

M I N U T E S

Las Vegas, Nevada

June 1, 1977

A REGULAR MEETING of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 1st day of June 1977, was called to order by his Honor Mayor William H. Briare at the hour of 9:00 A.M., with the following members present.

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

STAFF PRESENT

City Manager	William E. Adams
City Attorney	Carl Lovell
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 Financial Management	Marvin Leavitt
Director of Funds, Coordination & Projects	Bruce Spaulding
Director of Personnel and Employee Relations	Robert McPherson
Director of Cultural Services	Harold Foster
Assistant City Clerk	Betty Jo Winter
Minutes Clerk	Larry Martin

INVOCATION AND  
PLEDGE OF  
ALLEGIANCE

The invocation was given by Rev. Mike Friedman, First Baptist Church, North Las Vegas

Let us pray. Our Father this morning I again pray that this meeting will not just be something that we just have to be here but it might be meaningful. How I thank you Father for living in a Country where we can pray for whatever is said and done this morning. I would pray for our leadership of our City for all who is in leadership this morning who is here from the Mayor down that we might realize that we are servants that we have been elected to serve and to the best of our ability that we will do this. I thank you God for the citizenry that are gathered here this morning, people who care, people who have interests and yes Father to make money and to make this City a better place to live and that's great. But altogether Father I pray that we might have that unity that you want for your people, and we might be your people in the greatest day in the history of the world. This morning while we are happy and making money and doing many things Father with the insight and the intellect and abilities that you have given us, my heart is heavy this morning and I know that many here have a burden in our hearts for those who lost loved ones this past week in the tragic fire. How I pray God that this would not happen here, I pray God that we might be cognizant of the fact that we are not infallible and that it could happen here and that we might lose loved ones and maybe a whole family. I pray that we together might pray for those who lost loved ones this day, that we might realize the hurt and the pain the years of education of bringing them up and then in one night to be snuffed out. Help us God, the Great Salvation Slogan is "For Others" that we might be interested in others. Guide and direct the agenda today Father the myriad of things that need to be discussed that whatever is done and said might be done for your glory and for the benefit of our City. Bless each family represented here today Father, we ask this all in the Blessed name of Jesus. Amen.

Pledge of Allegiance.

Mayor Briare: Ladies and Gentlemen I would like to call your attention to the presence of our newly elected City Attorney Mr. Mike Sloan who is sitting with us today and as a means of welcome I would appreciate it if you would join the Commissioners and myself in giving him a little round of applause on his election and his new job. (Applause). The first item on the agenda Mr. Adams.

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CITY MANAGER

WILLIAM E. ADAMS, P.E.

See Page 7 of these minutes - Annotated Agenda

REED WHIPPLE  
CULTURAL  
CENTER Report  
Only

Mr. Adams: The first item Mr. Mayor and Commissioners is the Report involving the Reed Whipple Cultural Arts Center which we have furnished you a copy in saying that we are still preliminary in this and we do not have an answer back from the Convention Authority, but the rest of the operation is in essence the same we might call your attention to the fact that the note involved on that building will finish out in May of 1980, so we have three years remaining on it and about \$300,000.00 that we still owe on it. As soon as that answer comes from the convention authority then I can finalize the rest of the report and take care of that for you.

CERTIFICATE OF  
APPRECIATION -  
JAMES DOWN  
Presented by  
Mayor Briare

Mayor Briare: The next item on the agenda is something that we are very pleased to do this morning ladies and gentlemen and that is to present a little token of appreciation to a chap that has given 25 years of service to an arm of the City Government, Jimmy would you please come forward. (James Down, proceeded to the podium) I would like to read the plaque that we are presenting to Mr. Down in appreciation of 25 years dedicated services to the citizens of Las Vegas given by James H. Down, member of the Las Vegas Housing Authority whose 90% attendance record has been of great significance and a valued contribution to the development of our Community presented this June 1st, 1977 and it is signed by the Mayor and each of the Commissioners. So Jim even though it is a little bit awkward here to throw this at you we nevertheless want to present this to you and I am sure that each of the Commissioners by their signatures here attest to the fact that we are very grateful to you and to other citizens like yourself who so unselfishly devote their time and efforts to the betterment of our community. (Applause). Now Jim would you mind telling us about that 2% that you weren't in attendance.

James Down: I want to thank you folks for this this is very nice and I especially thank Edwina Cole because she has been so nice to get this for me. I want to tell you that one of the people that makes this thing a success is Art Sartini our Director and he is one of the best ones in the country and I have a fine Commission to work with and it is a real pleasure, thank you very much.

BUDGET  
AUGMENTATION  
FOR THE 1976-77  
BUDGET  
Approved

Mr. Adams: The next item your Honor and Gentlemen is the Budget Augmentation for our 1976-77 Budget which is in your folders with the explanation of the additional funding and the changes that we have made and if it meets with your approval we would request approval of the resolution to forward the Augmentation.

Commissioner Leavitt: Is this, I understand now that as a result of this that our fund balance now is going to be almost one million dollars where as before, well it is about \$800,000.00 more than we originally budgeted is that correct?

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Regular Meeting  
City Commission  
June 1, 1977

Mr. Adams: That is correct.

Commissioner Leavitt: Would Mr. Leavitt come up here I would like to ask him some questions on it. Basically isn't this a result

of the legislation that took place last legislature.

Marvin Leavitt: This is a combination of a number of different things, the main reason is that the number of revenue sources have or were higher than was originally anticipated, such as we got \$400,000.00 of public works money that we had not anticipated. The sales tax was \$358,000.00 more than we originally anticipated and so these additional revenues combined increase the ending balance. Now let me bring it into proper perspective. What we are changing now is the budget that was adopted last April of 1976, so any changes that have happened since April of 1976 is what we are changing right now. Now this ending balance that we show in this part of this augmentation is almost exactly the same as the beginning balance that we show in the 1977-78 budget and so we really don't have many changes requested in that yet.

Commissioner Leavitt: Well what I am trying to get at is the reflection in this, the fact that the Metropolitan Police Budget has been reduced from 52 and a half percent to 50 percent. Does that show up on this?

Marvin Leavitt: No that has no effect, this is the 1976-77.

Commissioner Leavitt: O.K. in other words we might be able to be better off even then next time by showing that savings to the City because of the reduced formula for the Police Commission is that correct?

Marvin Leavitt: What will have to happen is that during the probably during July sometime we will come before you again with the Augmented Budget for the 1977-78 year that will reflect the legislative changes.

Commissioner Leavitt: Oh O.K.

Marvin Leavitt: This budget cleans up everything that has been done during the year and gets it into a legal form as we end the year is what it does.

Commissioner Lurie: Has the final budget has it been approved for the Metropolitan Police Department?

Marvin Leavitt: As far as we know we do not.

Commissioner Lurie: It was my understanding that it wasn't final that there was a request for some additional funds.

Mr. Adams: They made an additional request to us for \$39,000.00 additional that would show on our next budget but it would not be in this years budget.

Marvin Leavitt: What is difficult is defining that word final, I think there is what is called a final budget in their but it is probably not going to be final the way it actually turns out a little bit later.

Mr. Adams: Well we have already had access to the one that was approved in April and went forward yes but there is an additional increase that we will involve and bring to you on the Budget Augmentation that we do in July to catch with the new budget which is where the request would be for. Since we have not really received a final figure from the Police Commission for what they would do for the following year except for the request for the \$39,000.00.

Commissioner Lurie: This ending balance brings us up to almost what the 4 percent that we are supposed to have at the end of our fiscal year.

Marvin Leavitt: Not quite but it is much closer than anticipated.

Commissioner Lurie: Closer than it was.

Commissioner Leavitt: In other words if I understand you correctly, you are going to give us, in July we are going to get an idea of what the impact of the Fire Merger and legislation involving Metro will

RESOLUTION

WHEREAS, expenditures for the General Fund functions, Debt Service Fund functions, Revenue Sharing Fund functions, and Capital Project Fund functions performed by the following departments and accounts of the City of Las Vegas and are now estimated to exceed the amounts appropriated therefore in the 1976-77 Budget for the said City and resulting in a probably aggregate deficit in said budget in the amount of \$2,955,059.00 as of June 30, 1977, and

WHEREAS, for the reason that an additional \$2,955,059.00 is expected to be received from increased revenue accounts and this revenue exceeds the amount originally estimated to be received in the 1976-77 fiscal year to the extent that resources will more than offset the aforesaid deficit, and

WHEREAS, the Board of Commissioners of said City desires by this Resolution to Augment the Budget for the City of Las Vegas for 1976-77 pursuant to NRS 354.615 for the purpose of effecting an increase in appropriations and to offset the aforesaid deficit.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof held on the 1st day of June, 1977, that the 1976-77 budget of the City of Las Vegas for the following funds and functions be increased to the amount set opposite of the respective function.

ACTION TAKEN

Approved  
by City  
Commission (June 77)  
Date

General Fund Revenue Account to be Revised	Account Number	Existing Budget	Revised Budget
Utility Franchise Fees	1	2,625,000.00	2,444,000.00
Garbage Franchise Fees	2	156,800.00	232,350.00
Golf Course Fees	3	36,400.00	30,750.00
Other Franchise Fees	4	6,400.00	16,000.00
Hotel & Motel Room Tax	5	375,400.00	430,000.00
<b>Sub-Total</b>	<b>A</b>	<b>3,200,000.00</b>	<b>3,153,100.00</b>
Business Licenses	6	1,415,000.00	1,506,850.00
Liquor Licenses	7	353,200.00	380,000.00
Local Gaming Licenses	8	1,750,000.00	1,850,000.00
Animal Licenses	9	110,000.00	108,500.00
Other Licenses	10	200.00	100.00
Building Permits	11	420,000.00	625,000.00
Other Permits	12	85,000.00	58,400.00
<b>Sub-Total</b>	<b>B</b>	<b>4,133,400.00</b>	<b>4,528,850.00</b>
Municipal Court Fines	13	925,000.00	1,075,000.00
Parking Citation Fines	14	414,900.00	375,000.00
Parking Meter Fees	15	265,000.00	261,000.00
Golf Course Fees	16	252,500.00	241,000.00
Swimming Pool Fees	17	24,200.00	22,500.00
Recreation Fees	18	92,000.00	115,000.00
Animal Shelter Fees	19	116,900.00	105,000.00
Police Charges	20	95,000.00	77,500.00
Other Fees & Charges	21	102,500.00	100,000.00
<b>Sub-Total</b>	<b>C</b>	<b>2,288,000.00</b>	<b>2,372,000.00</b>
Motor Vehicle Privilege Tax	22	641,000.00	694,000.00
Cigarette Tax	23	4,352,025.00	4,320,756.00
State Liquor Tax	24	852,853.00	853,732.00
County/City Relief Tax	25	6,721,163.00	7,080,024.00
State Gaming License Fees	26	821,800.00	810,000.00
Gasoline Tax	27	771,960.00	642,000.00
County Road Grant	28	48,410.00	13,391.00
Animal Shelter Services	29	88,500.00	102,500.00
Fire Alarm Services	30	150,000.00	55,017.00
Sr. Citizens Grant	31	55,000.00	50,000.00
<b>Sub-Total</b>	<b>D</b>	<b>14,502,711.00</b>	<b>14,621,420.00</b>
Sale of Assets	32	30,000.00	50,000.00
Interfund Receipts	33	293,000.00	293,000.00
Investment Interest	34	450,000.00	475,000.00
Federal Revenue Sharing	35	275,000.00	425,000.00
Public Works Title II	36	0.00	433,907.00
Miscellaneous	37	20,000.00	80,000.00
<b>Sub-Total</b>	<b>E</b>	<b>1,068,000.00</b>	<b>1,756,907.00</b>
Ad Valorem Taxes	<b>F</b>	<b>6,798,377.00</b>	<b>7,073,377.00</b>
<b>Sub-Total All Resources</b>		<b>31,990,488.00</b>	<b>33,505,654.00</b>
Opening Fund Balance		883,560.00	2,323,453.00
<b>Grand Total General Fund</b>		<b>32,874,048.00</b>	<b>35,829,107.00</b>

General Fund Expenditures	Account Number	Existing Budget	Revised Budget
Board of City Commissioners	101	181,110.00	181,110.00
Office of City Attorney	102	513,946.00	513,946.00
Municipal Court	103	553,776.00	612,245.00
Office of City Manager	104	165,744.00	213,771.00
Office of City Clerk	105	133,106.00	144,106.00
Funds, Coordination & Projects	106	-0-	87,710.00
Personnel & Employee Relations	107	290,736.00	298,555.00
Business Activity	109	669,256.00	679,068.00
Financial Management	110	387,334.00	518,335.00
Community Planning & Development	111	427,344.00	350,844.00
Municipal Services	112	1,112,015.00	1,112,015.00
Facilities Support	113	-0-	97,663.00
Purchasing & Contracts	117	173,964.00	173,964.00
<b>TOTAL GENERAL GOVERNMENT</b>		<b>4,608,331.00</b>	<b>4,983,332.00</b>
Las Vegas Metropolitan Police	120	11,900,660.00	12,300,000.00
Fire Services	122	6,396,939.00	6,942,750.00
Building & Safety	123	472,239.00	-0-
Traffic Engineering	126	944,984.00	-0-
<b>TOTAL PUBLIC SAFETY</b>		<b>19,714,822.00</b>	<b>19,242,750.00</b>
Public Services - Administration	149	388,401.00	286,750.00
Public Services - Streets	150	1,305,038.00	1,825,657.00
Building & Safety	154	-0-	557,810.00
Traffic Engineering	156	-0-	944,984.00
Electrical Division	158	783,595.00	812,306.00
Street Cleaning	159	520,619.00	-0-
Animal Control	159	-0-	360,815.00
<b>TOTAL PUBLIC WORKS</b>		<b>2,997,653.00</b>	<b>4,788,322.00</b>
Animal Control	161	347,083.00	-0-
Community Support	167	90,000.00	-0-
<b>TOTAL HEALTH &amp; WELFARE</b>		<b>437,083.00</b>	<b>-0-</b>
Library Services	170	463,250.00	-0-
Parks Division	180	1,639,740.00	1,639,740.00
Recreation Division	181	945,331.00	945,331.00
Swimming Pools	182	213,334.00	213,334.00
Cultural Services	183	66,086.00	158,274.00
Senior Citizens	184	130,000.00	-0-
Library	185	-0-	463,250.00
Golf Course	186	359,825.00	359,825.00
Senior Citizens	187	-0-	130,000.00
<b>TOTAL CULTURE &amp; RECREATION</b>		<b>3,817,566.00</b>	<b>3,909,754.00</b>
Community Support	190	-0-	145,000.00
Unallocated Expense	191	50,000.00	125,000.00
Contributions & Allowances to:	192		
Capital Projects Funds		-0-	200,000.00
Enterprise Funds			
Cemetery		125,000.00	125,000.00
Off-Streets Parking		335,000.00	335,000.00
Trust & Agency Funds		10,000.00	10,000.00
Intergovernment Service Funds			
Reprographics		35,000.00	35,000.00
Motor Equipment		250,000.00	250,000.00
Maintenance		36,000.00	200,000.00
Engineering Services		300,000.00	500,000.00
Supply Warehouse		-0-	10,000.00
<b>TOTAL OTHER GENERAL EXPENSES</b>		<b>1,141,000.00</b>	<b>1,935,000.00</b>
<b>TOTAL GENERAL FUND FUNCTIONS</b>		<b>32,716,455.00</b>	<b>34,859,158.00</b>
<b>ENDING FUND BALANCE</b>		<b>157,593.00</b>	<b>969,949.00</b>
<b>TOTAL GENERAL FUND REQUIREMENT</b>		<b>32,874,048.00</b>	<b>35,829,107.00</b>

	Account Number	Existing Budget	Revised Budget
<u>Debt Service Revenues</u>			
Ad Valorem Taxes	200	591,312.50	316,312.50
<u>Debt Service Expenditures</u>			
Short Term Financing	200		
Principal		500,000.00	300,000.00
Interest		<u>91,312.50</u>	<u>16,312.50</u>
		591,312.50	316,312.50
<u>Federal Revenue Sharing Trust Fund Entitlement Period #6</u>			
Contribution to General Fund	660	275,000.00	275,000.00
Contribution to Intergovern- mental Service Fund	660	8,000.00	46,417.00
Contribution to Capital Projects Fund	660	<u>38,417.00</u>	<u>-0-</u>
		321,417.00	321,417.00
<u>Federal Revenue Sharing Trust Fund Entitlement Period #7</u>			
Contribution to Capital Projects Fund	660	658,000.00	408,000.00
Contribution to General Fund	660		150,000.00
Contribution to Special Assessment Revolving Fund	660		<u>100,000.00</u>
		658,000.00	658,000.00
<u>Capital Projects Fund</u>			
Construction	500	3,599,508.00	3,349,508.00

PASSED, ADOPTED AND APPROVED THIS  
1ST DAY OF JUNE, 1977

*William H. Briare*  
\_\_\_\_\_  
WILLIAM H. BRIARE, MAYOR

*Rubie*  
\_\_\_\_\_  
*W. E. Leavitt*  
\_\_\_\_\_  
*Ray A. Wootten*  
\_\_\_\_\_  
*Paul J. Chisholm*  
\_\_\_\_\_

ATTEST:

*Edwina M. Cole*  
\_\_\_\_\_  
Edwina M. Cole, City Clerk

have on the budget.

Marvin Leavitt: We will do that in July, what this does in effect is that during this last year there has been alot of reorganization from departments, combining and splitting and all this happening since that original budget was filed and this recognition of that fact brings it into the budget so it doesn't put us in an illegal position at the end of the year, it is something that we do each year at this time.

Mayor Briare: Any further comments or questions?

Commissioner Lurie: Move for the approval of the Budget Augmentation and Adoption of the Resolution.

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

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

RESOLUTION -  
TULE SPRINGS  
PARK RENAMED  
SENATOR FLOYD  
R. LAMB PARK  
Adopted

Mr. Adams: The next item is a Resolution from Commissioner Lurie.

Commissioner Lurie: Mayor I have a Resolution that I have presented to each member of the board and at this time I would like to read the Resolution and this Resolution is a Resolution to rename the Tule Springs Park. I believe that it is proper that certain individuals deserve recognition for their effort and time that they have put into making our Community and our State a better place to live. I would appreciate your consideration in this Resolution. As you know the State is taking over the Tule Springs Park as soon as some details are worked out between the City and the State on certain requirements that we have been requested from the State to be presented. At this time I would like to read the Resolution and have concurrence on it.  
"WHEREAS, Tule Springs Park area is a landmark of Southern Nevada; and WHEREAS, Tule Springs Park has significant historical value; and WHEREAS, Senator Floyd R. Lamb is of pioneer Nevada background; and WHEREAS, Senator Floyd R. Lamb has served many years as an elected public official; and WHEREAS, Senator Floyd R. Lamb has devoted much time and effort to various civic organizations; and WHEREAS, Senator Floyd R. Lamb has long been interested in the Tule Springs Park area as a State Park facility, dating back to the early 1960s and continuing on from that time; and WHEREAS, Senator Floyd R. Lamb introduced legislation into the 1977 session of the Nevada State Legislature to make Tule Springs Park a State park facility, which would greatly enhance the benefit and utilization of the area, specifically to the people of Southern Nevada and also to all of the people of the State of Nevada. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of City Commissioners on the 1st day of June 1977, that Tule Springs Park be named Senator Floyd R. Lamb Park." I would ask for concurrence in the adoption of this Resolution.

Mayor Briare: Commissioner I would like to ask you if to your knowledge or does anyone have any indication of what the State Park Board who will be charged with the responsibility of operating this park have in terms of policy on naming parks throughout the state?

Commissioner Lurie: No I haven't Mayor and I feel that if the State wishes to make any changes at that time then they can meet with the members of the State Park Board as well as the people in charge of the parks and make that determination. I think that this Resolution is in order for the City to rename the park and feel that by us doing this will not obligate the State to accept it but it is our recommendation to them.

Mayor Briare: Oh I am sorry, maybe I misunderstood the Resolution Commissioner when you say that it is not mandating the State.

Commissioner Leavitt: Well it is still a City Park isn't it, it hasn't been transferred yet we can call it anything we want.

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R E S O L U T I O N

WHEREAS, Tule Springs Park area is a landmark of Southern Nevada; and

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of City Commissioners on the 1st day of June, 1977, that Tule Springs Park be named Senator Floyd R. Lamb Park.

*William H. Briare*  
WILLIAM H. BRIARE, MAYOR

*Ron Lurie*  
RON LURIE

*Myron E. Leavitt*  
MYRON E. LEAVITT

*Roy A. Woofter*  
ROY A. WOOFTER

*Paul J. Christensen*  
PAUL J. CHRISTENSEN

ATTEST:

*Edmund J. O'Connell*

Commissioner Christensen: We don't have to get the States permission it is still our Park until they take it over.

Mayor Briare: Yes I certainly recognize that, we could call the Park just any name that happens to come to mind, no one has a greater respect for Senator Lamb than myself but to name a Park today and what in a sense what you are doing is mandating the State to do it that way.

Commissioner Leavitt: That's right, that is the way I understand the Resolution. There was no agreement made with the State regarding the name, it is my understanding that we are naming the Park today, it is still a City Park we still have the authority to name it, that is my understanding of the Resolution.

Mayor Briare: Any other comments or questions? (No response). The motion is to adopt the Resolution. Cast your votes. Motion is approved.

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

Mayor Briare: Next item.

REQUEST TO  
UTILIZE COURT  
ROOMS OF DEPT'S  
I AND II FOR  
TRAFFIC SCHOOL  
Held in Abeyance  
Pending Report  
on Cost to City

Commissioner Lurie: Mayor I have one additional item it is a walk-on item and it is a request from the Nevada Safety Council and the Department of Motor Vehicles to use the Court Rooms in Departments I and II on Saturdays for Traffic School beginning June 4, 1977 and authorize the use of the parking lot adjacent to the State Building for the participants. This was discussed at a previous meeting and the City Manager was instructed to work out the necessary details so that these people who have been assigned to traffic school can have it done right here at City Hall. The traffic classes have been held previously at the Convention Center.

Mayor Briare: Any comments?

Commissioner Christensen: What is the financial impact of this to the, what is this going to do to our janitorial system and so forth.

Mr. Adams: I don't think it is going to require any additional staffing they generally are working in that area at any rate except for the court rooms.

Commissioner Christensen: At the convention center it is my understanding that the convention center makes that space available on a cost reimbursable basis, are we going to do the same thing or do we pick up all the costs or how does that work?

Mr. Adams: I leave it to your discretion, we are involved to the extent that we are through our court system are involved in the traffic school operation. A portion of our funding on the police of course is involved in the training and the school and we feel that where they do have the problem and need the space that it would be practicable for us to have the school for the space available. Any charges involved I am sure there will be no problem in getting it.

Commissioner Christensen: I think that should be looked into because many of those traffic school students come from the County and they have been going on a cost reimbursable basis at the convention center and I think the same courtesy should be accorded whatever it cost to set the room up and clean it up afterwards, it should be reimbursable in the city the same as it is at the convention authority or the same it would be to the County if they were holding it in the County Court House.

Mr. Adams: I have no objection, we will pursue it.

Mayor Briare: Let's proceed in that manner then.

ITEM	Commission Action	Department Action
<p>I. <u>CITY MANAGER - WILLIAM E. ADAMS, P.E.</u></p>		
<p>A. <u>REED WHIPPLE CULTURAL CENTER</u> (Abeyance from 5/18/77)</p>	REPORT ONLY	NONE REQUIRED
<p>B. <u>CERTIFICATE OF APPRECIATION --</u> <u>JAMES DOWNS</u> Member of Housing Authority Board since June 1, 1949.</p>	PRESENTED BY MAYOR BRIARE TO JAMES DOWN	NONE REQUIRED
<p>C. <u>BUDGET AUGMENTATION FOR THE 1976-77 BUDGET</u></p>	APPROVED Lurie - Unanimous	DIRECTOR TO PROCEED
<p>D. <u>RESOLUTION - COMMISSIONER LURIE</u> Tule Springs Park be named Senator Floyd R. Lamb Park.</p>	ADOPTED Lurie Mayor Briare voted "no"	MAYOR AND CLERK AUTHORIZED TO SIGN
<p><u>WALK-ON ITEM</u></p>		
<p>E. Request of Nevada Safety Council, Department of Motor Vehicles to utilize court rooms of Departments I and II for Traffic School and authorizing use of the parking lot adjacent to the State Building for the participants.</p>	Abeyance pending a report on cost to the City in terms of clean-up, etc.	C/M to Proceed
<p><u>I(a) MINUTES</u></p>		
<p>A. REGULAR MEETING - MAY 4, 1977</p>	Items A and B APPROVED	Mayor and Clerk Authorized to Sign
<p>B. RECESSED MEETING - MAY 23, 1977 (Re: Ratification of Appointment of Fire Chief - Metropolitan Fire Department)</p>	Lurie - Unanimous	

MINUTES  
REGULAR  
MEETING MAY  
4 1977 AND  
RECESSED  
MEETING  
May 23, 1977

Mr. Adams: The other items are the minutes at the bottom of the page.

Commissioner Lurie: Move for approval of Items A and B.

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

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

Mr. Adams: The next item gentlemen is our Financial Management for our Service and Material Warrants.

-----  
DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, CPA, DIRECTOR

See Page 9 of these minutes - Annotated Agenda

SERVICE AND  
MATERIAL  
WARRANTS AND  
PAYROLL WARRANTS  
ITEMS A AND B  
Approved as  
Presented

Mr. Adams: This is to pay our dues for the past period and our Payroll Warrants.

Commissioner Lurie: Move for the approval of Items A and B.

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

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

Commissioner Lurie: Mayor I have one comment I would like to make and I believe Mr. Adams that on this Service and Material Warrants, I would like to see a new policy established before this is brought before us for approval whereas we would have to review the Service and Material Warrants and sign that we have looked them over and made sure that they are in order. We do this with the Metropolitan Police Department before any warrants are approved, there might be some questions we have on certain vendors doing business with the city or other purchases that are being made that at the time we approve this Service and Material Warrants these questions can be brought up. I have the opportunity to review them as well as the Mayor when we have to sign them after their meetings and they are approved but I think for the benefit of the other Commissioners that they should be able to view all of them.

Mayor Briare: Any other comments? (No response). Ladies and gentlemen for those of you who have picked up copies of the agenda we have a very difficult agenda this morning and it is going to be necessary that we more or less set a couple of things early in the meeting so that those of you who are affected by matters that are going to be coming up on the agenda especially in Public Works and Planning that number one the Commission is going to recess the morning session at 11:30 this morning and we will not reconvene until 2:00. So for those of you who have an agenda and if you kind of look at the agenda you can kind of get an idea of where the item is that you are particularly interested in and determine for yourselves as the morning progresses as to whether you think that you might be able to reach your particular interest this morning or whether it might be this afternoon. Furthermore it has been brought to my attention that one of the applications on the Community Planning and Development, Commissioner Lurie why don't you....

See Page 66 of these minutes - Annotated Agenda

Commissioner Lurie: It has been requested that Item D of the Community Planning and Development Department be withdrawn this morning and referred back to the planning commission for the June 9th meeting, this application of Jerry Herbst for rezoning of the property on Arville and Oakey. At this

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.

\*A. SERVICE AND MATERIAL WARRANTS

Nos. E1163 to E1166, E114503,  
E310511 to E310528, E310530,  
E310531 to E310542, E310544 to  
E310549, E310552 to E310779,  
inclusive

In the amount of \$ 2,713,030.41

\*B. PAYROLL WARRANTS

Nos. 92282 to 93494 inclusive

For Pay Period Ending 5-14-77

In the amount of \$ 376,707.12

Items A and B  
APPROVED as presented  
Lurie - Unanimous

Director authorized  
to issue

time I would request that this item be referred back to Planning so that people who have taken the time to come down to speak on this application be notified that this will be heard on June 9th at the Planning Commission. They have decided to resubmit a new application for decreasing the amount of zoning to a lesser amount.

Mayor Briare: Is it substantially less.

Commissioner Lurie: Instead of the 90 units it is 35 units that they are going to be asking for. This came in yesterday. Don do you have anything you would like to say on it.

Mr. Saylor: No other than it was just sent back, we will have it on the next agenda.

Mayor Briare: This is a matter that from time to time does come up and if the or rather it is the prerogative of the Commission as to whether it should be referred back or not. There was a lady that raised her hand back there did you understand the suggestion that Commissioner Lurie was proposing?

Unidentified Lady: Well we are opposed and we spent alot of time and effort in trying to do this and I think the residential area should be allowed to be heard.

Mayor Briare: Well that is very true maam and the reason it is on the agenda and it was brought under it's normal procedure to be discussed this morning was to hear your objections to the original application and to discuss the matter as we do in a normal procedure, however, if during the course of the discussion which could be lengthy if a request were to be made of this board to just forget the application and we will reapply before the Planning Commission, that too is a matter that can be properly discussed by this board. So I think what the effort is and the reason I bring up the discussion of the agenda here this morning is rather than go through the whole thing and through the whole hearing from beginning to end on a matter that is not even going to be considered, that is the higher number of units that it might be more convenient, especially for you folks that have come down here, that it be referred back to the Planning Commission under the lesser amount, the applicants are still obliged to be convincing to the Planning Commission and then at a latter date be convincing to this Commission if the new revised application is indeed to the benefit of the city. Now I am trying to avoid and save you some time in a deal that would cut our agenda by discussing this right here and now to determine if this is the course this Commission wants to take. Did you want to make a comment sir?

George Smith: I am representing the developer and I was just going to make a comment that might clarify things. The developer is in the process of redesigning the project from the condominiums to a townhouse or a patio home project. The density would be approximately 35 units.

Commissioner Leavitt: What was the design from a what?

George Smith: Right now as it exists under the application it is a condominium project and the new project would be a patio home project very similar in concept to Spanish Oaks.

Commissioner Leavitt: Well are you talking about R-1 or what is a patio home I don't understand what a patio home is.

George Smith: It is very similar to Spanish Oaks.

Commissioner Leavitt: Is it still going to be like a condominium townhouse sort of thing, well what I am trying to get at is, how much is your application going to change, if it is not going to change that much maybe we ought to go ahead and hear it.

George Smith: Well it is going to change quite a bit in density from approximately 70 down to 35 it will be half.

Commissioner Leavitt: You redesign is going to be in the way of condominium, townhouse type project.

George Smith: No it will have public streets, it will be the density is going to be higher than R-1 but it is going to be substantially less than what it is now, it will be about R-16.

Commissioner Leavitt: Well you see what is bothering me on this is that you come up with a plan and they shot you down in the Planning Commission and you have come up here before us now and now you want to change it. I can understand the Mayor's concern about going to a full public hearing if we are going to have a different application before us and it actually is and I agree with that, but what I am thinking is that if in fact you are going to change it and how much are you going to change it and if it is going to eliminate the protest and if it is going to change everybodys mind.

George Smith: Well the idea in redesigning the project is to eliminate the people that live in the area that are protesting.

Commissioner Leavitt: Well what's the difference if you just withdraw this one and start over?

Mr. Saylor: Four months.

Commissioner Leavitt: Oh, O.K. in other words if he withdrew this now and had to start over it would be four months before he could do it.

Mr. Saylor: Well withdrawal is the same as a denial but I think the ordinance does involve a new application without waiting as long as it is substantially different than a lesser amount.

Mayor Briare: Well why you are checking that Don we will go on with the agenda and we will get back to that.

Mr. Adams: The next item your Honor and Gentlemen is on Page 4 the Department of Personnel and Employee Relations.

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DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

BOB McPHERSON, AEP, DIRECTOR

See Page 12, of these minutes - Annotated Agenda

FEDERALLY  
FUNDED POSITIONS  
ITEMS 1 THRU 7  
Approved

Mr. Adams: The first item is the Federally Funded Positions 1 through 7, they are in order and our Reimbursable Position on page 5 under B and then we have 5 part time City Funded Positions and 3 Full time City Funded and one funding change in a move on a full time city employee.

Mayor Briare: On Items 1 through 7 under A.

Commissioner Lurie: Move for approval.

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

Page 11  
Minutes  
Regular  
Meeting  
City Commission  
June 1, 1977

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

ITEM

Commission Action

Department Action

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

A. FEDERALLY FUNDED

Items 1 thru 7  
APPROVED  
Lurie - Unanimous

Director  
Authorized to  
Proceed

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
(1) Community Planning & Development Drafting Aide (replace vacancy)	758	Assigned to the General Plans Division revising and updating land use maps and other entry drafting assign- ments within the department.
(2) PS/Street Maintenance Aide I - 2 (replace vacancy)	592	Assigned to a cement street patching crew and cleaning crew pro- viding manual labor required for City improvement projects.
(3) PS/Street Maintenance Laborer (replace vacancy)	721	Part of the con- crete crew responsible for repairing and maintaining streets, curb and gutters and other related tasks.
(4) Parks & Rec Services/ Parks Recreational Facilities Attendant (replace vacancy)	563	With the closing of schools, there will be more activity in the younger playground areas of the parks. Attendant will provide needed super- vision at Lions and Fantasy Parks.
(5) Funds, Coordination & Projects Secretary (replace vacancy)	721	Provides clerical support to the Funds Administration and Evaluation Division. Block Grant funding.
(6) Senior Citizens Sr. Citizens Aide (replace vacancy)	474	Acts as receptionist and does other clerical functions. Title III funding.

See Page 14 of these minutes - Annotated Agenda

REIMBURSABLE  
POSITIONS  
Approved

Mayor Briare: Item B.

Commissioner Lurie: Move for approval.

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

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

CITY FUNDED  
PART TIME  
POSITIONS  
Approved

Mayor Briare: Item C.

Commissioner Christensen: Move for approval.

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

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

See Page 15 of these minutes - Annotated Agenda

CITY FUNDED  
FULL TIME  
POSITIONS  
Approved

Mayor Briare: Item D. Mr. Adams on Item D number (2) would you give a little more explanation on that. I thought that we had a very capable affirmative action program monitor and director in the personnel department is this going to be another?

Mr. McPherson: This is just the Block Grant program Mayor. It does not relate to the city employees which the personnel position does.

Mayor Briare: And this is City funded as opposed to CETA funded?

Mr. McPherson: That is the intent.

Mr. Spaulding: One of our obligations under the terms of this approximately 2 million dollar grant is that there is certain services that we has to fund out of City Funds and one of these is project monitor.

Mayor Briare: It is required by the Federal Government that it is not federally funded this is some of your in-kind services that you are required....

Mr. Spaulding: It is equivalent to in-kind yes.

Mayor Briare: Any other comments? (No response).

Commissioner Lurie: I move for approval.

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

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

CITY FUNDED  
FULL TIME  
(FUNDING  
CHANGE)

Mayor Briare: Item E.

Commissioner Christensen: Move for approval.

Held in Abeyance

Mayor Briare: Why is it more appropriate that this position be under City funding as opposed to Federal funding?

Mr. Adams: We have actually altered the position in which we are using the individual to the point to where he is becoming more city operated and doing our city functions rather than trying to do any of the governmental work involved and we are switching him over and actually picking him up on our own payroll.

ITEM	Commission Action	Department Action
<b>I. (c) DEPARTMENT OF PERSONNEL &amp; EMPLOYEE RELATIONS</b>		
<b>A. <u>FEDERALLY FUNDED cont'd</u></b> (7)		
Parks & Rec Services/ 721 Parks Maintenance Laborer (replace vacancy)	Prunes and weeds median islands, edges and trims cemetery and all parks shrub bed areas and general maintenance as required.	See Page 4
<b>B. <u>REIMBURSABLE POSITIONS</u></b>		
CS/Fine Arts 777 Instructor - 10 (provide needed services) Temporary - Until 8/15/77	To teach classes in the various arts and crafts for the summer session at the Reed Whipple Center. Registration fees will defray costs.	APPROVED Lurie - Unanimous
<b>C. <u>CITY FUNDED - PART TIME</u></b>		
(1) Parks & Rec Services/ Parks & Open Spaces Utility Worker - 2 Temporary - Until 9/4/77	Needed for night watering, raking and trimming grass from traps and general maintenance of golf course during summer months.	Items 1 thru 5 APPROVED Christensen - Unanimous
(2) Business Activity Pet License Crew Leader Temporary - Until 8/19/77	Supervises and coordinates the activities of the pet license crew. Revenue generating position.	
(3) Business Activity Pet License Crew Member - 5 Temporary - Until 8/19/77	Canvasses the City selling dog and cat licenses to owners of unlicensed pets. Revenue generating position.	
(4) Parks & Rec Services/ Recreation Tr. Rec. Assistant Temporary - Until 11/18/77	Assigned to Doolittle Center on the evening shift assisting in the operation of the facility. Also utilized to assist in the summer program.	
(5) Parks & Rec Services/ Parks Park Attendant - 5 (provide needed services) Temporary - Until 9/5/77	With the start of the summer season, more supervision is needed in the park areas including the playground areas of the parks as well as around the ball diamonds.	

