

M I N U T E S

Las Vegas, Nevada
August 3, 1977

A REGULAR MEETING of the Board of City Commissioners of the City of Las Vegas, Neavada, held this 3rd day of August 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
City Manager	William E. Adams
City Attorney	Mike Sloan
Director of Municipal Services	J. C. Cathcart
Director of Public Services	Laurence Hampton, P.E.
Director of Community Planning & Development	Donald J. Saylor, AIP
Director of Business Activity	Ila M. Britt
Director of Cultural Services	Harold P. Foster
Director of Personnel & Employee Relations	Bob McPherson
Director of Financial Management	Marvin Leavitt
Director of Funds, Coordination and Projects	Ronald Jack
City Clerk	Edwina Cole
Minutes Clerk	Larry Martin

Mayor Briare: Ladies and Gentlemen, this is the Regular Meeting of the Las Vegas City Commission. If you will please all stand we will have the invocation this morning by the Rev. Paul L. Peck of the Areta Truth Center. Then please remain standing for the Pledge of Allegiance.

INVOCATION AND
PLEDGE OF ALLEGIANCE

Rev. Peck: Let us Pray. Oh Holy Father and Mother God, give us the strength to stand for something, lest we fall for anything. Give us the strength to stand for love, lest we fall for indifference. For truth, lest we fall for error. For principle, lest we fall for personality. May these proceedings in Human Law, pattern the Divine Law always, and in all ways. Amen.

Pledge of Allegiance.

Mayor Briare: Thank you very much Rev. Peck, we appreciate it very much. For the purposes of introducing the Commission, and the people who are with us this morning, I would like to call on Attorney Frank Morton.

INTRODUCTION OF
MR. GORDON HALL
GOOD WILL
INDUSTRIES NEW
DIRECTOR

Mr. Morton: Good Morning Mayor, Commissioners. At this time I would like to introduce myself not as an attorney in town, but as a member of the Good Will Industries and Southern Nevada Board of Directors. It is a charity that does rehabilitation work for the handicapped, and then seeks to place them in employment in the local community. After much effort we have finally come up with enough money to hire an Executive Director and President. We solicited throughout the country qualified applicants who had experience in Good Will Industries of America. We finally came up with someone who is an excellent candidate, and who has excepted the position, and moved out here from Massachusetts. I would like to introduce to the Commission Mr. Gordon Hall, and have him address you for a moment.

Mr. Gordon Hall: I would like to inform the Commission that I am very pleased to be in Las Vegas. I am here at the direction of this local group of citizens, and the State Bureau of Vocation and Rehabilitation. They have identified the need and they are a prime factor behind why I am here. I would like to thank the Commission for giving me a few moments, and let them know that I will be here to support the City; its administration and the quality of life in Las Vegas.

Mayor Briare: Thank you very much Mr. Hall. It is very nice to have you, and welcome to Las Vegas. This is the time set now for a Public Hearing on the question of; shall the City enter into an agreement to borrow short term financing in the amount of 3.5 Million Dollars, for the purpose of making a contribution for the Clark County Jail. I think one of the first things we have to do, however, is to ask the City Attorney if he would comment on the opinion he has given. Without this opinion, this Commission would have been hard pressed to do anything today. So Mr. Sloan I will turn this portion over to you for comments.

SHORT TERM
FINANCING IN THE
AMOUNT OF 3.5
MILLION DOLLARS
FOR METRO POLICE
JAIL CONSTRUCTION
Commissioner
Leavitt's Motion
to Adopt failed
to receive
unanimous vote

PUBLIC HEARING - 9:00 A.M.

Mr. Sloan: The Commission and Mayor had asked for advice from our office relative to AB 17; the section that imposes upon the participating entities in a Metropolitan Police Department. The duty of providing equally the funding for providing and maintaining a jail. As our opinion points out, the normal rule recognized by the Supreme Court of Nevada, and courts throughout the United States, is that; a Statute is entitled to every presumption of validity. This is even more particularly so in the case where an officer such as myself is called upon to advise as to its constitutionality. Unless there is clear and convincing evidence that a court would find the act unconstitutional; a legal advisor such as myself, is obligated to attempt to uphold the validity of the questioned act. The particular concern most often voiced, was the question of the possibility of double taxation in reference to the City of Las Vegas. For the net effect of this provision is to require the City of Las Vegas to pay one half the cost. This will result in the Residents of the City of Las Vegas paying approximately 70% of the affected cost of the jail because they contribute both as County and City Tax Payers. We cite for the benefit of the Mayor and Commissioners, cases which have addressed themselves to this particular type of situation. Where courts have felt that this is not an illegal or unconstitutional double taxation. In the State of Nevada obviously, the thrust of the Constitutional restriction is directed towards an unequal rate of assessment, and not necessarily an unequal distribution of tax proceeds. So based on the cases cited in our opinion we conclude that there is not an illegal double taxation on the residents of the City of Las Vegas. As we say, while this result may be unfair, it is not illegal. We also point out that arguments could be advanced, which would undermine perhaps the Constitutionality of the entire Metropolitan Police Commission Act. We have heard discussion, and we are familiar with arguments that the act is presently in the Nevada Revised Statutes, and it violates the one man one vote rational. The Equal Protection Clause of the 14th Amendment. It also could be argued that the act is special and local legislation, and violates the State Constitution. I assume, however, that since similar issues were addressed in the recent law suit between the City and the County over the Fire Merger; and since these questions were resolved in favor of the Constitutionality of that particular Bill, that it would be inappropriate for this office to advise this Commission at this time, prior to the decision by the Nevada Supreme Court that the Metropolitan Police Commission Act would be unconstitutional. For those two reasons, it is our advice that AB 17 is in fact Constitutionally legal.

