agenda

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R E S O L U T I O N

WHEREAS, the Board of City Commissioners recognizes the fact that a representative government under the American system is dependent on an informed electorate, and that our form of government requires that an informed public be made aware of the deliberations and decisions of its governing bodies; and,

WHEREAS, the Board of Commissioners further realizes that it exists for the singular purpose of representing citizens of the City of Las Vegas in government affairs and that the people in delegating that authority did not give the Board of Commissioners the right to decide what is good for the people to know and what is not good for them to know, and only by constantly informing the public of the operation of government can the people keep control over the government created by them; and

WHEREAS, the Board of City Commissioners further recognize that the present state statute, Chapter 241 of the Nevada Revised Statutes, which regulates meetings of the City Commission does not define a meeting nor require notice to be given to the public of an executive session held by the City Commission and such lack of definition and requirement for notice has caused misunderstanding as to compliance with such law, which is further compounded by the criminal sanctions of said law which makes a violation thereof a misdemeanor;

NOW, THEREFORE, IT IS HEREBY RESOLVED that it shall be the policy of the Board of Commissioners of the City of Las Vegas as follows:

1. All meetings of the City Commission shall be open to the public and any person shall be permitted to attend, except an executive session as defined in N.R.S. 241.030.

2. No executive session shall be held until the City Commission has first convened in open session at a regular or special meeting and a majority of the members have voted to go into executive session and the vote of each member is recorded into the minutes. Prior to retiring for the executive session, the Mayor shall announce whether or not the Commission

1 will reconvene after the executive session.

2 DATED and adopted this 16th day of March, 1977.

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ATTEST:

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Betty Jo Winter

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BETTY JO WINTER, CPS
ASSISTANT CITY CLERK

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Ron Lurie
RON LURIE, MAYOR PRO TEM

SECOND AMENDED
ORDER DECLARING ELECTION

WHEREAS, it appears that the Charter of the City of Las Vegas, Nevada, provides that a Primary Election be held on the first Tuesday after the first Monday in May, 1977, and that a General Election be held on the first Tuesday after the first Monday in June, 1977, in the City of Las Vegas, Nevada, for the nomination and election by the qualified voters of the City, a CITY ATTORNEY, four (4) MUNICIPAL COURT JUDGES, a COMMISSIONER of WARD 2, and a COMMISSIONER of WARD 4.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Board of Commissioners of the City of Las Vegas, Nevada, that a PRIMARY ELECTION be held in the City of Las Vegas, Nevada, on May 3, 1977, at which election there shall be nominated by the qualified voters of said City, a CITY ATTORNEY, four (4) MUNICIPAL COURT JUDGES, a COMMISSIONER of WARD 2, and a COMMISSIONER of WARD 4.

IT IS FURTHER ORDERED that such GENERAL ELECTION be held in the City of Las Vegas, Nevada, on June 7, 1977, at which election there shall be elected by the qualified voters of said City, a CITY ATTORNEY, four (4) MUNICIPAL COURT JUDGES, a COMMISSIONER of WARD 2, and a COMMISSIONER of WARD 4, all of whom shall be elected and hold office for a period of four (4) years with the exception of the MUNICIPAL COURT JUDGES of DEPARTMENT I and DEPARTMENT IV who shall be elected and hold office for a period of two (2) years, and all until their successors are elected and qualified; and

IT IS FURTHER ORDERED that the places in said City for holding said elections are hereby determined as follows:

DISTRICT	PRECINCTS	POLLING PLACE	ADDRESS
1	122	ARCHIE GRANT PARK	1720 Searles Street
2	48, 97, 191	REX BELL SCHOOL	2900 Wilmington Way
3	96	REX BELL SCHOOL	2900 Wilmington Way
4	129, 135	REX BELL SCHOOL	2900 Wilmington Way
5	121, 186	KERMIT R BOOKER SCHOOL	2277 N. Highland Dr.
6	131	J HAROLD BRINLEY JR. HIGH	2480 Maverick Street

DISTRICT	PRECINCTS	POLLING PLACE	ADDRESS
7	60, 77, 117, 128	KIT CARSON SCHOOL	1735 North "D" Street
8	136, 137	EDWARD W. CLARK HIGH SCHOOL	4291 Pennwood Avenue
9	196, 215	EDWARD W. CLARK HIGH SCHOOL	4291 Pennwood Avenue
10	16, 31, 46	BELLE AIRE POOL N PATIO	1310 South 4th Street
11	33, 41, 92	CRESTWOOD SCHOOL	1300 Pauline Way
12	70, 153	CRESTWOOD SCHOOL	1300 Pauline Way
13	84, 150, 156	CRESTWOOD SCHOOL	1300 Pauline Way
14	124, 133, 206	PAUL E CULLEY SCHOOL	1200 No. Mallard St.
15	146, 147	PAUL E CULLEY SCHOOL	1200 No. Mallard St.
16	141, 188, 190	PAUL E CULLEY SCHOOL	1200 No. Mallard St.
17	1, 5, 10, 86	DULA RECREATION CENTER	430 E. Bonanza Road
18	6, 13, 24	DULA RECREATION CENTER	430 E. Bonanza Road
19	61, 126	IRA J EARL SCHOOL	1463 Marion Drive
20	167, 214	IRA J EARL SCHOOL	1463 Marion Drive
21	40, 91	JOHN C FREMONT JR. HIGH	1100 E. St. Louis Ave.
22	49, 64, 162	JOHN C FREMONT JR. HIGH	1100 E. St. Louis Ave.
23	66, 93, 114	JOHN C FREMONT JR. HIGH	1100 E. St. Louis Ave.
24	15, 23, 210	FRANK F GARSIDE JR. HIGH	300 So. Torrey Pines Dr.
25	120, 144, 194	FRANK F GARSIDE JR. HIGH	300 So. Torrey Pines Dr.
26	171, 174, 177	FRANK F GARSIDE JR. HIGH	300 So. Torrey Pines Dr.
27	178, 211	FRANK F GARSIDE JR. HIGH	300 So. Torrey Pines Dr.
28	80	ROBERT O GIBSON JR. HIGH	3900 W. Washington Ave
29	57, 140, 179	DORIS HANCOCK SCHOOL	1661 Lindell Road
30	205, 212	DORIS HANCOCK SCHOOL	1661 Lindell Road
31	187	HARRY LEVY GARDENS	2525 W. Washington Ave
32	34, 159	MABEL HOGGARD SCHOOL	950 No. Tonopah Drive
33	62, 67, 108	MABEL HOGGARD SCHOOL	950 No. Tonopah Drive
34	37, 111, 166	HYDE PARK JR. HIGH SCHOOL	900 Hinson Street
35	55, 74	HYDE PARK JR. HIGH SCHOOL	900 Hinson Street
36	72, 109, 115	HYDE PARK JR. HIGH SCHOOL	900 Hinson Street
37	220	JAMES DOWNS TOWERS	5000 Alta Drive

DISTRICT	PRECINCTS	POLLING PLACE	ADDRESS
38	76, 155	MATT KELLY SCHOOL	1900 North "J" Street
39	2, 8	LAS VEGAS HIGH AUDITORIUM	900 Clark Avenue
40	11, 14, 18	LAS VEGAS HIGH AUDITORIUM	900 Clark Avenue
41	7, 32, 79	MADISON SCHOOL	1030 North "J" Street
42	85	MADISON SCHOOL	1030 North "J" Street
43	39, 90, 94, 100	ROY W MARTIN JR. HIGH	2800 Stewart Avenue
44	50, 139, 193	ROY W MARTIN JR. HIGH	2800 Stewart Avenue
45	51, 102, 213	ROY W MARTIN JR. HIGH	2800 Stewart Avenue
46	75, 78, 116	J T McWILLIAMS SCHOOL	1315 Hiawatha Road
47	118, 132, 173	J T McWILLIAMS SCHOOL	1315 Hiawatha Road
48	53, 103, 104	JOHN F MILLER SCHOOL	1905 Atlantic Street
49	59, 71	JOHN F MILLER SCHOOL	1905 Atlantic Street
50	12, 44, 148	JOHN S PARK SCHOOL	931 Franklin Avenue
51	17, 26, 43	JOHN S PARK SCHOOL	931 Franklin Avenue
52	19, 20, 35	RANCHO HIGH SCHOOL	1900 E. Owens Avenue
53	29, 30, 182	RANCHO HIGH SCHOOL	1900 E. Owens Avenue
54	101, 138	RANCHO HIGH SCHOOL	1900 E. Owens Avenue
55	123, 192, 202	RANCHO HIGH SCHOOL	1900 E. Owens Avenue
56	81, 127, 200	BERTHA B RONZONE SCHOOL	5701 Stacey Avenue
57	134, 204	BERTHA B RONZONE SCHOOL	5701 Stacey Avenue
58	143, 189	BERTHA B RONZONE SCHOOL	5701 Stacey Avenue
59	21, 22, 28	ST. JOSEPH'S SCHOOL	1300 Bridger Avenue
60	45	SUNRISE ACRES SCHOOL	2501 Sunrise Avenue
61	54, 105	PHIL MIRABELLI TEEN CENTER	6200 Elton Avenue
62	56, 106	PHIL MIRABELLI TEEN CENTER	6200 Elton Avenue
63	52, 69, 119	TWIN LAKES SCHOOL	3300 Riverside Drive
64	183, 216	TWIN LAKES SCHOOL	3300 Riverside Drive
65	3, 110	VEGAS VERDES SCHOOL	4000 El Parque Avenue
66	63, 184	VEGAS VERDES SCHOOL	4000 El Parque Avenue
67	98	VEGAS VERDES SCHOOL	4000 El Parque Avenue
68	58, 113, 169	ROSE WARREN SCHOOL	6451 Brandywine Way

DISTRICT	PRECINCTS	POLLING PLACE	ADDRESS
69	65, 130	ROSE WARREN SCHOOL	6451 Brandywine Way
70	112, 160, 185	ROSE WARREN SCHOOL	6451 Brandywine Way
71	38, 47	HOWARD WASDEN SCHOOL	2831 Palomino Lane
72	87, 88	HOWARD WASDEN SCHOOL	2831 Palomino Lane
73	89, 158	HOWARD WASDEN SCHOOL	2831 Palomino Lane
74	99, 152	HOWARD WASDEN SCHOOL	2831 Palomino Lane
75	73, 125	WESTERN HIGH SCHOOL	4601 W. Bonanza Road
76	142, 219	WESTERN HIGH SCHOOL	4601 W. Bonanza Road
77	154, 199	WESTERN HIGH SCHOOL	4601 W. Bonanza Road

DATED this 16th day of March, 1977.

 RON LURIE, MAYOR PRO TEM

ATTEST:

 BETTY JO WINTER, CPS
 ASSISTANT CITY CLERK

ITEM

Commission Action

Department Action

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

*CONSENT AGENDA

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

*A SERVICE AND MATERIAL WARRANTS

Nos. C947205 to C947206,
C1142 to C1144,
C114499, G206989,
C308763 to C308766,
C308769 to C308836,
C308846 to C309113,
inclusive.

In the amount of \$ 4,581,694.50

*B. PAYROLL WARRANTS

Nos 84785 to 85961, inclusive
For Pay Period Ending 2/19/77
In the amount of \$ 371,991.77

ITEMS A & B
APPROVED
LURIE - UNANIMOUS

Director
Authorized to
Issue

DEPARTMENT OF PERSONNEL AND EMPLOYEE RELATIONS

ROBERT MC PHERSON, DIRECTOR

See Pages 12 and 13 of these Minutes -
Annotated Agenda

Mayor Pro-Tem Lurie: There was also a request for 7 additional CETA positions for the Fire Department.

Mr. McPherson: We had that on the next agenda, but if you want to approve it today, that would be fine.

Mayor Pro-Tem Lurie: I would just as soon put it on today and get it approved, because we are accepting and disbursing the slots now in CETA so I would recommend that they be included on today's agenda.

DEPARTMENT OF FUNDS, COORDINATION AND PROJECTS

BRUCE W. SPAULDING, AIP, DIRECTOR

RESOLUTION
Adopted

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDS TO THE MUSICIANS PERFORMANCE TRUST FUND (LOCAL 369)

Dr. Jack: There are two resolutions for your consideration. The first is for authorization and submission of an application for funds to the Local Musicians Union 369 for funds from the Musicians Performance Trust Fund. This is a request for \$2,000 in grant. The city will match that with \$3,000 contribution in cash and then \$7,000 in matching in-kind funds.

Mayor Pro-Tem Lurie: The funds for this project are available?

Dr. Jack: That's correct.

Mayor Pro-Tem Lurie: I move for the adoption of Item A. Cast your votes. The motion is approved.

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

See Pages 14 and 15 of these Minutes -
Resolution

RESOLUTION
Adopted

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR FUNDS TO THE NEVADA STATE ARTS COUNCIL.

Dr. Jack: The next resolution is authorization to submit applications to the Nevada State Council on the Arts. Basically, there are four programs which we are asking authorization to make application for funding for. These include the Rainbow Summer Tour Package, the Rainbow Company 77-78 Season, the Arts Works Fall 77 Series, and the Civil Symphony Children's Guest Artist Series. In all, we are asking for a total of \$18,660 in grant funds, supported by, then, cash contributions by the City of \$11,660 and at this point I would like to point out that three of these programs are actually revenue generating so it is hoped that the outlay the City might have in cash will be made up in terms of the generation through subscriptions and fees for this program. It would also require that a matching in-kind contribution of

ITEM	Commission Action	Department Action			
<p>I. (d) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS</p> <p>BOB McPHERSON, AEP, DIRECTOR</p> <p>A. AUTHORIZATION TO FILL POSITIONS</p> <p><u>Federally funded</u></p>	<p>ITEMS 1 THRU 7 APPROVED LURIE - UNANIMOUS</p>	<p>Director Authorized to Proceed</p>			
<table border="0"> <tr> <td data-bbox="77 693 277 728"><u>Dept/Class</u></td> <td data-bbox="423 653 565 728"><u>Monthly Salary</u></td> <td data-bbox="597 693 850 728"><u>Justification</u></td> </tr> </table>	<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>		
<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>			
<p>(1)</p> <p>MS/Warehouse Clerk (replace vacancy) Until 6/30/77</p>	<p>577</p>	<p>Responsible for assisting Warehouse Worker in receiving, verifying and taking inventory. Also delivers stock to Citywide departments and moves furniture and other items as requested.</p>			
<p><u>Reimbursable positions</u></p>					
<p>(2)</p> <p>CS/Fine Arts Instructor - 3 Temporary - Until 5/21/77</p>	<p>777</p>	<p>Assigned to Reed Whipple Center teaching classes in Cartoon Drawing, Dance Exercises and Spanish Dances. The registration fees will defray the costs.</p>			
<p><u>City funded</u></p>					
<p>(3)</p> <p>Parks & Recreation Services/Recreation Jr. Rec. Assistant Temporary - Until 5/27/77</p>	<p>550</p>	<p>Assigned to Doolittle Center supervising and instructing classes in the weight room and in boxing.</p>			
<p>(4)</p> <p>Temporary Summer Employees - Ball Diamonds (The staffing requirements below are included in the current budget.)</p>					
<p>Parks & Recreation Services/Parks</p>					
<p>Utility Worker - 10</p>	<p>592</p>	<p>To maintain 22 lighted ball parks and practice fields.</p>			
<p>Park Attendant - 5</p>	<p>563</p>	<p>To maintain and monitor Lorenzi Park and Tule Springs.</p>			
<p>(5)</p> <p>PS/Quality Control Chief of Party (replace budgeted vacancy)</p>	<p>1070</p>	<p>Supervises crew providing field survey support.</p>			

ITEM

Commission Action

Department Action

I. (d) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

B. NEW CETA PROGRAM - TITLE VI, EFFECTIVE APRIL 1, 1977, FOR A ONE YEAR PERIOD

APPROVED ITEM B & WALK-ON ITEM LURIE - UNANIMOUS

Director Authorized to Proceed

<u>Classification</u>	<u>Number</u>
Clerk Aide	13
Drafting Aide Trainee	3
Rod & Chain Worker Trainee	3
Youth Activities Trainee	2
Jr. Cultural Asst. Trainee	4

(There will be no cost to the City for participation in this program)

WALK-ON ITEM

Seven (7) additional firefighters under the CETA Program with a maximum of \$10,000 per slot to be reimbursed through CETA Title VI.

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A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE CITY OF LAS VEGAS, NEVADA AUTHORIZING
THE SUBMISSION OF AN APPLICATION FOR FUNDS
TO THE MUSICIANS PERFORMANCE TRUST FUND
(LOCAL 369)

WHEREAS, the Musicians Performance Trust Fund is established to provide grants for the advancement of artistic appreciation through music programs; and

WHEREAS, Musicians Local 369 has funds available through the Musicians Performance Trust Fund; and

WHEREAS, Musicians Local 369 will be accepting applications for grants from the Musicians Performance Trust Fund to provide for local programs; and

WHEREAS, the City of Las Vegas desires to obtain funds from the Musicians Performance Trust Fund.

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

1. That the Department of Funds, Coordination and Projects is hereby authorized to submit an application for a program entitled "Concerts in the Park" to the Musicians Local 369 for funding under the Musicians Performance Trust Fund.

2. Said application shall be for a \$2,000 grant from the Musicians Performance Trust Fund; the City's share is \$3,000 in cash and \$7,000 in kind contributions.

3. That the Department of Funds, Coordination and Projects is hereby authorized to file such documents, material and information as is necessary or appropriate to support this application.

4. That the Department of Cultural Services, Arts and Special Projects Division is hereby designated as the responsible City agency for said application and project.

5. That the supervisor of the Arts and Special Projects Division is hereby authorized to plan, implement, and administer this project and is hereby authorized to execute such documents and reports as may be necessary

1 or appropriate.

2 6. That Mayor William H. Briare, is hereby authorized to execute
3 said application for funds and such contracts as may be necessary and appro-
4 priate for the purpose of receiving and expending these funds.

5 7. That the City Clerk is hereby authorized and directed to attest
6 said documents.

7 8. This resolution to take effect immediately.

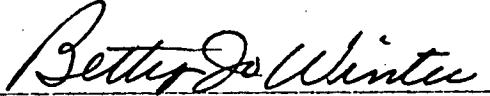
8 PASSED, APPROVED AND ADOPTED this 16th day of March, 1977.

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RON LURIE, MAYOR PRO-TEM

ATTEST:



BETTY JO WINTER, C.P.S.
ASSISTANT CITY CLERK

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SEAL

\$19,000.

Mayor Pro-Tem Lurie: Do the Commissioners have any questions? (No response). I would move for the adoption of the resolution. The motion is approved.

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

See Pages 17 and 18 of these Minutes -
Resolution.

DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

See Page 19 of these Minutes - Annotated
Agenda

TENNIS COURT
LIGHTING

Mayor Pro-Tem Lurie: I'm glad to see that Item 1, the tennis court lighting, is on the agenda when we approved it about a year ago.

Commissioner Leavitt: How long is it going to be before these lights are up now?

Mr. Hampton: It will be about a month for the bidding process and start construction about 30 days after bids are open and awarded. About 60 days. There was quite a bit of time required to negotiate arrangements with the School District. That is one of the main reasons for the long delay.

Mayor Pro-Tem Lurie: I move for approval of items 1, 2, 3, and 4, Permission to receive bids. Motion is approved.

DOWNTOWN SEWER
TRUNK
Approved

Mayor Pro-Tem Lurie: My question concerning item 1, downtown sewer trunk, it concerned me quite a bit that we were so far off it as far as our estimate compared to what the actual cost came back to us. And, then the memo justifying. I believe Larry has answered quite a few of my questions concerning that this trunk will handle about ten years of construction in the downtown area, and if we were not to approve at this time, we would have a problem with manhole covers popping in the downtown area.

Mr. Adams: By the time we start those projects, sometimes we are down and as we proceed along we make provisions so that we can stay ahead of the game. That is in essence what we are doing here.