ITEM	Commission Action	Department Action
<b>I. (c) DEPARTMENT OF PERSONNEL &amp; EMPLOYEE RELATIONS</b>		
<b>D. CITY FUNDED - FULL TIME</b>		
(1) Municipal Court Court Bailiff (provide needed services)	946 Assigned to Department IV maintaining order while court is in session. Will also be used in the field serving warrants when court is not in session.	Items 1 thru 3 APPROVED Lurie - Unanimous
(2) Funds, Coordination & Projects Management Trainee (provide needed services)	758 To conduct Block Grant projects affirmative action monitoring and assist in operating agency information and coordination duties and functions.	Director Authorized to Proceed
(3) City Attorney Secretary to the City Attorney (replace vacancy)	901 Responsible for supervising clerical staff and providing secretarial services to the City Attorney.	
<b>E. CITY FUNDED - FULL TIME (FUNDING CHANGE)</b>		
Funds, Coordination & Projects Supervisor of Planning (change of funding)	1708 Position formerly under Block Grant funding. It is more appropriate for the position to be under City funding because of the nature of the duties.	Abeyance Lurie - Unanimous
<b>WALK-ON ITEM</b>		
<b>CITY FUNDED - FULL TIME</b>		
Department of Financial Management Accounting Clerk	721 Needed to handle the increased payroll as a result of the merger of the Fire Departments	APPROVED Christensen - unanimous
		Director Authorized to Proceed

Mayor Briare: I hope I am not drawing an erroneous conclusion but it would appear from the meetings in the past up to and even including today that there is a trend to take these employees who could be financed from federal funds and put them under local city tax funds thereby giving up the advantage of federally funded positions.

Commissioner Christensen: That is exactly what the Federal Government expects you to do with those.

Mayor Briare: Right and as long as we continue to do it then the Federal Government could be very happy that they don't have to contribute toward the Financing of the Government and put the burden entirely on the local tax payers. I would hate to see this as a trend Mr. Adams and I hope that you are making every effort to avoid this because if we discover at a later date that we are employing employees on city funds when we could take advantage of federal funds I am sure there is going to be some disappointment expressed.

Commissioner Lurie: Who is this person?

Mr. McPherson: This is Howard Null Supervisor of Planning. This is in the Planning Department and part of the problem here Mayor is that the requirements for block grant funding is that he be involved on block grant projects and that is not the case in terms of his work assignments.

Mayor Briare: I don't mean to zero in on any one individual position, just generally it seems that we are quite regularly transferring heretofore federally funded positions to exclusive city obligation but as long as Mr. Adams is convinced that that is not the case we will just keep watching.

Commissioner Lurie: I would like to hold this item until our next meeting, I would like some additional information concerning this particular situation and others that we have coming up transferring these position into permanent full time city employees so I would move then that this item be held until the next meeting until we receive some information.

Mayor Briare: Any objections to this by any of the Commissioners? Then let's hold it. Next item.

Mr. Saylor: (Referencing Item D of Page 22 - Jerry Herbst) Your Honor an application for a lesser density would not have to wait for the four months in other words if this application is denied....

Mayor Briare: Well on the other hand for the folks and I only see one lady raise her hand but I have a feeling there might be others that she might be expressing their interests, is it also conceivable that this Commission could go ahead with the hearing and do one of several things which might include a revision right here to a lesser density, and thereby resolve the who matter right here rather than go back to the Planning Commission and have them discuss it further and then come back to here is that an alternative?

Mr. Saylor: Right, you may reduce the application.

Commissioner Christensen: Your honor I have another question on that, there is another alternative. What if the applicant got up and rather than go through a complete public hearing just said that I wish to withdraw this are we then obligated to hear it anyway over his objection if he wants to withdraw?

Mr. Saylor: Of course that is a matter for the City Attorney but it would be my opinion that the applicant if he wants to withdraw it then that's it.

Commissioner Leavitt: As I understand then the way the ordinance reads, that even if we had a full public hearing on this matter and denied it then he could come in tomorrow and make an application to lessen the density which he is going to do anyway, then I don't see any reason in going ahead with the public hearing.

Mayor Briare: Because we have those alternatives I think it was prudent that we inquire as to whether those alternatives exist, so if there is no objection by the Commission we will leave the agenda as it is and that matter will be discussed in it's normal course.

WALK-ON ITEM  
CITY FUNDED  
FULL TIME  
ACCOUNTING  
CLERK  
Approved

Mr. Adams: I have a walk-on item of necessity that we are involved in the Financial Management Department in the increased payroll that is going to come on for our Fire Department it is requested that we be authorized to put on a full time city funded accounting clerk to handle that payroll and the additional work involved with it.

Mayor Briare: This is a new position, O.K. What is the pleasure of the Commission?

Commissioner Christensen: I so move.

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

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

Mr. Adams: The next item is on page 7 with our Department of Funds, Coordination & Projects I would like Mr. Spaulding to handle the situation.

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DEPARTMENT OF FUNDS, COORDINATION & PROJECTS

BRUCE W. SPAULDING, DIRECTOR

See Page 18 of these minutes - Annotated Agenda

SELECTION OF  
AUDITOR FOR  
"701" AND  
BLOCK GRANT  
PROGRAM  
Approved

Mr. Spaulding: Your Honor I just have a single item on the agenda this morning, it is Item A, it is a selection of an auditor for two federal programs 701 and the Community Development Block Grant Program. Every year at approximately this time we must select an auditor, it would be the staff's recommendation that the current City Auditor the Firm of Laventhol and Horwath be recommended for these two audits.

Mayor Briare: Comments? (No response).

Commissioner Leavitt: Move we follow the recommendation.

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

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

Mayor Briare: Next item.

Mr. Adams: The next item is on page 8 our Department of Municipal Services I would like Mr. Cathcart to handle that.

ITEM	Commission Action	Department Action
I. (d) DEPARTMENT OF FUNDS, COORDINATION & PROJECTS BRUCE W. SPAULDING, DIRECTOR	APPROVED Laventhol and Horwath as Auditor Leavitt - Unanimous	Director to Proceed
A. Selection of Auditor for "701" and Block Grant Program		

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DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

See Page 20 of these minutes - Annotated Agenda

PERMISSION  
TO RECEIVE  
BIDS ITEMS  
1 THRU 5  
Approved

Mr. Cathcart: Your Honor under Permission to Receive Bids I have five items, they are in order unless there is some questions on them.

Mayor Briare: What is the pleasure of the Commission?

Commissioner Lurie: Move that we approve Permission to Receive Bids.

Mayor Briare: Cast your votes. Motion is approved.

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

AWARD OF BIDS  
ITEMS 1 THRU  
8 Approved

Mayor Briare: Item B.

Mr. Cathcart: Award of Bids on Item one it is Bid #77.21, it is on the Annual Kerosene Solvent Tolulene Contract, first recommend rejection of the only bid received as being in excess of the estimate it was almost 50% over the estimated amount.

Mayor Briare: And all the rest carry your recommendation to accept?

Mr. Cathcart: Yes as spelled out there.

Mayor Briare: Mr. Cathcart one question on Number 5 as to the Elevator Maintenance, is the low bidder the best bidder?

Mr. Cathcart: They have been checked out through Public Services and they have furnished all necessary paperwork and this was....

Mayor Briare: Well you know this is an instance as we know that if an elevator is not working you get a little nervous when you award the maintenance to the lowest bidder.

Mr. Cathcart: We realize that Mayor.

Mayor Briare: O.K., the recommendation is in, what is the pleasure of the Commission?

Commissioner Lurie: Move that we follow the recommendations.

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

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

Commissioner Lurie: Mayor iff I could, Mr. Cathcart on Item 7 I would like a report given to the Mayor and Commissioners concerning the progress of the clean-up through Public Works with Mr. Becket O.K.

Mr. Cathcart: I might add on that Number 7 that the amount is estimated at \$76,500.00, these are charged back to the property owners but it is on an hourly rate, this is an estimated amount of what we have to do but everything else 1 through 8 is in order, as recommended.

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> <ol style="list-style-type: none"> <li>1. Replacement Parts For Waste Water Treatment Plant (Public Services - Sanitation Division)</li> <li>2. Owens Avenue Bridge. 100% Regional Streets and Highway Commission Funded. (Public Services)</li> <li>3. Adjustment of Fifty-five (55) Manholes (Public Services)</li> <li>4. Upgrade Citywide Radio Communications System (Municipal Services)</li> <li>5. Vehicle Replacement Program Compacts and Sub-compacts (Municipal Services)</li> </ol>	<p>Items 1 thru 5          APPROVED          Lurie - Unanimous</p>	<p>Director to Proceed</p>
<p>B. <u>AWARD OF BIDS</u></p> <ol style="list-style-type: none"> <li>1. Bid #77.21 - Annual Kerosene Solvent Tolulene Contract, Fiscal Year July 1, 1977 Through June 30, 1978 (Municipal Services - Vehicle Services)</li> <li>2. Bid #77.22 - Annual Tree Removal Contract--Fiscal Year July 1, 1977, Through June 30, 1978 (Public Services)</li> <li>3. Bid #77.26 - Annual Water Treatment of Air Conditioning Towers (Public Services)</li> <li>4. Bid #77.27 - Annual Paper Contract - Fiscal Year July 1, 1977 Through June 30, 1978 (Various)</li> <li>5. Bid #77.30 - Full Monthly Maintenance Elevator Service Contract On Four (4) Passenger Elevators, For a Two (2) Year Period, From July 1, 1977, Through June 30, 1979. (Business Activity - Parking Garage)</li> <li>6. Bid #77.42 - Glass Storefronts, 2nd, 3rd, and 6th Floors, City Hall (Public Services)</li> </ol>	<p>Items 1 thru 8          APPROVED as recommended          Lurie - Unanimous</p>	<p>Director to Proceed</p>
<p>Page 20          Minutes          Regular Meeting          City Commission          June 1, 1977</p>		

See Page 22 of these minutes - Annotated Agenda

PURCHASE ORDER  
APPROVAL ITEMS  
1 AND 2  
Approved.

Mr. Cathcart: In Purchase Order Approvals I have two items there and they are in order as recommended.

Commissioner Lurie: Are these single source?

Mr. Cathcart: Yes it's a sole source the Minnesota Mining Reflective Sheeting and the second item is to match the benches and so forth that we have in our existing I, II, and III Court Rooms to set up the fourth Court Room.

Commissioner Lurie: Move for approval.

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

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

Mayor Briare: The next item Mr. Adams.

Mr. Adams: On Page 10 there is the Department of Business Activities.

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DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

See Page 23 of these minutes - Annotated Agenda

CHARITABLE  
SOLICITATIONS  
PERMITS  
ITEMS 1 THRU  
11 Approved

Mr. Adams: The Charitable Solicitations Permits under A for Items 1 through 11 are all in order.

Commissioner Lurie: Move for approval.

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

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

Mayor Briare: Item B.

See Page 24 of these minutes - Annotated Agenda

GAMING -  
ADDITIONAL  
GAMES OF  
NEVADA AND  
BALLY DISTRI-  
BUTING CO.  
Approved

Mayor Briare: Additional Games for the Nevada and Bally Distributing Company.

Commissioner Lurie: Move for approval.

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

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

RETAIL  
TOBACCO -  
ADDITIONAL  
WILMAX, Inc.  
Approved

Mayor Briare: Item C, Retail Tobacco for Wilmax.

Commissioner Lurie: Move for approval.

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

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

ITEM	Commission Action	Department Action
I-e <u>DEPARTMENT OF MUNICIPAL SERVICES CONT.</u>		
7. Bid #77.56 - Litter Abatement Contract (Public Services)	See Page 8	
8. Bid #77.58 - Traffic Signal Lamps - Annual Replacement (Public Services - Traffic Engineer)		
C. <u>PURCHASE ORDER APPROVAL</u>		
1. Request Purchase Order approval to <u>3M Company</u> , St. Paul, Minnesota, in the amount of <u>\$4,862.95</u> , for reflective sheeting and numerals. <u>Sole Source.</u>	Items 1 and 2 APPROVED Lurie - Unanimous	Director to Proceed
2. Request Purchase Order approval to <u>Bernstein Company</u> , Culver City, California, in the amount of <u>\$5,960.00</u> for fourteen (14) court Room Benches for Municipal Court, Room IV. <u>Sole Source.</u>		

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)

1. PRIDE OF THE WEST DISTRICT ASSOCIATION -- general solicitations
2. NATIONAL ASSOCIATION, LAS VEGAS CHAPTER, BLACK SOCIAL WORKERS -- sale of tickets to a barbecue/dance; sale of raffle tickets; sale of advertising space
3. BOY SCOUTS OF AMERICA, TROOP # 235 -- a candy sale
4. NEW HORIZONS CENTER FOR LEARNING -- solicitations for funds for a new school site
5. NEVADA STATE WOMEN'S CONFERENCE -- sale of advertising space
6. SOUTHERN NEVADA HOME BUILDERS ASSN. -- builders' surplus sale; raffle tickets
7. V.F.W., RED ROCK POST # 8774 -- sale of poppies; placement of canisters
8. TWIN LAKES BAPTIST CHURCH -- car wash; rock-a-thon
9. B'NAI B'RITH WOMEN, LAS VEGAS CHAPTER # 415 -- tickets to fashion show/luncheon
10. GAMMA PHI DELTA SORORITY, ALPHA RHO CHAPTER -- tickets to art event
11. ROSE GARDEN CLUB -- sale of "Las Vegas Valley Gardening" book

Items 1 thru 11  
 APPROVED  
 Lurie - Unanimous

Director to  
 Proceed

ITEM Commission Action Department Action

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

\*B. GAMING -- Additional

1. GAMES OF NEVADA

Jackpot Casino  
2410 Las Vegas Blvd So.  
6 slots

Items 1 and 2  
APPROVED  
Lurie - Unanimous

Director to  
Proceed

2. BALLY DISTRIBUTING CO.

Orbit Inn  
707 E. Fremont  
2 slots

\*C. RETAIL TOBACCO -- Additional

1. WILMAX, INC.

Las Vegas Transit Systems  
114 South 3rd Street

APPROVED  
Lurie - Unanimous

Director to  
Proceed

D. LIQUOR -- Change of Ownership/  
Change of Business Name

1. From: De Luca Importing Co.

Robert Keyser, et al

APPROVED  
Lurie - Unanimous

Director to  
Proceed

To: DE LUCA LIQUOR & WINE, LTD.  
2548 W. Desert Inn Road  
Wholesale Liquor License

American Mart Corporation --  
Arthur M. Wirtz, Chmn of  
Board/Director  
William W. Wirtz, Vice  
Chmn/Pres/Director  
Peter N. Daswick, Sr. Vice  
Pres/Director  
John J. Milligan, V.P./  
Treas/Asst.Secy/Director  
Arthur M. Wirtz, Jr.,  
V.P./Director  
Thomas J. Lyman, V.P./  
Director  
Thomas C. Whiting, V.P.  
Kenneth Scranton, Secy/  
Director  
Phillip Woledge, Asst.  
Treas/Asst. Secy  
Frank S. Whiting, Director  
Max E. Mohler, Director  
Bruce Mac Arthur, Director  
William R. Wirtz, Director

cont'd....

LIQUOR - CHANGE OF OWNERSHIP/  
CHANGE OF BUSINESS NAME  
DE LUCA IMPORTING  
Approved.

Mayor Briare: Item D the Liquor Change of Ownership change of business name from De Luca Importing to De Luca Liquor and Wine Limited.

Commissioner Lurie: Move for approval.

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

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

See Page 26 of these minutes - Annotated Agenda

LIQUOR - CHANGE OF OWNERSHIP/  
CHANGE OF BUSINESS NAME  
NEVADA BEVERAGE CO. Approved

Mayor Briare: The next item.

Mr. Adams: That is Item D2 on page 12.

Commissioner Lurie: Move for approval of Item 2.

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

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

LIQUOR - CHANGE OF OWNERSHIP  
SHELLY'S DELI  
AND LIQUOR AND GAMING-NEW  
Approved.

Mayor Briare: Item E is a Change of Ownership from Shelly's Deli.

Commissioner Lurie: Move for approval.

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

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

See Page 28 of these minutes - Annotated Agenda

LIQUOR & RETAIL TOBACCO - NEW  
Approved

Mayor Briare: Circle K Stores Liquor and Retail Tobacco.

Subject to Conditions  
CIRCLE K STORES

Mr. Snyder: Yes Mr. Mayor and members of the Commission I am appearing on behalf of Circle K.

Commissioner Lurie: I would like to explain your letter, because I don't quite understand how you can request us to establish an ordinance allowing beer and wine to a convenience store that hasn't even put up any walls as yet.

Mr. Snyder: No I am not requesting that Commissioner, what I thought by virtue of some of the questions that have been raised and of course by virtue of the agendas that you gentlemen have and the time and sometimes you don't have to deliberate I wanted to address the issue that Commissioner Lurie raised in the past. Actually I wanted to explain that by virtue of the basis on which the convenience stores operate, they have certain conditions in each purchase agreement namely the proper zoning and the approval of the beer and wine license. Obviously in the way that these convenience stores are operated in the event they are not able to have package beer and wine that it makes it economically unfeasible to go forward and the convenience stores I think not only serve but they also make a substantial commitment to the community. In that past it has been that upon approval of the Beer and Wine that is the final condition that allows the consumption of the purchase and subsequently of course there is the construction. That was basically the purpose of my letter and the basis upon which it was written, trying to illuminate a little bit what their thinking is and what their problems are coming into a community and developing their stores.

ITEM

Commission Action

Department Action

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

D. LIQUOR -- Change of Ownership/  
 Change of Business Name  
 (cont'd)

Forman Realty Corporation,  
 90% Stockholder of American  
 Mart --  
 Arthur M. Wirtz, Chairman  
 William W. Wirtz, President  
 John J. Milligan, V. P.  
 Arthur M. Wirtz, Jr., V. P.

Consolidated Enterprises, Inc.,  
 93% shareholder of Forman Realty  
 Corp.--  
 Arthur M. Wirtz, Director/Chmn Board  
 William W. Wirtz, Director/Pres.  
 Arthur M. Wirtz, Jr., Director/  
 V.P.  
 John J. Milligan, V.P./Secy

2. From: Nevada Beverage Co.

Robert Keyser, et al

To: NEVADA LIQUOR & WINE, LTD.  
 2416 W. Desert Inn Road  
 Wholesale Liquor License

American Mart Corporation --  
 Arthur M. Wirtz, Chmn of  
 Board/Director  
 et al

(Same as above)

APPROVED  
 Lurie - Unanimous

Director to  
 Proceed

E. LIQUOR -- Change from sole ownership  
 to joint ownership

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

From: Sheldon Plotkin, 100%

To: Sheldon Plotkin, 50%  
 Barbara Plotkin, 50%

APPROVED  
 Lurie - Unanimous

Director to  
 Proceed

Commissioner Leavitt: You don't close the Escrow until you have the license do you?

Mr. Snyder: That is when the license is approved.

Commissioner Leavitt: Then what is the problem, I don't understand, in other words everything is contingent upon the license as far as the Escrow if we were to deny the license they haven't lost anything they just have to build somewhere else.

Mr. Snyder: That is true but of course one of the conditions in establishing the Escrow is the approval of a beer and wine license but if they know that in the event that they close that Escrow and construct the building they in fact will be able to operate as they do elsewhere in the community.

Commissioner Leavitt: Well we would be granting the license before you would be closing the Escrow anyway wouldn't we?

Mr. Snyder: No you are approving the issuance of a license and they must of course construct, there is a time frame within which they are to activate but they know that there is nothing at that point in time that will otherwise preclude the issuance of a beer and wine license.

Commissioner Leavitt: Well there is no way that you can guarantee that they are going to have a beer and wine license forever.

Mr. Snyder: No.

Commissioner Leavitt: And we might pass an ordinance to change it, that is a possibility.

Mr. Snyder: That is right that is exactly right.

Commissioner Leavitt: That is the chance you take, that is the chance anybody takes.

Mr. Snyder: Oh I think by virtue of the commitment that they are going to make if in fact this would not be a proper location for this commission and would not issue a beer and wine license, they would in fact not close the Escrow.

Commissioner Leavitt: Well we wouldn't give them a license if we didn't think it was, you are putting the cart before the horse the way I see it, in other words were not going to issue the license unless we think it is a proper location and once we issue the license you are not going to close your escrow until you get your license.

Mr. Snyder: Yes but we cannot construct and we cannot close the Escrow until we are satisfied that we can operate in accordance with what the business conditions dictate, then we are able once constructed and once open to engage in the sale of packaged beer and wine.

Commissioner Leavitt: Well if we give you a license what more do you want.

Mr. Snyder: That is all and that of course is what I am here for.

Page 27  
Minutes  
Regular Meeting  
City Commission  
June 1, 1977

Mayor Briare: Well I think that the only item before us on the agenda is the sole application of the Circle K Store at the Southeast Corner of Tonopah Highway and Michael Way, there is no other application before us.

Commissioner Leavitt: Well Commissioner Lurie asked him a question about his letter though.

Mayor Briare: Well I know but I think this letter is probably casting alot of clouds over the whole matter because a letter from an attorney even as prominent as Mr. Snyder doesn't really have any great consequence on future actions of this board. So the only application before us is the Circle K Store on Tonopah and Michael Way.

ITEM	Commission Action	Department Action
<p><u>I-f. DEPARTMENT OF BUSINESS ACTIVITY</u>            (cont'd)</p>		
<p>F. <u>LIQUOR &amp; GAMING -- New</u></p> <p>1. SHELLY'S DELI            808 S. Decatur            Beverage Off-Sale            Business Owned Slots - 3</p> <p>Sheldon Plotkin, 50%            Barbara Plotkin, 50%</p>	<p>APPROVED            Lurie - Unanimous</p>	<p>Director to Proceed</p>
<p>G. <u>LIQUOR &amp; RETAIL TOBACCO -- New</u></p> <p>1. *CIRCLE K STORE NO. NA 1254            SE corner Tonopah Hyw/Michael Way            Beverage Off-Sale</p> <p>Circle K Corporation --            Frederick Hervey, Chairman/            President            J. Winslow Smith, Pres of the            Policy Board/Director            et al</p> <p>*Subject to the provisions of the            Planning, Building and Fire Codes            and Health Department regulations</p>	<p>APPROVED subject            to conditions            Leavitt            Commissioner            Lurie voted            "no"</p>	<p>Director to Proceed</p>
<p>H. <u>LIQUOR, GAMING, &amp; RETAIL TOBACCO --</u>  <u>Change of Ownership**</u></p> <p>1. *HIGHLANDER BAR            1926 S. Western            Tavern</p> <p>From: Irving Ulsrud, 100%</p> <p>To: Gerald Glenn Brown, 100%</p> <p>*Subject to the provisions of the            Planning, Building and Fire Codes            and Health Department regulations</p> <p>**Transfer to be effective 7/1/77</p>	<p>APPROVED subject to            conditions            Lurie - Unanimous</p>	<p>Director to Proceed</p>
<p>I. <u>LIQUOR, GAMING &amp; RETAIL TOBACCO --</u>  <u>Approval of Store Manager</u></p> <p>1. LUCKY DISCOUNT CENTER # 735            1200 S. Decatur Blvd            Package Liquor Limited</p> <p>Brian Spencer Carter, Manager</p> <p>See Page 28            Minutes            Regular Meeting            City Commission            June 1, 1977</p>	<p>APPROVED            Lurie - Unanimous</p>	<p>Director to Proceed</p>

Commissioner Lurie: Move for approval.

Mayor Briare: Cast your vote. Motion is approved.

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

LIQUOR, GAMING, & RETAIL  
TOBACCO, CHANGE  
OF OWNERSHIP  
HIGHLANDER BAR  
Approved Subject  
to Conditions

Mayor Briare the next item is a Change of Ownership  
for the Highlander Bar.

Commissioner Woofter: I have a question regarding this.  
Is Mr. Ulsrud in the audience? (Affirmative response). I  
noticed in regards to the sale of the business that Mr. Brown  
is assuming certain notes is it correct that you purchased  
the Highlander from a Mr. Joseph Levinson?

Mr. Ulsrud: That is true.

Commissioner Woofter: Isn't there a note still due and  
owing Mr. Levinson in regards to this sale?

Mr. Ulsrud: That's right.

Commissioner Woofter: I seem to fail to find the assumption  
of this note by Mr. Brown is there other....

Mr. Brown: I am assuming it sir.

Commissioner Woofter: You are directly as an individual.

Mr. Brown: I am the direct on a promissory note.

Mayor Briare: Any other question or comments?

Commissioner Lurie: Move for approval.

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

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

LIQUOR, GAMING & RETAIL  
TOBACCO -  
Approval of  
Storage Manager  
Approved

Mayor Briare: The next item is the approval of a store manager  
for Lucky Discount Center.

Commissioner Lurie: Move for approval.

Mayor Briare: Cast your votes. Motion is approved.

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

See Page 32 of these minutes - Annotated Agenda

LIQUOR, GAMING & RETAIL  
TOBACCO CHANGE  
OF OWNERSHIP/  
CHANGE OF  
BUSINESS NAME  
Approved

Mayor Briare: Change of business name from Ye Olde City  
Liquore to City Liquors.

Commissioner Lurie: Move for approval.

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

GAMING - NEW  
TOURIST  
INFORMATION  
DOWNTOWN  
Held in  
Abeyance

Mayor Briare: Is Mr. Barnhill present on the application of the Tourist Information Downtown, would you please come forth for a question. (Applicant approached the podium) Would you be so kind as to describe your business to the Commission.

Mr. Billy Barnhill: I sell show tickets and I provide tourist information for people who walk in and ask certain questions pertaining to hotels, motels, reservations etc.

Commissioner Lurie: Aren't you the fellow we turned down once before because you had girls working for you soliciting trade on the sidewalk to come into your business?

Mr. Barnhill: Right.

Commissioner Lurie: What is going to prevent you from doing that now with a Gaming License?

Mr. Barnhill: I don't do it anymore, I eliminated the girls.

Commissioner Lurie: The girls don't work for you anymore?

Mr. Barnhill: Well I mean they don't work on the sidewalk in front of my store anymore.

Commissioner Lurie: You have a lease for that location that prohibits you from soliciting people from the sidewalk to come into your business?

Mr. Barnhill: Do I have a lease....

Commissioner Lurie: Does it say anything in your lease about that you can't operate by having the girls go out and solicit people to come into your business?

Mr. Barnhill: I don't think so no.

Commissioner Lurie: It is not in there.

Mayor Briare: Has this, one of the conditions of the licensing on this was subject to the provisions of the Planning, Building Fire Codes and Health Department Regulations, have those requirements been met. Mrs. Britt to your knowledge have the requirements been met of Planning, Building and Fire Codes?

Commissioner Leavitt: I would also like to ask a question while she is looking for that, what is the size of this premises that you lease?

Mr. Barnhill: 10 X 40 feet.

Commissioner Leavitt: You are going to put 12 slots in there?

Mr. Barnhill: No I will start off with six.

Commissioner Leavitt: But your license, you are asking for 12.

Mr. Barnhill: Well I have to request up to 25 don't I, on the City License, but I don't necessarily start off with that.

Commissioner Leavitt: Well this application is for 12 the way I understand it correct. It says business owned slots 12. The size of your place is again was 10 X 40.

Mr. Barnhill: 10 X 40 feet.

Commissioner Leavitt: In view of that and what the Mayor has asked, has there been an investigation by the Fire Code and so forth?

Ila Britt: We routinely route out the application when it goes on the agenda and a great many don't have it back, from the various departments by the time you meet. The reason for that is that if you route it out sooner alot of times there is nothing there to inspect and the new owners have not moved in, the slots are not there or whatever the case may be.

Commissioner Leavitt: Mr. Mayor in view of that I would like to hold this matter until we do get a report.

Mr. Barnhill: I have been there four years, the Fire Department has come in quite a few different times.

Commissioner Leavitt: I know but if you are talking about 10 X 40 I want to know if that is enough room to put 12 slots in?

Mayor Briare: Have those reports come back Mrs. Britt?

Ila Britt: I am not certain whether they have or not, I can check that.

Commissioner Leavitt: Well I would like to have it held until we do get them, that is a small area to put 12 slots in.

Mr. Barnhill: No 6.

Commissioner Leavitt: I thought you were asking for 12 are you willing to take just 6?

Mr. Barnhill: Yes.

Commissioner Leavitt: Well how come your application is for 12 if you only want 6.

Mr. Barnhill: Well the application goes from 1 to 25 when you apply for a City License like up to 15 for unlimited gambling license from the State Gaming Board.

Ila Britt: Mr. Barnhill is referring as to how he applies to the State, to the City you have to apply for the specific number you intend to operate.

Commissioner Leavitt: And the application is for 12.

Ila Britt: Now he could reduce it if that is his intention.

Commissioner Lurie: My main concern Commissioner isn't the fact that he asked for 1 machine or 25 it is the way that he gets people into his business to patronize and use the machines, that is what concerns me from previous experiences that we have had. I am not satisfied, you haven't told me that you are not going to discontinue the way that you attract people that come into your business.

Mr. Barnhill: Yes I have I told you I will, in fact I told you that I eliminated it already. The last time in 1975 I had girls in front of my store and the comment was made by Mayor Briare that I could guarantee that they wouldn't step on the sidewalk. That would be like asking me to guarantee that I won't go speeding in order to get me a drivers license which would be highly irregular but I have now put a booth in front so there is no way they could conceivably step on the sidewalk and I just don't understand why you would disapprove it, the State has approved me twice.

Mayor Briare: Mrs. Britt would you try to determine before the morning is over as to whether these reports have come in or back from these various departments and if they have let us know if they haven't if it meets with the board approval we will hold this until the next meeting if they haven't come in and perhaps by the next meeting they will be in.

Ila Britt: I can find out within 5 minutes your honor.

Mayor Briare: While that is being determined we will go on to the Retail Tobacco of CC Vending.

Mr. Barnhill: Excuse me shall I wait the 5 minutes or what?

Mayor Briare: You can wait as long as you want sir.

ITEM Commission Action Department Action

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

J. LIQUOR, GAMING & RETAIL TOBACCO --  
 Change of Ownership/Change of  
 Business name)

APPROVED subject to  
 conditions  
 Lurie - Unanimous

Director to  
 Proceed

1. From: Ye Olde City Liquore  
 Store, Inc.  
  
 Vol Woodall, Jr.  
 Georgia Woodall  
  
 To: \*CITY LIQUORS  
 416 Las Vegas Blvd No.  
 General Liquor License  
  
 Lee & Pacheco, a  
 general partnership  
  
 Howard W. & Marie C.  
 Lee, husband & wife,  
 50%  
  
 Horacio A. & Mary A.  
 Pacheco, husband &  
 wife, 50%

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

K. GAMING -- New

1. \*TOURIST INFORMATION DOWNTOWN  
 302 E. Fremont Street  
 Business Owned Slots - 12  
  
 Billy M. Barnhill, 100%

Abeyance

6/15/77 Agenda

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

L. RETAIL TOBACCO -- New

1. C C VENDING  
 226 N. Casino Center Blvd  
  
 Wilbert Caseman, 100%  
  
 2. VEGAS HEIGHTS MARKET  
 1485 Miller  
  
 Forward Move, Inc. --  
 Nathaniel Collins, Pres  
 Lessie Collins, Secy/Treas

Items 1 and 2  
 APPROVED  
 Lurie - Unanimous

Director to  
 Proceed

Mr. Barnhill: Will you let me know then.

Mayor Briare: Well we are going to find out here in a few minutes if the reports have come in, if they have not come in then this matter will be taken up at our next meeting.

Mr. Barnhill: Do you need to question me anymore.

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

Commissioner Leavitt: I might after I see the reports.

RETAIL TOBACCO -  
NEW C C VENDING  
AND VEGAS  
HEIGHTS MARKET  
Approved

Mayor Briare: Right, but not at this time, when the reports are in we will let you know. C. C. Vending Vegas Heights Market any comments on any of these applications?

Commissioner Lurie: Move for approval.

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

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

See Page 34 of these minutes - Annotated Agenda

PRIVATE  
DETECTIVE  
LICENSE CHANGE  
OF LOCATION  
AGR DETECTIVE  
SERVICE  
Approved Subject  
to Conditions

Mayor Briare: Item M is a detective license a change of location for AGR Detective Service, Eddie La Rue.

Commissioner Lurie: Move for approval subject to the provisions.

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

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

SPECIAL EVENT  
LIQUOR LICENSE  
SOUTHERN NEVADA  
HOME BUILDERS  
ASSOCIATION  
Approved

Mayor Briare: Special Event Liquor License for the Southern Nevada Home Builders Association.

Commissioner Lurie: Move for approval.

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

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

LIQUOR - REQUESTS  
FOR EXTENSION  
OF INACTIVE STATUS  
KELLY'S LIQUORS  
LAS VEGAS TROUBADOUR  
FIESTA CANTINA  
Approved.

Mayor Briare: Request for an extension of time for Kelly's Liquors Las Vegas Troubadour and Fiesta Cantina.

See Page 16 of these minutes - Annotated Agenda

Commissioner Lurie: Move for approval.

Mayor Briare: Comments on any of these?

Commissioner Woolfter: Mr. Mayor let the record reflect that I abstain on item number 2 under "O" in respect that I represent the operation.

Mayor Briare: It will be so noted. Any further comments? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:  
Commissioners Lurie, Leavitt, Christensen  
and Mayor Briare voting aye; noes, none.  
Commissioner Woolfter abstained on Item 2.

ITEM	Commission Action	Department Action
<p><u>I-f. DEPARTMENT OF BUSINESS ACTIVITY</u>            (cont'd)</p>		
<p>M. <u>PRIVATE DETECTIVE LICENSE --</u>  <u>Change of Location</u></p> <p>1. *AGR DETECTIVE SERVICE            300 S. 4th Street, Suite 616</p> <p>From: 300 S. 4th St., Suite 805</p> <p>Eddie La Rue, 100%</p> <p>*Subject to the provisions of the            Planning, Building and Fire Codes            and Health Department regulations</p>	<p>APPROVED subject to            conditions:            Lurie - Unanimous</p>	<p>Director to            Proceed</p>
<p>N. <u>SPECIAL EVENT LIQUOR LICENSE</u></p> <p>1. SOUTHERN NEVADA HOME BUILDERS            ASSOCIATION</p> <p>Location: Alta/Decatur</p> <p>Date: June 11th, 1977</p> <p>Responsible Licensee:            Robert Kostelecky</p>	<p>APPROVED            Lurie - Unanimous</p>	<p>Director to            Proceed</p>
<p>O. <u>LIQUOR -- Requests for Extension</u>  <u>of Inactive Status</u></p> <p>1. KELLY'S LIQUORS            810 West Bonanza Road            Package Liquor/Beer Bar</p> <p>Kelly's Liquors, Inc.            Bill A. Pappas, Pres 50%            Earl Wilson, V.P., 25%            Melvin Wolzinger, Secy, 25%</p> <p>(Closed 10-12-76. Extension for            12-11-76 thru 2-8-77 approved            12-1-76; extension for 2-9-77            thru 4-9-77 approved 2-2-77;            extension for 4-10-77 thru 6-8-77            approved 4-6-77. Request for            60-day extension of inactive            status for 6-9-77 thru 8-7-77.)</p> <p>2. LAS VEGAS TROUBADOUR            2112 Western            Tavern</p> <p>Frank Canul/Pedro Escoto</p> <p>(Closed 12-10-76. Extension for            2-8-77 thru 4-8-77 appr 2-2-77;            Extension for 4-8-77 thru 6-6-77            appr 4-6-77. Request for 60-day            extension of inactive status for            6-7-77 thru 8-5-77.)</p>	<p>Items 1 thru 3            APPROVED            Lurie - Unanimous            EXCEPT Commissioner            Woofter abstained on            Item 2</p>	<p>Director to            Proceed</p>



Mayor Briare: We will be recessed for 5 minutes and then we will come back for the Public Hearings.