Mayor Briare: Questions by the Commission?

Commissioner Christensen: I have got one. Mike, in your comments and your opinion, you make reference to the Metropolitan Police Commission Act. Isn't there some difference difference between this and the Fire Merger in that the Metropolitan Police Act does take into consideration the City of Las Vegas; and the unincorporated area, and what was at one time the Sheriffs Department. Which in fact shows in the other incorporated entities where the Fire Merger does not. Isn't the fire protection where the Sheriffs Office did have jurisdiction in the other entities? You see a difference there in the relationship between the two?

Mike Sloan: There is a difference between the two Bills. Our concern was; in terms of the actual litigation, and the issues raised in the litigation; the question of the denial of equal protection, and the violation of the one man one vote doctrine, was considered at great lengths, and argued as a basis of comparison. Which I think would be valid in comparison with this particular case. So while they arrived from different Constitutional Statutory basis; the argument at least in the District Court level focused on the equal protection, and was resolved on that basis. I think in the context of the decision that Judge Pavlikowski made, that the distinction that you made would not distinguish it from this particular case. So the reason that the Court could conclude the way it did in the Fire Merger was an exception to the one man one vote rational, which would have equal application in my judgement in this particular matter.

Commissioner Christensen: What you are saying is, that it is cheaper to live in the County?

Mike Sloan: I didn't pass the law, the Legislature did.

Commissioner Christensen: I am aware of that, but I am asking for the interpretation.

Mike Sloan: I don't think that is a legal question, if it is cheaper to live in the County.

Mayor Briare: Mr. Sloan, I would like to make a few observations. I commend you on the thoroughness of your opinion. You quote some law from a number of cases which, depending on how you feel about this whole matter is quite clear. However, I would like to make an inquiry. In your opening paragraph, Mr. Sloan indicates that we have requested his advice regarding the Constitutionality of this Bill; and then as I already just indicated, he goes into so very fine detail as to why it is Constitutional. However, I think there is another question to be addressed Mr. Sloan. I wonder if somewhere in this opinion it might be clear, and I missed it. That is, notwithstanding the Constitutionality. What does it actually say in the responsibility of the City, relative to the building of a jail? I am looking at the section 211.010 on the first page where the Statute indicates that "Except where otherwise provided", and incidentally Mr. Sloan and Commissioners, I am going to emphasis certain words to try to make a point. "Except as otherwise provided in this section, one common jail shall be built or provided in each County, and maintained in good repair at the expense of the County". Now then it goes on. "In a County where a Metropolitan Police Department is established, the expense of providing and maintaining the jail shall be apportioned among the participating political subdivisions as other expenses of the Department are portioned." Now my question Mr. Sloan is; is the City obliged to build a jail? What is the difference between building a jail and providing a jail? I am not trying to be a nitpicker, because I think there is some very important work that has to be done here this morning, prior to talking about the need for the jail. I don't think there is anybody who questions the need for improvements, But I think this is very important and I

would like to ask if you would like to address yourself to that part of the question?

Mr. Sloan: Yes your Honor. When we were examining the Bill, we like you, were struck with the fact of amending the section. The Legislature had not chosen to use the word "build" as related to the Metropolitan Police Commissions, but rather "provide and maintain the jail". Thereafter we contacted Mr. Dickens by letter and asked if he would provide us with minutes from the various committee meetings under which this legislation was considered. Unfortunately because of certain problems there, Mr. Dickens' office was unable to provide that information to us. I discussed the matter with Mr. Dickens and he concluded, or we concluded I should say, that whatever the initial difference was at the time the original act was passed, putting the two words in the disjunctive. That "provided" is broader in scope than the word "build"; and so depending upon what decisions are to be made by the Metropolitan Police Commission. If they wanted to for example go lease the First National Bank Building, or something else, provided it encompassed that, but would also encompass "build". I think that interpretation appears to be consistent with the language in the section where it talks about "the Board of County Commissioners or the Metropolitan Police Commission having a share in building, inspecting and repairing such jail". Although we don't have the benefit of the minutes, and I wish we could, just to see if there was an explanation. Without the benefit of that, however, we used, what we felt to be the normal rules for Statutory Construction, plus looking at the Dictionary definition of the word "provide". We concluded that "provide" encompasses within the discretion to build; and if you had to pay the cost of providing the jail, I suppose if the County does build it at their expense, and then said 'how you have to pay half the cost of providing this' that would be half the cost of paying off the mortgage. If you wanted to be really technical, half the cost of the bonds.

Commissioner Christensen: Doesn't it say that they have to be responsible for half the cost of the mortgage?

Mr. Sloan: It depends on how you interpret the cost of providing Commissioner.

Commissioner Christensen: Well that brings up an interesting point. The Bonds that built this City Hall are by no means paid off, and 40% of it belongs to the Police Department. Can we collect 50% of that from the County?

Mr. Sloan: I would be happy to look into that question.

Christensen: I sure wish you would, because I see this opinion, and lack of any knowledge of what this jail is going to cost. I know that this three and a half dollar figure came up as a match for the three and a half million that the County already had through Revenue Sharing, which they get many times more than the City does. So the 7 Million Dollar figure in no way shape or form is no where that I can find as being the cost of the jail. So if they have to provide half the jail facilities and we are going to have to provide half the jail facilities, gee whiz you know I think theirs is paid for and ours isn't, lets let them pick up half the cost.