Mayor Pro-Tem Lurie: I hope our estimators will take into account some of the areas that they have come back to justify the increase. I would move for approval on award of bids Item 1 to Burdick Contractors. Cast your votes. Motion is approved.

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

MIRABELLI TEEN
CENTER PARK
IMPROVEMENTS,
DOOLITTLE PARK
COMFORT STATION
Approved

Mayor Pro-Tem Lurie: I would move for the rejection of Bid Group I and approve for Bid Group I only to Rico Paving and Grading. Also, I need some more information on Bid Group II on Doolittle Park.

Mr. Hampton: This is just a comfort station at Doolittle that was requested some time ago. Are there any specific questions?

Mayor Pro-Tem Lurie: My main concern as far as the

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A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE CITY OF LAS VEGAS, NEVADA AUTHORIZING
THE SUBMISSION OF APPLICATIONS FOR FUNDS TO
THE NEVADA STATE ARTS COUNCIL

WHEREAS, the National Foundation on the Arts and Humanities Act of 1965 (Pub. L. 89-209), as amended, provides for the establishment of state arts councils; and

WHEREAS, the Nevada State Legislature created the Nevada State Council on the Arts in 1967 (N.R.S. 233C), as amended; and

WHEREAS, the National Foundation on the Arts and Humanities Act of 1965, as amended, provides federal funds for the Nevada State Council on the Arts; and

WHEREAS, the Nevada State Legislature also provides for an appropriation of State funds to the Nevada State Council on the Arts; and

WHEREAS, the Nevada State Council on the Arts has as its purpose the responsibility to "stimulate throughout the State the presentation of the performing and fine arts and encourages artistic expression essential for the well-being of the arts;" and

WHEREAS, the Nevada State Council on the Arts has as its purpose the development of humanities programs in the State of Nevada; and

WHEREAS, the City of Las Vegas desires to obtain funds from the Nevada Humanities Committee to enrich and expand the programs that the City provides for the general public:

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

1. That the Department of Funds, Coordination and Projects is hereby authorized to submit applications to the Nevada State Council on the Arts as follows:

- A. RAINBOW SUMMER TOUR PACKAGE:
City Funds: Cash: \$4,000; In Kind: \$1,000
Nevada State Council on the Arts: \$4,000
- B. RAINBOW COMPANY '77 - '78 SEASON
City Funds: Cash: \$2,000; In Kind: \$5,000
Nevada State Council on the Arts: \$6,000

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- C. ART WORKS FALL '77 SERIES
City Funds: Cash: \$3,000; In kind: \$10,000
Nevada State Council on the Arts: \$3,000
- D. CIVIC SYMPHONY CHILDREN'S GUEST ARTIST SERIES
City Funds: Cash: \$2,660; In kind: \$3,000
Nevada State Council on the Arts: \$5,660

2. That the Department of Funds, Coordination and Projects is hereby authorized to file such documents, material and information as is necessary or appropriate to support this application.

3. That the Department of Cultural Services, Arts and Special Projects Division is hereby designated as the responsible City agency for said applications and projects.

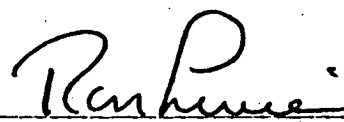
4. That the supervisor of the Arts and Special Projects Division is hereby authorized to plan, implement, and administer these projects and is hereby authorized to execute such documents and reports as may be necessary or appropriate.

5. That Mayor William H. Briare, is hereby authorized to execute said applications for funds and such contracts as may be necessary and appropriate for the purpose of receiving and expending these funds.

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

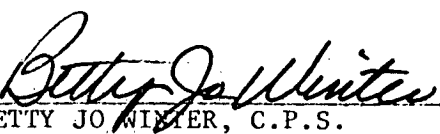
7. This resolution to take effect immediately.

PASSED, APPROVED AND ADOPTED this 16th day of March, 1977.



RON LURIE, MAYOR PRO-TEM

ATTEST:



BETTY JO WINTER, C.P.S.
ASSISTANT CITY CLERK

()
SEAL

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. Tennis Court Lighting - (1) Las Vegas High School; (2) Western High School (Public Services)
2. 2,500 Feet Wire - Triplex #6 (Public Services - Electrical Division)
3. 450 Gallons Weed Killer (Parks and Recreation Services - Parks Division)
4. Replacement Street Light Standards (Public Services - Traffic Division)

ITEMS 1 THRU 4
 APPROVED
 LURIE - UNANIMOUS

Director
 Authorized
 to Proceed

*B. AWARD OF BIDS

1. Bid #76.110 - Downtown Sewer Trunk From First Street and Carson to Eighth and Ogden (Public Services)
2. Bid #76.118 - Mirabelli Teen Center Park Improvements, Doolittle Park Comfort Station (Public Services)
3. Bid #77.8 - Playground Balls and Equipment for Summer Recreation Programs (Parks and Recreation Services - Recreation Division)
4. Bid #77.12 - 2,300 Feet 1-1/2" Hose; 3,200 Feet 2-1/2" Hose; 1,800 Feet 3" Hose; 100 Feet 3-1/2" Hose (Fire Services)

APPROVED AS RECOMMENDED - LURIE
 LEAVITT ABSTAINED

Director
 Authorized
 to Proceed

APPROVED AS RECOMMENDED
 LURIE - UNANIMOUS

Director
 Authorized
 to Proceed

APPROVED AS RECOMMENDED
 LURIE - UNANIMOUS

Same as above

APPROVED AS RECOMMENDED
 LURIE - UNANIMOUS

Same as above

C. REPORT

Waiver of 5% Bid Bond on Computer Proposals.

Appointed Committee
 Christensen and
 Leavitt to Study
 Recommendation &
 Report Back to
 Commission

4/6/77 Agenda

comfort station is that the maintenance and upkeep of the comfort station at the park. It costs us a great deal of money to keep these facilities available to the public and we have a problem with the vandalism and I wonder what is going to happen to this one. We are talking about quite a bit of money. What kind of structure is it going to be and how is it going to be maintained?

Mr. Hampton: It will be maintained in the normal manner through the Park Department on a scheduled basis. The structure itself is typical of the type of structure that we built on Tule Springs. A concrete block structure, with all secure hardware.

Mayor Pro-Tem Lurie: There is no comfort station there now in Doolittle Park? They use Doolittle facilities. Any comments from the Commissioners on Bid Group I and Bid Group II? I move for approval of these two items.

Commissioner Leavitt: By approval, you mean rejection of Bid Group I?

Mayor Pro-Tem Lurie: Yes, and then also I recommend award to the Rico Paving and Grading. Cast your votes. The motion is approved.

Commissioner Leavitt: In regards to Item B-1 regarding the award of bid downtown sewer trunk, I would like to have the record show me abstaining on that matter. I notice that the low bidder is Burdick and I have represented them in the past. I just noticed that and I would like the record to show that I abstained on that vote.

Mayor Pro-Tem Lurie: I would move for the rejection of Inland Sports and recommend award to Ray Scott's Wholesale. Comments on the motion. Motion is approved.

Mayor Pro-Tem Lurie: I move we recommend award to Wardlaw Fire Equipment. Comments on the motion. The motion is approved.

Request for Waiver of the 5% Bid Bond

Mr. Adams: This is one of the items, I might let Joe explain, if you have any specific questions. It is a standard item in which the merchandise we are purchasing is always under warranty and completely covered. It does appear to us in some of those cases, we would be in a position where it would not be necessary to ask for a bid bond.

Commissioner Christensen: Is that strictly on computers?

Mr. Adams: That's the one that brought this up.

Commissioner Christensen: Which company is that we are talking about? Which company suggested that?

Mr. Cathcart: There were four major companies that met the criteria on the first go-round on the computer bids. It is the general consensus within the majors they do not put up a bid bond. Mr. Park did go back and talk to all the majors. The only one that completely refused was IBM. The three others had gone back to the corporate officers and they would probably bid under protest with bid bonds. This is a two-step bid proposal project on the computer bids. As you know, we have had to reject in the past on failure to submit bid bonds. The statutes are clearly stated that it may be required and it is really up to the option of the City. The requirement for a bid bond was started in 1965.

PLAYGROUND
EQUIPMENT
Approved

FIRE HOSE
Approved

REPORT

Commissioner Christensen: My question about the bid bond is a rather personal one. It's almost like a person that refuses to give identification with a check. If they don't want to put up a bid bond, why? Is it strictly the expense of the bond, because they include that in their bid eventually, don't they? You see my problem that I have, are we going to bid for just hardware, or is there software involved with it, too? Is there any programming involved in that computer bid?

Mr. Cathcart: Yes, there is.

Commissioner Christensen: This worries me a little, because we about six or eight months ago, purchased a computer in our business and have had nothing but fits trying to get it programmed. I wish we would have had a bid bond that we could have acted on. We got taken to the cleaners.

Mr. Cathcart: Part of the criteria on the second phase of this computer proposal is that they must be able to put through their system one of the problems that we ask them to do. That's the only way it would be awarded. In other words, they would have to come back, if they are low, and be able to furnish us exactly what we want.

Commissioner Christensen: They all claim they can do that. But, what do you do when they don't. When they tell you, I'm sorry the programmer is out of town, or I'm sorry, we're too busy and we didn't know it was going to go in this building, and we've got a lead shield room, and we didn't know that you couldn't lead shield the room, you've got to move three blocks down the street, and all the garbage they tried to hang on us. For the computer operation, I think that we should require a bid bond and hold with it. Because, they are going to hang you out to dry. I'm speaking from experience.

Mayor Pro-Tem Lurie: It seems to me this one company who says it is their corporation involved has established corporate policy, well, this Board has established policy also. Maybe we just won't accept any bids from this company if they don't want to abide by the Commission's policy that has been established for many years.

Commissioner Christensen: Who are the firms that are considering bidding?

Commissioner Leavitt: Do I understand, it is only one of the companies that have refused to bid.

Mr. Cathcart: Yes, I believe Mr. Park, who has contacted each one separately can come back on that.

Mr. Park: We are talking about a bid bond, and not a performance bond. The bid bond was to have been for 5% of the bid. The performance bond was not even considered, due to the fact that all four companies under their current policy refuse to post performance bonds. They deal under GSA Prime contracts. IBM has indicated that New York has set corporate policy which prohibits them from posting a 5% bid bond. The other three as Mr. Cathcart has indicated, they will post that 5% bid bond, but it is under protest.

Commissioner Leavitt: Who are the others.

Mr. Park: Sperry Univac, Deck Digital Equipment, and Burroughs. The way that the technical portion of this is established in the second advertisement for cost proposals, we will be able to set benchmarks

a requirement of benchmark tests that the apparent low bidder will have to run. If it doesn't meet it, we will not accept that equipment. We will not enter into a contract agreement with a bidder until his equipment has met our criteria. We are virtually, what they are telling us, by establishing those benchmarks, you are virtually saying you won't accept our equipment until it is proven anyway. They have very complicated diagnostic tests that they have to run on this equipment.

Commissioner Christensen: We are talking about the equipment, but how about putting the equipment into use? How about the programming? How about the soft side of it?

Mr. Park: The diagnostic tests are also run on-site where it is installed. Once they bring the equipment into us, set it up here within our own facilities, it must meet...

Commissioner Christensen: Is there a time performance they have to meet?

Mr. Park. We are asking for 120 days installation time.

Commissioner Christensen: What if they don't meet it?

Mr. Park: They are in breach of contract.

Commissioner Christensen: Which means what?

Mr. Park: Sue them.

Commissioner Christensen: That's where you need your performance bond. I've got my problem with one of the four companies that you've mentioned. Believe me, you don't want a low bidder in here without some kind of a performance bond, or your computer's not going to work for years.

Mr. Park: They are indicating to us back underneath the performance, all four companies are saying that the tie-back will be under the maintenance and service agreement, not as a performance bond. They are saying they are tying to us contractually under their maintenance and service agreement.

Commissioner Christensen: The experience we've had is that they want to sell you the computer and sell you the programming, and they promise you all these things they are going to do and they are going to have it done in so many days, and once that machinery is in your building and they start working on the program, then you take second place behind whoever they are putting the machinery in for tomorrow or the next day or the next day and your 120 days goes right out the window.

Mr. Park: Looking down the road on a two, three, or four basis, Commissioner, this is not a \$350,000 acquisition, but in maintenance cost and total overview of the program that we will be buying, we're looking at a million dollars acquisition and they are indicating back to us that their corporate image would be injured if they were to not perform as we are asking them to.

Commissioner Leavitt: What about the purpose of the bid bond. The purpose of the bid bond is just to insure the fact that they can carry out the contract if they win the bid. Isn't that the purpose of it?

Mr. Park: That's correct.

Commissioner Leavitt: And all these companies are national companies with plenty of assets, so financially they are able to perform, and that's the only purpose of the bid bond. In other words, they are capable of carrying out the bid that they make. That's the purpose of it, isn't it?

Mr. Cathcart: Yes, so they wouldn't back out of the bid. It is a bid guarantee is what the purpose of the bid bond is for.

Commissioner Leavitt: If they back out the bid, they lose the 5%. I wonder if Mr. Lovell would indicate to us whether there is anything illegal in doing this.

Mr. Lovell: Not that I have heard.

Commissioner Leavitt: You can waive the 5% bond.

Mr. Cathcart: If I may go a little further on this, most of the entities have done away with the bid bond, the governmental entities. It is a barrier to some of the free-trade small minority businesses, the small businesses can't come up with bid bonds on some of these things. They are having a little trouble on it. It is also to release the bid bond, as we have requested in our memo here, except under that criteria. To get some of these smaller businesses also, get their interest going and they would bid to the City more readily. Actually, besides doing away with the 5% bid bond on this computer, we are also asking that under the other criteria we have here, under all bids.

Mayor Pro-Tem Lurie: Actually, it is your recommendation here, that the bid bond be necessary only for service and material contracts in excess of \$100,000 and construction contracts in excess of \$25,000.

Mr. Cathcart: That's correct, Your Honor.

Commissioner Leavitt: I'd like to hold that recommendation because that concerns a change in policy. I'd like to hold that part of it until we have a chance to look at it. As far as, I don't know whether there would be anything wrong in waiving the 5% bid bond in regard to this particular bid, would there? You feel that is a good thing to do in this case? There's nothing wrong in waiving the 5% in the computer bid?

Mr. Cathcart: I would so recommend.

MOTION

Commissioner Leavitt: I move we adopt the recommendation for the 5% bid bond, but I'm not prepared at this time to go ahead with the other recommendation.

Mayor Pro-Tem Lurie: Any further comments? Would you cast your vote on the motion. Motion failed.

Motion failed by the following vote:
Commissioners Leavitt and Woofter voting
aye; Commissioner Christensen and Mayor
Pro-Tem Lurie voting no.

Mayor Pro-Tem Lurie: I would like to, at this time, appoint a committee of Commissioner Christensen and Commissioner Leavitt to study the recommendation by Mr. Cathcart on the bid bond to be necessary for service and material contracts, and bring back a recommendation at our next meeting.

Commissioner Leavitt: I would like to have a written memo on the justification for such a recommendation.

PROCLAMATION

Mayor Pro-Tem Lurie: The next item I would like to go to is a proclamation that was requested by Commissioner Leavitt and supported by the Mayor and Board of Commissioners. I would like to read this proclamation at this time, and invite Dr. Brock Dixon, the Administrative Vice-President from UNLV to come up and accept this proclamation and hopefully deliver it to the team on its quest for a national championship.

"WHEREAS, the "Runnin' Rebels" of the University of Nevada, Las Vegas, have brought fame and recognition of our community as one of the nation's leading collegiate basketball teams; and

WHEREAS, in a thrilling upset victory in the second game of an NCAA first-round West Regional in Tucson March 21, the UNLV Rebels scored a lop-sided 121 to 95 win over the University of San Francisco, the nation's No. 2 ranked team; and

WHEREAS, the win over the San Francisco Dons equalled the NCAA playoff record for most points scored in a playoff contest, established in 1970 by Iowa against Notre Dame; and

WHEREAS, the University of Nevada, Las Vegas Rebels will be in Provo, Utah, March 17, to meet the Western Athletic Conference champion University of Utah; and

WHEREAS, the continued success of the University of Nevada, Las Vegas Rebels has been of great inspiration to our entire community and has gained national prominence for the Rebels and Jerry Tarkanian, their coach; and

WHEREAS, it is proper that official recognition be given the Rebels and that the pride of our community be expressed:

NOW, THEREFORE, we, the Board of Commissioners of the City of Las Vegas, Nevada, do hereby proclaim the week of March 13, 1977, to be:

"RUNNIN' REBELS WEEK"

and we do hereby extend the wishes of all citizens for continued success in their quest for the championship of our nation.

IN WITNESS WHEREOF, we have hereunto set our hands this 16th day of March, 1977."

(Applause)

Mayor Pro-Tem Lurie: Good luck to you and we'll be there to route the Rebels on.

Dr. Dixon: Commissioner, members of the Board of Commissioners, on behalf of the University I really want to thank you for this another in a great series of expressions of public support for the University. We deeply appreciate it. It's a great week for the Rebels and we'll be watching, the rest of us, with a mixture of apprehension and tension, and before it's over, I hope great joy.

See Page 25 of these Minutes - Proclamation

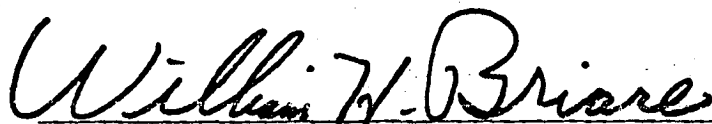
Proclamation

- WHEREAS; the "Runnin' Rebels" of the University of Nevada, Las Vegas, have brought fame and recognition to our community as one of the nation's leading collegiate basketball teams; and
- WHEREAS; in a thrilling upset victory in the second game of an NCAA first-round West Regional in Tucson March 12, the UNLV Rebels scored a lop-sided 121 to 95 win over the University of San Francisco, the nation's No. 2 ranked team; and
- WHEREAS; the win over the San Francisco Dons equalled the NCAA playoff record for most points scored in a playoff contest, established in 1970 by Iowa against Notre Dame; and
- WHEREAS; the University of Nevada, Las Vegas Rebels will be in Provo, Utah, March 17, to meet the Western Athletic Conference champion University of Utah; and
- WHEREAS; the continued success of the University of Nevada Las Vegas Rebels has been of great inspiration to our entire community and has gained national prominence for the Rebels and Jerry Tarkanian, their coach; and
- WHEREAS; it is proper that official recognition be given the Rebels and that the pride of our community be expressed;
- NOW, THEREFORE, we, the Board of Commissioners of the City of Las Vegas, Nevada, do hereby proclaim the week of March 13, 1977, to be:

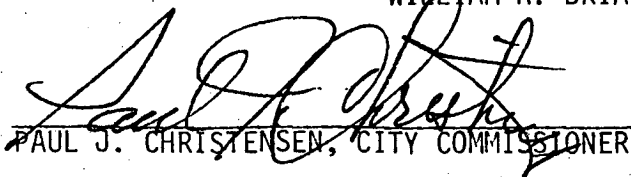
"RUNNIN' REBELS WEEK"

and we do hereby extend the wishes of all citizens for continued success in their quest for the championship of our nation.

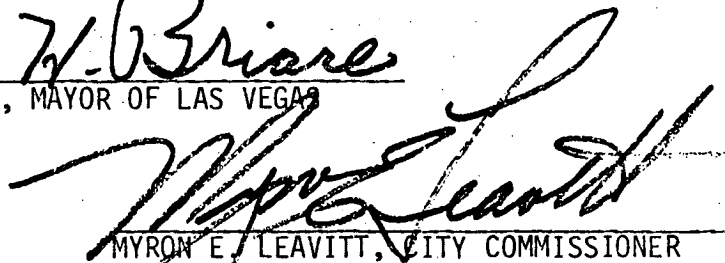
IN WITNESS WHEREOF, we have hereunto set our hands this 16th Day of March, 1977.




