

M I N U T E S

Las Vegas, Nevada  
May 4, 1977

A REGULAR MEETING of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 4th day of May 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	Myron E. Leavitt
Commissioner	Paul J. Christensen
Commissioner	Roy A. Woofter

ABSENT (excused)

Mayor William H. Briare

City Manager	William E. Adams
City Attorney	Carl Lovell
Deputy City Attorney	Richard Koch
Director of Municipal Services	J.C. Cathcart
Director of Public Services	Laurence Hampton, P.E.
Director of Community Planning & Development	Donald J. Saylor, AIP
Director of Business Activity	Ila M. Britt
Director of Cultural Services	Harold P. Foster
Director of Parks & Recreation Services	Richard Campbell
City Clerk	Edwina Cole
Assistant City Clerk	Betty Jo Winter
Minutes Clerk	Larry Martin

INVOCATION AND  
PLEDGE OF ALLEGIANCE

The invocation was given by Rev Joseph M. Kadans, Church of Universology

We thank thee Lord for this opportunity to enjoy the goodness of life, for the opportunity to associate with other human beings, to reason with them, to help them if we can, to point out the way if we can to the better things in life. We especially ask the divine guidance in coping with the problems of the poor, the ignorant the sick and the criminal element in our society. To help the poor get jobs where in serving others they will be compensated, to help the ignorant get education so being better equipped with knowledge they can better cope with life's problems. To help the sick get well not so much by surgery and removal of diseased organs and glands but by prophylactic measures for the prevention of disease. To control the criminal element, first by reasonable definitions of criminality and by uniform and sensible sentencing of violators. We thank thee Lord for life and for the opportunity to serve our fellow human beings. Amen.

Pledge of Allegiance.

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PUBLIC HEARING

See Page 21 of these minutes - Annotated Agenda

LEWIS HOMES  
REZONING APPLICATION  
WITHDRAWN  
Approved.

Mayor Pro-Tem Lurie: The first item on the agenda this morning will be a public hearing that was scheduled for 9:00 A.M. this morning, it is an appeal filed by Ernie Becker. Before I fully get into the public hearing we have a letter requesting an item be withdrawn, so if there is anyone in the audience here concerning the application of Lewis Homes for rezoning of property, they have requested that this application be withdrawn,

and if the commission so desires, we can have this item withdrawn and the applicant cannot come back before the board for 4 months, it is the same as if the commission were to deny the application, they would still have to wait 4 months and if the commission wishes to allow this application to be withdrawn, I will entertain a motion to have it withdrawn.

Commissioner Woofter: So made.

Commissioner Leavitt: I would like to inquire if anybody is here for that hearing.

Mayor Pro-Tem Lurie: Is there anyone in the audience here on that application? (No response). They still have to wait 4 months to reapply. Would you cast your votes on the motion. The motion is approved.

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

See Page 22 of these minutes - Annotated Agenda

Mayor Pro-Tem Lurie: The first item this morning is a 9:00 A.M. public hearing and the public hearing is now open.

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PUBLIC HEARING

APPEAL BY ERNEST  
A BECKER V-17-77  
Held in Abeyance

Mr. Saylor: This is Item A, page 22 of the agenda, it is an appeal filed by Mr. Becker to the denial action to the board of zoning adjustment of his request of a variance to allow single family dwelling on an undersized lot and to vary from the side yard set backs. The parcel in question is a residual piece of land that is the result of the Meadows Regional Shopping Center being constructed and from the extension of Michael Lane, East to Valley View. This is the area in question (pointing to an illustration of the area), the shopping center is all along to the North here, this is Meadow's Lane, this is the existing school site, all of this area in here is developed and as part of the conditions on the Meadow's, Bedford is connected to the street immediately West which is Revere Drive and that left a piece immediately East of that intersection a small parcel of land about 36 feet wide which is zoned R-1. It could not be built upon however without means of a variance, this is the plot plan of the proposed utilization of the property, 20 foot in the front and the rear, proposed 3 foot 2 on the side yard to the South and 2 foot on the side yard to the North. This indicates (pointing to the Plot Plan) that there is an existing block wall along here on the South line and also there is one that is part of the shopping center on the North line. There was a protest at the Board of Zoning Adjustment Meeting from the property owner immediately abutting to the South, and other property owners in this whole general area. The Board denied the variance and it is now before you on the appeal action.

Mayor Pro-Tem Lurie: Is the applicant in the audience? (Affirmative response from the applicant) We will hear from the applicant first then and if there is anyone in the audience who objects to this application will have a chance to speak.

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Regular Meeting  
City Commission  
May 4, 1977

Ernie Becker: I am Ernie Becker of 4401 West Washington. The property in question is the property left over from sub-dividing the property to the South, I am left with it without access to the North which was a vacant piece of ground at the time we sub-divided, it is now being developed as Dayton Hudson and when they went to court, they were able to get their zoning. The court required that there be a block

wall built on the South side of their property which was the North side of our property and left us with this approximately 37 to 38 piece of ground. The court could of I guess also allowed us to face on the street Meadows as it is called now which was originally to be called Michael Way and there would have been one street facing on that street and we could have worked it out with Dayton-Hudson, but they didn't, they allow them to deny us access on that street and left us only with access on Bedford. We are asking for the variance to build a house which is 1,120 some square feet, it is a house, the house on the North side has no windows on it, we are asking there for a 2 foot variance. We would have the required 5 feet on the other side, however, the property owner on the South Side, the wall is two feet on our property and we have asked there rather than to remove the fence, to have a 3 foot 2 side yard instead of the 5 foot side yard. The property itself, on his property side he has a wall that I am assuming is 6 feet or so high, as I looked at the property there appeared to be no windows on that upstairs of his house, or what appears to be the upstairs. Consequently we have projected our garage 5 feet in front of his house, however across the street from us is the school and a street that Dayton-Hudson put in, the property that they had acquired from us, we offered to sell them this piece too and their court case didn't require them to be, conditioned to the court case in their zoning, they didn't require them to do any more than to move Bedford over to Essex on the West side. So there is nobody that faces our house at all until you get on the other side of the school yard which is I think is a 600 or 700 foot strip and it actually faces South instead of facing East. We feel that it is the only alternative we have to use this piece of ground that we are left with. It is nothing that the commission has done or that part but they went into court and it has come into the zoning picture cut us off to the access to this property. At the hearing it was brought out, there was a 3 to 2 vote in that water has come down and gone out this area, I think the Public Works Department is here and all that has been corrected with Dayton-Hudson, they have taken the water down Meadow, there is two catch basins in the street at Bedford and at Essex in that area to take the water from the standpoint of a rainfall, it only collects about 100 feet of water on Bedford and goes to that catch basin to eliminate the water from going out of there. We are asking for you to approve this plan, it is a plan that we are building in quantity in other areas of the city. If the commissioners have any questions I am ready to answer them.

Mayor Pro-Tem Lurie: Do the Commissioners have any questions of Mr. Becker?

Commissioner Christensen: Yes I have one, you say the property owner to the South that his wall is actually on your lot there?

Mr. Becker: Yes, according to our survey.

Commissioner Christensen: That is why you do want to set it at 3 foot on that side rather than go to the full five so he doesn't have to move the wall, otherwise he would have to move the wall is that right?

Mr. Becker: Yes, we are going to give him an easement for the wall so he wouldn't have to move the wall, it would be ridiculous for him to move the wall. I understand the Fire Department claims they can get by both sides of the house and in that this is designed for a zero lot line there is nobody necessarily on the North side to jump out of the window.

Commissioner Christensen: What you are talking about is kind of like a condominium without adjoining it to the other house.

Mr. Becker: That is right in other words were we to build this in another tract we would have a house joining the North

side.

Commissioner Christensen: You would have a common wall between the two houses?

Mr. Becker: Or it could become the lot line also.

Commissioner Woofter: Ernie what other alternatives are there in regards to this parcel of land?

Mr. Becker: Maybe I could donate it to the city.

Commissioner Woofter: That is about the only other alternative?

Mr. Becker: I don't know what you would do with it.

Commissioner Woofter: Are you making that offer now? (Laughter)

Mayor Pro-Tem Lurie: Is there any further questions? Thank you Mr. Becker. Is there anyone in the audience who protests this application.

Mr. Becker: Incidentally you do have one, somebody sent you in a letter, a copy was sent to us that was in favor of us, an unsolicited letter.

Mayor Pro-Tem Lurie: Yes, we do have a record of a letter that was sent to us by Mr. LePome who was in favor of the application. Is there anyone in the audience who protests the application? Would you like to come up and please state your name and address.

Mr. Dwayne Towne: My name is Dwayne Towne I live at 305 Bedford Road which is adjacent to this proposed site. I wasn't aware that my wall was two feet on the property line because I had it surveyed so I guess I am going to have to contact them and find out where their mistake was. I have a petition with 46 signatures on it and I will read it. "Once more we petition the Commissioners and the Planning and Zoning Board, Clark County to deny the request by Ernest Becker for a zoning variance, on the property located on the East side of Bedford Road between Meadow Boulevard and Mayflower Lane. We feel that this is not in the best interest to the area residents to approve such a variance. We again would like to point out that the City Commissioners and the Zoning Board are our only source the residents of Clark County can turn to for protection of their zoning rights. It is inconceivable to imagine that the Commissioners can turn a deaf ear to the cries of the property owners who have placed their trust in them." I won't read all the names but the whole block of Bedford and Revere have signed it. If you haven't been out to the site, I took some pictures of some of the houses adjoining it and of the lot.

Mayor Pro-Tem Lurie: Give your petition to the clerk so we can have it for the record.

Mr. Towne: I would like to point out too that it would probably be a traffic hazard because everybody that comes down that small little street uses it as a drag strip. That street is only 27 feet wide compared to the adjoining street which is approximately 54 feet wide and nobody cares or watches when they turn around that corner they just kind of speed around it. We also feel that it would really be a depreciation to all of our existing homes and Mr. Becker does have an alternative, I would like to buy that piece of property.

Commissioner Woofter: I asked him that question when he approached me and he said he had offered it to the adjoining neighbors at half the price that Dayton-Hudson paid for the other property.

Mr. Towne: I went up to see him 5 or 6 months ago and

asked him about it and there was something said about it and he said he would get back with me. The only thing he got back to me with was the letter from the planning board.

Commissioner Leavitt: What possible use could this property be put to other than residential Don?

Mr. Saylor: No, Mr. Becker perhaps somewhat facetiously but perhaps in earnest mention the possibility of giving it to the City, I see no conceivable use we would have for it. Right off hand....

Commissioner Leavitt: Other than residential it can't be used for anything else can it?

Mr. Saylor: No.

Mayor Pro-Tem Lurie: I think it only has two uses, one is a residence or two the property owner next door could purchase it and expand his yard to utilize it.

Commissioner Christensen: I would like to ask Mr. Towne a question, you mentioned a traffic hazard I fail to see how this is a traffic hazard, in what mechanical way?

Mr. Towne: I have drawn out a sketch if you would like to take a look at it.

Commissioner Christensen: I mean do the cars actually go up on that vacant lot and miss the turn and end up in the vacant lot.

Mr. Towne: No, here is the sketch. (Mr. Towne approached Commissioner Christensen and explained using the sketch how the traffic hazard exists).

Commissioner Christensen: Of course he has a better view of the traffic coming both directions than you do next door because he can look out his rear view mirror and see what is coming down from the West and also look out the side and see what is coming from the South, however I do see what you mean there.

Mr. Towne: In one of those pictures you can see all the skid marks on the road on the proposed site, people use it as a little drag strip and have fun going around the corner.

Mayor Pro-Tem Lurie: Looks like we have a little police problem up there to take care of. Have you been in contact with Mr. Becker about purchasing that piece of property?

Mr. Towne: Only since that one time, I was waiting, he was going to contact me before he appealed and he didn't.

Mayor Pro-Ten Lurie: Is there anyone else in the audience that would like to speak on this application?

William Lescenski: My name is William Lescenski, I live at 317 Revere Drive just around the corner from this proposed property on Revere Drive across from the school, I believe it is the fourth lot in from the corner. Prior to Dayton-Hudson building their property in there, and putting that wall in there when it was just open and downward into the desert, I believe it was two years ago on July 4th we had the rainfall in the area there and all the water from Jones, Upland, between the Expressway and Alta comes down through a field approximately behind the Old Folks Home and Fletcher Jones and runs down there. Also since they cut Holmby in that's the main drainage channel and the people on Holmby and the people that are on Essex in there can tell you that rocks the size of footballs and sand comes down Holmby and down through the desert, behind Fletcher

Jones, across Decatur near the bank there and practically closed Decatur. The overflow water runs down the onramp and closes off the freeway there but, at that time, that water when it had no wall to stop it, it would run out in the desert, come through the school yard and out in the desert. Now Revere is the first cross street below the school yard and I have a split level home there, it is about probably 3 feet above the street where my front door is, part of the split level is underground. At that time the water came half way up my drive way about a foot and a half from coming in my basement essentially. That upset me a little bit, and now they have went ahead and built the wall down there which prevents it from running into the desert and I feel that it creates a greater hazard than I had a couple of years ago. We have quite a problem all along Bedford, the people on Bedford between Alta and Charleston have to sand bag their front yards to keep from getting flooded out and I am afraid by building a house in there this might block the flow in our area and cause it to back up. Now they went up above, I forget what bank, I know it is Harley Harmon's Bank up there down on Decatur.

Commissioner Christensen: Harley Harmon doesn't have a bank.

Mr. Lescenski: Well, whatever but I was here when he applied for that zoning. Anyway the bank is built up on Decatur and Meadows, they have taken Meadows Lane on the North side of Decatur and have about a four or five foot mound high to stop the water from coming down that street, it is a rear access to Fletcher Jone's parking lot back there. There used to be a drainage to the South of the bank and it went underneath the street and across through the ditch it went between Arby's and Meadows Lane. Now they have filled in this drainage there and blocked it off, that leaves one place for the water to go and that is over the surface. Now in the previous meeting he said that he built his lot up, he owns the property on the South side or the East side of Decatur South of Meadows Lane. He did build his property up in the adjacent areas of Meadows Lane but where the ditch was it is still just about street level, it is within a foot of street level and the water will easily overflow I feel and come down there regardless of what the planning.... Also I have been on the Fire Department for nine years and I am about an average size of a Fireman and I would hate to carry a ladder with me with an air pack on in a two foot space between a burning house and a block wall to go in and try to get somebody out. Mr. Becker mentioned that the Fire Department said that that was enough room, they put 5 foot on each side of the house to keep the fire from going to the adjacent residence.

Commissioner Christensen: If there are no windows on the North side of that home, why would you go down the two foot side with a ladder to get somebody out?

Mr. Lescenski: I would use that as an access to get to the back of the house.

Commissioner Christensen: Why wouldn't you use the South Side which is the 5 foot side?

Mr. Lescenski: Fire could be coming out those windows and you couldn't go by them, I mean we have to circle the building to find out what we have got but I think it would be a hazard to the firemen going in and also to the residence of the place if they had to be taken out. That is my personal opinion, not speaking for the City Fire Department.

Commissioner Christensen: What do you do when you go fight a fire in an apartment?

Mr. Lescinski: We usually make entry and search for life first and then put the fire out, but we ladder the building if it is a two story, this also creates a hazard if there is any wind at all to the house just to the South there.

Commissioner Christensen: What I am getting at is I think your trying to compare this to something that isn't instead of comparing it to something it is, by your statement then you would advocate that there be no building built that wasn't a single family residence that wasn't at least 5 feet all the way around for access and that would eliminate hotels, motels, apartments, condominiums.

Mr. Lescinski: They are required to be sprinklered sir.

Commissioner Christensen: Condominiums are required to be sprinklered.

Mr. Lescinski: No, not them but hotels, motels etc.

Commissioner Christensen: Well this is like half of a condominium, how would you fight that fire if there was a building to the North side of that with a common wall, now how would you go around the building?

Mr. Lescinski: Well that common wall would probably be brick or double sheet rock or something like that.

Commissioner Christensen: Well I know, but the fact still remains, this could be a double sheet rock, if it is on the lot line I believe it has to be a two hour fire wall according to the building code.

Mr. Lescinski: Well you would fight it from the front or the South side of the rear, there would be no rear access so you would have the front and the one side.

Commissioner Christensen: Well in other words this would be no more a fire hazard than many of the other buildings in town, that is what I am getting at.

Mr. Lescinski: It would be a hazard to me as a firefighter I feel personally. But I feel that that is the only spot that that water could drain out in that area also. It is a bad situation.

Commissioner Christensen: Would you be willing to buy that piece of property so that you could guarantee drainage through there and keep it open and keep the weeds off it and keep it bladed and the garbage off of it and so forth?

Mr. Lescinski: Not for the...I was told \$6,000.00 for that piece of property I don't feel that would be a good investment even though I have the money to buy it I wouldn't do it for \$6,000.00.

Commissioner Woofter: If you owned the property what would you want to do with it?

Mr. Lescinski: I would put grass on it, if I lived next door that is the first thing....

Commissioner Woofter: No, No, I mean if you were in Mr. Becker's position what would you do with it if you had this piece of property?

Mr. Lescinski: Well I would try to build on it, well if I owned the property next door I would put a garage on it, if I just owned that piece of property I would probably have to sit on it until the guy next door put his house up for sale and at that time I would buy it.

Commissioner Christensen: Well there is a traffic hazard there if you put a garage on it you can't back out on the street because they use it as a drag strip so that would eliminate the garage, that would be a worst place for a garage.

Mayor Pro-Tem Lurie: O.K. let's get back to the main topic here, the only one that is going to benefit from this piece of ground is the next door neighbor Mr. Towne and Mr. Becker, either one, whichever way either to get a permit to build or if Mr. Towne can purchase the property those are the only two. Do you have anything else you would like to say concerning this Mr. Lescinski?

Mr. Lescinski: No sir.

Mayor Pro-Tem Lurie: Thank you very much. Is there anyone else in the audience that would like to speak on behalf of this application either in favor or opposed?

Mr. Becker: All I can say is, that when the gentleman came to the office we offered it to them at the same price at Dayton-Hudson, when we offered all three of them to Dayton-Hudson and he said it was too much. If I am allowed to build a house on there, before I build a house I would rather negotiate with him. As long as he doesn't want a house and we can agree on a price.

Mayor Pro-Tem Lurie: You are telling us that you are willing to talk to Mr. Towne and negotiate a price.

Mr. Becker: In other words if I have 46 people there who are upset about building a house I don't want to build a house, except I do feel that I am entitled to some compensation for the property. I talked to Roy last night we had a meeting here and I said I would probably work it out at considerably less maybe even half of what I got from Dayton-Hudson for the lot. At the same time if we can't reach some terms on the lot I would like to be able to build a house on it.

Commissioner Christensen: Then I would move we hold this until after they have had a chance to talk and we vote on it the 18th, if they can resolve it then that takes a load off of everybody.

Mr. Becker: I am racing now to catch a plane and I will be out of town until the 12th or the 13th, but I am assuming we can get together before then.

Commissioner Leavitt: Do you want to make it the first meeting in June?

Mr. Becker: I think we can make the 18th, if not we can refer it to the next one.

Commissioner Christensen: Well let's just hold off until such time as he tells us.

Mayor Pro-Tem Lurie: The public hearing now is closed this item will be held until the May 18th meeting for either the Planning Department can either bring it back on for request for appeal or to withdraw the item that a purchase agreement has been arrived at between Mr. Becker and Mr. Towne so this item will be held until the May 18th meeting. We will go back to Page Number 2 of the Agenda, the City Manager's portion, Mr. Adams.

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CITY MANAGER

WILLIAM E. ADAMS, P.E.

See Page 2 of these minutes - Annotated Agenda

RESOLUTION  
DECLARING MUNICIPAL  
CLERKS WEEK MAY  
9-15 1977 Adopted

Mr. Adams: Your honor and gentlemen, the first item is a Resolution dealing with the Municipal Clerks of the County, it is here for adoption by this board as an explanation of the benefits that the Municipal Clerks across the Country have furnished to local governments and I would recommend it's adoption.

Commissioner Woofter: So moved.

Mayor Pro-Tem Lurie: There is a motion to approve the Resolution, any comments? (No response). Cast your votes. Block out Commissioner Leavitt, O.K. Motion is approved.

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

VOLUNTEER  
FIREFIGHTERS  
AGREEMENT  
Approved

Mr. Adams: The next item your honor and gentlemen is the standard agreement with the Volunteer Fire Department which we are using for our assistance with our normal fire service that we have in the organization. It is set aside to be of benefit to the local community. The agreement is in order and we would recommend that it be adopted so that it would then come due again in a year plus now so it will wind up in the fiscal year and stay from July through June.

Mayor Pro-Tem Lurie: Commission have any questions on the agreement? (No response). I move for the adoption of the agreement. Cast your votes. Motion is approved.

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

FEDERAL REVENUE  
SHARING ENTITLEMENT  
NO. 9 FUNDS  
\$70,000.00 FOR  
CONSTRUCTION OF  
OVERPASS AT  
SAHARA AND ATLANTIC.  
REMAINDER OR  
\$121,876 BE  
ALLOCATED TO  
RENOVATE FREMONT  
STREET Approved.

Mr. Adams: Item C is an item in which we had in essence a little bit of a land fall in that the Federal Revenue Entitlement period for Number 9, we have found that we actually got a slight increase. We have an additional sum of money that is available through this that I have recommended be used for the upgrading of Fremont Street in conjunction with the State Highway.

Commissioner Leavitt: Mr. Mayor Pro-Tem I have a suggestion regarding this money. It is my understanding that this is additional Revenue Sharing Money that we had not anticipated and at this point has not been expended. One of the reasons we didn't agree to build the overpass at Sahara and Atlantic was because of lack of funds. I think this money is now available through the Revenue Sharing Entitlement that we did not anticipate. At this time I would like to make a motion that we set aside for the construction of the overpass at Sahara and Atlantic the sum of \$70,000.00 from this Revenue Sharing money, that the money be set aside conditioned upon equal participation in funding by the County of Clark and the State of Nevada and that our, Larry Hampton our Director of Public Works be requested to contact the County and the State and report back to us on our meeting on May the 18th whether they are willing to participate equal in the funding of this matter. I have also been informed by Mr. Hampton that the signal system that has been designed for this intersection can be adopted to other dangerous intersections in the City. You will recall that there were other intersections mentioned at the time when we went to bid on the

signal system that they can be easily adapted to other intersections. I would like to make a motion at this time that \$70,000.00 of this Revenue Sharing Money be set aside for the construction of the overpass at Sahara and Atlantic for the students at K O Knudson Junior High School and that the balance or \$121,876 of the Revenue Sharing Money be used for the Renovation of Fremont Street.

Mayor Pro-Tem Lurie: Commissioners have any comments on the motion?

Commissioner Christensen: Yes I have one. I object to this type of a motion without any thought given to set aside the money. Now if you want to explore that that is fine but to set aside this money without any thought as to whether the school traffic pattern could be changed so the people don't have to cross, without deciding what we are going to do with the 15 or 20 other intersections and crossings in the community that the City could very well be required by the court under equal protection clause of the Constitution to build 15 or 20 more overpasses. I think we had better take a look at this before we ram this through and set up this funding. Now if we want to look at it that is fine but I disagree with that type of motion and therefore I move to hold it until we have talked to the school system and some other people rather than just go on a scare tactic and ram something like that through that we may be obligated for all over town.

Mayor Pro-Tem Lurie: We have heard a motion to hold this item will you cast your votes on it, the motion to hold.

Commissioner Leavitt: Before we vote on that motion I would like to be heard Mayor Pro-Tem. I would just like to say that it isn't a case of scare tactics, it isn't a case of a question of whether one intersection is favored over another and I don't think the equal protection clause is involved at all. You will recall that we had a considerable discussion regarding this intersection and the fact that one person has been killed at the intersection and we recently had another student struck by an automobile near the intersection. I don't think there is any question about the need to build this overpass and nobody is trying to do it in a way of a scare tactic or anything else. We had a rather lengthy hearing on this matter before this commission once before and other intersections were brought up at that time. I think it was very duly considered, what we decided at that time was not to do the overpass, and the basic reason we decided not to do the overpass was because of the lack of funding, we did not have the money available. The money is now available so I speak in opposition to the motion to hold.

Commissioner Christensen: Now maybe one thing swayed you and one thing swayed other people but I think if we are going to hear the whole discussion we ought to have the whole discussion and not just part of it.

Mayor Pro-Tem Lurie: O.K. we do have a motion to hold we will vote on the motion to hold and if that motion fails then we will have further discussion. Cast your votes on the motion to hold. The motion to hold fails.

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

Mayor Pro-Tem Lurie: Now is there any other discussion on Commissioner Leavitt's motion? (No response).  
O.K. Will you cast your votes on that motion. The motion is approved.

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

AGREEMENT RE:  
TEMPORARY STORAGE  
IN NAVAL RESERVE  
CENTER -- THEATRE  
ARTS SOCIETY INC.  
Approved

Mr. Adams: The next item your honor and gentlemen is a request for the Mayor to sign an agreement between the City of Las Vegas and the Theater Arts Society, Inc. for storage of various materials that they use in the Naval Reserve Center until such time we need the space with a 30 day removal clause. We would recommend permission to have the Mayor sign the agreement.

Mayor Pro-Tem Lurie: I would move for the approval of this agreement. Any Comments? (No response). Cast your votes. The motion is approved.

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

OFFICE SPACE  
LEASE WITH  
CLARK COUNTY  
Approved

Mr. Adams: The next item is the office space lease with Clark County. The County Commission has approved all of the items within the lease except for a request to increase the use of the Council Chambers on Thursdays from the Planning Commission Meeting at night at 7:00 on through the night, they have requested that they in addition receive the Commission Chambers during the daytime hours. They recognize that we have a meeting of the Traffic and Parking Commission on one Thursday of that otherwise we are clear in the area. It would probably take effect as far as they are concerned about the first of June. With that in mind I would recommend that the lease be approved.

Commissioner Leavitt: Can I inquire as to what this figure is per square foot?

Mayor Pro-Tem Lurie: Was it .45¢?

Commissioner Leavitt: Is that what was finally agreed on .45¢?

Mr. Adams: Right.

Commissioner Christensen: Well that is just .45¢ square foot for the office space and then the use of the Chambers and the parking and everything else is for free is it not?

Mr. Adams: Right.

Commissioner Christensen: And you say it doesn't start until next June.

Mayor Pro-Tem Lurie: No, January 1st of this year.

Mr. Adams: No, we will be billing them as of January 1st of this year, but the use of Thursday's will not start until June.

Commissioner Christensen: How many other days does that give them the use of the chambers?

Mr. Adams: It gives them the first and third Tuesdays and the last day of the month, plus the first and third Thursdays in the evening hours, we are changing that to go into the day time.

Commissioner Christensen: In other words they will be using it like 6 to 7 days a month?

Mr. Adams: A total of 5 days.

Mayor Pro-Tem Lurie: Two Tuesdays....

Commissioner Christensen: Two Tuesdays, Two Thursdays and the last day of the month, five days a month.

Mr. Adams: Yes sir, five days a month

Commissioner Christensen: Is that all?

Mr. Adams: Anyother time that they want to use it they can request and if it is free and available and we are not using it then they could have it.

Commissioner Christensen: How often does the City use it?

Mr. Adams: We are using the Chambers 36 times a month, now that is a combination. We have two Planning meetings a Zoning meeting, the City Commission meetings, the Beautification Committee, the Traffic and Parking Committee.

Commissioner Christensen: Now the Beautification Committee is also County and the Traffic and Parking is also County is it not?

Mr. Adams: No, the Traffic and Parking is our own, the Beautification is also County, so....

Commissioner Christensen: The Beautification is also County?

Mr. Adams: That is a joint board. I can't recall there are other meetings to but they are eluding me at the moment except that we do have about 36 meetings a month which would include both County and City.

Mayor Pro-Tem Lurie: What you are doing here is that you are scheduling them 5 meetings a month and the rest of the time if the Chambers are not being used and they request it, it will be considered.

Mr. Adams: Right.

Commissioner Christensen: Now the thing I am worried about is that what we are doing is that we are giving them absolutely equal scheduled use of the Chambers that the City pays all of the upkeep and cost of it, all of it out of City tax dollars.

Commissioner Leavitt: I have a question regarding the increased rental. What percentage was agreed upon, I know the figures but....is that a percentage figure or ....