Commissioner Lurie: I have a question. I don't know if there is anyone here who can answer it. When this bill was passed, as my understanding of the 75 Session of the Legislature. Before any Bill was passed that had any fiscal impact on any entity, there had to be a study made on how much impact it was going to have on the budget of either the City or the County, or whatever entity was involved. I don't recall ever receiving any type of fiscal impact study, concerning the impact that this is going to have on the City Budget by paying half the cost of the jail. When you get into the 3.5 Million that the City, it is the City's share, in which the county has already come up with their 3.5

out of Revenue Sharing. The cost of us borrowing the money is additional interest that we have to pay, the money is not free money. So we're looking at interest on top of the 3.5 Million plus operating costs. To this time and date, the location has not been chosen for the new jail, the cost of operating the new jail has not been determined; and I am not opposing borrowing the money at this time because I know we don't have to exercise the borrowing, once the Tax Commission gives us the approval for 18 months. I know down the road, we can look at a lot of these different areas, but the thing that I object to is not knowing where the end of the tunnel is. Based on some studies that the County has made available through science facilities, we're looking at the first phase of this operation, of building a new detention facility at 7 Million Dollars. It is my understanding that that 7 Million Dollars is going to build about 100,000 square foot facility. Like \$60.00 a square foot to build a jail, another \$13.00 to put the equipment in, and then they haven't even discussed the operating and the furnishings for the inside of the jail. I think we are ways a way from actually determining the exact cost. We're looking with the Detention Facility, Court House, Juvenile Facility, anywhere from 25 to 30 Million Dollars. The voters are going to be asked at a Bond Election on funding the new Court House, and the Juvenile Facility. Maybe the voters ought to be asked to if they want us to fund the new jail?

Mayor Briare: Commissioner I was going to ask Mr. Sloan if perhaps in the opinion that he has given here, or the way I read it. This is the Statute not his opinion. It has kind of dashed some hopes that I had. I did some home work over the past couple of weeks on this thing, and I thought that I might have something to offer as an alternative. But I am afraid that alternative has been erased this morning, when you indicate that the construction of the jail, the cost must be apportioned among the participating political subdivision. Therefore is it safe to assume that a General Bond Election for the County is ruled out? Because all of the expense must be borne by the Unincorporated County and the Incorporated City of Las Vegas, to the exclusion of Henderson, Boulder City and North Las Vegas, who are not members of the Metropolitan Police Commission, or Police Department. So consequently as Commissioner Lurie has eluded to, and as I had hoped that perhaps an alternate could be found, that would solve the problem in its entirety, right now, for 22 Million and 7 Hundred Thousand Dollars, at less cost to the City than this emergency loan would be.

Commissioner Leavitt: In view of the fact that this is a Public Hearing, I wonder if we could hear from the Public.

Mayor Briare: Well we are part of the Public Commissioner, and I think there is some comments that we have to clear up first. So with your indulgence, we will try to clear this up some, and then we will call on the people who are here.

Commissioner Leavitt: I would like to make a statement, but I would like to make it after the Public has an opportunity to be heard.

Mayor Briare: You will certainly have that opportunity. Could you comment on that Mr. Sloan?

Mr. Sloan: The Statute says "that the expense of providing and maintaining a jail shall be apportioned among the participating political subdivisions, as other expenses of the Department are apportioned." While it might have been wiser to provide in terms of a County wide Bond Issue; that is not the way I read the Statute.

Mayor Briare: So we can rule out possibility of having a Bond Election?

Mr. Sloan: I am not saying that the County cannot raise its sum by a Bond Issue, and the City cannot raise its sum by a Bond Issue.

Commissioner Christensen: It would sure be no point in the people from North Las Vegas, Henderson and Boulder City voting in favor of such a Bond Issue then would there?

Mr. Sloan: I believe I misunderstood you. I thought you were talking about having just the County having one single Bond Election.

Mayor Briare: Yes, that is what I was talking about, having a single General Obligation Bond issue, that the entire Clark County would vote on. Because this is a jail facility, it is a Public facility. I have a feeling that that is ruled out, that possibility is ruled out.

Mr. Sloan: Because the City of Las Vegas, the way I read the Statute, has an obligation to pay one half the cost.

Commissioner Christensen: Well, besides that, what the Mayor has eluded to; I think I got the picture Mayor what you are talking about right quick. What the Mayor is eluding to is that that jail facility is provided by the participating entities. North Las Vegas, Henderson and Boulder City are not participating entities. It would be fool hearty for them to vote for a Bond Issue in the County that would obligate them the money, when they are not part of the participating entity. What the Mayor is asking, would it be even legal to consider a Bond Issue for them, when they are not one of the participating entities? It would have to be a Bond Issue in the County excluding those areas. Because they are not one of the participating entities.

Mr. Sloan: The people who live in the City of North Las Vegas, Henderson and Boulder City, do derive certain benefits from the Metropolitan Police Commission and the....

Commissioner Christensen: Yes there is the rub.

Mr. Sloan: That may be a rub, but I am not sure again whether it is a legal rub.

Mayor Briare: Are there any questions or comments about the legal opinion from Mr. Sloan?

Commissioner Woolfer: Just one question before we get into the needs. Are we here now just addressing ourselves based on Mike's legal opinion, the question of whether or not we are going for a short term consideration loan. I like the points that you brought up and what Mike is making. Certainly North Las Vegas, Henderson and Boulder City benefit from this County Jail as much as the City of Las Vegas, and the County. Every felony arrest eventually if they are harbored anywhere, or contained, or a gross misdemeanor conviction, they're always in the County Jail. No matter where that arrest is in Clark County. I certainly believe that this should be given more consideration. Not only the City of Las Vegas and the County of Clark, but every one of these entities, since they benefit from the need for a County Jail. This should certainly be considered to carry their burden for construction of such a jail. I think we should consider the fact of including these entities, as far as consideration as to where this money is going to come from. I don't know if this is out of line or not, since we are here for a short term, but I certainly feel strongly on the fact that; well the City of North Las Vegas is over 50,000 and they certainly have their share of prisoners up in that County Jail. I think that before we make any decision, it should be looked into from the legal end, that they should be carrying their burden.