WILLIAM H. BRIARE, MAYOR OF LAS VEGAS



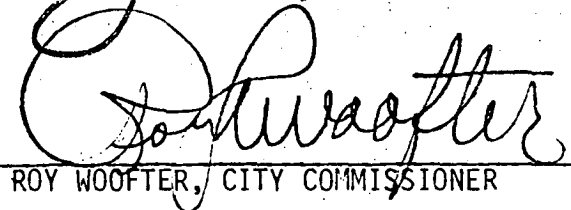
PAUL J. CHRISTENSEN, CITY COMMISSIONER



MYRON E. LEAVITT, CITY COMMISSIONER



RON LURIE, CITY COMMISSIONER



ROY WOOFER, CITY COMMISSIONER

DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

See Pages 27 thru 33 of these Minutes -
Annotated Agenda

Mayor Pro-Tem Lurie: On the abeyance item on the appeal of a denial of a business license, Item K and Item L will be held until 10:30 since that's the time that has been set for us to hear that application.

(See page of these Minutes)

Mayor Pro-Tem Lurie: Did you want to make any comments, Bill, on inactive liquor licenses status?

Mr. Adams: I just wanted to make sure that you have all gotten a copy of what we've sent forward to you with the reasons and the background. If you have any further recommendations, any changes you want to make, or you want... It is involved in the liquor ordinance which is in a study committee, and you could make appropriate changes there in case you want to. Either way, whatever your pleasure.

Mayor Pro-Tem Lurie: We'll have the committee review these and make a recommendation back to us.

DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, P.E., DIRECTOR

See Pages 35 and 36 of these Minutes -
Annotated Agenda

REPORT
Approved

REQUEST OF EDWARD H. WILSON, JR., 4909 SMOKE RANCH ROAD, TO HOOK INTO CITY SEWER FROM OUTSIDE CITY LIMITS.

Mr. Hampton: On the City Attorney's agenda of the last meeting, the Attorney gave an opinion that we could proceed in approving hookups for properties outside of the City limits. This particular item was held pending that opinion. This is a clarification. We thought we had it approved last week by virtue of the attorney's opinion; however, we put it back on the agenda to make sure that you gentlemen have approved this specific hookup. We would recommend approval.

Mayor Pro-Tem Lurie: Does the Commission have any questions? The attorney's opinion was favorable?

Mr. Hampton: That's right.

Commissioner Leavitt: I move.

Mayor Pro-Tem Lurie: Commissioner Leavitt has moved for approval. Would you cast your votes on the motion. Motion is approved.

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

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 11
 APPROVED
 LURIE - UNANIMOUS

Director
 Authorized
 to Issue

1. LAS VEGAS Y.M.C.A. --
a Portuguese Auction
2. INDEPENDENT ORDER OF FORESTERS --
tickets to a "Nite of
Entertainment"
3. NEVADA CATHOLIC WELFARE,
RETIRED SENIOR VOLUNTEER
PROGRAM -- raffle tickets
4. GOD'S POWERHOUSE, ECHOES OF
FAITH MINISTRIES -- general
solicitations
5. JUVENILE DIABETES FOUNDATION --
raffle tickets
6. HARRY LEVY GARDENS CLUB --
a bake sale
7. JOHN FREMONT JR. HIGH P.T.A. --
raffle tickets
8. TEMPLE BETH SHOLOM, SISTERHOOD --
raffle tickets; a Bingo Party
9. HENDERSON, NEVADA, CHAMBER OF
COMMERCE -- sale of Booster
Badges; sale of Sponsor
Badges; sale of advertising
space
10. SOUTHERN NEVADA DRUG ABUSE
COUNCIL -- a thrift shop
11. HYDE PARK JR. HIGH, CHORUS
CLUB -- a candy sale

ITEM

Commission Action

Department Action

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

*A. CHARITABLE SOLICITATIONS PERMITS
 (cont'd)

Westland Mall Garage Sale -
March 26th, 1977

1. LAS VEGAS Y.M.C.A., NATIONAL YOUTH PROJECT USING MINI-BIKES PROGRAM
2. AMERICAN ASSOCIATION OF RETIRED PERSONS, SOUTHERN NEVADA CHAPTER # 308
3. BOY SCOUTS OF AMERICA, TROOP 777
4. LAS VEGAS GRANDMOTHER'S CLUB
5. LAS VEGAS BUSINESS AND PROFESSIONAL WOMEN'S CLUB
6. SOUTHERN NEVADA OSTOMY ASSOCIATION
7. BETA SIGMA PHI, PRECEPTOR MU CHAPTER

ITEMS 1 THRU 7
 APPROVED
 LURIE - UNANIMOUS

Director
 Authorized
 to Issue

*B. GAMING -- Additional

1. EXBER, INC.

 Western Hotel/Casino
 899 E. Fremont
 9 slots
2. THE GOLDEN GATE

 Golden Gate Hotel/Casino
 #1 Fremont
 1 slot
3. FREMONT HOTEL, INC.

 Fremont Hotel/Casino
 200 Fremont
 6 - "21" games
 1 - Craps
 1 - Mini Baccarat
4. AUTOMATIC AMUSEMENTS

 Kenny's Restaurant
 1205 E. Charleston
 1 slot

ITEMS 1 THRU 11
 APPROVED
 LURIE - UNANIMOUS

Director
 Authorized
 to Proceed

ITEM

Commission Action

Department Action

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

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

See Page 9

5. BALLY DISTRIBUTING CO.

The Casino
 2450 Rancho Road
 9 slots

Orbit Inn
 707 E. Fremont
 20 slots

6. CORRAL COIN MACHINE CO.

Albertson's #637
 1570 North 25th
 3 slots

7. FORTUNE COIN CO.

Golden Gate Hotel/Casino
 #1 Fremont
 2 slots

8. J. J. PARKER CO.

Rice Paddy
 5183 W. Charleston
 1 slot

9. NEVADA COIN MACHINE CO.

1000 Donut & Sandwich Shop
 1000 E. Charleston
 2 slots

10. PENNINGTON AND BENNETT

Orbit Inn
 707 E. Fremont
 2 slots

11. UNITED COIN MACHINE CO.

The Brothers Market/Meat House
 1000 N. Rancho
 10 slots

Casbah Bar
 19 E. Lewis
 1 slot

Fremont Hotel/Casino
 200 E. Fremont
 2 slots

ITEM

Commission Action

Department Action

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

*C. RETAIL TOBACCO -- Additional

1. VILLAGE CATERING
 Reynolds Electric Co.
 2501 Wyandotte
2. AMERICAN VENDING
 Eleventh Street Apts.
 230 North 11th Street
3. W. W. VENDING
 L. V. Manufacturing/Distributing
 200 Foremaster Lane
 The Malt Shop
 418 Jackson
 American Tire/Rubber
 4201 Charleston
 Classic Club
 3819 W. Sahara
 Inter-Denominational Fellowship
 Youth Center
 1312 "F" Street
 La Monte's
 504 S. Decatur
 Ralph's Pizza
 4601 W. Sahara
 Jack the Ribber
 1581 N. Decatur
 Rick's Exxon
 2475 S. Rancho Road
 Brookman Apts/Motel
 520 S. Casino Center
 Blue Heaven Lounge
 2025 E. Charleston
 New Big 8 Market
 1329 Carey
 Cornet Store
 401 E. Fremont
 Elks Lodge # 1558
 1004 W. Owens

ITEMS 1 THRU 3
 APPROVED
 LURIE - UNANIMOUS

Director
 Authorized
 to Proceed

ITEM

Commission Action

Department Action

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

*C. RETAIL TOBACCO -- Additional
 (cont'd)

See Page 11

3. W. W. VENDING (cont'd)

Food Factory
 2200 S. Maryland Parkway

Gilbert Brothers Liquor
 320-22 W. Bonanza

Met's Exxon
 2500 S. Decatur

Snick's Place
 1402 S. 4th Street

Talk of the Town Bookstore
 2232 E. Charleston

Two Guys From Italy
 1280 S. Decatur

Valley Bank
 300 South 4th Street

D. LIQUOR -- New

1. *SHELLY'S DELI
 808 S. Decatur Blvd
 Restaurant Beverage

APPROVED SUBJECT
 TO CONDITIONS
 LURIE - UNANIMOUS

Director
 Authorized to
 Proceed

Sheldon Plotkin, 100%

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

E. LIQUOR -- Change of Location,
 Change of Business Name, and
 Reclassification

1. From:
 Fremont Drug
 611 Fremont Street
 Package Liquor Limited

APPROVED SUBJECT
 TO CONDITIONS
 LURIE - UNANIMOUS

Director
 Authorized to
 Proceed

*To:
 Discount Souvenir World
 316-18-20 Fremont
 Package Liquor

Alden T. Sharp, 50%
 Harvey G. Parvin, 50%

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

ITEM

Commission Action

Department Action

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

F. LIQUOR AND RETAIL TOBACCO --
Approval of Franchise Managers

1. 7-ELEVEN FOOD STORE # 18565
 1740 Fremont Street
 Beverage Off-Sale

Southland Corporation -
 Robin J. and Peggy L.
 Vukodinovich, Managers

APPROVED
 LURIE - UNANIMOUS

Director
 Authorized to
 Proceed

G. LIQUOR -- Request for Extension of
Inactive Status

1. LOTUS INN CASINO
 1213 Las Vegas Blvd So.
 Hotel Bar

Two-One-Nine Corp.--
 Joseph Amorosa et al

(Closed 1-17-77. Request for
 extension of inactive status for:
 3-18-77 thru 5-16-77.)

2. FOUR KEGS
 276 North Jones Boulevard
 Tavern

Anthony J. Benetti, 100%

(Approved 12-1-76. Extension for
 1-30-77 thru 3-30-77 approved
 1-19-77. Request for extension
 of inactive status for: 3-31-77
 thru 5-29-77.)

ITEMS 1 AND 2
 APPROVED
 LURIE - UNANIMOUS

Director
 Authorized to
 Proceed

H. RETAIL TOBACCO -- New

1. KINGS COFFEE SHOP
 1102 E. Fremont

Song, Inc. -
 Robert Songailo, Pres

APPROVED
 LURIE - UNANIMOUS

Director
 Authorized to
 Proceed

I. SECONDHAND LICENSE -- Additional
location

1. LARRY'S FURNITURE
 1039 South Main

Larry Watson, 100%

APPROVED
 LURIE - UNANIMOUS

Director
 Authorized
 to Proceed

ITEM

Commission Action

Department Action

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

ABEYANCE ITEM - Tabled 3/2/77

J. PRIVATE DETECTIVE LICENSE --
Change of Location - Change of
Corporate Officers

1. NEVADA PRIVATE PATROL, INC.
 3355 W. Spring Mt Road # 267

From: 1111 Las Vegas Blvd So.
 # 317

Steve Carson, Pres
 William Woodward, V.P.
 Donald Warren, Secy/Treas
 William Brian, Director

To: James T. Johnson, Pres
 Elvis A. Walker, V.P.
 Britt Johnson, Secy/Treas
 Steve Carson, Agent

APPROVED
 LEAVITT - UNANIMOUS
 (Commissioner
 Woofter temporarily
 absent)

Director
 Authorized
 to Proceed

ABEYANCE ITEM - Tabled 2/16/77

K. APPEAL ON DENIAL OF BUSINESS
LICENSE

1. PLAY MATE DANCE
 421 East Carson Avenue

Applicant: Ed Oueihle
 Type of Business: Outcall
 Dance Lessons

Appeal filed on Department of
 Business Activity's denial of the
 above application as authorized
 under Title 5, Chapter 1, Section
 18 (D)

DENIED APPEAL
 LEAVITT - UNAN.

Director
 Authorized
 to Proceed

L. APPEAL ON DENIAL OF BUSINESS
LICENSE

1. BEVERLY'S
 2401 Industrial Road # 2

Applicant: Ed Oueihle
 Type of Business: Dance Studio
 For Exercise

Appeal filed on Department of
 Business Activity's denial of the
 above application as authorized
 under Title 5, Chapter 1, Section
 18 (D)

DENIED APPEAL
 WOOFTER - UNAN.

Director
 Authorized
 to Proceed

ITEM	Commission Action	Department Action
<p>I-g. <u>DEPARTMENT OF BUSINESS ACTIVITY</u> (Cont'd)</p> <p><u>WALK-ON ITEMS:</u></p> <p>1. <u>LIQUOR -- Change of Ownership and Change of Business Name</u></p> <p>From: Cork 'N Bottle - Ben Marcus, 100%</p> <p>To: HAWAII 508, INC. 508 East Fremont Package Liquor/Beer Bar</p> <p>Hawaii 508, Inc. -- Katsumi Kazama, 100%</p> <p>2. <u>SPECIAL EVENT LIQUOR LICENSE</u></p> <p>JOE BRYAN MEDICAL FUND</p> <p>Location: 501 North Lamb (Carpenter's Hall)</p> <p>Date: April 2nd, 1977</p> <p>Responsible Licensee: George Gray</p>	<p>APPROVED LURIE - UNANIMOUS (Commissioner Woofter temporarily absent)</p> <p>APPROVED LURIE - UNANIMOUS (Commissioner Woofter temporarily absent)</p>	<p>Director Authorized to Proceed</p> <p>Same as above</p>

ITEM Commission Action Department Action

I (h). DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, P.E., DIRECTOR

*CONSENT AGENDA

All matters listed under Items A, B, C, and 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. APPROVAL OF SUBDIVISION PLATS

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

1. Parkchester Estates Unit No. 4A. (Parkchester Estates, Inc., Bernard V. Provenzano, President)
2. Watkins Manor Unit No. 3. (H. S. Service Corporation, Robert Banks, Pres.)

*B. RELEASE OF SUBDIVISION BONDS

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

Charleston-Rainbow Unit No. 14-B. (Sproul Homes of Nevada, R. B. Cline, Pres)

Park Bonanza East No. 6-A. (Kenney Mobile Homes, Inc., John E. Kenney, Jr., President)

2. Development of the Washington Square No. 3 subdivision is being assumed by Robert Shaw Construction and a cash deposit agreement bond with the Valley Bank of Nevada has been posted. It is therefore recommended that the bond with Cal-American Communities, Inc. be released (The Employers Group of Insurance Companies, Bond No. AA-71040-55).

WALK-ON ITEM

- *3. Lewis Homes - Smoke Ranch Estates No. 3 Duplexes (Lewis Homes of Nevada - Earl Monson, Agent).

APPROVED ITEMS
 1, 2 and 3*
 LURIE - UNANIMOUS
 (Woofter temporarily absent)

Director
 Authorized to Proceed

APPROVED ITEMS
 1 AND 2
 LURIE - UNANIMOUS
 (Woofter temporarily Absent)

Clerk
 Authorized to Proceed

ITEM Commission Action Department Action

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

*C. RELEASE OF BOND

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

- 1. Location: 517 So. Third St.
 Use: Office Bldg.-Sidewalk
 Builder: Bronze Construction
 Surety: Fireman's Fund
 Amount: \$300.00
 Bond No.: SCR6307905 (1-77)

APPROVED
 LURIE - UNANIMOUS

Clerk Authorized
 to Proceed

*D. RIGHT OF WAY ITEMS

- 1. Grant Deed
 From: Mary Herndon, an un-
 married woman
 To: City of Las Vegas
 For: Portion NE-1/4, Sec. 28,
 T20S, R61E
 Jefferson St. Dedication
 Bldg. Permit (3/4/77)

APPROVED 1 AND 2
 LURIE - UNANIMOUS

PUBLIC SERVICES
 TO PROCEED

- 2. Request permission to appraise, purchase and condemn parcels needed for Vegas Wash. (R.S.H.C. approved)

E. REPORTS

- 1. Request of Edward H. Wilson, Jr., 4909 Smoke Ranch Road, to hook into city sewer from outside city limits. (Withdrawn from 2/2/77 agenda pending City Attorney's opinion.)

APPROVED AS REQUESTED
 LEAVITT - UNANIMOUS

Same as above

F. PROJECT APPROVAL

- 1. Meade Ave. - Valley View to Rancho Dr. (S.I.D. except for sidewalk)

APPROVED S.I.D.
 CITY TO PUT IN
 NECESSARY ASPHALT
 ALONG MEADE AVENUE
 LURIE - UNANIMOUS

Same as above

MEADE AVENUE - VALLEY VIEW TO RANCHO DRIVE.

Mr. Hampton: The map to my right shows all the existing streets in the vicinity of the Rex Bell School. All the streets that are shaded blue are improved streets. The service area to this school shown in green is on the west side of Valley View Boulevard. The children presently are, the authorized route for them to get to school is the green route. This is coming up Valley View, down Sahara, and down Richfield to the school. We all know that is the long way around, and if children can find a short-cut they will. They have found short-cuts through various places, primarily they are going through the private estates, climbing over fences, going through drainage ditches, what have you. This is the school teachers' condominium unit, this is private mobile home unit. The PTA has come to us, along with the principal of the school, and has recommended we find an alternate route for these children to get to school. What they have proposed is shown in red, which is coming down Valley View, along Meade Avenue, and up Richfield to the school. It's still a little bit out of the way, but we feel it would be used by the children. Unfortunately, Meade Avenue is not fully improved. It's an industrial type area. It does have some paving about half the way, as shown in blue, versus the yellow which is unimproved. We would propose to send out letters to the property owners requesting a special improvements district. One question we are bringing to you this morning is how the sidewalk is installed. Normally this is a requirement of a developer; however, in this industrial area, the specific reason for wanting to put the street in and the sidewalk is for the advance of school children, and I am very confident that the property owners will object to the construction of a sidewalk since it will not benefit them directly. If the property owners pay for all the other improvements and the City pays for the sidewalk, we are talking about a cost of about \$10,000, which is a little over 1/2 a mile of sidewalk. We would like to get this question resolved before we send the letters out so we could inform them of the City's intention to either have them pay for the sidewalk or have the City pay for the sidewalk. I would recommend that we pay for the sidewalk.

Mayor Pro-Tem Lurie: How about the School District kicking in half of that.

Mr. Hampton: We could certainly propose it to them. I believe, however, over the period of years the access to the school, the difficult access to the school, has come about by various developments, and it wasn't any particular development that kind of fouled things up, it's just a series of things that have happened in the area that have caused the access problem. I don't think we could say it's the School District's problem; I don't think we could say it's any particular development. So, unfortunately the only people left to solve the problem is the City.

Mayor Pro-Tem Lurie: The other question I have, I've had many calls concerning this problem with the children crossing Valley View. That's a very busy street now, and you are going to have to take in another safety factor, a crossing guard up at that intersection there so the children can cross the street in safety, and then go down to Meade to go to Rex Bell School. That's a serious problem and the kids are going to find the shortest distance between two points, and that's why they cut through the mobile home park and over fences to get to school. I requested a crossing guard in that location, and I'm told it doesn't warrant it at this time. If we get an S.I.D. at this

then we are going to have to take the precaution there and see that those children cross the street with a guard.

Mr. Hampton: We'll check with Metro on that. I'm pretty optimistic that if Meade Avenue is developed, it would meet Metro's criteria for a crossing guard.

Mayor Pro-Tem Lurie: You need today an approval to proceed with an S.I.D.?

Mr. Hampton: With or without the understanding that the City will pay for the sidewalk, just on one side. Of course, there is an alternative to that. We do not have to concrete a sidewalk of concrete. It could be constructed in asphalt for about half the price, back of the curb. Probably this would be acceptable.

Mr. Saylor: That's what we have done in the past.

Mr. Hampton: The cost would go down to about \$5,000.

Mayor Pro-Tem Lurie: I would move then at this time you be instructed to form an S.I.D. and that the City will put in the necessary asphalt along Meade Avenue for the children to walk to school in safety. Cast your votes. Motion is approved.

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

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

DON J. SAYLOR, AIP, DIRECTOR

See Pages 77 and 78 of these Minutes -
Annotated Agenda

Z-100-76
Denied

ZONE CHANGE - HOME SAVINGS ASSOCIATION

Mayor Pro-Tem Lurie: This item was held in abeyance at the 2/16 meeting because there was not a full Board, and as you see now, there is not a full Board and I'm going to have to ask the Attorney whether or not... the motion at that time that this item be held until there was a full Board.