(Commission Meeting Recessed at 10:05 A.M.)

(Commission Meeting Reconvened at 10:16 A.M.)

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PUBLIC HEARINGS

See Page 109 of these minutes - Annotated Agenda

APPEAL FILED  
BY ERNEST A.  
BECKER V-17-77  
Approved Appeal

Mayor Briare: Ladies and gentlemen this is the time set now for our first hearing and on Item A is an appeal filed by Ernest A. Becker for a lot variance. The Board of Zoning Adjustment denied this request and the applicant appealed that and is there a representative here for the applicant?

Barry Becker: Mr. Mayor and Commissioners I live at 817 Chabot Drive and I am here to answer any questions you may have.

Mayor Briare: Let me ask if there is anyone in the audience that wishes to object to this applicant? (No response).  
Mr. Saylor.

Mr. Saylor: It was held in abeyance to allow the applicant to get together with the neighbor next door.

Mayor Briare: Have the record reflect then that there is no one here in opposition to this appeal.

Commissioner Lurie: Has any financial arrangements been worked out with the property owner next door to purchase that piece of ground?

Mr. Becker: No, not as yet, we had it postponed so we could negotiate with him and we have met several times and have traded offers but have not come to an agreement. We have offered it to him at \$2,000.00 less than we sold other lots directly across the street for.

Commissioner Lurie: You are still in negotiations with him then? My understanding is that he was trying to get the financing available so that he could purchase it.

Mr. Becker: As of now he hasn't given us a commitment that he is going to buy it so we are interested in getting the zoning and if he still wants to buy it we have told him that any time before we start construction he can have it at our last quoted price which was \$3,900.00. The other two lots that we sold to the Dayton-Hudson Corporation was sold for \$6,000.00.

Mayor Briare: Any questions or comments? (No response). What is the pleasure of the board?

Commissioner Lurie: I move that the appeal be allowed and overrule the Board of Zoning Adjustment.

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

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

STREET NAME  
CHANGE  
ALMOND TREE LANE  
Approved

Mayor Briare: The next is a street change name for Almond Tree Lane, is there anyone in the audience that would like to be heard in protest to the application to not allow this name change? (No response). There apparently being no one, will you have the record so reflect. Any comments by the Commission?

Commissioner Lurie: Move for the approval.

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

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

APPEAL FILED BY  
DONREY OUTDOOR  
ADVERTISING  
COMPANY Denied

Mayor Briare: The next is an appeal filed by Donrey Outdoor Advertising, is the applicant present?

Lynn Baker: The reason we ask for the variance in height was due to the grade of the freeway along that area there and that grade is 35 feet to road and not counting the railings plus the cross reader so we would need 55 foot in order to do an adequate job in putting up that sign. That's the one to the North, the one to the South we are agreeable to sticking with the Ordinance of 40 feet.

Mayor Briare: Both of these are two new signs is that correct?

Mr. Baker: Yes.

Mayor Briare: Are there any questions of this applicant?

Commissioner Leavitt: Is this because the freeway is there is the reason you ask for the additional height?

Mr. Baker: Yes sir because of the height of the freeway.

Commissioner Leavitt: What were the protests?

Mr. Saylor: The property owner to the left I think essentially it was the Sun Newspaper, they felt that the sign would block out the advertising on their building.

Commissioner Lurie: What is the distance of the signs to the freeway, wasn't there some legislation that said that the signs had to be within 1500 feet of the freeway, isn't there something or is this State Highways.

Mr. Saylor: Well that is for non-urban areas, urban areas have different restraints they are permitted within a certain distance, in any event they have to get permission from the State also.

Mr. Baker: Excuse me, for which we have received and have been issued permits pending ratification.

Commissioner Leavitt: Were the protests based on the height or the location?

Mr. Saylor: I think it is a combination of both in other words the only thing in question here is the height, you can put the sign there at the 40 feet which is permitted by ordinance but by going up higher then it appears to have screening affect on the property owners to the West.

Mayor Briare: I gather that the applicant indicates that one sign is satisfactory within the Ordinance that we have no discretion on that particular sign it is only the one that we are talking about that goes up 55 feet. Mr. Greenspun.

Brian Greenspun: I live at 121 South Highland, that is correct apparently we have no you have no discretion as to the 40 foot sign and that is not why we objected. The extra 15 feet would block, I have driven by there and have tried to pinpoint where the maps are on the freeway where it would block the view of our building and of the huge sign there we have had for many many years.

You have got hundreds of cars traveling by there everyday and frankly our business is name recognition as much as anything else. I suggested at the Zoning Board Adjustment Hearing that if they want to put those signs up 40 feet within the ordinance that is fine and if they want to make a higher one they can go about 200 yards down the road and put it up in front of the Donrey Building and that way they can block their own building and not ours. There is plenty of room on that freeway for signs and they don't have to put one up in front of our building and that was our objection. I also remember at the hearing there was a response from the beautification committee that is not here today so I won't speak to that but they eloquently expressed the beautification view.

Mayor Briare: Any questions of Mr. Greenspun, any further comments?

Mr. Baker: Just two, we are involved in a 500 foot separation within the city limits so we don't have all that room for outdoor advertising and number two in response to Mr. Greenspun the sign to the North would also block the Review Journal Sign that is on their building.

Mr. Greenspun: Now I have mixed emotions.

Mayor Briare: Any questions or comments by the Commission? (No response) The only matter before us then is the appeal on the 55 foot sign so we are not talking about two signs, we are only talking about one sign.

Commissioner Leavitt: How high is the freeway there.

Mr. Baker: To the grade is 35 feet plus.

Commissioner Christensen: So to the motorist driving on the freeway you are in effect putting that sign 15 feet above the ground as far as what he can see as he drives through there.

Mr. Baker: Well yes sir and this would be, if we had to put part of the sign in that it would come 14 feet or 9 feet below the freeway so it would be impossible to build.

Commissioner Christensen: The bottom half of the board he would have to look down over the edge to read?

Mr. Baker: Yes sir.

Mayor Briare: Mr Saylor has anyone from your staff done any research on the site and visibility of the Sun Newspaper on premises signs as opposed to this Donrey Sign?

Mr. Saylor: No sir we did not evaluate the line of sight in that respect, we did evaluate in terms of visibility from the freeway, we are satisfied that in order for the sign to have any benefit....

Mayor Briare: Right it has to be 15 feet I think that is understandable. I am not disputing Mr. Greenspun's representation that this line of sight would obstruct his view do have any argument on whether the line of sight is obstructed?

Mr. Baker: The Las Vegas Sun building sits back approximately between 700 and 900 feet from where the sign will be. On the 44 board which is the one to the South at that height the Sun sign is still visible. Going towards the North if a driver was to look that far to the left they could see it because the signs begin to parallel to the Northern sign. Heading Southbound there is no blockage of the Sun sign whatsoever.

Mayor Briare: The ball is in your court Mr. Greenspun.

Mr. Greenspun: It wasn't the Southbound traffic route we are concerned with it is the Northbound, it almost faces Northbound.

Mayor Briare: Well the applicant says that that is the one that doesn't bother your building.

Mr. Greenspun: Which one.

Mayor Briare: The one as you are heading North.

Mr. Greenspun: I go there everyday, we can adjourn to the freeway. It would block from where I would think the sign is suppose to go I mean I really can't tell. Anything along that freeway on that angle is going to block the sign because the freeway starts to turn.

Mayor Briare: Well Commissioners I feel that a 55 foot sign obvious if you are going to have any kind of sign at all it should be 55 feet but I think there is a legitimate argument that if it blocks out someone else's identification that it is improper and if we have as we do in many disputes one says it tis and the other says it tisen't where does that leave us unless we go and try to determine for ourselves and I don't know what your pleasure is but it would seem to me that some adjustment should be made other than an outright denial, but if an outright denial is what is in order then we have to address our attention to that.

Commissioner Christensen: I am curious about something then on this line if a person is to build a sign on a piece of property does he have any less right than if he wants to build a building on a piece of property and would you prevent a building from being high enough to block out a building behind?

Mr. Greenspun: Well I think what they are asking for is a variance, they are entitled to build a sign up to 40 feet and I imagine that is someone wanted to build a building that close to the freeway whatever the restrictions are to building that there is not a think anyone could do but when you are granting a variance, you have to look at hardship and you have to....

Commissioner Christensen: Well the reason for the variance is I think you could probably build a building over 40 feet but the reason for the variance is because we have an active beautification committee that is apparently bound and determined to eliminate these kind of signs entirely.

Mr. Greenspun: I am not asking to eliminate it on beautification grounds although personally I believe in them, I am out to eliminate it on the grounds that it interferes with the sight of our building.

Commissioner Christensen: Well I am aware of that but that is one of the reasons that it's in the code that it requires a variance over 40 feet and the purpose of the variance is when you have a hardship and obviously there is a hardship demonstrated here where a sign can't be read if it's only 40 feet. So I think the variance is in order as far as requesting it because there is a valid reason for the variance but the question I have in my mind is how far can we go to prevent somebody's building from being blocked from view from someplace else if there is an empty piece of ground in between?

Mr. Greenspun: I don't really know the answer I know if there is an answer to that you have to start drawing lines, but I am not to sure I understand the hardship. On that one particular sign it might be a hardship but there are miles and miles of freeway.

Commissioner Christensen: Well that is the one that he is asking for the variance for, you see the purpose for the variance in the code is where you have for instance set back requirements on yards, if you have got a queer shaped lot that is not enough square footage to build a house on but in order to build a house you are going to have to violate the set back on the one corner because it is pie shaped, that is the purpose of the variance because you can't make a rule that fits everything unless every lot in town is the same square shape, otherwise one rule doesn't fit everything. So we got the same situation here as I see it

where a variance is a logical means to erect this sign because you can build a sign there, but he needs a variance because it wasn't his fault that the highway department built the freeway that high, it is a good thing they did but that is the purpose of the variance and I am just trying to figure out where you draw the line as to how much you can block. I have had signs blocked all over this town you know buildings and so forth. We used to have a sign on a building on Fremont Street but when they built the Golden Nugget you couldn't see it any more.

Mr. Greenspun: But that was in the code, the reason for the ordinance was to prevent these type of things from happening. I don't know why you would want to give a variance to circumvent the code.

Commissioner Leavitt: I understand Mr. Greenspun that you have a sign on your building, Las Vegas Sun whatever it says, in other words it is a sign identifying your building?

Mr. Greenspun: Yes.

Commissioner Leavitt: Now a 40 foot sign would not block that sign.

Mr. Greenspun: I don't know if it would or wouldn't I know that they are entitled to build a 40 foot sign I know that a 55 foot sign would block it that much more.

Commissioner Christensen: It wouldn't make any difference if a 40 foot sign blocked it or not because you can't see a 40 foot sign from the freeway and if you can't see a 40 foot sign from the freeway you can't see the building from the freeway if it is blocking it, so you got to be higher than that or it wouldn't affect you because you couldn't see over the edge of the freeway anyway.

Mr. Greenspun: Oh I can see it from the freeway and I don't know how high up 55 feet would do it but it is 15 feet higher than what they are entitled to build. I understand what you are saying I think but what I am trying to put across is that there is a 40 foot ordinance to restrict signs from blocking buildings from blocking sights from motorists to whatever is adjacent to the freeway and to circumvent the 40 foot ordinance and allow a 55 foot sign doesn't make a whole lot of sense unless there is extreme hardship and nothing, you know if you are looking in the face of a drought area or something.

Commissioner Christensen: Mr. Saylor what was the substance of the beautification committee's objection, was it the sign in general or was it to high.

Mr. Saylor: Well I think that they take a negative position on every variance involving signs.

Mayor Briare: Do you think as the applicant on this that you could convince the commission that there is no harm being done to the newspaper building by virtue of the location of that sign in relationship to the line of sight.

Mr. Baker: No not 100% Mr. Mayor but there are no signs there and as I stated it is quite a ways off the freeway, I don't know how many folks see the sign anyway if you are looking for the Las Vegas Sun you are instructed to look off the freeway and I am sure that you would be able to spot it. I don't know the size of the Sun's Sign it is probably 12 foot by 24.

Mr. Greenspun: Well it is a whole side of a wall.

Commissioner Leavitt: The point is though if we grant this variance it is going to work a hardship on another person, it is going to cover their sign, you can't guarantee that your sign is not going to cover their sign so it can't be seen from the freeway can you?

Mr. Baker: It will not cover it....

Commissioner Leavitt: Allright but by giving you a variance it is going to work a hardship on someone else.

Mr. Baker: Well it will be somewhat of a hardship on the Las Vegas Sun sign but it is not going to completely black out the sign.

Commissioner Leavitt: It will eliminate some visibility though?

Mr. Baker: It will eliminate some visibility as I say I don't know how many people see it anyway at 55 miles per hour heading North on I-15.

Mr. Greenspun: Maybe we ought to raise it.

Commissioner Leavitt: Well the same thing could be said for your billboard too, you don't know how many people are going to see it.

Mr. Baker: Correct.

Commissioner Leavitt: I move that we follow the recommendation of the Board of Zoning Adjustments.

Mayor Briare: That we sustain their action, O.K. questions on the motion? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:

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

APPEAL FILED  
BY ANDREW  
TOMPKINS  
V-28-77  
Appeal Approved

Mayor Briare: The next appeal is by Andrew Tompkins an appeal of the zoning adjustment decision to deny his application for an 8 foot fence to surround his home. Is there a representative of the applicant?

Mr. Simons: Mr. Tompkins can't be here today he is out of town and he asked me to represent him.

Mayor Briare: Is there anyone in the audience here to protest this appeal, this is an appeal on this residential fence around Mr. Tompkins home? (No response). Proceed please.

Mr. Simons: We have a fence that we are requesting to be 8 foot high in lieu of a 6 foot high fence for privacy. There was two objections at the zoning adjustment board and one of them being that they did not feel that we should put up an 8 foot high fence because it would create a kind of a billboard effect in a residential area but that they would not oppose a natural growth fence there of any type. I could submit to the Commissioners where Mr. Tompkins has put in 475 Italian Cypress at a great deal of expense.

Mayor Briare: That objection was withdrawn then.

Mr. Simons: Beg your pardon.

Mayor Briare: That objection was resolved?

Mr. Simons: No we actually had a split vote on it 2 to 2 which means an automatic denial and then we tried and voted again on it for the denial and had a split vote again so that is the reason we are here today. I would like to point out in that same area there are a couple two or things or existing violations already and we ask that based on that information that we should have the same rights that these people also have.

Mayor Briare: Boy you talk about reverse logic Mr. Saylor, you are giving a good reason as far as I am concerned for this board to absolutely deny your client, because if you are using the fact that there are some illegal ones in existence and therefore you should be illegal that to me is not a very good argument.

I think that you were better off when you first walked up.

Mr. Simon: The people like the next door neighbor for example who says that he does not want an 8 foot fence there presently has a seven foot two inch fence, I would like to submit that also for your scrutiny and Mrs. Phyllis McGuire, the fence height for a tennis court is 12 feet, she has one that is almost 15, I submit that also. Based on a zoning hear on May 26, 1977 in the same area a Mr. Grayson was in here asking for a variance on allowing a second story edition in that area which are not allowed and he was given approval. So what I am saying is that based on this information he would like to also have the same rights as they have received to build an 8 foot high fence for privacy at his pool area. I am here to ask any questions that you may have of me.

Mayor Briare: Any comments or questions by the commission? Does the commission wish to take action on this application?

Commissioner Christensen: Why, if he is after a privacy fence and the neighbors don't object to and it is not for security and the neighbors don't object to growth that high why build a fence why not grow the fence.

Mr. Simon: Presently the swimming pool pad, concrete pad goes all the way up to the fence and there is no room there for it because the diving board presently is really to close to the fence.

Mr. Saylor: The 8 foot fence section is only this part by the swimming pool (pointing to the map outlining the area), it is not the whole fence.

Commissioner Christensen: Right I understand that, it is just for a small piece there. Well the effect would be for a person standing on the diving board then you have got a 6 foot fence because he is off 2 feet off the deck.

Mr. Simon: That is true.

Commissioner Christensen: And how long is this 8 foot fence?

Mr. Saylor: About 50 feet.

Commissioner Lurie: Mr. Mayor I would make a motion that the appeal be approved and that Mr. Tompkins be allowed to build the 8 foot fence.

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

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

APPEAL FILED BY  
GEORGE E.  
FRANKLIN,  
ATTORNEY FOR  
LAWRENCE ARVEY  
V-32-77  
Appeal Denied

Mayor Briare: The next item is an appeal filed by Mr. George Franklin attorney for Lawrence Arvey.

George Franklin: 225 East Bridger Las Vegas Nevada. I am here today as an attorney and not as a columnist so I would like to represent my client. I would like you to know that my client is a very free spirit but nonetheless that doesn't affect property rights. I think the argument I want to advance first is that he didn't even require a variance. It shouldn't have been Red Flagged in anyway and told to stop and come in for a variance. He is set back now and the porch he is building there is beyond a set back that was established over 25 years ago when the property was initially developed. At that time the set back was 5 foot and a wall was built at that time 25 years ago on the set back line. He is attempting to build a part of his porch within the set back line not beyond the set back line. I have got pictures here that will illustrate all of that I know I have alot of my old old friends here. I would point out as a factual matter the street there, the city has a right of way of 50 foot on Park Paseo from 6th Streetcover to Las Vegas Boulevard South.

Now they utilize 37 feet of that 50 foot which would carry then the city's ownership to 6 and a half foot onto the property which normally would appear to be Mr. Arvey's property. But even from that six and a half foot to the wall itself is another 7 feet nine inches and all that was required when it was built was 5 foot. So he is not even as far as I am concerned legally required to have a variance. I would like to show you what has been variously called everything in the world but a house but I want you to take a look at it. (handing photographs of the house to the City Commissioners) I frankly think that that is a pretty darn nice looking house that he built there combining two houses into one. The first picture you see there shows the 13 foot 9 inch from the curb to the wall and I don't think there is any dispute by anybody that that wall has been there for 25 years. That gentlemen determines the set back line, that was the law at the time....

Commissioner Leavitt: Is this Park Paseo?

Mr. Franklin: Yes, we are only talking about a side yard lot, the argument of the City was and the City Planning Department was because he had 6 foot on the one side of the two houses then he must have a minimum of 8 foot on the other side of the two houses that he has combined making a total combined 14 foot side yard. Gentlemen I point out that that ordinance was passed in 1969 and so my biggest argument is that that doesn't even require a variance he is within the requirements without even getting a variance to go ahead and build.

Mayor Briare: Let's determine George just for a second if there is any dispute to what you are saying. First of all Mr. Saylor obviously this same question must have been brought up in front of the Board of Zoning Adjustment, was there any explanation. Mr. Franklin indicates that no variance was necessary in the first place do you maintain that it was necessary?

Mr. Saylor: Yes it is our position that the set back should be 8 feet, however, if Mr. Franklin is correct then I would suggest that if there is no variance needed....

Commissioner Leavitt: Well you said something about if the land should be surveyed and the question about the line that was submitted on the plot by Mr. Arvey is that correct?

Mr. Saylor: Our position was without a survey of the property we are not certain the City staff feels that there may be some discrepancy on the North part of the lot, our recommendation was that if this variance is approved that it would be predicated on the condition that a survey be submitted by the applicant from a registered land surveyor.

Commissioner Leavitt: Why don't we get a survey first before we even have the variance because if Mr. Franklin is right and the survey shows he doesn't need the variance then what are we here for. If the survey shows that he does need a variance then we can have the hearing.

Mr. Saylor: The survey has no reference to the need for the variance.

Commissioner Leavitt: What would the survey show then?

Mr. Saylor: The survey, the building department indicates some difference of opinion in relationship to the set back on the North.

Mr. George Franklin: Well the variance is not being sought on the set back on the North.

Mr. Saylor: Well they indicate a 6 foot set back at this line (pointing to the map), which is if it is 6 foot it is acceptable the building department has indicated that they don't feel that that measurement is accurate. I can't necessarily take the position that their information is accurate either so what I am saying is that.

Commissioner Leavitt: Well can't somebody go out with a tape and measure it.

Mr. Saylor: Well you can if you have an acceptable point to measure from and in this case it is our opinion that it is going to require a surveyor to go out there, he may have to go several blocks to find a stake to start the survey from.

Mr. George Franklin: Mr. Leavitt I think to answer your question, yes that the ordinary little steel tape or a three foot yard stick should answer the problem as far as this variance is concerned because we are only concerned with the Southside lot of this property. Someone ought to be able to find out where the mid-line of that street is and ought to be able to measure from the mid-point of Park Paseo in 25 feet. This then becomes Mr. Arvey's property line then he must set back at least 5 feet from that point based upon the law that was in existence when he bought the property. I think those pictures conclusively show and is there any dispute Mr. Saylor over the fact that the wall has been there for 25 years?

Mr. Saylor: I don't know....

Commissioner Christensen: Well it won't be for 25 more it is about to fall down.

Mr. George Franklin: It has been there so long so that part it was within the property of the owner at the time it was built there is no question about that it met the existing yard set backs at that time and Mr. Arvey wants to build even within that.

Mayor Briare: In an argument like this George don't you feel that perhaps, especially as a former City Commissioner recognizing the dilemma that we might be in, don't you think it is the burden it is your burden to establish that these lines and the property markers and so forth are accurate and thereby the ordinance that was passed 25 years ago is to the benefit of your client or not to his benefit.

Mr. George Franklin: That is why I produced, particularly that one picture showing an actual measurement, the man that took it is here to show the actual distance from the curb line to the wall which I don't think there is any dispute on that it has been there for 25 years.

Commissioner Leavitt: The house has been there that long, I don't know about the wall.

Mr. George Franklin: And the wall has been there since that house was built in the 40's. Now at that time the set back was 5 foot on each side of the house I know because my father built so many of them in that area and so it was a 5 foot set back and this is now within the set back but maybe Larry can enlighten us.

Mr. Hampton: Gentlemen I would like to just comment, we did send a survey crew out on the site and was asked to do a preliminary survey which to us means that the survey should be accurate to the nearest foot. It is our measurements of the property that the indication there that is shown on your agenda is correct that there is only 4 and a half feet where Planning tells us that there is 8 required. We also feel that on the North end that based upon our preliminary survey that there is only 1 foot set back other than the six foot shown. I think the easiest thing to measure is the overall length of the house, the overall length of the house by our measurement is 248 feet long and it sets on a 251 foot lot, it doesn't take much mathematics to determine that you only have 3 foot of set back on both ends no matter it might be 3 feet on one end and 1 foot on the other but the house as constructed today is 248 feet long within a foot. I would make a claim that that survey is accurate within the nearest foot.

Mr. George Franklin: And he is also talking about a side yard line of 1 foot you say on the Southside according to your last survey?

Mr. Hampton: Yes, 1 foot.

Mr. George Franklin: And that was the existing building right?

Mr. Hampton: No he has added a porch to the North side.

Commissioner Leavitt: That is the porch that was added on.

Mr. Hampton: That's right.

Mr. George Franklin: The 5 foot is the proper one not the 1969 ordinance but the 5 foot even if these figures were right they say 4 foot 6, Mr. Arvey is asking for a half a foot variance even based upon Mr. Hampton's figures that it is 4 foot 6 rather than 8 foot go back to the time and the set back of the 1940's, 5 foot he is asking for a 6 foot variance at the absolute maximum. Now and incidentally on that gentlemen on the same night that Mr. Arvey was denied a variance of 3 and a half foot or 6 inches, a John W. Burke had filed an application to allow an addition within 13 foot 9 of the property line where 15 is required, then within 6 foot of the front property line where 20 feet is required was passed. A little later on we have an application from a Matthews for a variance to allow an addition to an existing family dwelling to be attached to an existing garage where 6 foot separation is required, this property is located at 1224 South Eighth Place, gentlemen this is right in the immediate area that we are talking about on the West side of Eighth Place that was approved by the board. But even more important, one of the points that I want to make is on the denial the motion that was made it was made because other houses in this R-1 district have honored the set back requirements and the board decreed that the applicant should also honor the required set back. Gentlemen there are more violations of set backs in this one little particular old area of town that you can shake a stick at. Almost everybody there if it is material. That is the way he predicated his motion "because everybody else had complied with them" I can show you house after house after house in this immediate area where they have no set back where they have houses built up to 2 feet. (Showing photographs of houses to the Commission). You will recognize some of those houses where there is violation after violation after violation of set backs simply because they have been there since 1940.

Commissioner Lurie: But George isn't it a fact that these people followed the zoning procedure and came in and requested a variance so they could build where you client didn't bother to come in and check, he just went ahead and built.

George Franklin: He went ahead and got all his building permits there is no question about that.

Commissioner Lurie: He didn't come in and ask for a variance until now.

Mr. George Franklin: Because he didn't think he had to have one. He was building this in an established property line within an established set back line rather. Don't forget that fence that has been there all these years established his set back line, not his property line and he was building this in what he thought was already in a 25 year established set back line.

Commissioner Christensen: What bothers me a little here is that I can build a fence on my property line but I can't build a structure on my property line so I can't see a fence determining a set back line. A fence normally determines the property line doesn't it not Mr. Saylor?

Mr. George Franklin: You can build a fence on the property line with no set back?

Commissioner Christensen: You sure can, if you can't were sure in deep water because I know of alot of fences built on property lines all over this town that is how people delineate their property line by putting a fence around it.

Mr. George Franklin: In that case let me tell you then that it is even more because if the original owners went back six foot from the property line to build there that wall.

Commissioner Christensen: To build the wall?

Mr. George Franklin: Yes.

Commissioner Christensen: That may have been because that is where their right of way goes back to the fence line.

Mr. George Franklin: Well there is no question about that the right of way and Mr. Hampton will tell you that, the right of way is 25 foot from the center line of Park Paseo.

Commissioner Christensen: Well that could very easily be the property line then is that fence line.

Mr. George Franklin: No the fence is 13 feet 9 inches from the curb line.

Commissioner Christensen: Well how far is the curb from the middle of the street it is a fairly narrow street as I recall I drive it almost every day.

Mr. George Franklin: The street is 37 foot paved. The City has a 50 foot right of way that mean that there are 13 foot of or 6 and a half foot on each side of the curb to curb that is still city owned property, 6 and a half foot from the curb is still city owned property, that is where Mr. Arvey's property starts. 7 foot back of that is where the fence was built.

Mayor Briare: George you have been sitting there for sometime and you have heard this commission discuss variances that came up on the agenda prior to yours where in several incidents on two incidents there was no one here to protest the neighbors got along together and everybody was going to be happy, then you heard another one I wonder thinking back upon the days that you say here what position you might have taken that would have different than the one we took in respect to the Donrey outdoor advertising and the Las Vegas Sun where there was a person who did protest and if it wasn't for that protestant more than likely based on previous criteria of previous actions to use as a guide line maybe this commission would have said O.K., but there was a protest. We and I know you did to when you sat here took alot you paid alot of attention to what the neighbors would feel about something and you are aware of the fact....

Mr. George Franklin: I paid more attention to the protestors than anybody else.

Mayor Briare: Well you kind of have to judge and evaluate them, well in this sense maybe it doesn't always come to a matter of what is legally you know whether it is 13 and a half feet or 10 feet or whatever it is, obviously that is going to be a question that is going to have to be determined some day by somebody.

Mr. George Franklin: Obviously your honor if I am going to be totally on the legal side and try to raise the legal issue to maybe get a ruling here that a variance wasn't necessary we wouldn't even have to have the hearing, obviously I am not going to try a legal matter before you gentlemen.

Mayor Briare: Do it administratively.

Mr. George Franklin: Well I have to exhaust my administrative remedies before I proceed to determine it judicially. When I was a City Commissioner with my relationship with the Sun in those days I probably wouldn't have paid any attention to Brian but now I work for him so....

Commissioner Leavitt: Let me get one thing clarified in my mind Mr. Hampton did you got out and measure the house. (Affirmative response). And it was how long?

Mr. Hampton: 248 feet.

Commissioner Leavitt: O.K. and how long were the two lots?

Mr. Hampton: 251 feet.

Commissioner Leavitt: So there is only 3 feet there?

Mr. Hampton: That's right.

Commissioner Leavitt: There is only 3 feet difference right?

Mr. Saylor: Mr. Hampton also says that if the house was 1 foot on the North property line 4 and a half feet from the South property line that gives 5 and a half feet.

Mr. Hampton: According to our measurements there is 2 feet on the South side and 1 foot on the North side.

Mayor Briare: Actually the truth of the matter George is that everyone is afraid to go out there.

George Franklin: I can always assure this board that Mr. Arvey does not intend and never could make this a commercial property because that was, some petitions were passed out there in the neighborhood saying that as soon as he got this variance he was going to make a commercial restaurant out of it, also to kill other rumors he is not going to make it a rest home for the Hare Krishna, it is going to be his own personal home to live in and it will probably be one of the biggest homes in the city. Now I yield to any protestors and they are numerous.

Mayor Briare: What is the pleasure of the commission?

Commissioner Lurie: We have to listen to the protestors.

Mayor Briare: Oh I am sorry we have in addition we also have petitions here I beg your pardon ladies and gentlemen is there someone here that wishes to be heard and to protest against to this application, to this hearing on the Board of Zoning Adjustment?

Mr. Max Howard: I live at 1101 South 6th Street that is directly across the street from the property in question I have been a builder here for 22 years and I built 2 of the houses which are real nice houses right directly across the street from Mr. Arvey. Any time as far as the builder is concerned that, now George says O.K. now this is the grandfather clause that you can build you know what it was in those days, but as far as I am concerned that property could be sitting there for 50 years but when I have to come in for a permit I have to live up to what the Commission or the Planning Department tells me I have to live up to the new rules so how can he say that this ordinance was passed in 1969 when if I am building an addition on the house I am going to have to live up to that, I can't go back and live under the grandfather clause in 1940 as a builder I have to live up to the rules of the Planning Department and the Building Department. I have to do what they tell me to do I can't go out there because if I do I lose my license and that is the way I make my living. I object to it strongly that if the man wants to put his addition on there and in which he has already that's fine as long as he stays within the rules of the building code in the planning Department. One other thing I might say while I am here really the people and myself included were quite worried as to why this man is spending so much money to incorporate these two houses just for two or three people to live in this a monstrosity like this. We are really afraid believe me that the man is going to come in and turn it into commercial or even do it without even getting a permit or a business license to practice business here.

Mayor Briare: Thank you sir, anyone else that wishes to be heard?

Any questions or comments by the Commissioners?

Commissioner Christensen: I would just like to ask one question Mr. Howard, the thing that bothers me about this whole affair it is probably a question that is very difficult to answer. Is it the closeness of the porch to the property line that is really the bother here or is it the person that is building the porch close to the property line.

Mr. Howard: Really and truly I know Mr. Arvey and I have talked to him several times and my wife does to, now we don't visit him no and mainly I would say no it isn't, it really isn't the personality of it. There are some situations and some things that have bothered us yes but there are things that came up after he even started this thing of course I believe in living up to the rules and the codes in building because I have to.

Commissioner Christensen: I understand that.

Mr. Howard: I don't really think anyone I don't care who it is whether it is myself or the Mayor or whoever it is I think if your going to do something like this that you investigate, which I do and every other builder ordinarily would, you investigate first before you ever start. You don't put an addition on to a house, you find out the legal set back you figure out what you have to do and then you can go from there, you sit down and arrange for the permit. He went down and got a permit first. These are little things that haven't come out but I know about them and nobody else has even spoke about them. He went down to get the permit first to join the two houses he did he got the permit for that which was fine and it wouldn't have anything to do with any violations so then the building department got onto him and when he started adding all those porches then the building department got onto him and he didn't get another permit. But they didn't check it out as far as you know the side yard set backs. Now there is a problem, see that property where I built there was 170 feet there you know and it set vacant for so long.

Commissioner Christensen: Right I remember it very well.

Mr. Howard: There was a problem I had to come in and have it surveyed and have topography made on it and I brought in Ralph Cramer the civil engineer and we had a little problem establishing points to get the survey but Ralph did eventually find points to start from so we could get the property lines and then I subdivided the 170 feet down the center. But as far as really and truly not on my part anyway, I don't know I can't speak for some of the other people, there are quite a few people here believe me and I can't say it's a personality conflict it is more going against the rules of the City and most of us to are worried what it is going to end up as because we don't want it to become a commercial project. This is one of the main things that we are worried about. I hope that answers your question.

Mayor Briare: Any other questions or comments? (No response). What is the pleasure of the commission? Were there any other protestors.

Mrs. Howard: I live at 1101 South 6th Street. The thing that really bothers all of the neighbors is because when the City red tagged this property the porch was not built and right after we received this notice of a variance the porch was completely finished off plus the rails installed all the way around the house and everything. This I cannot understand you know after it had already been red tagged. And also Park Paseo is very very narrow and usually there is a motor home plus cars lined up that street there is parking on one side only and he has this huge tree there and when you come down 6th Street there is no way you can hardly see around that corner with that porch added on there plus the parking down the one side so that is another objection that people have.

Mayor Briare: Thank you Mrs. Howard. Is there anyone else?

Elizabeth Hixenbaugh: I live at 1230 South 7th Street and we have lived in that area for 34 years and I think all of our neighbors are concerned in what Mr. and Mrs. Howard have both said, it is true. We really have to watch ourselves coming out of Park Paseo going on to 6th street, there is alot of to what she says with equipment parked there and we have also been noticing alot of trucks bringing in antique furniture and this is what our concern is.

Mayor Briare: Thank you maam anyone else? (No response). This public hearing is closed, what is the pleasure of the commission? The action of the zoning commission was to deny.

Commissioner Leavitt: Move we follow the recommendation of the Board of Zoning Adjustment and the application be denied.

Mayor Briare: Any comments on the motion? (No response). Cast your vote. Motion is approved and the action of the Board of Zoning Adjustment is sustained.

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

See Page 110 of these minutes - Annotated Agenda

REPROGRAMMING OF  
COMMUNITY  
DEVELOPMENT  
BLOCK GRANT  
FUNDS FOR  
PHYSICAL DEVELOP-  
MENT ACTIVITIES  
IN THE AMOUNT OF  
\$35,000.00

Mayor Briare: The last item for the public hearings is on the Reprogramming of Community Development Block Grant Funds, Mr. Spaulding is this yours.

Mr. Spaulding: Your honor this is the first of two public hearings on the Reprogramming of a balance of approximately \$35,000.00 in fiscal years 76-77 Block Grant funds. This is simply an opportunity for if there is anyone present who would like to speak suggesting projects that could be funded with this money that will be reprogrammed at your next meeting.

Mayor Briare: Is there anyone present who wishes to be heard on the Reprogramming of Community Development Block Grant there are apparently none so proceed accordingly. Now this comes up again....

Mr. Spaulding: It will come up there will be a second public hearing next meeting.

Mayor Briare: You are going to have a recommendation or something, you will discuss (pause) as announced earlier ladies and gentlemen I indicated that the commission was going to recess at 11:30, looking through the agenda here for those of you that are present on some of the Planning items which we are going to take right after the Public Works I am going to just offer a suggestion that by the time that we get down to the application of Jerry Herbst that it would be not in your best interest for us to go ahead and start the thing and cut off right in the middle so if we are getting close to 11:30 by the time that we get to that application it is going to be my intention with the approval of the commission that we then go ahead and declare the recess and that the first item on the agenda this afternoon will be the application of Jerry Herbst and those other matters which follow on the yellow agenda printed sheet that you have.

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DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, P.E. DIRECTOR

See Page 51 of these minutes - Annotated Agenda

APPROVAL OF  
SUBDIVISION  
PLATS ITEMS 1  
THRU 4  
Approved as  
Recommended

Mr. Hampton: Under Section A Approval of Subdivision Plats, there are three items shown plus the fourth item, Monroe Manor Dalton Properties, Inc, we would recommend approval of all four of those Subdivision Plats.

Commissioner Lurie: Move for approval.

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

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

RELEASE OF  
SUBDIVISION  
BONDS 1 THRU 3  
Approved as  
Recommended

Mr. Hampton: The Release of Subdivision Bonds all three are in order and we recommend that the improvements be accepted.

Commissioner Lurie: Move for approval.

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

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

RELEASE OF BOND  
H. S. SERVICE  
CORPORATION  
Approved as  
Recommended

Mr. Hampton: There is one release of bond for the H.S. Service Corporation for the apartments on South Main we recommend the release of that bond.