Commissioner Leavitt: Do I understand Mr. Sloan that that would take legislative action?

Mr. Sloan: That would be my understanding Commissioner.

Commissioner Leavitt: That doesn't change your opinion we would still be required to contribute one half towards the building of the jail?

Mr. Sloan: No it does not change my opinion.

Mayor Briare: Any other comments?

Commissioner Leavitt: I think what Commissioner Woofter says is certainly something that should be presented to the State Legislature.

Mayor Briare: The purpose of the Public Hearing is contained in a resolving clause of a proposed resolution before this Commission. That resolving clause is "It is hereby therefore resolved that the Board of City Commissioners of the City of Las Vegas proposes to borrow a sum not to exceed three and a half million dollars, to an annual interest rate of not more than 9 percent, to be repaid over a period of not more than 5 years. The funds are to be used to partially finance the cost of constructing a new County Jail". That is the matter before us and that is the subject of this Public Hearing, and I now ask if there is anyone in the audience to be heard on this matter.

Judge Goldman: My name is Judge Paul Goldman, I am the Chief Criminal Judge of the Eighth Judicial District Court of the State of Nevada and the County of Clark. Mr. Mayor, Commissioners, first I would like to say of course myself sitting on that court, and this Commission, that we have had our differences. They have had their vehement differences in the past. We are all aware of those, and we have had also I believe our profound agreements. I believe the requirement for an adequate jail facility here in Clark County is one of those areas of agreement. Commissioner Christensen has indicated that the problem is County wide, and I agree. In fact, I think when you are talking about annexation, consolidation or just aggregation, you are talking about input to this jail facility from all aspects of the County. North Las Vegas does have an input, in fact it might have; and I don't need to be critical, it might have a disproportionate input into the County Jail. Bearing in mind that we are sentencing about 150 people a month on the average on felony cases, just with four courts. That gives you an idea of what we are doing. Commissioner Lurie points out the possibilities of a Bond Issue perhaps. I am not going to take the opportunity to defend myself from every attack in the press, but recently a letter was signed by an irate mother. I had let someone out in the street that she thought perhaps should be in jail. Perhaps she is correct. If I knew her address I would send her a letter from an irate judge. Where was she when we needed the money for the jail? I don't think the death penalty is an appropriate sanction for everyone you send to jail. Frequently in certain cases that is the fact. I believe you will find since 1975, 10 persons have died in the Clark County Jail, and not from natural causes. I think it is a shocking thing by itself. We have numerous Grand Jurys, and the most recent report came down within the month, describing it. It is deplorable, dastardly, and every other thing that begins with "D". I believe that report was politely expressed. It is an understatement with the problems with the Clark County Jail. If you will take the time to read the paper this morning, you will find an interesting article by Mr. Baker. I guess he is a syndicated columnist. He points out that courts are frequently asked to solve political problems. That is not our function. What we are doing, but what we are doing, by inaction by various political bodies, is solving political problems. You are asking us to handle the criminal justice system without the adequate tools to do so. Your counter part, the County Commission; and as I read the newspapers, that Commission is about as counter as two parts can be. It indicated that a certain dollar amount would be required to build an adequate jail facility. When questioned by me on where they arrived at this figure, they said, that is all they could afford. They were going to build until they ran out of money.

Which would provide another interesting result for a prisoner who is in half a cell. I am simply suggesting this, that frankly 7 Million Dollars would not solve the problems we're facing. It simply will not. I think it does represent something we want to have though, because something is better than nothing. I think this Commission should be advised that the 7 Million Dollar Bite is not going to end it. That is going to be a healthy first step, and a healthy first step only. I am not speaking against that 7 Million Dollars, we would like to have it, we have to have it. I am simply saying that you had better educate yourself, and educate the public and arouse public support for the reason, that a great deal more money is going to be required before you really solve the problem. We talked about legislation being required. We have a Clark County Delegation, we have about 2/3 of the States population here; and I am constantly surprised of the inability of the Clark County Delegation to be cohesive enough to pass legislation which is for the benefit of the people who live in this County. I would suggest that we arouse public support upon our legislators to get something done. I am not sure that the State shouldn't have some bearing on this matter. Shouldn't have some burden. After all we bear a disproportionate share of the States problems, and we get a disproportionately small share of the State Revenue in my view. I would like to thank the Mayor and the Commission for allowing me to speak first, I am in the middle of a trial. I will look forward to the results of your public hearing with great interest. Thank you.

Mayor Briare: Judge you are going to have to leave are you?

Judge Goldman: I can stay for just a few minutes.

Mayor Briare: Are there any comments or questions by the Commission?

Commissioner Lurie: I have one comment to the Judge, and I appreciate your comment concerning the Legislature, because I think they create a lot of problems for us in Clark County. They go home, and they don't have to address them until every other year, and we have to live with them daily. I am not trying to sweep the problem under the rug, or trying to put the blame on any one particular entity, but I think we all have responsibilities and they have responsibility to the people of Clark County, as well as we do. I appreciate your comment on the criminal justice system, which is actually operated by the County. A lot of criminal justice activity that goes on, also concerns the residents of the City. I think possibly sometimes we ought to just go back, and let the City have back its Police Department, and let the County take the Sheriffs Department, and we will operate our City. We don't seem to be getting any closer together to any form of annexation or consolidation. It is just aggravation like you said. Sometimes I think that might be the proper way to go. We didn't have these problems when we had our own Police Department, and the City ran a fine operation. Now that we have consolidated, we have run in to a big problem.