Mr. Adams: That is actually a square footage figure.

Commissioner Leavitt: How does it go from year to year?

Mr. Adams: Well then it is increased at 8%.

Commissioner Leavitt: Each year it is increased 8%.

Mr. Adams: Each year 8% and the lease is set to terminate in 1980.

Commissioner Leavitt: I move for adoption of the lease.

Mayor Pro-Tem Lurie: Any comments on the motion to approve the office space lease with the County of Clark. (No response).  
Cast your votes on the motion.

Mr. Carl Lovell: Mr Mayor Pro-Tem, just one clarification, what we are doing is changing that third Thursday to commence like at 9:00 in the morning is that right?

Mayor Pro-Tem Lurie: Yes.

Mr. Lovell: O.K.

Commissioner Leavitt: I guess what you need is authority to have it at least be approved and be authorized for proper signatures, so I will make the motion accordingly.

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

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

RATIFICATION OF  
AMENDMENTS ON  
A.B. 613  
Removed from  
Agenda

Mr. Adams: The next item is merely a matter of information, it is not necessary for any action at this time. The Fire bill has come out of the Senate and it is on it's way so this action should be removed. I would then request the approval of the minutes that are found at the bottom of Page 2.

MINUTES REGULAR  
MEETING NOV 3, 76;  
NOV 17, 76 AND  
RECESSED REGULAR  
MEETING  
NOV 17, 76 Approved

Mayor Pro-Tem Lurie: Move for approval of the Minutes Items A, B, and C. Will you cast your votes on the motion. The motion is approved.

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

See Page 3 of these minutes - Annotated Agenda

Mayor Pro-Tem Lurie: The next item on the Agenda is the Department of Financial Management.

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DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, CPA, DIRECTOR

SERVICE AND  
MATERIALS WARRANTS  
AND PAYROLL  
WARRANTS  
Approved as  
Presented

Mayor Pro-Tem Lurie: Item A is Service and Material Warrants in the amount of \$4,258,333.50 and Item B Payroll Warrants in the amount of \$373,828.56, I would move for approval on Items A and B. Any Comments? (No response). Cast your Votes. The motion is approved.

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

-----  
DEPARTMENT OF PERSONNEL AND EMPLOYEE RELATIONS

ROBERT MC PHERSON, DIRECTOR

See Pages 4 and 5 of these Minutes - Annotated Agenda

AUTHORIZATION TO  
FILL POSITIONS  
ITEM A (2), ITEMS  
B, C and D Approved  
ITEM A (1) Held  
in Abeyance for  
more information  
Page 13  
Minutes  
Regular Meeting  
City Commission  
May 4, 1977

Mr. Adams: The first is our Federally funded positions for Municipal Services and Traffic Engineering and the second item is Reimbursable Positions, one for Court Counselling and one for Senior Citizens Instructor. Then our City funded part time and full time positions. The part time is for an Illustrator that we need, this will be strictly a temporary position and then some full time positions for some laborers that we need, the court bailiff and a court stenographer that we have need of.

ITEM	Commission Action	Department Action
I. CITY MANAGER - WILLIAM E. ADAMS, P.E.		
A. <u>RESOLUTION DECLARING MUNICIPAL CLERKS WEEK -- MAY 9-15, 1977</u>	Adopted Woofter - Unanimous	Mayor and Clerk Authorized to Sign
B. <u>VOLUNTEER FIREFIGHTERS AGREEMENT</u>	Approved Lurie - Unanimous	Mayor and Clerk Authorized to Sign
C. <u>FEDERAL REVENUE SHARING ENTITLEMENT NO. 9 FUNDS</u>	*See Below	C/M to Proceed
D. <u>AGREEMENT RE: TEMPORARY STORAGE IN NAVAL RESERVE CENTER -- THEATER ARTS SOCIETY, INC.</u>	Approved Lurie - Unanimous	Mayor and Clerk Authorized to Sign
E. <u>OFFICE SPACE LEASE WITH CLARK COUNTY</u>	Approved Leavitt - Unanimous	Mayor and Clerk Authorized to Sign
F. <u>RATIFICATION OF AMENDMENTS ON A.B. 613</u>	Removed from Agenda Report Only	None required
<p>*Leavitt moved \$70,000 be set aside for construction of an overpass at Sahara and Atlantic. Balance of \$121,876 be allocated to the renovation of Fremont Street. Further instructed staff to contact County and State concerning participation in the overpass at Sahara and Atlantic and report back to the Commission on May 18, 1977.          Leavitt, Lurie, Woofter voting aye          Christensen voted "no"</p>		
I(a) MINUTES		
A. REGULAR MEETING - NOVEMBER 3, 1976	Items A, B, & C Approved by Reference Lurie - Unanimous	Mayor and Clerk Authorized to Sign
B. REGULAR MEETING - NOVEMBER 17, 1976		
C. RECESSED REGULAR MEETING - NOVEMBER 17, 1976 (Re: Show Cause Hearing on Suzy Wong's, Pleasure Seekers, and Doubles Ltd., d/b/a Swinging Escorts.)		





ITEM

Commission Action

Department Action

I. (b) 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.

Items A and B  
Approved as  
presented  
Lurie - Unanimous

Director  
Authorized to  
Issue

\*A. SERVICE AND MATERIAL WARRANTS

Nos. 88682, D1155 to D1162, D947208,  
D309882 to D309897, D309900,  
D309905 to D309931, D309933,  
D309938 to D310169, inclusive.

In the amount of \$ 4,258,33350

\*B. PAYROLL WARRANTS

Nos. 89886 to 91083, inclusive

For Pay Period Ending 4-16-77

In the amount of \$ 373,828.56

ITEM

Commission Action

Department Action

I. (c) DEPARTMENT OF PERSONNEL &  
 EMPLOYEE RELATIONS  
 BOB McPHERSON, AEP, DIRECTOR  
 AUTHORIZATION TO FILL POSITIONS

A. FEDERALLY FUNDED

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>		
(1) Municipal Services/ Facilities Support Custodian (replace vacancy)	686	Provides custodial services in detective area of Metropolitan Police Department as well as other assigned areas.	Approved Item 1 Christensen - Unan	Director to Proceed
(2) PS/Traffic Eng. Electrical Trades Helper (replace vacancy)	796	Assists in the repair and maintenance of traffic signals and street lights.	Items 2, B and C. Approved Lurie - Unanimous	Director to Proceed

B. REIMBURSABLE POSITIONS

(1) Senior Citizens Senior Citizens Instructor - 2 Temporary - Until 11/5/77	777	One instructor is assigned to Dula Center instructing classes in bridge and organizing and conducting bridge and other cards tournament. The other instructor is teaching classes in sewing. Both are funded through the Saints & Sinners organization.		
(2) Court Counseling Court Counselor I (replace vacancy) Temporary - Until 6/30/78	946	Assists in the coordination and implementation of the Municipal Court counseling program.		

C. CITY FUNDED - PART TIME

MS/Reprographic Services Design Illustrator Temporary - Until 7/5/77	901	Needed to handle backlog of art work assignments from several City departments.		
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ITEM	Commission Action	Department Action
I. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS		
D. CITY FUNDED - FULL TIME		
(1) PS/Street Maintenance Laborer (replace budgeted vacancy) 721	Part of the concrete crew responsible for maintaining and repairing streets, curb and gutters and other related tasks.	Director to Proceed
(2) Municipal Court Court Bailiff (replace budgeted vacancy) 946	Serves warrants, subpoenas, summonses and other court orders, as well as maintaining order while court is in session.	
(3) Municipal Services Stenographer (provide needed services) 670	Provides stenographic services to the Director of Municipal Services and clerical support to the department.	

Approved Items 1,  
2 & 3  
Lurie - Unanimous

Mayor Pro-Tem Lurie: Any comments from the Commissioners?

Commissioner Christensen: Yes, I would like to ask about this custodial position, now I know we have them federally funded but it looks to me like you could transfer somebody around and do this without adding people.

Mr. Adams: We are actually running low in our custodial area, we are still down from the number that we were authorized previously and we are trying to manipulate as best we can but we get spread down pretty thin so we are now in a process of where we have the need for one.

Commissioner Christensen: Well I would like to know what time the coffee breaks are then because it doesn't matter what I come into this building I can find 5 sitting around the table, it doesn't make any difference what time of the day or night I can still find it.

Mayor Pro-Tem Lurie: Do you want to hold item 1 under Item A for the next meeting?

Commissioner Christensen: Yes I would like to.

Mayor Pro-Tem Lurie: At this time I would move that we approve Item 2 of A and Item B, C, and D and we are going to hold Item 1 of A for further information to be received by the Commission, I will move for approval of these positions. Any Comments? (No response). Cast your votes. 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: Also I would like to have an up date I feel we are sort of dwindling down the number of positions we haven't filled, it has been going each time we have a meeting, we have one less, I hope that you have a meeting with the Departments in making sure that there is enough justification in requesting additional people in these Departments.

Mr. Adams: Right.

Mayor Pro-Tem Lurie: I would like to have you give the Commission a report on that also at the next meeting.

Mr. Adams: Allright sir.

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DEPARTMENT OF MUNICIPAL SERVICES

J.C. CATHCART, DIRECTOR

See Page 6 of these minutes - Annotated Agenda

Mayor Pro-Tem Lurie: Mr. Cathcart.

Mr. Cathcart: Yes your honor, under Permission to Receive Bids I have the one, the store fronts we're putting in on 2, 3 and 6th floor for security reasons, these are the ones that the offices are wide open.

Mayor Pro-Tem Lurie: Move for approval for permission to receive bids. Cast your votes. The motion is approved.

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

PERMISSION TO  
RECEIVE BIDS  
Approved.

Mr. Cathcart: Under Award of Bids Items 1 through 9 are in order, I would like to hold Item 10.

AWARD OF BIDS  
Item 1 thru 9  
approved.  
Item 10  
Approved as  
Recommended by Staff

Mayor Pro-Tem Lurie: Commissioners have any questions on items 1 through 9. (No response). I move for approval of Award of Bids Items 1 through 9. Cast your votes. The 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: Item 10, I believe on Item 10 also you have an opinion from the City Attorney's office.

Mr. Cathcart: Down on item 10 for Larry Hampton, just prior to the meeting we would like to go ahead and award to the apparent low bidder as originally scheduled contrary to some of the back up documentation you have, information he just received evidently. We are recommending the award to the Traffic Control Services and this is on Bid R77.13 this is a funding agencies through the State of Nevada; Regional Streets and Highways Commission and the City of Las Vegas. We will recommend award to Traffic Control Services Incorporated.

Mayor Pro-Tem: You are recommending the rejection of Traffic Control Services

Mr. Cathcart: This is on their Bid Group 2 and Bid Group 3, we aren't recommending rejection we are recommending award in the amount of \$348,981.10. Larry Hampton might have something he wants to comment on.

Mayor Pro-Tem: Is there anyone here that is representing Traffic Control Services. (No response).

Mr. Cathcart: They had been notified of a possible rejection and they do have all of the backup documentation but, from the conversation with Mr. Hampton this morning he is recommending award.

Mr. Hampton: I would like to clarify this since we were the ones that got the controversy started in recommending rejection. We were concerned over the quality of work that Traffic Control Services had performed on two of our other projects. We have had extensive meetings with them as late as this morning and we are we feel that we are in a position where we cannot classify them as an irresponsible bidder. There were several problems that hopefully will not reoccur on future projects and we do not feel we have the grounds for rejection and would like to change our recommendation to accept Traffic Control Services.

Mayor Pro-Tem Lurie: Wasn't this before the Regional Streets and Highways and it was held for further information to be received by the Regional Street and Highway Commission.

Mr. Hampton: That is right, we'll be making the same recommendations to the Regional Streets and Highway Commission in their meeting a week from tomorrow.

Mayor Pro-Tem Lurie: Now what happens if Regional Streets and Highways rejects Traffic Control Services, then where do we go from there?

Mr. Hampton: We would have to go to a Conference Committee, in a sense we would have to varying opinions. Your vote today would have to be subject to the Regional Streets and Highway Commission concurrence.

Mr. Cathcart: And the State of Nevada.

Mr. Hampton: And the State of Nevada, although they have indicated that they will agree with the award of the way Regional Streets and the City wants to go. They are not a direct party to our contract, they have a contract with Regional Streets.

Mayor Pro-Tem Lurie: We could act on this award today, but approve the other items concerned with the bid until the Regional Streets meet and makes their recommendation.

Mr. Hampton: That could be done, I would suggest possibly holding all the awards until, we are really not going to save any time by splitting it up at this point.

Mayor Pro-Tem Lurie: Well there was some question, and Mayor Briare is not here today and I serve on Regional Streets and Highways and there was a lot of questions that had to be answered before we act on this application. I am not opposed to awarding the bids except this one particular one until such time as Regional Streets has the opportunity to hear it again and then you could bring this item back on the 18th.

Mr. Hampton: That will be fine, the Regional Streets and Highway Technical Committee meets tomorrow, and they could also provide some input, so this could possibly be to our advantage to wait.

Mayor Pro-Tem Lurie: If the Commissioners do not object, I would move that the awards be approved on Item 10 except for the recommendations from the staff on Traffic Control Services and that this item be brought back before us on May 18th after the Technical Committee and Regional Streets and Highways has an opportunity to hear this.

Mr. Cathcart: That would be on Bid Group 1 you are recommending Mr. Mayor, is that what you are saying, Bid Group 1 the Wells Cargo Incorporated, Bid Group 1 alternate 2 and the added alternates as shown.

Mayor Pro-Tem Lurie: Yes but the Bid Group 2 alternate 2 and the Bid Group 3 alternate 2 traffic signals will be held.

Mr. Cathcart: Then Wells Cargo and the Bid Group 1 was in the amount of \$562,989.69, the second low bid received from Nevada Rock and Sand in the amount of \$572,997.00. The estimate on that portion was \$553,861.00.

Mayor Pro-Tem Lurie: I move that we approve these low bids. Cast your votes on the motion. The motion is approved.

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

BID GROUP 4  
ABC LANDSCAPING  
Approved.

Mayor Pro-Tem Lurie: Bid Group 4 on the landscaping I would move that we approve the low bid, ABC Landscaping. Cast your votes on the motion. The motion is approved.

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

PURCHASE ORDER  
APPROVAL ITEMS  
1 and 2 Approved  
Page 20  
Minutes  
Regular Meeting  
City Commission  
May 4, 1977

Mayor Pro-Tem Lurie: Commissioners have any questions on the Purchase Order Approval Items 1 and 2? (No response). I will move for approval. Cast your votes. The 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
<p>I-e <u>DEPARTMENT OF MUNICIPAL SERVICES</u></p> <p><u>J. C. CATHCART, DIRECTOR</u></p> <p>J. E. Park, Purchasing and Contracts Officer</p> <p>*CONSENT AGENDA</p> <p>All items listed under Items A and B are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.</p>		
<p>*A. <u>PERMISSION TO RECEIVE BIDS</u></p> <p>1. Glass Store Fronts, 2nd, 3rd, and 6th Floor - City Hall (Public Services)</p>	<p>Approved          Lurie - Unanimous</p>	<p>Director to Proceed</p>
<p>*B. <u>AWARD OF BIDS</u></p> <p>1. Bid #77.14 - Annual Fertilizer Contract, Fiscal Year July 1, 1977, Through June 30, 1978 (Parks and Recreation Services Parks Division and Golf Course Division)</p> <p>2. Bid #77.15 - Annual Battery Contract, Fiscal Year July 1, 1977, Through June 30, 1978 (Municipal Services - Purchasing and Contracts Staff)</p> <p>3. Bid #77.16 - Annual Pest Control Contract, Fiscal Year July 1, 1977, Through June 30, 1978 (Municipal Services - Purchasing and Contracts Staff)</p> <p>4. Bid #77.17 - Annual Equipment Rental Contract, Fiscal Year July 1, 1977, Through June 30, 1978 (Public Services)</p> <p>5. Bid #77.18 - Annual Spark Plug Contract, Fiscal Year July 1, 1977, Through June 30, 1978 (Municipal Services - Purchasing and Contracts Staff)</p> <p>6. Bid #77.20 - Annual Radiator Repair Contract, Fiscal Year July 1, 1977, Through June 30, 1978 (Municipal Services Vehicle Services Staff)</p> <p>7. Bid #77.50 - Hydraulic Controlled Seats for Three-Wheel Street Sweepers (Municipal Services - Vehicle Services Staff)</p>	<p>Items 1 thru 9          Approved as recommended by staff          Lurie - Unanimous</p>	<p>Director to Proceed</p>

ITEM Commission Action Department Action

I-e DEPARTMENT OF MUNICIPAL SERVICES, CONTD.

- 8. Bid #77.54 - Paint and Surface Conditioner For Tanks at Wastewater Treatment Plant (Public Services - Maintenance Division)
- 9. Bid #77.57 - Office Furniture to Equip Department IV Municipal Court (Municipal Court)
- 10. Bid #R77.13 - Charleston Blvd.-Fremont Street-Eastern Avenue-25th Street-Atlantic Street Intersection; FUNDING AGENCIES: State of Nevada; Regional Streets and Highways Commission; City of Las Vegas (Public Services)

See Page 8

Approved as Recommended by Staff  
 Lurie - Unanimous

Director to Proceed

C. PURCHASE ORDER APPROVAL

- 1. Request Purchase Order approval to Motorola, Inc., Tempe, Arizona, in the amount of \$4,400.00, for one Duplex/Multiplex C.O.R. radio to match existing Paramedic Equipment in the Fire Services. Sole Source.
- 2. Request Purchase Order approval to Physio-Control, Burbank, California, in the amount of \$5,800.00, for one (1) difibrillator, cardioscope/recorder to match existing Paramedic Equipment in the Fire Services. Sole Source.

Items 1 and 2 Approved  
 Lurie - Unanimous

Director to Proceed

D. CONTRACT CHANGE ORDER

- 1. Bid #76.47 - Two Year Uniform Rental Contract

Request approval of Contract Modification #1, to Valley Uniform Supply, Las Vegas, Nevada, in the amount of \$19,184.00. This change order is necessary to comply with the labor negotiation settlement for service and maintenance personnel.

Approved  
 Lurie - Unanimous

Director to Proceed

Mayor Pro-Tem Lurie: Item D.

CONTRACT CHANGE  
ORDER VALLEY  
UNIFORM SUPPLY  
Approved

Mr. Cathcart: Item D is a Contract Change Order on the Uniform Rental Contract, it was required with the labor negotiation settlement that the personnel and the employees went through and this would bring the additional uniforms on board as negotiated and added to the existing contract which is up in one more year.

Mayor Pro-Tem Lurie: Commission have any questions on the contract change order? (No response). I will move for approval, would you cast your votes on the motion. The motion is approved.

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

-----  
DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

See Page 8 of these minutes - Annotated Agenda

CHARITABLE  
SOLICITATIONS  
PERMITS ITEMS  
1 THRU 14  
Approved.

Mayor Pro-Tem Lurie: Item A is the Charitable Solicitations Permits 1 through 14, I would move for approval. Cast your votes on the motion. The motion is approved.

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

See Page 9 of these minutes - Annotated Agenda

GAMING - ADDITIONAL  
Items 1, 2, 3.  
Approved

Mayor Pro-Tem Lurie: Item B is Gaming Additional 1, 2 and 3, I would move for approval.

Commissioner Woofter: Mr. Mayor Pro-Tem let the record reflect that I would like to abstain on Item 1 since my partner represents G.S.Y., Inc.

Mayor Pro-Tem Lurie: Very well, show Commissioner Woofter abstaining on item 1. 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. Commissioner Woofter Abstained  
on Item 1.

RETAIL TOBACCO  
ADDITIONAL  
Approved

Mayor Pro-Tem Lurie: Item C is Retail Tobacco Additional, Items 1 and 2, I would move for approval. Cast your votes on the motion. Motion is approved.

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

See Page 10 of these minutes - Annotated Agenda

LIQUOR  
RECLASSIFICATION  
SAFEWAY STORE  
#333 Approved  
Subject to  
Conditions  
Page 23  
Minutes, Regular Meeting  
City Commission  
May 4, 1977

Mayor Pro-Tem Lurie: Item D is a Liquor Reclassification the Safeway Store from Beverage Off-Sale, any comments from the Commission (No response). I will move for approval. Cast your votes on the motion. The motion is approved.

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

ITEM

Commission Action

Department Action

I-f. 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 14  
 Approved  
 Lurie - Unanimous

Director to  
 Proceed

1. AMERICAN ASSOCIATION OF MEDICAL ASSISTANTS -- tickets to a dinner
2. ASSOCIATION FOR THE PRESERVATION OF THE LAS VEGAS MORMON FORT -- tickets for a bus tour
3. DORIS HANCOCK P.T.A. -- a school carnival
4. AMERICAN LEGION AND AUXILIARY POST AND UNIT # 51 -- sale of advertising space
5. TRUE LOVE MISSIONARY BAPTIST CHURCH -- general solicitations
6. FIRST CONGREGATIONAL CHURCH -- a rummage sale
7. FIRST GOOD SHEPHERD LUTHERAN CHURCH -- a rummage sale
8. HARRY C. LEVY GARDENS CLUB -- raffle tickets; a bazaar
9. AMERICAN LEGION AUXILIARY, LAS VEGAS UNIT # 8 -- sale of poppies; a rummage sale
10. ST. JAMES CATHOLIC CHURCH -- raffle tickets
11. VANGUARD AUXILIARY OF OPPORTUNITY VILLAGE -- tickets to a fashion show
12. J. T. MC WILLIAMS P. T. A. -- a school carnival

ITEM	Commission Action	Department Action
<u>I-f. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
<u>*A. CHARITABLE SOLICITATIONS PERMITS</u> (cont'd)	See Page 8	
13. GIRL SCOUTS OF AMERICA, TROOP # 129 -- sale of hand- made items		
14. CHURCH WOMEN UNITED -- a bake sale		
<u>*B. GAMING -- Additional</u>	Items 1, 2, 3 Approved Lurie - Unanimous except Commissioner Woofter abstained on Item 1	Director to Proceed
1. G.S.Y., INC.  Jolly Trolley Casino 2440 Las Vegas Blvd So. 7 slots 1 "21" table		
2. EXBER, INC.  El Cortez Hotel/Casino 600 Fremont Street 2 slots		
3. VIDEO DOWNS, INC.  El Cortez Hotel/Casino 600 Fremont Street 1 slot		
<u>*C. RETAIL TOBACCO -- Additional</u>	Items 1 and 2 Approved Lurie - Unanimous	Director to Proceed
1. ODYSSEY VENDING CO.  Wolf's Den 2002 E. Charleston  Rendezvous Casino 400 E. Ogden		
2. W. W. VENDING  G N L Eatery 2300 E. Bonanza		

ITEM Commission Action Department Action

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

D. LIQUOR -- Reclassification

1. \*SAFEWAY STORE # 333  
 1100 E. Charleston Blvd  
 Package Liquor Ltd

From: Beverage Off-Sale

Safeway Stores, Inc.  
 Robert Magowan, Chairman/  
 Chief Exec Officer  
 Quentin Reynolds, Pres  
 et al

Roy D. Thursby, Dist Mgr  
 Adolph Bohnet, Store Mgr

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

Approved subject  
 to conditions  
 Lurie - Unanimous

Director  
 to Proceed

E. LIQUOR -- Change of Location

1. \*CHANCES R., INC.  
 1415 E. Charleston  
 Tavern License

From: 132 Las Vegas Blvd So

Chances R., Inc.  
 Nicholas R. Bobrick, Pres  
 Wanda J. Wells, Secy/Treas

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

Approved subject  
 to conditions  
 Woofter - Unanimous

Same as above

F. LIQUOR -- Additional

1. THE MINT HOTEL/CASINO  
 100 East Fremont  
 Tavern License

Sahara-Nevada Corp.

Approved  
 Lurie - Unanimous

Same as above

G. LIQUOR & RETAIL TOBACCO -- Approval  
 of Store Manager

1. SKAGGS DRUG  
 268 North Jones Blvd  
 Package Liquor Ltd

Skaggs Companies, Inc.  
 Glenn Scott McKenzie,  
 Store Manager

Approved  
 Lurie - Unanimous

Same as above

LIQUOR - CHANGE OF  
LOCATION CHANCES  
R., INC. Approved  
Subject to  
Conditions

Mayor Pro-Tem Lurie: Item E, change of location Chances R., Inc.

Commission Woofter: Move to approve.

Mayor Pro-Tem Lurie: They are still under the extension aren't they, how many more extension do they have on their license?

Mr. Adams: Their original change was from January of 1977 so one year from that date.

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

Mr. Fox: They are moving the license now.

Mayor Pro-Tem Lurie: You are going to move the license, when are you going to be open?

Mr. Fox: In about 30 days or so.

Commissioner Pro-Tem Lurie: O.K., there is a motion for approval, will 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.

LIQUOR - ADDITIONAL  
MINT HOTEL Approved

Mayor Pro-Tem Lurie: Item F, Liquor Additional the Mint Hotel, I move for approval. Any comments from the commission?(No response). Cast your votes on the motion. The motion is approved.

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

LIQUOR & RETAIL  
TOBACCO - APPROVAL  
OF STORE MANAGER  
SKAGGS DRUG  
Approved

Mayor Pro-Tem Lurie: Item G, Liquor and Retail Tobacco and Approval of Store Manager for Skaggs Drug. I would move for approval. Any comments from the Commission? (No response). Cast your votes. The motion is approved.

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

See Page 11 of these minutes - Annotated Agenda

LIQUOR & RETAIL  
TOBACCO - APPROVAL  
OF FRANCHISE  
MANAGERS 7-ELEVEN  
FOOD STORES  
Approved

Mayor Pro-Tem Lurie: Item H, Liquor and Retail Tobacco and Approval of Franchise Managers Items 1 and 2 7-Eleven Food Stores. Any comments from the Commission? (No response). I will move 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.

LIQUOR GAMING &  
RETAIL TOBACCO -  
APPROVAL OF  
STOCKHOLDER  
RENDEZVOUS HOTEL  
Approved.

Mayor Pro-Tem Lurie: Item I, Liquor, Gaming and Retail Tobacco and Approval of Stockholder for the Rendezvous Hotel and Casino. Any comments from the Commission? (No response). I will move 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.

ITEM	Commission Action	Department Action
<u>I-f. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
H. <u>LIQUOR &amp; RETAIL TOBACCO --</u> <u>Approval of Franchise Managers</u>	Items 1 and 2 Approved	
1. 7-ELEVEN FOOD STORE # 15132 6016 W. Charleston Beverage Off-Sale	Lurie - Unanimous	Director to Proceed
Southland Corporation -- Charles Franklin Gresham & Lillie Valena Gresham, Managers		
2. 7-ELEVEN FOOD STORE # 13694 4800 W. Washington Beverage Off-Sale		
Southland Corporation -- Ernest T. Laudise & Patricia Anne Laudise, Managers		
I. <u>LIQUOR, GAMING &amp; RETAIL TOBACCO --</u> <u>Approval of Stockholder</u>		
1. RENDEZVOUS HOTEL & CASINO 400 E. Ogden Street Tavern License	Approved Lurie - Unanimous	Same as above
From: Seventy Six Corporation -- Philip A. Stearns, 100% Pres/Sole Officer/ Director		
To: Seventy Six Corporation -- Philip A. Stearns, 50% Pres/Sole Officer/ Director Alex Habeeb, 50% Stockholder		
J. <u>LIQUOR, GAMING &amp; RETAIL TOBACCO --</u> <u>Approval of Key Employee</u>		
1. SUNDANCE WEST CASINO 32 E. Fremont Street Tavern/Package Liquor	Approved Lurie - Unanimous	Same as above
Sundance West Corporation -- Valeriano Jiusto Roullet, Casino Manager		

LIQUOR, GAMING  
AND RETAIL TOBACCO -  
APPROVAL OF KEY  
EMPLOYEE Approved

Mayor Pro-Tem Lurie: Item J Liquor, Gaming and Retail Tobacco - Approval of Key Employee, Sundance West Casino. Comments from the Commission? (No response). I would move for approval. Cast your votes. Motion is approved.