Commissioner Lurie: Move for approval.

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

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

See Page 52 of these minutes - Annotated Agenda

RIGHT OF WAY  
ITEMS 1 THRU 6  
Approved

Mr. Hampton: Gentlemen Right of Way Items 1 thru 6 are in order and recommend acceptance.

Commissioner Lurie: Move for approval.

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

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

See Page 56 of these minutes - Annotated Agenda

REPORTS REQUEST  
FOR SEWER HOOKUP  
INSIDE CITY LIMIT  
1665 WESTWIND  
Approved

Mr. Hampton: Under Section E request for a sewer hookup outside the city limits at 1665 Westwind, we would recommend approval of that request.

Commissioner Lurie: Move for approval.

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

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 Unit No. 15-B. (Sproul Homes of Nevada, R. B. Cline, President)
2. Resubdivision Map of Villa Tierra Verde Unit 1. (Wallace R. Livingston, et al)
3. Highland Industrial Park. (Hawaii-Nevada Investment Corp., Richard L. Holton, President)
4. Monroe Manor (Dalton Properties, Inc.)

\*B. RELEASE OF SUBDIVISION BONDS

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

1. Lewis Homes-Charleston Unit No. 10A. (Lewis Homes of Nevada, Earl Monson, Agent)
2. Lewis Homes-Charleston Unit No. 10B. (Lewis Homes of Nevada, Earl Monson, Agent)
3. Woodland Hills Unit No. 1. (Crestmont Corporation, Harold Shydler, Pres.)

\*C. RELEASE OF BOND

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

Location; 1600 So. Main  
 Use: Apartments  
 Builder: H. S. Service Corp.  
 Surety: Cash Deposit Agreement  
 Amount: \$13,500.00  
 Bond No.: CD 5-76

Items 1 thru 4  
 APPROVED as recommended  
 Lurie - Unanimous

Director to Proceed

Items 1 thru 3  
 APPROVED as recommended  
 Lurie - Unanimous

Clerk to Proceed

APPROVED as recommended  
 Lurie - Unanimous

Clerk to Proceed

ITEM

Commission Action

Department Action

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

\*D. RIGHT OF WAY ITEMS

1. Grant Deed  
 From: Norman J. Yahraus, an unmarried man as to an undivided 1/2 interest; James Lucero, a single man, as to an undivided 1/2 interest  
 To: City of Las Vegas  
 For: Portion SE-1/4, Sec. 30, T20S, R62E  
 Radius corner Bonanza and Salvation.  
 Dedication (5/18/77)
  
2. Grant Deed  
 From: Woodrow J. Bryan and Doris S. Bryan, Trustees  
 To: City of Las Vegas  
 For: Portion SE-1/4, Sec. 30, T20S, R62E  
 Harris Ave. Dedication (5/17/77)
  
3. Grant Deed  
 From: Ronald J. Richardson, an unmarried man  
 To: City of Las Vegas  
 For: Portion SE-1/4, Sec. 30, T20S, R62E  
 Harris Ave. Dedication (5/18/77)
  
4. Grant Deed  
 From: Central Park Apartments, Limited Partnership  
 To: City of Las Vegas  
 For: Portion SE-1/4, Sec. 1, T21S, R60E  
 Edmonds St. Dedication Bldg. Permit (3/16/77)  
 Recorded as Instrument No. 677275, Book 718 in the office of the County Recorder, Clark County, Nevada on March 17, 1977
  
5. Easement for Sewer  
 From: Central Park Apartments, Limited Partnership  
 To: City of Las Vegas  
 For: Portion SE-1/4, Sec. 1, T21S, R60E  
 Sewer (3/16/77)  
 Recorded as Instrument No. 677276, Book 718 in the office of the County Recorder, Clark County, Nevada on March 17, 1977

Items 1 thru 6  
 APPROVED  
 Lurie - Unanimous

Director to Proceed

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

DISCUSSION ITEMS  
DISPOSAL OF  
SURPLUS RIGHT  
OF WAY  
RANCHO DRIVE  
Approved as  
Recommended

Mr. Hampton: Under Discussion Items I would make reference to the memorandum forwarded to you regarding the surplus property on Rancho Drive a request by Byron Thornton to purchase property for consideration of \$2,500.00. I would point out that this is very similar to the sale that was made to the South for approximately the same size acreage. This piece is smaller by 1,000 square feet.

Mayor Briare: Are these put out to bid or advertised or anything?

Mr. Hampton: No they are not we actually did not solicit the sale he wrote a letter to us requesting that he be given the right to purchase it. It would only be valuable to him since it would not be big enough for any other type of development.

Mayor Briare: The fact that it is only of value to him was that considered in the appraisal?

Mr. Hampton: No.

Commissioner Christensen: Does he understand that he can't build on that.

Mr. Hampton: Yes, that will become part of his set back.

Commissioner Christensen: What I am referring to is the fact that the sewer and everything is on that or underneath that and he has to maintain the easement across there that was the case of the property next door.

Mr. Hampton: That's right but it could be used as far as his set back is concerned and any landscaping requirements. I think there are several advantages to the City of course getting the improvements completed when the development occurs so it will be a significant advantage to the city.

Mayor Briare: Any other comments? Do you need a motion on this?

Mr. Hampton: Yes sir.

Commissioner Christensen: I move we follow the recommendations of the Public Works.

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

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

NEW FIRE  
STATION  
CONSTRUCTION  
SPRING VALLEY  
AND SUNRISE  
MANOR  
Approved as  
Recommended

Page 53  
Minutes  
Regular Meeting  
City Commission  
June 1, 1977

Mr. Hampton: I would like to discuss the construction of the two fire houses which was submitted to be built as soon as possible to serve the residents of the Spring Valley area and to adjust the problem to the fire station location on Sunrise Manor. It was our desire to get them under construction as soon as possible. To meet that goal we did several evaluations of planning and determined that the most expeditious method of getting these fire houses under construction would be to utilize a design that was made by an architect that was on the payroll of the City of North Las Vegas. This fire station, the particular one that was designed constructed is on North Highland. We discussed this with Chief Hawkes he has indicated that he feels this is a very practical fire station, it is a very economical type design from our evaluation. If we were to construct these two fire houses utilizing the design of North Las Vegas we could probably be out to bid within a period of 45 days, whereas if we were to select an architect have him start from scratch, we would be talking about a considerably longer period of time. There would also be a savings involved in us utilizing the previous design. It is not our normal desire to copy you might say other peoples plans but we feel this is a very practical station

and we wanted to throw it open for discussion from your gentlemen if you felt if this was a legitimate and practical way to proceed.

Mayor Briare: Did you indicate Mr. Hampton the funding of this construction?

Mr. Hampton: I am not real familiar with the funding, we understand that there will be revenue sharing funds of \$325,000.00 plus \$280,000.00 that was supposed to be turned over to the City. I understand in just reading the paper there are some problems with that but I am going on an assumption that they can be worked out but Mr. Bunker probably has more details on that end of it.

Mayor Briare: Mr. Bunker the only thing I am concerned about of course is the article in the newspaper which suggests that the some members of the Board of County Commissioners want to challenge the Legislative Act and I would sure hate to see City funds of any nature committed toward the construction of two fire houses in the County and then because of the County Commissioners action find out that it is invalid.

Mr. Bunker: Mr. Mayor I would certainly defer to the City Attorney on this but I would just suggest to you that in the absence of any test by the County Commissioners that we do have a responsibility to fulfill the State Statutes as they have been passed. I would also suggest in the method that Mr. Hampton has indicated I believe that would be the least expensive in both time and effort on the part of the City of Las Vegas in regards to this. Now it would be our it would be my recommendation to you that you consider allowing Mr. Hampton to proceed on the basis that he has indicated. The money is available in the 7.2 million that is mandated by law that be transferred. If it is the position of the County Commission and they don't want to send the Revenue Sharing Funds to us in one lump sum as agreed, then we certainly have no cash flow problem in the mandate that was given by the legislature whereby 1/12 of the 7.2 million will be transferred each month. That would provide us with ample finances to go ahead and build the facilities and still not affect the cash flow problems that the City might anticipate but certainly not realize.

Mayor Briare: Then perhaps up until the very day that the contracts with some contractor would be signed, it is very possible that this matter all might be resolved.

Mr. Bunker: That is very true and I would just I think caution all of us that threats and counter threats might be in the air for months and we have to act, we just can't let these things sneak up on us because July 1 is the target date of the merger.

Commissioner Lurie: Well I am very surprised that Commissioner Canter would make the kind of statement publicly that he did to try and prevent the people of Spring Valley and Sunrise Manor from having the fire protection that they well need in those areas and to make a statement that he is requesting that all of the negotiations cease. If he had any personal problems concerning the bill then maybe he should take the necessary action against the bill, but I think that we are mandated to proceed like we have been in good faith in appointing the Chief and taking on the obligation to proceed with these new stations to provide the proper fire protection. I am very surprised that these type of statements are being made because I don't think he is speaking for the entire County Commission.

Mayor Briare: Does this require a motion? You have heard the recommendation of the Public Works Department what is the pleasure of the Board.

Commissioner Lurie: Move we follow the recommendations.

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

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

ADOPTION OF  
UNIFORM STANDARD  
SPECIFICATIONS  
FOR OFFSITE  
CONSTRUCTION  
CLARK COUNTY  
AREA  
Adopted Resolu-  
tion

Mr. Hampton: Gentlemen the next matter is the Adoption of the Uniform Standard Specifications for Offsite Construction in Clark County. This is a matter that was referred to us by the Regional Streets and Highway Commission, they have approved the specifications they have also been approved by the Clark County Commission. A copy of the contractual portions of the specifications were provided to you, the technical specifications have been reviewed by Public Services Department and we would recommend that the revised specifications be adopted.

Mayor Briare: Questions or comments? (No response).

Commissioner Lurie: Move that we follow the recommendation and adopt the....

Mr. Hampton: I am sorry gentlemen there was an attached resolution that I think would probably be better if we....

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

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

Mayor Briare: Anything else.

WALK ON ITEM  
LETTER  
CONCERNING  
SALINITY CONTROL  
PLAN - ENVIRON-  
MENTAL PROTECTION  
AGENCY  
Authorized Staff  
to Send Letter to  
EPA with Changes  
as Outlined,  
Provided the  
County Sanitation  
District  
Concurs

Mr. Hampton: Yes I have one additional item, during the break I passed out a draft of a letter. This was Commissioner Christensen is our City representative on EPAC. At their last meeting they discussed this particular program it involves the order that was sent to the City directed to myself and the County telling us to submit a schedule by May 11th, we asked for a 30 day extension and was granted that which means by June the 11th we have to submit to them a schedule as to how we propose to reduce the salinity in the Las Vegas wash. Mr. Parrott drafted a letter which is shown here and the proposed additions are mine and they are underlined, also some deletions. The parenthesis are deletions and the underlines are additions. I would like some guidance from the Commission before officially responding to the Environmental Protection Agency. The Clark County Commission will be considering this matter at their meeting next Tuesday. Just briefly Section A says that we will set up an educational program and would implement it by July of 1978. It would also adopt a resolution rather than an ordinance regarding the salt use program which it is just tied in with the educational program that tells people the best way to optimize their salt usage for two purposes. One to decrease the salinity that winds up in the sewer affluent and two to save their money in the purchase of salt. Number three is connected with that, number four says to develop a registration program and I insisted upon that if there is a registration program at all it should be voluntary and I think you would get probably less resistance from the people if it was voluntary than if it was made mandatory. Of course I think you should also notice in that number four (a) it says "if required" in, as we approach January 1980 we can make a further determination to whether or not what programs should be enacted or that word "if required" and this will be depended upon how effective the AWP Plant is, how effective the Salinity Control Program on the Las Vegas Wash is and several other factors. So we are really not tying ourselves to a registration program and especially by putting the word voluntary in there. The next section which is on the next page 1(a) basically says that we are going to construct our sewer lines in the best manner possible to eliminate the amount of infiltration to our lines and then it says "we will prohibit future sources of inflows to be connected to the water system" and I suggest that we add "where at all possible". So it is not saying that if there are specific reasons we can tie into the system.

RESOLUTION

WHEREAS, it has been recognized that the existing Codes, Ordinances, and other pertinent regulations for public works construction in the various political subdivisions in the County of Clark, State of Nevada, have been inadequate, incomplete, confusing, contradictory, and did not provide equal facilities throughout the County, and

WHEREAS, appropriate officials from the various political subdivisions in Clark County took this matter under study to compile uniform standard specifications which could be applicable to public works construction throughout the County without regard to the boundaries of the various political subdivisions located therein, and


WHEREAS, a UNIFORM STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, CLARK COUNTY AREA, 1977 has been prepared and submitted for adoption by the various political subdivisions in Clark County to facilitate such construction in an orderly and equal manner throughout the County;

NOW THEREFORE, BE IT RESOLVED, that the Las Vegas Board of City Commissioners, accepts and approves the UNIFORM STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, CLARK COUNTY AREA, 1977 attached hereto; and


BE IT FURTHER RESOLVED that the appropriate officers of the Board of City Commissioners are hereby authorized and directed to take such action as is necessary and appropriate to indicate and effectuate such approval.

DATED the 1st day of June, 1977.

ATTEST:

  
EDWINA M. COLE, CITY CLERK

  
WILLIAM H. BRIARE, MAYOR

Copy to RS+H  
Public Services 6/3/77  


ITEM

Commission Action

Department Action

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

\*D. RIGHT OF WAY ITEMS (Continued)

6. Grant Deed  
 From: Fannie Cook, a single woman.  
 To: City of Las Vegas  
 For: Portion SW-1/4, Sec. 26, T19S, R60E, LD-23-77, Rebecca Rd., Burro Rd., Torrey Pines, and El Campo Grande. (5/24/77)

See Page 18

E. REPORTS

1. Request of Engign Development Corp. to hook into city sewer from outside the city limits at 1665 Westwind.

APPROVED  
 Lurie - Unanimous

Director to Proceed

F. DISCUSSION ITEMS

1. Disposal of surplus right of way - Rancho Drive (request by Byron Thornton).  
 2. New Fire Station construction.  
 a. Spring Valley  
 b. Sunrise Manor  
 3. Adoption of Uniform Standard Specifications for Offsite Construction - Clark County Area (Regional Streets and Highway Commission Proposal.)

APPROVED as recommended by Public Svcs. Christensen - Unan.  
 APPROVED as recommended by Public Services  
 Lurie - Unanimous

Director to Proceed

Director to Proceed

ADOPTED resolution  
 Lurie - Unanimous

Mayor and Clerk Authorized to Sign

Director to Proceed

WALK ON ITEM

4. LETTER CONCERNING SALINITY CONTROL PLAN - ENVIRONMENTAL PROTECTION AGENCY

AUTHORIZED staff to send letter to EPA with changes as outlined, provided the County Sanitation District concurs  
 Christensen - Unanimous

Director of Public Services to Proceed

Section 3 is entirely an accounting matter as it relates to the AWP Plant there is really no problem on that as far as anybody can determine. Section B has quite an impact on the commercial softening companies, however, that deadline is July 1982 and it also has the words "if required" so as we go down the line we can make a determination of whether or not we want to propose that. The most important part of the letter is the last paragraph it says "Although we have submitted this program in response to the compromise reached during the meeting of April 29" and this is the one where I went with the County Officials to San Francisco, "we do not concede that EPA has the legal authority to compel institution of any salinity control program. The enclosed program is submitted voluntarily and without prejudice to any possible right the County and/or the City may have under law to challenge EPA's authority to compel salinity control at some future time." I think City's legal staff and particularly the County's legal staff has been involved with this for quite some time and has indicated that they feel that they have a pretty good position if they go to court but they are recommending that we approve the compromise program with the understanding that we are not prejudicing our case in the future, simply because really what we are approving here is only the educational program in that sense and I don't think that will really be an advantage to the people as well as the community to try to get people only to use the amount of salt that they really need to use.

Mayor Briare: Thanks Larry, that is in the form of a report.

Commissioner Christensen: Well he has got to have clearance to send this letter or not or what.

Mr. Hampton: That's right.

Commissioner Christensen: Does this letter satisfy you as it is changed now?

Mr. Hampton: yes.

Commissioner Christensen: Your honor I move that we authorize Mr. Hampton to send this letter to the EPA with the changes outlined with the additions and deletions.

Mayor Briare: Would that be under the assumption that the County Sanitation District is also going to be a signature to the letter?

Commissioner Christensen: Well we will put that as part of the motion.

Mayor Briare: Are you led to believe that they will?

Mr. Hampton: Yes, and that will be a requirement to EPA, they want whatever we do they want us to do it together.

Mayor Briare: Any comments on the motion?

Commissioner Lurie: I just have a comment to Larry, where do we stand as far as the new plant being built, to correct the problem that they are faced with now?

Mr. Hampton: That's a plant for other than salinity, however the contract is Phase I and II it has been awarded and construction has started and they are in the process right now of preparing a prospectus for the sale of bonds and probably after the first of the year they will be telling us....

Commissioner Lurie: Well my question is what happens if they don't sell the bonds, who is going to pick up the cost of this plant? When the people find out that their rates are going to be increased 3 times what they are paying now and commercial could even go higher what is going to happen to the bonds? We are talking about 58 million dollars and it could be higher and their not satisfied and the members of this board are satisfied that that is going to correct the problem that exists.

Mr. Hampton: Well, that's right there is a rate study that is being completed and will be submitted to us probably in the next 30 or 60 days it will tell us exactly what the rates will have to be.

Commissioner Lurie: We have never approved going along with this plant being constructed.

Mr. Hampton: No but Senate Bill 30 actually approves it for you, it says in that Bill that you will assist in the financing of this plan because it is a community problem.

Commissioner Lurie: Well I just want to know who I direct my constituents to when they complain about their sewer bill being raised so that I can refer them to the....

Commissioner Leavitt: Send them to the County Commissioners.

Commissioner Lurie: I will send them to the County Commissioners so that they will be able to answer all the questions.

Mr. Hampton: That is a good question but your question as to whether or not they actually sell the bonds is....

Commissioner Lurie: I would like to know the answer to that.

Mr. Hampton: Yes I know I can't answer that.

Commissioner Lurie: Because I understand that 75% is supposed to Federal and 25% local and if we do not sell the bonds and come up with that 25% then you will have to get me that answer to that.

Mr. Hampton: I would assume that they would have to stop construction, they could stop construction immediately and they would just probably have to take another way, but that would be their obvious first step would be to stop construction.

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

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

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COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT

DON J. SAYLOR, AIP, DIRECTOR

See Page 62 of these minutes - Annotated Agenda

ABEYANCE ITEM  
ZONE CHANGE  
Z-34-77 OLSON  
CONSTRUCTION  
COMPANY  
Approved Subject  
To Conditions  
With Deletion of  
The R-3 Request

Mayor Briare: Don let's see if we can hopefully resolve the Olson Construction Company. For the ladies and gentlemen who are here that were here last week in addition to the ladies and gentlemen that were here with the applicants after this commission by a 3 to 2 vote denied the application. The applicant at the last meeting requested when we came back from a recess if they could at that moment ask the commission to give further consideration to the application based on the deletion of that portion of the application which applied to the apartments, the rental apartments. This commission did say that they would be willing to reconsider the application based on that deletion, however, we didn't think that it would be fair or appropriate to give consideration to it at that time in the eventuality that some of the folks that was there to protest were not present and they couldn't be present while we were to further deliberate this matter. The point that were at now and I am advised by our Planning Director that on behalf of the commission, people whos names and addresses were given at the last meeting had been notified and others, that the only matter before us now would be the consideration of the position of this board if the rental apartments were to be entirely deleted, then what would be the decision of this board.

I think perhaps counselor in order to get the thing started and I am hopeful that we can do it in quite a very short time, I think that if you were to restate your request that we can take it from there.

Mr. Nitz: Yes your Honor and members of the Commission, it is the position of the applicant that we would delete, completely withdraw from our application the property previously designated as R-3, that was the property over by Springhurst, that is it, just completely withdraw it.

Mayor Briare: Also each of us on the Commission have received a letter from the Chairman of the Board of Governors of Springhurst, I wonder if you have seen this.

Mr. Nitz: No I have no sir.

Mayor Briare: Well their greatest concern is that they emphatically oppose any traffic pattern that proposes to use Richfield Boulevard or El Camino Avenue as either primary or secondary access or feeder streets.

Mr. Nitz: Well let me say this, by deleting or withdrawing the R-3 from the application that there is no plan at all, there is nothing before the board or before anyone. I understand that the people from Springhurst are in support of our position.

Mayor Briare: With this one caveat.

Mr. Nitz: Mr. Gilbert is here and he can speak for himself of course.

Mayor Briare: Well this was signed by Mr. Backus.

Mr. Nitz: I understand that he is here too.

Mr. Gilbert: Mr. Mayor Mr. Backus is also here and another member of our committee is here and I think the letter is self explanatory.

Mayor Briare: Did I state it correctly?

Mr. Gilbert: I believe it was also stated that if that property was developed it would be developed in such a way that would cul-de-sac and the traffic would then come back out, it wouldn't go into Richfield, it would go into I believe were talking about Teddy.

Mr. Nitz: That is correct that was stated too, I continue to standby what I said before but there is no plan, I am not trying to get around it at all.

Mayor Briare: Are you suggesting Owen that we don't have a matter before us now that you have withdrawn that request.

Mr. Nitz: No I am saying that the matter of the R-3 would be just withdrawn from the application.

Commissioner Leavitt: What affect has that on the property, what is the property then R-1?

Commissioner Christensen: No it is commercial.

Mayor Briare: Are there any other protestants here that would like to make any comment?

Mrs. Harrison: Just because it is not going to go apartments what is it going to go you just don't leave it vacant land do you sir?

Mayor Briare: Were you at the hearing last time?

Mrs. Harrison: Yes my husband was.

Commissioner Leavitt: It will go commercial.

Mayor Briare: Let me see if I can answer it for you, you see it is already commercial, it has been and still is commercial. Don would you help us out here would you outline on the map what it is right today without any application before us at all.

Mr. Saylor: O.K. the Resolution of Intent on this total piece that comes up to a line that comes up about like this (pointing to the map) for commercial.

Mayor Briare: Now show the lady what the request is.

Mr. Saylor: This application involves this portion in orange to be an R-PD 7 with the remainder in the area from that point North will be all single family homes larger than normal size....

Mrs. Harrison: And exiting on Oakey.

Mr. Saylor: That is no involved in this application.

Mayor Briare: That is already there and it has been there since 1963.

Mr. Saylor: The only thing that is involved and before the commission now is this piece right here. (pointing to the map)

Mrs. Harrison: Thank you very much.

Mayor Briare: Anyone else.

Ned Gilbert: Gentlemen we are satisfied with respect to the withdrawal however, we do express concern about any potential development of the commercial because obviously no zone change will be necessary or no request for zone change, so our concern would be that the applicant or owners of any point in time could conceivably go ahead and draw a plan or for that matter request building permits that would in there basic design of buildings and ingress and egress show a future ingress and egress via Richfield or El Camino Avenue and I would ask you please to consider that any approval of these subject applications and we have no objection to the future development of the commercial, should include some stipulation providing that no building or rather the Public Works Department should not grant driveways over into Richfield or El Camino Avenue. I realize I have repeated myself but I think you will recognize that this contingency does exist in view of the fact that no future application may come before this board for the subject property that was withdrawn.

Mayor Briare: Thank you Mr. Gilbert.

Commissioner Christensen: I would like a clarification on that, do we have that right?

Mr. Saylor: Under the commercial you have the right before they do any commercial development to have them send a prospectus for your approval. I would like to throw one other thing in to confuse it a little more perhaps when the commercial was being considered Environmental Protection Agency which gets into the act under the Clean Air Act took a very strong position that there should be access to Richfield to dissipate the traffic. What I am saying, at this point in time that is not before you, before they could development it commercially it would have to come before you with a prospectus.

Mayor Briare: Anything else?

Walt Skochenko: I live at 2400 West Oakey, now on the homes that are being built on Oakey Boulevard it shows a block wall facing on Oakey all the way up from Rancho up is that correct on the Planning?

Mayor Briare: That's my understanding, that wall is still incorporated in the plans?

Mr. Saylor: Right but that is not again part of this application.

Mr. Skochenko: Well when is that going to be up?

Mayor Briare: No that won't be up Walt.

Mr. Saylor: Excuse me Mayor the subdivision of the R-1 part of it is on the agenda later on.

Mr. Skochenko: After lunch?

Mr. Saylor: I am sure it will be this afternoon before we get to the subdivision part of it that is not involved in the zoning actually, that is already zoned.

Commissioner Christensen: It is tentative map Rancho Bonita isn't it? Item 0 on page 27 I believe is where it comes in, that is the plot plan, there is no requirement for a zone change there so this is going to fall down in here, it is to review the plot plan of the development.

Mr. Skochenko: That will be after two o'clock then?

Mayor Briare: Right, Walt did you want to talk about the fence?

Mr. Skochenko: That is what I want to talk about.

Mayor Briare: Don that would be the proper time to talk about the fence?

Mr. Saylor: Yes.

Mayor Briare: O.K. Anything else, what is the pleasure of the Commission now on the application?

Commissioner Lurie: Move that the application be approved, deleting the R-3.

Mayor Briare: Would that include the assurances on the Richfield Avenue?

Commissioner Christensen: You can't include that the EPA may require that.

Commissioner Lurie: I think we have to take that up at the time that they come in with an application to develop that piece of property.

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

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

See Page 63 of these minutes - Annotated Agenda

ZONE CHANGE  
Z-26-77 ANYTHONY  
BAKER, ET AL  
FROM R-4 to  
P-R Approved  
as Recommended  
by Planning  
Commissioner

Mayor Briare: Anthony Baker, Don have you any idea what the length of this would be?

Mr. Saylor: The Anthony Baker one is very simple what happened when it came before you last time the C-1 is the property on Maryland Parkway immediately across from Standard Brands was sent back for consideration as P-R, the Planning Commissioner recommends approval there was one protest I believe on the commercial aspect of it.

Mayor Briare: That's right this item was before us and we sent it back to them and they concurred. What is the pleasure of the Commission?

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

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

ITEM	Commission Action	Department Action
<p>I-(h) <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT</u> <u>DON J. SAYLOR, AIP, DIRECTOR</u></p> <p>A. <u>ABEYANCE ITEM - ZONE CHANGE - Z-34-77 -</u> <u>OLSON CONSTRUCTION COMPANY</u></p> <p>Property generally located north of West Sahara Avenue, west of South Rancho Drive, east of Richfield Boulevard and south of Oakey Boulevard.</p> <p>From: R-1 (Single Family Residence) (Under ROI to C-1)</p> <p>To: R-3 (Limited Multiple Residence) R-PD 7 (Residential Planning Development)</p> <p>Proposed Use: 190 unit apartment complex 176 unit planned development</p> <p>(THIS ITEM WAS HELD IN ABEYANCE PENDING NOTIFICATION OF THE PROTESTANTS FOR CONSIDERATION OF Z-34-77, EXCLUDING THE R-3 PORTION OF THE DEVELOPMENT)</p> <p>Planning Commission recommended APPROVAL (3-1) subject to the following conditions:</p> <ol style="list-style-type: none"><li>1. Existing Resolution of Intent to C-1 on this property and the proposed R-1 property to the north to be expunged.</li><li>2. Detailed plans and elevations to be approved by the Commission prior to development of the R-3 portion of the property.</li><li>3. The first three lots on the north side of El Cortez Avenue, immediately west of Rancho Drive to be zoned and developed as R-1, single family homes.</li><li>4. Construction of the R-1 and R-PD 7 to be underway prior to start of construction on the R-3 apartment project portion of the property.</li><li>5. A 20 ft. sewer easement to be provided to connect the sewer line from El Camino Avenue abutting the A. G. Spanos apartments to some point on the north right-of-way line on Sahara Avenue as required by the Department of Public Services.</li><li>6. The payment of twenty-five thousand dollars (\$25,000.00) to the City to be made at the time the first final map is recorded. The money to be used in the development of Springhurst Park.</li><li>7. Conformance to the site plan as amended to reflect the above conditions.</li><li>8. Conformance to code requirements and design standards of all City departments.</li></ol> <p>PROTESTS: 21</p> <p>Page 62 Minutes Regular Meeting City Commission June 1, 1977</p>	<p>APPROVED subject to conditions with DELETION OF THE R-3 REQUEST Lurie - Unanimous</p>	<p>Director to Proceed Clerk to Notify</p>

ITEM	Commission Action	Department Action
<p>I-(h) <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT CONTINUED</u></p>		
<p>B. <u>ZONE CHANGE - Z-26-77 - ANTHONY BAKER, ET AL</u></p>	<p>APPROVED as recommended by Planning Commission Lurie - Unanimous</p>	<p>Director to Proceed Clerk to Notify</p>
<p>Property located at 414 S. Maryland Parkway, between Lewis Avenue and Clark Avenue. From: R-4 (Apartment Residence) To: C-1 (Limited Commercial) Proposed Use: Offices and retail sales</p>		
<p>(THIS ITEM WAS REFERRED BACK TO THE PLANNING COMMISSION FOR CONSIDERATION TO P-R).</p>		
<p>The Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p>		
<ol style="list-style-type: none"> <li>1. Application be amended to P-R zoning.</li> <li>2. Resolution of Intent be restricted to a twelve (12) month time limit.</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 application 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>PROTESTS: 1</p>		
<p>C. <u>ZONE CHANGE - Z-36-77 - MICHAEL, VICKI AND RUTH LYON</u></p>	<p>APPROVED as recommended by Planning Commission Lurie - Unanimous</p>	<p>Director to Proceed Clerk to Notify</p>
<p>Property generally located north of East Charleston Boulevard behind McDonald's Restaurant with driveway access to South 28th Street. From: R-1 (Single Family Residence) To: C-1 (Limited Commercial) Proposed Use: Access and parking.</p>		
<p>Planning Commission unanimously 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. Approval of a Parcel Map separating this parcel from the parcel to the north.</li> </ol>		
<p>Page 63 Minutes Regular Meeting continued . . . . City Commission June 1, 1977</p>		

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

ZONE CHANGE  
Z-36-77 - MICHAEL  
VICKI AND RUTH  
LYON Approved  
as Recommended  
by Planning  
Commission

Mayor Briare: The last item for this morning will be an application for Michael, Vicki and Ruth Lyon.

Mr. Saylor: This is simply to allow access and more parking on McDonald's on West Charleston or East Charleston rather. The Planning Commission recommends approval.

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

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

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

(Meeting was recessed at 11:45 A.M.)

(Meeting Reconvened at 2:00 P.M.)

See Page 66 of these minutes - Annotated Agenda

ZONE CHANGE  
Z-37-77 JERRY  
HERBST Referred  
Back to Planning  
Commission

Mayor Briare: We will now proceed with the application of Jerry Herbst, is the applicant in the audience?

Mr. Renaldo Tiberti: I live at 316 East Bridger and to further discuss the application that is before you now would be mute because in light of the opposition that was brought forth at the City Planning Commission I believe there was over 100 signatures in opposition on this application. The developer has decided not to proceed with the condominium type of development, what in fact he would like to do and either he can do it by you referring us back to Planning or reapplying would be that he would like to continue to develop the property but in such a manner as patio homes. Now whether that lies in R-1 or the variance or in a PUD we are not exactly sure because the only change that it would be from R-1 would be a reduced lot size, in other words it wouldn't come up to the 6500 square feet required by the city and consequently there would be a single family type development, we call it patio homes for lack of a better terminology and I, in other words it would be single family residences.

Mayor Briare: Mr. Tiberti would you be able at this time to offer an application sort of speak before us right now on a Patio Home Development or is that something that takes a good deal of time to formulate?

Mr Tiberti: We after the Planning Commission did begin formulating it when we saw that it was not feasible to develop what we had planned then and they are not completed but should be within this next week so at that time I could come back with a set up of design and a plan for what we are going to do. I don't have it in hand presently.

Mayor Briare: Mr. Saylor we discussed this morning alternatives we have folks that are here to oppose the application that is before us today which is now not before us. In any event unless the applicant is prepared to proceed right now eventually these folks are going to have to come back some place either to these chambers before the City Commission or before the Planning Commission. Would you have any suggestions as to how this might be resolved that would be most perhaps leaning more to the convenience of the protestors than to the applicant.

Mr. Saylor: The most convenient way in terms of people in the neighborhood would be to hold this item in abeyance so they could present their plans to you at the next meeting which would mean then that the protestors would only have to come to that meeting. If you refer it back they are going to have to come to another Planning Commission and then again back to you. That would be the most convenient way, and if it is handled that way I would suggest talking to the applicant and if possible contacting as many people in that subdivision to the North and explain their new proposals then if we do hold it in abeyance at that time the people in the neighborhood will have some knowledge of what the proposal is.

Mayor Briare: Would it be possible to design a notice in such a way that it would be relatively clear to the people who are in the neighborhood so that they could be notified as to what the revised application consists of.

Mr. Tiberti: Mayor in the past I have had two meetings with home owners in that neighborhood as to the old plan and I will concur with Mr. Saylor and with you that I will hold two additional meetings with these plans to make them cognizant of what the new plan consists of.

Mayor Briare: Relative to those meetings are they meetings that you put the people on notice by mail.

Mr. Tiberti: Exactly, I lettered them and they came and inspected the plans.

Commissioner Leavitt: What in effect though what you are doing here is that you are having a new application and you are by passing the Planning Commission with a new application, if you follow the procedure you outline what in effect I understand is going to happen is that they are going to redesign it and come back with a new plan with less density and present it to us. In effect if you follow the new procedure you are by passing the Planning Commission because in effect it is a new application isn't it?

Mr. Saylor: In essence yes, I was simply responding to the Mayor's question as to which would be the more convenient way for the protestors.

Commissioner Leavitt: I am not so sure I want to hear a new application without it having gone in front of the Planning Commission first.

Mr. Saylor: Well I would say the cleanest way would be for the applicant to withdraw this application and submit a new application and then the item would appear again before the Planning Commission....

Commissioner Leavitt: In other words he is not going to build what he has proposed he is withdrawing it and he is going to come up with something else and go through the procedure again.

Mayor Briare: Yes sir would you like to make a comment on this?

Mr. Robert Patser: I live at 4501 Delmonte in the general area of the development. I think what alot of the people are concerned about is well first off this was very small apartment size dwellings that have been withdrawn, however, when you look at the area in question and in talking to builders and various other knowledgable people around town they found that the announced intentions of the developers is to use this as a chink in the armor of the zoning in the area to get fairly high density in the area started and they hold options on at least 80 additional acres which they intend to surround the area with apartments and condominiums and we would not like to see a Twain and that area type development on this West Side of town in addition that we have around Clark High School which requires police helicopters day and night patrols.

Mayor Briare: I am sorry, now we haven't even opened up the application yet we are trying to do a procedural thing here and rather than use this now to present all of the arguments for and against I would rather just on the procedure matters, you are obviously an objector which would be more in keeping with what you feel would be a democratic process to handle this.

ITEM	Commission Action	Department Action
<p>I-(h) <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT CONTINUED</u></p>		
<p>Item "C" (Z-36-77) continued . . .</p> <ol style="list-style-type: none"> <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 application is made for a building permit, license or prior to occupancy.</li> <li>5. Parking layout to meet the requirements of the Traffic Engineer and the Department of Community Planning &amp; Development.</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>See Page 21</p>	
<p>PROTESTS: 0</p>		
<p>D. <u>ZONE CHANGE - Z-37-77 - JERRY HERBST</u></p> <p>Property generally located on the north side of West Oakey Boulevard, west of Arville Street and east of Decatur Boulevard.        From: R-E (Residence Estates)        To: R-PD 16 (Residential Planned Development)        Proposed Use: Medium Density Condominium Development</p>	<p>REFERRED BACK TO        PLANNING COMMISSION        Leavitt - Unanimous</p>	<p>Director to Proceed        Clerk to Notify</p>
<p>Planning Commission recommends DENIAL (5-ayes 1-abstention) because it was felt the R-PD 16 density proposed would not be compatible in this area.</p>		
<p>PROTESTS: APPROX. 150</p>		
<p>E. <u>ZONE CHANGE - Z-38-77 - GENE R. WRIGHT</u></p> <p>Property located at 1414 S. Eastern Avenue, on the southwest corner of Bracken Avenue and Eastern Avenue.        From: R-1 (Single Family Residence)        To: P-R (Professional Offices &amp; Parking)        Proposed Use: Office</p>	<p>APPROVED as recommended        by Planning Commission        Lurie - Unanimous</p>	<p>Director to Proceed        Clerk to Notify</p>
<p>Planning Commission unanimously 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> </ol>		
<p>continued . . . .</p>		

Mr. Patser: I think that it should go through the Planning Commission and get a full hearing. I just want to make one thing clear and that is in your roles as City Commissioners you should not look at this one little 5 acre piece as an individual part, this is part of an overall plan for the area. At the Planning Commission we were shouted down in saying that the rest of the area is not under consideration only the application before it and we know the plans for that area and they are not before you so you can't consider it.