Commissioner Leavitt: I think this was held for one week. There was a two-two tie last time. It could end up a two-two tie this time. It would have to be continued to the next meeting if we had a two-two tie. It could pass this meeting, couldn't it.

Mayor Pro-Tem Lurie: The motion said motion having failed to receive a majority, it will be held until a unanimous Board is present. That's the way it was left. That's the Mayor's comment.

Commissioner Christensen: It's kind of interesting to me, because there was quite a bit of discussion as to what to do in the case of a tie vote on that and part of the discussion was, and I believe the Mayor made the statement, and it should be reflected in there, that as far as Commissioner Lurie having to listen to the whole argument, he wouldn't have to because he was perfectly capable of reading the transcript, and so forth. Under all those circumstances is that a proper determination that it has to be held for a full Board, or isn't it, or where do we stand on that legally, Carl.

Mr. Lovell: Under the Code, it states that the action of the Mayor and Board of Commissioners on such matters following a public hearing shall be by a majority vote of the entire Board and shall be final and conclusive.

Commissioner Christensen: You mean after we have a public hearing, matters scheduled for public hearing, there can't be any action unless there is a full Board? Is that what it says?

Mr. Lovell: You can have your hearing and then you can continue the matter if you like until a full Board is there. If the absent member is going to review the minutes you can so state.

Commissioner Christensen: Does the full Board have to be present, or does it require a vote of the full Board? Can you get a vote of the full Board in two meetings?

Mr. Saylor: Another thing to consider, action on a zoning matter is not a public hearing. It's not an advertised public hearing.

Commissioner Christensen: That's true. A zoning action is not a public hearing, so it doesn't fit, really.

Mr. Lovell: First of all, you have to have a majority of a full Board which means a majority of five, that's three. All don't have to be here, but if there are three people here, it would have to be unanimous. Four people, it would be three to one.

Commissioner Christensen: This doesn't even qualify as a public hearing, a zoning action. Because it wasn't an advertised public hearing, it was a zoning action. A public hearing is when you have a public hearing like on a Board of Zoning action where it is requested a public hearing, or something like there. Where you scheduled a public hearing as a public hearing.

Mr. Lovell: This is a public hearing in view of the fact that it was an appeal from ...

Commissioner Christensen: It wasn't an appeal. It was a zoning action.

Mayor Pro-Tem Lurie: I think what Commissioner Christensen is saying is can I break the tie at this meeting without going through and hearing the entire matter? Or, should we hold it till a full Board?

Commissioner Christensen: I guess what I'm getting at, Carl, is we have a situation here where we've had people here from both sides of an issue now, this is the second time, and you are talking about a third time, and regardless of what side of the issue you are on, it's really unfair to make people come back and fight the bureaucratic red tape and muster their forces and present their arguments and everything so many times on these miserable technicalities that we always run into. When you get right down to the final analysis, what we have is we have one member of this Board who did not vote, who is apparently going to be the swing vote. Is there any reason why he can't vote and break the tie one way or another and end the argument, so that we can either go or stop, and do whatever we have to do instead of messing around with the bureaucratic red tape, bungling type thing that we end up with so many times in government.

Commissioner Woofter: I have to go along with Commissioner Christensen, not only on this vote.

Now, if there is a problem, let's resolve it in the future because I can't see, like Commissioner Christensen has mentioned, 100 protestors, 50 for the application having to come back when there is one member that is missing and we have to go through the whole thing again, when he can, or whoever is missing at that time, can read the minutes, be apprised of the situation, and just cast his one vote one way or the other, so we don't have to go through the whole thing again.

Commissioner Christensen: It is unfair to the public, is what it is. Both sides of the issues. It is unfair to them to have to fight the issue so many times.

Commissioner Leavitt: The way I understand it, there was no action taken at the last meeting because it was a two-two tie, so the question is now is there going to be any action taken by this Board. Now, at the present time we don't have five. If we take a vote now and Commissioner Lurie voted for it, and Commissioner Christensen and I maintained our votes against it, and Commissioner Woofter voted for it, it still wouldn't pass. If he voted for us, it would then be defeated because it would be a three to one vote.

Mr. Lovell: At the last meeting when the vote was held, I don't think there was any direction that the decision on the vote be held until this meeting to see what Commissioner Lurie would do. There was a vote taking no action, and then what happened?

Commissioner Leavitt: I think what happened was a two-two tie and it held until this meeting for a determination at that time.

Mayor Pro-Tem Lurie: By a full Board.

Commissioner Leavitt: It still doesn't make any difference. The question I have, Mr. Lovell, is the matter presently before us at this time. Is it properly before us at this time, this item on the agenda? If it is, I am going to make a motion.

Mr. Lovell: Yes, it is.

Commissioner Leavitt: I move that it be denied.

Mayor Pro-Tem Lurie: Any comments on the motion? Anyone in the audience have any comments?

Bob Campbell, representing Home Savings, 128 South Fourth Street: Since we had the last meeting, we have talked again with the Planning Director and if I can walk over to the map and show you something here, part of the problem is this street coming out into Torrey Pines. One of the protests were from Ed Jory that this street would bother these residents here. In talking with Mr. Saylor, we are already zoned for these lots now. We can run the street out there now. We can put the street out with no problem. The only thing it would do is that I have to front these lots out onto this street. Now that is going to leave a strip of barren ground in there on one side of the street, it's really not going to be hardly any use to anybody. The street still comes out into these peoples', it would bother them. What we agreed to do was put a cul-de-sac in here. I can't put a cul-de-sac facing on this property. We agreed to put a cul-de-sac in though that would not allow the street to open. A denial vote is simply going to force me to open the street out to Torrey Pines, thereby really disrupting what the people are trying to do over there. We are trying to make the thing a developed property that is going to fit into the master plan of the whole thing. I'm not trying to

be redundant or hard about something, but the biggest comment of the people there was don't let this street open there. We are not talking about doing 50 some acres more. We are talking about 34 lots that is going to finish a project. Finish it. That's my comment.

Mrs. Jean LaFond: I'm the person he said that little lot isn't going to go ahead and hurt anybody. It won't be worth anything. That little lot and my home are worth \$80,000. He's going to enclose me with mobile homes.

Mayor Pro-Tem Lurie: The way the map is now, they can enclose you right now.

Mrs. LaFond: They can't enclose me right now because there is empty property next to that street.

Mayor Pro-Tem Lurie: They can put that wall up and you would be surrounded on three sides at the present time.

Mrs. LaFond: They can put the wall up, but that isn't going to put the mobile homes there. Thirty-four isn't going to stop. We've heard this before. Commissioner Christensen said many people have been down here fighting it, fighting it. My husband has been one who has had to lose days off work to come down here to fight it. He asked me to read this today because he couldn't get another day off from work. He says I'm not going over the same arguments; you've heard them all. I'm still against expansion of Jade Park or any other development not zoned residential estates, half acre or more. The statement made at the last meeting here about the approval would mean the end of mobile homes in this area, no matter how sincere, it is in my opinion not a valid reason for the approval of this expansion. There are examples of this, of the zoning, locked on Michael Way from ranch estates to 1/4 acre lots. Rancho Las Vegas is even rezoned to smaller than 1/4 acre lots and they are still allowing horses there. A development on Cheyenne and Jones, known as Brentenwood, not even finished yet, there are ten acres adjacent to it, and they also have a proposed commercial development around there already. Part of the Jade Park is owned by corporations who get rezoned all the time on Michael Way and Rancho, such as Rancho Las Vegas. In closing, if the zoning is approved, it will continue the trend of downgrading this area which is ranch estates, and this is what we have been paying for out here to live. As I still say, I have \$80,000 invested in my two pieces of property. When I bought this, I was told Jade Park was bankrupt and would never be continued. It was the end. That's when I bought. My home has been for sale for one year and every time someone comes to look at it, Jade Park is always the downfall of being sold. We have been here, this is the third time in going through this. I plead, please vote against it. All our money is tied up in this. Like he said, that piece of land will be worth nothing. I have a lot there, an acre and a quarter, it's worth \$15,000 right now. It'll be worth nothing with mobile homes around it. We're getting back to this thing where you say children will be crossing through people's lots, that's what they're doing to my home right now. Also riding motorcycles and my children can't even play in their own back yard. I'm not degrading people in mobile homes. I may live in one some day myself, I don't know, but I appeal to the Board, I would like you to turn it down. Thank you.

Mayor Pro-Tem Lurie: I believe that the attorney has some additional comments on what happens on a two-two vote.

Mr. Lovell: I just talked to Don Saylor too regarding some of the aspects. Procedure, now this happens to be consideration, or was consideration at the last meeting, of an action or recommendation of the Planning Commission. You have to make your decision. Now, on BZA you have to have a majority to the entire Board. On Planning Commission action, just a majority of those present. Consequently, this is similar to the Dayton Hudson action a few years ago, and regardless of the vote taken, it was two-to-two. Because it was two-to-two, there was no affirmative action and nothing would happen from that point on. However, the minutes reflect that the Mayor requested this to be considered again at this meeting for a full Board. The Mayor is not here. Consequently, this Board can do one of two things. It can consider the fact that since he is not here, there would be no further consideration and the matter would die as of the action taken two weeks ago, or you can continue it on until the Mayor is here at the next meeting, if you wish.

Commissioner Leavitt: Is my motion in order?

Mr. Lovell: Your motion is not necessary. Your motion was to deny. It was not necessary.

Commissioner Leavitt: I didn't ask if it was necessary, I asked if it was in order?

Commissioner Christensen: This is back like the Dayton Hudson situation then, what was the motion last time.

Mr. Saylor: I would suggest you refer to the minutes. They are the official record. All I can do is rely on my memory of the motion. I believe it was to deny and it failed to pass.

Commissioner Christensen: I believe I made the motion to deny and it failed to pass, that means the motion failed to pass. Does that automatically guarantee approval or does it sit in limbo until there is a motion made to approve, and it does pass. You're right back to that same question, Carl. Now how does that resolve?

Commissioner Woofter: I think the way it was left, and stating the Mayor correctly or not, that it because of a tie vote, it would be deferred until the next full board meeting, when everybody can vote. We don't have a full board meeting today and I defer to the City Attorney, if we don't have a full Board, I don't see where we can take any action that hasn't been taken already.

Commissioner Christensen: My question, I guess it comes down to the question of who has the authority to determine whether something dies, or whether it holds for the full board, or what. Is that the Supreme Court's decision in the Dayton Hudson vs. Las Vegas case? Or is that the Mayor of the City of Las Vegas by minute action, or where does the legality of that lie. You know you could end up in court on this one too.

Mr. Lovell: If you make a motion to approve it, and it does not pass, then it dies. If you make a motion to deny it, and it does not pass, that's what happened with Dayton Hudson, there was no affirmative action. Nothing happens, it lays as you say in limbo. If it did go to court, then the court would take its own authority to make the decision for the Board. However, since Commissioner Leavitt has made a motion to deny...

Commissioner Christensen: So, we'll talking about a full Board, and we may not have a full board for many weeks.

Commissioner Leavitt: Suppose at the next meeting I'm not here.

Commissioner Christensen: And the next I'm not.

Commissioner Leavitt: And there is three votes to approve this project?

Mr. Lovell: It would pass.

Commissioner Leavitt: But you are saying it has to be a full board.

Mr. Lovell: The only reason it is here today is at the request of the Mayor for a full board, thinking he was going to be here.

Commissioner Leavitt: You mean to say if I make a motion for approval and vote against it, and it goes two-two, it's dead?

Mr. Lovell: Yes.

Commissioner Leavitt: I withdraw my motion. I make a motion for approval. Is a motion for approval proper at this time?

Mr. Lovell: Yes.

Commissioner Leavitt: I'll so move, then.

Mayor Pro-Tem Lurie: If the vote is a two-two, it dies. They can come back before us in six months and request it again, or they can go to court. There is a motion on the floor to approve. Cast your votes on the motion. Motion failed to carry by the following vote:

Commissioner Woofter and Mayor Pro-Tem Lurie voting aye; Commissioners Leavitt and Christensen voting no.

Commissioner Leavitt: Now, do I understand that this matter can't come before the Commission for another six months?

Mr. Lovell: That's right.

Mayor Pro-Tem Lurie: We have scheduled for 10:00 A.M., and we're a little late, I apologize for that, public hearings. The first public hearing is appeal filed by Bernice Kincaid on an application by Jerry Traylor. The public hearing is now open on Item A.

U-95-76
Denied

Mr. Saylor: This item involves the church located at 617 Holland Avenue between "D" and Debra, in an R-1 zone. It has been before you before. It was denied. It's been in court ever since. They are again applying for a use permit, same property, same location, same problems involved with it. The Board of Zoning Adjustment has again denied the application. There was a substantial protest at that meeting.

Mayor Pro-Tem Lurie: Is there anyone in the audience to speak against the application.

Franklin Washington: I live at 1945 Debra which is next door to the church. For one reason, they keep me up half the night with noise. I have to get up at 4:00 in the morning to go to work, to provide for my family, and there is no way that I can get any rest over there three and four nights a week, howling and going on till 11 and 12 o'clock at night. They drive like maniacs coming out of there. It is not a through street, it's just a circle. My little girl can't even ride here bike on the streets. They come over there with CB radios. I can't watch my TV. It blanks my TV out. I just can't enjoy my own home. I have one month old baby that keeps me up all night and a two year old church that keeps me up half the night. Which one do you think I would rather see go. The baby I'm going to keep.

Rev. Graham: I live at 609 Holland. The reason why I'm against it because the place is not zoned for a church. For business and things like that, I don't believe that he is supposed to be in a place where you live at and not be _____ when there is property a block away from it to buy. This has been keep against a long time and afterwards, from my understanding there has been threats that anyone protests against this, that their homes would be a threat. Any man, I don't care who he is, touch my home where my family is at, I'm going to protect my family. If he doing this, somebody better do something now, because if I catch anybody snooping around my home, this is going to be it. I'm asking you all clearly do not give them an application for that place over there.

Mayor Pro-Tem Lurie: Thank you, Rev. Graham. We'll try and do our best to protect your interests.

Commissioner Christensen: I'm a little bit in the dark here because I would like to ask the attorney where we stand on this application. We turned this down once, and it's since gone to court, and they are operating. Why are we turning it down again or turning it on again, or what are we doing here. I think the court has already usurped us on this, or what is happening?

Mayor Pro-Tem Lurie: I think what Commissioner Christensen is saying that the application is in litigation in the courts, and they reapplied to the BZA Board and it was denied, and now there is an appeal. He wants to know whether or not we can listen.

Commissioner Christensen: I'm going further than that. We denied it before after a public hearing, and denied it. They continue to operate. We tried to close them down according to the City's ordinances and they went

to court and beat us down. They are operating a church there now, in violation of the City's ordinances, with permission of the Court. Why are we hearing this.

Commissioner Woofter: Maybe I can expedite this situation. I agree with you. This is in my district and I've talked to many of the neighbors adjoining this property, and it remains the same problem it has been in the past. I agree with, why is it here when there is certain court actions going, but as far as our action is concerned, if you want to expedite it at the present time, make a motion to deny the...

Mayor Pro-Tem Lurie: The motion is out of order right now because the public hearing has been scheduled and the public hearing is open.

Commissioner Christensen: Why are we having a public hearing. We've already denied this after a public hearing. I don't understand why we have to deny it twice. If there is something we've got to do different this time to deny it to satisfy the court, I want to know what it is so we can do it. Otherwise there is no sense in sitting here listening to it. We denied it already and they overrode us, the courts, so what are we here for?

Mr. Lovell: What was the applicant's reason for reapplying for this?

Mr. Saylor: I don't know. The application was proper in terms of time factor. But, I don't know that status of the litigation.

Mr. Lovell: Commissioner Christensen, you are wrong when you say they beat us down in court. It is still there.

Commissioner Christensen: They beat us down in court by the fact they are still operating a church there after it was denied six months ago. We have been unable to shut it down. They got a restraining order against us shutting it down and then held up. I call that a loss.

Mr. Lovell: I don't think they got a restraining order against us preventing it. It's a matter of police law enforcement, quite frankly.

Commissioner Leavitt: Then why are they still operating, if they don't have a court order allowing them to do so. Because, we denied the variance to allow them to operate, and now they are coming back and requesting another one.

Commissioner Christensen: I've never seen the papers from the court, but according to the newspaper, they are allowed to continue to operate by the Judge's decision.

Mr. Lovell: The Judge changed that decision when he found out a couple of factors, and reset it for a hearing and consideration. It's still there with the particular judge. In respect to why they are still operating, you will have to ask them. If they are in fact operating, which they are, they are in violation of the law. That's one reason they were closed down in the first place, they were doing it even before they made their application. That becomes a matter of police law enforcement or building and zoning inspectors.

Commissioner Woofter: We have neighbors right now. Are they still operating?

Lady: Yes, sir.

Gladine Short, 512 Bowman Avenue, Lot 15, Block 5, Sunset Manor #1: I have lived in that house since 1955. Until two years ago when you people came over here, we had no problems, no real serious problems. First of all, I'd like for you to note that we are not opposed to any church, anywhere, as long as it's not in the middle of our homes, whether it is operated legally or illegally. These people have been denied time and time again, we have been down here fighting them time and time again. I think I'm not sure, but I believe it was Commissioner Christensen who asked why do we keep coming back. We keep coming back because these people have said that they are going to wear us down. But, I've got news for them. The only way they'll wear me down is when I'm six feet below. They can believe that and they can count on it. Now, as far as them operating, this permit has been denied time and time, as you know, again, by both this Board, also Building. These people say the hell with it. When a red tag is put on the door, they run there and grab it off like it's something good to eat. If I drag off a red tag off something of mine, then I'm in a world of trouble. In the next place, these people do not even live in Las Vegas. We are taxpayers; we are homeowners. We aren't fortunate enough to have these \$80,000 and \$90,000 homes, but what we have is ours. So why can they continuously come from North Las Vegas into Las Vegas, intimidate our City Commissioners, our City officials, Judges and whatever, intimidate us as taxpayers and homeowners. We are sick and tired of it. We still have news for these people, just as sure as roses are red and violets are blue, every time they file, they better believe we are going to be here fighting too. Now, as far as this court business, their leader he stands on December 23, 1976 in a court of law, Judge Goldman presiding, and told the Judge that they had never stopped anything over there. That was one time he didn't lie, because they really never stopped it. So, they are continuously thumbing their noses at us as homeowners and taxpayers; at our City officials, and we don't plan to fight only for ourselves. We intend to fight for our City. Now it comes up in another somewhere, court of law or whatever, that they are doing the City a favor by getting the prostitutes, pimps, whores and all this stuff, in their own words, off the street. This has been tried for years and nobody has succeeded. And nobody has succeeded. Does he think he's God or somebody? Well, we don't want them herded into our neighborhood, even if he could do it, which we know that he can't. But even if they could, we don't want them herded into our neighborhood. There's a possibility of molesting our children. Like Mr. Washington, I have a son who has two little girls right there. Who knows what they are going to do, burglarize our homes, anything. So, we do not want them here. Now, this man also stood in a court of law, I think this was Judge Mendozze presiding, informed him that the City Commissioners only denied their request because some woman who lived way off some place said that she could hear the noise. Why, I got news for him. I am that woman. Now, since they never preach anything about what's in the Bible, it's always in their words whoremonger, pimp, dope addict, I assume they don't evidently know too much about the Bible. But I know one ten commandment that says "Thou shalt not lie" and I'll say he lied. Cause, I am that woman and believe me when I tell you we can hear their noise, all my neighbors and I, I'd appreciate it if you could believe it. Because I don't have to come down here, stand here, take up your time and lie. In the next place, I'd like to know, we would like to know because I have a petition here, and I am speaking for about 50 people, we would like to know why it is that our City Commissioners work like crazy to do their job, our planning board, our all boards, to do their

jobs, then some judge somewhere comes up with nobody in the courtroom, nobody can speak except these people, and then he says, he doesn't have to listen to them, he doesn't have to see them, then he sits up there on his throne and says "Oh, go on and have your church." Now, if it were possible for us to move him into there he has to see this traffic and listen to this noise, I'm wondering if he would change his mind. I'm wondering if his decision would be the same, go on and have your church. Well, now with all due respect to all the judges, all our city officials, we do not want these people in our neighborhood. If we have to fight them until we drop dead and go to hell, we're going to fight them.