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

See Page 12 of these minutes - Annotated Agenda

LIQUOR & GAMING -  
CHANGE OF  
CORPORATE OFFICERS  
FOURTH STREET  
LIQUOR  
Approved

Mayor Pro-Tem Lurie: Item K Liquor and Gaming - Change of Corporate Officers, Fourth Street Liquor. Comments from the Commission? (No response). I would move for approval. Cast your votes. Motion is approved.

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

LIQUOR & GAMING -  
CHANGE OF  
CORPORATE OFFICERS  
CHARLESTON HEIGHTS  
LIQUORS Approved

Mayor Pro-Tem Lurie: Item 2 of Item K Charleston Heights Liquors. Comments from the Commission? (No response). Move for approval. Cast your votes. Motion is approved.

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

See Page 13 and 14 of these minutes - Annotated Agenda

GAMING - CHANGE OF  
CORPORATE OFFICERS/  
CHANGE OF LOCATION  
SILVER SLOTS, INC.  
Approved.

Mayor Pro-Tem Lurie: Item L Gaming, Change of Corporate Officers/Change of Location Silver Slots Inc. Comments from the Commission? (No response). 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.

LIQUOR - REQUEST  
FOR EXTENSION OF  
INACTIVE STATUS  
BRUCE'S LIQUORS;  
LOTUS INN CASINO;  
AND DAVID'S PLACE  
Approved

Mayor Pro-Tem Lurie: Item M, LIQUOR, Request for Extension of Inactive Status, Items 1 and 2 and item 3. Bruce's Liquors, Lotus Inn Casino and David's Place. Any comments from the Commission? (No response). I would move for approval for Items 1, 2 and 3. Cast your votes. Motion is approved.

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

See Page 14 of these minutes - Annotated Agenda

FIREARMS PERMIT -  
NEW, BULLET AND  
BLADE TRADING POST  
Held in Abeyance  
for Police Report

Mayor Pro-Tem Lurie: We have two items that are walk-on items one is the Firearms Permit New, Bullet and Blade Trading Post. I would move for approval subject to the provisions of the Planning, Building and Fire Codes and Health Department Regulations. Any comments from the Commission?

Commissioner Christensen: I would kind of like to see what we are voting on.

Mayor Pro-Tem Lurie: Didn't you get a copy of that?

Commissioner Christensen: Nope.

Mayor Pro-Tem Lurie: Ila did you furnish the Commissioners with copies of this, with these walk-on items?

Ila Britt: Yes, you don't have the memo?

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

K. LIQUOR & GAMING -- Change of Corporate Officers

1. FOURTH STREET LIQUOR  
 115 North 4th Street  
 Tavern License

Approved  
 Lurie - Unanimous

Director  
 to proceed

Gaming: Business Owned - 1 slots  
 Operator - 4 slots

From: Fourth Street Liquors,  
 Inc. --  
 Willard A. Williams,  
 Pres - 51%  
 Derece L. Argo, Secy/  
 Treas - 49%

To: Fourth Street Liquors,  
 Inc. --  
 Willard A. Williams,  
 Pres - 51%  
 William H. Babb,  
 Secy/Treas - 49%

2. CHARLESTON HEIGHTS LIQUORS  
 465 South Decatur Blvd  
 Tavern License

Approved  
 Lurie - Unanimous

Same as above

Gaming: Business Owned - 8 slots  
 Operator - 4 slots

From: R-Odyssey-R, Inc.  
 Richard C. Bonnell,  
 Pres - 49%  
 Virginia Bonnell,  
 Secy - 1%  
 Ralph T. Huck, V.P.-  
 49%  
 Barbara J. Huck,  
 Treas - 1%

To: R-Odyssey-R, Inc.  
 Richard C. Bonnell,  
 100%, Sole ofcr/  
 stockholder



Mayor Pro-Tem Lurie: I made a motion to approve the Firearms Permit Item 1, will you cast your votes on the motion?

Commissioner Christensen: We don't have a police report on this either?

Mayor Pro-Tem Lurie: Do you have a report on the applicant with you, is there any derogatory information on the applicant?

Ila Britt: No sir, there is no derogatory....

Mayor Pro-Tem Lurie: Do you want to hold it?

Commissioner Christensen: You know twice now I have been hit in the nose with something coming brand new on this agenda, it just really shocks me, it is kind of interesting that we don't get any information or back-up or anything else. It is tough for me to sit here and make decisions without have any idea what is coming from where. You can vote on it if you want but I am going to abstain until I see something on it, you know I have got no police report on a police control license and, well I have got nothing.

Commissioner Woofter: I agree with Commissioner Christensen, I think we are setting a dangerous precedence in regards to these new applications as far as the firearms permit and the request for extension.

Mayor Pro-Tem Lurie: I agree with you, I will withdraw my motion on the firearms permit and at this time it will be held for the May 18th meeting. Also on Item 1 the Commissioners want a police report on the applicant, would you see that it is in our package for the next meeting?

Ila Britt: Yes sir.

LIQUOR - REQUEST FOR  
EXTENSION OF  
INACTIVE STATUS  
CIRCLE K STORES  
Approved.

Mayor Pro-Tem Lurie: The next item is the Request for Extension of Inactive Status on Liquor, on the Circle K Stores, you all should have received a letter requesting the extension because there was a delay in construction.

Commissioner Woofter: So moved.

Mayor Pro-Tem Lurie: We have the motion, is there any further discussion on the motion? (No response). 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.

See Page 14a of these minutes - Annotated Agenda

LIQUOR - CHANGE OF  
OWNERSHIP; CHANGE  
OF BUSINESS NAME  
HOUSE OF BARBEQUE  
Approved Subject  
to Conditions

Mayor Pro-Tem Lurie: Item 1 on Liquor, Change of Ownership, Change of Business Name from the House of Barbeque. I asked for this item to be brought on. Both applicant's have been investigated and have County licenses and I would move for the approval of the Ownership Change of Business and Name. Any comments from the Commission? (No response). Cast your votes. 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
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I-f. DEPARTMENT OF BUSINESS ACTIVITY  
 (cont'd)

M. LIQUOR -- Request for Extension of Inactive Status  
 (cont'd)

See Page 13

3. DAVID'S PLACE  
 2127 West Charleston Blvd  
 Supper Club  
  
 David I. Silverman, 100%  
  
 (Approved 1-5-77. Extension for  
 3-6-77 thru 5-4-77 apprvd 3-2-77.  
 Request for extension of inactive  
 status: 5-5-77 thru 7-3-77.)

WALK ON ITEMS

1. FIREARMS PERMIT -- New

\*Bullet and Blade Trading Post  
 5112 West Charleston  
  
 Eugene E. DeFlorentis, 100%  
  
 \*Subject to provisions of the  
 Planning, Building and Fire  
 Codes and Health Department  
 Regulations

Abeyance for  
 Police Report  
 Lurie

5/18/77 Agenda

2. LIQUOR -- Request for Extension of Inactive Status

Approved  
 Woofter - Unanimous

Director to  
 Proceed

Circle K Store #NA 0542  
 NE Corner Charleston/Pecos  
 Beverage Off-Sale  
  
 Circle K Store #NC 0695  
 NW Corner Alta/Valley View  
 Beverage Off-Sale  
  
 Circle K Corporation --  
 Frederick Hervey, Chairman/Pres  
 J. Winslow Smith, Pres of the Policy  
 Board/Director  
 et al  
  
 (Approved 3-2-77. Request for 60-day  
 extension of inactive status for:  
 5/1/77 thru 6/29/77)

3. LIQUOR -- Change of Ownership; Change of Business Name

Approved subject  
 to Conditions  
 Lurie - Unanimous

Same as above

From: House of Barbeque  
  
 Galbo Enterprises, Inc.  
 John Galbo, Pres 50%  
 Louise Galbo, Secy-Treas 50%  
 O. Harold Harrison, V.P.

ITEM

Commission Action

Department Action

I-f. DEPARTMENT OF BUSINESS ACTIVITY  
(Cont'd)

To: \*TIMES SQUARE RESTAURANT & BAR  
620 E. Sahara Avenue  
Tavern License

See Page 14

Gorb, Inc.--  
Luis Gorbena, 100%

Jack Fields, Manager

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

Mayor Pro-Tem Lurie: Do you have anything else for your agenda?

Ila Britt: No your honor.

Mayor Pro-Tem Lurie: We will take a 5 minute recess and when we come back we will go to the public hearings.

(Commission Meeting Recessed at 10:00 A.M., was called to order at 10:10 A.M.)

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PUBLIC HEARING

See Page 22 of these minutes - Annotated Agenda

Mayor Pro-Tem: I would like to call the meeting back to order. Is there anyone here on Zone Change on Lewis Homes? (Affirmative Response from unknown member in audience) That item has been withdrawn from the agenda, we received the letter yesterday and the Commission approved the withdraw and a withdraw is like a denial, they cannot come back before the commission within 4 months with their application. The item will not be heard today so you don't have to stay and listen to all the other items. O.K. We will go to the Public Hearings on Page 22 the first item we have is an appeal filed by Doug Dashiell on behalf of David Wood. The public hearing is now open.

APPEAL FILED BY  
DOUG DASHIELL ON  
BEHALF OF DAVID  
WOOD Appeal Denied  
BZW Action upheld

Mr. Saylor: This is an application for a variance to allow a office in an R-1 Zone, the variance was denied by the board and has been appealed by the applicant. The property is located at 600 South 9th Street. If you look at the Plat over here (pointing to the map), this is the lot in question it is right on the corner, however, you will see that it is completely surrounded by R-1 Zoning and of course offices are not a residential use and therefore are not permitted. There was a protest factor in front of the Board of Zoning Adjustment Meeting. I don't know whether it has been forwarded to you but there was a petition submitted with some 44 signatures, well I don't know if that 44 is right I believe the Commissioners have all of the petitions. O.K.

Mayor Pro-Tem Lurie: Is the applicant in the audience, would you like to come up and make your appeal to the board?

Mr. Doug Dashiell: My name is Doug Dashiell, I have with me some things I would like to hand out to you, it is mainly documenting who I am and what I am and what I am doing. (Applicant handed to the commission a personal resume).

Mayor Pro-Tem Lurie: Please furnish the Clerk a copy for the record.

Mr. Doug Dashiell: Primarily what that is, is a resume and a copy of the transcripts of my degrees, a copy of the certification by the State of Nevada that I am a licensed Marriage and Family Counselor and plus several letters of recommendation from people that I have known in the community. What I am doing is something that is really nothing more than my father did as an attorney in Texas, was to set up an office in his home. It has been done to my knowledge across the nation. What I would like to do and what I am requesting that it be allowed is that I live and work in my home. I am a psycho-therapist, I work with individuals, families and small groups of people. One of the reasons that I chose the area was the entrensic value of the community. I do like trees, I do like the quiet community and I do like the surroundings.

Mayor Pro-Tem Lurie: Do you have anything else for your agenda?

Ila Britt: No your honor.

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I moved out of Spanish Oaks, that is where my original office was because I felt uncomfortable with that and I felt that my home in that type of environment would be more conducive to a therapeutic growth potential of the people that I will be working with. A lot of people in the area are very concerned that this will start a wave of commercialism in that area. I am too concerned about that. Some of my neighbors that I have talked to have been there for 30 years and they are frightened by me moving in and setting up the type of office that I am that will bring in other business activity. That is not my intention, my intention is to do as they do, to live there and make that my home. In addition I would like to be given the opportunity to see people in my home rather than have them come to a commercial office. It is not that I am going to create any large increase in traffic flow. Bonneville as you know is almost a major thoroughfare now between Las Vegas Boulevard and Maryland Parkway. It is almost like a mini-Charleston. I am not increasing the traffic flow, at any one point and time there may be one extra car on the street in front of my house which will be somebody that is in to see me. At different times during the week there may be three or four or five cars for the small groups that I run. I do not intend on holding large groups or what we call marathon encounters with 15 or 20 people in them, if I do something like that I will be going to the larger area. Recently I sponsored a workshop and I am sure that you are aware of it, called "Love and Intimacy". I leased another location for that workshop, I did not want to hold that in my home, as I understand it the Planning Commission or whoever was very concerned about that and so I clarified that with that group. All I am requesting is that I just be allowed to practice my profession in my home in the quiet manner that is therapeutic and beneficial to the people that I am working with.

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

Commissioner Christensen: Yes I have one. Have you already operated out of there, have you already been operating out of there?

Mr. Dashiell: I have seen a few people but I have also used the offices of the Institute for Creative Living at Pastoral Counseling Service.

Commissioner Christensen: You haven't had any of your....

Mr. Dashiell: Yes I have had groups there I will not deny that no. I have had people there just like any other person would in their own home, that is my private home.

Commissioner Christensen: Well I am aware of that but I was under the impression that you had been operating as an office in the home without benefit of the variance, is that correct or is that incorrect?

Mr. Dashiell: That is correct yes.

Commissioner Woofter: I note the number of protestors that have signed petitions. Are there any of your adjoining neighbors that will speak in behalf of allowing this variance.

Mr. Dashiell: There was one at the original meeting, I don't think he is here, I think he works so he couldn't get off. One of my neighbors, yes.

Commissioner Woofter: Is there anyother variance that you can think of that you are speaking of or requesting in that neighborhood or in that area that has been granted or is in existence at the present time?

Mr. Dashiell: About a block away is a Western Title Company down towards Charleston, it is in the 700 block on the opposite side of the street.

Mayor Pro-Tem Lurie: I think what Commission Woofter is getting at is there any variances in the area that have been granted where a person can have a business in their home and still live on the premises?

Mr. Dashiell: In that specific area, no, not to my knowledge. I do know that it has been done in other parts of the community and other areas in the country, but I don't know about that specific area.

Mayor Pro-Tem Lurie: But those types are not businesses where traffic is advertised to be coming to the residence, where there is a constant service.

Mr. Dashiell: I will not be advertising I cannot. The ethics of my profession do not permit me to hold any kind of advertising at all. I can't even put a sign up the only thing I can put up is my name and that's it. The Board of Marriage and Family Counselors Examiners provide very strict rules to what I can do and what I cannot do. The types of ads that I can place even in the Yellow Pages are very limited. I would not be putting large signs up and in lights Marriage Counselor.

Commissioner Christensen: (Referring to one of the documents supplied by the applicant) Where does this ad come from.

Mr. Dashiell: That was the Love and Intimacy Workshop that I sponsored as part of the Marriage and Family Counselling Program that I operate.

Commissioner Christensen: Well the address at the top says 600 South 9th Street.

Mr. Dashiell: O.K. that's my home right. I have not denied the fact that I have been there, the workshop location if you will note it there in the lower left hand corner has been scratched out. I have one of the original copies of it, the workshop location was at 1756 Industrial....

Commissioner Christensen: I can read it here. Well the thing that bothers me is that to grant a variance like this you almost have to lean upon the integrity of the individual to not over step the bounds of the variance and you have already done that, so that doesn't leave us much to go on because you have already said that you have been operating from there after the variance was denied, which means to me that if you say you won't have any workshops there, how do we know that, because you have already indicated that if you disagree with the law you disobey it.

Mr. Dashiell: I can appreciate your concern, all I can say is that I do not intend on holding large groups there. My practice is primarily limited to families, couples and individuals. If I do workshops of large sizes, my house cannot accomodate large numbers of people.

Commissioner Christensen: I am very familiar with the house, what do you use for offices, is that in the old studio?

Mr. Dashiell: Well that will be, yes, I am in the process of reconverting that right now of course everything stopped when the variance was denied, and I am waiting until this action today to go in and continue with the renovation. That will be primarily the area that I will be operating out of.

Mayor Pro-Tem Lurie: You are just leasing the house, you don't own the house.

Mr. Dashiell: Yes I am leasing the house with an option to buy.

Mayor Pro-Tem Lurie: You do have an option to buy?

Mr. Dashiell: Right, any other questions?

Commissioner Leavitt: I would like to hear from the protestors.

Mayor Pro-Tem Lurie: I want to see if there is anyone else in the audience to speak in favor of this applicant then we will hear from the protestors.

Mr. Gene Nappe: Gentlemen I am a local businessman and professional. I've known Doug for some six months, I know the type of work he does. I can attest to the veracity of everything that he has said. I myself am one of his patients. He has through his therapy done a complete turn around in my life, his therapy has saved my marriage and he has done a complete turn about in the life of my wife. I can attest to the fact that A. He is primarily an individual therapist as far as traffic is concerned I can guarantee you that on an individual basis you are looking at perhaps one car an hour over and above the normal flow of traffic. As far as groups are concerned, I have been personally involved in his groups, you are talking about 4 to 6 people so perhaps for a period of two hours once a week you may find 4 to 6 extra cars. The type of therapy that he uses is extremely low key, it is quiet, he doesn't administer to the "crazies, the lunatics running around". His psycho-therapy is not what was originally known as traditional psycho-therapy but is well accepted internationally today as almost traditional.

Commissioner Leavitt: Nobody is questioning his qualifications, what we are here to decide is whether or not we are going to give a variance in a residential area. Nobody is questioning his ability as a professional, what we are talking about here is whether we want to take a residential area and give him the variance, that is what we are talking about.

Mr. Nappe: My statements Commissioner were merely to show the fact that you are not disturbing the area by having a patient or two here or there coming in, that it is not a loud type of situation, he is not creating extra noise, your not creating extra traffic. What you are doing in creating a variance in this case is really following the old established American dream that a man can help, help people in the community help in such a manner that he can best see fit and in this particular case I know Doug's original thinking in choosing this home. It was merely the quiet atmosphere and to retain the quiet atmosphere a non-commercial atmosphere because his is not a business, his is a profession and it is done in a non-commercial atmosphere and he needs a non-commercial quiet area. This is his entire reasoning, it won't upset the neighborhood. Your not going to be finding signs or advertising, that is not the way this therapy is administered, it would defeat his own purpose. As both a voter in the county and a businessman I personally feel that it would be a great injustice to eventually, to the community to deny the ability of a person to help others in the community.

Commissioner Leavitt: We are not going to do that, no matter what we do today we are not denying him the right to help people in the community he can practice his profession, but what we are trying to decide is whether to grant a variance in a residential area.

Mr. Nappe: I understand your concern and my commentary is merely to perhaps help your own thinking in calming any fears that his operation of his profession, not a business but his profession in the community would change the content or the structure of the community itself.

Mayor Pro-Tem Lurie: The only thing that is going to change as far as the area for the entire city is that there will be 200 applications following if we were to permit this type of a variance in this neighborhood.

Mr. Nappe: Well commissioners I would just say one thing, a variance in it's very nature is of a temporary nature. Your not creating a permanent zone change you are creating something that can be time limited, either by direction or by compromise or by agreement before granting. It can be a temporary situation just to see what would happen if the protestors in their own mind might in a matter of 3 to 4 to 5 to 6 months might themselves change their own mind about it and say "hey we were wrong, it isn't hurting us and at this particular point we feel we don't want to protest", given that chance even for a compromise period of time for 5 or 6 months on an extremely limited basis you are then at least giving a chance to the entire neighborhood.

Mayor Pro-Tem Lurie: Is there any further comments? We will hear now from the protestors, do you have a spokesman? Would you like to come up to the microphone and give your name and address?

Mr. Joseph E. Thiriot: My name is Joe Thiriot I live at 621 South 9th Street. I have one letter from Mr. Crosby who couldn't be here today, he was the one that was in favor of it last time and I don't know what his letter is about but I suspect that he has changed I haven't talked to him so I don't know. At any rate I would agree with alot of things that have been said this gentleman may be a very professional man and I hope that he is in the work that he is doing, we are not objecting to his professionalism. We would agree that this is a nice quiet atmosphere in this neighborhood I think it is one of the best neighborhoods of the old neighborhoods in town. There are lots of good neighbors here and we like each other and want to be together. He is asking for a 3 or 4 month time so that we could change our minds, well he has been there for sometime already and we haven't changed our mind, in fact we are more definitely against it now than we were. We would be just as much against a Dentist who wanted to open up and move in there, a dentist doesn't have very much, maybe two or three people an hour or a doctor or any other professional the thing we object to is business. As soon as you have business in an R-1 Zone it becomes easier to have others ask for a variance it would be more difficult to turn down another variance after one was granted. I think we have 55 individuals signed on this petition I don't think there is any need of me reading the petition I will be glad to do so if you like.

Mayor Pro-Tem Lurie: We have a copy of that.

Mr. Thiriot: We respectfully ask you as a Board of Commissioners to deny this variance.

Mayor Pro-Tem Lurie: Do the Commissioners have any questions? Is there anyone else in the audience who would like to speak against this application? I will declare the public hearing now closed and I will entertain a motion.

Commissioner Leavitt: Mr. Mayor Pro-Tem I would agree with Mr. Thiriot, this is one of the finest neighborhoods among the old neighborhoods in Las Vegas and I think we would be setting a dangerous precedent if we started granting variances in this area. I would like to move at this time that the request be denied and we approve the action of the Board of Zone Adjustment.

Mayor Pro-Tem Lurie: Any comments on the motion?

Commissioner Christensen: Yes I have one, I haven't lived in that neighborhood for a good many years am I still considered a neighbor?

Mayor Pro-Tem Lurie: Is that all you had as a comment?

Commissioner Christensen: We used to live there on South 9th I am very familiar with the area.

Mayor Pro-Tem Lurie: Cast your votes. The appeal has been denied.

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

APPEAL FILED BY  
GARY VAUSE ON THE  
APPLICATION OF  
FIRST FEDERAL  
SAVINGS OF NEVADA  
Appeal approved  
Subject to  
Conditions

Mayor Pro-Tem Lurie: The next item on the agenda is a public hearing on an appeal filed by Gary Vause on the Application of First Federal Savings of Nevada, we will now open the public hearing. Mr. Saylor.

Mr. Saylor: I think you are all pretty much acquainted with the issue involved here, it is a request to allow a child care facility at the Southwest Corner of Rancho and Charleston. This has gone through the cycle once before. There is a protest factor, we have been requested to hand a copy of the written protest to the commission. The only other thing I wanted to add that may not have been brought out before and the question had been raised as to the width of Rancho Road to Charleston Boulevard South. It is and has been proposed on the master plan streets and highways as an 80 foot secondary. We do have the 80 feet of rideaway from Oakey South to Sahara and partially between Charleston and Oakey right in this immediate area from Charleston South to the limits of this lot we do have 80 feet.

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

Mr. Vause: I don't have anything to say.

Mayor Pro-Tem Lurie: Do the Commissioners have any questions of Mr. Vause. (No response). Is there anyone in the audience protesting this application? Will you state your name and address for the record please.

Mr. Mike Kirch: My name is Mike Kirch, 2324 Sherman Place, gentlemen this is not going to be a long drawn out thing, one particular question and it is difficult for me as a taxpayer and a citizen of this community to quite understand that since the Planning Commission and the Board of Zoning Adjustment who I think sometimes you lean on for expertise has had this in front of them twice and categorically turned it down twice. For some particular reason a few of you seems to think that their expertise is not quite as good as yours. We don't want it there, Mr. Vause would like it there really I don't have very much more to say than that.

Mayor Pro-Tem Lurie: Commissioners have any questions? (No response). Anyone else in the audience in protest against this application?

Mr. Mike Chadburn: My name is Mike Chadburn I live at 2318 Sherman Place directly in the rear of this property. Before I get started with my protest I would to congratulate the two Commissioners who received the overwhelming vote of confidence from the public I think it was well deserved. I would like to protest any overturning of the Board of Zoning Adjustments Action, we have been before you now several times. Commissioner Lurie has always taken the stand of listening to the people which we appreciate and we hope that you other Commissioners would possibly take his stance today. I would like to read for you part of the City Ordinance which is given to the Board of Zoning Adjustments to aid them in considering these proposals. This is 11-1-24 of the Las Vegas Master Plan. I would like to go to point 2 "Purpose: The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which shall have the effect of granting a special privilege not shared by other property in the same vicinity in the zoning district. Required Showing: Before any variance may be granted by the Board of Zoning Adjustment the applicant for said variance shall make a substantial showing that there are exceptional and extraordinary circumstances and conditions applicable to the property involved and that such circumstances and conditions do not apply generally to other properties in the same vicinity in the zoning district. or B, such variance is necessary for the preservation and enjoyment of a substantial property right which is possessed by other property in the same vicinity and zoning district and denied to the property in question or C, the setting of such variance will not be materially detrimental to the public safety and welfare or injurious to other property or improvements in the same vicinity or zoning district, or D, the granting of such variance will not adversely effect the comprehensive general plan of the area". Now this child care facility probably could be approved under C-D Zoning but the outside play activity cannot. C-D Zoning specifically prohibits any outside activity. Now there is no other C-D Zoning in that area that has any outside activity and indeed we have not been able to find any other Z-D Zoning in the entire city with an outside activity. Therefore, under the variance the Board of Zoning Adjustments was perfectly right in voting to deny this outside play activity for that area. Then we go into the safety factor, now not to long ago there was another facility of the same type before the Commission, it was disapproved because of traffic and safety problems. This corner in my estimation and the estimation of my neighbors is a much worse factor. You heard Planning state that they intend to widen Rancho Road at that point. The property owners which are directly adjacent to this corner object, we feel that it will be detrimental to our property value and detrimental to our privacy and our general consensus of the neighborhood. That property from Charleston due West to Rancho Road on Charleston due West is an extremely attractive area. The businesses are 9 to 5 sort of speak type businesses, they have no outside activity, they don't conflict with the neighboring residential areas that abut them. I don't see how this Commission can take the stand that they would not be opening up C-D Zoning, that they would not be granting a special privilege to this facility and this facility only to grant the outside activity. Mr. Vause and Mr. Hamilton are not the property owners of record, they have no financial interest in that property other than the build a child care facility there and purchase it. You would not be putting these people out of business to deny them this corner. They have other schools, there is no pressing community need for this facility on that corner. Three or four blocks in either direction there are commercial properties that would be just as accessible. The area in question, the residential area is older established homes, there probably isn't 10% of the homes in that general area that have children of the age that would be using this facility.

Mayor Pro-Tem Lurie: Mike, what you are going to wrap up saying is that you agree with the BZA.

Mr. Chadburn: I agree with the BZA and I hope that the Commissioners would also.

Mayor Pro-Tem Lurie: O.K. Do the Commissioners have any questions of Mike?

Commissioner Christensen: Just a couple of comments based on what he said. You mentioned that you can't find a record of a variance in a C-D Zone, Don where do we have C-D Zones in the City, anywhere except on West Charleston?

Mr. Saylor: Primarily West Charleston Commissioner we have allowed a very small amount of Maryland Parkway.

Commissioner Christensen: What is the original purpose for C-D Zoning, that is a new classification that was established at the time Charleston started to go commercial, to prevent West Charleston from becoming like East Charleston was it not?

Mr. Saylor: Exactly.

Commissioner Christensen: Well is the purpose of C-D Zoning to make it so as I understand it and you can correct me if I am wrong, the Commission must approve each business in the C-D Zone to see if it is going to fit rather than open up the flat commercial zoning and then they can bring any kind of a business they want?

Mr. Saylor: That's right each and every type of commercial use in the C-D Zoning must be approved by the Commission.

Commissioner Christensen: Then actually a C-D Zoning is as close to a variance as it is zoning because that is what you do with a variance, you approve a particular variance.

Mr. Saylor: Well yes, there is a slight difference however in that the C-D is a commercial classification.

Commissioner Christensen: I would just like to point out that because it hit a little close to home for me, that Mr. Vause and Mr. Hamilton do have a financial interest in this corner by virtue of the lawyers fees that they have had to pay to defend themselves in a suit, so there are some substantial investments in this corner.

Mr. Chadburn: I would just like to state that that financial investment is also mine because I instituted that suit and I also have attorney's fees. Now if First Federal Savings is so interested in this child care facility well I fail to see their representative here other than Mr. Vause and Mr. Hamilton who are not the owners of records. It was very interesting the comments that Mr. Saylor made that each and every proposed use for C-D must come before this commission because I think that would nullify Commissioner Woofter's comment and the motion he made last time we were before the Commission that this was better than a 7-Eleven or a gas station. That is like saying it is better for a truck stop than a railroad station.

Commissioner Christensen: Well it is a little different because if we were going to put a gas station or something there it would have been zoned straight commercial like those other corners.

Mr. Chadburn: Well our only point is that you would be opening up C-D, you would be abusing the C-D privilege and how could you refuse the other property along West Charleston to an outside activity if you allow this one in this C-D Zoning, thank you.