Commissioner Leavitt: At this point has the application been withdrawn?

Mr. Tiberti: I was going to try to leave that decision to you, we are coming back with a new plan yes.

Commissioner Leavitt: Well at this time I move that this matter be referred to the Planning Commission. Referred back with a full hearing.

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

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

ZONE CHANGE  
Z-38-77 - GENE  
R. WRIGHT  
Approved as  
Recommended by  
Planning  
Commission

Mayor Briare: The next item is the application of Gene Wright.

Patricia Hilliard: I am representing Gene Wright as a Realtor. He is applying for a zone change from R-1 to P-R. The house is located at 1414 South Eastern Avenue on the Corner of Eastern and Bracken. The house is now in escrow due to close July 1st contingent upon P-R zoning for a real estate company.

Mayor Briare: Thank you very much. Anything else, Mr. Saylor would you have any comments on that?

Mr. Saylor: No everything is in accord.

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

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

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

See Page 85 of these minutes - Annotated Agenda

ZONE CHANGE  
Z-39-77 EARL  
THOMAS  
Approved as  
Recommended by  
Planning  
Commission

Mayor Briare: Earl Thomas, is Mr. Thomas or his representative here?

Hal Shideler: I am representing Mr. Thomas 804 Chabot Drive.

Mayor Briare: Don is there anything on this that you want to bring up.

Mr. Saylor: No it is just connected with the overall subdivision in that area, it goes hand and hand with the revised tentatives on page 27.

Mayor Briare: Questions or comments from the Commissioners?

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

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

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

Mayor Briare: The next is the application for Namow Corporation. This is for a shopping center on Rancho and West Charleston Boulevard.

ZONE CHANGE Z-40-  
77 NAMOW  
CORPORATION,  
ET AL  
Held in Abeyance  
Pending  
Traffic Survey

Joseph W. Brown: I am an attorney of Suite 700 Valley Bank Plaza, I am here for the applicant. I might introduce initially 17 letters from various persons who reside or have offices in the area. These letters support the project and urge that you approve it. (Letters were passed to the Commissioners) In addition to the letters I have oral representation from other persons in the neighborhood, Dr. and Mrs. Flanagan who live on Pinto Lane, the Kirschbaum's who live on Shetland and Pino Lane and Attorney Don Ashworth and family on Pinto Lane, also the Kabbush's who live directly across from where the project would be on Palomino are also in favor of it and Mr. Rex Jemison is here in the audience I believe he will also have a few words to address to you. Now the area in question I am personally familiar with because I live right now in that general vicinity and I have a lot, I bought a lot right up the street from here that is about a block and a half away you know where it is, so I am personally attracted by this as well as being counsel representative. That area is in a very good area of the city without any question and unfortunately like many vacant lots of any size it serves as a dumping ground and an accumulation of trash that blows through there whatever. It has been in the past attempted, two attempts have been made for rezoning, one was an apartment complex several years ago that was denied and approximately six years ago an application to build a hospital and clinic was approved there but never built. The current project is in our opinion probably and without any doubt the finest area of this type of professional commercial plaza that will be built in Las Vegas. I don't think there is anything in existence right now that will compare with the plans which Trammell Crow Company has for this piece of land. Trammell Crow has worked on this project for some 8 months now and I think you will be impressed at the amount of planning at the preparedness of the developers in trying to accommodate every possible objection that might be had to persons in this neighborhood. The Trammell Crow Company is the largest privately owned development Company in the United States. They have about a year ago established an office here and has a resident partner living in Las Vegas. Mr. Kirk Dehner is here in the audience along with his partner Mr. Randy Paul from Salt Lake City and Mr. Gary Shaffer from Dallas. Trammell Crow has built large projects all over the company. They have built the World Trade Center, the Paramount in Dallas, the Mercantile Center in St Louis, Peach Tree Plaza in Atlanta for those of you who went to Atlanta to see the Rebels, you would see what type of projects they build. They have built 30 shopping centers in the Southwest alone and have built three other town and country developments which are going to be very closely identical to this intended project. Those town and country developments are in Denver, Houston and Dallas. They have retained the Architectural Firm of Welles Tate and Kennedy. Mr. Tate and Mr. Kennedy are here in the audience in case there are any questions in that area. They were chosen for their ability, for their familiarity with the area and they incidentally are the architects for the Southern Nevada Memorial Hospital Addition in the area. Along the North edge of the proposed site fronting on Palomino is a home which is now the property of Madison Graves, they have made arrangements to purchase that property and along Palomino build a number of R-E lots there will be one spec home built initially and Mr. Dehner himself one of the partners who I previously introduced to you plans on living right there in that area. Mr. Causey has built other homes in this area for those of you who are familiar with the homes on the North side of Lacy Lane. Mr. Causey built those homes and he is going to build the homes here, they are all homes in excess of \$100,000.00. Now we have also with us in the event that there should be any questions and I am sure one of the first question that comes to someones mind who has property in this area is what is it going to do to my property, is it going to devalue it. Mr. Gary Kent who is one of only two MAI Certified Appraisers in Clark County has reviewed the plans and will testify if there are questions in this regard that in his opinion this center will in no way result in the reduction of surrounding property values. Within the center there is going to be a market a Smith Food King. Mr. Tom Walsh

Executive Vice President of Smith Food King and Mr. Larry Childress Division Manager of Smith's are here. Now they are going to build an ultra modern beautiful building that you will see from the rendering which is going to be unlike the existing Smith Food Kings which they took over from previous owners. Mr. George Kruse of ABC Landscaping is here in the audience. This project is going to be unique in the amount and the beauty of landscaping that it has. Again there will be no shopping area or professional plaza in town with the amount of landscaping which this one will have. Mr. Kruse takes care of the landscaping at the Spanos Office Building and at Sunrise City Shopping Center. Also in the audience is Mr. Williams who will provide the maintenance for the property Mr. Williams also does the maintenance in the Sunrise Shopping Center and such other buildings as Valley Bank Plaza, Cheyenne Plaza and the Fremont Village on Jones and Fremont. Now we have some residents of the area who are here in support of the project they will be free to speak if they wish I believe Mr. Jemison as I stated earlier is here to make some comment and at this time I will turn the meeting over to Mr. Dehner who will explain the project in detail.

Mr. Kirk Dehner: Mr. Mayor and Commissioners I am grateful for the opportunity to be here today and to discuss what we feel will be a very fine project for that fine area in Las Vegas. I would like to start off my comments by a formal apology to Mr. Saylor and to you City Commissioners and Mayor for representations which seem to have been made that Mr. Saylor was part of our team, I want to assure publicly that he is not that any mention made of Mr. Saylor's approval was only from a staff position of wishing to help us and to give us his input so far as planning the site and I would like it made known that he did as staff recommend approval of this project to the Planning Commission. So far as that goes that is Mr. Saylor's involvement and he has no financial involvement with this project. As Mr. Brown mentioned we have been working on this site as you would on any project for approximately 8 months and we looked at the site with a great deal of awareness to the needs of that area to the demographics of the area. Knowing that, before we started any development procedures we must first decide what was needed for the area what were the demographics of the area what were the car counts, what was needed so far as computing centers, what would be allowed from a City and a Planning position. That again I think is for a discussion with Mr. Saylor if our findings after we had had our findings with City, with Planning would staff approve a project such as this, such as we are proposing. I would like run down briefly if I may what our demographic findings showed for a one mile radius in that area and I think you will all agree that that has got to be one of the finest areas in Las Vegas and on a demographic basis we have found it to be the highest income and demographic area in the State of Nevada so obviously we are cognizant of what we can and what we cannot do in that area and as the Reverend mentioned this morning his prayer we are aware of the interest of the citizens who live there and we hope that our plan will satisfy them. We have found in a one mile radius the population to be approximately 11,000.00 people. For the median income to be \$33,000.00, for the number of homes totally approximately 2,500 and the home value of each home on an average basis is \$50,000.00. The age of the average resident is 38 years old and of course the area is still growing. It is definitely a high demographic area in terms of income level, in terms of value of homes in terms of the age of the residents, it is a relatively average age in somewhat of a low scale. So far as the traffic count, that was the next area in which we studied to determine what kind of traffic was there, what would the site withstand. We have found that on a 24 hour basis that in front of the site on West Charleston there are approximately 22,000 cars going by there in a 24 hour period. On the Rancho side portion of the property there are approximately 13,000 cars passing there on a daily basis during any 24 hour period.

That certainly is enough to support what we propose to put there. The adjacent land uses for your information we feel are again compatible with our rezoning application request. You will find that on the East Side of the property which would be across the street on Rancho that is a C-1 Commercial designation with commercial shopping and offices available there. You will find that on the South side of the property that that is a C-D what they call a commercial designate commercial zoned and is being used for offices and some small commercial tenants. You will find that on the West side of the property that is an R-E residential zoning that is allowing for 20,000 square foot lots or greater in size. On the North side those are also R-E lots, that would be across our project on the North side of Palomino Lane, those lots and that zoning is also R-E for residential purposes. (Passing photographs of the area to the Commissioners and Mayor) Obviously I think you gentlemen have been aware of this project prior to this meeting and maybe have had an opportunity to go to the site to see what it looks like to get a feeling for the residences in the area, maybe you have received phone calls maybe you have had letters sent to you in opposition to this project, it is our intent this day to explain our project in our best manner and to answer those objections in the best manner that we possibly can. As you can see by those pictures the land currently and always has been vacant, there has never been any development on that land, there is reason for that. I think we should be concerned about those reasons. The land is divided up in sizes and shapes of parcels in such fashion that it makes it difficult for one person to go in and develop a totally massive plan project. The number of owners is also significant, we have been in negotiations with as many as 7 and 8 different owners on this project and as Bill mentioned it has taken us 8 months of negotiations to finally arrive at a position that we could acquire enough property to do a substantial project at that site. We propose and this will be going into a little more detail by my senior partner from Dallas Gary Shaffer, we propose a commercial and professional plaza and in our business it is called a specialty center. It would service the professional people in the way of offices, it would service the medical people in the way of those doctors who will be using the addition for the new hospital for Valley Hospital or Southern Nevada Memorial. We feel there is a great need for offices in that area not only for attorneys but also for doctors. We would also have specialty and high quality commercial tenants in that center. Obviously like any development for any sound project to fly and to be successful we do have a major tenant and our anchor is Smith Food King and we are very proud of that fact. We have seen what Smith Food King has done throughout the country and especially what their new stores look like and we are very proud to have them in our center we think it will be a great asset to that neighborhood and the community. I think as we analyze the site plan and the renderings of our project that you will find that the facade that they will be using is excellent and far above anything else in town. The R-E lots that we will be having will be on Palomino Lane, that would be on the North side of the property. Those will be half acre lots which we will be using as a buffer at Mr. Saylor's recommendation actually, so the commercial zoning would not protrude further North down Rancho Road. That it would stop at our project and others could not point across the street and say they have commercial zoning, we want it also. Those lots, there is such a demand for lots in that area as you know if you are familiar with the Lacy Lane project that we have already signed an offer and a builder has already committed himself and has signed an agreement and purchased those lots for development. That residential development will start at the same date that we start our commercial development and now if I may I would like to turn a few minutes over to Mr. Gary Shaffer who will explain a little more detail our project and some of our involvement as a company.

Mr. Gary Shaffer: Thank you I am of 2001 Brian Tower of Dallas Texas and I am a partner with the Trammel Crow Company. As Mr. Brown pointed out earlier we have among our other development projects built 30 shopping centers around the United States especially in the Southwest. Three of these centers are what we call specialty centers and as I rushed out of Dallas I was able to dig through the file and come up with a picture of one of them which is Old Town at Dallas. (Passing the photograph to the Mayor and Commissioners) This project by the way in 1974 win the State Architectural Award for Commercial Construction. A specialty shopping center is similar to other shopping centers is that the main reason for it's existence is the orderly transfer of goods. A specialty center though is differentiated mainly by the retailing mix that the developer hopes to bring into his center. While experience has taught us that you absolutely need neighborhood service functions, foods, drugs, health and beauty aids etc., this type of shopping center will also attract a higher proportion of shopping retailers, this being men and women's ready to wear, design furniture, gift shops, boutiques, specialty camera stores, specialty sporting goods stores such as backpacking stores etc. etc. It has also been our experience that this type of center will draw more local retailers as opposed to the national chains. Lastly this type of project generally attracts a large number of professional services, legal, medical, finance and others. Now in order to pull off a specialty center you need three basic components one is a dynamite location, we think we have one here it has got the access it has got the exposure and it has got more than anything else the income. Personal disposable income to be able to support a project of this nature. Secondly you have a good draw anchor tenant we feel that we have this in Smith's and I will let their representatives talk about the store that they propose. Lastly you have to have an outstanding architectural design, the project has got to respect the integrity of the neighborhood it has got to blend in it has got to be compatible. Lastly it has got to smack of absolute quality you can't attract this type of fashion merchant and his customers if it doesn't. Right now I would like to turn this over to the architect George Tate.

Mr. George Tate: My name is George Tate a member of the firm of Welles, Tate and Kennedy architects who have been retained to do the design for this project should it be approved. I have often asked myself what my position would be if a commercial venture were to come into my neighborhood and as an architect my feeling has always been that it would be acceptable provided that it would be attractive and architecturally pleasing, generally speaking I would be opposed to most commercial ventures unless they were really outstanding. I was one of the most skeptical when we first met these clients because everybody talks in glowing terms about the project they are going to build but my skepticism deminished when they rejected my first sketch. Mr. Dehner explained to me that I had failed to understand the real idea of this thing and so in getting this clarified I acquired a whole new appreciation for the type of project that they were talking about. He explained to me and I have tried to develop in these very brief sketches that this would be a very unique place for people part of the city to gather together, to have social contact unlike a typical commercial venture where there is just a little skimpy overhang and a straight glass front. We wanted this to have alot of interest and variety and broad overhang and places where people could gather, sit on benches, hear water trickling in fountains, ivy growing up the posts, tiles on the paving and special light fixtures with wrought iron in them, incadescent light hanging downward instead of the bright glaring florescents that are so common. In the back a very safe but cool design with lights again shining down instead of away into the neighborhood and especially a very low slopping type roof to be harmonious with the neighborhood as opposed to the harsh commercial buildings that are usually associated with shopping centers. They made it very clear to me that this was not a shopping center and I began to appreciate the intent that it is not, but rather a plaza for people to come and enjoy these immenities and the little grace notes of the environment. So with this in mind we will try to depict, the signing for example will be very controlled.

In my opinion the biggest problem with our ugly commercial areas in the city is the lack of sign control and an abundance of planting and good maintenance. So we have tried to carry this out and I personally feel impressed by their commitment to carry out the quality of their design that we would have in mind, if there is any questions I would be glad to answer them.

Mayor Briare: Thank you very much. Mr. Brown do you have anyone else who is going to speak in favor of the application?

Commissioner Christensen: Your honor I have got one question I would like to ask Mr. Saylor while we are waiting. This is for a C-1 zoning isn't that correct?

Mr. Saylor: Yes.

Commissioner Christensen: I thought it was for C-D but I am incorrect on that it is for C-1, then if the C-1 zoning is approved then we would have no control over whether or not this actually came out as depicted or not where in C-D you do have some control isn't that correct.

Mr. Saylor: No you could exercise the same control under the C-1 you can approve it in accord with the renderings which would have to be submitted.

Commissioner Christensen: You see my problem is that many times we have looked at a beautiful rendering and then when it is built it doesn't look a whole lot like the picture.

Mr. Saylor: As I say you can ask that the renderings be submitted and be made part of the record and that one of the conditions be that the architecture conform to that.

Mr. Brown: My clients have absolutely no problem with that whatsoever they would, based on past performance they have done it in the past they have got places where they can show you what it will look like almost to a "T".

Commissioner Christensen: Well I understand that and I am not shooting at your client it is just that that was one of the beauties of the C-D zoning is that you approve what goes in there and so forth and in C-1 zoning you could end up with major tenant and umpteen little specialty stores that are not making it and changing hands every 15 minutes and the first thing you know you have got a mix in there that you can get the rent off from but isn't necessarily compatible to the neighborhood and so forth and that is where some of the worry comes in while with C-D you control what goes in and so forth. That is the basis of the question, not of any one shopping center but just that this occurs.

Mr. Brown: I don't feel at this point that I need to reiterate what we have said because I am sure there are other people here who want to talk on it. As you know Planning Staff recommended approval of the project, it was disapproved though by the Commission the Planning Commission I think the problem being that there was some concern about the market. I don't think it was fully understood as to what type of market that it was going to be and the architecture, the look that the market was going to project. If this is a concern of yours that is why we have the people from Smith's here to explain that otherwise I will just turn it over to the other people who want to talk.

Commissioner Lurie: I have a question Mayor I would like to ask, is the property all owned by the company asking for the request for the zone change now, or is there any property that is still subject to the final zoning.

Mr. Brown: It is in escrow subject to zoning.

Commissioner Lurie: My understanding was that you were going to present that today a contract for the purchase of the building of those homes you were going to give us a document.

Mr. Dehner: Yes I have a written contract in my file it is hand written and I haven't had time to get it typed up we were in a final meeting last night but it is done, it is signed. Mr. Causey of Causey Construction is here he will stand up and commit himself to that, it is signed it is legal.

Commissioner Lurie: Do you have it here.

Mr. Dehner: You bet it is in my file would you like to see it?

Commissioner Lurie: Please.

Mr. Dehner: I think it is important to note to that on those lots part of the restrictions that we placed on Mr. Causey and I think this came out of objections for those citizens on Palomino Lane was that we restrict him from building anything. One we have an architectural control committee which basically is myself and my partner and Mr. Causey decide is this a building which is large enough and of a value high enough to go on that lot. We have limited him to building nothing under 2200 square feet with a value of nothing less than \$100,000.00. I think those are strong commitments which we are willing to make and have on the record and present that to you and have it set.

Mayor Briare: One moment, along the lines of Commissioner Lurie's question you make quite a point of the fact that you are going to build one spec home why do you feel that you are going to be able to market that one home?

Mr. Dehner: Definitely.

Mayor Briare: Then why don't you build homes all the way down on your property?

Mr. Dehner: I think the answer is obvious, I think sales will determine how much you are going to build at first hand. I'll let Mr. Causey, he is the one that has the lot so your really talking to the man who owns the lot and who is the one who is building the homes, I'll let him tell you, he is the one that did Lacy Lane, some 20 lots there so.

Mayor Briare: You sold off the lots to Mr. Causey?

Mr. Dehner: I sold off the lots to Mr. Causey. Now I just want to explain developed lots, were putting in the street improvements, the curb gutter he is going to be getting an improved lot in which he can build on, in other words it will be ready for his development. We are not going to be giving him raw land which he will then need to grade and to put in all improvements we will be doing that for him and providing those improvements for each lot.

Mayor Briare: Which you would be required to do in any event.

Mr. Dehner: Well no, yes, that would be required whether he did or we did it all I am saying is that we are assuming that responsibility and we will do it along with our commercial development, it will all be done at one time. There will not be just vacant land sitting there two years down the road, no.

Mayor Briare: What assurances are you going to give to that affect. Someone as your representative submitted a good number of photographs here which is not very complimentary to the manner in which this vacant lot in the desert was kept up, obviously there are other areas around in the whole entire community that are very similar, however, you have just made a representation to this Commission that you don't expect that to be the case on these lots that you sold to Mr. Causey, what kind of control are you going to have on it?

Mr. Dehner: Our agreement with Mr. Causey and to be frank it could be stiffened, at this point our agreement states that he will build one home now at the time we start the commercial venture which will be done with, complete and finished a year from now and it will be done on the corner of Palomino and Rancho which we feel will be the hardest lot to sell. That is the commitment, I feel we will sell it I am confident that we are going to sell this home. I don't think Mr. Causey would put his neck on the line and buy those lots unless he felt sure himself.

Commissioner Lurie: Well then it was misrepresented to me then on what was going to happen on those six lots. I was under the impression that those lots were going to be sold to Mr. Causey to develop. My understanding Trammel Crow Company was going to develop those lots and sell those homes and contract with Mr. Causey just to build them, I wasn't under the impression that they were going to be sold. This changes the application a little bit.

Mr. Brown: We have been in negotiation with Mr. Causey and I think they just made the final deal last night but what is important is that the homes are going to be built and they will be minimum requirements of the type of home, the sales price, the square footage, all of this to guarantee the integrity of the area.

Mr. Causey: Well a couple of questions have come up here that I think maybe I could answer. First of all in our negotiations to buy the property, I more or less discouraged them from just selling me the property for their own benefit. I thought that if they tied up these lots and committed at this time to develop R-E lots then you know that that piece of property is going to go ahead and be developed into nice R-E lots and sold, if they just sold it off to me then you have no guarantee that I am going to go ahead and build the houses or if I am going to come back six months from now and say I want commercial too. So for that reason we tried to tie in our agreement tie it up so that it will be R-E \$100,000.00 homes built there. The reason I suggested that we start with one lot is because when you are selling in the \$100,000.00 and up price range the customers come in they want a certain thing and if you don't have it in your house they will say well let's go next door and let's go down the street and buy a lot and you build a house and you put this bathroom in it, so I would like to work on that kind of an arrangement, you work out of a model build the house and then when the customers come by then you put in the specific items that they want. I am familiar with that area, I know it is a very desirable area the most desirable area as far as I am concerned so I know the houses sell there I have no doubt that \$100,000.00 homes won't sell there just immediately.

Mayor Briare: Actually Mr. Causey the lot upon which you are obliged to commence construction and at the same time building permits are taken out for the center is already presold is that not so.

Mr. Causey: Yes sir.

Mayor Briare: So it is not speculation at all?

Mr. Causey: No.

Mayor Briare: And who is it sold to?

Mr. Causey: They are selling it to me.

Mayor Briare: No who are you selling the house to?

Mr. Causey: Oh the house is not sold, I am sorry I must have misunderstood you, the lots are sold from them to me.

Mayor Briare: Well it was my understanding that one of the people themselves were going to buy the house.

Mr. Causey: Oh Mr. Dehner is talking about buying a house there.

Mayor Briare: Buying or building one.

Mr. Causey: No having me build one.

Mayor Briare: So it is really not as speculative as you might think.

Mr. Causey: No it is not as speculative as it might sound in fact I wouldn't be willing to pay the amount of money that I am going to pay for the lots if there was too much speculation.

Mayor Briare: I recognize you as a very intelligent person Mr. Causey.

Unidentified Representative of Trammel Crow Co: Could I respond to Commissioner Lurie's comments I think it is a very valid one. In negotiating our deal we tried to make it a deal that would get the highest quality home at the best value for everyone concerned. We have in going down and talking with Mr. Causey learned that the best way to do it would be to allow him to release the property, I think we need to discuss the actual financial arrangements so that you can see that we are not trying to get anything around what we talked to you about once upon a time. He will get to release the property as the homes are sold so we do control the property until he commences construction. He does not have a lien on the property at this time like most deals with residential developers you subordinate the land when the home is finally built and taken care of then he pays us the cash on the deal. We do have control of the property right now. We technically have if he doesn't perform more or less the right of first refusal on these properties. If we are not satisfied with his performance frankly we could go on and make a deal with someone else don't you agree with that.

Mr. Causey: Right.

Mayor Briare: Well I am convinced that you would be satisfied with Mr. Causey's performance but for whatever reason after this spec home is built then what assurances would you give to the neighborhood that if Mr. Causey for any reason whatsoever does not proceed with the others that you will then proceed with building homes on that area. Because don't you see the point is that it is very simple to suggest to people for appeasement purposes or whatever that R-E lots, this is going to be zoned R-E and you know you really feel like you have done a great thing, but then if they stay vacant for the next 25 years in a sense what it is it is just an additional parking place for vehicles who are utilizing your center or perhaps neighbors across the street if they should have a number of vehicles they can use that lot or whatever. It would be a dirt driveway.

Commissioner Christensen: Well besides that it would be walled off from the Shopping Center according to the plans.

Unidentified Representative of Trammel Crow Co: Yes it would be totally walled off at this point, as far as land use is concerned the difference would be, well I understand what your point of view is and I feel that the market is so strong at this point out there according to Mr. Causey that we should have no real problem selling those lots rapidly. I think everyone here would probably agree that lots at these prices and they are representatively priced that they would move rapidly.

Mayor Briare: O.K. let's get on with some more of the application because we will listen to the protestants and these are all things that will come in later.

Mr. Jemison: I live directly across the street from Madison Graves on the North on Palomino. I didn't support this application before the Planning Commission I was concerned about the same things the Commissioners have mentioned here. Number one we are concerned about a grocery store there, normally shopping centers with grocery stores are not as well maintained as others there are shopping carts around and they dump lettuce in the back and it is generally pretty tacky. These people tell me that it is possible to maintain a shopping center with a grocery store if you have some kind of strong maintenance program so that that is not a problem. They have shown me alot of pictures of shopping centers in California and I have seen some of these shopping centers and they are as nice as the pictures indicated. It is I think possible with the right architect and the right maintenance system to do something nice with a shopping center. We have been very concerned with that area because obviously it presents a problem to any kind of development we would like to have a little Spanish Oaks there but beyond that we went along with the hospital, that would be a compatible neighbor. I would think that this type of shopping center, if this commission requires them to build it as artistically and as beautifully as they indicate it would be a compatible neighbor of ours. We are concerned as the Commissioners indicated, what about those lots are we going to have a token house there and the rest vacant lots or are they really going to be some really nice houses built there. If there are some nice houses built there it would certainly improve our area. Our area is kind of a hybrid area, we have some very nice houses there and we have some not so nice houses there. With the right push it could become like Pinto and with the wrong push it could be something not very nice. I think it is really a question of the kind of assurances that this board can obtain from the people.

Mayor Briare: Thank you Mr. Jemison, Mr. Brown do you have anybody else at this moment.

Helen Kramer Fuller: I live at 1313 Arville and I am a neighbor in this area and I approve of this request. My property is 5 acres just 165 feet from this proposed shopping plaza and I know it will increase the value of my land, that is the West of the plaza and that I have studied the plans that Mr. Dehner has and they are beautiful, they are attractive and they are well landscaped. It is like they say it is. The houses will be lovely on Palomino and I have every reason to believe that they are not going to take very long to build them, they are going to have them built much sooner than the years that we have had the land and not been able to improve it. We have had the land I guess since 1922 and that is a long time to try and find somebody of this quality and we could have had alot of people try to improve it but we didn't want them because it wasn't going to be a nice thing. I am plead with you gentlemen, Mr. Mayor and Mr. Commissioners to approve this request.

Mayor Briare: Miss Fuller are you one of the Kramer sisters? Are you Clorice's?

Mrs. Fuller: Yes.

Mayor Briare: Are you selling the property to these folks?

Mrs. Fuller: I am one of the sellers and my sister Jo, do you remember Jo.

Mayor Briare: I remember Clorice, but not since 1920.

Mrs. Fuller: Well it is amazing how long we have had the property and wanted to have something nice like I say we could have had other things but.

Mayor Briare: Delightful to have you here Mrs. Fuller and a Kramer sister I just kind of wonder if perhaps because you have been holding out for so long that that is why you are getting the price that nobody else can afford to pay except a shopping center. I'll tell you this the Kramer girls were not behind the door when the brains were handed out.

Mrs. Fuller: Well we tried real hard to be good citizens as you know and we have had some successes and some failures this is one success we would like to have if possible.

Mayor Briare: Thank you.

Madison Graves: Mr. Mayor, Members of the Commission the house on Palomino Lane is my dads 2323, I was raised there I lived there for some 18 years and during that time we often considered what was going to be built in this area. It was very difficult at all those times for them to build anything that would have any meaning. We realized the residential was pretty well out of the question because the price of the property. I feel, I have looked at this project in great detail and I think it is first class from the word go I think it will be an asset to the community and I think the buffer zone with the residential estate lots is the key to the whole area. You are stopping the commercial development. I have made it known to Mr. Dehner that I myself should this be approved was interested in buying a half acre lot. Hopefully in the same site that my dads home stands now. I strongly urge you to recommend approval.

Mayor Briare: Mr. Graves is your father selling his property?

Madison Graves: He is, one of the properties in question.

Mayor Briare: He is selling it to the developers?

Mr. Graves: Yes, of which a major portion of it will be used for the residential estate lot and the back will go to the commercial development.

Mayor Briare: Would your homestead sort of speak be demolished and made into a...

Mr. Graves: Yes.

Mayor Briare: Is that part of the sales agreement?

Mr. Graves: It is yes.

Mr. Dehner: Mayor if I can address that. We will either tear it down or we will improve it substantially to have it a very nice home again. If it is feasible and functional so that it can be done after improving the street a new facade can be put on it the mechanics can be repaired in the house and that it can be made into a very beautiful residence then we will keep it on that site providing the lot lines will allow it if not it will be taken down.

Mayor Briare: Thank you Mr. Brown do you have anyone else I think perhaps we better best get to listen to some of the other folks that want to comment on this.

Hal Sideler: I am a builder and developer here in town I have chatted very briefly with Mr. Causey with whom I am associated in another arrangement and frankly the arrangements on those lots are good enough that we ourselves are also interested in them. I have no doubt at all that they will sell and be developed.

Mayor Briare: If there someone representing or individually collectively some people who are objecting to this.

Gerald Moffitt: I reside on the corner of Palomino and Shetland. I am a member of the Shetland Mutual Water District who are the existing residents who are materially affected. I am a practising architect and I am a member of the American Society of Planning Officials. I apologize for taking your time to protest I realize that protestants get to be a troublesome thing I have had personal experience but I would like to get to the issues. There are four planning issues that I would like to discuss today. We have heard from quite an array of people who are interested in this project that concur in going forward and I must also

apologize to the architect who is an associate on a joint venture of mine on another matter and my duck hunting buddy who is the lawyer for them so I am really stepping on alot of toes here. But I am concerned about what is going to happen to an area that I know that you are all familiar with. This area if you can take the larger scope and think of it in terms of from Charleston to that area immediately North of Rancho Circle and I forget the name of that development but I know that you know what I mean. We have in there an island in this city that may be the last of it's kind in particularly this close in and we have a life style there that is probably much different that many people have the opportunity to enjoy. We don't have curbs and gutters we have funny sized lots, we have little houses, we have big houses and as time goes on as Mr. Jemison mentioned the qualify of the development gets better as you go South. Pinto has been upgraded we hope that Palimino becomes upgraded and Shetland is upgrading and we are concerned about what happens to our lifestyle there regardless of how well and how beautiful the architectural proposal is. We are not here to judge whether it is a beautiful architectural proposal, we are discussing the planning issue involved and whether or not those who have made the investment and the commitment to that lifestyle are going to have it changed by this development. It is my position and my feeling that it will. The property is zoned R-E we are told, many of the lots there are R-A that are directly affected, many of the lots there are in excess of 30,000 square feet my particular lot is 2 and one half acres. So even R-E development even though it is allowed by the zoning is much smaller than most of the lots that have been developed in that area. You are aware that some of the largest and most expensive homes are being developed and have been built in that area I am myself an architect on a million dollar house on the corner of Rancho Circle and on the road that goes into Rancho Circle and Rancho. This is going to change the life style because everybody agrees that commercial development brings forces in there regardless of how hard they have tried to avoid them that make a difference in how you live. It increases the land use intensity this means to me that the frequency of comings and goings of traffic, the amount of people, the noise, all those things that are associated with a commercial development increase the intensity to which that land is being used. Now I have studied the plan briefly and I understand that there are approximately 300 automobiles allowable parking. This particular area happens to be 600 by 1,000 or approximately 600,000 square feet and if this were developed into existing zoning we would have something like 30 R-E lots. That at 3 cars per family is only a third of the vehicles that would be allowed and required to service this size of a shopping center properly. There is the attendant garbage pickup there is the attendant service vehicles for the merchants, those people who come and stock the stores, you are aware of that and it changes the use to which this land is being put. Now we heard from the developer with regard to his demographics and to the he has made a study as to the demographics as to the population and as in his mind he has established a need. I am not troubled by the fact that I have to drive 5 minutes to go to major shopping centers on Rancho Circle less than a mile away. I am not troubled by the fact that I have go up to Charleston up to Panorama or Charleston West. The need that he speaks of and the vehicles that he is talking about going by Charleston and going by Rancho, or going some place else, they are on their way to some place else and they are adequately served by the shopping centers that I have mentioned not the least of which is the Dayton-Hudson Shopping Center which is simply not that far away. I question the need this shopping center is going to serve those residents most directly affected. Probably there is on the West Side of Rancho from Charleston to Bonanza no more than 40 to 50 acres left to develop then it is gone. That amount of development is not going to support this shopping center in this area. Those who have spoken for this including Mr. Jemison have an interest in this proceeding and this particular zoning matter be approved. We don't agree and I don't agree and all the time I served on the County Planning Commission I did not agree that land values should dictate zoning. I think this is the worst economic business way to make a decision as to whether to buy property.

Many people will agree with me that land use should dictate land value and that if the people the property could not be developed at it's current zoning then the man made a mistake when he bought the property. I am one who believes that a man has the right to beneficial use of his property. I believe he has the right to develop it consistant and compatible with the development that is surrounding him. Now the statement was made that the land cannot be developed as is presently zoned. The fact of the matter is, there are no lots for sale in Rancho Circle, there are a few lots left on Alta but those have been selling for in excess of \$50,000.00 per acre, there are the last comparible that I can find on Pinto was a lot sold to R. W. Smith it's up on the South Side up near the end of the street, it was sold to him about a year ago for \$40,000.00, less than an acre. Across the street from the Mr. Rogers the well digger still has his junk and all the well pipes and everything just laying all over around, he won't take \$35,000.00 for his lot. I say that this ground can be developed under a current zoning, I say a man has the right for beneficial use of his property and I think that it is inaccurate to say otherwise. Lastly with regard to the R-E Buffer the problem exists that on the West line of that property which would be (pointing to the map) against this property here, it is difficult to put together so that you can develop the whole thing, what is going to happen to that property owner when he is next to a shopping center that has the back and a wall to protect it. If you will recall those lots go all the way through from Charleston to all the way through into Palimino and the strong precedent would be set for the man, they would say well we cannot develop this according to the zoning because who wants to live next to a shopping center so therefore the only thing we can economically get our money out with is if we go to an R-3 Planned Unit Development or something of that nature. This commission won't serve forever, the Planning Commission won't serve forever and there will come a time when other people will be here and the pressure will be brought to develop an increased density and the land use intensity. I strongly urge that you follow the recommendation of the Planning Commission and vote denial on this matter thank you.

Mayor Briare: Is there anyone else who wishes to speak in opposition to this application. Mr. Brown who is your traffic representative, I would like to ask a question or two.

Mr. Brown: I might think, well Mr. Moffitt said that there will be increased traffic, all of the entrances are off of Rancho with the exception of one off of Charleston.

Mayor Briare: You are the man I want to talk to. Mr. Brown would you point with your finger, point to me the means of access into your proposal from Rancho.

Mr. Brown: (Pointing to the map), 1, 2, 3, 4,5, off of Rancho and 1 here.

Mayor Briare: O.K. It has been represented that 22,000 cars are traveling East and West I presume it was both directions on Charleston Boulevard.

Mr. Dehner: That's correct East West on a 24 hour period.

Mayor Briare: Would it be safe, now I am not an expert on demographics whatsoever, your firm I am sure is, would it be safe to assume that 11,000 are going each way?

Mr. Dehner: I don't know if that would be a safe assumption or not it is not broken down you could make that assumption I guess.

Mayor Briare: Could we suggest that perhaps whatever goes up someday will come back?

Mr. Dehner: I would assume that.

Mayor Briare: Now would you explain to me how 11,000 cars are going to get into your West Charleston Entrance that are traveling in an Easterly direction.

Mr. Dehner: How are they going to get in, we are going to have a driveway there.

Mayor Briare: A driveway?

Mr. Dehner: Yes.