Commissioner Christensen: Ma'am, just in case anybody misunderstands my position, I believe that I was against this before and I'm against this now, and what I'm objecting to is just what you are objecting to. I think it is a terrible injustice to people that have to fight something like this, have to come down and refight it so often, because I thought this should have been decided clearly. I object to the fact that we have to continue to hear it time and time again, the same issue, when it's the same bad situation and I have to agree, it's wrong. The BZA makes a decision, the City makes a decision, they go to court, get it overturned and then we start over again. It is very frustrating to sit here sometimes because you wonder, why am I spending my time. I'm just going to get hit in the head for it. I think it is wrong for people to have to continue to come back and come back, and come back to protect themselves. I think that's wrong.

Mrs. Short: I have not been told personally, but I have heard as the song goes through the grapevine, that these people have decided and gather among themselves, two or three or whatever their low measly number is, that they are going to wear us down. But what they don't realize is that if everybody else is worn down, they better believe Gladine Short will not be, because we waited for this to know whether or not we were going to have to try to move. When it was denied, we thought it was all over, then in the summer we went to the expense to add onto our home. Now, that means that we're going to be there and I intend to fight this just as long as I am black, and that's until death.

Mayor Pro-Tem Lurie: Thank you for your comments. Is there anyone to speak in favor of this application?

Sister Kincaid: I live at 617 Holland Avenue sometimes. Sometimes I live at 453 Kings Avenue. I am not here to fight. I'm not own the property at 617 Holland Avenue. I am just trying to comply with the law which says that I need a use permit to pray at said location. Although we know that the world is the Lord's and the fullness thereof. I am now the leader at 617 Holland Avenue. I don't have anything to say about what has already been said here by the protestors. All I have to say is the Lord said, if you will hold your peace, I will fight your battles. Thank you.

Mayor Pro-Tem Lurie: I think I'd complain too if the church were in my neighborhoods. We've heard from the protestors and people in favor of this application. At this time I'm going to close the public hearing and ask for a motion on this application.

Commissioner Woofter: I was premature in my motion, so I will renew it at this time, motion to deny the appeal.

Mayor Pro-Tem Lurie: Motion for denial. Would you cast your votes on the motion.

MOTION

Commissioner Christensen: Before we cast our votes, there is one question that might should be cleared up. I don't believe we require a use permit for prayer. I think it's only for holding a church service. I think anybody is allowed to pray in their own home any time they want.

Mayor Pro-Tem Lurie: The motion is approved.

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

Mayor Pro-Tem Lurie: Also at this time I would like to request the City Manager to do whatever is necessary to stop these people from using this residence as a church. If it means getting ahold of Metropolitan Police Department, the License Department, the Building Department, Fire Department and report back to the Commissioners.

Commissioner Woofter: Mr. Mayor Pro-Tem, I know this might be a little bit out of order, but I have to concur with your request and since this involves my district, and there is another problem that has been going on in the district, and Mrs. Short has mentioned time and time again, what do we have to do to stop the situation. I brought this up before the City Commission, I don't know how many times, along with staff, my old neighborhoods on North First Street is still being utilized as a truck stop. I'm making the same request of all staff, the City Attorney's Office, I'm tired, it has been going on for two years, and we still can't stop Ed Ferris from going through North First Street and using that back entrance as a truck stop. I'm going to do something like the former mayor did in North Las Vegas, Cleland. If it's not stopped, I'm going to go down there and put a blockade up myself and defy one of those big trucks coming through a small street on North First Street in the near future, if we can't stop it immediately.

Commissioner Leavitt: I remember Commissioner Woofter making that request and I'm curious as to how come the situation still exists.

Mr. Lovell: As a matter of record, after that request, we had both Metro and building inspectors go down and give citations, which are multiple citations, which request warrants for arrest which were denied by one of our municipal judges.

Mayor Pro-Tem Lurie: Which municipal judge?

Mr. Lovell: I believe it was Judge Mullen. In any event, if the staff inspectors can bring to us citations or at least complaints regarding violations, as a result the church application denial today and as a result of Mr. Ed Ferris, once again we will approach not only for the complaints, which we have multiple complaints against these people, when it comes to court and the due day is there, we will own their soul, as far as money goes; however, if in fact we get additional complaints at this time, I will certainly go for warrants.

Commissioner Leavitt: I would join in Commissioner Woofter's request that action be taken on that situation.

Mayor Pro-Tem Lurie: Maybe we ought to bypass Municipal Court and get over to the District Court then to prohibit this. If our own judges won't back up our ordinances, our demands and our wishes, then maybe the people can make some changes at this upcoming election.

Commissioner Woofter: Mayor Pro-Tem, I really appreciate the consideration given by the Commission and the staff, and if any of you, and I am sure everyone here on the Board is familiar with the neighborhood, if everyone would go over there and look at it, you can appreciate the dilemma that the neighbors are in. If we were in their same place, living right next door, seeing these big semi trucks pulling up into a narrow street like North First Street in front of your house, blocking the whole thing day after day.

Mayor Pro-Tem Lurie: Item B is the appeal filed by Philip Altman. The public hearing is now open.

U-1-77
Approved
Appeal

Mr. Saylor: This involves a denial by the Board of Zoning Adjustment to his request for a Home Occupation Permit to allow gunsmith and ammo reloading. As I indicated to you in my memo, he has dropped the ammo reloading request. However, he made that information known to the Board at their meeting, and they still denied the action, so presumably the Board of Zoning Adjustment was denying the gunsmith operation.

Mayor Pro-Tem Lurie: Is anyone in the audience opposing this application?

(No response.)

Mayor Pro-Tem Lurie: Is the applicant in the audience.

(No response.)

Mayor Pro-Tem Lurie: Let the record show there was no one in the audience protesting this application and that the applicant was not in the audience. I will now at this time close the public hearing and entertain a motion.

Commissioner Christensen: I would like to ask Mr. Saylor a question before we move ahead here. What precipitated the request for a home occupation permit. Was it just that the man wanted to comply with the law, or did one of his neighbors blow the whistle, or just what precipitated it, because this type of an operation, if a person is doing gunsmithing on a small scale in his home, unless he wants to be absolutely honest or somebody hollers about it, nobody even knows. What precipitated it?

Mr. Saylor: I believe it has something to do with the Federal requirements.

Commissioner Christensen: He wants a Federal Firearms license, then.

Mr. Saylor: Evidently, yes. We've had this come up before.

Mayor Pro-Tem Lurie: I have talked to the applicant. He has a job and was doing this as a hobby and wanted to get more involved with it, and that's why he came in and asked for the permit.

Commissioner Christensen: Was there any objections to it at the BZA.

Mr. Saylor: It indicates there were no protests.

Mayor Pro-Tem Lurie: At this time, I would entertain a motion that the home occupation permit be allowed just for the gunsmith work.

Commissioner Leavitt: What's this I notice that at one time he tried to delete the ammo reloading operation.

Mr. Saylor: He has withdrawn and indicated he is not interested in that.

Commissioner Leavitt: So the ammo reloading is not included in the application. It is just to allow a gunsmith operation.

Commissioner Woofter: I make the motion suggested by the Mayor Pro-Tem.

Mayor Pro-Tem Lurie: Will you cast your votes on the motion. The motion is approved.

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

RESOLUTION
Denied

RESOLUTION ADDING CERTAIN PARCELS OF LAND, SPECIFICALLY KNOWN AS TAX PARCELS 030-600-009, 030-600-014, and 030-600-016, TO THE PRELIMINARY ASSESSMENT ROLL FOR UNIT 3, SPECIAL IMPROVEMENT DISTRICT NO. 419; LEVYING ASSESSMENTS AGAINST SUCH PARCELS; AND SETTING PUBLIC HEARING FOR OBJECTIONS THERETO.

Mayor Pro-Tem Lurie: The public hearing is now open.

Mr. Hampton: At the last meeting there was motion approved to assess two parcels owned by Mr. Ham and the third parcel owned by Mr. Rittenhouse regarding the improvements on Cashman Drive which have been installed. There was a mistake on our part in neglecting to assess this 40' frontage. After the resolution passed, we got a document from the property owners, title of consent to the assessment. The consent is, however, on the condition that we solve a problem that has come up which I will attempt to explain. This is the 40' in question (referring to map) which is a private drive separated by a landscaped median. We pushed the driveway as far as we could to the property line on both sides. However, this still gives Mr. Ham and Mr. Rittenhouse the problem in making the turn into the private drive. There are four possible things that could be done. The first thing would be to do nothing, which would not satisfy the property owners. The second thing would be to tear out the existing curb and push it back. This would require a variance on your part because it is in opposition to the standard as far as the cuts are concerned. The third thing would be to actually install curb returns on both sides of the gutter. This would cost approximately \$1,800 to install. To remove the curbs as indicated previously would cost \$855. The fourth thing that could be done would be for the private property owners themselves to cut back this median landscaped area which would allow them to swing in at a larger arc. Of course, along with the first do nothing alternative, the assessment for these three parcels only total \$522. If the City were to not assess those property owners for the \$522, they would not have any objections, they would be money ahead. To assess them the \$522 and to make them satisfied, we would have to spend either \$855 or \$1,878.

Mayor Pro-Tem Lurie: Is there anyone in the audience to speak on behalf of this resolution?

(No response.)

Mayor Pro-Tem Lurie: The public hearing will now be close and I will entertain a motion on the resolution

Commissioner Leavitt: If the resolution is denied, we won't assess them that \$500 and we won't have to end up paying \$1800 or \$800. What's your recommendation, Larry?

Mr. Hampton: Our recommendation is to accept the \$550 as a bad debt and ...

Commissioner Leavitt: I move the resolution be denied.

Mayor Pro-Tem Lurie: Motion to deny the resolution. Cast your votes. The motion is approved.

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

VAC-5-76
Approved

Mayor Pro-Tem Lurie: The next item on the agenda is VAC-5-76, Petition of Vacation by City of Las Vegas. This is to vacate property generally located on the west side of "F" Street, 130 feet north of Bonanza Road. The public hearing is now open.

Mr. Saylor: We sent you a small map with our memo showing the property. It is just a smidgeon of property which was an alley, but is no longer an alley because of the freeway. This request was initiated by Public Services. It serves no purpose to the City. Planning Commission has recommended approval.

Mayor Pro-Tem Lurie: Is there anyone in the audience to speak on this application.

(No response.)

Mayor Pro-Tem Lurie: The public hearing is now closed and I will entertain a motion.

Mayor Pro-Tem Lurie: I would move that we follow the recommendation of the Planning Commission. Cast your votes. Motion is approved.

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

VAC-6-76
Approved

Mayor Pro-Tem Lurie: This is a vacation for J. D. Gaughn, Las Vegas Club. The public hearing is now open.

Mr. Saylor: This is a portion of the alley in the block between Main and First Street. Again we sent you a small sketch. The applicants are proposing an expansion to their facility there. They own the majority, if not all the property there, on both sides of the alley. The Planning Commission has recommended approval subject to the usual conditions, plus the additional one that we would, if this is vacated, we would then maintain a one-way traffic flow to the remainder of the alley. It would be from First Street west and then south to Fremont, it would be the one-way direction. There were no protests at our meeting.

Mayor Pro-Tem Lurie: Is there anyone in the audience to speak against this application?

(No one opposing the application.)

Mayor Pro-Tem Lurie: I now declare the public hearing closed and would entertain a motion.

VAC-6-76
Continued

Mayor Pro-Tem Lurie: I would move that we follow the recommendations of the Planning Commission. Cast your votes. Motion is approved.

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

(Commissioner Woofter temporarily absent.)

VAC-1-77
Approved

Mayor Pro-Tem Lurie: The next item is vacation 1-77, Southern Nevada Memorial Hospital. The public hearing is now open.

Mr. Saylor: This is to vacate a portion of Alturas to allow the expansion program of the hospital. One of the points that concerned both staff and the Planning Commission was the matter of access to the hospital facility with Alturas being vacated and primarily the emergency access. That has been pretty well squared away by, during the construction period, the emergency access will be up Shadow and then across Alturas. However, when the project is all done the emergency access will be directly from Charleston north to the emergency entrance. With that problem squared away together with a problem of a property owner just west of the proposed vacated area being squared away by two of the other conditions Planning Commission recommends approval.

Mayor Pro-Tem Lurie: Is anyone in the audience protesting this application.

(No one in the audience protesting.)

Mayor Pro-Tem Lurie: I will now close the public hearing and will entertain a motion.

Commissioner Christensen: Don, does the hospital own all of this property on both sides of the alley, or on both sides of Alturas there?

Mr. Saylor: Just where the vacation is proposed, yes.

Commissioner Christensen: They own 21, 20. They own from 21 on down.

Mr. Saylor: They are attempting to acquire these properties...

Commissioner Christensen: On Charleston Boulevard, where would that come in from.

Mr. Saylor: I believe it was just directly south of where Rose Street would be if Rose Street went through.

Commissioner Christensen: You already have a bottleneck there because you've got a six lane street that backs up in that right hand lane because the parking lot entrance isn't bit enough to handle the cars, so they come to a complete stop to go through there, so how are you going to work it. How do they intend to work an ambulance entrance there when they can't even get the traffic into their parking lot through that drive?

Mr. Saylor: I can't answer specifically. This whole area will be redesigned.

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Minutes
City Commission
Regular Meeting
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Dal Gardner, 4412 Hanford: With me is Ken Presser, the Administrative Assistant for the hospital. What Mr. Saylor is referring to is the final phase. We're in the second phase now of the modernization program for the hospital. What we are intending to do is for the ambulances to come down Shadow Lane,

We are in the process of negotiating with the property owner. There is one property owner just north of the hospital. Once we acquire that property, we'll have a straight shot on Alturas into the entrance of the emergency department. Until such time as we acquire that property, we'll come in from the east on Alturas, we'll have to go through our parking lot. There will be no ambulance traffic. We have a parking lot north of the hospital on Willow. The phase V, we are in phase II, phase V is obviously number of years away, but eventually the hospital is concentrating to the center and going upward instead of being spread out over an entire city block and what is proposed is that the building, the three story building that you now see just south of the tower will come down and that entrance will come in through there. That's years away.

Commissioner Christensen: South of the tower. There is nothing south of that tower but parking.

Mr. Gardner: The building just east of that. That building is coming down.

Mr. Presser: In the final stages, the ambulance entrance will be from Charleston and the majority of the parking will be from other streets.

Commissioner Christensen: In the final phase, is the ambulance entrance going to off Charleston or off Shadow?

Mr. Presser: It will be off Charleston.

Commissioner Christensen: That's the final stage that worries me. Because we've got a six lane street on Charleston that is a heavy traffic carrier. You can't get off Charleston into your lot now. How are you going to get the ambulance off there into your lot. It looks to me like you are doubling up a traffic problem that already exists. That was my first question. That traffic isn't going to get any less on Charleston.

Mr. Presser: No, but when the ambulances come, they are not that frequently, it is not a steady stream coming off Charleston. They have the red light to warn the traffic.

Commissioner Christensen: I'm aware of that. I use that street all the time. The thing that bothers me, is you've got lights up at Rancho, you've got a light down at Shadow and you leave the light at Shadow and you pick up your speed again on Charleston and all of a sudden the guy in front of you jams on his brakes because he is going to go into the parking lot and that stops up traffic for like 15 cars back. Now, that ambulance is going to be somewhere in that mess. How are you going to handle it.

Mr. Gardner: There is a light at the entrance to the parking lot now, which ...

Commissioner Christensen: If that light's green, it still stop traffic if somebody wants to turn in. You can't depend on that light. You can look ahead and that light could be green as grass and the car in front of you is stopped dead in his tracks. That creates a traffic problem.

Mr. Gardner: It is our opinion that you can better deal with the problem when you've got a six lane highway than you can with Shadow, which is overloaded and will continue to be overloaded as that area continues to develop. What I have to say in all frankness to you, is that I don't know when that

phase V is coming. We know it is about a 24 month period of construction for phase II and we expect that to hopefully begin in July of this year. Phase III, IV and V could be as much as 8, 10, 12 years away and I don't know how the site plan may change between now and then. We feel we have adequately dealt with the problem for Phase II. It was the traffic department's recommendation that it was satisfactory in the long term to come off Charleston. I wasn't involved in those detailed discussions, Ken was, but I suspect that in 12 to 14 years from now that the site plan is going to change again. The only thing that is really definite at this point is what we are proposing for phase II, to be perfectly frank with you.

Commissioner Christensen: What you are proposing for Phase II stops up your ambulance entrance, and that's what bothers me because you force your ambulance entrance somewhere else. I think it is a lousy termination point for an ambulance is on one lane of a six lane street.

Mr. Presser: I attended several meetings with planning, traffic, and other people in the City and it was a compromise for us to use this Charleston entrance for ambulance. The plans would be for them to come down Shadow, go to Alturas, right into the emergency parking. With the NIC building going up, complex going up on Shadow Lane, it is overcrowded now and they said in order to get approval, we had to develop some way of relieving the traffic on Shadow Lane. So, we compromised and said there is an entrance in the final stage on Charleston, one entrance instead of the two or three we have now. We could use that for the ambulance and relieve the traffic flow on Shadow Lane. That was the only way we could get their concurrence.

Commissioner Leavitt: You mean the traffic officials, they made a study on traffic, and that's what they suggested to you.

Mr. Presser: They didn't really suggest.

Mayor Pro-Tem Lurie: We are talking about traffic on Charleston and then half a block up, we didn't concern ourself with the traffic where the child care center is going. Here you've got an ambulance with red lights, siren, and our staff makes a recommendation and we are going through all this questioning.

Commissioner Christensen: I haven't seen that staff recommendation, have you?

Mayor Pro-Tem Lurie: No.

MOTION

Commissioner Christensen: I move we hold this in abeyance until I see the staff's recommendation on the traffic pattern.

Mayor Pro-Tem Lurie: There is a motion to hold. Would you cast your votes on the motion. Motion fails.

Motion failed by the following vote:
Commissioners Christensen and Woofter
voting aye; Commissioner Leavitt and
Mayor Pro-Tem Lurie voting no.

MOTION

Commissioner Leavitt: I move the petition be granted. The vacation be recorded. Actually, the vacation of the street has nothing to do with the traffic. What you want is a vacation of the street, and you own the property on both sides.

Mayor Pro-Tem Lurie: Would you cast your votes on
Commissioner Leavitt's motion. Motion is approved.

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

See Pages 56 thru 58 of these Minutes -
Annotated Agenda for conditions and
actions on Public Hearing Items.