Judge Goldman: Well, I think along those lines. It is ironic to me at least; that the Grand Jury found that the jail facility in North Las Vegas was one of the few that was really acceptable. Yet, they will not be required to bear any burden in regard to the County Jail, where the people eventually wind up. I think that is sort of having your cake and eating it too, in my view.

Commissioner Leavitt: Judge do you find that because of the over crowded conditions of the jail, that sometimes you, and your fellow judges are put in a position of having to make a determination in regards to priority? For example, whether or not to sentence a burglar as opposed to a robber. Well that would be the State Prison, but do you find yourself in a position that you felt that you couldn't actually sentence someone to the County Jail, because of this condition?

Judge Goldman: Well there are three circumstances in which someone will be sentenced to the County Jail right now. One is when they can't raise bail pending a trial or a hearing. Frequently the amount of bail you set determines whether they are going to be staying in jail, therefore my bail setting is affected drastically by the situation in the jail. Then we have sentencing of misdemeanors, and gross misdemeanors which are punishable only in the Clark County Jail. Then we have the punishment of felonies, and sometimes a lengthy stay in the Clark County Jail is sometimes therapeutic in my view. But the courts are being deprived of access to the jail in situations where it is really called for, because of the crowded conditions. I think you will find, and I see Assistant Sheriff Bart Jacka is here, you will find that sexual assaults, batterys, threats of all sorts, occur daily in the Clark County Jail. You have sometimes in excess of 100 in number, who are in the jail without the benefit of a bed. Now whether you think that is the proper treatment for people who are held in custody does not concern me. I am telling you that as a matter of law it is not proper treatment, and we are going to be subject to sanctions one of these days.

Commissioner Leavitt: And as a result of this, there is a lot of times; in other words, the way I understand what you are saying is, that you set what you consider low bail for the offense, or you allow them to be released on their own recognizance without bail. Rather than be put in that kind of situation in the County Jail. Is that correct?

Judge Goldman: That is correct. I think you will find that victims of burglary, that that is a very distasteful offense to be the victim of. Yet on a scale of 1 to 10, it is a 1 compared to murderers, rapists and robbers. So you are more likely to release a burglar because of the conditions of the jail, than you are someone else.

Commissioner Leavitt: In other words, it boils down to priorities.

Judge Goldman: That is right.

Commissioner Woofter: Judge there are a couple of comments you made, that I was going to make later. In the fact that you agree that 3.5 on the part of the City, and 3.5 on the part of the County, certainly is not going to take care of the need. It is hard to tell what is going to take to cover the need down the line. Yet you said "something is better than nothing". This is what concerns me, because as you know, you were in the District Attorneys Office the same time I was. I can recall after 1971 when I was elected District Attorney, both of these jail came into effect after 1971. I don't know how many millions it took to build a jail in City Hall? How many millions it took to make additions to the jail in the County Court House? Here we are in less than four or five years, saying this is not meeting Federal requirements. That we have to go out on a limb at this short time, as far as sense of construction, and going in debt 7 Million, when we know for a fact that this is not going to do the job. So that means we put 7 Million in the kitty, and two or three years from now we are going to be asked for 7 more Million. My question is, and I think more or less I read in between what you stated Judge, that, is there any room for a little more study before we consider a short term financing? To see if what ever we do is going to resolve this situation. Where we don't have to come back four years down the road and say, "well this jail we built is not satisfying the need, we have to go to the taxpayers again, and build another damn new jail".

Judge Goldman: Let me answer that in two stages Roy. Number one is we are all, and I am including this Commission and the Mayor, and the public. We are paying the penalty right now; for the lack of foresight of people who occupied your seats 10, and 15 years ago. I don't want people 15 years from today saying that we failed to have foresight, and failed to take action. I think frankly it is to late today to solve the problem in short term, it is just to late. That is because of lack of planning in the past. That 7 Million will give us interim short term relief I believe. When you ask about a study I am vigorously opposed to that word. That has bad connotations for me. I would be here to propose that the 7 Million Dollars be expended as wisely as possible; and I do not suggest for a moment that that will build a new jail, it certainly won't. It might provide us, providing on the location and the type of structure with perhaps 200 beds. Which we will fill of course one year from today. But I would propose that we at least think about it, but lets rely on our local experts. I may not look like much of an expert, but I guess I am supposed to be. We have plenty of competent people in this town that can tell you what the problem is. The County Commission, your counterpart, would prefer to listen to persons who are hired as outside consultants apparently. I think it is cheaper, and a lot more direct, and more accurate. if you rely on people on the scene who know what they are talking about. But I say yes, lets get together, and lets plan what we really need. Lets recognize today, that we are going to need a great deal more money than 7 Million Dollars, but we are going to need that money too.

Commissioner Leavitt: I would just point out, that the 7 Million Dollars everybody knows, is only the beginning. But the plan of course, is to build a jail in stages of modular construction. The 7 Million Dollars of course could be the first phase of that construction. What happens in the future of course is going to depend on a lot of things. As I indicated, the legislature will probably meet again before we expend any more money on the jail. We may have annexation, consolidation, whatever you want to call it, and there is a lot of things that could happen to the City Financial picture. I think at least the 7 Million Dollars, should be used for the first phase, and nobody should be kidded. It is going to cost a lot more. Nobody should take the understanding that 7 Million Dollars is going to build a jail, because it won't. It won't satisfy the needs of this Community. As the Judge has indicated, it would only be a start, the first bite. We have to look down the road to future expansion, and that is the reason that the Metropolitan Police Commission, and the architects have indicated that this jail will be built in modular sections. So that it can be added onto.