Mayor Briare: They are traveling East and is there not an island right there?

Mr. Dehner: No there is not an island.

Mayor Briare: So how are they going to get in, they are going to make a left hand turn.

Mr. Dehner: If they want to get in on that side yes or they could turn left on Rancho and come out on the Rancho side.

Mayor Briare: No I disagree with you, let's take it one part at a time. They are going to turn left while on Charleston they are going to turn left against the traffic into your Charleston Entrance.

Mr. Dehner: Yes, they are heading if they are heading East that is correct. Now the major entrance will be on Rancho but if a car is traveling East on Charleston and they do turn into our Center they will have to into that center double line to make that left hand turn as it is done on many streets throughout the city.

Mayor Briare: Now you have done a demongraphic study on traffic on Charleston Boulevard, did you do it by the time of day?

Mr. Dehner: I got the facts and figures from the City I didn't actually do the traffic count or traffic survey myself.

Mayor Briare: O.K. you are aware that the traffic on Charleston Boulevard is really getting to be horrendous at the rush hours. Would you concede that if a car is traveling East on Charleston Boulevard and wants to get into this proposal that they are going to have one whale of a tough time getting in.

Mr. Dehner: No I wouldn't say that, because they can always go to that light at West Charleston and Rancho and make a "U" Turn if they need to.

Mayor Briare: Then the potential is for those cars that are traveling East that they might have better luck making a "U" turn.

Mr. Dehner: Yes but I am not the driver now if I were there and had a break I would turn directly into the center, if I did not have a break and I had sat there for a couple of minutes I would go down to the light and make a "U" turn.

Mayor Briare: Now if you didn't make a "U" turn and you indicate that you started to allude to the cuts on Rancho, you suggest that those drivers going East could get in by virtue of going around Rancho?

Mr. Dehner: That is correct.

Mayor Briare: Tell me how you are going to get across that street to get into there.

Mr. Dehner: There is currently a suggestion in the City Traffic Department, a Mr. Perris and I understand that he would like to meet with me tomorrow because he heard that a plan is already in the works not by ourselves but by others to have a median cut at the particular location where the center is going to be on Rancho and they have already got plans drawn. There was one submitted in 1965 and evidently there is another being drawn and they wanted it 650 feet and I mentioned that we would required 670 feet and he said that there would be no problem. He told us the cost would be \$8500.00 and we would need to share that with the other side. This was done without my, I didn't, I just looked into see whether the possibility was there.

Mayor Briare: In other words you have given no consideration apparently independently of your application the City Traffic Department has gone ahead on it's own to devise some means of getting into your proposal which hasn't been approved.

Mr. Dehner: No not into ours, let me point something out. I will talk a little louder so that you can hear me. See how our main entrance sets right here approximately on Rancho Drive that is about 670 feet from the corner of West Charleston (pointing to the map), excuse me 650 feet. At the 670 foot mark is where the Commercial Plans who are here wanted the median cut and my understanding from Mr. Parris is that they do have a cut the median is wide enough and they are planning both left turn cuts if they were going South on Rancho and if they were heading North on Rancho so that they would have turning lanes, that has already been done that is what he told me in a meeting so it is nothing that I have told him that I wanted I just called him to find out if that is possible and he said for your information it is already in the works.

Mayor Briare: Mr. Hampton who is Mr. Parris.

Mr. Hampton: I have never heard of him.

Mr. Saylor: Bossi.

Mr. Dehner: Well Bossi, you know I didn't attend the meeting it was another man, another partner of ours from Salt Lake City who attended the meeting, it was Mr. Bossi and I believe his name is Parris I though it was Parris, it was in the notes which my partner left me.

Mayor Briare: Mr. Purvis.

Mr. Dehner: I don't know I thought it was Parris by the writing.

Mayor Briare: Well Larry is this so that Mr. Purvis, now I don't want to....

Mr. Dehner: I am not trying to obligate him in anyway.

Mayor Briare: Well there are apparently some discussions going on that....

Mr. Dehner: Well there are apparently are.

Commissioner Lurie: Now the only way that the people can get into the shopping center going North on Rancho they have to make a "U" turn at Palomino and then come back around on the median cut, that was my question and would you agree to pay for the median cut?

Mr. Dehner: Yes we would we would like a median cut he has already inquired to us because they want to landscape that median he said "would you share the cost in landscaping" and I said fine lets meet after we have zoning or if we don't have zoning if we have lets meet and we will go into the cost and I am sure we will be willing to. So yes we desire a median cut and we have not started that action it was started already by the City evidently.

Mr. Gerald Moffitt: Mr. Mayor I would like to bring your attention to one thing I want to call your attention that what used to be the left turn for the school of course is on Palomino and the increased traffic is the concern to those people there including the schools principal. The principal was intending to be here to make a representation or to have someone from the school district and apparently he didn't get here but that was something that I wanted you to be aware of.

Mayor Briare: Well on this traffic, I don't want to belabor this to much because as far as I am concerned you have answered the question in a truthful manner which I know that this is what you want to do. I am convinced because I am very familiar with that area that, and I made the comment to you, and to your lawyer, that I am not going to try to pit my lack of wisdom against the developers and the people from Texas who have designed some very beautiful areas so I am not going to try to second guess your traffic designers.

But as it stands right now today as far as you know if this project were to be approved as far as it stands today, I don't care what is in the works tomorrow by whoever the gentleman is that you are referring to. As it stands today about the only way that you can get into your shopping center, except if you are traveling West on West Charleston which is an easy right hand turn or unless you are traveling South on Rancho which is an easy right hand turn, the only way to get into your place is by two "U" turns, one at a busy intersection and the other up on Palomino.

Mr. Dehner: Unless they turn left going East on Charleston and went to the middle double line that is correct, you are correct Mayor.

Mayor Briare: I can assure that the minimum amount of traffic is going to make that or negotiate that.

Mr. Dehner: I don't dispute that in any way whatsoever.

Commissioner Lurie: Larry do we have a traffic report on this application?

Mr. Saylor: No we do not have a traffic report.

Commissioner Lurie: How soon can you get one can you get someone from your department to get one a traffic report.

Mr. Hampton: Sure, we can have that report by next meeting.

Commissioner Lurie: These things that are coming up here that staff has taken upon themselves to commit to that hasn't been brought before us or for us to determine whether or not it is feasible for us to do this, the safety factor involved and before we have an application like this before us we should have this information.

Mr. Hampton: I don't think there has been any commitments made as stated here the property owner to the East has asked for a meeting to determine the feasibility of a cut to serve his development. At this particular time it was just coincidental that this developer contacted Mr. Purvis and that meeting was scheduled for tomorrow to discuss various alternatives but there has been no commitment made on anybody's part as far as I know. I think it is desirable however to consider the various alternatives along that area.

Commissioner Woofter: Mayor is a motion in order at this time to get this show on the road?

Mayor Briare: Well is there any comments I had one other question that I wanted to ask. If you will bear with me Commissioner. Is the representative of Smith's Food King here?

Mr. Tom Welsh: I am Vice President and General Counsel from Salt Lake City Utah, Larry Childers our Division Manager is here also.

Mayor Briare: Mr. Welsh you are prospective tenant and I gathered from some of the discussion that some of the stores that you are now successfully operating here in the Las Vegas area were purchased from other operators.

Mr. Welsh: Yes we have opened three stores in Las Vegas we have a total of 12 and 9 of them were acquired from Pantry Pride.

Mayor Briare: Three of them you built yourself.

Mr. Welsh: Yes.

Mayor Briare: Am I to draw a conclusion that since at the Planning Commission Meeting there was an exception brought up to markets that you know markets are not good that you would build this one in a different manner, am I to draw a conclusion then that the other ones that you have developed are not satisfactory.

Mr. Welsh: Not the type of market that this will be, this market will be a larger market we will have a different type of merchandising philosophy. It is going to have an extended non-food section, it is going to have greenery sections, it is going to have exclusive cosmetic sections, we are going with Mercury Vapor lights. As far as our storage of trash we are going to have compactors in the back room none of this will be outside. The type of store that we build on this location I think is the store of the future. I have some pictures here of a center very much like they designed here that I think would be very appropriate for the Commission to look at.  
(Passing the Photographs to the Commission)

Mayor Briare: While we are looking at those would you indicate to me, would you be building your own building or the shopping center architect would be building your building.

Mr. Welsh: The shopping center architect would be building the building.

Mayor Briare: You have examined naturally the terms and restrictions and so forth of the proposed lease?

Mr. Welsh: That's correct.

Mayor Briare: What are your, what are the mandate's made upon you as the prospective tenant relative to a tenant's association or paying for the care and upkeep.

Mr. Welsh: We are required to pay our pro-rata share on a square footage basis, the center is going to be maintained and controlled by Trammel Crow.

Mayor Briare: Now lastly for my questions and then Commissioner I will refer to your interest in this. Mr. Tate who we have a great regard for as an architect in this community indicated and I just made some quick notes, Ivy, water trickling in fountains and benches, light fixtures, plaza for people to come and enjoy the environment. George those are such beautiful words and I have seen architects renderings and I have to compliment every artist that draws those architect renderings. Are you convinced as an employee of the developer that water trickling in the fountains and the benches and people coming to enjoy the environment are things that are actually going to go in there?

Mr. Tate: I will say more than that I will say that if I have misguessed on the amount of commitment that I discern from these people we will withdraw and refuse to finish the project.

Mr. Childers: Excuse me Mr. Mayor I know that there was some comment made concerning shopping carts all over the area and we plan an extensive use of shopping cart holders on the parking lot.

Mayor Briare: Commissioner Woofter.

Commissioner Woofter: Before I make my motion I defer to Commissioner Lurie I believe he might have a motion that would take precedent over mine.

Commissioner Lurie: I am concerned with the traffic and the ingress going to the into the shopping center if you can give me some idea and some commitment which you say you can't because the meeting isn't scheduled until tomorrow on the median opening I think we have to hold this item until we get that information.

Mayor Briare: Well then Commissioner your motion is then to hold this application until a certain time or until it is brought up again.

Commissioner Lurie: Just until I am satisfied that we have the proper traffic control on getting cars in and out of there in a safe manner. I don't particularly buy the statements that these gentlemen made about "U" turns at the intersections at Charleston and Rancho which is a busy intersection and the "U" turn at Rancho

and Palomino in order to get traffic in the shopping center. I am well aware of shopping centers and the operation of them and I am not opposed to this application, I am opposed to their comments based on the traffic of getting them in and out of there in a safe manner and once I am satisfied that people can get in safely and get out safely then I would be ready to act on the application.

Mayor Briare: Commissioner did you also ask for, were you also going to ask a question a while back about the agreement the proposed agreement between the developers and Mr. Causey?

Commissioner Lurie: Well I have asked for it but I haven't received it yet, they say it is handwritten but I am sure that between now and the time that the traffic report is given to us they will have it typed up and present it to us.

Mayor Briare: Gentlemen I am going to take a vote on this because the motion to hold is....

Mr. Brown: May I make a suggestion.

Mayor Briare: You better make it real quick.

Mr. Brown: I don't know Mr. Lurie has said that he is generally in favor of it except for the traffic thing, I don't know what anyone else thinks on this could I suggest as an alternative that a vote be taken conditional upon approval by the traffic department for that aspect of it?

Mayor Briare: Well, all due respect to our staff that is the reason that we are questioning it now I think the traffic survey should come before the members of this Commission.

Mr. Brown: I thought perhaps it might save your time in going through the whole thing again and everybody who is involved coming back again.

Mayor Briare: Any comments on Commissioner Lurie's motion to table.

Commissioner Christensen: I am just curious about one thing just what is it you are asking for Ron?

Commissioner Lurie: Well....

Commissioner Christensen: You want a study from our traffic department showing what will have to be done to make the ingress and egress as they planned it and if so what costs.

Commissioner Lurie: That is correct if they can show me that they have worked out an agreement that the median opening is going to be requested for Rancho the 670 feet from Charleston then I would like to see that. I would like to know how many cars it is going to be able to hold.

Commissioner Christensen: How soon are we going to be able to have that Mr. Hampton?

Commissioner Lurie: He said by next meeting.

Commissioner Leavitt: I have a request to make to the City Attorney. In the past my law firm has represented and myself has represented Welles, Tate and Kennedy, does that preclude me in anyway in voting in this matter?

Carl Lovell: It would not unless this particular architectural firm individuals were also owners or co-owners of the development as opposed to just strictly an independent contract of being an architect.

Mayor Briare: Anything else. Commissioner Lurie's motion is to table will you cast your votes. Motion is approved.

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

ITEM	Commission Action	Department Action
<p>(-)(h) <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT CONTINUED</u></p>		
<p>Item "E" (Z-38-77) continued . . .</p>		
<p>2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.</p> <p>3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.</p> <p>4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.</p> <p>5. Parking layout to meet the requirements of the Traffic Engineer and the Department of Community Planning &amp; Development.</p> <p>6. Conformance to the plot plan to reflect the above conditions.</p> <p>7. Conformance to code requirements and design standards of all City departments.</p>	<p>See Page 22</p>	
<p>PROTESTS: 0</p>		
<p>F. <u>ZONE CHANGE - Z-39-77 - EARL THOMAS</u></p>		
<p>Property generally located 170 feet north of West Washington Avenue between Ironwood Drive and Pyramid Drive.        From: R-E (Residence Estates)        To: R-1 (Single Family Residence)        Proposed Use: Single Family Homes</p>	<p>APPROVED as recommended by Planning Commission.        Lurie - Unanimous</p>	<p>Director to Proceed        Clerk to Notify</p>
<p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <p>1. Conformance with the stipulations set forth in a letter dated February 10, 1976, to Charles W. Johnson from the developer Harold Shydler under Z-2-76.</p> <p>2. Conformance to the plot plan.</p> <p>3. Conformance to code requirements and design standards of all City departments.</p>		
<p>PROTESTS: 0</p>		
<p>i. <u>ZONE CHANGE - Z-40-77 - NAMOW CORPORATION, ET AL</u></p>		
<p>Property generally located on the west side of South Rancho Drive, the south side of Palomino Lane and the north side of West Charleston Boulevard.        From: R-1 (Single Family Residence) and R-E (Residence Estates) and C-D (Designed Commercial)</p>	<p>ABEYANCE pending Traffic Survey        Lurie        Commissioner Leavitt voted "no"</p>	<p>Director to Proceed</p>
<p>continued . . . .</p>		

ZONE CHANGE  
Z-41-77 RICHARD  
KIRK, ET AL  
Denied as  
Recommended  
by Planning  
Commission

Mayor Briare: The next item is the Application of Richard Kirk.

Commissioner Lurie: I would also recommend that on these applications like this one you have an application when it is a traffic situation like that that we be given a complete report on the traffic, not just sign it off by the traffic department but give us a copy of all the details.

Mayor Briare: Mr. Saylor would you present the application.

Mr. Saylor: This is the application for Richard Kirk for a change in zoning from R-E to R-3 the property is located generally on the East side of Arville just North of Tara. I think you are all acquainted with the location it has been before you a couple of times previously for somewhat of a light request but a substantial protest factor involved in the previous requests from the single family home owners in the area. As we have indicated before we recognize that R-E is not the proper classification however that does not necessarily conclude that it must go to R-3. In this case we say approximately 180 protests it could be a few in either direction. The Planning Commission recommends denial.

Mayor Briare: You gentlemen are the applicants?

Michael Saltman: I live at 1497 Hialeah Las Vegas and this is Mr. Larkin with me Mr. Larry Larkin of 1216 Strong Drive Las Vegas. We are each familiar with the controversy concerning this piece of ground, we are familiar with the history and I would certainly be glad to outline the history if you are not familiar with it.

Mayor Briare: I believe we are familiar with it, is there any Commissioner that needs to be refreshed on this? (No response).

Michael Saltman: We have evaluated the property we have discussed in detail with the present owner Mr. Kirk who is also present today by the way, our plans, and our plans are in deed as on this board here to build a 212 Unit Adult Security Project a walled community if you will which we think will serve as an adequate barrier between the already R-3 and R-4 high density on one side of the project and the R-1 on the other side of the project. We do know that this piece of property has become for all intensive purposes the last difficult decision in this particular neighborhood with actually two sides being very dense with all types of different apartment housing and of course the R-1 housing further North. We think that we can do the right job of developing an apartment project on this site, although we know that there is a significant amount of protests both by written petition and present here today. I would submit to you that our proposal will be a project that will serve the property well which will certainly not in any way shape or form devalue the adjacent R-1 housing. Like I said before it is an all adult project without children and certainly would not be increasing the school enrollment which is a problem in the area. That is pretty much where we stand coming into this application.

Mayor Briare: Mr. Larkin did you want to add anything to it?

Mr. Larkin: No.

Mayor Briare: Any questions by the Commissioners?  
Is there anyone presently in the audience that wishes to speak in opposition to this application.

Merl Edward Reed: I live at 4325 San Joaquin which is right on the corner of San Joaquin and Arville. Since the last time we were up here in our area there has been approximately 2,000 more units put up from Decatur down to Arville and on Arville. It is overcrowded and with more apartments it will be that much more overcrowded, 212 units well that will be maybe 224 more automobiles to get on the street of Arville. Now Tara is so narrow that they couldn't come out on it if they wanted to. They park on one side of the street and you can't get hardly one car down it so I mean I know what his rebuttal is as far as the schools go. But even at that the schools

have grown now while like they built Bonanza to take part of the load off of Cashman, allright I talked to Doctor Haden myself just the other day and they have went from 940 students to almost 1200 students since they started and they lost 21 teachers to Bonanza School they had to hire 11 more. This is from all the other apartment buildings in the area and I have taken some pictures of some of the aprtments that were put up and I would like to show them to you.

Mayor Briare: Are these apartments put up by the developer?

Mr. Reed: By other developers.

Mayor Briare: Well sir I don't know if we O.K. do you understand O.K.

Mr. Reed: Then they say that this property is to expensive to put homes on, well I have two pictures here taken right across the street on the property that they want to build on new ones that were just built this past year in the \$42 to \$50,000.00 nature and I would like these type homes come in because they are backed right up to my wall this apartment complex and I very definitely would like to see it disapproved as you have in the past because I mean this area here is getting more compact every day.

Mayor Briare: Thank you very much sir is there anyone else.

Veronica Peterson: I live at 3904 San Bernadino I have children in the school at Clark and at Cashman and I know how overcrowded the schools are but I think our biggest complaint because of the apartments is because of the crime rate and if you ask a policeman on the street what his worst spot in Las Vegas is most times they will tell you outside of North Las Vegas they will tell you Silver Dollar where all the apartments are. I live there and the helicopter is there constantly every day, every night and every day it is going over that neighborhood. We have had one woman on the corner who has been robbed 5 times and that is a little discouraging and I don't think, I am sure that all of these things happen in just housing neighborhoods where there are just homes but I think that apartment dwellings, especially the ones like on Silver Dollar just probably breed alot more trouble than homes and we are just sick of it and we don't really need anymore apartments.

Mayor Briare: Thank you.

Barbara Wiley: I also live on San Bernadino and we do have a terrible crime rate the helicopters are out every night. I have a friend that lives right in back of me and she has been robbed 5 times and her next door neighbor has been robbed 3 times. We do live in fear of this all the time and alot of it is because, well a policeman told me because there are apartments in back of us. Also where our home is we can't get out on Arville and we can't get out on Valley View we are just like practically penned in because of the heavy traffic. The high school is right there and of course while the high school is in session it adds greatly to the already congested traffic so we are very much and the residence up and down our street I know are very much against these apartments.

Mayor Briare: Thank you, anyone else?

Alice Barabee: I live at 4009 San Joaquin, I live alone my house has been broken into twice I work nights and I come home around three in the morning there is very seldom that you can go to sleep before early in the morning. The police cars over by Tara, the sirens are twirling constantly the dogs are all barking, people have jumped over my fence into my yard, broke the fence I really feel that apartments would be very very bad.

Mayor Briare: Thank you. Anyone else?

Nina Warren: I live at 2529 Amarillo Street which is right close to the desert area and one of the things that they complained about was not being able to build houses on this property and there isn't a month that goes by that we don't get two or three different letters from different real estate companies asking if we want to sell our house or if we know of anybody in the area that would sell their house. Also we wonder if there is any guarantee, they say this will be an all adult community but is there any guarantee that these would continue to be adult communities, adult apartments. You know maybe 5 or 6 years from now they may change them because you know we have no guarantee and the area, this is one thing that we have worried about for years and years about them building apartments and we are afraid that if they build them there then they will just go straight on down to Valley View and we just don't think that the area can stand that many more apartments in the area.

Mayor Briare: Mr. Saltman do you want to make any rebuttal comments about the crime in the area and also answer Mr. Warren's question relative to what assurances you would be in a position to give these folks that would be living in these 212 units would be childless.

Mr. Saltman: Yes in deed the first thing that I would like to say and I am sure everyone in the audience and certainly the Commissioners are aware of this as well we have come to the day that approximately 30%, these recent statistics show that approximately 30% of the people within this country can afford to buy a single family house and that may very well worsen over the next 5 to 10 years. Whether that is correct or not I am sure that is relatively close to the number and if that is the case that means that 70% of the population is going to have to find other types of housing, and one of the major sources of that housing happens to be apartment housing, number one. Number two in response to other comments that was made by the first protestor the Tara side, well Tara has to be a completely improved street before any developer finishes that project and it would be the obligation of the developer to complete Tara to it's proper 60 foot width so that comment should be covered by the completion of the street. I would like to point out just one small thing in our plan. (Pointing to the map) this is San Joaquin right here, our plan is now we realize that our single family houses is going to be sitting right up against the wall here and as a consequence to that our plan is to have a 20 foot landscaped barrier here with an additional over and above the existing wall an additional 8 foot high wrought iron fence going in on this side of the landscaping barrier so it becomes solely and exclusively for landscaping and not for use number one and number two all the buildings on this side of the project are all one story buildings and planned that way accordingly so that noone can be living in a building here looking over to this R-1 housing. If any of the people in the neighborhood have specific reasons I would suspect it would be the people in the other lots here who are concerned about having things thrown onto their property or being able to see into their property. As far as the crime rate is concerned I do not have any accurate information as to what the actual crime rate situation is in this area. I would suspect that if it comes down to that I would like to have some input from somebody from the Metropolitan Police Department telling us whether or not there is a higher crime rate here than there is in any other given area of Las Vegas. I do know this that yes in deed there is crime on the Silver Dollar Penwood side of the street that we are going to be faced with the same problem as anyone in the entire neighborhood is faced with it. We are local developers and it is indeed our goal and our intention to build only 1 and 2 bedroom units we have originally planned a 3 bedroom unit but then we held an informal meeting with the members of the neighborhood and they made their comments indicating that certainly they would not want children in the neighborhood and we decided on that basis that we would eliminate 3 bedroom units and thereby hopefully precluding by intention only the possibility of a family project.

The only assurance we can give is that it is our plan to build an all adult project and there will be no children living in the unit I cannot commit beyond our ownership of the project and I will also say that it is Mr. Larkins and my goal to build and own the project but there is certainly the possibility that we could indeed build and sell the project to some other developer or owner.

Mayor Briare: Thank you Mr. Saltman.

Commissioner Lurie: Do you live in an area where there are a lot of apartments?

Mr. Saltman: I do indeed I live right across from the University in Sundance Condominium where there are at least 2,000 apartment units and there seems to be no more crime in that area than there is in any other area.

Commissioner Lurie: Well I have figures as far as crime and as far as the school district figures because I met with both agencies on R-3 zoning R-4 zoning in the City. In this particular area on Oakley Boulevard, Rancho to the East, Decatur to the West to the South there is over 2740 apartments already and that is not counting the units that are going in in the County which separates Penwood on that area between Arville and Decatur and Penwood say going South to Spring Mountain Road. There is low income housing going in there and all that property is R-4 which has been zoned for many years which these people are going to be faced with additional apartments and higher density, additional traffic and again overcrowding of the area. My basic feeling is I think the people who live on San Joaquin who live in the area deserve something more than more apartments in that particular area. They lived there long before all these apartments were built and now they are being surrounded by apartments.

Mr. Saltman: If I just may interrupt one item, I believe that in most of the homes that were built on San Joaquin that property that is in question right now was actually zoned commercial in the County.

Commissioner Lurie: And there were some apartments there too and the residents who moved in that live in that area were told at the time when they moved in that that was going to be R-1 behind their homes and there wasn't going to be any additional apartments you know any realtor or anyone selling property is going to say that anyway to make a sale. We have heard that since I have been on this Commission as far as the zoning goes but I am in the process now of gathering all of these figures and all the additional R-3 land in that particular area and I just don't believe that this area needs at this time the increased density of R-3 and I know that the problem, which your project as well as the adjacent property owner who has been in before and I think you project the condition on the sale of property goes along with whether you get the zoning or not is that correct?

Mr. Saltman: Right.

Mayor Briare: Any other comments from the Commissioners?

Commissioner Christensen: Yes I would like to maybe conduct a little poll here and make a comment of my own. I can appreciate some of the arguments that are used with regards to protesting higher density zoning but there is a couple of things that really continue to bother me. This 30% figure that you quoted I had that figure written down here in my notes when you quoted it, I had that exact same figure. It was explained to me by a developer a few days ago that he drew me a little graph and he said you used to figure that if you build a home today 10 years from today it will be doubled, now that time span has shrunken down to where it is much less than 10 years and each percentage that the interest rate goes up and the percentage that that time frame shrinks down takes 10% of the population out of the home buying market until today we have the figure that he quoted. Today 30% of the total population in the United States are in the home buyer market.

The other 70% have been priced out. So we have a problem here where if something doesn't happen soon 70% of the dwellings that people move into are going to have to be multiple dwelling units or other than single family homes which is going to increase the number of apartments. The crime rate is a thing that I don't think is necessarily tied into apartments that bothers me here and this is kind of where I would like to take a poll I would kind of like everybody that is here to protest this application and I don't do this because I am in favor of the application because I don't want you to get that idea. Will everybody that is here to protest this application whoever lived in an apartment raise their hand. (All applicable personnel raised their hands) Were we all crooks when we lived in an apartment. There are alot of people who live in apartments I myself live in apartments for a long time I don't think that there is anybody in here who hasn't at one time lived in apartments and I really take personal exception for being considered a crook if you live in an apartment and that is really what you are saying because the apartment people bring a high crime rate and I really object to that. I hear that weed in and weed out here and I take personal exception to that. Of course this is not a point of consideration but I just wanted to make that point clear. The thing that I just wanted to point out is that we are all apartment dwellers let's not forget that, everyone of us are apartment dwellers at some time or another including me including you and I am sure including the Mayor I am sure that Ron has lived in an apartment at sometime or another we all have. I think you have got to consider and I don't know the answer I think that this are is probably over apartmented there is no question about that but I think we have got to consider some of these alternatives and some of these answers. If you think the crime rate is bad in apartments wait until you have got all of these people living two families to an apartment because there isn't enough apartments in this town to accomodate 70% of the population which give it a few years and that is what you are going to have. I find that alot of protestors in this City and maybe I am the same way I don't know but they have got what a person referred to as the "ladder syndrom" the other day. I am in now so lets pull up the ladder and don't let anyone else in and you know if some of us had opted for that attitude many years ago nobody would be here. I was lucky enough to get in before they pulled up the ladder but if they shut it off when I got here there would only be 9,000 people in the whole county so when Commissioner Leavitt came here he didn't even have to come on a ladder he was born here so there is alot of angles to that where do you cut it off. When do you start a no growth community because that is what you are talking about a no growth community and I don't think anybody wants to live in a no growth community because it is dead. That is really all the comments, I am not arguing for or against this application I just think some of these points ought to be occasionally brought into perspective because I think sometimes we lose sight of the overall total picture.

Commissioner Lurie: Commissioner I don't think the protestors are looking for no growth I think they are looking at the possibility of sensible growth and also pass along some of these other areas and spread out R-3 a little instead of centralizing in one central location.

Commissioner Christensen: Of course I am talking to all of the protestors not just the ones here. You never plan an apartment project that you don't get protestors, it is interesting that today I heard two or three people allude to the Spanish Oaks Development they said I think somebody said Gee if they put Spanish Oaks in my back yard I would be tickled to death. This room is full of people who were against Spanish Oaks when it came before this board for zoning.

Unidentified Woman: How many apartments do you live by?

Commissioner Christensen: It is interesting that you should ask that.

It is interesting that you should ask that because I don't know the answer although that was one of the chief things that I campaigned on the first time I ran for office because this Commission and the Commissioner who's seat I took took an active part in speaking for a zoning application which put a bunch of townhouses right between my property which is R-E and right above me which was R-1 they didn't sell to well and subsequently after I came on the board the developer came back and asked that that be returned to R-1 which is what most of us have right now but that is exactly what brought me here. I objected to that too and I am not saying that I am in favor of these apartment houses don't get me wrong but I am just saying that we have to consider all of these things. Now it may not be a no growth community if you deny apartment houses but if you deny apartment housing and stop all apartment housing developments you are talking about a community whose growth has been cut by 70%, it has to be.

Mayor Briare: Anything else Commissioners?

Richard Kirk: Mr. Mayor I am one of the owners of the property, I would just like to ask Commissioner Lurie he was telling me because of the schools being crowded.

Commissioner Lurie: I didn't say about the schools being crowded the other gentlemen said that he was concerned with the overcrowding of the schools.

Richard Kirk: O.K. how about some of the big master plans before right.

Commissioner Lurie: The what?

Richard Kirk: Some of the apartments that are in there now were under a master plan?

Commissioner Lurie: Well I don't know whos master plan you mean as far as the City's master plan goes as far as density yes.

Richard Kirk: O.K. Mr. Saylor will verify this one in 1974 the Southeast Corner 10 acres.

Mayor Briare: Is this your property the Southeast corner? You are here to speak on the property that you are trying to sell to these people.

Richard Kirk: No I am here to just answer a question and I would like to have an answer for the question that I am going to ask.

Mayor Briare: Will you ask the question sir.

Richard Kirk: The Southeast corner zoning was C-1 and was changed in 1974 to apartments we were turned down in 72 and then we came back in 75 and was turned down again and then in December of 1976 on Penwood a block and a half away 81 protestors after being turned down in the same area already zoned C-1 was changed to apartments. I just want to know you talk about overcrowding and all that it seems like I always get passed over, I have been passed over twice and I just want a reason why.

Commissioner Lurie: I think the record ought to reflect too that I voted against everyone of those applications.

Richard Kirk: Well then I will ask the Mayor then the Mayor voted for it.

Mayor Briare: Mr. Kirk I can assure you that I am not here to be cross-examined by you, if you can't get your answers during the course of a week and you have to wait to come to this kind of a meeting to get your answer then you had better get some education as to where to go get these answers.

Mr. Kirk: Well no I was just....

Mayor Briare: Now do you want to examine us on any more votes that we have made in the past.

Mr. Kirk: I just want an answer why?

Mayor Briare: Well you are not going to get it from me you are not going to question me Mr. Kirk and I don't owe you an answer on a matter that I voted on whether it was yesterday or three or four weeks ago you should have been around here to get the answer right then and there I am not about to repeat everything that has transpired on every meeting that I have been here for your benefit. Now if you want to speak on your property that you are trying to sell these people go ahead and do it and address yourself to the question so that we can intelligently consider it.

Mr. Kirk: Well I was trying to get to that.

Mayor Briare: Do you have anything else Mr. Kirk?

Mr. Kirk: No that will be all.

Mayor Briare: Anyone else, O.K. this public hearing is closed. What is the comments or pleasure of the Commission?

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

Mayor Briare: Cast your votes. Motion is approved.

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

ANNEXATION  
REPORT A-1-77  
CHARLESTON  
HEIGHTS  
DEVELOPMENT  
Adopted Report

Mayor Briare the next item is the Annexation Report on Charleston Heights Development.

Mr. Saylor: This is one of the steps in the procedure at the annexation of the property in question which is approximately 100 acres generally located in the Northwest part of the City on the North side of Cheyenne between Rainbow and Lorenzi. I will summarize the report two copies which will be on file in the City Clerks Office. There is sanitary sewer there available within a mile of the property at two locations it will be the obligation of the developers of the property of course to provide for the extension of that service to the property. Street improvements both boarding the property and internally will again be the obligation of the developer. Existing land use is vacant the proposed land use nonurban until such time as the owner developer submits plans for review. 100% of the owners have petitions for annexation with the exception of that portion of the property that has been acquired by the State Highway Department for the Rainbow freeway and the attorney has determined that in that case the State is not an owner as far as annexation is concerned. Other than that normal municipal services will be provided.

Mayor Briare: This is an informative report?

Mr. Saylor: Yes the action of the Commission is to adopt the report it is then put on file with the Clerk.

Commissioner Lurie: How many property owners are involved in this annexation petition.

Mr. Saylor: Essentially it is one owner.

Mayor Briare: The motion then would be to accept the report.

Commissioner Christensen: So moved.

ITEM

Commission Action

Department Action

I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "G" (Z-40-77) continued . . .

To: R-E (Residence Estates) and  
C-1 (Limited Commercial)

Proposed Use: Shopping Center and  
Single Family Homes

Planning Commission recommends DENIAL (4-ayes, 2-Noes) indicating they had no objection to a shopping center, but did not feel this was a proper location for a grocery store.

PROTESTS: 12

See Page 23

H. ZONE CHANGE - Z-41-77 - RICHARD KIRK, ET AL

Property generally located at the northeast corner of Tara and Arville.

From: R-E (Residence Estates)  
To: R-3 (Limited Multiple Residence)  
Proposed Use: 212 Unit apartment complex

Planning Commission recommends DENIAL (5-ayes, 1-no) because it was felt the proposed density for an apartment complex of 212 units would not be compatible in this area.

PROTESTS: APPROX. 180

DENIED as recommended  
by Planning Commission  
Lurie - Unanimous

Clerk to Notify

I. ANNEXATION REPORT - A-1-77 - CHARLESTON HEIGHTS DEVELOPMENT

Annexation Report for property generally located at the northwest corner of Lorenzi Boulevard and Cheyenne, approximately 100 acres.

ADOPTED REPORT  
Christensen - Unanimous

Director to Proceed

J. REINSTATEMENT AND EXTENSION OF TIME - Z-67-75 - SUNRISE TRAVEL CLUB

Property located on the northeast corner of "B" Street and McWilliams Avenue from R-4 to "M".

Original Approval: 2-18-76  
No previous extensions.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

APPROVED as recommended  
by Planning Commission  
Lurie - Unanimous

Director to Proceed

Clerk to Notify

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

2. Extension of time to be for a time period of one year.

3. Subject to all previous conditions of approval imposed on Z-67-75.

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

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

Mayor Briare: Next item Don.

REINSTATEMENT AND EXTENSION OF TIME Z-67-75  
SUNRISE TRAVEL CLUB Approved as Recommended by Planning Commission

Mr. Saylor: This is a request for an extension of Time for the property at B Street and McWilliams.

Mayor Briare: Is there any objections to this by the Commission? (No response).

Commissioner Lurie: Move for the approval.

Mayor Briare: Could we take up Item K also Commissioner?

See Page 95 of these minutes - Annotated Agenda

Commissioner Lurie: Including Item K

Mayor Briare: These are for two extension of times any comments? (No response) Cast your votes. Motion is approved.

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

EXTENSION OF TIME - Z-61-75  
FIDELITY REALTY COMPANY Approved as Recommended by Planning Commission

PLOT PLAN AND USE REVIEW  
Z-76-69 DONALD S. DRAPER  
Tabled

Mayor Briare: Plot Plan Review.

Mr. Saylor: This is the property located on the West side of Paradise Road about half way between Sahara and St. Louis it is in a commercial zone they are proposing a cocktail lounge the Planning Commission has recommended approval in terms of the use but it should be noted in the record that it has no bearing on the approval of any liquor license.

Commissioner Woofter: Were there any protests Don?

Mr. Saylor: No this is not a public hearing type of thing it is simply a plot plan review.

Mayor Briare: Well in a sense Mr. Saylor I am not sure which comes first here the chicken or the egg because if we suggest that yes that this should be zoned for a Cocktail Lounge then you are certainly saying that when a cocktail license comes up all things being equal of course you are going to allow it.

Mr. Saylor: Well you are right of course if they had their license then they would have to get the plot plan reviewed to have the....

Mayor Briare: Is there a liquor license available or can he put a sign up there saying zoned for liquor license.

Mr. Saylor: I can't answer that.

Mayor Briare: Is the applicant present? Is the applicant Donald Draper present? (No response).