ITEM.	Commission Action	Department Action
<p>II. <u>10:00 A.M. -- PUBLIC HEARINGS</u></p>		
<p>A. <u>APPEAL FILED BY BERNICE KINCAID on Application of JERRY TRAYLOR - U-95-76</u> to action of the Board of Zoning Adjustment in DENYING the request for a Use Permit to allow a church on property located at 617 Holland Avenue, between "D" Street and Debra Street, R-1 zone.</p>	<p>DENIED APPEAL WOOFER - UNANIMOUS (Action of BZA Upheld)**</p>	<p>Clerk to Notify</p>
<p>B. <u>APPEAL FILED BY PHILIP T. ALTMAN - U-1-77</u> to action of the Board of Zoning Adjustment in DENYING the request for a Home Occupation Permit to allow a gunsmith and ammo reloading operation on property located at 5917 Eugene Avenue, between Winwood Street and Mallard Street, R-1 zone.</p>	<p>APPEAL APPROVED FOR GUNSMITH OPERATION ONLY WOOFER - UNANIMOUS</p>	<p>Clerk to Notify Comm. Planning & Dev. to Proceed</p>
<p>C. <u>RESOLUTION ADDING CERTAIN PARCELS OF LAND, SPECIFICALLY KNOWN AS TAX PARCELS 030-600-009, 030-600-014, and 030-600-016, TO THE PRELIMINARY ASSESSMENT ROLL FOR UNIT 3, SPECIAL IMPROVEMENT DISTRICT No. 419; LEVYING ASSESSMENTS AGAINST SUCH PARCELS; AND SETTING PUBLIC HEARING FOR OBJECTIONS THERETO.</u></p>	<p>DENIED LEAVITT - UNANIMOUS CITY TO PAY FOR ASSESSMENTS (Woofter temporarily absent)</p>	<p>Public Services to Proceed</p>
<p>D. <u>VAC-5-76 -- PETITION OF VACATION BY CITY OF LAS VEGAS</u></p>	<p>APPROVED SUBJECT TO CONDITIONS LURIE - UNANIMOUS (Woofter temporarily absent)</p>	<p>Clerk to Notify Director Authorized to Proceed</p>
<p>To vacate property generally located on the west side of "F" Street, 130 feet north of Bonanza Road, legally described as follows:</p>		
<p><u>Parcel 1</u> -- That portion of the east-west alley (20 feet wide) in Block 6, original Las Vegas Townsite, lying southerly and easterly of the southerly right-of-way line of Interstate Route No. I-15, and lying westerly of the west right-of-way line of "F" Street (70 feet wide), said portion of alley being adjacent to Lots 1 and 2 and a portion of Lots 3 and 24, of said Block 6.</p>	<p>**Requested City Manager to report back to the Commission on steps taken to cease this operation. Also requested City Manager to report back on North 1st Street being used as a truck stop by Ed Ferris, and steps taken to correct this situation.</p>	
<p><u>Parcel 2</u> -- A triangular parcel of land bounded as follows: On the south by the north line of the east-west alley (20 feet wide) in Block 6, original Las Vegas Townsite; on the east by the west right-of-way line of "F" Street (70 feet wide); on the northwest by the southerly right-of-way line of Interstate Route No. I-15, said triangular parcel of land being located at the southeasterly corner of Lot 24, of said Block 6, and lying southerly and easterly of the southerly right-of-way line of Interstate Route No. I-15, reserving an easement for utility and incidental purposes over, across and under the above described parcels of land.</p>		

(Continued)

ITEM

Commission Action

Department Action

II. 10:00 A.M. -- PUBLIC HEARINGS (Continued)

D. VAC-5-76 - (Continued)

Planning Commission has recommended APPROVAL, subject to the following conditions:

1. Satisfaction of the requirements of the various utility companies.
2. Conformance to the requirements of all City departments.
3. Vacation shall not be recorded until all of the above conditions have been met.

See Page 19

E. VAC-6-76 -- J. D. GAUGHN, LAS VEGAS CLUB, et al

Petition to vacate the following property:

That portion of Block 2, Clark's Las Vegas Townsite, described as follows:

Beginning at the most easterly corner of Lot 1, of said Block 2; thence south 27°45'00" west along the southeasterly line of Lots 1 through 10 a distance of 250 feet to the most southerly corner of Lot 10; thence south 62°11'40" east 20.00 feet to the most westerly corner of Lot 22, Block 2; thence north 27°45'00" east along the northwesterly line of Lots 22 through 31 a distance of 250 feet to the most northerly corner of Lot 31; thence north 62°11'40" west 20.00 feet to the point of beginning.

Planning Commission has recommended APPROVAL, subject to the following conditions:

1. Satisfaction of the requirements of the various utility companies.
2. The traffic flow in the alley to be one-way from First Street to the alley going south to Fremont Street.
3. Conformance to the requirements of the Department of Public Services and the Fire Department.
4. Conformance to the code requirements of all City departments.
5. Vacation shall not be recorded until all of the above conditions have been met.

APPROVED SUBJECT TO CONDITIONS LURIE - UNANIMOUS (Woofter temporarily absent)

Clerk to Notify Community Plannin & Dev. to Proceed

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 Minutes
 Regular Meeting
 City Commission
 March 16, 1977

(Continued)

ITEM	Commission Action	Department Action
II. 10:00 A.M. -- PUBLIC HEARINGS (Continued)		
F. <u>VAC-1-77 -- SOUTHERN NEVADA MEMORIAL HOSPITAL, et al</u>	APPROVED SUBJECT TO CONDITIONS LEAVITT CHRISTENSEN VOTED "NO"	Clerk to Notify Community Planning & Dev. to Proceed
Petition to vacate the following property:		
That portion of Alturas Avenue lying between Rose Street and a point 240 feet east of Tonopah Drive and lying between Lots 20 through 26 (inclusive), Block 2, Woodland Park, and Lots 1 through 7 (inclusive), Block 1, Woodland Park.		
Planning Commission has recommended APPROVAL, subject to the following conditions:		
<ol style="list-style-type: none"> 1. Access to the emergency entrance be by means of Shadow Lane and Alturas until the project is completed at which time it will be directly from Charleston Boulevard. 2. Trash enclosure to be screened as required by the Department of Community Planning & Development. 3. Loading dock to be below grade level as required by the Department of Community Planning & Development. 4. Satisfaction of the requirements of the various utility companies. 5. Conformance to the requirements of the Department of Public Services and the Fire Department. 6. Conformance to the code requirements of all City departments. 7. Vacation shall not be recorded until all of the above conditions have been met. 		

PLAY MATE DANCE
Denied

Mayor Pro-Tem Lurie: We will now, I scheduled for 10:30 and again I apologize for being late. We will go back to the dance item, on page 14, on the abeyance item, item K, an appeal on denial of a business license for Play Mate Dance. Mr. Koch. This is an appeal that was filed in the Department of Business Activity's denial of the above application, as authorized under Title V, Chapter 1, Section 18, Paragraph D. Mr. Koch.

Deputy City Attorney Richard Koch: We're not the one appealing. I assume the appellant would like to present their case.

Mayor Pro-Tem Lurie: Mr. Oueihle, you are appealing the Business Activity's recommendation that the application be denied. Do you want to give us your reasons on why you feel we should approve this application.

Mr. Oueihle: I have applied for good application in good faith, and I feel it should be approved.

Mayor Pro-Tem Lurie: Do the Commissioners have any questions of Mr. Oueihle? (No response.)
Mr. Koch.

Mr. Koch: To explain possibly the reason for denial I would like to first call Ila Britt to testify very briefly.

Assistant City Clerk swore Ms. Britt in.

Mr. Koch: Mrs. Britt, you are the Director of the Department of Business Activity, are you not?

Mrs. Britt: I am.

Mr. Koch: And in that capacity, you review business license applications, do you not?

Mrs. Britt: Yes.

Mr. Koch: Do you recall a business license application for a business called Play Mate Dance?

Mrs. Britt: Yes I do.

Mr. Koch: Could you please, do you have that application form with you?

Mrs. Britt: I do.

Mr. Koch: Would you please tell us some of the highlights. What type of business is it according to the application form.

Mrs. Britt: Yes, the type of business is stated as outcall dance lessons, which they say a lady or gentleman may call and have an instructor come to the home or place of residence for dance lessons.

Mr. Koch: Mrs. Britt, did you deny that business application?

Mrs. Britt: I did.

Mr. Koch: What were the reasons given?

Mrs. Britt: It was my opinion, after going over this application and thinking about it and reviewing ordinances, that this type of business did not comport with the general welfare and good morals of the community.

Mr. Koch: Are you referring to Title V, Chapter 1, Section 18 for denial by the Department of Business Activity?

Mrs. Britt: Yes, I am.

Mr. Koch: Did you send a letter to Mr. Oueihle regarding the licensing denial?

Mrs. Britt: Yes, I did.

Mr. Koch: What grounds did you set forth there in the letter?

Mrs. Britt: First the statement that I already made and the reasons being that I felt the nature of the business would be misleading and possibly confusing to the prospective customers, the public, and also the safety of the instructors sent out on this type of thing would possibly be in danger.

Mr. Koch: Did you have any reluctance to the fact that it was potentially a school or a teaching of dancing?

Mrs. Britt: Yes, I did, and I contacted the State Commission on Secondary Education and they informed me that they would either have to get a State license or an exemption from State requirements.

Mr. Koch: Very well, thank you, Mrs. Britt. I have no more questions. I do have two more witnesses I would like to call.

Mayor Pro-Tem Lurie: Do the Commissioners have any questions of Mrs. Britt. Thank you, Ila. Would you call your next witness.

Mr. Koch: I call Mr. Garold Gardner.

Mr. Gardner sworn in by Assistant City Clerk.

Mr. Koch: State your full name, Mr. Gardner.

Mr. Gardner: My full name is Garold Gardner.

Mr. Koch: How are you presently, what is your occupation, Mr. Gardner.

Mr. Gardner: I'm the president of the Las Vegas Dance Theater Studio here in Las Vegas.

Mr. Koch: That's your full time occupation?

Mr. Gardner: Yes.

Mr. Koch: You have a dance studio, also?

Mr. Gardner: Yes.

Mr. Koch: Can you describe your background in dance, please.

Mr. Gardner: I have worked as a professional in the dance field for approximately twenty years. In New York, Los Angeles, and Las Vegas.

Mr. Koch: You say you have a physical location of a dance studio right now in the City of Las Vegas?

Mr. Gardner: Yes.

Mr. Koch: Would you describe your physical plant to us, please.

Mr. Gardner: Our physical plant was designed and built by architects at a cost of \$100,000 specifically for dancing, with 50 ft. of mirrors that are 10 feet high, the proper floors for dancing, a professional sound system, dressing rooms, showers, all the

professional accouterments that you would need in a professional operation of a dance studio.

Mr. Koch: How many dance instructors are there employed by you?

Mr. Gardner: There would be five full time instructors.

Mr. Koch: Do you make any provisions for chaperoning or supervision of dance instruction at your business?

Mr. Gardner: There would always be more than one person on the staff that would be present at any class in our dance studio.

Mr. Koch: Have you ever, or have you ever heard of any of the dance businesses in Las Vegas sending out to customer's hotel rooms or homes individual instructors to teach dance.

Mr. Gardner: It would be highly unusual to do that because your facilities are right in the studio. There would be no need for it.

Mr. Koch: What might you do before you did send someone out?

Mr. Gardner: We would certainly have to interview the people that would like the instruction in our own studio and

Mr. Koch: Why is that?

Mr. Gardner: Simply because we need to know something about their background. We have to have some type of control over the chaperoning and the protection of our instructors, and if the instructors were to go out on those rare occasions where it might be necessary, why there would always be another person from the staff that went along.

Mr. Koch: Why would chaperoning be a concern to you?

Mr. Gardner: Because we want to make sure that our instructors are protected and that they have a... You know, so they would be protected. We wouldn't know, unless we had some sort of background on the people that we are sending them out to, which wouldn't really be necessary in the first place, we would have to know something about the person that we are sending them out to.

Mr. Koch: Would it be difficult to teach dance in a person's hotel room?

Mr. Gardner: It would definitely not be ideal. It might be possible on a very limited scale, but that kind of training should best be done in the studio where you have proper facilities.

Mr. Koch: I have no further questions of Mr. Gardner.

Mayor Pro-Tem Lurie: Do the Commissioners have any questions of Mr. Gardner? Thank you very much. When Mr. Koch is completed then you can have time to (in response to a request by Mr. Oueihle).

Mr. Koch: I call Alicia Carter, then.

Ms. Carter was sworn in by the Assistant City Clerk.

Mr. Koch: State your name please.

Ms. Carter: Alicia Carter.

Mr. Koch: How are you presently employed?

Ms. Carter: As a dance teacher and owner of Carter Dance Academy.

Mr. Koch: Would you describe your background in dance.

Ms. Carter: Yes, I've had thirty years with the Metropolitan Ballet Company, New York, Louisiana and Las Vegas.

Mr. Koch: Would you please describe the physical plant you have at the Carter Dance Academy.

Ms. Carter: We have quite a large building, with two studios in it and the same more or less as Mr. Gardner had said, the dressing rooms, facilities for the children or adults who are coming to the studio.

Mr. Koch: Have you ever sent any instructors out to instruct customers in their own home.

Ms. Carter: No, I have not.

Mr. Koch: What's the reason for that?

Ms. Carter: I don't think it is necessary. If a person wants to learn to dance, they go to a dance studio and that's the facility. If you want to go gambling, you go into a gambling facility.

Mr. Koch: Would you have any concern for the chaperoning of your instruction who might go out.

Ms. Carter: I wouldn't send an instructor out, but I have concern of being chaperoned in the studio. For example, we have had calls for maybe a single man to come into our studio and be taught. Now, I myself would not be in my studio, which is well protected, alone with an adult man, or I wouldn't expect any of my teenagers or any of my other teachers. I would expect to have someone else in there with me.

Mr. Koch: In your experience, have you ever heard of anyone sending instructors out to customers' homes.

Ms. Carter: No, I never have.

Mr. Koch: Thank you. I have no more questions.

Mayor Pro-Tem Lurie: Do the Commissioners have any questions? (No response.)

Mr. Koch: I have a brief summary I would like to give and then perhaps Mr. Queihle can ask further questions of the witnesses. Title V, Chapter 1, Section 18 says that a license may be denied by the Department of Business Activity, upon finding that the business will not comport with the peace, health, safety, convenience, good morals or general welfare of the public. Mrs. Britt denied the license application on the ground that first of all she was concerned about the safety of the instructors going to the motel rooms of the customers. She was concerned about possible deception and confusion by the public. This Commission certainly could take notice of the fact that there is a general conception in the City of Las Vegas that those businesses which send out young ladies or gentlemen to motel rooms of customers unchaperoned might provide for services beyond what might be expected from a dance instructing business. There is some concern also expressed in Mrs. Britt's

letter regarding the possible misconduct between the instructor and the customer. Finally, she did inform him by way of the letter that until there was a license granted by the State Board of Secondary Education or an exemption granted by them, she could not issue a license. Those were the grounds. I submit that those are adequate grounds.

Mayor Pro-Tem Lurie: Thank you, Mr. Koch. Mr. Oueihle, you have some cross examination of the witnesses you would like to ask questions?

Mr. Oueihle: I wonder if I might ask Mr. Gardner just a couple of questions.

Mayor Pro-Tem Lurie: Mr. Gardner, could you come back up here and answer a couple of questions of Mr. Oueihle.

Mr. Oueihle: In listening to you, I was wondering have you ever had occasion to interview a customer, and then after interviewing them, send an instructor, male or female to their place of residence or where they might be staying, ever?

Mr. Gardner: No. We have not had case to do that. We would in the unusual occurrence that it might be requested, but we would urge those people to study in the studio itself where the facilities are already set up.

Mr. Oueihle: You feel, is it at all possible? You say that you would, if the occasion arose.

Mr. Gardner: If the occasion arose, but we would urge the student to study in the studio always.

Mr. Oueihle: Thank you.

Mayor Pro-Tem Lurie: Is there any further comments to be made on this application before the Board? (No response.) Then, at this time I would entertain a motion.

Commissioner Leavitt: Move the appeal be denied.

Mayor Pro-Tem Lurie: Any comments on the motion? Would you cast your votes on the motion. The motion is approved.

Motion carried by the following vote:
Commissioners Christensen, Leavitt,
Woofter and Mayor Pro-Tem Lurie voting
ayes; noes, none.

BEVERLY'S
Denied

Mayor Pro-Tem Lurie: The next item is Item L, appeal on denial of the business license for Beverly's. The application is Mr. Oueihle and the type of business is dance studio for exercise.

Mr. Oueihle: I've applied for a dance studio in good faith. I request that it be given.

Commissioner Woofter: It states your type of business being a dance studio for exercise. Would you more or less explain the operation to me, what this entails.

Mr. Oueihle: For dancing exercise. A customer may come in and perform dancing exercise.

Commissioner Woofter: Would there be an instructor there?

Mr. Oueihle: No.

Mayor Pro-Tem Lurie: Just two people can come in and dance?

Mr. Oueihle: We will have employees, but not instructors, per se.

Mayor Pro-Tem Lurie: So two people can just go to your place of business, rent the room, and go in there and exercise.

Mr. Oueihle: Do dancing exercises.

Mayor Pro-Tem Lurie: You also mentioned there will be no more than four people exercising at the same time.

Mr. Oueihle: Due to the size of the...

Commissioner Christensen: I'm trying to figure out here, what you're doing is renting space, then.

Mr. Oueihle: No, we're going to charge. Like any studio would, for membership, space, however you want to put it.

Commissioner Christensen: They give instructions.

Mr. Oueihle: No.

Commissioner Christensen: Most studios give instructions. Do you know of a dance studio or an exercise studio that has no instructions, no special equipment, or no nothing, just some space for you to come in and exercise?

Mr. Oueihle: I was really more concerned with mine. I haven't been investigating anybody else.

Mayor Pro-Tem Lurie: What will be in the rooms? If the people rent from you, what's going to be in the room?

Mr. Oueihle: A dance floor, a rail.

Commissioner Christensen: Mirrors, couch, lamp, lights.

Mr. Oueihle: Mirrors, furniture.

Commissioner Christensen: Why don't you just get in the motel business and just rent a motel room. It's the same thing, isn't it. What is the differentiation between this and a motel room or hotel room? What's the difference? I'm being serious. I'm trying to figure out. You're not going to give any instructions, so it looks to me like you are renting space.

Mr. Oueihle: I'm not in the motel business.

Commissioner Christensen: Do you see any difference between this and just renting a room? Do you see any difference than just renting a room for dance exercise and just renting a room for whatever you want to do? Are you going to supervise it.

Mr. Oueihle: Yes, it will be supervised.

Commissioner Christensen: You mean the people that come in there to dance and exercise in your place of business, someone will be watching them dance and exercise.

Mr. Oueihle: Not in the sense of a show, no.

Commissioner Christensen: I'm not talking about in a show. I'm talking about are they going to be under somebody's eyeball.

Mr. Oueihle: Right. Any business has supervision. You don't open a store and let the customers in without, you know, somebody to supervise the business.

Commissioner Christensen: No, but you rent a motel room and give them the key, then lock the door and you don't go in there until after they leave.

Mr. Oueihle: I'm not renting a motel room.

Commissioner Christensen: I'm aware of that. You said that, but I submit that you're not doing anything different than renting a motel room. Because you are not giving them any instruction, no special equipment, nobody is going to be physically watching them. There is something underneath here that I'm not finding out, and that's what I'm trying to find out.

Mr. Oueihle: I'm sorry.

Mr. Koch: Will you have employees on the premises, Mr. Oueihle?

Mr. Oueihle: Yes.

Mr. Koch: What are they going to be doing?

Mr. Oueihle: They will be there available to do exercises with the customers also.

Mr. Koch: What do you mean, exercises?

Mr. Oueihle: Dancing exercises.

Mr. Koch: People can come in and they can, for money they can hire somebody to dance with them. Is that correct?

Mr. Oueihle: No, they are paying for the use of the facilities. If they wish, they can have somebody go through dancing exercises with them.

Mr. Koch: You are going to have rooms available, and people can come and they can exercise in the room?

Mr. Oueihle: Dancing exercises, yes.

Mr. Koch: What's the difference between dancing exercises and dancing? Is it the same thing?

Mr. Oueihle: Dancing, yeah, dancing is a portion of dancing exercises, yes.

Mr. Koch: When you say dancing exercises, you mean dancing. You mean dancing then, they can go and dance in the rooms.

Mr. Oueihle: Yes.

Mr. Koch: And your customers will be available to dance with them, then.

Mr. Oueihle: To do dancing exercises with them, yes. What type of exercise they want to do.

Mr. Koch: Any kind of exercise they want to do?

Mr. Oueihle: Dancing exercises. It's not an athletic club where we would have weights, you know, machines and this type of thing.

Commissioner Christensen: What is dancing exercises?

Mr. Oueihle: There's different routines that would be an exercise. A routine would also be considered an exercise, I would imagine.