Commissioner Christensen: Well I am not sure I would and of course you referred to another section, another application for a child care permit in which it is interesting to note on your sheet here that you gave us, the cover was signed by an attorney representing the people seeking that permit further up the street, and you indicated that that was turned down because of traffic safety, that was one of the things mentioned, there were many other things involved there too, one of them being that the home owners next door didn't want it. Yet it is the same law firm advocating that one that is advocating denying this one. To me it goes to show that the attorney goes to the highest bidder and sometimes works both sides of the street.

Mr. Chadburn: I think we had better leave this alone at this point Commissioner. My comments are finished.

Mayor Pro-Tem Lurie: Thank you very much for your comments.

Mr. Martin Becker: My name is Martin Becker and I do work for Mr. Sorenson and I would be happy to stipulate that that is the situation, we get paid to represent clients and that is what we do.

Mayor Pro-Tem Lurie: Thank you, is there any further comments on this application before the public hearing is closed. (No response). I will close the public hearing at this time and will entertain a motion.

Commissioner Leavitt: I have a question for Mr. Saylor. What is the requirement should this be approved regarding the walls?

Mr. Saylor: If that it is a variance Commissioner you could put in whatever conditions or requirement you would want.

Commissioner Leavitt: Well if we are going to approve this and we have a couple of time, what does that plat plan have regarding the walls?

Mr. Saylor: The proposal indicates a 6 foot chain link fence along the West side which would be along this line (pointing to the plat plan). Along the South line, again a six foot chain link fence, however, I think it is more than customary in connection with abutting a residential zone that that would be a six foot block wall along the South line particularly.

Commissioner Leavitt: Is the property owner immediately adjacent to the West in the audience?

(Response from unidentified individual from audience inaudible)

Commissioner Leavitt: Would you people have any objection to obstructing a block wall to kind of hold down the noise between your place and the residential area.

Representative of Gary Vause: Not at all Commissioner, I believe that if we look more carefully on the plan it already indicates a six foot block wall on the residential side only which is the South side.

Commissioner Leavitt: Well the West side is also residential isn't it?

Mayor Pro-Tem Lurie: In the corner.

Representative of Gary Vause: There is someone living there yes, she has the property for sale for commercial purposes so I anticipate that it won't be a residence much longer.

Mr. Saylor: He is right, the South side does indicate a block wall.

Commissioner Leavitt: Do you think that is high enough for that area?

Mr. Saylor: I can't answer that, in a commercial zone I don't believe so.

Representative of Gary Vause: I would say this, in an effort to attempt to be a good neighbor that if the neighbor at their expense wanted to apply for the variance we would be agreeable to allow them to increase the height of the fence if they can get the variance at their expense.

Commissioner Leavitt: Well the block wall is going to be on your property isn't it?

Representative of Gary Vause: Yes, but what I am saying is that if they would like it higher at their expense if they want to go for the variance and the additional construction costs, we would allow it to be added to our fence. We offered this originally to the people but they chose not to accept our offer, we offered a lot of things to them trying to be good neighbors all of which they said "no, they are going to fight".

Commissioner Christensen: Are there any fences there now?

Representative of Gary Vause: Yes, there is a wooden fence I would guess a little less than six feet behind the primary neighbor and then Mr. Chadburn's property only overlaps about 10 feet behind us and I believe he has a six foot block wall already with a gate on it.

Commissioner Leavitt: Well what I am trying to think of, if there is some way we could require a six foot block wall along the West property line, I need a little help there on how to do that. There ought to be a six foot block wall along the West side and along the South side property line, what I am trying to decide is just how far that six foot wall should go, you will have to help me there.

Mr. Saylor: I would suggest that our normal procedure is to go six foot out, set back or building and then step it down to four foot or not have it at all whatever you want to do.

Commissioner Leavitt: I think six foot from the edge of the building would be sufficient.

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

Commissioner Woofter: Well like Mr. Chadburn has mentioned it is more or less a rehash of the previous hearings and so forth I haven't seen anything that is changed much, my feelings are still the same. As Mr. Chadburn brought out, there is a lot of possible uses but I still see this as a better use for the property than going straight commercial and therefore I make the motion to uphold the appeal filed by Mr. Vause on the variance with the condition as set forth by Commissioner Leavitt and Mr. Saylor in regards to erecting the six foot block wall, on the West side.

Mayor Pro-Tem Lurie: Well Commissioner my feeling is as it always has been to not approve this type of application for this corner. My main concern is traffic and the noise from the outside play area and also setting a precedence now in that C-D Zone. We will now cast your votes on the motion. The motion is approved 3 to 1.

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

Mayor Pro-Tem Lurie: The next item is Item D, Petition of Vacation, George Smith - Sea Incorporated. The public hearing is now open.

PETITION OF  
VACATION, GEORGE  
SMITH - SEA INC.  
Approved subject  
to conditions

Mr. Saylor: This item is to vacate a portion of Westwood Drive which extends North to Edna and then turns East to Highland and the Southwest alley. As shown on the screen the proposed streets to be vacated, it is in an industrial area if you look over here we have it on the smaller map. (pointing to the map) The purpose of this is to allow a subdivision to set up an industrial park type of thing. All of the off sites, the necessary improvements will be taken care of. There were no protests on the Planning Commission Hearing on the Vacation, the Planning Commission recommends approval subject to the normal conditions and the overriding one that the recordation not be done until the final map of the proposed subdivision is done so they can be recorded simultaneously.

Mayor Pro-Tem Lurie: Anyone in the audience who is protesting this application? (No response). I will now declare this public hearing closed. Do the Commissioners have any questions on the Vacation? (No response). Then I would move that we following the recommendations of the Planning Commission subject to the conditions. Cast your votes on the motion. The 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: That takes care of all the public hearings this morning we will now go to page 15, Department of Public Services.

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DEPARTMENT OF PUBLIC SERVICE

LAURENCE HAMPTON, P. E., DIRECTOR

See Page 15 of these minutes - Annotated Agenda

APPROVAL OF  
SUBDIVISION PLATS  
Approved as  
recommended

Mr. Hampton: Section A your honor is the Approval of Subdivision Plats. There are two and I would also like your consideration of two additional items under this section in addition to the two shown I would like to request you recommend approval of Stewart Place Unit #3, First Western Savings Dasco, Inc and Woodland Hills Crestmont Corporation.

Mayor Pro-Tem Lurie: Do the Commissioners have any questions of items 1 and 2 or the two walk on items? (No response). I move for approval of all 4 items. Cast your votes on the motion. The motion is approved.

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

RELEASE OF  
SUBDIVISION BONDS  
Approved as  
recommended

Mr. Hampton: This is the offsite improvement agreement for Charleston Heights 53-A, everything is in order and I would recommend approval and the release of the bond.

Mayor Pro-Tem Lurie: Commissioners have any questions? (no response). I move for approval of Item B. Cast your votes. Motion is approved.

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

ITEM Commission Action Department Action

I (g). 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. Charleston-Rainbow No. 11-A. (Sproul Homes of Nevada, R. B. Cline, President)
2. Kingswood Estates Unit No. 2 (Chism Homes, Inc., H. A. Chism, President)
3. Stewart Place Unit #3
4. Woodland Hills Unit No. 2

**\*B. RELEASE OF SUBDIVISION BONDS**

1. All offsite improvements in Charleston Heights No. 53-A (Becker and Sons, E. A. Becker, Jr., Agent), except sidewalk on Michael Way, 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 this subdivision. (A cash deposit with the Nevada State Bank in the amount of \$1848.00 has been posted to cover sidewalk construction.)

**\*C. RELEASE OF CONSTRUCTION CONTRACT**

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

1. Bid No.: 76.87  
 Contractor: Desert Construction, Inc.  
 For: SID Unit #2, Sunrise Ave  
 29th to Mojave, Street  
 Lighting

Notice of  
 Completion: April 1, 1977  
 Release  
 Date: May 6, 1977

Items 1 thru 4  
 Approved as  
 recommended  
 Lurie - Unanimous  
 except Christensen  
 temporarily absent

Director to  
 Proceed

Approved as  
 recommended  
 Lurie - Unanimous  
 except Christensen  
 temporarily absent

Director to  
 Proceed

Items 1 and 2  
 Approved as  
 Recommended  
 Lurie - Unanimous

Director to  
 Proceed

See Pages 15 and 16 of these minutes - Annotated Agenda

Mayor Pro-Tem Lurie: Item C.

RELEASE OF  
CONSTRUCTION  
CONTRACT ITEMS  
1 AND 2  
Approved

Mr. Hampton: We have two Release of Construction Contracts, one for Desert Construction on the work at Sunrise and 29th to Mojave and also contract Number 76.87 Wells Cargo.

Mayor Pro-Tem Lurie: Any questions on Items 1 and 2? (No response). I move for approval on items 1 and 2. Cast your votes. Motion is approved.

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

RIGHT OF WAY  
ITEMS 1, 2 AND  
3 Approved as  
Recommended

Mayor Pro-Tem Lurie: The Right of Way items, item D.

Mr. Hampton: All items are in order and I recommend acceptance.

Mayor Pro-Tem Lurie: Any questions? (No response). Move for approval of Right of Way items 1, 2 and 3. Cast your votes. Motion is approved.

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

Mayor Pro-Tem Lurie: Item E Reports.

REPORTS  
Approved To  
Proceed with  
Special Improvement  
District

Mr. Hampton: This involves a matter that was brought to you several months ago. We sent letters out to the property owners along Meade Avenue requesting their feelings regarding a special improvement district, the results are in and shown on the map to my right (pointing to the map) the green indicating the one that have indicated approval and red the denials and the blank areas are the no answers. Percentage wise we have had Yes 29%; No answer, with the building permit, when they come in and sign that agreement that says that they agree to a special improvement district there are 10% of those, there were 34% of the people who did not answer. We did have a 14% no. Totally you come up with a no of .27%. I feel that this would be a very valued improvement to the area and I would recommend that we proceed and be given permission to design the improvements under improvement district process.

Mayor Pro-Tem Lurie: Commissioners have any questions? (No response). I would move then that we follow your recommendations to proceed. Cast your votes on the motion. Motion is approved.

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

Mayor Pro-Tem Lurie: Also Larry in that area there on that drainage ditch behind those homes in Richfield Village, would you also give me a report on that, and the cost. I would like to do something to proceed to correct that problem and get the necessary underground put in there, if it means going to court or if it means using some Revenue Sharing Money I would like a recommendation from your staff on what we should do to proceed with that.

Mr. Hampton: We are working funds, possibly even additional funding so it's going to be that Public Works Act.

DISCUSSION  
ITEMS

1 SALINITY  
PROGRAM, Report  
Only; 2 CAFETERIA,  
Approval to  
Proceed; 3  
ENCROACHMENT  
HOLIDAY INN  
PARKING, Approval  
to Proceed

Mayor Pro-Tem Lurie: The next item is Item F Discussion  
Items.

Mr. Hampton: Just very briefly a status report. As a result of the meeting in San Francisco last Friday ETA has compromised. The mandate that they originally gave the City and the County which was to have educational programs, a mandatory registration of all water softners, mandatory certificate of compliance on an annual basis and a trucking of all brime of commercial establishments. They have conceded that the only thing that is really cost effective at this point is the educational program and have given us relief on all the other items. We will bringing to you at a later date a more definite plan in regards to the educational program. We feel this is cost effective even though it will cost us some money along with the other entities. People will realize a savings in as much as they will not be using the amount of salt that they are today. Generally speaking people use more salt than they actually need to use. What we will be trying to point out to them is the most cost effective amount to use.

Mayor Pro-Tem Lurie: You will give us a written report and keep us informed?

Mr. Hampton: Right.

Mayor Pro-Tem Lurie: Item 2 is the Cafeteria for the 2nd floor of City Hall.

Mr. Hampton: This is being brought to you just as a more or less project discussion to get your feelings as to whether or not we should proceed. The plat to my right shows the conceptual layout of the cafeteria. This area now is enclosed, this area here is out on the patio on the roof of the second floor, right above police records. It would be logical to establish the kitchen area in this orange zone and then to have a dining area shown here with a small storage area in this location. This could be developed as a phase two which would be an outside eating area, you could also have possibly some recreational type of facilities such as ping pong, shuffle board or what have you for the employees. What we are proposing is that we proceed on Phase one and at a later date renew the desirability to expand on to the roof. This amounts to 2,400 square feet which Metropolitan Police Department would be trading us for an area in the lower level amounting to 600 square feet so we would be acquiring 4 times what we are giving up. We propose that we develop specifications as to what the operator would be required to do and it is our feeling at this time that it is appropriate for the city to prepare the room, do the flooring, do the ceiling and adjust the utilities and that the operator would be responsible for all other improvements in completing the kitchen, tables and chairs and all other equipment needed. After we prepare the specifications we would by law have to give the Blind Services first option. They have indicated on one occasion that they were not interested, they have indicated on other occasions that they are. I think we would have to.

Mayor Pro-Tem Lurie: What you need to do is proceed with the design?

Mr. Hampton: That's right. To meet with them and develop the specifications to see if they are interested, if they are not come back to you with an option of either going out to bid for this type of operation or any other method that you feel is appropriate. I would estimate our obligations financially to be in the vicinity of 15 to \$20,000.00 to do the floor and the ceiling and so forth.

Commissioner Leavitt: Is this going to be open to the general public or just the employees of the City Hall and their guests. It is going to be open to the general public isn't it?

Mr. Hampton: This could be either way, we are proposing that it be open to the general public.

Mayor Pro-Tem Lurie: Commissioners have any further questions?

Commissioner Woofter: I think it is well needed and I make a motion to proceed accordingly.

Mayor Pro-Tem Lurie: There has been a motion to have staff proceed, is there any further comments on the motion? (No response). Cast your votes. The motion is approved.

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

Mr. Hampton: The last item gentlemen involves the Holiday Inn. The high rise under construction is being located in this vicinity here (pointing to a map) with their casino to be built to the South. The parking structure that they wish to start on very soon is located in this area. There is an underground drainage facility shown in red, this is a 13 foot wide box culvert going completely through the property. The master plan shows that this should be a 40 foot wide drainage easement through the property, that is adopted by ordinance. We would propose that that ordinance be changed to only require 20 feet if it is put in conduit which this is the case here, we don't really need 40 if it is in conduit. The 20 feet would involve the red and the yellow. This will be satisfactory to the hotel, they are going to construct the parking garage and encroach in the black area. In other words the structure will not be resting on that culvert, it will be independent of the culvert, we could remove the culvert and the building would still stand. We feel that this is satisfactory, but we would have to require, it would be required that the ordinance be changed to change or reduce that 40 to 20 because there is no way we can get 40 feet through here where they have their buildings.

Mayor Pro-Tem Lurie: Engineering wise it would still be a safe structure?

Mr. Hampton: That's right, we have to have certificates signed by their engineers as well as our own engineers reviewing their calculations to be assured of this. They have also come in and requested that they be allowed to construct retail stores in the green area, they have offered us a certificate that would give us a Hold Harmless Clause as far as liability is concerned and also a clause that would state that they, excepting perpetual maintenance of the culvert. It is my department's feeling that if these two things were given that there would be no disadvantage, there would be no problems in allowing retail stores to be placed over the culvert, they would be only one story shops and we feel that because of the price of land in the downtown area that it would be an economical, feasible use of this area as long as the City can be assured that we are not going to be held liable for any problems.

Mayor Pro-Tem Lurie: What if there is a break in one of the lines?

Mr. Hampton: Well it is just a box culvert for storm wash, if the culvert failed it would be their responsibility to repair it. It has been designed for HD 20, which is a very satisfactory design for one story shops.

Mayor Pro-Tem Lurie: But you know as well as I do that that water comes pretty heavy down that area.

ITEM Commission Action Department Action

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

\*C. RELEASE OF CONSTRUCTION CONTRACT (Continued)

See Page 15

- 2. Bid No.: 76.87  
 Contractor: Wells Cargo, Inc.  
 For: SID 419, Units #6 & 7  
 Notice of Completion: April 14, 1977  
 Release Date: May 19, 1977

\*D. RIGHT OF WAY ITEMS

Items 1 thru 3  
 Approved as Recommended  
 Lurie - Unanimous except Christensen temporarily absent

Director to Proceed

- 1. Quitclaim Deed  
 From: Robert P. Pelton and Mary Pelton, husband and wife as joint tenants  
 To: City of Las Vegas  
 For: Portion NW-1/4, Sec. 25, T20S, R61E Searles Ave. Dedication Building Permit (4/15/77)

- 2. Grant Deed  
 From: Steve William Allen, Trustee for John W. Allen's Children's Trust, an undivided 1/3 interest and Steve W. Allen, a married man as to an undivided 1/3 interest, and Peter J. Bartsas, an unmarried man, an undivided 1/3 interest  
 To: City of Las Vegas  
 For: Portion Lot 39, Block 8, Mayfair Tract No. 2 Amended Map Fremont St. Dedication Building Permit (4/13/77)

- 3. Grant Deed  
 From: A & M Investment Co.  
 To: City of Las Vegas  
 For: Portion SW-1/4, Sec. 34, T20S, R60E Alta Drive Dedication (4/7/77)

E. REPORTS

- 1. Survey of property owners Meade Ave. from Valley View to Rancho for installation of pavement, curb and gutter, and street lights under an Improvement District.

Approval to Proceed with Special Improvement District  
 Lurie - Unanimous except Christensen temporarily absent

Director to Proceed

F. DISCUSSION ITEMS

- 1. Salinity program, Las Vegas Valley.
- 2. Cafeteria, 2nd floor, City Hall.
- 3. Encroachment - Holiday Inn parking structure.

Report Only

None required

Approval to Proceed  
 Woofter - unanimous except Christensen temporarily absent

Director to Proceed

Approval to proceed  
 Leavitt - unanimous except Christensen temporarily absent

Same as above

Mr. Hampton: Well there is a....

Mayor Pro-Tem Lurie: That is the one that they just completed, to come through and meet down here on Washington?

Mr. Hampton: Right, however the culvert under the railroad is the controlling structure, only the water that comes under the railroad will be allowed in the culvert unless it overflows the railroad. If it overflows the railroad we've got problems, the hotel has problems and we all will have problems. We feel that it would be safe.

Mayor Pro-Tem Lurie: Commissioners have any further questions?

Commissioner Leavitt: Well you are going to obtain the Hold Harmless Agreement in case the situation occurs that Mr. Lurie indicated.

Mr. Hampton: There is going to be two things done, the Hold Harmless Agreement and the Acceptance of Maintenance, that would be an agreement that would be signed by the City and the Holiday Inn and also the ordinance would have to be changed.

Commissioner Leavitt: What do you need now, authorization to proceed along those lines?

Mr. Hampton: Right

Mayor Pro-Tem Lurie: Authorization to change the ordinance and to obtain the necessary agreements?

Commissioner Leavitt: To have the legal documents drawn and to carry out what Mr. Hampton has indicated, I will so move.

Mayor Pro-Tem Lurie: Further comments on the motion? (No response). Cast your votes on the motion. The motion is approved.

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

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

Mr. Hampton: No.

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DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

DON J. SAYLOR, AIP, DIRECTOR

See Page 17 of these minutes - Annotated Agenda

Mayor Pro-Tem Lurie: The first item is Zone Change Z-22-77, Michael T. Lyon.

ZONE CHANGE  
Z-22-77 MICHAEL  
T. LYON, ET AL  
Abeyance pending  
further information

Mr. Saylor: The application of Lyon for a change in zoning from R-1 to R-3 property located on the East Side of South 28th just North of Charleston Boulevard, we have a fire station in the immediate area right on the corner. North of the parcel in question is public housing, to the East of it is commercial development to the West is County area. The proposal of the R-3 is to allow a multiple residence type of development. The proposal would provide facilities wherein a person could rent a private bedroom share bath facilities with one other rental of a private bedroom and in combinations of four private bedrooms, share a common kitchen facility. This is new in the City the construction

or rather with the exception of a like proposal which was designed specifically for senior citizens. This has been used in the county and it has been used in other parts of the country. We viewed it with some apprehension at first but we have concluded as has the Planning Commission that it is a means of satisfying some of the housing demands of the community therefore it brings forth a recommendation of approval from the Planning Commission. We do however have a problem on the South part of it down in this area (pointing to the map) which cannot be worked out at this time, consequently the applicant has agreed to accepting at this time if the board so desires approval of the North half of the development holding in abeyance the South half until we can work out the technicalities on the Southern portion of it. There was one protest at the Planning Commission meeting not in terms of the development at this location but in terms of the concept of the type of development.

Mayor Pro-Tem Lurie: Is the applicant in the audience? Where is this project at in the County?

Mr. Saylor: I think it is near the University.

Mr. James Weber: My name is James Weber, I am an architect for the developer. This project is essentially that we are proposing is essentially identical to a project at 1450 Harmon approximately 1 block from the University, 1 block from Maryland. It is a concept that is geared specifically for single adults. The first phase of the project in the county on Harmon opened the first of February and a hundred units were filled in three weeks. The second phase opened the 15th of April and out of 240 total units there are 40 vacancies at this time. The tenants in the project, contrary to beliefs before we opened, there is a tremendous variety of people of a variety of ages and we have with us here today Mr. George Harmon who is, Mr. George Corten I am sorry who is the project manager and I think he could tell you more about just how the project works if you would care to listen to him.

Mayor Pro-Tem Lurie: Actually what you are trying to put in here is a dorm where people rent bedrooms, share the same kitchen facilities and the same bathroom facilities.

Mr. Weber: That is correct only I think perhaps 10 or 15% of the occupants are students the others are people who work in the Casino's, they are cab drivers, they are professors.

Mayor Pro-Tem Lurie: There is one question, the rest of the unit is then rented to the other three or what?

Mr. Weber: Each individual rents a studio apartment and four of these studios in a quad share a congregate....

Mayor Pro-Tem Lurie: Common living room?

Mr. Weber: That is correct.

Mayor Pro-Tem Lurie: Well anybody who is living there better get along.

Mr. Weber: That is correct.

Commissioner Christensen: I have got a question, how do you govern a thing like this, I know at the Universities the University has some control over something like this, I have a son living in a situation like that but they are bound by University rules. You take away those University rules and it would be chaos.

Mr. Weber: In this case every tenant before he signs a lease, very specific rules are set down. Each tenant when he applies and fills out an application which indicates his personality, and different tenants are assigned to quads depending upon....

Commissioner Christensen: To get down to the nitty gritty, you get right down to the point as to whose turn it is to clean the bathroom, what are you going to do about it if that other guy doesn't do his share of the cleaning of the bathroom and the same with the kitchen, you get that in families but if you have that situation where they are not even related then it is bad.

Mr. Weber: Well the experience to date is that the four individuals sharing the quad do cooperate and they do share the burden of keeping it clean.

Commissioner Christensen: In other words the recourse the guy has got if somebody doesn't do it then they can just move out.

Mr. Weber: That's correct.

Commissioner Christensen: If he can't stand the smell anymore then he leaves.

Mr. Weber: Right, but that hasn't been a problem.

Commissioner Woofter: What do you plan to rent these units for, what amount?

Mr. Weber: The present ones are renting for \$140.00 a month fully furnished, that \$140.00 includes utilities. The proposed project would be a similar rent depending upon escalation between now and a year from now which would be the time span we would need for completing our drawings and building the complex.

Mayor Pro-Tem Lurie: I guess you have your rules and the people that live there have to follow the rules, say if I had an apartment there and I brought some people over and they had dinner and my roommates didn't care for it, well that would cause alot of problems. I would like to see some of the rules that you have that the people is going to have to follow, those that are going to be renting. The last project we approved similar to this was the senior citizens project and there was good presentation made on why we needed this type of housing. Now I can see this type of housing at a University because you are dealing with students out there that need living quarters but down here on 28th street you haven't sold me yet on the project.

Mr. Weber: The typical tenant is someone who has come to the City, he has either found a job or is still looking for one. He is looking for the best housing he can find for the best rent and to date there has been a tremendous other than students a tremendous mix. Air Force personnel from Nellis now over on Harmon in the project, there is a wide mixture of age and race and the jobs of the typical tenants are cab drivers to professors to airline pilots, stewardesses, the gaming industry personnel, it is a very wide variety and I think the fact that in less than well just about two months that 200 out of 240 units in the present project have been rented says that there is a tremendous demand for this kind of housing by single adult people.

Mayor Pro-Tem Lurie: Well it is just a means of your putting four, it is like building apartments, your asking for R-3 Zoning instead of having a four bedroom apartment your going to have a four bedroom common use facility where the people all live together and share the same facility that is basically what you are asking for.

Mr. Weber: That is correct except for the private studio....

Mayor Pro-Tem Lurie: If you build an apartment a four bedroom apartment and I rented it and I wanted to rent one of the bedrooms to a friend of mine I could do that.

Mr. Weber: Correct, there is a provision in the lease that every tenant sign restricting each bedroom to one adult and requiring that if someone has a guest that they register with the manager.

Commissioner Christensen: If you have your girl friend living next door then you share the same bathroom?

Mr. Weber: That is correct.

Commissioner Christensen: That's handy.

Mr. Weber: Mr. Horton, the project manager is much better prepared to describe if you would like to hear him just the operation of the apartments on Harmon.

Commissioner Christensen: I have one question I would like to ask of our attorney, we are talking about and the conversation and the questions have gotten to the point where we are talking about the way the project works and the type of project and so forth and away from the zoning aspect. We are sitting here looking at a zoning issue. Is it proper for us to consider other than the zoning?

Mr. Lovell: Generally it is not unless you have the right to inquire to the procedures and things, generally however you can't base your decision on that unless what they are doing would be detrimental to public health or other procedures or laws or codes and things like that, you have to bring it back and tie it into zoning somehow.

Mayor Pro-Tem Lurie: Well they would have to follow all those planning conditions and health regulations and the fire code etc., that goes along with the zoning approval. Let's get to the point about R-3 zoning in that area, how much of the area surrounding this particular piece of ground is zoned R-3?

Mr. Saylor: The area immediately to the North that is this part (pointing to the map) is a public housing development, to the East is commercial and a little further East is industrial.

Commissioner Christensen: What is just to the West there?

Mr. Saylor: Just to the West is a County island which has a variety of land uses, I don't know what the zoning is but it has a variety of land uses, this parcel is vacant at the present time. Of course as you go further North you get up to the park and the junior high school and in that total area there, there are apartment houses.

Commissioner Woofter: Why, well I guess this would be a question to the builder but why this particular area, why in this area have you decided to build such a complex?

ITEM	Commission Action	Department Action
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I-(h) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT  
 DON J. SAYLOR, AIP, DIRECTOR

A. ZONE CHANGE - Z-22-77 - MICHAEL T. LYON, ET AL

Property generally located on the east side of South 28th Street, 320 feet north of East Charleston Boulevard.

From: R-1 (Single Family Residence)  
 To: R-3 (Limited Multiple Residence)  
 Proposed Use: Apartment complex

Planning Commission recommended APPROVAL (4-1 vote) subject to the following conditions:

1. Resolution of Intent be restricted to a twelve (12) month time limit.
2. Approval subject to working out the problem in connection with the Parcel Map and the creation of an illegal parcel. It has been concluded with a representative of the applicant that for expediency, only Phase I (essentially the north half of the project) will be referred to the City Commission for action at this time and as soon as appropriate in connection with the Parcel Map and proper classification of the resulting parcel, the remainder of the project will be referred to the City Commission.
3. Installation of half-street improvements including street lighting and sewer along 28th Street frontage as required by the Department of Public Services.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Conformance to the plot plan to reflect the above conditions.
8. Conformance to code requirements and design standards of all City departments.

PROTESTS: 1

Abeyance pending further information.

Director to Proceed and bring back on the agenda when information is available.

Clerk to notify

Mr. Weber: We feel that when people come to Las Vegas looking for work they start out in a motel, there is a large motel region on Fremont between this project and the downtown area. Living in motels, there is very little sense of home or personal place people tend to start looking after a week for better accommodations and this is in the same vicinity, it is well located to downtown, there is public transport between the site and the downtown. Also the developer is making a conscious attempt to serve a different region than the existing one which is near the University.

Mayor Pro-Tem Lurie: Do the Commissioners have any further questions? Mr. Weber thank you very much, does anyone in the audience like to speak in behalf of this application, either for it or in opposition to it. (No response). Then I will accept a motion from the Commission at this time.