Commissioner Lurie: Well the zoning could be C-1 and then at such time as he obtained a license whether he purchased one or put his name on the list then he could come back in and say he wants that license put in that particular location that it fits into that zone but to say it is a cocktail lounge would maybe prohibit anyone else from the block who might want to build a cocktail lounge and has a license but prohibits them from doing it.

Mr. Saylor: It could go the other way in other words if he applied for it but I don't know when you get in the realm of liquor licenses I can't answer the question it is conceivable that he has to have a location to get a license.

ITEM	Commission Action	Department Action
<p>I-(h) <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT CONTINUED</u></p>		
<p>K. <u>EXTENSION OF TIME - Z-61-75 - FIDELITY REALTY COMPANY</u></p> <p>Property located at the southeast corner of Eastern Avenue and Bonanza Road (ROI to C-1).          Original Approval: 6-16-76          No previous extensions</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. All requirements imposed by ordinances adopted subsequent to the initial approval of this application shall be adhered to.</li> <li>2. Extension of time to be for a time period of six months.</li> <li>3. Subject to all previous conditions of approval imposed on Z-61-75.</li> </ol>	<p>APPROVED as recommended by Planning Commission          Lurie - Unanimous</p>	<p>Director to Proceed          Clerk to Notify</p>
<p>L. <u>PLOT PLAN AND USE REVIEW - Z-76-69 - DONALD S. DRAPER</u></p> <p>Request to allow a cocktail lounge on property located at 2116 Paradise Road, C-1 zone.</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Parking layout and access to meet the requirements of the Department of Community Planning and Development and the Traffic Engineer.</li> <li>2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.</li> <li>3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.</li> <li>4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.</li> <li>5. Conformance to the plot plan to reflect the above conditions.</li> <li>6. Conformance to code requirements and design standards of all City departments.</li> </ol> <p>Page 95          Minutes          Regular Meeting          City Commission          June 1, 1977</p>	<p>TABLED          Christensen - Unanimous</p>	<p>Director to Proceed</p>

Mayor Briare: Well it is also when an application is made for C-1 zoning the particular use is usually asked for in the applications isn't it?

Mr. Saylor: That is right and that's why this....

Mayor Briare: Well did you just out of the sky somewhere and say well I might as well say this is going to be for a cocktail lounge?

Mr. Saylor: No there is a development on this property.

Mayor Briare: Tell me who the neighbors are, I am visualizing perhaps a different piece of property.

Commissioner Woofter: Mr. Mayor I would like to mention to that Mr. Crow advised me that there is no application on behalf of Mr. Draper for a liquor license.

Commissioner Christensen: There is none.

Commissioner Woofter: There is none.

Mayor Briare: It is on the West side of Paradise halfway between St. Louis and Sahara, I am thinking of some apartments I am thinking of that old building next to the Sahara Hotel.

Commissioner Lurie: It is in between the apartments and the parking lot there are some old buildings there.

Commissioner Christensen: I move we table it until we find out whether he is going to get a liquor license.

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

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

See Page 97 of these minutes - Annotated Agenda

REINSTATEMENT  
AND EXTENSION  
OF TIME  
Z-12-75 AND  
Z-31-74 ROBERT  
T. BIGELOW  
Approved as  
Recommended by  
Planning Commission

Mayor Briare: The next is a Reinstatement and Extension of Time for Robert T. Bigelow. Is there any argument on this?

Commissioner Christensen: Move for approval.

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

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

TENTATIVE MAP  
HOMESTEAD  
ESTATES  
Approved as  
Recommended by  
Planning  
Commission

Mayor Briare: Tentative Map for Homestead Estates.

Mr. Saylor: This involves property out in the Northwestern part on Rancho Drive there was a problem on the zoning on the Western part consequently the tentative approval was amended only from this line East (pointing to the map) which is just East of Bradley. It was recommended for approval by the Planning Commission subject to the conditions setforth on the agenda.

ITEM

Commission Action

Department Action

ITEM	Commission Action	Department Action
<p>I-(h) DEPARTMENT OF COMMUNITY PLANNING &amp; DEVELOPMENT            CONTINUED</p>		
<p>M. <u>REINSTATEMENT AND EXTENSION OF TIME -            Z-12-75 and Z-31-74 - ROBERT T. BIGELOW</u></p> <p>Property generally located on the south side of West Washington Avenue between Sunny Place and Clarkway Drive, R-3 zone.</p> <p>Z-12-75 Original Approval: May 21, 1975            12-Month Extension: Nov. 5, 1975</p> <p>Z-31-74 Original Approval: Dec. 4, 1974            12-month Extension: Nov. 5, 1975</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. All requirements imposed by ordinances adopted subsequent to the initial approval of this application shall be adhered to.</li> <li>2. Extension of time to be for a time period of one year.</li> <li>3. Subject to all previous conditions of approval imposed on Z-12-75 and Z-31-74.</li> </ol>	<p>APPROVED as recommended by Planning Commission Christensen - Unanimous</p>	<p>Director to Proceed            Clerk to Notify</p>
<p>N. <u>TENTATIVE MAP - HOMESTEAD ESTATES</u></p> <p>Property generally located on the east side of Tonopah Highway, between Gilmore and Gowan Road, R-E zone.            Owner: C. F. Ruthe, et al            Subdivider: Johnny Ribeiro Builders            No. of Acres: 60+ No. of Lots: 109</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.</li> <li>2. Amendment of the subdivision to exclude that portion from a point approximately 195 feet east of Bradley to the Tonopah Highway.</li> <li>3. That all lots meet minimum size requirements.</li> <li>4. That the developer be responsible for half-street improvements on Thom Boulevard from Gilmore to Gowan.</li> </ol>	<p>APPROVED as recommended by Planning Commission Woofter - Unanimous (Commissioner Leavitt and Commissioner Christensen temporarily absent)</p>	<p>Director to Proceed            Clerk to Notify</p>
<p>continued . . . .</p>	<p>Page 97            Minutes            Regular Meeting            City Commission            June 1, 1977</p>	

Commissioner Lurie: I am concerned about the situation involving the septic tanks, there are no sewer lines out in that area, do they have to get these permits and approvals from the health Department?

Mr. Saylor: Oh yes to have a septic tank anyplace in the County you have to have approval from the Health Department. It is conceivable, Public Services is trying to work out an arrangement whereby sanitary sewer could be made feasible either by setting up an assessment district with the property owners in the area or something but that has not been completed. Under our ordinances if the City does not provide sewer within X number of feet then septic tanks must be there.

Mayor Briare: Anything else commissioners? (No response) What is the pleasure of the commission?

Commissioner Woofter: Move to approve.

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

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

See Page 102 of these minutes - Annotated Agenda

TENTATIVE MAP  
RANCHO BONITA  
ESTATES  
Approved as  
Recommended by  
Planning  
Commission with  
an Additional  
Condition that  
Maintenance on  
Outside of the  
Wall be  
Included in the  
CC&R's

Mr. Saylor: The next item is the tentative map of the Rancho Bonita Estates it involves the R-1 portion of it you will note the abundant use of cul-de-sacs which was right in line with a recent request of Commissioner Lurie. The Planning Commission has recommended approval subject to the conditions stated on the agenda. It does provide for back-up lots to Oakey Boulevard and Rancho Drive.

Mr. Owen Nitz: Yes your honor I represent the developer, there has been alot said about this by our side already at this moment I think I will just defer to Mr. Walter Skochenko who is a good friend of mine but he is my adversay because I understand that he does have a protest and then I will just merely ask for a short rebuttal.

Mayor Briare: I don't know what Mr. Skochenko's protest is at the moment but while he is on his way up here Mr. Nitz remember two weeks ago some of the folks that live out in that area, many of whom as the result of the action we took this morning felt a little bit more relieved at the application but still some were concerned about the wall. If I recall there was a question a couple of weeks ago about what would you as a developer do to solve the problem of defacing the wall, causing a collection of wind blown or otherwise accumulated trash etc etc. Do you remember that subject coming up, what was your response to that?

Mr. Nitz: My response was, the CC&R is the Conditions Covenants and Restrictions to be placed upon the property upon which all the people who buy will be governed. We will provide that each person that owns the wall that faces upon a public right of way will have the responsibility of maintaining the front and back side of that wall and I will point out further that in the event that, your question I recall was "is that enforceable by people outside the subdivision" and my answer was "no". In response to that I didn't tell you that this the other day but I will say it today is that it would, I believe the City Attorney would concur that it would constitute in the nature of a public nuisance which could be abated. So I frankly believe that from a practical standpoint that the problem would really not exist. I realize Mr. Skochenko might disagree.

Mr. Skochenko: I have a little picture here that I would like for you gentlemen to take a look at. (Passing the photograph to the Commissioners and explaining to the Commissioners where the photograph was taken).

Mayor Briare: Have you seen these Mr. Nitz?

Mr. Nitz: No I haven't.

Mayor Briare: Do you want to come up here and take a look at these. Here is the exact sort of thing that we are talking about.

Mr. Skochenko: Now this is the problem, those homes there are \$60,000.00 and \$70,000.00 homes on the Southside going West. Those people aren't taken care of it, do you see the weeds growing. Our homes across the street are \$80,000.00 homes.

Mayor Briare: And you are looking onto this?

Mr. Skochenko: That is right there are 9 of us there.

Commissioner Lurie: That is Oakey Boulevard right below Valley View.

Mayor Briare: Yes. Would your covenants and conditions, have you seen those photographs sir.

Mr. Wright: I don't have to see them.

Mayor Briare: You know what the point is.

Mr. Floyd Wright: All I can say, I am the developer, all I can say is I would challenge this gentleman or any of you people to go to our subdivision and take photographs of that nature because of the restrictions. Now we have developed Villa Bonita which is about a quarter of a mile from Mountain Vista clear up to Lamb and you can travel that and see nothing. Now the only hazard you have with a wall is you will have some damage by child's play and it is up to the property owner according to the restrictions to maintain their property and the association can get after them if they don't. You will also find that you have a good concept at Paradise Crest, you have it at Spanish Oaks and we will build first class walls.

Commissioner Christensen: The real problem here isn't the property owners I hesitate to bring this right out but the responsibility for everything on the outside of that wall along Oakey belongs to the City because that is City right of way and as a representative of the City where the problem lies it is a great expense when we have to go clean out weeds and all this stuff all the time. Now it is a normal tendency for people to keep their front yards clean but you look over the back wall it really isn't theirs so they don't give a cuss. That is how these weeds get to growing and so forth and what Mr. Skochenko is saying although he doesn't know it is that with the wall along there you create a natural place for the weeds to grow which has happened West of there and at which does happen. They will grow through a crack in the concrete and I have driven up the street and it happens between the wall and the sidewalk that cracks and there is water that runs out from under the wall and so forth and the thing that happens is that it creates a problem that the tax payers then have to pick up cleaning this area where they wouldn't have to clean it up if was the fronting on there because then if you threw it over your back wall it wouldn't go on city property it would go on somebody else's property and that is what would stop you.

Mr. Wright: But actually the way we are building the walls we don't have that experience. We will make sure that we meet your public works requirements to build the sidewalk solid, the curb solid, the wall solid.

Commissioner Christensen: But there is still weeds growing in the cracks.

Mr. Wright: Then it hasn't been done properly.

Commissioner Christensen: They will grow in an expansion joint. I have to go clean the grass out of the expansion joints in my concrete.

Mr. Wright: Don't we have taxation to maintain the roads.

Commissioner Christensen: That is exactly what I am saying what we do is we create a road here that becomes harder for us to maintain because the property owner helps us maintain the road if it is in front of his house but if it is behind his house and over his back fence he could care less.

Mr. Wright: Well my argument is that safety is first and the safety is children, we don't want them playing out in the streets in their front yard, secondly driving from a home to an open thorough fare is a problem you have named that many times before today and last but not least when you build expensive homes on large lots they should be enclosed.

Commissioner Christensen: East of Rancho fronting on Oakey they are building three homes that have got to go \$150,000.00 a piece fronting right on Oakey.

Mr. Nitz: All they are having is a circular drive they will have to back out into the street.

Mr. Wright: Well I am sure that we could build a structure so that we would pretty well put weed kill in it we could do something along that line if that is your big hazard.

Mayor Briare: Well we are taking your representation, at least we are taking the comment that is true, we are assuming that everybody is telling the truth and I am going to ask Mr. Saylor if this might be a very good precedent in order to avoid the situation as Commissioner Christensen has outlined for us where it could be the expense of the City to go around a clean up all these places. Maybe we ought to add to or amend an ordinance that would provide that before any subdivision wall will be allowed that they must include as a condition of approval a covenant condition and restriction, to mandate that those people, and let it be known to the buyers before they buy, that the outside of that wall is going to be their responsibility. I can thoroughly agree and the photographs which Mr. Skochenko showed us we are all very well aware of. These developers here are assuring this because of the reasons outlined that that is not going to occur.

Mr. Nitz: Well let me say this that it does appear from those pictures that concrete or those walks do go right up to the block wall. Where we built on Flamingo where Mr. Wright mentioned we haven't had that problem but I am not going to say that it is not going to happen there. I would say then that the CC&R should perhaps include that.

Commissioner Christensen: I drove along that street last night I sometimes go that way when I go home because I live there and there is one guy that is kind of interesting to me that the water was coming across the sidewalk and draining into the gutter from somebody watering their back yard a whole slew of water running right under that block wall, the whole sidewalk was wet for like about a 30 foot wide strip and I know that concrete in this community, the ground shifts especially in the West Charleston area the ground shifts enough that without pouring gasoline in the cracks or weed killer or anything else the grass will grow through the cracks, it will grow in the foundation of your house if you get sunshine in your living room and lift your carpet up. That Bermuda grass is going to grow through any type of a crack unless somebody maintains it and keeps it out and I really wasn't aware, it hadn't become obviously to me that this complaining about the block wall I thought well that is that Oeste Addition that is a different story but it is the new one across the street that is doing the same darn thing and I didn't realize it until I was told to look at it and did and you know it is a valid point.

Mr. Nitz: Well I can see the pictures obviously as well as you. I might point out that there has always been a wall around this area. The only other thing I can say is that when this thing was conceived and when we put together the whole plan it was done in conjunction from the very beginning with all of the departments in the city and we really truly felt that we were doing right, we were following their suggestions and what about putting the front lawns inward so that we would have one major traffic artery onto Oakey because that did seem to us as a major point a really a serious major point, people backing out, we have got that on the North side of the street now where Walter lives.

Mr. Skochenko: They are circular drives, we don't have to back out onto the street, and all you have to do on Oakey too is just flip those houses around and put circular drives there.

Commissioner Christensen: Well if you turn the houses around you would have to change the whole design.

Mr. Nitz: Oh yes there is no question about that, we are willing to work conjunctively with all departments we have dealt with the traffic studies with engineering and planning and public works. The CC&R's are binding upon every owner and I don't have any hesitancy in fact I represented that and I am the one that is preparing them so the maintenance of either side would be upon each individual property owner who has to know about it before he buys, you see he buys it subject to those conditions.

Commissioner Christensen: Is there anyway you can jog that wall up and down there so there just isn't one straight wall thereby put the wall on the property so that the outside of the wall was the property owners responsibility?

Mr. Nitz: Well I don't know.

Mr. Wright: Actually the wall will be on the owners line on the other side of the sidewalk now we may put some decor but the disadvantage to decor is that we don't want the city to maintain gardening on open land now that has happened in some cases in the County where you zig zag the wall and what do you do in the open hole you plant a tree and who waters the tree and all that jazz.

Commissioner Christensen: They proved to me about maintaining gardens when I found out we are maintaining a strip with olive trees and everything else on Richfield for 92 cars.

Mr. Wright: Right, so I just think that if we write covenants properly and sell to good buyers with ownership pride and then in turn we enforce it and in turn the city can force our people to maintain the walls.

Mr. Nitz: I submit that we submit the covenants for your approval really I have no hesitancy in doing that not at all.

Mr. Skochenko: Well we don't have \$10,000.00 or \$20,000.00 homes, they are \$80,000.00 homes and I just deplore having to look across the street to a wall when I have been there since 1963 looking at the damn dirty desert and I have to put up with all this damn crap that comes into my yard and now we are going to have to face a wall and it is not right.

Mr. Nitz: It is hard for me to conceive that you could object to that \$100,000.00 to \$120,000.00 house going across the street from you.

ITEM	Commission Action	Department Action
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**-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED**

Item "N" continued . . .

5. Redesign of the intersection of Gowan Road and Thom Boulevard to transition to meet the alignment of Thom south of Gowan Road.
6. Sanitary sewer facilities to be provided in accord with the requirements of the Public Services Department.
7. Street names to be provided in accord with the City's Street Name Policy.
8. Subject to all conditions of City departments and State Subdivision Statutes.

See Page 26

**0. TENTATIVE MAP - RANCHO BONITA ESTATES**

Property generally located on the southwest corner of Oakey Boulevard and Rancho Drive, R-1 zone.

Owner/Subdivider: Durable Developers, Inc.  
 No. of Acres: 46.8 No. of Lots: 140

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
2. An easement for sewer and drainage between Lots 64 and 65; 5 and 6; and 17 and 18.
3. Street names to be provided in accord with the City's Street Name Policy.
4. Subject to all conditions of City departments and State Subdivision Statutes.

APPROVED as recommended by Planning Commission with an additional condition that maintenance on outside of the wall be included in the CC&R's  
 Woofter - Unanimous

Director to Proceed  
 Clerk to Notify

**P. REVISED TENTATIVE MAP - WOODLAND HILLS**

Property generally located east of the Municipal Golf Course, between Vegas Drive and Washington Avenue, R-1 zone.

Owner/Subdivider: Crestmont Corporation  
 No. of Acres: 39.2 No. of Lots: 140

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

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continued . . .

APPROVED as recommended by Planning Commission  
 Lurie - Unanimous

Director to Proceed  
 Clerk to Notify

Commissioner Woofter: I would like to make the motion that we approve. I think the safety features and the staff recommendations far out way the debris that I think can be written into and be cleared by the property owners on CC&R as Mr. Nitz brought out, but everybody has a wall in their back yard and fortunately the wall that the people on Oakey will be facing will be 100 feet across it won't be right adjoining their yard move to approve.

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

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

REVISED TENTATIVE  
MAP - WOODLAND  
HILLS Approved  
as Recommended  
by Planning  
Commission.

Mr. Saylor: Next item is the revised tentative map of Woodland Hills that is the small piece of land that we discussed earlier on the agenda to R-1. (Pointing to the map) This is the area on the North side of Washington. The Planning Commission has recommended approval.

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

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

See Page 104 of these minutes - Annotated Agenda

PUBLIC HEARING  
SET FOR 10:00  
A.M. JUL 6 77  
VACATION  
PETITION VAC  
5-77

Mr. Saylor: The next item is to update the Public Hearing it should be July 6.

Mayor Briare: Could you take care of that. The next item, Wildwood Manor.

See Page 108 of these minutes - Annotated Agenda

TENTATIVE MAP  
WILWOOD MANOR  
TABLED ITEM  
Tabled

Mr. Saylor: The tentative map strip of land out on the Northside of Vegas Drive just East of Decatur, this is the parcel in question (pointing to the map) under this subdivision it is zoned R-3 they are planning to subdivide it out for an apartment house development. They originally proposed a cul-de-sac however, it is contrary to our ordinances. There is a necessity for drainage to the East this is Mr. Provenzano's proposed subdivision. He needs access to also prevent the factor of a cul-de-sac which greatly exceeds the length. It is my understanding though an agreement has been reached between the two to take this street at the North end and bring it over into the street of Mr. Provenzano's subdivision. The Planning Commission has recommended approval with the tentative map Mr. Provenzano is here, I don't know if he has a particular comment on it or not.

Mayor Briare: The recommendation is to approve.

Mr. Leonard Gang: I represent Mr. Provenzano and we do have an objection to one portion of the recommendation and that is that Item 2, satisfaction of drainage requirements. The property drains would have to drain across Mr. Provenzano's proposed subdivision which is not in existence at the present time only a portion of it is in existence, the first 600 feet, or the first 12 blocks so what they are proposing to do is to run a street which will drain right into Mr. Provenzano's land even though it is vacant. There are houses below his land which have been built some years prior and the natural drainage then would be across his piece of property to these houses and for that reason we object to it. We would desire that, at the present time there are no streets there, so if they build their subdivision they will put up their fourplex's as I understand it and stub out a street which will drain right into his property.

Mayor Briare: Mr. Saylor.

Commissioner Christensen: Where do you suggest he drain it?

ITEM

Commission Action

Department Action

I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "P" continued . . .

1. Conformance to the zoning requirements.
2. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
3. Street names to be provided in accord with the City's Street Name Policy.
4. Subject to all conditions of City departments and State Subdivision Statutes.

See Page 27

Q. VACATION PETITION - VAC-5-77

Petition of Vacation to vacate the streets located in Rancho Bel Air Unit #1 Subdivision known as Dalmation Lane, Albacore Drive, Driftwood Drive and Windjammer Way.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. That the existing right-of-way be maintained as a utility easement.
2. That the street lighting circuit be put on a separate meter to be paid for by the Home Owners Association.
3. That a Home Owners Association Agreement be provided and be acceptable to general concurrence of the owners who presently own property on the streets to be vacated.
4. The recordation of an easement for access in perpetuity or some other instrument guarantying perpetual access by the abutting property owners to be recorded simultaneously with the recordation of the Vacation.
5. Satisfaction of the requirements of the various utility companies.
6. Conformance to the code requirements of all City departments.
7. Vacation shall not be recorded until all of the above conditions have been met.

PUBLIC HEARING SET  
 FOR 10:00 A.M.  
 JULY 6, 1977

Clerk to Proceed  
 7/6/77 Agenda

PROTESTS: 3

SET DATE FOR PUBLIC HEARING

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Mr. Gang: Where do I suggest that they drain it? They could drain it underground.

Mr. Saylor: (Pointing to the Map) This is the proposed subdivision and the street will stop at this point. Mr. Provenzano is putting in a subdivision to this point with proposal at a later time to extend it. Now as part of the consideration of this extension the requirement was that there be a street from Provenzano over to this one, however, this would change that and instead would put it here. Public services is saying that the drainage goes that way and the drainage would come out here to this street and then be carried from here on further East.

Commissioner Christensen: If they didn't have the street where would it go?

Mr. Saylor: This is the natural flow to the East, it would drain that way whether you have the street or not. Now I can't give you any technicalities on the drainage and that is why the condition is, which is a customary condition satisfaction of the requirements of Public Service or drainage in accord with their requirements. Obviously I don't believe that they are going to allow a situation that would bring this water here to run into developed area, I am sure that they have some proposal that would take care of that until this street is built.

Commissioner Christensen: We approved this tentative map without adequate drainage, if we approved this would we be held liable at some time later if somebody's house got flooded because we didn't have drainage when we put in the subdivision?

Mr. Saylor: I don't know about liability I am sure it would be dereliction to not provide adequate drainage.

Commissioner Christensen: City Attorney?

Carl Lovell: There is a possibility of liability here. If there was a lack of development or incorrect type or insufficient development and you have notice of it as you do now and something did occur where it couldn't handle it there, there could be some litigation, there has been litigation before in this particular kind of an issue through the County and North Las Vegas.

Commissioner Christensen: Then it would be your recommendation that we leave the number two condition in there.

Carl Lovell: I would think that that probably would be a good idea.

Mr. Gang: That doesn't completely solve our particular problem Mr. Commissioner. Mr. Provenzano's property is immediately East of the proposed development, now he has developed the first 12 lots, he hasn't developed the balance. The property immediately East of Mr. Provenzano's property is all developed with houses. In order for Mr. Provenzano to have drainage for his future development he has to and has purchased an easement onto another street for drainage use which has not been installed at the present time. So if they build their subdivision and Mr. Provanzano has not completed his and has not put in that drainage which he will not do until he does complete the subdivision there is no necessity for it at this present time, the drainage from the Wildwood project will drain directly onto his property it goes down hill and will drain directly onto existing houses and we don't want it draining onto his property also we don't want it draining onto the existing houses.

Commissioner Christensen: You want it to go to an underground drainage underneath his property?

Mr. Gang: If that is what they want to do or make some other arrangements there has been no discussion between the parties.

Commissioner Christensen: As I understand it what this says is that Wildwood Manor would have to satisfy the drainage requirements of the Public Works Department and if the Public Works department thought that it wasn't proper to drain that onto Mr. Provenzano's property then they wouldn't allow it to be drained there. I can't see where the fight is coming from.

Mayor Briare: Who is the subdivider? The one that is apparently going to drain into Mr. Provenzano's property.

Mr. Charlie Johnson: I live at 2209 Paradise Road and we are the engineer's for the subdivider.

Mayor Briare: To which subdivider?

Mr. Johnson: M and L Enterprises.

Mayor Briare: Well who are you?

Mr. Gang: I represent Mr. Provenzano.

Commissioner Christensen: He is speaking against this thing because of requirement number two which he feels will put the water on his clients property as I understand it.

Mr. Gang: Yes and I might add that I spoke to Public Services this morning and that is their proposal that this street be stubbed out and that is not satisfactory because if the street is stubbed out it is going to drain right onto Mr. Provenzano's property, it can't avoid it and Mr. Provenzano is faced with the situation that if this drains onto his property what does he do just let it drain right on through to the neighbors property and then if something happens they are going to sue him and then these people are going to be sued.

Mr. Johnson: This problem just came up today, and we thought we had this all resolved. Now we have had two or three meetings with all the people involved. Mr. Provenzano does own that long strip of property back there, the long strip comes down here (pointing to the map) and it goes all the way back to here. These houses here are existing houses and they have had troubles with the floods in 1975 they had water coming through, the water does come through to Decatur and through here much more so than through here. Therefore, in order to resolve all of this the meeting that we all had, which Mr. Provenzano was present at they decided that in order to protect these people here they would make or bring this road to here so that all the drainage in the future would, if they ever build this, now I am not going to guarantee that they are going to build this but if they ever do then everything that comes through here will be caught. Now one of the conditions as far as I know one of the conditions of Mr. Provenzano's approval of these first 12 lots here was that he get a drainage easement through here, that he purchase a right of way from these people as recorded and the city has it, the right of way is 6' drainage through there.

Mr. Gang: That is not correct, none of that information is correct. I am sorry to interrupt, the easement has been purchased Mr. Provenzano owns it it has not been deeded to the city they will not accept a deed on it until the drainage is put in. It is also not a condition of the purchase of the approval of the first 12 lots that any drainage be provided in the far away section I was present when this commission approved the first 12 lots it was not even brought up that was not a condition at all.

Mr. Saylor: I would like to apologize to the Mayor and the Commissioners for this confusion, we have had two or three meetings between the developers and our engineers and it was our understanding as the result of the last meeting that everything had been worked out satisfactory. This has all come up since that meeting and that is why it is before you obviously not ready.

Mayor Briare: Do you suppose Mr. Saylor that someone in our own Engineering Department can take a position with or without the input of these gentlemen as to what is going to provide adequate drainage for this area because I can assure you and I don't know how the other Commissioners feel that I am in no position to vote anyway on this thing. Mr. Gang brought up a good point, these people brought up a good point and it seems like the City should have some position that we can take to make or insist that proper drainage facilities are built somewhere by somebody.

Mr. Saylor: That position is established by the City, this drainage will come out of here into here, this drainage will go across here (pointing to the map) and it doesn't show on here to an existing street and that is the easement that they are talking about.

Commissioner Christensen: I move to table, but I want to ask one question isn't this Provenzano property, is it this property or the property up above where the townhouses were started where we 7 years ago or 3 or 4 years ago didn't we weren't we required to have a, didn't we have to foreclose on the off-site.

Mr. Gang: I am familiar with that also because I have represented Mr. Provenzano for several years now, the Home Savings and Loan Association had foreclosed on that property but that is back a number of years ago.

Commissioner Christensen: Well I recall the subdivision and it was never completed as a matter of fact there was a couple of models and we finally had to foreclose on the off-site and it didn't have anything to do with Home Savings we had to go to a bonding company and have them complete the off-sites if I am not mistaken.

Mr. Gang: Well that part of it I am not familiar with but I am familiar with the fact that Home Savings had foreclosed it was deeded back to Home Savings.

Commissioner Christensen: I move we table it.

Mayor Briare: On the matter of the table cast your votes. Motion is approved the matter is tabled.

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

SET DATE ON ALL APPEAL ITEMS FROM THE BOARD OF ZONING ADJUSTEMENT MEETING HELD MAY 26, 1977 V-38-77 - SMITH AND V-39-77 ZELLA

Mr. Saylor: The next two items at to set dates for Public Hearings it should be July 6.

Mayor Briare: O.K. would you proceed with that Betty Jo? Donald do you have any more, you certainly had enough.

ITEM	Commission Action	Department Action
<p>-(h) <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT CONTINUED</u></p>		
<p>R. <u>TABLED ITEM - TENTATIVE MAP WILDWOOD MANOR</u></p> <p>Property generally located on the north side of Vegas Drive, east of Decatur Boulevard, R-3 zone. Owner/Subdivider: M. L. Enterprises No. of Acres: 8.8± No. of Lots: 30</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.</li> <li>2. Satisfaction of drainage requirements of the Department of Public Services.</li> <li>3. Street names to be provided in accord with the City's Street Name Policy.</li> <li>4. Subject to all conditions of City departments and State Subdivision Statutes.</li> </ol>	<p>TABLED Christensen - Unan.</p>	<p>Director to Proceed Clerk to Notify</p>
<p>S. <u>SET DATE ON ALL APPEAL ITEMS FROM THE BOARD OF ZONING ADJUSTMENT MEETING HELD MAY 26, 1977.</u></p> <ol style="list-style-type: none"> <li>1. V-38-77 - MR. AND MRS. JAMES R. SMITH</li> <li>2. V-39-77 - MR. AND MRS. LYMAN ZELLA</li> </ol>	<p>PUBLIC HEARINGS SET FOR ITEMS 1 and 2 JULY 6, 1977 - 10:00 A.M.</p>	<p>Clerk to Proceed 7/6/77 Agenda</p>

ITEM	Commission Action	Department Action
<p>II. 10:00 A.M. -- PUBLIC HEARINGS</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 from 5/18/77)</p>	<p>APPROVED APPEAL Leavitt - Unanimous</p>	<p>Director of Community Planning &amp; Development to Proceed Clerk to Notify</p>
<p>B. <u>STREET NAME CHANGE - ALMOND TREE LANE</u> Gem Street which runs north off East Sahara Avenue and then turns east to Maryland Parkway under the name of San Pedro to be changed to Almond Tree Lane.</p>	<p>APPROVED Lurie - Unanimous</p>	<p>Director of Community Planning &amp; Development to Proceed C/A to Prepare Order</p>
<p>C. <u>APPEAL FILED BY DONREY OUTDOOR ADVERTISING COMPANY</u> on the application of VAUGHN H. MC DOWELL AND DON ROBERTS -- V-27-77 to action of the Board of Zoning Adjustment in DENYING the application for a Variance to allow two (2) off-premise billboard signs fifty-five feet (55') high where forty feet (40') maximum height is allowed on property generally located east of 275 South Highland Drive on the east side of Highland Drive, between the Las Vegas Expressway and Alta Drive, in zoning district "M", Industrial.</p> <p>2 Protests</p>	<p>APPEAL DENIED Leavitt - Unanimous</p>	<p>Clerk to Notify</p>
<p>D. <u>APPEAL FILED BY ANDREW TOMPKINS V-28-77</u> to action of the Board of Zoning Adjustment in DENYING his application for a Variance to allow an eight ft (8') fence in the side yard area where a maximum height of six ft. (6') is allowed on property located at 725 Rancho Circle on the west end of Rancho Circle, west of Rancho Drive, in zoning district R-A (Ranch Acres).</p> <p>2 Protests</p>	<p>APPROVED APPEAL Lurie - Unanimous</p>	<p>Director of Community Planning &amp; Development to Proceed Clerk to Notify</p>
<p>E. <u>APPEAL FILED BY GEORGE E. FRANKLIN, ATTORNEY, FOR LAWRENCE ARVEY - V-32-77</u> to action of the Board of Zoning Adjustment in DENYING the application for a variance to allow the existing porch to within 4'6" of the (south) side property line where eight feet (8') is required on property located at 1044 South 6th Street on the northwest corner of 6th Street and Park Paseo in zoning district R-1 (Single Family Residence).</p> <p>12 Protests</p>	<p>APPEAL DENIED Leavitt - Unanimous (Commissioner Woofter temporarily absent)</p>	<p>Clerk to Notify</p>



**PAGE MISSING  
FROM  
MINUTES**

ITEM	Commission Action	Department Action
<p><u>III. VACANCIES ON BOARDS &amp; COMMISSIONS</u></p> <p>A. <u>LAS VEGAS METROPOLITAN BEAUTIFICATION COMMITTEE</u> Three Year Term</p> <p>Mary Kozlowski - Term of Office expires <u>7/21/77</u>.</p>	Abeyance	6/15/77 Agenda

R E S O L U T I O N

A RESOLUTION DIRECTING THE CITY ENGINEER OF THE CITY OF LAS VEGAS, NEVADA TO PREPARE, SUBMIT AND FILE WITH THE CITY CLERK OF SAID CITY CERTAIN PRELIMINARY PLANS, ESTIMATES OF COST, AND ASSESSMENT PLATS SHOWING THE AREAS TO BE ASSESSED AND THE ESTIMATED AMOUNT OF BENEFITS TO EACH LOT OR PARCEL OF PROPERTY TO BE ASSESSED; ALL IN CONNECTION WITH THE PROPOSED IMPROVEMENT OF CERTAIN STREETS AND PARTS THEREOF WITHIN SAID CITY AND PURSUANT TO CHAPTER 271 OF NEVADA REVISED STATUTES AND LAWS SUPPLEMENTAL THERETO.

WHEREAS, the Board of Commissioners of the City of Las Vegas in the County of Clark and State of Nevada is of the opinion that the interests of said City require the installation of certain street improvements within that certain area of said City described in Exhibit "A" which is attached hereto; and

WHEREAS, said Board of Commissioners considers it necessary, desirable and for the best interests of said City to take steps pursuant to Chapter 271 of Nevada Revised Statutes for the organization of an improvement district and the construction therein of said improvements; and

WHEREAS for the purpose of designation and identification, it is desirable that said proposed improvement district be known and identified as "Las Vegas, Nevada Improvement District No. 422"

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof, held on the 1st day of June, 1977, as follows:

SECTION 1. That the City Engineer of the City of Las Vegas in the County of Clark and State of Nevada be, and he hereby is, directed to prepare, submit and file with the City Clerk of said City preliminary plans, showing typical sections, the type or types of material, and the preliminary estimates of the cost of the installation of street improvements for said district, all as designated below:

The improvements include the installation of street lighting, consisting of high pressure sodium luminaires and steel lighting standards with concrete bases and underground wiring; the installation of concrete curbs and gutters, with commercial driveway openings as required, along both sides of Valley View Boulevard from Alta Drive extending northerly to meet existing improvements at the Las Vegas Expressway and on the North side of Alta Drive from Valley View Boulevard to meet existing improvements approximately two hundred (200) feet west of Valley View Boulevard, except where adequate improvements have already been installed; the installation of pavement varying in width from twelve feet

(12') to thirty-two feet (32') along both sides of existing pavement, consisting of three inches (3") of A.C. over four inches (4") of Type II gravel and five inches (5") of Type I gravel, with a one and one-half inch (1 1/2") A.C. pavement overlay over existing pavement, with a three-quarter inch (3/4") open grade over entire street, on Valley View Boulevard from Alta Drive northerly to meet existing improvements at the Las Vegas Expressway and along the North side of Alta Drive from Valley View Boulevard westerly approximately two hundred feet (200') to meet existing improvements, except where adequate improvements have already been installed, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, all as more particularly shown on the plats, diagrams and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

SECTION 2. The City Engineer is hereby directed to estimate the cost of each of such types of construction in a lump sum or by unit prices. Said preliminary estimates of the cost shall also include, without limiting the generality of the foregoing, the advertising, appraising, engineering, printing, and such other expenses as in the judgment of such Engineer are necessary or essential to the completion of such work of improvement, and the payment of the costs thereof.