Commissioner Christensen: Well I've seen some dancing routines that would be classified as obscene. Now, where do you draw the line between what's a dancing exercise and what is just plain out and out a sex act, for instance?

Mr. Oueihle: Well, that's why we have supervision.

Mayor Pro-Tem Lurie: Actually, I believe that you are falling under, in other words, we have a taxi-dance halls where it is unlawful to conduct, manage or operate or maintain any place in which public dancing is allowed and wherein for pay, direct or indirect dancing partners may be obtained. Are you aware of that ordinance?

Mr. Oueihle: I am aware of that ordinance, but we are not furnishing dancing partners, we are furnishing for dancing exercises.

Mayor Pro-Tem Lurie: You just said that if a person comes in and wants to dance or exercise, you'll furnish them a partner.

Mr. Oueihle: We will have people available for them to do their exercises with, yes.

Mayor Pro-Tem Lurie: That's in violation of the other ordinance.

Commissioner Leavitt: You indicate you are going to have something called dancing exercise, is that what you call it.

Mr. Oueihle: Yes.

Commissioner Leavitt: Can you have dancing without the exercise? Can't, can you.

Mr. Oueihle: Dancing exercises.

Commissioner Leavitt: Can you have exercising without the dancing?

Mr. Oueihle: I suppose, if they wish to warm up prior to doing dancing exercises, yes.

Commissioner Christensen: I've got another question for the attorney. He does not have a license to operate now, is that correct?

Mr. Koch: No, he does not.

Commissioner Christensen: We have a copy here of an ad dated February 18, 1977. Is that...

Mr. Oueihle: I went down and applied for my license, I paid the money, and I was under the intent the license was going to be issued, so I ran an ad. And, the license wasn't issued, the money was wasted.

Commissioner Christensen: The ad reads "Adults only, private rooms, beautiful young girls, open 12 noon to 6 a.m., Beverly's Dance Studio, 2401 Industrial Road, Suite 2, and a phone number". It doesn't say a bloody thing about exercising, and it doesn't say anything about people being on duty. It says private rooms. And, it says adults only and beautiful young girls. And, from that ad, that does not fit what you are describing.

Mr. Oueihle: It's definitely adults only. We're not catering to a young crowd.

Commissioner Christensen: Well, let's see, there is one, two, three, three items in the picture referred to there and you've said, that's right, it's adults

only, but there's a whole lot of other items involved there that would indicate something other than what you are describing. Nothing in the ad says anything about exercise. It does say you are going to furnish private rooms and beautiful young girls. It doesn't even say anything about dancing, except that's the name of the studio down there at the bottom. It indicates that what you are going to sell are private rooms and beautiful young girls to adults only. That's the way I read the ad.

Mr. Koch: What would the customers be doing with your young ladies there?

Mr. Oueihle: Performing dancing exercises.

Mr. Koch: What do you mean dancing exercises? Do you mean ballroom dancing, do you mean jazz, you mean...

Mr. Oueihle: Whatever kind of exercises they want to go through.

Mr. Koch: Any kind of exercises they want..

Mr. Oueihle: Dancing exercises.

Mr. Koch: So they can go there, and for money they can dance with your employees, is that correct? They can exercise by dancing with your employees?

Mr. Oueihle: Yes, sir.

Mayor Pro-Tem Lurie: Any further questions of Mr. Oueihle? Mr. Koch, do you have any further witnesses you'd like to call?

Mr. Koch: Only Mrs. Britt.

Mayor Pro-Tem Lurie: Mrs. Britt, would you come up again. You've already been sworn in.

Mr. Koch: Mrs. Britt, did you request further information from Mr. Oueihle regarding the nature of his business?

Mrs. Britt: Yes, I did. Twice, I wrote him letters requesting additional information, which he did furnish.

Mr. Koch: What kind of representations were made to you regarding the nature of the business in those letters? Do you have them with you?

Mrs. Britt: Yes, I do. One question was, if no instructions or lessons are to be given, exactly what services he offered. And, his answer was "We will furnish for a fee, facilities for customers to exercise by way of dance." Will you have employees who will be available to dance exercise with your customers?

Commissioner Leavitt: Is that dance or exercise.

Mrs. Britt: Yes. The answer to that is "Yes, they will be salaries employees." The third question was will a charge be made for use of the facilities or for the services of an employee or employees or both? The answer to that was "Yes, both." Then I wrote him an additional letter asking about their attire of the employees was the first question. And, he said the "Attire the employees will wear will be applicable with the type of dance that they will be doing. They will wear street clothes, tights, formal wear, etc." And then I asked him about...

Commissioner Christensen: Mrs. Britt, I've got an interesting question here. Go back over that attire, his answer was that the attire would be whatever for

the type of dance, did I understand that correctly?

Mrs. Britt: Yes.

Commissioner Christensen: Well, then, if somebody wanted to go over there and practice nude dancing, what kind of attire would they have?

Mrs. Britt: Perhaps you should ask Mr. Oueihle.

Mr. Koch: I think he addresses that.

Mrs. Britt: Yes, then I asked in regard to the type of facilities, the size, and how it would be designed and he did furnish a... I did ask that question. Exercising in the nude, "the employees will not be allowed to exercise in the nude, and the same applies to the customers." Mr. Oueihle made that statement.

Commissioner Leavitt: Is that exercising or dancing? The answer to the question was exercising. Are they going to allow dancing in the nude?

Mrs. Britt: The question was exercise or dancing and his answer does refer to exercising, that's correct. The next question was in regard to the facility and he did supply a diagram of the facilities which showed a lounge area, a change room and two partitioned off exercise areas. A question in regard to whether or not the customers would be fully informed in advance of all charges and if there would be tips that would be required for the employees, would the customer be aware of that in advance. Mr. Oueihle stated "Customers will be fully informed in advance of all fees. My employees will be salaried. They will not be allowed to ask for tips." And, the final question then was in regard to security and supervision. He stated, "Any time that I am not able to be on the premises, I will employ proper security to safeguard my employees and customers alike."

Mr. Koch: Mrs. Britt, did you deny that license application?

Mrs. Britt: Yes, I did.

Mr. Koch: What was the reason?

Mrs. Britt: Based on Title V, Chapter 34, which says it shall be unlawful to conduct, manage, operate or maintain any place in which public dancing is allowed and wherein for payment, direct or indirect, dancing partners may be obtained.

Mr. Koch: Thank you, I have no more questions.

Mayor Pro-Tem Lurie: Do the Commissioners have any further questions? Mr. Koch do you have any further persons you would like to call on?

Mr. Koch: No, I do not. If you have any further questions of Mr. Oueihle or anyone else, you might...

Mayor Pro-Tem Lurie: Do the Commissioners have any further questions of Mr. Oueihle? Mr. Oueihle, do you have any further comments you would like to make before the Commission takes action on your appeal.

Mr. Oueihle: No, sir.

Mr. Koch: Let me summarize, if I may, the grounds which were given by Mrs. Britt for denial were Title V, Chapter 34, Section 6, which talks about taxi-dance halls. It has been read several times. It is unlawful to conduct a business wherein for payment, direct or

indirect, dancing partners may be obtained. As an additional ground, this Commission is free to find the type of business as described if they feel it will not comport with the peace, health, safety, good morals, or general welfare of the public, that might be additional ground for denial. The City would ask that the denial be affirmed.

Commissioner Woofter: Based on the existing ordinance, I don't see where we as a body have any other recourse other than to make a motion to deny the appeal.

Mayor Pro-Tem Lurie: There has been a motion for denial of the appeal. Cast your votes on the motion. Motion is approved. I would also request that when this transcript is prepared that other proceedings that we have had concerning Mr. Oueihle with the nude wrestling and the wrestling studio all be attached to these transcripts so that we can be prepared for whatever action Mr. Oueihle has in mind taking after today.

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

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT
CONTINUED....

Z-6-77
Approved

ZONE CHANGE - DONOVAN BURKE

Mr. Saylor: The property in question is located on Chapman Drive, one block north of Sahara. The Sahara Avenue frontage is all commercial or professional offices. The property to the north and east are all single family development. The property to the west is R-2. Perhaps you can see the coloring a little better here (referring to map). This is the lot in question, this is the commercial and the professional along Sahara. This is the duplex zoning to the west. This is single family. Proposed use is a office use. This is the plot plan of the proposed development. This item was before you about a year ago at which time it was recommended for denial and denied by this Board. There was a protest factor at that time. There is not protest to this application. Planning Commission has recommended denial again primarily because they feel it would be an intrusion into the single family area.

Mayor Pro-Tem Lurie: Is there anyone in the audience to protest this application.

(No one in protest in the audience.)

Mayor Pro-Tem Lurie: At this time I would entertain a motion.

Commissioner Woofter: For the record too, Mr. Mayor Pro-Tem, may I ask Mr. Saylor if staff, was there anybody at the Planning Commission in protest of this application?

Mr. Saylor: No.

Mayor Pro-Tem Lurie: Are the applicants in the audience? Mr. Burke, Commissioner Leavitt has a question.

Commissioner Leavitt: I just wanted to know what was the basis of the denial? Just because it's always been that way.

Mr. Saylor: No, what we tried to do along Sahara, of course, is keep it oriented toward the Sahara Avenue

Z-6-77
Continued

frontage. As you go to the west, this has not been done, but this is a duplex area in here. In the single family area, as I say, we tried to keep it to the Sahara Avenue frontage. This lot has no connection with the lot on Sahara. All of the access would be from Chapman and they felt it would be an intrusion into the single family area. I believe it has a duplex on it at the present time.

Commissioner Christensen: What's it going to be used for?

Mr. Saylor: A proposed office use.

Mr. Burke: It is zoned commercial on the east, on the south and on the west. This is a general office, just a bookkeeping office, that's all.

Commissioner Christensen: It's not a high traffic generator?

Mr. Burke: Absolutely not.

Mayor Pro-Tem Lurie: If the Commission was to approve this application, what are the conditions as far as the upkeep of the landscaping, and any type of conditions that you want

Mr. Saylor: It would be I presume resolution of intent subject to the usual conditions and providing adequate...

Mr. Burke: I would be happy to do so.

Mayor Pro-Tem Lurie: Right now it needs a lot of repair. I went by and looked at it and it looks like the shrubs haven't been taken care of for a long time.

Mr. Burke: I hired a gardener at quite a large expense to come in there and maintain. I've had the trees cut back twice in the last year.

Mayor Pro-Tem Lurie: I'll entertain a motion if there are no further questions.

Commissioner Woofter: At this time I'd make a motion to approve the zone change. Subject to the conditions.

Mayor Pro-Tem Lurie: Cast your votes on the motion. The motion is approved.

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

Z-7-77
Denied

ZONE CHANGE - JANET K. LITTERAL CLARK

Mr. Saylor: We've had a request from the applicant that this item be held in abeyance. The applicant's attorney is here to make that request.

Pete Reynolds: Of Deaner, Deaner and Reynolds. We request the Commission to put this over to the first meeting in April. I don't believe there are any protests to this that could be harmed by this action by putting it over.

Mayor Pro-Tem Lurie: Why?

Mr. Reynolds: This particular, we are attempting to get a rezoning as is shown on the Board on Smoke Ranch and Jones. The purpose of the rezoning is to construct a shopping center there. At the Planning Commission we were informed by the Commission they felt the matter was premature. Since then, some of our potential lessees have indicated to me that they

desire to hire counsel. I have been unable to get with counsel to determine exactly what course of action they believe we should take in this matter since they are also involved. The Counsel in the matter is Mr. Herb Jones. He is presently out of the City and couldn't attend this meeting today. We made the request for the matter to be held in abeyance quite some time ago. I wasn't informed that it would not be held in abeyance until approximately the 8th.

Mayor Pro-Tem Lurie: It is before the Commission and if we want to take action or hold in abeyance until the first meeting in April.

Commissioner Woofter: My concern is, Mr. Reynolds brought out, noting the minutes of the Planning Commission meeting there was certain protests voiced and my concern is since there are no protestors in the audience possibly they were under the understanding that this would be held in abeyance also. Since I don't see any protestors here, I have that feeling. I would make the motion we hold it in abeyance until the next meeting. I make that a motion that we hold it until our meeting of April 6.

MOTION

Mayor Pro-Tem Lurie: There is a motion that this item be held to our first meeting in April, which would be April 6. Do any commissioners have any comments on that. Cast your votes. The motion fails. We will hear the application.

Motion failed by the following vote:
Commissioners Woofter and Leavitt voting
aye; Commissioner Christensen and Mayor
Pro-Tem Lurie voting no.

Mr. Saylor: You will remember that the larger area to the north as shown on the screen came before you recently to be rezoned R-1 for single family home development which had been zoned and the subdivision plat filed, etc. This particular parcel was left out of that application. They now have requested a C-2 zoning on it. There is vacant commercial zoning immediately to the south. The other two corners, one of which is in the County is zoned residential, and the other one in the City is zoned residential. You will also remember that a short time ago a request was made further to the east for commercial zoning which was denied. The application, if you look over here, involves this parcel. The plot plan indicates a restaurant, some 18,000 sq. ft. of leasable shop area, a family store, 10,000 sq. ft. and then an additional 8,000 shop area, ice cream parlor, a bank, and a convenience store. And there's indicated a lease or sale area of this parcel, which I presume is for a convenience store. They have also indicated that in connection with that there would be gas pumping operation, I believe a self-service. The Planning Commission has recommended denial of the application because it was indicated to them by the attorneys at their meeting that they were ready to go ahead and start construction of the project as one unit. I don't believe the Planning Commission felt that that was an acceptable position in that there is not sufficient market in that area to accommodate the many thousand square feet of leasable shop areas, a restaurant, a family store, and bank. Yet, that is what the statement was made, "that we're prepared to go ahead and build the whole thing all at one time." And, the Planning Commission has recommended denial. There was one protestant. He indicated that he perhaps was not objecting so much to the convenience store, because he felt that that might be a useable item, but that in the development of the whole shopping center, there might be other types of uses involved that would not benefit the area.

Mayor Pro-Tem Lurie: Do the Commissioners have any questions?

Commissioner Leavitt: Didn't we reject a convenience store on that once? Is that Fred Houghton's piece?

Mr. Saylor: No, sir. Fred Houghton's is the east.

Commissioner Leavitt: Right down there is where we rejected the convenience store.

Mr. Saylor: Right. He indicated, Mr. Jones, who represents the Southland Corporation, which is 7-Eleven wants to make a presentation, so I presume what they are talking about here at the present time is in fact just the convenience store.

Commissioner Leavitt: What corner is it we rejected? Smoke Ranch and what?

Mr. Saylor: Smoke Ranch and Michael.

Commissioner Leavitt: Where's the highway?

Mr. Saylor: Decatur is here (referring to map) and then the highway is a little further east, not shown on the map. This is Fred Houghton's piece that was denied.

Commissioner Leavitt: What's the difference between this piece and the other piece.

Mr. Saylor: Well, staff felt that way, plus we already have a piece zoned to accommodate a convenience store, small neighborhood type of building.

Mayor Pro-Tem Lurie: Those convenience stores are like gas stations. You've got one on each corner.

Mr. Reynolds: When this particular matter came before the Commission previously, I understand it was on a rezoning that involved Lewis Homes. This particular 5 acre parcel was not intentionally left out of the sale of Lewis Homes with the predesigned intention to come back before the Commission and seek a rezoning for commercial zoning. The fact of the matter was my client, Mrs. Clark, did not get her asking price from Lewis and as a result, they did not purchase the entire portion of this property. The proposed shopping center would be approximately 78,000 sq. ft. The anticipated cost of construction is in excess of a million dollars. It is our information that Smoke Ranch will be a major east/west arterial, and we are further informed that Regional Streets and Highways has allocated funds for the expansion of Smoke Ranch Road through this particular area. I believe the funds were allocated for the 1977-78 year.

Mayor Pro-Tem Lurie: Don't say that because I serve on Regional Streets. Jones from Charleston to Smoke Ranch Road has been allocated to start within about three or four months. The right-of-way has been purchased. Not Smoke Ranch.

Mr. Reynolds: The reasons given by the Planning Commission for the denial was they felt the application was premature. I believe it is the staff recommendation that the 5 acres be retained for residential purposes, and as I recall Mr. Saylor's comment to the Planning Commission, that the property be used as some type of cul-de-sac. I believe that to take the position that it is premature is just to deny the inevitable. The property will, in my opinion, undoubtedly because of this location, be zoned commercial at some future date. To simply say that we are premature is to deny the fact that it will exist.

Presently, the closest convenience store is approximately a mile and a quarter away on Decatur. There is, I believe, a genuine need in the area for some type of services to the residents. The only protestant that was here said that he did not object necessarily to the concept, but objected to the size and objected to the fact that we were asking too much.

Commissioner Woofter: What's contemplated behind that shopping center? Residential area?

Mr. Saylor: Single family homes all along here, duplexes on Smoke Ranch frontage.

Commissioner Woofter: Have they already started construction on that, Don?

Mr. Saylor: I don't know. They are in the process of a subdivision. Whether they have got to that point of development...

Commissioner Woofter: In other words, the only basis for the denial was the fact that the Board felt it was premature for such a complex? That's what I note in the minutes.

Mr. Saylor: It would be my opinion, this is just an opinion, that the Commission felt that the zoning was not necessary at all. The wording premature appears there simply because the person making the application stated those words specifically. But from some of the other comments, I think they noted the fact that they had denied Houghton's application, that there was vacant commercial in existence at that particular location.

Commissioner Woofter: That is naturally my concern, because for us to decide for a businessman whether or not it is premature, I don't think we should be invading that area as far as making up the minds of private enterprise whether it is premature or not premature. Now, the other aspect, I believe Commissioner Leavitt brought out, we did deny on a smaller scale the situation for a convenience store on the other side of the street, down the line. I note that that is already filled in with residential area behind that particular piece of property, whereas this is still contemplated. That puts me in the dilemma whether or not this is comparable to the previous denial in that respect or not, or can we look upon it because I'm not going to base my vote on prematurity or not prematurity. If a man wants to invest his money in a situation, that's up to him, and I don't think we should even get into that area. So, I want to know other reasons why the Commission denied this, other than that.

Commissioner Christensen: I'd like to comment on that Commissioner. I share your views about business, but I think you can misinterpret the word premature not necessarily to mean business, but the property zoning. It might be premature to consider that that is a commercial zone which has nothing to do with whether a person is premature in going into business. It's whether it is premature in setting up a commercial zone. I agree with you, it's not our business. It's the businessman's business to decide whether he's got enough traffic to support his store there or not.

Mr. Reynolds: If I might comment, and place this matter in context. The comments that it was premature came as a result of an exchange I had with one of the members of the Planning Commission. And, his direct question to us was whether or not we had tenants and had approached tenants for I believe specifically a bank, and Mr. White represented to the Commission that we had approached several different

enterprises and they advised us that it was premature and based upon his comments, the motion was then made to deny the zone change on the basis of the fact that the application was premature.

Commissioner Christensen: I agree with Commissioner Woofter, then, because I don't think that is for us to decide whether it is premature or whether they have tenants or not. The only premature question I would have is whether it is premature zoning or not. It hasn't got anything to do with the business, because that's not our business. Either the zoning is proper or it isn't and whether you have tenants or not, I don't really care because that's your business and the tenant's business.

Commissioner Woofter: I concur with Commissioner Christensen. What's the staff's recommendation? Are we premature on considering the rezoning of this?

Mr. Saylor: Staff's position was the recommendation of denial. We felt that the existing zoning in the area satisfies all the needs for a small neighborhood shopping center, and that was all that was called for in that area. I asked you to consider the fact that the attorney for the applicant indicated to the Planning Commission that they were going to go ahead and build this entire shopping center all at one time, and I think that caused some of the confusion on the part of the Planning Commission, because that was a little bit hard for them to swallow.

Mr. Reynolds: I believe the Commission can now see the purpose of the request to hold the matter in abeyance. We cannot advise the Commission at this time as to whether or not we are going to build the entire 78,000 sq. ft. for a shopping center. To that extent, we wanted the matter held in abeyance so we could...