Commissioner Woofter: Mr. Mayor Pro-Tem this is new to all of us and that is probably the question that is going through most of our minds. I think you brought it out I can see this need in the immediate University area or a school area but I still, I don't know whether I need more input or what, maybe a chance to review other areas where this has been used but at this time I can't make any motion to approve such and I make a motion to deny it at this time.

Mayor Pro-Tem Lurie: There has been a motion to deny this based on lack of information presented to the board on this type of a project. So at this time would you cast your votes on the motion. The motion is to deny it. The motion is approved.

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

Mayor Pro-Tem Lurie: I would suggest when you come back with this application again that you present this commission with other information on other projects.

See Page 18 of these minutes - Annotated Agenda

ZONE CHANGE  
Z-23-77  
VITO PILEGGI  
Denied

Mayor Pro-Tem Lurie: Item B, Zone Change Z-23-77.

Mr. Saylor: This is the application Pileggi a change in zoning from R-4 to C-1, the property is located at the Southwest corner of Charleston and 10th shown on the screen (pointing to the screen). The proposed use is a restaurant, part of which would be sit down trade and part of it would be take out trade, however, it would not be a window or take out window service, in other words if you wanted a take out you would have to go in the building. This is a plat plan of the property (pointing to the plan), if the application is approved the person using the property proposes to remove this area to the West and the storage building at this location which will open up this back where you have better circulation in terms of parking.

Commissioner Leavitt: Is there any access on 10th?

Mr. Saylor: There is an existing driveway on 10th and it was proposed to have four parking spaces off from 10th, the remainder of the parking would be into the rear block area from Charleston.

Mayor Pro-Tem Lurie: From Charleston Boulevard?

Mr. Saylor: Right.

Mr. Saylor: As I say they plan to remove all of this and to get more area there they....

Commissioner Leavitt: But there is no way to come in from Charleston and go out 10th street, if they come in from Charleston they turn around and go back out Charleston.

Mr. Saylor: That's right and there is not sufficient room for that type of circulation.

Mayor Pro-Tem Lurie: How many parking spaces are planned besides the four in the front how many are there in the back?

Mr. Saylor: I don't have the exact count on that Commissioner I know that there is sufficient spaces to accomodate the use in terms of the ordinance. I believe there are 6 spaces set up, or mentioned at the planning commission.

Mayor Pro-Tem Lurie: Six for the entire restaurant?

Mr. John Wells: I am Mr. Pilleggi's attorney resrepresenting him in this matter.

Mayor Pro-Tem Lurie: Is this mainly going to be a sit down restaurant and mainly a take out restaurant.

Mr. Wells: Yes you can go ahead and park your car and pickup an order and take it with you but it is not a drive in window or anything like that, it is not a Jack-In-The-Box in other words.

Mayor Pro-Tem Lurie: Do the commissioners have any questions of Mr. Saylor's comments?

Commissioner Leavitt: What are the requirements for parking in this kind of situation, I am very concerned about the parking and the traffic off of Charleston because there is no parking on Charleston and I am very familiar with the building. I know they used it as a photograph studio and right now there is just that little bit of parking on 10th street, what are the requirements for parking with a restaurant like this?

Mr. Saylor: I don't know the exact formula it is predicated upon the number of the seating capacity, however, they have indicated the four off of 10th and two here which is a carport or garage, however, they are going to remove this (pointing to the map) and remove that and what I can't tell you at this point and time commissioners is how many additional spaces we would get in there. I would guess that we would probably end up with a total of 8, and possibly a little more but enough to satisfy the ordinance requirements, sometimes we can do that without satisfying the actual demand.

Commissioner Leavitt: I looked at that building one time for a possible law office and I didn't think there was enough parking for that, and that is what worries me, you are talking about a restaurant now.

Mr. Wells: I would like to refer Mr. Leavitt to City Ordinance 11-1-19 I believe, this sets out one parking space for every four people in the restaurant situation and the way it stands now there are six on the property with two more when the structures are removed which would give a total of 8. It is basically going to be a take out situation it is not going to be a very gourmet situation, it is going to be a take out situation where you wouldn't have cars parked there for people going into eat for an hour or two hours or whatever.

Mayor Pro-Tem Lurie: You are not going to have any beer or wine then to be served in that restaurant either.

Mr. Wells: There is nothing planned at this time.

Mayor Pro-Tem Lurie: Well you would have to increase the seating capacity in order to have that and in order to increase the seating capacity you would have to increase the parking. You are limited in what you can do with that particular corner house.

Commissioner Woofter: Well I can see good and bad you say probably the accommodations for the sit down crowd would certainly be more than sufficient but I am concerned that if it is a take out situation in that congested street I can see everybody hitting it at the noon hour well you are going to have cars upon cars waiting to get their take out order. That is just the other side of the coin I can see problems there at certain hours. I imagine for a take out service that probably would be the majority of the business, the luncheon crowd.

Mr. Wells: Well right across the street on 10th there is a large shopping center and there is a donut and sandwich shop right there.

Commissioner Leavitt: Yes but they have a shopping center where you have access here in two or three different ways, you come in on 10th street and you come in on Charleston.

Mr. Wells: When the section on the West side of the building is removed there is an ability to go around the building, you don't have to back out after you go in once the renovations are made.

Commissioner Leavitt: Yes but you can't go in Charleston and go out on 10th can you?

Mr. Wells: Well you either go in at 10th out at Charleston or in at Charleston and out at 10th, you would have to set up which way the traffic flow would go, once that section is removed ....

Commissioner Christensen: Well you would have to tear down part of the house then.

Mr. Wells: Yes, they are planning to remove the structure from the rear on the South and also on the West, also there is a storage area right there, that is going to be removed.

Commissioner Leavitt: That's a bedroom there on the corner.

Mr. Saylor: Well they are removing the storage area there but what I am getting at is there is only 6 feet here (pointing to the map) so I don't know how you could have circulation.

Mr. Wells: Well you would have to have one way traffic.

Mr. Saylor: A six foot wide drive way with a building and a wall, that wouldn't accommodate that.

Commissioner Leavitt: How much distance is there from the intersection of 10th and Charleston to where that driveway will be?

Mayor Pro-Tem Lurie: It is not that deep.

Commissioner Leavitt: That is a very congested corner actually it is a 3 point corner.

Mr. Vito Pileggi: We were considering removing that section....

Commissioner Christensen: It is almost one more than that too Commissioner because you have 11th street that comes on right there.

within a few feet of 10th as well as having Charleston and 9th and 10th all hitting there.

Commissioner Leavitt: It is almost a 5 point.

Commissioner Christensen: Yes it is almost a 5 point because you have got, you see 10th hits Charleston halfway between 9th and 10th to the North.

Commissioner Leavitt: 9th Street is less than half a block.

Commissioner Christensen: There again I am very familiar with that area because I used to live right at the 700 block on South 9th and I walked that intersection going to school every day.

Mayor Pro-Tem Lurie: You are not going to have the access on 10th street so if you pull in off of Charleston then you have to have room to turn around and go back out on Charleston, there would be a major traffic problem there.

Commissioner Leavitt: How many feet were there Don?

Mr. Saylor: About 75.

Commissioner Leavitt: How many cars would that accomodate on the street?

Mr. Saylor: A little over 22 foot of car so you have about 3 or 4.

Commissioner Christensen: Well there is more than that backed up to that light all the time.

Mayor Pro-Tem Lurie: I have another question, I think that we all are going to be addressing this problem again very shortly and that is the widening of Charleston between Main Street and Eastern now how much of that property is going to be acquired?

Mr. Pileggi: 10 feet has already been dedicated.

Mayor Pro-Tem Lurie: So you are going to lose an additional 10 feet.

Mr. Pileggi: It won't effect any of the parking.

Mayor Pro-Tem Lurie: It will effect the turning radius though, with the cars turning in and getting back out onto that street because you don't have an extra lane in there.

Mr. Pileggi: Well I don't see how (walking over and pointing to the map) this section here is going to be removed, there is an add on here that is going to be removed, what is dedicated will not affect this area at all.

Mr. Wells: Where the sidewalk is, the grass area.

Mr. Pileggi: We also plan on removing more here (pointing to the map) to make an exit out on 10th street. We have no use for this area anyway, this area here is of no use at all, so you will have all this open and all this open and all this open the main building will be right in this area here. The 10 feet has already been dedicated it will not affect any parking at all.

Mayor Pro-Tem Lurie: I am not concerned with the parking on Charleston I am concerned about the ingress and egress of the cars coming off of Charleston into the back parking lot, that's what concerns me at the present time and then the next thing that concerns me is the cars coming through and coming out on 10th Street, and those are I think just some important points we have to look at, how to get people in and out of there safely.

Mr. Wells: Sir Mr. Pileggi did run Ball Studios at that location and part of that time ran a school with students coming in and going out constantly at that location with no problems because it wasn't zoned commercial at that time, it was a variance.

Mayor Pro-Tem Lurie: But a studio is different than a restaurant because you have appointments, you have intervals there where you don't have anybody, then you have intervals where you take appointments, the restaurant has busy period, peak times.

Mr. Pileggi: During the time we had the school there it was peak time all the time we were having kids registering there all day long and they were coming and going.

Commissioner Christensen: Yes but they weren't coming in from Charleston.

Mr. Pileggi: They came in from all directions.

Commissioner Leavitt: Yes but they weren't parking, they were coming in from 10th street and parking weren't they.

Mr. Pileggi: Oh well I didn't have that facility at that time I was accomodating this type of traffic with existing facilities but I plan on improving the existing facilities.

Commissioner Leavitt: Yes but once you open that up for parking to come in from Charleston you are only going to have three cars that is all that can back up at that light. I have to go that way every time I go home and I haven't been there where I haven't seen at that intersection four or five cars at least stopped at that light going Eastbound on Charleston. That is a very heavy traveled street and as Commissioner Christensen pointed out it is almost 5 points there coming in there. Traffic all congests right in that area.

Mr. Pileggi: Three points actually.

Commissioner Leavitt: Well I know but 9th street comes in and 11th street comes in about a block away, I mean it is all right there, in fact the light is so timed so that somebody coming, going North on 10th Street to get onto Charleston the light is different. They let that traffic go through first and hold the traffic coming down Gast until the people make their left hand turns.

Commissioner Christensen: About four blocks West of there we have an island in the middle of the street to prevent that traffic from 6th Street coming onto Charleston because it can't handle it, because it is to close to the intersection of Las Vegas Boulevard South, and you have an intersection coming either side of us and it is exactly the same situation, there isn't enough space to stop the cars between one street and the other on that street because they are less than a block apart.

Mr. Pileggi: I remember when that intersection was put in on 6th Street and that was to prevent traffic down 6th Street to alternate the traffic from Las Vegas Boulevard. They wanted to avoid that traffic because ....

Commissioner Christensen: Right, because there wasn't enough space for people to back up on 5th Street to hold it to make the turn on to Charleston because of the traffic coming down there. We are talking about the same thing, I can't see where there is enough space to ever get any cars onto that lot off Charleston Boulevard, because if they have to back up the traffic, you will have that traffic backed up into the next intersection.

Mayor Pro-Tem Lurie: Anybody that would leave, they would have to, based on that plan there if you didn't have access on to 10th Street, you would have to make a right hand turn no way could they make a left hand turn to go West.

Commissioner Christensen: Has our Traffic Department looked at this, do we have any recommendation from our Traffic Department on this?

Mr. Saylor: All applications are referred to Public Services.

Commissioner Christensen: Well are we afraid of something that doesn't exist or is our Traffic Department asleep for not seeing anything here. One of us has got to be wrong, either they are not looking close or we have a lot of fears that they don't have and I would like to know which.

Mr. Saylor: The submission is not very descriptive it just says resubmitting parking plans to the Traffic Engineering Department.

Commissioner Christensen: Well I move we hold it until we get a recommendation from the parking, from the traffic people and until we get a more accurate plot plan that shows how much of the building is going to be removed from where and so forth.

Mayor Pro-Tem Lurie: We do have a petition here protesting if there is anyone in the audience that is here to protest the application I think we should give them an opportunity to be heard before you make a motion to hold.

Commissioner Christensen: Well yes but I already made it.

Mayor Pro-Tem Lurie: Well then we will have to vote on the motion to hold. Will you cast your votes on the motion to hold. The motion failed.

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

Mayor Pro-Tem Lurie: We will now hear from the protestants.

Mr. Wells: May I speak in favor of the application.

Mayor Pro-Tem Lurie: You can come back and have some comments after I hear from the protestants.

Mrs. Mary Hibbs: My name is Mary Hibbs I live at 555 Canosa Avenue, I own property at or near the proposed site. I have given you all a little plot map of the area along with a copy of a petition from the people who are concerned on Park Paseo, where I own property. I have signatures, excluding myself of 5 owners of property there, I am the youngest and I am 60 and that is why I am here. I bought this property for retirement property I don't have a very fancy map to put up there but I did do this for you, this is the property in question (showing the Commissioners a self made map) marked with a big "X". This is my property where I have it marked in red it says "Hibbs". This is Huntridge Number 1 lot the property in question, and this is Huntridge Number 2 lot the property in question and etc., on down to Franklin where at the end you know is a school. My lot extends 19 feet on to property lot #2 in Huntridge and ....

Mayor Pro-Tem Lurie: Mary we have the maps please just specify the main objection, I don't want to go through the who entire Huntridge area.

Mrs. Hibbs: I just wanted to tell you why I object. I object mainly to the traffic, backing out on 10th Street I can just see somebody coming around Charleston and someone backing out on 10th Street.

Mayor Pro-Tem Lurie: You represent actually all of these people and their main objection is the traffic onto 10th.

Mrs. Hibbs: Also I object to the garbage, I object to the smell, I don't think we need any more junky places in that area.

Mayor Pro-Tem Lurie: O.K. we have the petition and you are on record now, the petition is part of the record and we appreciate you taking the time to come up here and voice your opinion.

Mrs. Hibbs: Thank you.

Mr. Wells: Commissioners when this matter came before your Planning Commission the vote was two in favor and two against and one abstaining. Thirty eight property owners were notified in the general area of 10th and Charleston concerning the application for rezoning. At the Planning Commissioner Mrs. Hibbs came and objected, I checked with the Planning Department they had received some phone calls concerning the parking matter whether there were sufficient spaces and did it conform to the City Ordinance and when they were sure it did no objections were raised at that issue. From 10th Street East on Charleston to Boulder Highway, Fremont Intersection it is heavily commercialized on both sides of the street and a block North and a block South of Charleston you have residential areas just like you have right here on this 10th Street to 8th Street section of Charleston. In the immediate vicinity of this particular piece of property directly across the street on one side of Charleston you have a Discount House Plant Store, Stardust Beauty Supply and Wig Shop an Acupuncture Clinic and Frontier Savings. Directly to the East right across 10th Street you have the parking lot and a shopping center the first item there being a donut shop and a sandwich shop and you go on to a tamale shop an electronics store a health food store a liquor store it is all commercial. Immediate to the West on the same block you have Vegas Cosmetic Surgery Clinic, a realtors office and an insurance office and of course South of this you have residential property. In addressing myself first to the objection raised by Mrs. Hibbs, she objects to the traffic on 10th Street, her house is located where 9th Street and Park Paseo meet one block West, it is not on 10th Street. None of the people according to her map who have signed the petition even reside on 10th Street, the property owner immediately due South has not objected, the property owner across the street on 10th Street has not objected, the property owner immediately to the West on Charleston has not objected and no one has objected across the Street, so the people who are objecting are removed from the general area of this restaurant. I checked the City plat maps and discovered that at no point is Mrs. Hibbs property contiguous in any way to the Pileggi property here. The closest point between the block wall on the South Side of this property (pointing to the map) and Mrs. Hibbs property is 46 feet, there is a 46 foot piece of property owned by a third party intervening between them. With respect to the objection to garbage I would suggest that there probably would be more problems with garbage from a private residence because the Health Department requires a six day pick up every week every day for six days of the week, the trash would have to be picked up. Also they are required to put that trash in plastic containers to avoid smell, to avoid the attraction of any flies or anything else and the Health Department of course inspects us on a regular basis. I object to any kind of characterization junky places in that area because what Mr. Pileggi has planned is certainly not junky and he has been in the past in business at that location. If one property owner or a number of property owners were removed from the general area of Charleston could stop any commercial or any other development other than residential on Charleston then we wouldn't have any business on Charleston. The commercial development

picks up again on Las Vegas Boulevard and goes all the way into West Charleston to the railroad underpass, there for example is David's Place which is a restaurant which was granted zoning on West Charleston which backs up onto a subdivision, certainly not an area where there are cheap homes or in anyway at all, yet David's Place was put in there. We have a restaurant on Sahara just East of Paradise, the Morning After Restaurant where I have parked myself to eat and it is right on the corner of Sahara and right across the street are residential properties and right behind it there is residential property and that was licensed to do business. Mr. Pileggi owns this and it is physically impossible for him to live there as a resident because of the noise of the traffic and because we have commercial development across the street and also to the East in that large shopping center which goes all the way down to Maryland Parkway. I feel that if he complies with the ordinance with the city ordinance relating to the requirement number of parking spaces and he has six now and that would under the ordinance entitle him to serve 24 sit down people, have 24 people in the restaurant, if he complies with that and the Highway Department has no objection I would suggest that the Commission would be in order in approving the change of zoning for that particular piece of property.

Mayor Pro-Tem Lurie: Thank you, is there any comments?

Commissioner Christensen: If our parking ordinance for a restaurant for that size requires six parking places and you add to that a take out food I think just maybe we should look at that parking ordinance. As far as the junky buildings I don't hold to that either and as far as the property owners not being contiguous protesting and so forth, I have to point out something that has been pointed out to me many times here. You listen to the public's opposition and the reason for it but this isn't a vote, it isn't something that we take a show of hands and find out how many are for and how many are against to deny zoning. The question I think we have before us is are we creating a traffic hazard here and if we are creating a traffic hazard is it proper, is it created by the use of the property or is it there naturally, does it add to it, is it safe, is it beneficial to the health and welfare of the community. To me this property, I have watched them build this house originally and the house was at one time on a bigger lot than it is and the lot shrunk and the house grew to where it is almost to big for the lot and there isn't to much space on Charleston, the traffic is backed up there. I spent alot of time on 9th Street watching this, I then moved to 7th and Charleston and watched that area grow. All of the places that you have named that have restaurants on Charleston, David's Place, I think you will find that that is set back from the street a considerable distance, that you drive in park behind drive back out. I haven't been there since it blew up because I don't think it has been open, but prior to that time you could stack four or five cars in that driveway waiting to get onto Charleston, so there wasn't a traffic hazard. The Morning After Restaurant, I believe that was already zoned commercially in which we have no jurisdiction over whether a restaurant would move in there or not but I was much happier to see a restaurant in there than a massage parlor which was there before. I would make a motion at this time to deny this zoning.

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Mr. Wells: Could I make one comment?

Mayor Pro-Tem Lurie: One comment then we are going to act on the motion.

Mr. Wells: If this zoning application is denied then we have a case with a citizen with a piece of property which unfortunately for him is in a location where maybe there is to much traffic. He really can't use it as a residence and I am sure he doesn't want to put a massage parlor in....

Commissioner Christensen: Now who said he can't use it as a residence, change that around so that he desires not to use it as a residence.

Mr. Wells: Well ah....

Commissioner Christensen: There is nothing that says he can't live there.

Mr. Wells: No but I think the decibel level from the commercial shopping center across the street, from the traffic on Charleston and the overall business activity in that area, there is no structure on Charleston I would say from that point all the way to the Boulder Highway that is being used as a residence.

Mayor Pro-Tem Lurie: But you take all the homes along Charleston there on the South side between 10th Street and 8th Street, it is all PR too, it is not commercial and business ceases at 5 or 6:00 in the evening.

Mr. Wells: But that is also in the traffic, at the same time it would decrease after the rush hour.

Mayor Pro-Tem Lurie: That's right and we turned down a residence on the corner of 6th and Charleston because of the same reason. Now we have a motion and since we are going to break at noon we are going to act on the motion now, so if you would cast your votes on the motion. Motion to deny has been approved.

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

ZONE CHANGE  
Z-25-77, SUN  
FINANCIAL COMPANY  
Approved Subject  
to Conditions

Mayor Pro-Tem Lurie: Right now I would like to make a couple of announcements. We invite you to join us at the noon luncheon break today for a concert in the City Plaza. Featured today is the Uptown Blues Band playing New Orleans and Chicago Jazz, that is going to take place at noon, we are going to break now until 1:30 P.M. this afternoon when we will come back then for the Show Cause Hearing in the Circus Maximus. I would like at this time like to recognize Mike Sloan our new elected City Attorney we recognize him there and congratulations Mike. (Applause). Well there is one item here before we break, is there anyone in the audience to protest the application of the Sun Financial Company, if there is no one in the audience then we will act on that item.

Commissioner Leavitt: Move for approval.

Mayor Pro-Tem Lurie: Commissioner Leavitt made a motion to approve would you cast your votes on the motion. The motion is approved.

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

FEDERALLY FUNDED  
ITEM (1) MUNICIPAL  
SVCS, FACILITIES  
SUPPORT CUSTODIAN  
Approved.

Commissioner Christensen: Mr. Mayor Pro-Tem?

Mayor Pro-Tem Lurie: Commissioner Christensen?  
See Page 4 of these minutes - Annotated Agenda

Commissioner Christensen: Page 4, Item A that I asked to be held I talked to those people and found out when the coffee breaks are and the coffee breaks are staggered and that is why there is so many there all the time, it is perfectly normal so I would move that we reconsider that and move for approval of that item.

Mayor Pro-Tem Lurie: There has been a motion to reconsider Item A(1) Page 4 of the agenda and replace the vacancy. Will you cast your votes. The motion is approved.

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

Mr. James Weber: I have a request, would it be possible on our presentation we spent six weeks providing the planning staff information regarding existing projects for zone change Z-22-77. Would it be possible to get a continuance so that we can make further presentation without paying the four months penalty.

Mayor Pro-Tem Lurie: Talk with Mr. Saylor and then we will discuss it after our lunch break, we will be recessed until 1:30 P.M.

(Commission Meeting recessed at 12:00 Noon)

(Commission Meeting was called to order at 1:30 P.M.)

Mayor Pro-Tem Lurie: We were scheduled to have a public hearing at 1:30, however due to the length of the agenda we have we are going to proceed with the agenda and then when that is completed we will go into the public hearing. The first item I would like to bring up before we get into the next item is reconsidering our denial on the zone change Z-22-77. The applicant has requested that we reconsider our action from this morning and refer this back to planning so that they can gather additional information to the Mayor and the Commissioners so that we might reconsider their denial request. I will make a motion at this time to rescind the motion previously made on this item and make a motion to refer it back to staff.

Commissioner Leavitt: Is it going to be put on the agenda again and when?

Mayor Pro-Tem Lurie: When Don feels that proper information has been made and then he can present it to us. 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.

Mayor Pro-Tem Lurie: O.K. you people from Michael T. Lyon, you get with Mr. Saylor and get the necessary information.

Commissioner Christensen: I think you have to have a motion to hold it.

Mayor Pro-Tem Lurie: Well then we will have a motion to hold this item in abeyance, I'll make that motion at this time. Cast your votes. Motion to hold the item in abeyance is approved.

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

Mayor Pro-Tem Lurie: The next item on the agenda is Item C Zone Change Z-24-77 Louis and Manuel Walter.

Mr. Saylor: This is in connection with the Holiday Inn Hotel and they have experienced such success that they are already proposing to expand, from this line over here (pointing to the map), from this line over here has already been approved and is under construction they are proposing to about double the casino area.

as shown here and it is changed from industrial to C-2, the Planning Commissioner recommends approval.

Commissioner Christensen: Is that the Cashman building where County Automotive was?

Mr. Saylor: That is the or would be the Clark County Garage property which was the Cashman property right.

Commissioner Leavitt: Is there any plans to, at one time there was some plans to make an underpass on Stewart.

Mr. Saylor: O.K. the situation on that Commissioner is that at the time the hotel plans were first approved the edge of the hotel property was the South line of Stewart maybe you can see it here (pointing to the map), this blue line is where they were previously approved. At that time the discussion was on Ogden being extended across and since that time more recently like last month or so there has been some talk about Stewart, however, that let's say possibility was practically eliminated when we originally approved the hotel to the South line of Stewart, in other words....

Commissioner Leavitt: There will be no question about eliminating it if we approve this.

Mr. Saylor: That's right.

Commissioner Leavitt: As far as the underpass at Stewart in other words the underpass would have to be at Ogden or some other street.

Mayor Pro-Tem Lurie: They could go underneath the casino.

Commissioner Leavitt: Well of course we are all aware they are talking about that sports complex being put on the other side of the railroad tracks there but at that time I think the proposal was that there would be an underpass at Ogden that the Union Plaza would donate the property for the ride a way, that was my understanding.

Mr. Saylor: Right, that is why we allowed it to go ahead.

Commissioner Leavitt: Well we don't have anything in writing either as far as that is concerned.

Mr. Saylor: That is right, there is no plan adopted or any official action, plus the fact that the hotel has already got permission to construct up to what would be the South line of Stewart so....

Commissioner Leavitt: Allright now if for some reason Ogden would fall through then the only other place would be South of Fremont somewhere.

Commissioner Christensen: Well you could build an overpass Myron?

Commissioner Leavitt: Well that is possible, you can't build one at Stewart though that is for sure it would have to be at Ogden.

Mayor Pro-Tem Lurie: The street they were talking about putting through and we were discussing this in Regional Streets and Highways is Ogden Street to be connected with the other side for the Sports complex.

Commissioner Leavitt: The idea of Stewart then has been rejected by the Regional Planning, they are looking at Ogden?

Mayor Pro-Tem Lurie: That's right.

Commissioner Leavitt: O.K.

ITEM	Commission Action	Department Action
<p>I-(h) DEPARTMENT OF COMMUNITY PLANNING &amp; DEVELOPMENT CONTINUED</p>		
<p>B. <u>ZONE CHANGE - Z-23-77 - VITO PILEGGI</u></p> <p>Property located at 1100 South 10th Street, on the southwest corner of East Charleston Boulevard and South 10th Street. From: R-4 (Apartment Residence) To: C-1 (Limited Commercial) Proposed Use: Restaurant</p> <p>Planning Commission recommends DENIAL based on a denial motion which failed to carry which meant that the application was still before the Planning Commission and a motion for approval which failed to carry which resulted in the application being DENIED.</p> <p>PROTESTS: 2</p>	<p>Denied Christensen - unanimous</p>	<p>Director to Proceed  Clerk to notify</p>
<p>C. <u>ZONE CHANGE - Z-24-77 - LOUIS &amp; MANUEL WALTER</u></p> <p>Property generally located on the west side of North Main Street between Stewart Avenue and Ogden Street. From: "M" - (Industrial) and C-2 - (General Commercial) To: C-2 - (General Commercial) Proposed Use: Holiday Inn Hotel and Casino</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Landscaping to be provided under Z-24-77 as proposed under Z-57-76 and to be included in the landscaping plan to be submitted to the Department of Community Planning and Development.</li> <li>2. Meet the requirements of the Public Services Department in regard to sidewalks, driveways and parking.</li> <li>3. Conformance to the plot plan to reflect the above conditions.</li> <li>4. Conformance to code requirements and design standards of all City departments.</li> </ol> <p>PROTESTS: 0</p>	<p>Approved subject to conditions Christensen - Unanimous</p>	<p>Director to Proceed  Clerk to Notify</p>
<p>D. <u>ZONE CHANGE - Z-25-77 - SUN FINANCIAL COMPANY</u></p> <p>Property generally located on the southeast corner of Lake Mead Boulevard and Simmons Street. From: R-4 (Apartment Residence) To: C-2 (General Commercial) Proposed Use: Circle "K" food store, other retail or office facilities &amp; gasoline pumping facilities.</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p>	<p>Approved subject to conditions Leavitt - Unanimous</p>	<p>Director to Proceed  Clerk to Notify</p>

Mayor Pro-Tem Lurie: Is there anyone in the audience protesting this application? (No response). There has been a motion by Commissioner Christensen for approval, please cast your votes. The motion is approved.

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

See Page 19 of these minutes - Annotated Agenda

ZONE CHANGE  
Z-26-77, ANYTHONY  
BAKER, ET AL  
Referred Back to  
Planning Commission

Mayor Pro-Tem Lurie: Item D, is a Zone Change Z-26-77, Anthony Baker.