Mayor Briare: Just before you leave Judge, I would like to make one comment and ask your opinion on this portion of it, because I am also going to ask Mr. Konger and Mr. Jacka, if they would dwell on it just for a few moments. The one part that concerns the Judges, of course can only be addressed to you. That is the population of the jail. As I understand, there are about 28 average daily attendance. I hate to use that, it sounds like the Clark County School, but the average daily attendance is about 28 federally contracted inmates, 68 misdemeanor inmate who are waiting trial, and 41 felony inmates who have been sentenced to County Jail terms. It is the last one that I want to ask you about. I hope you will kind of gather what the gist of my inquiry is going to be, of those who are experts in the jail system, which most assuredly I am not. But the Grand Jury report indicated the capacity of the combined County and City Jail was 550 inmates. We know that it is way over that. However, if 137 prisoners were taken away from that facility at the Court House, 28 of them being Federal Inmates, who could go in their own federal jails. The misdemeanor inmates who are accused of misdemeanors and perhaps could take less security than a full maximum security facility. Then the felony inmates. Why does a judge assign or sentence a felon, who should be the responsibility of the State, to a County Facility, which is the responsibility of the County?

Judge Goldman: I am glad that you asked me that question. If I were to give you a hypothetical person, say a 17 year old young man, that has had no prior felony convictions, or no prior arrests or contacts with the law. Lets say he is found with a bag of marijuana. He is therefore guilty of a felony, or could be treated so under the first sentencing. Not unless you want to get that persons attention, and I think one way of doing that is giving him a brief stint in the Clark County Jail. A day in the Clark County Jail is like a year anywhere else. You might also have to bear in mind, that the system is so crowded, that if you send someone to prison today it might be a week or two before he can get transferred to the Nevada State Prison, so they can make room for him. I have the distinction of having numerous applications filed with my court from persons of the Clark County Jail, asking to be transferred to the Nevada State Prison. That must tell you something. It is not because it is cooler up there. There is a required need to have felons post sentencing in the Clark County Jail. It should be a viable alternative. I would also point out that Judges in the District Courts are using the County Jails for that purpose, and we also handle appeals from the Municipal Court. About a year ago I had a young man who was in jail, He was put in jail for six months by a Municipal Judge for sleeping in public. I presume it was on the grounds that he was a repeat sleeper. I have had narcotics offenders that spend less time in jail than that. We are dealing here with a variety of judges and sentencing approaches. Which is a fact of life. The real fact is, that our jail population is growing faster than our facility. As Commissioner Leavitt says, "it is going to be two years before you can spend any money anyhow." That is what I say. It is to late to try to solve the problem today. It is not to late to solve the short term problem two years from now.

Commissioner Woofter: You mentioned that if there were certain alternatives that possibly; like I have heard too, from several of my clients. That they would rather spend three years up in Carson City than they would one in the jail here in Las Vegas. How about this consideration. Maybe we have considered it and maybe we haven't. Mr. Sloan certainly mentioned it to me. What about Jean? We have a medium security prison that is being built out there. Wouldn't that give you that alternative to send them to Jean, rather than Carson City?

Commissioner Leavitt: The State Legislature has appropriated 14 Million Dollars for the improvement of the State Prison. I have also been informed by the Warden, that the Jean Facility will be full the day it opens.

Judge Goldman: That is correct Commissioner. It started out as a 250 bed institution, it is supposed to be medium minimum. It has now turned into a 350 bed medium security institution which is already obsolete the day it opens, and they haven't even finished putting the walls up yet. It is also not available to the courts here. I can recommend to the Warden to put someone somewhere, but I can't control that. When that institution is open, I will be sending them to the Warden and he will be putting them where he sees fit. Our Prison System in Carson City is so bad that if you are 21 or under, no matter what your offense is, you are put in medium security. I have sent people to prison, who have committed the most atrocious crimes, who are immediately transferred to the medium security. Because the maximum security institution is so poor. As you say Commissioners, they spent 12 Million Dollars to upgrade that institution in Carson City, and we are supposed to build one for 7. It is just not going to happen.

Commissioner Christensen: Well the thing that bothers me this whole line of conversation is, that you have got a similar situation on the State Level. They are overcrowded too, and so we are going to pick up some more of their burden. That is what the Mayor is complaining about. I agree with him. I am sorry that the prison in Carson City is full. I am sorry that the Jean Prison is going to be full the day it opens. I am sorry about those things. But by the same token, let the State pay a portion of this prison, if we are going to build a prison that will house State prisoners.

Judge Goldman: I would like to partially answer that question Commissioner Christensen. I ordered an individual to prison who was a paraplegic, and I ordered him to be held locally until such time as they had a place for him in Carson City. Because I was advised that they did not. He incurred at County expense in excess of \$7,000.00 in bills before going to Carson City. I ordered the State to accept that cost, but I don't know whether it is going to stick or not. I don't know.

Commissioner Leavitt: The Judge has indicated that he is on our side.

Commissioner Christensen: Well I know that, but I think that part should be made clear, that the reasons why you can't use the State Facility, to me are invalid reasons. That is the same reason we can't use our own.