Mayor Pro-Tem Lurie: We are looking at zoning, not whether or not you are ready to start with the 78,000 sq. ft. shopping center, or whether the first phase will be the 7-Eleven gas station. I think that is probably what you want as your first phase, is the convenience market first, and then some day down the road you will build a shopping center.

Mr. Reynolds: I'm not trying to pull the wool over your eyes.

Mayor Pro-Tem Lurie: No, I can read between the lines. I know what you are trying to do here.

Commissioner Christensen: I think we all know what the situation is.

Mayor Pro-Tem Lurie: Do you have any further questions?

Commissioner Woofter: You stated that the nearest convenience store, or any similarity of a shopping center, is approximately a mile and a half or a mile and a quarter away from this particular spot?

Mr. Reynolds: Approximately a mile and a quarter. It would be the one on Decatur.

Mayor Pro-Tem Lurie: Doesn't 7-Eleven have a location on the corner of Jones and Vegas Drive that they are going to build when Jones Boulevard is improved.

Mr. Reynolds: I can't respond to that, I don't represent them. I would also note for the record that although the application is for C-2 zoning, we represented to the Planning Commission that to the extent that C-2 includes a restaurant, C-2 A 8 includes cocktail lounges and service bars. It is not the

Z-7-77
Continued

it's not the applicant's desire to have a cocktail lounge or a service bar in there because of the fact there are schools within the area. To the extent that the C-1 zoning would comply with their desires, that would be acceptable.

Mayor Pro-Tem Lurie: Do you have any further comments? I would entertain a motion from the Commission.

Commissioner Christensen: I'll move for denial.

Mayor Pro-Tem Lurie: There has been a motion to follow the recommendation of the Planning Commission and staff. Would you cast your vote on the motion. The motion is approved. The application is denied.

Motion carried by the following vote:
Commissioners Christensen, Leavitt and
Mayor Pro-Tem Lurie voting aye;
Commissioner Woofter voting no.

Z-8-77
Approved

ZONE CHANGE - SOUTHERN NEVADA MEMORIAL HOSPITAL

Mr. Saylor: This is another request of the hospital in their process of assembling property in the vicinity of the hospital to allow for the expansion of the facility. This particular property is on the corner of Willow and Alturas. You see it on the screen and also over here. It's the northeast corner. The proposed use, of course, is a temporary use until they get into their construction and completion program. Planning Commission has recommended approval subject to the conditions set forth. There were no protests.

Mayor Pro-Tem Lurie: Do the Commissioners have any questions? Is the applicant here?

Commissioner Christensen: Is that on lot number 915 right there on your little map, Don?

Mr. Saylor: It's the corner lot right at the corner of Willow and Alturas. The northeast corner.

Commissioner Woofter: I make a motion to approve.

Mayor Pro-Tem Lurie: There's been a motion for approval. Would you cast your votes on the motion.

Commissioner Christensen: How temporary are the trailers going to be?

Applicant: During the actual construction period. Maybe 24 months. We are using our present doctor's parking lot. Due to the new structure, we have to relocate the doctor's parking lot. As a result of that we lose a couple of the homes we are using for offices and for storage.

Commissioner Christensen: How long did they have the trailers in front? I'm wondering, it sounds like two years. How long were the trailers in front? Was that within the proper amount of time or did we have to grant extensions, or how did that go. I'm wondering if the two years is realistic.

Mayor Pro-Tem Lurie: Do you want to put a condition on the motion?

Commissioner Christensen: No, it doesn't really make a lot of difference because they can come back and get it extended and I'm just trying to, for my own edification, wondering how long. It seems to me like we had to extend them once before, didn't we, on the ones in front.

Applicant: We had a trailer which was used by Social Services and we had a trailer which was used by the Pathology Department.

Commissioner Christensen: You had some construction trailers in front that we had to approve for a period of time while you built the new wing, and then we had to extend it, I believe. I was just trying to decide whether this 24 months was realistic or not.

Applicant: We feel it is a realistic period. We should be done within 24.

Mayor Pro-Tem Lurie: There has been a motion for approval. Cast your votes on the motion. Motion is approved.

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

SET DATES FOR
PUBLIC HEARINGS
None Required

Mayor Pro-Tem Lurie: The next item on the agenda is set date for public hearings. Do we have any public hearings to set dates for?

Mr. Saylor: No.

VACANCIES ON BOARDS AND COMMISSIONS

See Page 79 of these Minutes - Annotated
Agenda

CITY ATTORNEY CARL E. LOVELL, JR.

CLARK COUNTY
SPORTS ENTERPRISES
Report

Chief Civil Deputy City Attorney, Jan Stewart: This is a short report on Clark County Sports Enterprises and the litigation involved with that matter. As you recall, this is a lease by the City of Las Vegas of property off the Salt Lake Highway to Clark County Sports Enterprises. We've, pursuant to the lease, mailed a notice and had notice to quit served upon the defendant and we are presently in District Court litigating the termination of the lease. One of the defenses that was raised by Clark County Sports Enterprises was that our action in sending the notice and serving the notice to quit was not voted upon by this Board. I have had a chance to review the minutes, and I think you have copies of those, meeting of December 17, 1975 and in those minutes and in other conversations, it was clear to us that our office was to proceed in the event there was a shortage in the rent or other breach. However, we feel that if there was a question on the amount of gravel then we were supposed to bring that back to the Board of determination. In reviewing the minutes, I don't see the formal vote on that issue and would request it of the Board at this time.

Commissioner Christensen: I think, I was looking at these minutes and I'm sorry I didn't get back to you, but I think that there is a subsequent set of minutes to the following meeting where this came up more than once, and unless my memory has really failed me, at that point the motion passed with the proviso and I believe it was put in the motion by the Mayor, that in the event that the conditions of the lease were not met, that that would be considered to be the motion of the City Commission that they take whatever action necessary to terminate the lease, if they didn't meet the requirements, after we had heard this about three times. I thought that was pretty well spelled out,

ITEM	Commission Action	Department Action
<p>I-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT <u>DON J. SAYLOR, AIP, DIRECTOR</u></p>		
<p>A. <u>ABEYANCE ITEM - ZONE CHANGE - Z-100-76 - HOME SAVINGS ASSOCIATION</u></p>	<p>DENIED LEAVITT MADE MOTION FOR APPROVAL MOTION FAILED TO CARRY COMMISSIONERS CHRISTENSEN AND LEAVITT VOTING "NO"</p>	<p>Clerk to Notify</p>
<p>Property generally located on the west side of Torrey Pines Drive, approximately 1,500 feet south of West Craig Road and extending west 1/2 mile to North Lorenzi Boulevard. From: R-E (Residence Estates) To: R-MH (Mobile Home Residence) Proposed Use: Mobile Home Estate Development</p>		
<p>Planning Commission recommended DENIAL (5-1).</p>		
<p>Protests: Approx. 100</p>		
<p>(This item was held in abeyance from the 2-16-77 City Commission meeting for a full board.)</p>		
<p>B. <u>ZONE CHANGE - Z-6-77 - DONOVAN BURKE</u></p>	<p>APPROVED SUBJECT TO CONDITIONS WOOFER - UNAN.</p>	<p>Clerk to Notify Director Authorized to Proceed</p>
<p>Property located at 2408 Chapman Drive, between San Pedro Avenue and East Sahara Avenue. From: R-2 (Two-family residence) To: P-R (Professional Offices & Parking) Proposed Use: Office</p>		
<p>Planning Commission unanimously recommends DENIAL because they felt the P-R zoning would encroach into the single family area and also because this property did not have frontage on Sahara Avenue.</p>		
<p>Protests: 0</p>		
<p>C. <u>ZONE CHANGE - Z-7-77 - JANET K. LITTERAL CLARK</u></p>	<p>DENIED CHRISTENSEN WOOFER VOTED "NO"</p>	<p>Clerk to Notify</p>
<p>Property generally located on the northeast corner of North Jones Boulevard and Smoke Ranch Road. From: R-1 (Single Family Residence) To: C-2 (General Commercial) Proposed Use: Shopping Center</p>		
<p>Planning Commission unanimously recommends DENIAL because they felt the proposed C-2 zoning was premature in this area and would not be compatible. They further felt there was sufficient neighborhood commercial zoning proposed in the immediate area.</p>		
<p>Protests: 1</p>		
<p>D. <u>ZONE CHANGE - Z-8-77 - SOUTHERN NEVADA MEMORIAL HOSPITAL</u></p>	<p>APPROVED SUBJECT TO CONDITIONS WOOFER - UNAN.</p>	<p>Clerk to Notify Director Authorized to Proceed</p>
<p>Property generally located on the northeast corner of Willow Street and Alturas Avenue. From: R-E (Residence Estates) To: C-V (Civic) Proposed Use: Temporary Office Trailers</p>		
<p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p>		

ITEM	Commission Action	Department Action
<u>I-(i) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT CONTINUED</u>		
Item D (Z-8-77) continued		
<ol style="list-style-type: none">1. Dedication of a radius corner at Willow Street and Alturas Avenue as required by the Department of Public Services.2. Signing an Assessment District Agreement for half-street improvements, including street lighting along Willow Street and Alturas Avenue frontage as required by the Department of Public Services.3. Temporary office trailers on this property to be permitted for a period of two years.4. Plot Plan approval of the proposed use after the temporary trailer use ceases at the end of the two year period.5. Conformance to code requirements and design standards of all City departments.	See Page 17	
Protests: 0		
<u>E. SET DATE FOR PUBLIC HEARING ON APPEAL ITEMS FROM THE BOARD OF ZONING ADJUSTMENT MEETING HELD FEBRUARY 24, 1977.</u>		
N O N E		

ITEM	Commission Action	Department Action
<p>III. <u>VACANCIES ON BOARDS & COMMISSIONS</u></p>		
<p>A. <u>LAS VEGAS METROPOLITAN BEAUTIFICATION COMMITTEE - (3-year term)</u></p>	ABEYANCE	4/6/77 Agenda
<p>Terms of Office of the following members will expire as indicated:</p>		
<p>1) Bill Hardy 4/7/77</p>		
<p>2) Mrs. Reese Roberts 4/7/77</p>		
<p>B. <u>SENIOR CITIZENS ADVISORY BOARD (3-year term)</u></p>	<p>RATIFIED APPOINTMENTS LURIE - UNANIMOUS</p>	<p>Clerk to Proceed</p>
<p>Ratification of the following appointments as recommended by Tom Mulroy:</p>		
<p>1) Jacqueline McKinney - reappointment for 3-year term.</p>		
<p>2) Joe Cordova - reappointment for 3-year term.</p>		
<p>3) Edgar H. Kochs - new appointment for 3-year term (to replace Walter R. Martini).</p>		

but I don't see it in these minutes. I'm wondering if that didn't happen at a subsequent meeting, cause this was heard about three meetings in a row.

Mr. Stewart: We felt that our instructions were clear on that point also, but I have not been able to discover any... I can search some more for those minutes. In any event, we'd like approval for the action or at least a ratification so that there can be no question.

Commissioner Christensen: I'll make a motion to that effect, but I also want my motion to include the fact that this was a motion once before. Now, if it's not minutes, it's an oversight on the part of us, or the Clerk, or somebody, but I know that motion was made that they be allowed to continue subject to the fact that if they were ever in default on any of the payments, or the gravel, again that the City Attorney's Office was instructed to take whatever steps were necessary to terminate the lease. And, I'll restate that motion at this time, but that was a motion made back in this time.

Mayor Pro-Tem Lurie: I'd like to help you with your thoughts. You are correct. There was, the Mayor made those comments..

Commissioner Christensen: I think he made it part of the motion. Any part of the lease that was not lived up to, the City Attorney's Office was directed to take whatever action was necessary to terminate the lease. I think you'll find that in the minutes somewhere.

Commissioner Leavitt: In regarding the gravel, it would be brought back, but any other default would be automatic.

Mayor Pro-Tem Lurie: I think we have to take whatever action we have to take in order to get this facility back in the hands of the City and get it out to a responsible person to provide the youth with a place to have their races.

Commissioner Christensen: That really wasn't the issue. The issue is whether he was living up to the lease, and he wasn't, and it was determined that if he doesn't live up to the lease, we terminate the lease and I'll make that a formal motion at this time, restated that if the lessee is in default in any way, shape or form on the lease, that immediate action be taken by the City Attorney's Office to terminate the lease.

MOTION

Mr. Stewart: Commissioner, due to the fact that we have already taken action, I would appreciate that part of the motion that actions we have taken to this point are ratified by the Board.

ADDITIONAL
MOTION

Commissioner Christensen: Ok, I'll add to the motion that the actions we have taken are ratified by the Board and this is the reason, because they were so ordered some months ago.

Mayor Pro-Tem Lurie: You've heard the motion. Any further comments on the motion? Cast your votes on the motion. The motion is approved.

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

AGREEMENT
Approved

AGREEMENT WITH CLARK COUNTY WITH REFERENCE TO JOINT
FUNDING OF THE COURT COUNSELING PROGRAM

Mr. Stewart: This involves the funding of the Court Counseling Program. The County has agreed to finance \$13,000 for the Court Counseling Program. They have already provided the funds and we have an agreement to formalize what has already occurred.

Commissioner Woofter: Based on past performance, I make a motion to approve.

Mayor Pro-Tem Lurie: Any comments on the motion? I'd like to thank whoever prepared this report on the Court Counseling Program. It was a good report, the only thing that I objected to was that the county only agreed to pay \$13,000. If it costs more, then we're going to have to pick up the additional cost. It says they are going to pay a maximum sum of \$13,000.

Mr. Adams: That's what we had previously, half and half.

Mayor Pro-Tem Lurie: We are also providing a lot of other services along with the program, but I guess we..

Commissioner Christensen: Don't we have a maximum amount that they can spend? Don't we have a limitation based on the previous motion where it was funded before?

Mr. Adams: I believe the previous motion was that it would go to the \$26,000 which would carry through to the end of the year; \$13,000 from us and \$13,000 from the County.

Commissioner Christensen: So we did have a limit on the amount.

Mayor Pro-Tem Lurie: Based on the report, though, it is self-sustaining. It's not going to cost any money. You heard the motion. Would you cast your votes on the motion. The motion is approved.

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

See Pages 82 and 83 of These Minutes -
Agreement.

AMENDMENT TO
MASTER
LIGHTING
AGREEMENT
Approved

Mr. Stewart: This item is really an amendment to the Master Lighting Agreement with the Department of Highway, State of Nevada. What this agreement does, the City presently is providing maintenance for luminaires on the interstate freeway. This allows us to increase the cost by which we charge the State of Nevada. The new cost will be \$6.56 per month per luminaire for the service. Then, also we pay for certain electrical energy for these luminaires and this agreement would allow us to increase our bill to the State to an amount of \$1.53 per month per two tube fixture in operation.

Mayor Pro-Tem Lurie: Has this been approved by the State, or this has to be approved by us first and then it is sent on to the state.

Mr. Hampton: They've approved it in concept, for our formal approval.

Mayor Pro-Tem Lurie: I would move that the Agreement be approved. Motion is approved.

Motion approved by the following vote:
Commissioners Leavitt, Woofter, Christensen
and Mayor Pro-Tem Lurie voting aye; noes, none.

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Minutes
Regular Meeting
City Commission
March 16, 1977

A G R E E M E N T

THIS AGREEMENT is made and entered into this 1st day of March, 1977, by and between the COUNTY OF CLARK, hereinafter referred to as "County", and the CITY OF LAS VEGAS, hereinafter referred to as "City".

W I T N E S S E T H:

WHEREAS, There is in operation a program aimed at improving the efficiency and effectiveness of misdemeanor case handling; and

WHEREAS, a component of the project is a Court Counseling Program utilizing deferred sentencing for selected defendants and the preparation of pre-sentencing reports by professionally trained counselors who will also provide supervision and follow-up; and

WHEREAS, the Court Counseling Program will be implemented through the City Municipal Court and the Justice of the Peace Courts of Las Vegas Township.

NOW, THEREFORE, the parties agree as follows:

1. COUNTY agrees to provide a maximum sum of \$13,000.00 for the remainder of the fiscal year 1976-77 for the continuance of the Court Counseling Program.
2. Payments shall be made by the County to the City upon vouchers processed through the County Comptroller's Office.
3. City agrees to provide office space for the Court Counseling Program.
4. City shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly the amount, receipt, and disposition by City of all funds received for its Court Counseling Program.

The above records shall be subject at all reasonable times to inspection, copying and audit by County.

City shall preserve and make its records available to County.

5. The City shall, if it has not already done so, provide a like sum of \$13,000.00 for said period of time for said Program.
6. That said Program shall use its Counseling Service for Justice Court

BILL NO.
77-14
Withdrawn

Commissioner Christensen: We have to approve the ordinance. I think what we did before was take care of the requests on Cashman Drive.

Mr. Hampton: You disapproved the resolution. Therefore, this should be withdrawn.

BILL NO.
77-17
1st Reading
& Referred

A Bill entitled "AN ORDINANCE TO AMEND TITLE V, CHAPTER 42, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960 EDITION, BY PROVIDING FOR THE REGULATION AND CONTROL OF BATH HOUSES; DEFINING BATH HOUSES; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH." was read by Chief Civil Deputy City Attorney Jan Stewart.

Mayor Pro-Tem Lurie referred Bill No. 77-17 to a Recommending Committee consisting of Commissioner Leavitt and Commissioner Woofter.

BILL NO.
77-10
Adopted

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

Commissioner Christensen: I move for approval.

Mayor Pro-Tem Lurie: We have a motion for approval. Would you cast your votes on approval of Bill 77-10. Motion is approved.

Motion carried by the following vote:
Commissioners Christensen, Leavitt,
Woofter and Mayor Pro-Tem Lurie voting
ayes; noes, none.

BILL NO.
77-13
Adopted

Commissioner Leavitt: We move that the ordinance be adopted and request that it read by title.

A Bill entitled "AN ORDINANCE TO AMEND TITLE IX, CHAPTER 12A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960 EDITION, TO PROVIDE FOR THE RETURN OF THE CONTENTS OF A NEWS RACK TO THE OWNER UPON ITS REMOVAL FOR VIOLATING THE CITY CODE; TO PROVIDE FOR APPEALS TO THE BOARD OF CITY COMMISSIONERS TO REVIEW THE DIRECTOR OF PUBLIC SERVICES' REMOVAL OF AN OFFENDING NEWS RACK; TO PROVIDE OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH." was read by title by Jan Stewart.

Commissioner Leavitt: Move for approval.

Mayor Pro-Tem Lurie: There is a motion for approval. Cast your votes on the motion. Motion is approved.

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

Mayor Pro-Tem Lurie: Is there any items the Commission would like to go to a recommending committee on under the study committee agenda.

Commissioner Woofter: Just for a reminder for Commissioner Christensen and myself, I would like staff, particularly Mrs. Britt and Mr. Crow, to arrange a convenient time with both of us to review the study committee bills 76-7 and review of the current liquor ordinances, in lieu of the fact that there has been certain actions taken by the State Legislature as well as the County as far as updating their liquor and gaming applications. I would just like to throw

out because I know that two weeks from now we might forget and I would like to set up a time for all of us to start this show on the road.

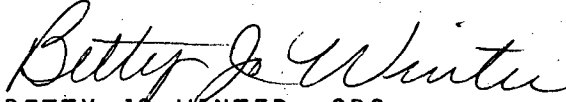
There being no further business to come before the Board, at the hour of 12:15 P.M., Mayor Pro-Tem Lurie declared this Regular Meeting of the Board of City Commissioners R E C E S S E D to Wednesday, March 23, 1977 in the City Manager's Conference Room.

APPROVED:



MAYOR PRO-TEM RON LURIE

ATTEST:



BETTY JO WINTER, CPS
ASSISTANT CITY CLERK

APPROVED BY REFERENCE at a Regular Meeting of

the Board of City Commissioners held on the

6th day of April, 1977.