Mr. Saylor: This is a request for a change in zoning on the West Side of Maryland Parkway between Lewis and Clark. It is in the middle of the block, you can see on the screen (pointing to the screen on the wall) the small parcel outlined in black, it is immediately across the street from the paint store which if you will remember, that zoning came about at the time the 12th 13th Street or Maryland Parkway and 13th Street cuplet was put into being. That was a vacant piece of land. All of the rest of the property along Maryland Parkway in that area is zoned out for and has been zoned out R-4 for a good number of years and is developed essentially with apartment houses. This simply reflects that which I have already described to you I think it is quit obvious that it would constitute spot zoning. At the hearing before the Planning Commission we had one protest, however, there were several submittals in favor of the application which I think would depict somewhat that which staff is apprehensive about that is if you allow this one it's obviously got to start a pattern which ultimately would conclude in the complete commercializing of Maryland Parkway between Charleston and Fremont. The Planning Commission has recommended denial.

Edie Murdoch: I am one of the owners of the Maryland Parkway property I would first of all like to thank the board for the opportunity to present our item. Two of the owners are architects, we were originally planning on architectural offices on the upper floor and on the lower something that would go along with it for a commercial shop. We would like the board to seriously consider C-1, Maryland Parkway being a fully improved new throughfare there, Standard Brands right across the street. The people directly behind us that I did talk to had no disapproval for C-1 Zoning. Basically what I would like to say if the Board is hesitant in granting us the C-1 Zoning at this point, we would like to amend our request to PR Zoning, there are several buildings that are being used now for PR on the same side of the street.

Mayor Pro-Tem Lurie: Commissioners have any questions?

Commissioner Leavitt: Don can that be done, can she amend it to PR at this point?

Mr. Saylor: Yes, however, I would recommend that you refer it back to planning.

Commissioner Christensen: Don can you point out the other PR's along that street, the other commercials or whatever.

Mr. Saylor: There are no other PR's, there are some offices however that came about through a provision we have in the ordinance prior to the advent of the PR zoning. I don't know that I could point them out exactly.

Commissioner Christensen: Where is that in relation to the school, it's in the next block further South.

Mr. Saylor: Right.

Mayor Pro-Tem Lurie: Actually what you are requesting then is you want the application to be amended to PR and under the recommendation that we just had that if we do that we are going to have to refer it back to the planning commission.

Edie Murdoch: We would prefer C-1, however if the board is hesitant we would like to amend to PR at this time.

Commissioner Leavitt: If we were to reject the application couldn't she just apply for PR immediately?

Mr. Saylor: Yes, however it would make it alot easier if it was just referred back to the Planning Commission.

Mayor Pro-Tem Lurie: When does the Planning Commission meet again?

Mr. Saylor: Next Thursday.

Commissioner Leavitt: I would like to move that we reject the application for C-1 and that the matter be referred to planning for an amended application for PR.

Mayor Pro-Tem Lurie: Any comments on the motion.(No response). Cast your votes on the motion. The 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: It will be referred back to the Planning Commission, will you have it on the agenda for the 12th?

Mr. Saylor: Yes.

Mayor Pro-Tem Lurie: So you be at the Planning Commission Meeting on May 12th.

Mayor Pro-Tem Lurie: The next item is Item F the zone change of Virginia A. Hart, Z-27-77.

ZONE CHANGE  
Z-27-77, VIRGINIA  
A. HART Withdrawn:  
until Such Time as  
re-dedication of  
alley

Mr. Saylor: This is a request for a change in zoning the property is located at the Northwest corner of 13th and Stewart to allow the development of apartments without the normal off street parking requirements. We have a provision in our ordinance wherein you can allow parking with less than the one and a half to one ratio which you have done in the general downtown vicinity. However, this property and I think you are all acquainted with the location, it is at the Northwest Corner of 13th and Stewart the front part is already zoned commercial. They are asking for a smaller parcel to the rear which would be the North, however, I think the basic question involved here is not so much the appropriateness of the building but the proposal to allow the parking units with less than the normal parking requirements. There was an alley between these two parcels which was vacated, it is my understanding that there was an agreement between the two property owners to try to have the city let's say reaccept the alley. Without that this whole row of parking will not work (pointing to the map) because there is no way to get to it, however at this point in time the only thing we really have is the proposed 18 parking spaces and there is some 66 units. The Planning Commission

felt that as staff did also that this is, it would be to far removed from the downtown area to anticipate much of a walk-in type of trade, therefore, we felt that the parking demand would be essentially that of a regular apartment house or complex.

Commissioner Leavitt: Would you give me those figures again?

Mr. Saylor: 66 units.

Commissioner Leavitt: How many parking spaces?

Mr. Saylor: Well there is 18 on this lot, there is 15 more over here Commissioner but at this point in time there is no way to get to it. Now they have indicated that they are going to approach the City to see if they will reassess this as an alley and if so then these could be counted, but even with those that is only one half a parking space for each unit. We feel that even if they had that additional 15 it wouldn't be adequate.

Mayor Pro-Tem Lurie: So what you are saying is that with the amount of units that they have that they should have 99 parking spaces?

Mr. Saylor: Right.

Mayor Pro-Tem Lurie: Is the applicant here.

Mr. Steve Small: My name is Steve Small of Kaufmann Construction 2765 South Highland, I am representing the rezoning of this parcel. Right now the 2/3 of this property is zoned commercial at the present time and just the North lot is for rezoning. The developer Kaufmann Construction wishes to have the North piece rezoned at this time for commercial to keep contiguous zoning within the same pieces of property. If this is referred back to planning we would re-design and go to 3/4 to one parking, which would be 44 units with 33 parking. We toured as of the last Planning Commission Meeting the 11th Street Apartments, I think they are called the Crown or the Stewart Avenue Apartments. We toured them at 9:00 just after the Planning Commission Meeting and there was 5 open parking spaces and they have half to one parking just two blocks away and they had a no-vacancy sign up. So we felt that with 5 open parking spaces at 9:00 O'clock at night. You see the problem with the downtown area in an efficiency unit, is that you will get the split shift workers for those units and therefore, we felt that at this time even two blocks away with the bus traffic on a major East West Interceptor with Stewart and on Maryland Parkway that any of these workers would have public transportation. Also that an 8 block walk is not to adverse for this specific use under C-2 Zoning. Although in reviewing back with Plans, they had felt that they would be acceptable in talking with Don Saylor to a one to one, that we still felt that, that would still be a little strong for the area and the amount of parking actually necessary requirement. We came back to 3/4 to one and we would move that you would refer this back to planning for their approval.

Commissioner Christensen: Is that taking into consideration the space that you have to get the alley dedication to utilize?

Mr. Small: We have talked to the planning staff and also members of the ride-a-way section and they had felt that since it is a fully improved alley at this time, it was vacated for the purpose of putting in commercial shops and to back the shops to the center line of the alley. One half of that is covered by a 12½ KVA Line and the other half is a sewer line that has been used on the Northerly properties which is public housing. Also it is used by garbage collection at this time so the actual use of the alley is still being utilized for an alley.

Commissioner Christensen: What I am getting at is if that is one of the things that has to be done you have kind of got the cart before the horse because if you can't utilize that property then there is no point in us zoning that based on the utilization of that property until such time as the alley is re-dedicated if it was vacated.

Mr. Small: O.K. an agreement has been reached with the adjacent owner to the West and that was Mr. Dick Tam of the agreement for funds to be released to him for the re-dedication was approved just before the Planning Commission meeting.

Commissioner Christensen: Yes but you see the agreement has to be right here, this board has to accept the alley and re-dedicate it for an alley and until such time as this board does that you can't very well go through rezoning based on the fact that that is going to be a dedicated alley.

Mr. Small: There has been an agreement reached and a copy of it has been turned into the planning staff as of the last Planning Commission meeting, do you have a copy of that?

Commissioner Christensen: No, it is not on our agenda to consider an alley is it, wouldn't that have been in the Public Works section?

Mayor Pro-Tem Lurie: Who maintains that alley now, do we maintain it?

Mr. Hampton: No.

Mayor Pro-Tem Lurie: Who maintains it?

Mr. Hampton: That is private property.

Mayor Pro-Tem Lurie: And what they want to do is give that alley back to us for us to maintain?

Mr. Hampton: That is what the proposal is yes.

Mayor Pro-Tem Lurie: You will never have my support on that I can tell you that right now and Richard Tam is involved with this?

Mr. Small: Yes he is on the West of the site.

Commissioner Christensen: I don't even know the alley that well, is there something that we have got here to look at the alley?

Mr. Small: You see the problem with this alley is that it abuts to a piece of property which would be public owned. According to the freeway design maps it leaves about 100 foot piece of property Northerly of this piece of property which would not be utilized, therefore, it still has the sewers, the power and I think a gas line in that space under a public utility easement. The original subdivision developed all of that alley under the Public Works....

Commissioner Christensen: You see the point I am trying to make is that to get into the discussion on the alley is premature without the back-up material and the request on the alley. To get into the discussion of the zoning based on the utilization of the alley which hasn't been discussed yet is really a little out of sequence. I think what we got to do is if somebody wants to come in here and get the City to take that alley why that is one thing I may be for it and I may be against it, I don't know I haven't seen all the back-up and everything on it. But if the or your project or part of your project there is based on the utilization of that alley then I think you have got to make sure that you get the utilization of that alley before you come with an apartment project based on the utilization of that alley.

Mr. Small: Well in light of the fact that the alley has not come before this board although the agreement has been reached and the ride-of-way section has been touched based with for the re-dedication and they have stated that if it was acceptable to the board that they would accept the ride-of-way dedication back and that was the ride-of-way sections feelings.

Commissioner Christensen: You still have it backwards.

Mr. Small: Can this be held and referred back.

Mayor Pro-Tem Lurie: Well you are coming in and actually asking for us to change the zone, now you are coming in and you want to change so that it is contiguous with the other zoning on the property to the North, well now you are asking for a different application you are asking for about three different things here and I think we had been just act on this application and if you want to apply for the vacation of the alley or come in with another application another zone change on this piece of ground.

Commissioner Christensen: Let me tell you now, to make it easier on the applicant and I can understand what he is doing I would move that we hold this until such time as we listen to the application on the alley.

Mayor Pro-Tem Lurie: We don't hear it they have got to go to the Planning Commission first.

Commissioner Christensen: That's right and then it comes to us. We have to approve that alley, if the City takes that alley the final approval will come from right here.

Mayor Pro-Tem Lurie: That application on the alley cannot get on for this meeting, the Planning Commission Meeting.

Mr. Saylor: As far as I know nothing has been submitted to us Commissioner.

Commissioner Christensen: Would it be proper to hold this in abeyance until such time as that comes on or until he withdraws it or whatever?

Mayor Pro-Tem Lurie: Well you have to remove it from the agenda until such time as it is ready to come back on.

Commissioner Christensen: That don't make any difference.

Mayor Pro-Tem Lurie: Well otherwise it's going to be reprinted each time, we will withdraw it from the agenda.

Commissioner Christensen: O.K. I will make a motion that this be withdrawn from the agenda until such time as we have heard the alley application.

Mayor Pro-Tem Lurie: You heard the motion is there any further discussion on the motion? (No response). Cast your votes. 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-(h) DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT  
 CONTINUED

Item "D" (Z-25-77) continued . . .

1. Resolution of Intent be restricted to a twelve (12) month time limit.
2. Application be amended to C-1 zoning.
3. Parking layout and driveway openings to meet the requirements of the Traffic Engineer.
4. Landscaping and underground permanent sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Conformance to the plot plan to reflect the above conditions.
8. Conformance to code requirements and design standards of all City departments.

PROTESTS: 0

See Page 18

E. ZONE CHANGE - Z-26-77 - ANTHONY BAKER, ET AL

Property located at 414 South Maryland Parkway between Lewis Avenue and Clark Avenue.

From: R-4 (Apartment Residence)

To: C-1 (Limited Commercial)

Proposed Use: Retail sales and offices

Planning Commission unanimously recommends DENIAL because they felt the proposed commercial zoning would be "spot zoning" in this area and would prompt other requests for commercial zoning which would be out of character with the existing development.

PROTESTS: 1

Referred back to  
 Planning Commission  
 Leavitt - Unanimous

Director to  
 Proceed  
 Clerk to Notify

F. ZONE CHANGE - Z-27-77 - VIRGINIA A. HART

Property generally located on the west side of North 13th Street, between Stewart Avenue and Mesquite Avenue.

From: R-2 (Two-family residence)

To: C-2 (General Commercial)

Proposed Use: Apartment complex.

Withdrawn until  
 such time as  
 re-dedication of  
 alley  
 Christensen -  
 Unanimous

Director to  
 Proceed  
 Clerk to Notify

ZONE CHANGE Z-28-77, VALLEY HOSPITAL Approved Subject to conditions EXCEPT: Condition #1 to be removed. Additional condition that Parcels I, II, III, IV, and VI be limited to one story construction and Parcel V be limited to two story construction

Mayor Pro-Tem Lurie: The next item is Item G a Zone Change Z-28-77, Valley Hospital.

Mr. Saylor: This application involves six parcels of land for which they are proposing P-R Zoning in part to utilize some of the property acquired at the time they got permission to expand the hospital. This is a layout of the existing facility (pointing to the map) together with the parcels in question. Over here is the zoning map of the area showing the hospital property and then the gray on the P-R that they are requesting. This being Pinto, Shadow Lane the new building of the hospital and the construction in this area. As you know they acquired these houses along Kingsbury Lane. Let me first speak to those and then I will speak to parcels number 5 and 6. The idea here is to utilize these as doctors offices and to develop somewhat of a pedestrian mall in what is now the rear yards of those offices. All of the parking and access to these facilities would be from Shadow Lane I don't know if you can see there is a pattern of a path in through here. We have a drawing here which you can get a little better idea of this is looking at it from Shadow looking West. There is now a wall along the cul-de-sac of Kingsbury and then on out to Rose Street and going South on Rose to what was the edge of the hospital property at that time. In connection with parcels 5 and 6 they are asking that that be zoned P-R so they can also utilize those for offices, there proposal is that they would continue this wall along Rose and across Rose so there would be no access to Rose Street whatsoever to this development. All of the access would be in from Shadow, there would be a wall and landscaping along the exposure to the North. Rose Street presently does end at this point there is no proposal to carry it on through and if this were allowed it would be on the basis that the city would vacate Rose Street from this point to this point (pointing to the map). At the meeting there was a protest factor from the two property owners on the West Side of Rose immediately North of what would be parcel 6. Their lots are across the street from the existing parking lot, of the hospital, other than that I think that the applicant Mr. Schwartz who is the Chairman of the Board held a meeting with the property owners in the area and I think it was pretty well indicated that they had no objection to it. At the Planning Commission meeting there was a discussion as to the feasibility of not including this parcel number 6 and at that the Planning Commissions action was predicated on approving these but not the parcel on the West side of Rose. Now Mr. Schwartz is here in case you have any questions.

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

Commissioner Leavitt: Do you plan on, the existing homes that you are asking for P-R, is there any limitations that they will not be two stories.

Mr. Saylor: They aren't two stories.

Commissioner Leavitt: I know that they aren't now.

Mr. Martin Schwartz: We have no plans to expand our existing buildings in any way.

Commissioner Leavitt: If they are granted P-R could they make two story homes there?

Mr. Saylor: Yes but all you have to do if you want to control that is to specify.

Commissioner Leavitt: O.K. and you don't want two stories?

Mr. Schartz: On the existing homes no.

Commissioner Leavitt: I am concerned because there are houses across the street there and two stories I don't know, it seems like there was some protests on that before, about looking over the wall into their back yard and that sort of thing, that is what I was concerned about but if there is no plans for two stories well then I have no objection.

Mr. Milton Schwartz: On the existing homes, oh no.

Commissioner Leavitt: Do you have any plans, any two story plans for buildings where Rose dead ends?

Mr. Schwartz: We have no present plans.

Commissioner Leavitt: But you wouldn't want to be restricted?

Mr. Schwartz: Any restriction is always not sought Commissioner Leavitt.

Commissioner Leavitt: Well you have existing homes there too.

Mr. Schwartz: If I may bring to the Commissioners some of the discussion and the background that took place I think it might the Commissioners may want to hear it. At that time it was suggested to me that before we come to the Planning Commission rather than have argument at the Planning Commission talk to the neighbors, these are the people you are going to deal with so I invited 22 neighbors and we discussed this and had all the plans that you have and as far as I know 22 neighbors showed up. There were no protests at all at that meeting and I was delighted. In fact one of the neighbors brought in a petition for me to sign for land that doesn't even affect us where we would have to pay some expenses on Rose Street but we all signed it, he came loaded for bear at this particular meeting and we did sign it. At the Planning Commission Meeting a comment was made as to the shrubbery, it was to low. The day after the Planning Commission Meeting, at a cost of about \$7,000.00 we planted a whole block of shrubbery which I have pictures of, it is now in existence right now. All along Valeri Street facing the part that Mr. Saylor talked about, and I have pictures of it right now and pictures could talk better than I can, I am not that articulate. (Applicant gave photographs to the City Commissioners). These are all 8 to 11 foot high shrubs and in fact my gardener was a little presumptuous and even, there was also a comment at the Planning Commission that an ambulance once drove down Rose Street, there was a further comment, I want to throw the whole thing on the table that Joe Behar who was a friend of Barbuti who he says he is my friend but he comes to work that way. Well Joe Behar works for us and I guarantee you he is not going to drive down Rose Street again, nobody goes down Rose Street. Now the Ambulance company has been notified that they are never to use any street except Shadow Lane. We don't want to jump any fences, the agreement was that they use Shadow Lane and we want them to use Shadow Lane. The gardener misunderstood me and actually planted a couple of trees and we will remove them if this Commission... the neighbors want to close off that street that is what came out of that meeting we had, I was out of town and he went and planted, can I show you over here (pointing to a map), he not only planted inside our property line but he put some here and closed off the street which we have no right to do. He put two or three of those tall bushes, so you can't possibly get in there. Now I have been there for over six years and no one has ever gone in here we intend to come back to the Planning Commission, I didn't know how to do it properly to ask the City to vacat this, it's a dead end I have never seen anyone use it if you went there it doesn't even look like a street and obviously my gardener didn't even know it was a street because he went all the way down there and closed the street off which I apologize that was not our intent to be presumptuous before we get the street officially closed off or attempt to. But that is the plan, incidentally that night there was no protest. At the Planning Commission there were two gentlemen, Mr. Barbuti and another gentleman, one of the gentleman didn't protest, I said "why didn't you protest that night, why didn't

you tell me so we could reason with each other" and he said "I just came for information I didn't know I was suppose to come here to protest" and I gathered the information and he did object to the shrubbery which I hope is now satisfactory to them by what we have done. I have pictures of not only that side of the street showing the shrubbery, but the other side of the street where the houses are if you might want to look at them.

Mayor Pro-Tem Lurie: I think we are familiar with the area.

Commissioner Leavitt: Where is the wall on Kingsbury is that going to be right next to the sidewalk there.

Mr. Schwartz: No this isn't Kingsbury Commissioner Leavitt.

Commissioner Leavitt: Yes I know but....

Mr. Saylor: On Kingsbury the wall comes along here (pointing to the map) and around here and the cul-de-sac up here, there is no proposed wall here they don't want that all their parking and access will be from Shadow.

Commissioner Leavitt: So that still will be residential looking?

Mr. Saylor: That's right.

Mr. Schwartz: Yes and the front doors are going to be locked any entrance to these homes will be only through these gardens, we are going to close these fences in the back (pointing to the map) and noone will be able to come in through the front except I can bring my car in, I live there. That is the only one those fences are all going to be knocked out, the only entrance will be from Shadow Lane. Anything to the residence will be closed off by shrubbery and a block wall behind the shrubbery.

Mayor Pro-Tem Lurie: Can I ask you one question, you are not planning on living in one of the P-R zoned houses are you.

Mr. Schwartz: No I am building a new house right now.

Mayor Pro-Tem Lurie: You said you were going to live there and we don't allow living quarters in P-R. After today if this goes P-R your going to have to move.

Mr. Schwartz: The house is being built right now sir.

Commissioner Woofter: What are you planning on doing with the swimming pool back there?

Mr. Schwartz: I am going to keep the swimming pool and it is going to be available for our psychiatric patients under supervision for their use for therapy and also for, we also have a sauna and we are going to have the swimming pool available for doctors when they can use them to relax them. We are going into open heart surgery and in connection with that the doctors have to be there right near their patients 24 hours a day for the first 72 hours and they are human beings they need to be on the hospital grounds and they also must be able to relax.

Mayor Pro-Tem Lurie: Is there any further comments the Commission has of Mr. Schwartz. Is there anyone in the audience to protest this application?

Mr. Pat Healy: I own the property at 720 Rose Street which is the corner house which borders Valeri and Rose. I have a letter here from Pete Barbuti who couldn't make it to this meeting and I would like to read it, he asked that it be read.

Mayor Pro-Tem Lurie: Go ahead and read it.

Mr. Healy: (Reading from a letter from Pete Barbuti)  
"Members of the Council: Since my employment in Reno precludes by personal appearance at this meeting, I would like this letter to be read in place of same. At a recent zoning meeting concerning this matter, I did not voice opposition, and I still do not, to those sections of the proposed plan for expansion of Valley Hospital's are complex. I did, and still do, object to that section of their plan which represents further intrusion of their industry into a well established residential neighborhood. This council voted to allow a parking lot in my residential area, against the written wishes of myself and my two neighbors, all of whom must rise each day and look out of our R-1 windows to see a paved surface surrounded by a cinderblock wall, making our homes less enjoyable to ourselves and our families. Now Valley Hospital wishes to further intrude into our lives by building a non-residential complex of buildings immediately to the South of us and again surrounding same with a "decorative" cinderblock wall... and in anticipation of receiving permission for this intrusion, they have closed off a large section of Rose Street and action which was never discussed at the zoning meeting in as much as their request for the re-zoning of the property to the South of us was denied. My deepest personal desire is to allow the R-1 neighborhood, into which I moved, remain exactly that with no further intrusion by industry. I also wish to state that I have no other personal against Valley Hospital or it's owners or lawyers. I consider Valley Hospital to be among the finest in this part of the country and my experience with Mr. Rudiak and Mr. Schwartz would imply that they are both gentlemen of high integrity and I am definitely not against progress. The State of Nevada does, however, have the blessing of containing much unused land suitable for construction of quasi-commercial developments. I do not, therefore, believe that Valley Hospital has a need to come into an old established residential area and if expansion is vital to the very existence of the hospital, let them build elsewhere. As to the suggestion of Mr. Rudiak and Mr. Schwartz that the new buildings they have planned will not be interfering or intrusive to an R-1 area. Both these gentlemen own R-1 property in Las Vegas and I submit this council consider allowing them a zoning variance to construct the buildings in question on their property. Very Truly Yours Pete Barbuti"

Mayor Pro-Tem Lurie: Do you want to leave that letter with the Clerk, we will then have it for the record.

Mr. Healy: As regards to the trees that were put up, the intention I hope wasn't presumptuous but the actions were, they are nice trees and the shrubbery which was in question and which I objected to in the planning meeting has not been changed they are still very puny short shrubbery unless that was changed since I left the house this morning. I would be very interested if this is approved and my own wishes are that it isn't because I would like to maintain a residential neighborhood where we can be comfortable. If it is approved I would be very interested in having a restriction placed upon the number of stories and limit it to one story, I believe that is lots 5 and 6.

Mayor Pro-Tem Lurie: The ones on Kingsbury?

Mr. Healy: No on Valeri.

Mayor Pro-Tem Lurie: Well on six, well actually six on the agenda is excluded.

Mr. Saylor: Well the application which is before you is the recommendation of the Planning Commission, the total application has six included.

Mr. Healy: There was a compromise reached on the Planning Commission.

Mayor Pro-Tem Lurie: Did you agree to that Mr. Schwartz as far as the Planning Commissions recommendations to accept that.

Mr. Schwartz: I would agree to limit number six to one story since we have no intention of going higher than that at any time in number six. Certainly if the Commissioners would like I have a picture of that wall and the shrubs that are on there which you do not have there, those are only the shrubs that have no wall behind them because you haven't approved it yet. Would you like to see that wall. (Handing the photographs to the Commissioners). Those shrubs were younger shrubs but they have already grown in many instances higher than the wall and my gardener assures me that this summer they will all be full, we just went through the winter and they don't grow in the winter time. He assured me that this spring and summer that those will all be higher than the wall and I hope that they won't be puny any more. I do not buy puny shrubs, when I put in those other shrubs do you know what I did? I pulled out our oldest shrubs, I moved from all over the hospital in an attempt to be a good neighbor.

Mayor Pro-Tem Lurie: O.K. what we are going to discuss now is the story for parcel six.

Mr. Schwartz: That will not interfere with us at all limiting us to one story on parcel six, thank you very much.

Mr. Healy: May I ask a question now, parcel six is that the property that is directly, is that the present vacant lot?

Mr. Schwartz: Yes.

Mr. Healy: Does that also include the one story limitation to parcel five I believe which is the Alexander property.

Commissioner Christensen: Point out five and six to us Don show us what they are talking about here.

Mr. Saylor: (Pointing to the map) This is Rose Street and this is parcel six, and parcel five is the old Alexander place.

Commissioner Christensen: What is the one to the West.

Mr. Saylor: Well that indicates that there is a house on this.

Mr. Schwartz: No Mr. Saylor there was a house, it burned down some years ago and there is just a slab, our intention is not even to have one story on parcel six just to have parking there. But on parcel five we are now in negotiations with the Veterans Administration, we have been trying to get the Veterans Administration in here for many years....

Commissioner Christensen: Let me interrupt you a minute, I have got to ask a couple of questions here, you got me really curious now because I have heard these proposals through the years a little while now and I am a little confused. It sticks in my mind that one of the worries that the neighbors had was that anytime you take over a house and get that approved then after awhile the house comes down and a building goes up there and then you are looking at the next house and you get that approved and it comes down and then a building goes up and the question that I asked at the last time this project was reviewed was where is it going to quit, it is going to quit at Tonapah, Rose Street or where and I can see now the neighbors concern as to where it is going to quit because now it has circled around down the South end and is heading on up and is almost to Tonapah in fact. Now you are talking about a Veterans Facility and I can foresee that the next time this comes before us it will be to take a couple of those houses out and put a four story building up for a Veterans Facility and then you got to worry about the windows and how they are facing and everything and Mr. Barbuti complaining again because you have got a thing right up against him. If I recall one of the reasons that some of these houses were purchased is because the owners complained of looking out the front door to a blank wall on a four story building, anyway that was my understanding, now is there anything to make sure that this remains a buffer and doesn't get gobbled up sort of speak by another complex and then you are looking for another buffer.

and then another question I have, is I am having a hard time justifying in my own mind that we put up a block wall to hide something and then we put up something to hide the block wall, are we going to have to put up something to hide the shrubs that are hiding the block wall, where is that going to end and I am not saying this necessarily in opposition to you, this almost goes against the protestor. I have a hard time with these shrubs, to plant a full grown shrub to hide a block wall, what you do is you then have a trimming problem immediately where normally it would take a few years to grow. I planted some Italian Cypress Trees at my house that are extremely tall now and they were only two feet high when I planted them and you are going to have the same thing along this wall. The first thing you know you are going to have the effect of a 20 foot high block wall and if you got that what do you need the block wall there for.

Mayor Pro-Tem Lurie: Also I believe when it was approved it was specified that it had to be a decorative wall and now you are hiding the decorative wall with shrubs and I don't understand all of it either, but we can put certain conditions in this request by making it a single story. That the homes that are to be converted remain single story, parcel six whatever is built there will remain a single story. We just have to decide now if we want parcel five to remain a single story. I am in favor of the Veterans Hospital being put here in Las Vegas if it means going three stories with no windows facing to the West intruding on your privacy then when that time comes and that is brought before us then we can act on that but I personally know that they were trying to get the Veterans Hospital here, if it means at this particular time to rezone it then I am in favor of it because we do need that facility here in Las Vegas.

Mr. Healy: I agree we do need that I am a veteran myself.

Mayor Pro-Tem Lurie: But we want to protect you at the same time.

Commissioner Christensen: I sure would like to see something worked out on these walls though because you know we are building walls all over this town to protect people and if we are going to start covering them all with greenery to protect people from the wall we had better re-think the wall. I just have a hard time seeing the reason for both items.