Commissioner Leavitt: Well the Judge indicated right from the beginning, that we had to get the Clark County Delegation to take care of that situation. I don't think we have control over that, and neither does the Judge.

Commissioner Christensen: Well why don't we release those State Prisoners to Carson City and say "here he is", and let them keep him in Carson City somewhere.

Judge Goldman: Well, if you are ready for this. We don't have adequate transportation facilities either. I had four last week asking to go to prison, applying for a trip up North, and one of the four went. Because the plane was full. They don't have resources available to even transport them.

Commissioner Lurie: Judge I have one question. It has been brought to my attention that some of the people that you have sentenced, to say 5 years, 10 years, are back before you a second time. Because they never served the original sentence. Is that correct?

Judge Goldman: That is correct. I cannot make a direct allegation, but I suspect this is true. To make room for some of the prisoners that are coming in the front door, they are throwing people out the back door. If you give someone 10 years, you are lucky if they do two years max. So they would be back in the cycle very soon. It is my opinion, if I may say so briefly here. I think the majority of the crimes are committed by a small amount of criminals that has to be kept off the streets for long periods of time. By putting them on a tread mill, up to prison and back to court, up to prison and back to court, is not going to solve the problem.

Commissioner Lurie: Well my question is, if the prisons are so bad, you would think they wouldn't want to get before you a second time?

Judge Goldman: They are not there long enough to have a bad time.

Mayor Briare: Thank you very much for your appearance here.

This Public Hearing on the question of whether the City should borrow 3.5 Million Dollars, is there anyone else who wishes to speak on this matter?

Rev. Ralph Miller: My comments will be brief. Some twenty years ago, Doctor Marvin Brock, Associate Professor of Medicine at the University of Buffalo, who was at that time for many years, the Chairman of the Committee on Alcoholism; and the Council on Mental Health of the American Medical Association; and the man responsible for causing the American Medical Association to declare Alcoholism as a disease. Doctor Brock came to speak to the State Medical Society at the old Frontier Hotel of Nevada. He was sent here by the National Council of Alcoholism, at the invitation of the State Medical Society. It is hard to believe now, but it was the first time a doctor ever addressed the State Medical Society on the disease of Alcoholism. It was sensational then, but it would not be very sensational now. Doctor Brock said "an alcoholic going through "DTs is to be considered a major medical emergency, as much as if you were going through a coronary attack." I would apply to what Doctor Brock said then, to what we have now in the County Jail. You gentlemen have the great responsibility, a fiscal responsibility in this rapidly growing community, and any problem coming before you is complicated by that fiscal responsibility. Believe me I know. We have in the County Jail what is equivalent to a major medical emergency. The most costly, and the most uneconomic thing that can be done, is not meet head on a major medical emergency. As we look upon the problems in the County Jail as of right now, there is one medical emergency after another. I would urge you gentlemen, and I know what the problem of fiscal responsibility is, but I would urge you gentlemen to initiate a crash program. Knowing you, I know that you can solve the problem. Because when the need is great enough God makes the solution come before us money or no money. I urge you to adopt a crash program to meet head on the major medical emergency in the County Jail. Thank you.

Mayor Briare: Thank you very much.

Florence McClure: I am the Director of Community Action Against Rape. I wish to speak to the need for a facility to house the prisoners properly. Not using a County Club concept, but a modern one that guards, and jailers can maintain order instead of the prisoners being in charge. As the name of our organization implies, we are against sexual assaults, and that applies to jail facilities, as well as out in the general population. The reports of homosexual rape coming out of surveys, and Grand Jurys, made at the jail facility should make all of us very ashamed. Our U.S. Constitution provides that the individuals will not be subjected to cruel, and unusual punishment. That is what is happening, when some are housed in our jails. We do not suffer any illusions that these attacks can be eliminated completely. But with proper facilities and supervision, they can be cut to a much lower rate. Last year some men housed in the jail were investigated, and charged with homosexual assault on prisoners. Another thing that has me worried is the facility in Jean. I see that facility rising from the desert, and see this condition in our jails, and I worry that someone will get the idea that the new facilities there can be used for overflow from the jail. That facility was financed by the State Legislature with the provision that it is to house first offenders, nonviolent crimes, for males under 25. I have spoken for this type of facility for years, as I do not want young men housed with hardened criminals where they can obtain that higher degree on how to commit crimes. Time Magazine recently had a cover story on youth crime, and I was sick when I finished reading it. I have been told that over 50% of the crimes in this community are committed by juveniles. Where possible, we should try to turn the tide against their later moving in to the violent crime area. Youth involved in violent crimes should not be confined with nonviolent offenders. I am not the bleeding heart for rehabilitation that I used to be, however, I am for humane confinement, and those confined to be secure in their person. They should not have to give up this right when

sentenced to a correctional facility. Lets stick to the original concept. Jean facility is to be maintained for the first time offender, nonviolent crimes, under 25. Lets not set them up for homosexual attacks from older men who are hardened criminals. Segregate the offenders to prevent, or at least reduce the possibility of such attacks. Let us not perpetuate crime by overcrowding and the insane methods we have used in the past. Placement of nonviolent criminals in with violent ones who have even committed murder. There is no question that a new facility is needed. Professor Paul Brantingham, of Florida State University, has just finished a study of 250 U.S. Cities, using FBI reports for 1975. The results show that Las Vegas is number one of the 250 cities. The report appeared in the RJ last week. I have written him asking for a copy. This kind of story can eventually effect our main industry, tourism, and we had better face up to it right now. Our tremendous growth is one of the main reasons for this crime rate, according to the professor. We cannot ignore the problem.

Mayor Briare: Thank you.