SECTION 3. The City Engineer is hereby directed to submit and file with the City Clerk an assessment plat showing the areas to be assessed, that is, the amounts to be assessed shall be made upon all lots and parcels of property benefitted, proportionately to the benefits received and shall be assessed against the property abutting said improvements on an area basis, i.e., on the basis that each lot or parcel of property to be assessed in each assessment unit shall be assessed a portion of the aggregate dollar amount being levied against that particular entire assessment in the proportion that the area of said lot or parcel bears to the area of all the assessable property in such assessment unit, provided that the depth of a lot or parcel in excess of 100 feet from the frontage facing the improvements shall not be considered in computing the area of such lot or parcel provided that in each assessment unit an equitable adjustment will be made for assessments levied against any irregular lots or parcels, so that the assessments according to benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon, each lot or parcel of property shall be as stated in the aforesaid assessment plat.

Regardless of the basis used by apportioning assessments, in case of wedge or "V" or other irregularly shaped tracts, an amount apportioned thereto shall be in proportion to the special benefits derived.

SECTION 4 resolutions or parts thereof in conflict with the provisions of this resolution are hereby repealed.

INTRODUCED, PASSED AND APPROVED this \_\_\_\_ day of June, 1977.

\_\_\_\_\_  
WILLIAM H. BRIARE, MAYOR

ATTEST:

\_\_\_\_\_  
Edwina M. Cole, City Clerk

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All those parcels of land adjoining Valley View Boulevard in the City of Las Vegas, County of Clark, State of Nevada, described as follows:

On the East from Alta Drive to the North line of Section 31, Township 20 South, Range 61 East, M.D.M.

On the West from Alta Drive to a point 65 feet, more or less, North of the South line of Section 30, Township 20 South, Range 61 East, M.D.M.

EXCEPTING therefrom those portions lying within VALLEY WEST UNIT NO. 2., as shown by map thereof on Book 16 of Plats, Page 68, on file in the Office of the County Recorder of Clark County, Nevada.

That parcel of land adjoining Alta Drive on the north from the westerly right-of-way of Valley View Boulevard (80 feet wide) westerly 200 feet.

*Exhibit "A"*

R E S O L U T I O N

A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT THE WORK OF IMPROVEMENT OF CERTAIN STREETS AND PARTS THEREOF WITHIN THE PROPOSED LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 422 SHALL BE DONE.

WHEREAS, the Board of Commissioners of the City of Las Vegas, in the County of Clark and State of Nevada, has directed the City Engineer to file with the City Clerk, who is also the Clerk of said Board of Commissioners, certain preliminary estimates of costs, and estimates of maximum benefits; all in connection with the installation of street improvements within that certain area of said City hereinafter described in Exhibit "A" attached hereto, all pursuant to Chapter 271 of Nevada Revised Statutes and all laws supplemental thereto; and

WHEREAS, the City Engineer, on the 1st day of June, 1977, filed at the office of the Clerk of said City and of said Board of Commissioners, in connection with said improvements and with its proposed Las Vegas, Nevada, Special Improvement District No. 422 the following:

A. Preliminary plans showing typical sections of the contemplated improvements, the type or types of material, and preliminary estimates of the costs of such improvements;

B. Preliminary estimates of the total cost of each type of construction, said estimates being made in a lump sum or by unit prices, and, further, including in said estimates without limiting the generality of the foregoing, the advertising, appraising, engineering, printing, and such other expenses as in the judgment of said Engineer are necessary or essential to the completion of such work of improvement, and the payment of the costs thereof;

C. Assessment plats showing the areas to be assessed and the amount of maximum benefits estimated to be assessed against each lot or parcel of property in the assessment district, such estimates being computed on an area basis, as heretofore designated by said Board of Commissioners; provided that an equitable adjustment will be made for assessments to be levied against any irregular lots or parcels, so that assessments according to benefits will be equal and uniform; and

WHEREAS, the Board of Commissioners has examined said plans, assessment plats, typical sections of contemplated improvements, preliminary estimates of costs, and estimates of maximum benefits, so filed with said Clerk, and has found, and does hereby declare the same to be satisfactory in all respects;

ACTION TAKEN

Adopted by City

Commission

June 1, 1977

Date

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, at a regular meeting thereof held on the 1st day of June, 1977, at 9:00 o'clock A.M., that the Board of Commissioners shall and hereby does accept said plans, assessment plats, typical sections of contemplated improvements, preliminary estimates of costs, and the estimates of maximum benefits to be assessed against each tract or parcel of land in the assessment areas.

BE IT FURTHER RESOLVED that said Board of Commissioners shall, and hereby does, PROVISIONALLY ORDER THAT:

SECTION 1. That street improvements shall be installed within that certain area of the City hereinafter described in Exhibit "A" attached hereto all as more particularly hereinafter set forth and as described in said plans herein accepted, reference to which is hereby made and which are available for public examination at the office of the said City Clerk, and at a total estimated cost of \$269,859.13 including engineering, legal and incidental expenses.

SECTION 2: The amounts to be assessed shall be made upon all lots and parcels of property benefitted, proportionately to the benefits received and shall be assessed against the property abutting said improvements on an area basis, i.e., on the basis that each lot or parcel of property to be assessed in each such assessment unit shall be assessed a portion of the aggregate dollar amount being levied against that particular entire assessment in the proportion that the area of said lot or parcel bears to the area of all the assessable property in such assessment unit, provided that the depth of a lot or parcel in excess of 100 feet from the frontage facing the improvements shall not be considered in computing the area of such lot or parcel; provided that in each assessment unit an equitable adjustment will be made for assessments levied against any irregular lots or parcels, so that the assessments according to benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum benefits estimated to be conferred upon each lot or parcel of property shall be as stated in the aforesaid assessment plat.

Regardless of the basis used by apportioning assessments, in case of wedge or "V" or other irregularly shaped tracts, an amount apportioned thereto shall be in proportion to the special benefits to be derived.

SECTION 3. The area comprising said streets to be improved and said property to be assessed (i.e., all of said assessment units), shall be designated "Las Vegas, Nevada, Special Improvement District No. 422."

SECTION 4. On Wednesday, the 6th day of July, 1977 at the hour of 10:00 o'clock A.M., at the Commission Chambers in City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, or any time prior to said date and time at the Office of the City Clerk in City Hall in said City, the owners of the property to be assessed, or any other person interested therein, may file written protests or objections, and may appear before the Board of Commissioners at said time and place and be heard as to the propriety of making such improvements, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against the property to be so improved. Twenty (20) day's notice in writing of such time and place shall be given to such property owners, which shall be served by the City Clerk by mailing a copy of such notice, postage prepaid, as first-class mail, to the last known address of each last known owner of property within each assessment unit whose property will be assessed for the costs of such improvements, such names and addresses of such property owners being those appearing on the local property assessment rolls for general (ad valorem) taxes on file in the Office of the County Assessor of Clark County, Nevada, wherein said property is located. Notice shall also be given by the City Engineer by posting a copy of such notice in three public places at or near the site of the proposed work in each assessment unit at least twenty (20) days prior to said hearing. Proof of such mailing and posting shall be made by the affidavit of the City Clerk or of the City Engineer as the case may be, such proof to be filed with the City Clerk; provided, however, that the fact that the person to whom any such notice is addressed does not receive the same shall not invalidate or affect the legality of the notice given thereby and shall not invalidate or affect the legality of any assessment nor any other of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by publishing a copy of such notice in the Las Vegas Review Journal, a newspaper published in the City of Las Vegas, Nevada, and of general circulation in said City of Las Vegas, once each week for three consecutive weeks, by three weekly insertions, the first publication to be at least fifteen (15) days prior to the date of the protest hearing. Not less than fourteen (14) days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with said City Clerk. Said notice shall be in the form as indicated hereafter.

SECTION 5. That the City Clerk and the City Engineer are hereby authorized to advertise for bids on the contemplated work by advertising at least once a week for

three consecutive weeks by three weekly insertions in the Las Vegas Review Journal, a newspaper of general circulation in the City of Las Vegas; provided that not less than fourteen (14) days shall intervene between the first publication and the last publication; provided that the last publication shall be at least five (5) days prior to the receipt of bids; and provided that no contract shall be awarded until after the aforesaid hearing and until after the creation of said District by ordinance.

INTRODUCED, PASSED AND ADOPTED this \_\_\_\_ day of June, 1977.

\_\_\_\_\_  
WILLIAM H. BRIARE, MAYOR

ATTEST:

\_\_\_\_\_  
Edwina M. Cole, City Clerk

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All those parcels of land adjoining Valley View Boulevard in the City of Las Vegas, County of Clark, State of Nevada, described as follows:

On the East from Alta Drive to the North line of Section 31, Township 20 South, Range 61 East, M.D.M.

On the West from Alta Drive to a point 65 feet, more or less, North of the South line of Section 30, Township 20 South, Range 61 East, M.D.M.

EXCEPTING therefrom those portions lying within VALLEY WEST UNIT NO. 2., as shown by map thereof on Book 16 of Plats, Page 68, on file in the Office of the County Recorder of Clark County, Nevada.

That parcel of land adjoining Alta Drive on the north from the westerly right-of-way of Valley View Boulevard (80 feet wide) westerly 200 feet.

*Exhibit "A"*

RESOLUTION TERMINATING THE COSTS TO ASSESSED  
IN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT  
NO. 419 AND ORDERING THE CITY ENGINEER TO PREPARE  
THE ASSESSMENT ROLL.

WHEREAS, the City of Las Vegas, in the County of Clark and State of Nevada, has taken requisite legal action preliminary to and in the creation of Special Improvement District No. 419 consisting of:

ASSESSMENT UNIT NO. 3

The improvements include the installation of street paving approximately 18 feet wide, consisting of 2 inches of AC pavement and fog seal over 4 inches Type II gravel and standard 24 inch "L" type Curb and Gutters, with residential driveway openings, along the East side of Cashman Drive from Oakey Boulevard to Bryant Avenue and from a point approximately 20 feet South of the South Right of Way line of Charleston Boulevard southerly 278 feet South of the South Right of Way line of Charleston Boulevard southerly 278 feet, more or less, to meet existing improvements, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams, and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. 5

The improvements include the installation of street pavement consisting of three inches of AC pavement and fog seal over 4 inches Type II gravel and 12 inches of Type I gravel, and standard 24 inch "L" type Curb and Gutter on the South side of Sunrise Avenue from a point approximately 103 feet East of the centerline of 29th Street to Mojave Road and on the North side of Sunrise Avenue from a point approximately 203 feet east of the centerline of 29th Street to a point 465 feet easterly of the centerline of 29th Street, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. 6

The improvements include the installation of street paving consisting of two inches of AC pavement and fog seal over four inches TYPE II gravel and four inches Type I gravel, and standard 24 inch "L" Type Curb and Gutter on the East side of Lacy Lane from Alta Drive to Palomino Lane and on the West side of Lacy Lane from Alta Drive to a point approximately 590 feet South of the centerline of Alta Drive, with residential driveway openings, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

ACTION TAKEN

*[Signature]*

CITY COMMISSIONER

July 6, 77

Date

tenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams, and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. 7

The improvements include the installation of alley paving, consisting of two inches of AC pavement with fog seal and prime coat over two inches Type II gravel and six inches Type I gravel and standard alley gutters in the East-West portion and extending 50 feet South in the North-South portion of the alley in Block 7, Boulder Addition, bounded by Main Street, Charleston Boulevard, Casino Center Boulevard and California Avenue, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

and to defray the entire costs and expense thereof by special improvements, according to benefits, against the taxable lots and premises in each assessment unit of said District; and

WHEREAS, pursuant to law, the said City has entered into the following contracts, to-wit:

RICO PAVING & GRADING for the improvements to be installed in Assessment Unit No. 3;

RICO PAVING & GRADING for the improvements to be installed in Assessment Unit No. 5;

WELLS CARGO, INC. for the improvements to be installed in Assessment Unit No. 6;

WELLS CARGO, INC. for the improvements to be installed in Assessment Unit No. 7

WHEREAS, the costs, including administrative costs, for installing the improvements in each Assessment Unit of said District are as follows:

ASSESSMENT UNIT NO. 3	\$14,190.51
ASSESSMENT UNIT NO. 5	\$31,307.19
ASSESSMENT UNIT NO. 6	\$30,415.43
ASSESSMENT UNIT NO. 7	\$ 8,762.24

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof held on the 1st day of June, 1977, that the following amounts shall be assessed against and paid by the assessable property in each assessment unit of said District, to-wit:

ASSESSMENT UNIT NO. 3	\$14,190.51
ASSESSMENT UNIT NO. 5	\$31,307.19
ASSESSMENT UNIT NO. 6	\$28,865.00
ASSESSMENT UNIT NO. 7	\$ 6,440.00

all as designated in Ordinance No. 1861 passed, adopted and approved on the 5th day of January, 1977.

BE IT FURTHER RESOLVED that the City Engineer is hereby ordered to make an assessment roll containing, among other things:

1. The name of each last known owner of each lot or parcel of property to be assessed; and
2. A description of each lot or parcel of property to be assessed and the amount of the proposed assessment thereon, apportioned upon an area basis, all as more particularly set out in Section 4 of Ordinance No. 1861.

BE IT FURTHER RESOLVED that the City Clerk shall furnish a copy of this Resolution to the City Engineer.

PASSED, ADOPTED AND APPROVED this 1st day of June, 1977.

\_\_\_\_\_  
WILLIAM H. BRIARE, MAYOR

ATTEST:

\_\_\_\_\_  
Edwina M. Cole, City Clerk

A RESOLUTION TENTATIVELY APPROVING THE ASSESSMENT ROLL FOR LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 419; ORDERING SUCH ROLL TO BE FILED IN THE OFFICE OF THE CITY CLERK; AND FIXING THE TIME WHEN OBJECTIONS TO SUCH ROLL WILL BE HEARD.

WHEREAS, the City of Las Vegas, in the County of Clark, and State of Nevada, has taken requisite legal action preliminary to and in the creation of Special Improvement District No. 419 consisting of:

ASSESSMENT UNIT NO. 3

The improvements include the installation of street paving approximately 18 feet wide, consisting of 2 inches of AC pavement and fog seal over 4 inches Type II gravel and standard 24 inch "L" type Curb and Gutters, with residential driveway openings, along the East side of Cashman Drive from Oakey Boulevard to Bryant Avenue and from a point approximately 20 feet South of the South Right of Way line of Charleston Boulevard southerly 278 feet South of the South Right of Way line of Charleston Boulevard southerly 278 feet, more or less, to meet existing improvements, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams, and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. 5

The improvements include the installation of street pavement consisting of three inches of AC pavement and fog seal over 4 inches Type II gravel and 12 inches of Type I gravel, and standard 24 inch "L" type Curb and Gutter on the South side of Sunrise Avenue from a point approximately 103 feet East of the centerline of 29th Street to Mojave Road and on the North side of Sunrise Avenue from a point approximately 203 feet east of the centerline of 29th Street to a point 465 feet easterly of the centerline of 29th Street, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams and plans of the work and the locality to be improved on file in the Office of the City Clerk.

ACTION TAKEN

Approved by

*[Signature]*

Date

June 27, 1977

ASSESSMENT UNIT NO. 6

The improvements include the installation of street paving consisting of two inches of AC pavement and fog seal over four inches TYPE II gravel and four inches Type I gravel, and standard 24 inch "L" Type Curb and Gutter on the East side of Lacy Lane from Alta Drive to Palomino Lane and on the West side of Lacy Lane from Alta Drive to a point approximately 590 feet South of the centerline of Alta Drive, with residential driveway openings, to include the

necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams, and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. 7

The improvements include the installation of alley paving, consisting of two inches of AC pavement with fog seal and prime coat over two inches Type II gravel and six inches Type I gravel and standard alley gutters in the East-West portion and extending 50 feet South in the North-South portion of the alley in Block 7, Boulder Addition, bounded by Main Street, Charleston Boulevard, Casino Center Boulevard and California Avenue, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

and to defray the entire cost and expense thereof by special improvements according to benefits, against the taxable lots and premises in each assessment unit of said District; and

WHEREAS, by Ordinance No. 1861 duly passed, adopted and approved on the 5th day of January, 1977, said Board of Commissioners finally passed on all protests and objections, determined to proceed with said improvements as described in said preliminary proceedings, except as modified and provided in said Ordinance, and created said District; and

WHEREAS, pursuant to notice duly given on the 1st day of December, 1976, the City entered into contracts, received bids for the doing of the work therefor, and formally entered into the following contracts, to-wit:

RICO PAVING & GRADING for the improvements to be installed in Assessment Unit No. 3;

RICO PAVING & GRADING for the improvements to be installed in Assessment Unit No. 5;

WELLS CARGO, INC. for the improvements to be installed in Assessment Unit No. 6;

WELLS CARGO, INC. for the improvements to be installed in Assessment Unit No. 7

WHEREAS, after making of such contracts, said Board of Commissioners determined what portion of the costs of such work, including advertising, appraising,

engineering, legal, printing and other proper incidental costs should be assessed against and paid by the property specially benefitted in each unit of said Improvement District, to-wit:

ASSESSMENT UNIT NO. 3	\$14,190.51
ASSESSMENT UNIT NO. 5	\$31,307.19
ASSESSMENT UNIT NO. 6	\$28,865.00
ASSESSMENT UNIT NO. 7	\$ 6,440.00

and

WHEREAS, the City Engineer, pursuant to directions contained in the resolution of said Board of Commissioners, duly passed, adopted and approved on the 4th day of May, 1977, has prepared an assessment roll which contains, among other things, the name of each last known owner of each lot or parcel of property to be assessed, a description of each lot or parcel to be assessed, and the amount of the proposed assessment thereon, apportioned on an area basis as more particularly set forth in Section 4 of Ordinance No. 1861; and

WHEREAS, said Board of Commissioners has determined, and does hereby determine, that the lots or parcels of property in said City which are specially benefitted by the improvements installed in each unit of said District, and only those lots or parcels of property which are so specially benefitted, are included on said assessment roll.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof held on the 4th day of May, 1977, as follows:

SECTION 1. That the assessment roll on Las Vegas, Nevada, Special Improvement District No. 419 has been examined, is tentatively approved, and is hereby ordered to be filed in the Office of the City Clerk and numbered Roll No. 2-1977 (Final).

SECTION 2. That Wednesday, the 6th day of July, 1977, at 10:00 A.M. in the Commission Chambers at City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, be, and the same hereby is, fixed as the time and place when said City Commission will hear and consider objections to said assessment roll by the owners of property specially benefitted by the improvements in each assessment unit in "Las Vegas, Nevada, Special Improvement District No. 419," and proposed to be assessed, by any party interested in the regularity of the proceedings in making such assessments, and by all parties aggrieved by such assessment.

SECTION 3. That the City Clerk shall give notice of such hearing by mailing a copy thereof, postage prepaid, registered or certified mail, at least 20 days prior to such

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hearing, to the last known address of each last known owner of property within each assessment unit of said District whose property will be assessed; and by publishing a copy thereof in the Las Vegas Review Journal, a newspaper published in the City of Las Vegas, Nevada, and of general circulation in said City of Las Vegas, at least once each week for three consecutive weeks, by three weekly insertions, the first publication to be at least 15 days prior to the date of said hearing and not less than 14 days to intervene between the first publication and the last publication; and said notice shall state that such assessment roll is on file in the Office of the City Clerk, the date of filing same, the time and place at which said Board of Commissioners will hear and consider objections to said assessment roll by the owners of property specially benefited by the improvements in each assessment unit of "Las Vegas, Nevada, Special Improvement District No. 419," and proposed to be assessed, by any party interested in the regularity of the proceedings in making such assessments, and all parties aggrieved by such assessments. Such notice shall be in substantially the following form, to-wit:

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City Commission  
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Mayor Briare: Well I don't see anything in the agreement Mr. Lovell that says that the County is going to go along with this thing later.

Mr. Adams: The County normally just pays us off with an invoice but the state has to have an agreement for their financial....

Mayor Briare: Oh, the County has agreed to do this?

Mr. Adams: The County has agreed it is just merely that we invoice after we got the State agreeing and then we can get our money.

Mayor Briare: Did you draw the agreement Carl?

Carl Lovell: We did yes.

Mayor Briare: Is there a motion on this agreement?

Commissioner Lurie: Move that we approve it.

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

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

Mayor Item D.

REQUEST FOR  
SHOW CAUSE  
HEARING ON  
SULTAN'S  
PALACE MASSAGE  
PARLOR  
Set for June  
15, 1977 at  
10:00 A.M.

Carl Lovell: Item D Mayor is a request for a Show Cause Hearing on Sultan's Pallace Massage Parlor, it should take approximately 30 minutes. This is the result of a request to by the Licensing Department and the City Attorney's Office with conjunction with the Vice Department. What has occurred is and we believe that we can show sufficient show cause revocation of their license, is that customers would enter into the Sultan's Palace not be advised as to the total cost and also then would not be advised of a nonrefund policy of theirs, while at the same time they indicated that they would get a massage by a member of the opposite sex and also certain sexual favors. As a result of this we have the testimony to show you that this is in violation not only of State Statutes but City Ordinances as well.

Commissioner Christensen: I don't understand how we can have a Show Cause Hearing on a license revocation when you have a Supreme Court stay from revoking the license already.

Carl Lovell: Well we have the Supreme Court ordering the stay based upon other facts and circumstances. If for some reason this particular, this set of facts and circumstances would also justify the same and end up also in litigation, it could meet the original issue or supplement depending on what happens.

Commissioner Christensen: Well the only help would be to delay the Supreme Courts Decision on it because if we come up with a new set of facts that lead to the first issue then that puts us into the pipeline again and we have to start through and then we could be another couple of years tying this up could we not?

Carl Lovell: I Don't think this will have any effect of delaying the original litigation if anything it could supplement it or even make that original litigation mute if in fact if this is sufficient by itself and there is no appeal from this particular decision from the District Court level if that occurs.

Mayor Briare: Did our ordinance require Mr. Lovell that everybody that is employed in a massage parlor has to be licensed?

Carl Lovell: The management and anyone who is giving massages.

Mayor Briare: Well sometime, what kind of motion is in order.

Carl Lovell: To set a date for a Show Cause Hearing to approve the order for a Show Cause and set the Hearing.

ITEM	Commission Action	Department Action
<p>IV. CARL E. LOVELL, JR., CITY ATTORNEY</p>		
<p>A. Special Improvement District No. 422 - (Valley View from Alta to Las Vegas Expressway)</p> <ol style="list-style-type: none"> <li>1. Resolution directing City Engineer to submit preliminary plans, estimates of cost, and assessment plats showing areas to be assessed.</li> <li>2. Resolution making a provisional order that the work of the improvement shall be done.</li> </ol>	<p>APPROVED Items 1 and 2 Lurie - Unanimous</p>	<p>Mayor and Clerk Authorized to Sign Clerk to Publish Notice</p>
<p>B. Special Improvement District No. 419 - (Cashman Drive, Sunrise, Lacy Lane)</p> <ol style="list-style-type: none"> <li>1. Resolution determining the costs to be assessed and ordering City Engineer to prepare the assessment roll</li> <li>2. Resolution tentatively approving the assessment roll; ordering such roll to be filed in office of City Clerk and fixing the time when objections to such roll will be heard</li> </ol>	<p>APPROVED Items 1 and 2 Lurie Commissioner Christensen Abstained</p>	<p>Mayor and Clerk Authorized to Sign Clerk to Publish Notice</p>
<p>C. Agreement (No. P238-77-012) between State of Nevada and City - covering the installation, maintenance and State's share of cost for experimental school crossing signal at intersection of Sahara Ave. and Atlantic Street.</p>	<p>APPROVED Lurie - Unanimous</p>	<p>Mayor and Clerk Authorized to Sign</p>
<p>D. Request for Show Cause Hearing on Sultan's Palace Massage Parlor</p>	<p>SHOW CAUSE HEARING SET FOR JUNE 15, 1977 AT 10:00 A.M.</p>	<p>C/A to Proceed</p>
<p>E. Agreement between City and County regarding the purchase of two 1500 GPM Pumpers for the Metropolitan Fire Department</p>	<p>APPROVED Lurie - Unanimous</p>	<p>Mayor and Clerk Authorized to Sign</p>
<p><u>ADDITIONAL ITEM</u></p> <p>CARL E. LOVELL, JR. RESIGNED AS CITY ATTORNEY.</p> <p>APPOINTMENT OF MIKE SLOAN AS CITY ATTORNEY IN THE INTERIM PERIOD</p> <p>Page 130 Minutes Regular Meeting City Commission June 1, 1977</p>	<p>APPROVED APPOINTMENT Woofter - Unanimous</p>	

Mayor Briare: In the meantime Mr. Lovell would your office look into this possibility of this Billie Elene Gaston whose date of birth is October 14 1957 being designated as the person in charge of this establishment.

Carl Lovell: Yes sir.

Mayor Briare: What is the pleasure of the commission?

Commissioner Lurie: Move that we proceed.

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

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

AGREEMENT  
BETWEEN CITY  
AND COUNTY  
REGARDING  
THE PURCHASE OF  
TWO 1500 GPM  
PUMPERS FOR THE  
METRO FIRE DEPT  
Approved

Mayor Briare: The next item is an agreement between the City and County.

Carl Lovell: This is an agreement Mayor between the City and the County regarding the purchase of two 1500 Gallon Per Minute Pumpers for the Metropolitan Fire Department. Originally during the legislative session the County was to go ahead originally because of the necessity for their Fire Department to bid on two large pumping units then we had the Merger by legislation. In discussions with them it was suggested that the City after they went ahead with bidding in order to meet the July 1st deadline of a price increase that they would go ahead, the County and initiate the bidding procedures and do it before July and then the plan would be that the County would buy it and the City would pay for it.

Commissioner Christensen: The County going to give us the money?

Carl Lovell: They have to.

Mayor Briare: Item 2 of the agreement I think Commissioner takes care of that.

Commissioner Lurie: Move that we approve the agreement.

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

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

Mayor Briare: Next item.

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Mayor Briare: Commissioner Christensen I believe you are in charge of all these.

BILL NO. 77- 34  
1st Reading and  
Referred to  
Recommending  
Committee  
Commissioners  
Christensen and  
Lurie

Commissioner Christensen: This is a Bill that should be read and referred to the Recommending Committee it is ratifying the collective bargaining and agreements that we have done in setting it up on the Ordinance.

A Bill entitled "AN ORDINANCE TO REPEAL CHAPTER 7 OF TITLE I OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, AND TO PROVIDE A NEW CHAPTER 7 OF SAID TITLE I, AND CONTINUING TO BE DESIGNATED AS THE COMPENSATION PLAN OF JUNE 26, 1977; PROVIDING A COMPENSATION PLAN TO GOVERN AND REGULATE THE SALARIES AND REMUNERATION OF EMPLOYEES OF THE CITY OF LAS VEGAS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH" Read by Carl Lovell City Attorney.

Mayor Briare: This will be referred to a Recommending Committee consisting of Commissioners Christensen and Lurie. Are there any other new Bills?

ITEM	Commission Action	Department Action
<p>V. NEW BILLS - TO BE REFERRED TO THE STUDY COMMITTEE OR TO RECOMMENDING COMMITTEE</p> <hr/> <p>A. Bill No. 77-34 - Amending Title I, Chapter 7 by repealing old Chapter 7 and adding a new Chapter 7 to be designated as the Compensation Plan of June 26, 1977 - to govern and regulate salaries and remuneration of employees of the City.</p> <hr/>	<p>1st Reading and Referred to Recommending Committee - Commissioners Christensen and Lurie</p>	<p>Clerk to Publish</p>

Carl Lovell: No.

See Page 134 of these minutes - Annotated Agenda

Mayor Briare: On Bill Number 77-Z-2 Commissioner Christensen?

BILL NO. 77-Z-2  
ORDINANCE NO.  
934-230  
Adopted

Commissioner Christensen: Yes I would like to have it read to we can move for adoption.

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." read by City Attorney Carl Lovell.

Commissioner Christensen: Move for adoption.

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

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

BILL NO. 77-33  
ORDINANCE NO.  
1885 Adopted

Mayor Briare: Bill No. 77-33 Commissioner do you want to report on that?

Commissioner Christensen: Would you read it Mr. Lovell.

A Bill entitled "AN ORDINANCE TO AMEND TITLE IX, CHAPTER 12 A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960 EDITION, AS AMENDED, TO PROVIDE FURTHER GUIDELINES FOR THE LOCATION OF NEWS RACKS IN DOWNTOWN LAS VEGAS; TO PROVIDE FOR SUMMARY SEIZURE OF NEWS RACKS CONSTITUTING A DANGEROUS CONDITION OR OBSTRUCTION, WITH MEANS TO APPEAL FROM SUCH SEIZURE; TO PROVIDE FOR NOTICE AND HEARING BEFORE SEIZURE OF ALL OTHER NEWS RACKS; TO PROVIDE OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH." read by City Attorney Carl Lovell.

Commissioner Christensen: Move for adoption.

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

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

Mayor Briare: Do you have anything else Carl?

Carl Lovell: Only under Citizen Participation.

See Page 130 of these minutes - Annotated Agenda

ADDITIONAL ITEM  
CARL E. LOVELL  
JR. RESIGNED AS  
CITY ATTORNEY  
APPOINTMENT  
OF MIKE SLOAN AS  
CITY ATTORNEY IN  
THE INTERIM  
PERIOD

Carl Lovell: As you know I chose not to run for re-election and consequently because of the election of the Primary and the City Charter Mr. Sloan was elected as the result of the results in the Primary. I myself having personally experienced the desire once elected four years ago to immediately begin serving and knowing the frustration of not being able to and consequently to satisfy that for I think all elected officials on the municipal level, the legislature changed statutes in each of the City Charters to provide that at least in a General Election that as soon thereafter as the votes would be counted by the City Commission that those elected would begin serving as opposed to waiting to an arbitrary time as it used to be for example in July. I felt the same thing should apply in my particular race in the City Attorney's job and the legislature did not make a provision as far as those who would be elected in the primary. After the primary results Mike Sloan and I worked and have worked together in order to let him know the operation that we have continued in the City Attorneys Office and to give him a feel of it in order to make it expeditious

ITEM	Commission Action	Department Action
<p>VI. <u>REPORTS FROM RECOMMENDING COMMITTEES</u></p>		
<p>A. <u>BILL No. 77-Z-2 (Ordinance No. 934-230) - Amending Title XI, Chapter 1, Section 3 of the Code by amending the zone use plan map adopted by the City of Las Vegas and changing the zoning designation of said map.</u>  <u>Committee: Commissioners Christensen and Leavitt</u></p> <p>Published by Title 5/23/77 in the REVIEW JOURNAL          No action prior to 5/30/77          Action required by 6/22/77</p>	<p>ADOPTED          Christensen - Unanimous</p>	<p>Clerk to Proceed with 2nd Publication</p>
<p>B. <u>BILL No. 77-33 - Amending Title IX, Chapter 12A of the Code to provide further guidelines for the location of newsracks in downtown Las Vegas; to provide for summary seizure of newsracks constituting a dangerous condition or obstruction, etc.</u>  <u>Committee: Commissioners Christensen and Leavitt</u></p> <p>Published by Title 5/23/77 in the REVIEW JOURNAL          No action prior to 5/30/77          Action required by 6/22/77</p>	<p>ADOPTED          Christensen - Unanimous</p>	<p>Clerk to Proceed with 2nd Publication</p>

for him when he is to take over. That transition is now complete and I believe that as eager as Mike Sloan is to begin and my feeling is the same and I would like at this time to offer my resignation to you effective now and have Mr. Sloan begin immediately, earlier than my term of office would terminate. He is certainly capable eager and waiting and as I said the transition is made and I see no reason to hold him back but to let him get started and get working with you. I have certainly enjoyed working with you those of you who I have for four years and those who I have for the last two and whether they have been in situations where we have been able to agree in certain areas or politely disagree to figure out the same goals that I think all of us wanted has been an experience to me not only to serve you but also the public. I would like to express my appreciation and my feelings for not only this experience but also the opportunity to work with you and I look forward to working with you in the future too as a citizen or if I can ever be of assistance to you. Thank you.

Mayor Briare: Thank you very much Carl that was very nicely put I am confident that each of the Commissioners would share with me in the feeling that we have all had the pleasure of working together for a couple of years and as you have stated there has been times when people have disagreed but I would venture to say that as a result of your presence here with this Commission that the City has been able to progress substantially over a number of avenues and I am confident that a great deal of credit for that has developed with your contributions to this Commission. As far as your resignation is concerned we have a couple of questions here and I think we ought to take them separately first of all your resignation, do we need something formal on that Mr. Lovell?

Carl Lovell: Actually you don't need anything formal on that just as to the vacancy.

Commissioner Lurie: Mayor I would just like to say to Carl that I have enjoyed working with you the past four years and publicly I would like to wish you good luck and much success in your new job and I would just say that you have done a fine job as the City Attorney and much credit goes to you and your staff for the fine job that they have done working with us making sure that you keep us as legally as straight as possible with some of the decisions, and I just wish you good luck in your new job.

Mayor Briare: Well you made a recommendation also to the Commission do the Commissioners have anything that they would like to comment on with respect to that recommendation?

Commissioner Leavitt: I understand at this point that there is a vacancy in the City Attorney's Office?

Mayor Briare: Is that correct.

Commissioner Leavitt: Well under the City Charter it is up to the Commission to fill that vacancy and it is my understanding that we can pick anybody we want for the interim between now and July 1. Now who do we want to appoint.

Mayor Briare: I would like to volunteer for the job.

Commissioner Leavitt: Do we have any applications for the position?

Mayor Briare: Well most important do we have one that is qualified.

Commissioner Woofter: I know one that would certainly like to have it on his records sometime in the future the former City Attorney, you know the old AB for JP. (Laughter) I make a motion at this time Mr. Mayor to consider the appointment of Mr. Michael Sloan in the interim as our City Attorney.

Mayor Briare: Do you feel Commissioner that your candidate would accept the position.

Commissioner Woofter: Well I have worked with him one day at my right side as I have with Carl, he seems to me like he would be a good right hand man.

Mayor Briare: The motion is to appoint Mike Sloan in the interim would you please cast your votes. Motion is denied. You can't win all your elections. Sloan how you doing so far.

Motion failed by the following vote:  
Commissioners Woofter, Lurie, Leavitt,  
Christensen and Mayor Briare voting no.

Commissioner Leavitt: I would like to make a motion to reconsider that motion.

Mayor Briare: Those in favor of reconsidering cast your votes. Push your buttons yes.

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

Mayor Briare: Now we will make the same motion, Commissioner Woofter's move for the appointment of Mike Sloan. Cast your votes. Motion is approved Mike. Listen we gave you a great big hand this morning you can't expect the whole day to go by smoothly.

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

Mayor Briare: Would you like to make a speech Mike?

Mike Sloan: No.

Mayor Briare: Is there anyone in the audience who wishes to address the Commission. Yes sir.

Mr. Barnhill: I have been waiting.

Mayor Briare: Oh my lord I am sure sorry I wish you would have made yourself known sooner I apologize for this right after the recess Ila Britt indicated. I am sincerely sorry that you had to sit through this, these reports have not come back I don't know how else to tell you and I am sorry, you should have been told and I am very sorry you sat through a whole day and it is unfortunate that these reports have not come back. Remember this morning that if the reports had not been reported that Mrs. Britt that she was going to check and this matter would then be taken up the next meeting. These reports have not come back therefore it will be taken up the next meeting.

Mr. Barnhill: That is two weeks from today?

Mayor Briare: That is correct.

Commissioner Woofter: Out of consideration next meeting Mr. Mayor could we take his item first.

Mayor Briare: Yes Mr. Adams you be sure at the next meeting that this gentlemen's application is considered first on the Items under licensing.

Mr. Adams: Yes sir.

Mayor Briare: Anything else? (No response).

There being no further business to come before the Board, at the hour of 5:15 P.M., Mayor Briare declared this Regular Meeting of the Board of City Commissioners A D J O U R N E D.

ITEM

Commission Action

Department Action

VII. REPORTS FROM STUDY COMMITTEES

N  
O  
N  
E

VIII. CITIZEN PARTICIPATION - PUBLIC APPEARANCES

N  
O  
N  
E

MEETING ADJOURNED AT 5:15 P.M.

APPROVED:  
*William H. Briare*  
WILLIAM H. BRIARE, MAYOR

ATTEST:

*Betty Jo Winter*

BETTY JO WINTER CPS  
ASSISTANT CITY CLERK

APPROVED BY REFERENCE at a Regular Meeting of the Board  
of City Commissioners held on the 6<sup>th</sup> day of July  
1977.