Mr. Saylor: I believe the wall and the shrubbery were a result of satisfying Mr. Barbuti, he objected to the....

Commissioner Christensen: I understand that Don and I can appreciate that because I am not wild about looking at a blank wall either but by the same token if a person is going to insist upon shrubbery to cover a wall, unless they have got a prison where they are worried about people going over the wall what do you need the wall for if you have got the shrubbery and it is going to have to cover it. In other words a hedge would do the same thing and if you are going to have to water the hedge, why worry about watering a hedge that is going to uproot a wall. There is nothing worse than having full grown bushes planted along a wall, it will lift that wall right out of the ground. Something should be worked out when I said that I am confused I really am, I am not necessarily in favor of a wall or in favor of shrubs but it is difficult for me to see why we have to have both, I think we are getting a little much.

Mayor Pro-Tem Lurie: I think we have discussed this long enough and I am at this time going to entertain a motion, if there is no one else in the audience to speak on this application at this time then I would entertain a motion.

Commissioner Woofter: I make a motion to approve subject to the conditions set forth by the Planning Commission as well as limiting lot 6 to a one story structure and 1, 2, and 3.

Mr. Saylor: So you are including lot 6 in the approval to just be limited to one story?

Commissioner Christensen: Which one is six again Don?

Mr. Saylor: (Pointing to the map) It is this one right here.

Commissioner Christensen: All of that parcel six has got the red line around it and basically there will be nothing over two stories West of Rose Street.

Mr. Saylor: One Story.

Commissioner Christensen: One story, nothing two stories West of Rose Street.

Mayor Pro-Tem Lurie: The motion is to approve the application in parcel 1, 2, 3,4 and 6 will all be one story.

Mr. Healy: I would like to ask a question, I believe parcel five was mentioned previously.

Commissioner Woofter: I didn't include that.

Mayor Pro-Tem Lurie: We didn't include that as being one story because that is the parcel that I believe is being considered at this time for the Veterans Hospital and I believe in order to fit it into that location it would have to be larger than one story. I don't want to commit myself now maybe the other Commissioners want to comment on it.

Mr. Schwartz: May I make a comment, if we conclude with the Veterans Administration, that is only going to be about one and a quarters stories high because it is going to be a two story building and the first story is going to be below ground a half a floor because the Veterans have to have ramps and the second story is going to be above ground, it will never be three or four.

Commissioner Woofter: Then I will amend the motion to include parcel five limiting parcel five to no more than two stories.

Commissioner Christensen: That shouldn't be a problem because you only have one corner of that parcel, well none of it, it is surrounded on all four sides by Valley Hospital property.

Mayor Pro-Tem Lurie: O.K. the motion is to approve the application on parcels 1, 2, 3, 4 and 6 to be one story, parcel 5 no more than two stories high. Cast your votes on the motion. The motion is approved.

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

Mr. Schwartz: May I ask the Commissioners a question, I am not clear on this Rose Street is that a separate application?

Mr. Saylor: Yes.

Mayor Pro-Tem Lurie: Yes that is a separate application.

Mr. Saylor: That is prescribed by State Law, there is no other way to go.

Mayor Pro-Tem Lurie: Mr. Schwartz here is your pictures.

ITEM

Commission Action

Department Action

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

Item "F" (Z-27-77) continued . . .

Planning Commission unanimously recommends DENIAL because it was felt an apartment complex in this area should have the required parking on a ratio of 1½ spaces for each unit. It was felt without the necessary parking, this would not be compatible at this location.

See Page 19

PROTESTS: 0

G. ZONE CHANGE - Z-28-77 - VALLEY HOSPITAL, ET AL

Reclassification of the following property:

- Parcel I: 1823 Pinto Lane
- Parcel II: 1901 Pinto Lane
- Parcel III: 609 Kingsbury Lane
- Parcel IV: 641 Kingsbury Lane
- Parcel V: 731 Rose Street
- Parcel VI: Generally located at the southwest corner of Valerie and Rose Street.

Approved subject to conditions EXCEPT:

Director to Proceed

Condition #1 to be removed.

Clerk to Notify

Additional condition that Parcels I, II, III, IV, and VI be limited to one story construction and Parcel V be limited to two story construction.

Woofter - Unanimous

From: R-1 (Single family residence)  
 To: P-R (Professional Offices & Parking)  
 Proposed Use: Professional offices for physicians.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Application be amended to exclude Parcel VI (property generally located at the southwest corner of Valerie and Rose Street).
2. Resolution of Intent be restricted to a twelve (12) month time limit.
3. With regard to Parcels I, II, III and IV - Install concrete sidewalk and street lighting as required by the Department of Public Services.
4. With regard to Parcel V - Install half-street improvements including street lighting on Rose Street as required by the Department of Public Services.
5. Access to be limited to Shadow Lane only.
6. Meet the requirements of the P-R zoning regulations.
7. Landscaping and permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
8. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.

See Page 21 of these minutes - Annotated Agenda

ZONE CHANGE  
Z-29-77  
LEWIS HOMES OF  
NEVADA Withdrawn  
at Request of  
Applicant.

Mayor Pro-Tem Lurie: The next item is Item H Zone Change Z-29-77 Lewis Homes which has been withdrawn. Item I is a street name change.

Mr. Saylor: Set date for public hearing the same as Item J.

Mayor Pro-Tem Lurie: We can set that date for the 1st of June at 10:00 A.M.

STREET NAME  
CHANGE - ALMOND  
TREE LANE  
Public Hearing  
Set for 10:00  
A.M. June 1, 1977

See Page 21a of these minutes - Annotated Agenda

Mayor Pro-Tem Lurie: Is that all you have?

SET DATE FOR PUB-  
LIC HEARING ON ALL  
APPEAL ITEMS FROM  
THE BOARD OF  
ZONING ADJUST-  
MENT MEETING  
HELD APRIL 28,  
1977. Public  
Hearing Set for  
Items 1, 2 and 3  
10:00 A.M. June  
1, 1977

Mr. Saylor: No I have a request by one of the Commissioners a walk-on on a Zoning Item, it is the application of Beehler for a zoning change from R-1 to P-R on the East side of 15th between Stewart and Ogden (pointing to the map) this is the lot in question. There is P-R Zoning on both sides of it, this is the plot plan of the proposal 15th Street, parking, landscaping and the building. The Planning Commissioner recommended approval of the application there were not protests.

Mayor Pro-Tem Lurie: Well I don't have a copy of that in my back up.

ZONE CHANGE  
Z-33-77 BETTY  
C. BEEHLER  
Approved Subject  
to Conditions

Mr. Saylor: It is on the East Side of 15th between Stewart and Ogden the property on the corner of Stewart and 15th is P-R, the property immediately South of this property is P-R so it is in between two P-R's.

Commissioner Christensen: This is an application by a credit union and it was approved by the Planning Commission and there were no protests.

Commissioner Woofter: Since there were no protests I will make the motion to approve it and follow the recommendations of the Planning Commission.

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

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

TENTATIVE MAP  
KINGSWOOD ESTATES  
UNIT #2 Approved  
Subject to  
Conditions

Mr. Saylor: I have a request by a Commissioner for another walk-on involving a tentative subdivision map in which... second unit of Kingswood Estates which is the Chisolm Home Development in the Northwest part of the City, this is Vegas Drive, Jones, property recently annexed to the City Kingswood Estates Unit #1 is under construction at the present time on Vegas Drive. This is the second unit of the development it is a tentative map. The Planning Commission has recommended approval there is approximately 18 acres involved, 74 lots that is a little over 4 units per acre, it is in conformity with the overall development plan.

Commissioner Leavitt: How big are those lots?

Mr Saylor: Right around 65 by 100, most of them are 65 by 100 there are some that are a little bigger.

Mayor Pro-Tem Lurie: That is a very nice subdivision and the homes are very nice, I move that we accept the recommendations of the Planning Commission. Cast your votes. 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
<p>(h) DEPARTMENT OF COMMUNITY PLANNING &amp; DEVELOPMENT CONTINUED</p>		
<p>Item "G" (Z-28-77) continued . . .</p> <p>9. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.</p> <p>10. Conformance to the plot plan to reflect the above conditions.</p> <p>11. Conformance to code requirements and design standards of all City departments.</p>	<p>See Page 20</p>	
<p>PROTESTS: 2</p>		
<p>4. <u>ZONE CHANGE - Z-29-77 - LEWIS HOMES OF NEVADA</u></p> <p>Property generally located on the north side of Alaska Avenue, between Minnesota Avenue and the southerly extension of Michael Way.        From: R-1 (Single Family Residence)        To: R-3 (Limited Multiple Residence)        Proposed Use: Medium Density Apartments.</p> <p>Planning Commission unanimously recommends DENIAL because it was felt any development other than single family would not be compatible with the surrounding developed R-1 area.</p>	<p>WITHDRAWN AT REQUEST OF APPLICANT        Woofter - Unanimous</p>	<p>Director to Proceed        Clerk to Notify</p>
<p>PROTESTS: Approx. 80 properties.</p>		
<p>5. <u>STREET NAME CHANGE - ALMOND TREE LANE</u></p> <p>Street name change requested by VEGAS VILLAGE SHOPPING CENTER for Gem Street which runs north off East Sahara Avenue and then turns east to Maryland Parkway under the name of San Pedro.</p> <p>Planning Commission unanimously recommends APPROVAL.</p> <p>SET DATE FOR PUBLIC HEARING</p> <p>SET DATE FOR PUBLIC HEARING ON ALL APPEAL ITEMS FROM THE BOARD OF ZONING ADJUSTMENT MEETING HELD APRIL 28, 1977.</p>	<p>Public Hearing set for 10:00 A.M. June 1, 1977</p>	<p>6/1/77 Agenda        Clerk to Proceed</p>
<p>1. V-28-77 - Appeal filed by Andrew Thompkins</p> <p>2. V-32-77 - Appeal filed by Lawrence Arvey</p> <p>3. V-27-77 - Appeal filed by Vaush McDowell &amp; Don N. Roberts</p>	<p>Public Hearings set for Items 1, 2, and 3 for 10:00A.M. June 1, 1977</p>	<p>6/1/77 Agenda        Clerk to Proceed</p>
<p>Page 83        Minutes        Regular Meeting        City Commission        May 4, 1977</p>		

ITEM	Commission Action	Department Action
<p>I-(h) DEPARTMENT OF COMMUNITY PLANNING &amp; DEVELOPMENT CONTINUED</p>		
<p><u>WALK-ON ITEMS:</u></p>		
<p>1. <u>ZONE CHANGE - Z-33-77 - BETTY C. BEEHLER</u></p> <p>Property located at 212 North 15th Street, between Stewart Avenue and North Ogden Avenue.</p> <p>From: R-1 (Single Family Residence)        To: P-R (Professional Office)</p> <p>Planning Commission recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Resolution of Intent be restricted to a twelve (12) month time limit.</li> <li>2. Parking layout to meet the requirements of the Department of Community Planning &amp; Development.</li> <li>3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.</li> <li>4. Submittal of a landscaping plan prior to or at the same time applications is made for a building permit, license or prior to occupancy.</li> <li>5. All mechanical equipment, air conditioners, and trash areas shall be screened from view from the abutting streets.</li> <li>6. Conformance to the plot plan to reflect the above conditions.</li> <li>7. Conformance to code requirements and design standards of all City departments.</li> </ol>	<p>Approved subject to conditions        Woofter - Unanimous</p>	<p>Director to Proceed        Clerk to notify</p>
<p>2. <u>TENTATIVE MAP - KINGSWOOD ESTATES UNIT #2</u></p>	<p>Approved subject to conditions        Lurie - unanimous</p>	<p>Director to Proceed        Clerk to notify</p>

ITEM	Commission Action	Department Action
<p>II. <u>9:00 A.M. -- PUBLIC HEARING</u></p> <p>A. <u>APPEAL FILED BY ERNEST A. BECKER -- V-17-77</u>          to action of the Board of Zoning Adjustment in DENYING his request for a Variance to allow a single family dwelling on a 3,678 sq. ft. lot where 6,500 sq. ft. is required with a 2 ft. setback where 5 ft. is required and a roof overhang to the property line where 2 ft. is required along the north side property line on property generally located on the east side of Bedford Road between Meadows Lane and Mayflower Lane, R-1 zone.</p>	<p>Abeyance          Christensen -          Unanimous</p>	<p>5/18/77 Agenda          Clerk to notify</p>
<p>II. <u>10:00 A.M. -- PUBLIC HEARINGS</u></p> <p>B. <u>APPEAL FILED BY DOUG DASHIELL ON BEHALF OF DAVID WOOD -- V-16-77</u>          to action of the Board of Zoning Adjustment in DENYING his request for a Variance to allow the practice of private psycho-therapeutic counseling on property located at 600 South 9th Street, R-1 Zone.</p> <p>C. <u>APPEAL FILED BY GARY VAUSE ON THE APPLICATION OF FIRST FEDERAL SAVINGS OF NEVADA -- V-22-77</u>          to action of the Board of Zoning Adjustment in DENYING the request for a variance to allow an outside activity area (play area) in the rear yard of a proposed child care facility in a zone where all uses and activities are required to be contained within a completely enclosed building on property generally located on the southwest corner of West Charleston Boulevard and South Rancho Drive in Zoning District C-D (Designed Commercial).</p> <p>D. <u>PETITION OF VACATION - VAC-3-77</u>  <u>GEORGE SMITH - SEA, INC.</u></p> <p>Petition to vacate that portion of Westwood Drive extending north from Edna Street and turning east to Highland Drive, and also the north/south alley running between Edna Street and Westwood Drive.</p> <p>Planning Commission recommended approval subject to the following conditions:</p> <p>1. Recordation of the Vacation to be made concurrently with the recording of the Highland Industrial Park final map.</p>	<p>Appeal denied          BZA Action upheld          Leavitt - Unanimous</p> <p>Appeal approved          subject to conditions          Woofter          Lurie voted "no"</p> <p>Approved subject          to conditions          Lurie - Unanimous</p>	<p>Clerk to          notify</p> <p>Staff to proceed          Clerk to notify</p> <p>Staff to proceed          Clerk to notify</p>



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CITY ATTORNEY

CARL E. LOVELL, JR.

See Page 24 of these minutes - Annotated Agenda

RESOLUTION  
ALLOWING FOR  
ADDITION AND  
CORRECTIONS  
OF SCHEDULES  
PERTAINING TO  
TITLE X, CITY CODE  
Adopted

Mayor Pro-Tem Lurie: The first item is a Resolution allowing for additions and corrections of schedules pertaining to Title X of the City Code. If there is no questions from the Commissioners I would move to adopt the Resolution. (No response). Cast your votes on the motion. The motion is approved.

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

AGREEMENT FOR  
SEWER LINE  
INSTALLATIONS  
U.S. 95 EXPRESSWAY  
FROM TORREY PINES  
WEST AND NORTH TO  
U.S. 95. Approved

Mayor Pro-Tem Lurie: Item B is the Agreement for Sewer Line Installations U.S. 95 Expressway from Torrey Pines West and North to U.S. 95. Is all in order?

Mr. Koch: I assume so.

Mayor Pro-Tem Lurie: I am sure it is, Mr. Adams you have any questions on that item?

Mr. Adams: No.

Mayor Pro-Tem Lurie: If all is in order I move for adoption of the agreement cast your votes on the motion. The motion is approved.

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

AGREEMENT FOR ONE  
NUMBER CALLING  
SYSTEM  
Approved

Mayor Pro-Tem Lurie: Item C is the agreement for One Number Calling System, allows city to participate in the "dig safe" program for location of underground utilities. I do have a question on that.

Mr. Hampton: Would you like me to give a brief explanation of it first Commissioner?

Mayor Pro-Tem Lurie: Maybe that will answer my question.

Mr. Hampton: This is a joint venture between all the entities and the utility companies in the County. The cost to the City is \$210.00 a month with the exception of the first month which would be \$352.00. We are one of the smaller contributors because of our proximity with the operator which would be a private firm Manpower Incorporated. They would maintain the switch board, the contractor whenever he was going to do any digging in town would be encouraged to through a large publicity campaign to call this one number. They are reluctant to do their calls now because they have to call so many places. This one call system would then, by a device, catch out on a telecom the location where the digging was going to take place. This would be dispatched through telephone lines to all the participating agencies. It would be our responsibility then within 48 hours to either mark the utilities if we had some involved, get ahold of the contractor or whatever we felt was necessary. We have approximately 1 dig in per week some of which we are not able to determine who the responsible party is. We are not involved not only from our sewer lines but our communication lines for traffic safety as well as our street lighting so we really have three utilities we are concerned about and at this cost it would be a real savings in the long run to avoid some of these dig ins.

Mayor Pro-Tem Lurie: It is cheaper for us to enter into an agreement with an outside agency than to handle this ourselves.

Mr. Hampton: We discussed whether or not one agency could do this and it was felt that we really didn't want to take the responsibility on the City to do it for all the utility companies.

Mayor Pro-Tem Lurie: How is Manpower going to know where everything is?

Mr. Hampton: They are not, there just going to, over this telecom sketch out where the digging is going to take place, it is then the utility companies responsibility to determine if they have any lines in the area and if they do, if they know of some either to mark them in the field or get ahold of the contractor and say "were not sure our plans are vague here" but put him on notice. There are some 14 participating agencies including all the utilities and all the entities in the City.

Mayor Pro-Tem Lurie: What is the agreement for two years?

Mr. Hampton: That part of the agreement I am not sure or familiar with Commissioner. I know that there is a period and it is cancellable.

Mayor Pro-Tem Lurie: And they said that they want 90 day prepaid basis.

Mr. Hampton: I think that is to purchase their equipment, there is quite a bit of equipment involved. They supply the telecoms to all the different utility companies and the major switchboard they have to buy right off the bat.

Mayor Pro-Tem Lurie: So we are putting them in business?

Mr. Hampton: Well there in business in other ways but....

Mayor Pro-Tem Lurie: But this is a different area?

Mr. Hampton: Right.

Mayor Pro-Tem Lurie: Who are the principles of this Manpower Inc?

Mr. Hampton: I can't answer that.

Mayor Pro-Tem Lurie: Are we the first entity to sign this?

Mr. Hampton: I don't believe we are.

Mayor Pro-Tem Lurie: I don't see anybody else's signature on this.

Mr. Hampton: That is a copy, the originals are being circulated by the utility coordination committee. We have been looking at the details on this for about two years and I haven't actually been involved, Mr. Purvis is standing by if you would like I will be glad to call him down, he has been our direct contact on this whole project over the past months.

Mr. Adams: It is a two year agreement where we can terminate and back out in 90 days on notification but we also should for protection should add in that we will approve if we chose to approve but only on time.

Mayor Pro-Tem Lurie: Has the attorney's office reviewed this agreement and signed it off as being acceptable?

Mr. Hampton: Yes.

Mayor Pro-Tem Lurie: Well there is no fee in here and how much they are going to charge for a copy here it says that they will give the utility location request one file and keep it on file for two years and they will give a customer a copy but it doesn't have how much, it just looks incomplete to me.

Mr. Hampton: Well actually this is a copy that we receive over the telecom, it is actually a sketch we will receive over the telephone wires of the location that they send us. We will keep these as our records for our future reference. I don't know if there is any reason we will ever need a copy unless we were to lose one.

Mayor Pro-Tem Lurie: How much a month are we obligating ourselves?

Mr. Hampton: \$210.00 a month and after the two years we will be able to determine whether or not if the system should be changed to any extent. It is more or less a trial, it is a copy of the system that is in operation in several other cities particular Phoenix, I don't know the other ones.

Mayor Pro-Tem Lurie: Who has the biggest problems as far as dig ins other than the telephone company or the gas line breaks, do we have many?

Mr. Hampton: Yes we do we average about one a week, some type of dig in. For instance the County is paying \$251.00 a month and they are not concerned with Sewage where we are. The Sanitation District is also paying \$251.00 so the County in a sense will be paying, well with the water the County will be paying over \$700.00 a month so we are getting a really good deal because we have actually three utilities involved. The cost is based upon how close we are to the Manpower facility, in other words how long the communication lines have to be.

Mayor Pro-Tem Lurie: Are you sold on it?

Mr. Hampton: I think it is a very good thing to try.

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

Commissioner Woofter: Move to approve.

Mayor Pro-Tem Lurie: There has been a motion by Commissioner Woofter to approve an agreement for a One Number Calling System. Cast your votes. Motion is approved.

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

SUPPLEMENTAL  
COOPERATIVE AGREE-  
MENT NO. 71  
Approved

Mayor Pro-Tem Lurie: Item D is a Supplemental Cooperative Agreement No. 71 amends eleven previous Cooperative Agreements, it has been approved by the Regional Streets and Highway Commission. I would move that we approve this Cooperative Agreement. Comments on the motion (No response). Cast your votes. Motion is approved.

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

SPECIAL VICE  
SQUAD DOWNTOWN  
AREA Funding  
to Continue  
thru June 30  
1977

Mayor Pro-Tem Lurie: Item E will be, I don't even know why it is still on here, Commissioner Christensen asked for this to be held until we had a chance to discuss it at our first Police Commission Meeting so Commissioner do you want it removed from the agenda until such time as we have had the opportunity to discuss it at the first meeting and then if you feel that it is necessary we can bring it back on?

Commissioner Christensen: No we never discussed it but what do we do with the Vice Detail in the mean time.

Mr. Adams: Well the funding ran out.

Commissioner Christensen: I think we have to keep them in force on a temporary basis until such time as we have the meeting with the Police Commission but I think then, my recommendations to the Police Commission is going to be that

ITEM	Commission Action	Department Action
CARL E. LOVELL, JR. - CITY ATTORNEY		
A. Resolution - Allowing for additions and corrections of schedules pertaining to Title X of the City Code	Adopted Lurie - Unanimous	Mayor and Clerk authorized to sign
B. Agreement for Sewer Line Installations U.S. 95 Expressway from Torrey Pines West and North to U.S. 95 - between the City of Las Vegas and Department of Highways	Approved Lurie - Unanimous	Mayor and Clerk authorized to sign
C. Agreement - for One Number Calling System - allows City to participate in the "dig safe" program for location of underground utilities	Approved Woofter - Unanimous	Mayor and Clerk authorized to sign
D. Supplemental Cooperative Agreement No. 71 - amends eleven previous Cooperative Agreements Regional Streets and Highway Commission	Approved Lurie - Unanimous	Mayor and Clerk authorized to sign
E. Special Vice Squad - Downtown Area - Recommendation of C/A's office that it be continued - held for discussion in newly-created Metro Police Commission	Funding to continue thru June 30, 1977 Lurie - Unanimous	Staff to proceed
F. Resolution - Clark County Board of Massage to serve as a temporary board for the City	Adopted Woofter - Unanimous	Mayor and Clerk authorized to sign



that be absorbed by the Police Department since it is a normal Police Department function.

Mayor Pro-Tem Lurie: So what we are looking at is to continue the funding of the four men to be used on the Vice Activities in Adult Oriented Businesses in the downtown area until such time as we can get the Metropolitan Police Department to absorb that cost. Commissioner would you accept continued funding through the fiscal year which is June 30th?

Commissioner Christensen: Yes.

Mayor Pro-Tem Lurie: I would move then that we fund the Vice Squad in the downtown area through the fiscal year. Will you cast your votes. The motion is approved.

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

RESOLUTION  
CLARK COUNTY  
BOARD OF MASSAGE  
TO SERVE AS A  
TEMPORARY BOARD  
FOR THE CITY  
Adopted

Mayor Pro-Tem Lurie: The next item is the Resolution of the Clark County Board of Massage to serve as a temporary board for the City. Is there any comments on the resolution? (No response).

Commissioner Woofter: I move for adoption.

Mayor Pro-Tem Lurie: There has been a motion to adopt the Resolution, cast your votes. 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: Any other items to be brought on from the City Attorney's Office?

Mr. Koch: No sir.

Mayor Pro-Tem Lurie: O.K. we will go to new bills

See Page 25 of these Minutes - Annotated Agenda

BILL NO. 77-Z-1  
1st Reading and  
Referred to  
Recommending  
Committee of  
Christensen and  
Leavitt and  
Mayor Briare

Mayor Pro-Tem Lurie: We have Bill 77-Z-1 this item can be read and I will refer it to a committee. A Bill entitled "AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 3 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS NEVADA, 1960 EDITION BY AMENDING THE LAND USE PLAN MAP ADOPTED BY THE CITY OF LAS VEGAS AND CHANGING THE ZONING DESIGNATION OF SAID MAP PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Deputy City Attorney Richard Koch.

Mayor Pro-Tem Lurie: O.K. this item will be referred to a Committee composed of Commissioner Christensen and Commissioner Leavitt. There is this one other item that the Mayor asked me to bring on and that is the Ordinance 77-31 and this is a Bill sponsored by Mayor Briare and I would like it read by Title today and then I will designate a committee for this bill, this is on the salary increases for the Mayor and Board of City Commissioners.

BILL NO. 77-31  
1st Reading and  
Referred to  
Recommending  
Committee of  
Leavitt and  
Woofter

A Bill entitled "AN ORDINANCE AMENDING TITLE I, CHAPTER 5, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, BY ADDING A NEW SECTION 9 PROVIDING FOR THE ESTABLISHMENT OF THE SALARIES OF THE MAYOR AND THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF LAS VEGAS, NEVADA, AND FURTHER PROVIDING FOR SUCH SALARIES TO TAKE EFFECT UPON THE BEGINNING OF THE NEXT TERM OF OFFICE OF MAYOR AND EACH CITY COMMISSIONER; PROVIDING FOR OTHER MATTERS PROPERTLY RELATING THERETO AND REPEALING AND RESCINDING ALL ORDINANCES AND RESOLUTIONS AND PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH" was read by Assistant Deputy City Attorney Richard Koch.

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Mayor Pro-Tem Lurie: I will at this time like to appont the following members to serve on this committee, they will be Mayor Briare, Commissioner Leavitt and Commissioner Woofter. I would also at this time like to schedule a Public Hearing on this ordinance to be our next scheduled City Commission Meeting on May 18th at 10:00 in the morning.

R E S O L U T I O N

WHEREAS, the Municipal Code of the City of Las Vegas, Title V, Chapter 29, Section 8 required that the City of Las Vegas shall establish a Board of Massage Examiners; and

WHEREAS, the City has not yet appointed a Board to act on its behalf for the examination of massage license applicants; and

WHEREAS, there is presently constituted a Board of Massage Examiners in and for the County of Clark, which Board meets the requirements set forth by Section 5-29-8 of the Las Vegas Municipal Code; and

WHEREAS, it is the belief of the Board of City Commissioners that the establishment of a separate Board for both the County and the City would be duplicative and wasteful.

NOW, THEREFORE, be it resolved by the Board of City Commissioners of the City of Las Vegas, Nevada, that the Clark County Board of Massage Examiners is hereby appointed to act on behalf of the City of Las Vegas in examining applicants for a massage license, subject to the permission of the Board of Commissioners of Clark County.

IT IS FURTHER RESOLVED that the City shall pay to the Clark County Board of Massage Examiners such sums as are reasonably necessary to assist the Board to conduct its examination of applicants for a City massage license.

PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
WILLIAM H. BRIARE, MAYOR

ATTEST:

\_\_\_\_\_  
Edwina M. Cole, City Clerk

ITEM	Commission Action	Department Action
<p>V. NEW BILLS - TO BE REFERRED TO RECOMMENDING COMMITTEE OR TO STUDY COMMITTEE</p>		
<p>A. Bill No. 77-Z-1 - Amend Title XI, Chapter 1, Section 3 by amending the land use plan map adopted by the City and changing the zoning designation of said map. (Z-102-73)</p>	<p>1st Reading and referred to Recommending Committee of Christensen and Leavitt</p>	<p>Clerk to publish 1st publication</p>
<p>B. Bill No. 77-31 - Amend Title I, Chapter 5 by adding a new Section 9 providing for the establishment of the salaries of Mayor and the Board of City Commissioners.</p>	<p>1st Reading and referred to Recommending Committee consisting of Mayor Briare, Commissioner Leavitt and Commissioner Woofter</p>	<p>Clerk to publish 1st publication</p>
	<p>Public Hearing set for 10:00 A.M. May 18, 1978 on Bill No. 77-31</p>	<p>Clerk to Proceed</p>

See Page 26 of these minutes - Annotated Agenda

Mayor Pro-Tem Lurie: The next portion of the agenda is reports from recommending committees on Page 26, Bill Number 77-22 Commissioner Leavitt.

Commissioner Leavitt: Mayor Pro-Tem I would like to move that the proposed Ordinances A, B, C and D. all be read by title, and move for adoption.

Mayor Pro-Tem Lurie: And E.

Commissioner Leavitt: Yes, E too, I missed the next page.

Mayor Pro-Tem Lurie: Will you read those ordinances by title and then we will take action on them.

BILL NO.  
77-22  
Adopted  
Ordinance  
No. 1878

A Bill entitled "AN ORDINANCE TO AMEND TITLE VI, CHAPTER 8, SECTIONS 2(A), 6, AND 7 OF THE CITY OF LAS VEGAS MUNICIPAL CODE, 1960 EDITION; TO SPECIFICALLY SET FORTH THE SHERIFF OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT, OR HIS DESIGNEE INSTEAD OF THE LANGUAGE NOW REFERRING TO THE CHIEF OF POLICE, WHICH LATTER POSITION HAS NOW BEEN ABOLISHED PURSUANT TO NRS 280.010, ET. SEQ.; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Deputy City Attorney Richard Koch.

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

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

BILL NO.  
77-23  
Adopted  
Ordinance  
No. 1879

A Bill entitled "AN ORDINANCE TO AMEND TITLE VI, CHAPTER 1, SECTION 14 OF THE CITY OF LAS VEGAS MUNICIPAL CODE, 1960 EDITION, TO SPECIFICALLY SET FORTH THE LANGUAGE LAS VEGAS METROPOLITAN POLICE DEPARTMENT INSTEAD OF THE LANGUAGE NOW REFERRING TO THE POLICE DEPARTMENT; AND TO REPLACE THE LANGUAGE POLICE OFFICER WITH PEACE OFFICER; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Deputy City Attorney Richard Koch.

Commissioner Leavitt: Move for approval.

Mayor Pro-Tem Lurie: Motion by Commissioner Leavitt for approval. Cast your votes on the motion. The motion is approved.

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

BILL NO.  
77-24  
Adopted  
Ordinance  
No. 1880

A Bill entitled "AN ORDINANCE TO AMEND TITLE VI, CHAPTER 3, SECTIONS 1, 2 AND 3 OF THE CITY OF LAS VEGAS MUNICIPAL CODE, 1960 EDITION; TO SPECIFICALLY SET FORTH THE SHERIFF OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT, OR HIS DESIGNEE INSTEAD OF THE LANGUAGE NOW REFERRING TO THE CHIEF OF POLICE WHICH LATTER POSITION HAS NOW BEEN ABOLISHED PURSUANT TO NRS 280.010, ET. SEQ.; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Deputy City Attorney Richard Koch.

Commissioner Leavitt: Move for approval.

Mayor Pro-Tem Lurie: Motion by Commissioner Leavitt for approval. Cast your votes on the motion. The 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
<p><u>VI. REPORTS FROM RECOMMENDING COMMITTEES</u></p>		
<p>A. BILL NO. 77-22 - AMENDING TITLE VI, CHAPTER 8, SECTIONS 2(A), 6, AND 7 TO SPECIFICALLY SET FORTH THE SHERIFF OF THE LVMPD, OR HIS DESIGNEE, INSTEAD OF THE LANGUAGE NOW REFERRING TO THE CHIEF OF POLICE.</p> <hr/> <p>Committee: Commissioners Leavitt, Lurie and Christensen (4/20/77)</p> <p>Published by Title 4/23/77 in REVIEW JOURNAL            No action prior to 4/30/77            Action required by 5/23/77</p>	<p>Adopted            Leavitt - Unanimous            except Christensen            temporarily absent</p>	<p>Clerk to            publish 2nd            publication</p>
<p>B. BILL NO. 77-23 - AMENDING TITLE VI, CHAPTER 1, SECTION 14, TO SPECIFICALLY SET FORTH THE LANGUAGE "LAS VEGAS METROPOLITAN POLICE DEPARTMENT" INSTEAD OF THE LANGUAGE NOW REFERRING TO THE POLICE DEPARTMENT; AND TO REPLACE POLICE OFFICER WITH PEACE OFFICER.</p> <hr/> <p>Committee: Commissioners Leavitt, Lurie and Christensen (4/20/77)</p> <p>Published by Title 4/23/77 in REVIEW JOURNAL            No action prior to 4/30/77            Action required by 5/23/77</p>	<p>Adopted            Leavitt - Unanimous            except Christensen            temporarily absent</p>	<p>Clerk to            publish 2nd            publication</p>
<p>C. BILL NO. 77-24 - AMENDING TITLE VI, CHAPTER 3, SECTIONS 1, 2, AND 3 TO REFER TO THE HEAD OF THE "METROPOLITAN POLICE DEPARTMENT" RATHER THAN THE OBSOLETE DESIGNATION OF "CHIEF OF POLICE".</p> <hr/> <p>Committee: Commissioners Leavitt, Lurie and Christensen (4/20/77)</p> <p>Published by Title 4/23/77 in REVIEW JOURNAL            No action prior to 4/30/77            Action required by 5/23/77</p>	<p>Adopted            Leavitt - Unanimous</p>	<p>Clerk to            publish 2nd            publication</p>
<p>D. BILL NO. 77-25 - AMENDING TITLE VI, CHAPTER 4, SECTIONS 6, 9, 10, AND 11 TO REFER TO THE HEAD OF THE "METROPOLITAN POLICE DEPARTMENT" RATHER THAN THE OBSOLETE DESIGNATION OF "CHIEF OF POLICE".</p> <hr/> <p>Committee: Commissioners Leavitt, Lurie and Christensen (4/20/77)</p> <p>Published by Title 4/23/77 in REVIEW JOURNAL            No action prior to 4/30/77            Action required by 5/23/77</p>	<p>Adopted            Leavitt - Unanimous</p>	<p>Clerk to            publish 2nd            publication</p>

BILL NO.  
77-25  
Adopted  
Ordinance  
No. 1881

A Bill entitled "AN ORDINANCE TO AMEND TITLE VI, CHAPTER 4, SECTIONS 6, 9, 10 AND 11 OF THE CITY OF LAS VEGAS MUNICIPAL CODE, 1960 EDITION; TO SPECIFICALLY SET FORTH THE SHERIFF OF THE LAST VEGAS METROPOLITAN POLICE DEPARTMENT, OR HIS DESIGNEE, INSTEAD OF THE LANGUAGE NOW REFERRING TO THE CHIEF OF POLICE WHICH LATTER POSITION HAS NOW BEEN ABOLISHED PURSUANT TO NRS 280.010 ET. SEQ.; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Deputy City Attorney Richard Koch.

Commissioner Leavitt: Move for approval.

Mayor Pro-Tem Lurie: Commissioner Leavitt has moved for approval. Cast your votes on the motion. The motion is approved.

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

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BILL NO.  
77-26  
Adopted  
Ordinance  
No. 1882

A Bill entitled "AN ORDINANCE TO AMEND TITLE IX, CHAPTER 12, SECTION 8 OF THE CITY OF LAS VEGAS MUNICIPAL CODE, 1960 EDITION; TO SPECIFICALLY SET FORTH THE SHERIFF OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT, OR ANY OTHER PEACE OFFICER, INSTEAD OF THE LANGUAGE NOW REFERRING TO THE CHIEF OF POLICE, WHICH LATTER POSITION HAS NOW BEEN ABOLISHED PURSUANT TO NRS 280.010 ET. SEQ.; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" was read by Deputy City Attorney Richard Koch.

Commissioner Leavitt: Move for approval.

Mayor Pro-Tem Lurie: Commissioner Leavitt has moved for adoption of Bill Number 77-26, will you case your votes on the motion. 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: Item F, Bill Number 77-29, Commissioner Christensen.

BILL NO.  
77-29  
Adopted  
Ordinance  
No. 1883

A Bill entitled "AN ORDINANCE CREATING LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NUMBER 421 ORDERING THE IMPROVEMENT OF CERTAIN STREETS AND PARKS THEREOF; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING ACTION HERETOFORE TAKEN RELATIVE TO SAID DISTRICT; AND PROVIDING FOR RELATED MATTERS." was read by Deputy City Attorney Richard Koch.

Commissioner Christensen: Move for approval.

Mayor Pro-Tem Lurie: Commissioner Christensen has moved for approval of Bill Number 77-29, cast your votes on the motion. Motion is approved.

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

See Page 28 of these minutes - Annotated Agenda

REPORTS FROM  
STUDY COMMITTEES  
BILL NO. 76-7  
Held in abeyance.

Mayor Pro-Tem Lurie: Is there any reports from the Study Committees, is my Ordinance 76-7 is that ready to be brought back? Will you see that that Ordinance is ready for the next meeting, it is the one about brining any dogs onto the parks that aren't on leashes, it is 76-7 you can bring it on for the next meeting.

ITEM	Commission Action	Department Action
<p>VI. REPORTS FROM RECOMMENDING COMMITTEES CONTINUED</p>		
<p>E. BILL NO. 77-26 - AMENDING TITLE IX, CHAPTER 12, SECTION 8 TO REFER TO THE HEAD OF THE "METROPOLITAN POLICE DEPARTMENT" RATHER THAN THE OBSOLETE DESIGNATION OF "CHIEF OF POLICE". Committee: Commissioners Leavitt, Lurie and Christensen (4/20/77)</p> <p>Published by Title 4/23/77 in REVIEW JOURNAL No action prior to 4/30/77 Action required by 5/23/77</p>	<p>Adopted Leavitt - Unanimous</p>	<p>Clerk to Publish 2nd publication</p>
<p>F. BILL NO. 77-29 - ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 421 Committee: Commissioners Christensen and Leavitt (4/20/77)</p> <p>Published by Title 4/23/77 in REVIEW JOURNAL No action prior to 4/30/77 Action required by 5/23/77</p>	<p>Adopted Christensen - unanimous</p>	<p>Clerk to publish 2nd publication</p>

ITEM	Commission Action	Department Action
<u>VII. REPORTS FROM STUDY COMMITTEES</u>		
A. BILL NO. 76-7 - TO PROVIDE THAT NO PERSON SHALL BRING ANY ANIMAL UPON THE GROUNDS OF ANY PUBLIC PARK EXCEPT FOR SPECIALLY APPROVED ANIMAL SHOWS AND EXHIBITIONS <u>Committee: Commissioners Lurie and Leavitt</u>	Abeyance	5/18/77 Agenda
<u>VIII. CITIZEN PARTICIPATION - PUBLIC APPEARANCES</u>		
Mayor Pro-Tem Lurie recognized Mr. Mike Sloan, newly elected City Attorney.		

Mayor Pro-Tem Lurie: Is there any other business to come before the City Commission today before we go into the Public Hearing. Now we will take the Show Cause Hearing the Public Hearing will now be open and then we will have the Public Hearing on the Circus Maximus. Mr. Koch will you handle that for us.

See Page 23 of these minutes - Annotated Agenda

SHOW CAUSE  
HEARING CIRCUS  
MAXIMUS  
City Attorney  
to Prepare  
the Findings of  
Fact and  
Conclusions  
of Law to Uphold  
License Revocation

Mr. Koch: The Respondent in this case Circus Maximus notified this office that they did not intend to appear. Pursuant to the City Code you have the option of either considering some evidence or considering none at all and taking the failure to appeal as an admission. In view of the fact that many of the past license revocations have been appealed and in addition in view of the fact that we have had a witness that has come all the way from San Francisco to testify I believe that the City Commission should hear a brief presentation of the evidence at this time to establish a record.

Mayor Pro-Tem Lurie: The Commission would like to proceed.

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SHOW CAUSE HEARING

CIRCUS MAXIMUS

Mr. Koch: This is a Show Cause Hearing on the Circus Maximus I have the original complaint and the Order to Show Cause which I will give to the Clerk and I will also give copies to each of the Commissioners. The City calls it's first witness Mrs. Ila Britt.

(Ila Britt came forward and was sworn in by  
the Assistant City Clerk Betty Jo Winter)

Mr. Koch: Mrs. Britt you are the Director of the Department of Business Activities for the City of Las Vegas are you not?

Ila Britt: Yes sir.

Mr. Koch: How long have you held that position?

Ila Britt: Three and a half years.

Mr. Koch: In that capacity do you supervise the licensing of various businesses in the City of Las Vegas?

Ila Britt: I do.

Mr. Koch: Are you familiar with the licensing applications that come into your office?

Ila Britt: I am.

Mr. Koch: Does your office have on file an application for Circus Maximus Health Studio?

Ila Britt: Yes it has.

Mr. Koch: Does that business presently have a business license?

Ila Britt: Yes it does.

Mr. Koch: Do you have a copy of that license application with you?

Ila Britt: I do.

Mr. Koch: Would you please examine the application and tell us the formal name of the licensee.

Ila Britt: The application is by Entree' Limited Circus Maximus.

Mr. Koch: Is it a corporation by what you can tell on the application?

Ila Britt: It doesn't appear to be a Corporation with the original application listing John Minor as the President and a Miss Sanfillippo as the Vice President.

Mr. Koch: On what day was he given the license, does your records reflect that?

Ila Britt: October 26, 1976.

Mr. Koch: What does the application state as the function of the business or what it is going to do?

Ila Britt: The type of business is a health studio and the description of the business was given as a general athletic body building studio with body building equipment including but not limited to weights, barbells, dumbbells, isometrics and reducing equipment. This will be used with and without professional supervision and then the applicant really and we will not be giving any massages for male and female patrons no memberships and no contracts signed Miss Sanfillippo.

Mr. Koch: Is the application itself signed?

Ila Britt: It is signed by Phyllis Sanfillippo.

Mr. Koch: Is that the same person that you said was the Vice President of this Corporation?

Ila Britt: Yes sir.

Mr. Koch: Do you have a copy of that application that we can introduce as evidence?

Ila Britt: I only brought a certified copy.

Mr. Koch: I ask Commissioners that we introduce into evidence as Exhibit A a certified copy of this application.

Mayor Pro-Tem Lurie: O.K., give that to the City Clerk as Exhibit A.

Mr. Koch: I have no further questions of Mrs. Britt.

Mr. Mayor Pro-Tem Lurie: Do the Commissioners have any questions of Mrs. Britt? (No response). Your excused.

Mr. Koch: The City calls next Mr. David Chow.

(David Chow came forward and was sworn in by the Assistant City Clerk Betty Jo Winter)

Mr. Koch: Your name is David Chow is that correct?

Mr. Chow: Yes sir.

Mr. Koch: Mr. Chow where do you live?

Mr. Chow: I live in San Francisco 6900 Geary Boulevard San Francisco.

Mr. Koch: How are you employed in San Francisco?

Mr. Chow: I am self employed.

Mr. Koch: Have you ever been in Las Vegas before?

Mr. Chow: About four times.

Mr. Koch: Are you here today on a visit?

Mr. Chow: No.

Mr. Koch: You are just visiting here today?

Mr. Chow: Yes, Mr. Roger Peacock requested me to come here to witness this case.

Mr. Koch: You are here for the purposes of testifying?

Mr. Chow: Yes.

Mr. Koch: Were you here on or about March 14th of this year?

Mr. Chow: Yes.

Mr. Koch: At that time did you have occasion to visit a business called Circus Maximus on East Charleston?

Mr. Chow: Yes.

Mr. Koch: Can you tell us what led you to that particular business?

Mr. Chow: I was very tired, after I got up about 7 or 8:00 A.M. in the morning and I asked a taxi cab driver if there was a massage parlor that I can have some massage on my body. The cab driver took me to the Circus Maximus and as soon as I got in I was accepted by a receptionist and she told me the massage fee would be \$100.00 or something.

Mr. Koch: Did you ask when you went in if she gave massages?

Mr. Chow: Yes I did.

Mr. Koch: You asked if they were giving massages and she said yes?

Mr. Chow: She said yes and I asked her how much for a half an hour and she said the minimum was one hour of something and it was \$100.00 I think.

Mr. Koch: Did you pay that at that time?

Mr. Chow: No I said no thank you I was going to leave and as soon as I got out I tried to make a phone call to get a cab to take me back to the hotel and there wasn't any public telephone around, so I went inside and asked them if I could use their phone, I told them I would pay them for it and they said no then they tried to talk me into it and give me a bargain. The receptionist said "we can give you a better price" \$40.00 or \$50.00 for a half an hour.

Mr. Koch: \$40.00 for a half an hour?

Mr. Chow: Yes.

Mr. Koch: Did she tell you what you would get for that?

Mr. Chow: She said I'll get a real good time.

Mr. Koch: A real good time, she said before that she would give you a massage, so now she said you would have a good time?

Mr. Chow: Yes.

Mr. Koch: What happened then?

Mr. Chow: Then one of the girls in the back took me to the back.

Mr. Koch: Different girl?

Mr. Chow: Yes, different girl.

Mr. Koch: She took you to the back?

Mr. Chow: Yes she took me to the back in a room and asked me to take off my clothes and take a shower first, which is required by the State Government Regulations.

Mr. Koch: Required by State Law?

Mr. Chow: Yes and then after that after I finished I went back to the room and then the girl said "you really want a good time" and I said "yes" you know I paid for it then she said "hey I can even give you a bad time" and I said "what do you mean" and she didn't say much. Later on I asked her "You mean sex or something" and she said "yes" and then I said "do I have to pay" and she said "yes", so I asked her how much she wanted and she said "\$80.00" or something I think.

Mr. Koch: Did she say what kind of sex?

Mr. Chow: No she didn't I assumed that this was understood because I don't know about the state law here in Nevada State you know. Then I had about \$1,000.00 left in my wallet but I put it in a separate wallet you know, two or three places and I took it out from my wallet about \$20.00, I was going to give her about \$10.00 but she wouldn't accept it and she said "\$40.00 more and I go for it" so I said "O.K."

Mr. Koch: Was it your understanding that she was going to give you sex for that amount?

Mr. Chow: Yes, she offered it.

Mr. Koch: She definitely said the word sex.

Mr. Chow: Yes, and after she took my money she went out and I sat in the room on the floor, there was no chair in the room. I sat there for about five minutes or so and I started wondering if this was a rip-off place or something, so I ran out and talked to the receptionist and the receptionist there told me that my time was all through. I said "I paid \$80.00 or \$90.00 is that all I paid for was getting a room and sitting down on the floor", and they laughed like real funny and they said "that's our business floor" and I said "you told me massage, you told me this and that and now it turns out to be a different story" and they laughed and they argued with me. There were about six girls and I asked them "how would you like to have your own brother being fooled like this" and one of the colored girls were kind of sorry I think after I talked. I then insisted that they call the police for me so they did call and the first thing they talked on the phone, they called the police and they said "this is Circus so and so and we have a man trying to cause trouble here you know". From time to time I never cause any trouble because I didn't have any witnesses with me and they got six seven young girls there you know so I had nothing to say. When the two police officers arrived they asked me what was going on and I told them and they just listened to one side of the story and about half of my story and they took me out of the place and after that they ordered me out or they said they would have to arrest me for causing disorder to the place.

Mr. Koch: Mr. Chow did you see any weights or barbells or anything like that while you were there?

Mr. Chow: I didn't see anything, I didn't pay any attention to that.

Mr. Koch: Did you see any reducing equipment?

Mr. Chow: No I didn't.

Mr. Koch: What was in the room that you were in?

Mr. Chow: There was nothing but a regular floor mat.

Mr. Koch: Mat on the floor?

Mr. Chow: Yes.

Mr. Koch: Any furniture?

Mr. Chow: No furniture.

Mr. Koch: There was no equipment that you could see?

Mr. Chow: No, I don't think so. So they took my money and the police came to just listen to my story, just ask me a few words and they asked me to step out, they were very rude.

Mr. Koch: Did you get your money back?

Mr. Chow: So I think that is not right so I just asked the police officer "where can I make a complaint to your superiors" and they told me if I wanted to complain that I could go to the City Attorney's office and file a complaint, which I did. Mr. Roger Peacock of that office, after listening to my story he took my affidavit and took me back to the massage place there and talked to them and tried to reason with them. He asked them what was going on and maybe they see that people from City Hall or something and they were kind of scared so instead of saving the trouble you know having the trouble so they saved themselves some trouble by refunding the full \$80.00 back to me.

Mr. Koch: I have no more questions of Mr. Chow do the Commissioners have any question? (No response). I would like to state that Mr. Chow did come here and sacrificed his own time and we are very greatly to you for coming here thank you. The City calls it's next and final witness Mr. Roger Peacock.

(Mr. Roger Peacock came forward and was sworn in by the Assistant City Clerk Betty Jo Winter)

Mr. Koch: Your name is Roger Peacock is that correct?

Mr. Peacock: Yes it is.

Mr. Koch: How are you employed Mr. Peacock?

Mr. Peacock: I am the Consumer Business Affairs Analyst for the City Attorney's Office.

Mr. Koch: How long have you had that job?

Mr. Peacock: Approximately seven months.

Mr. Koch: What exactly are your functions in that job?

Mr. Peacock: My functions are to take and process complaints of a consumer nature against businesses or business against consumers, look into them, try to determine with the aid of the various Deputy City Attorney's and the City Attorney if there is a violation of a Fraudulent or Deceptive Business Practice Act or Ordinance.

Mr. Koch: In that job have you ever heard of complaints regarding the business Circus Maximus?

Mr. Peacock: Yes I have.

Mr. Koch: Mr. Chow who just testified, have you seen him before?

Mr. Peacock: Yes I have.

Mr. Koch: Just describe briefly what transpired when you met him.

Mr. Peacock: Mr. Chow came to the office very disturbed that he had been according to him victimized by Circus Maximus. According to his statement he entered the establishment under the idea that he could get a legitimate massage.

Mr. Koch: Is this basically what he just told us in his testimony?

Mr. Peacock: Yes, exactly.

Mr. Koch: Did you go with him to get his money back?

Mr. Peacock: Yes I did.

Mr. Koch: When you went with him was it indeed the Circus Maximus at 2224 East Charleston?

Mr. Peacock: Yes it was.

Mr. Koch: They refunded the money to him?

Mr. Peacock: At first they were not wanting to and after I talked to the manager and she remembered me from being there on previous occasions, she immediately came up with the money after she made a couple of telephone calls to get the extra cash to refund the money.

Mr. Koch: Have you ever heard of any other complaints from other citizens regarding that business?

Mr. Peacock: Yes I have.

Mr. Koch: Do you have any affidavits in your custody from such complaints?

Mr. Peacock: Yes I do.

Mr. Koch: Would you please take one and tell us about it or read it to us.

Mr. Peacock: Alright, some of the language that is used I apologize for...

Mr. Koch: Who filed this complaint?

Mr. Peacock: This complaint was filed by a gentleman by the name of Mahmood Hoornahad, he is a student in New Mexico from Iran.

Mr. Koch: He came to your office?

Mr. Peacock: Yes he did, he was visiting Las Vegas went to Circus Maximus and in turn came directly to the City Attorney's Office.

Mr. Koch: Please tell us the names of these different people who complained and briefly tell us, well just read us the names of the people.

Mr. Peacock: Mahmood Hoornahad; David S. Chow; Giang Le; Dan B. Santich; Mike O. Patterson; and Charles D. Allen.

Mayor Pro-Tem Lurie: Do you want all of these introduced as Exhibit B? Betty would you mark all those as Exhibit B.

Mr. Koch: Did all of those people come to you and give you the information that you put down in those affidavits?

Mr. Peacock: Yes.

Mr. Koch: Are those statements basically the same as to what Mr. Chow just gave us?

Mr. Peacock: Yes they are, some vary a little bit one particularly. Obviously using blatant very pointed language as to what was being offered and what could be purchased for a certain amount of money, that was one particular complaint the rest of them were alluding to and more or less promising massages.

Mr. Koch: Did you assist any of these people in going back and getting their money back?

Mr. Peacock: Yes I did, every one of them.

Mr. Koch: In each case was it Circus Maximus that you went back to?

Mr. Peacock: Yes it was.

Mr. Koch: Was there any question about which business it was?

Mr. Peacock: No there was not.

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

Mayor Pro-Tem Lurie: Do the Commissioners have any questions of Mr. Peacock? Just a moment, let them look at some of those complaints maybe then they will have a question. Most all of the complaints mostly are the same as far as what the people went there for and what they received or what they didn't receive, they came to your office to file a complaint to receive a refund?

Mr. Peacock: Hopefully to get their money back and....

Mayor Pro-Tem Lurie: Also go on record in letting other people know that these type businesses are rip-offs and to see that someone else doesn't experience the same thing they did.

Mr. Peacock: That is right, every person that filed a complaint said they were more than willing to testify against them.

Mayor Pro-Tem Lurie: Commissioners do you have any questions of Mr. Peacock?

Commissioner Christensen: I noticed one of these named Patterson, was that at Circus Maximus?

Mr. Peacock: Yes it was the Circus Maximus has gone under one name it is also operated under Swingers Massage.

Commissioner Christensen: Same location though?

Mr. Peacock: Yes, that particular complaint is a police crime report and I was unable to get Mr. Patterson, he went back to Michigan before I could locate the gentleman and come up with an affidavit.

Mayor Pro-Tem Lurie: Any further questions?

(There being no further questions the witness Mr. Peacock was excused).

Mr. Koch: I will just make a final statement if I may, grounds in Title V, Chapter 1, Section 18 in the City Code for Revocation of a License include showing of fraudulent practices, misrepresentations of the operation of the business or for conducting the business in an unlawful, improper or irregular manner. Also for false or fraudulent statements in the application for license. The City I believe has shown through it's testimony of Mr. Chow and through the affidavits that the Respondent Circus Maximus did in fact do the things that were alleged in the complaints. Number one it did represent to the customers that massages and sexual favors were being sold by them, when in fact such things were not being sold by them. These things should have been and were known by the Respondent to be false and each of those affidavits do have some elements of that in them. These people were told they were going to get a massage and they were told that they were going to get sex but in each case representations were made that were false. Secondly as set forth in the complaint part two of the complaint says it was represented to the customers and to the City that the business was in fact going to be a modified Health Studio and Spa, it was represented that it would be health services and health facilities such as exercise equipment, weights and such things and none of these customers ever saw such things, apparently it was not that type of business that was represented to the City. The ground for revocation is in misrepresentation to the City in the application for license. Finally the third grounds stated in the complaint is that the Respondent failed to tell the customers the nature and cost of the services and the cost and nature of the services were explained only after an initial nonrefundable deposit was made. Each of those complaints will show that some way was used to get the customer to pay the initial amount and then after paying that amount he was surprised to find out that there is a large tip expected in addition which was not explained at first. Several of the complainants were quite upset about that and they felt that they had been defrauded or cheated, there were very vague and confusing statements made by the employees apparently for the purpose of deceiving the customer, for example they may not say that sex was going to be sold but they were very vague as to what was going to be sold there. After the customer paid he found out. I submit that the City has shown these facts and that these facts constitute grounds for revocation the City asks that the Business License of Circus Maximus be revoked upon those grounds.

Commissioner Woofter: Yes, Mr. Mayor Pro-Tem based on the testimony we have heard today I make a motion that the City Attorney's Office be instructed to draw up the proper findings pursuant to having the business license of Circus Maximus revoked.

Mayor Pro-Tem Lurie: Any comments from the Commissioners? (No response). Cast your votes on the motion. The motion is approved and you are instructed to proceed.

The 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 further business to come before this Commission this afternoon. If not this meeting will stand adjourned.

(Meeting adjourned at 3:15 P.M., May 4, 1977)

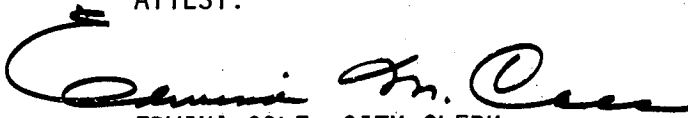
There being no further business to come before the Board, at the hour of 3:15 P.M., Mayor Pro-Tem Lurie declared this Regular Meeting of the Board of City Commissioners. A D J O U R N E D.

APPROVED:



RON LURIE, MAYOR PRO-TEM

ATTEST:



EDWINA COLE, CITY CLERK

APPROVED BY REFERENCE at a Regular Meeting of the Board of City Commissioners held on the 1st day of June 1977.