Shirley Boyer: I am a Citizen and a Community person of Las Vegas for many many years. I am here because I have served on quite a few committees, and commissions wherein. I think I have obtained quite a bit of knowledge of what is happening in the criminal justice system here in Southern Nevada. The new facility as planned, is strictly a duplication of the same problems which you would like to eliminate in the present jail. The need for a larger jail is not as great as the need for a better jail. We have all stated that the jail is overcrowded, and I agree. May I make some suggestions, as to how the situation can be greatly alleviated?

Mayor Briare: Just one second. I know that recommendations and suggestions for construction and location, and types of facilities and so forth are very very important. However I wonder, perhaps they would be better made to the Metropolitan Police Commission, who was charged with that responsibility. It really is difficult to define exactly, but this Public Hearing today, this is a Public Hearing regarding the fiscal part of the jail. I don't think there is any question as to whether there is a need for a jail. That is obvious. But the fiscal part of it is the one that we would love to have your suggestions. As far as the construction, and the facilities, that goes before the Police Commission.

Shirley Boyer: Fine, but I also think Mayor, that in view of that fact that I have served on some of these Commissions, and we have had studies in the past, that one or two of them should be considered. I will only take a few moments of your time. I don't know whether you have the Nevada Correctional Master Plan for the State of Nevada?

Mayor Briare: I am sure the Metropolitan Police Commission does.

Shirley Boyer: Well, I think that the Commissioners should be aware of what the plan is about. They should have read it before they asked for a new jail. Number one, the projected cost of the Nevada Jail System, both for construction and full operation could be reduced dramatically by up to 100 Million Dollars, between now and 1990, if you would read the Master Plan. Now there are provisions in the Master Plan for alternatives for incarceration. I did a study of the jail from the booking sheets, as to who was in the jail and what they were in jail for. I think the Commissioners here should have the report of this study. This was done for only one month. I started, rather some of the students that work with me, started to do these studies from other months, but we found that they were very very close. Therefore, I would like to submit this study to you. In order for the people out there to know what I am talking about; we listed the arrests in the jail. We have two columns; those that should have been

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and those that should not have been arrested. These are all misdemeanors. They shouldn't have been in jail in the first place.

Mayor Briare: I am very sorry I hope you are not going to think that I am too rude, but we have an entire City Commission meeting to go through today. It wasn't our intention to get into all of the details that you are going to here. I think that in fairness to others that have to speak this morning, that you should confine your remarks to the particular portion that we are involved in here. That is the fiscal matters in financing the jail. All of these things are very interesting, and I would be happy to review those papers, and I know that the other Commissioners would too. Really, I must ask you if you would confine yourself to the subject of the Public Hearing.

Shirley Boyer: I will take into consideration what you ask me to do. I know that you have a busy morning. I close by saying that, you are talking about expenditure of money, which I believe doesn't have to be expended in the first place. I would like to hear a little more talk about alternatives to incarceration, which is desperately needed here in Southern Nevada.

Mayor Briare: Thank you very much, and we thank you very much for your understanding. Next person, Senator.

Mr. Bill Hernstadt: I am speaking in both my capacity as a State Senator, and as a Broadcaster in the Community. I will be brief because I know how much you have to do here. In my capacity as a State Senator, I am speaking only for myself and not for other Senators, or the Legislature. I served on the Senate Committee on Human Resources, and Facilities, which handles the State Prison System. I am happy to report, that the State is spending 14 Million Dollars to enhance the State System. Both in Jean and rebuilding the maximum prison up in Carson City. I know that it is a difficult decision that you gentlemen face today, but I urge your favorable consideration of spending the 3.5 Million Dollars, to go ahead with your share. The County has already bitten their bullet for their 3.5 Million, and they have to face coming up with additional funds for the juvenile area. We are a tourism Community, and yet we are faced with the highest crime rate of any major city in the Country. This is something that I don't consider as an optional expense. I think it is a mandatory expense to protect our tourism industry. While we are inviting people to come here, and have a good time, we cannot expect that they are going to be robbed, or mugged, or anything else. The Sheriff can do as good a job as possible, and his men can arrest people, but if there is no place to put them they are going to be let out. The Judges, some of whom are blamed as being soft; they have a very difficult decision to make. Where are they going to put these people? So you can't blame the Judges. We are faced with a real estate problem, and I think there is certain mandatory expenses that you have to face. Like paying Nevada Power for your power bill for your City Hall here. Housing criminals is a thing that has to be done. The Government has a monopoly on the court system and on the jails. We don't live in a vigilante society, and we don't go out and settle our own grievances. This is something that I would urge you to favorably consider for the good name of our tourism industry.

Mayor Briare: I might make the comment that you indicated That the County has come up with their share of the money with Revenue Sharing Monies, which they are very fortunate to have that much cash available right now. There they don't have to go out and borrow. You also indicated that they are talking about a Bond Issue, which is a traditional method of financing Capital Improvements. One of which I concur and approve of. The City is talking about the possibility of going to an emergency; to go to short term financing. There the end cost could be 4.5 Million Dollars, depending upon what the interest rate would be. We are not quite in the same position. So when you say that the County has come up with theirs, it would lead you to the conclusion that perhaps the City could come up with theirs. Golly we sure wish that we had some money to come up with right now. I appreciate your comments however.

Commissioner Lurie: I have a comment to make to the Senator. I am still trying to find out about this fiscal impact that this Bill has on our budget. Why wasn't a study done on the Bill that was passed at the 75 Session, saying that any fiscal responsibility to an entity, that a fiscal note had to be attached? Didn't the legislature look at the impact that a Bill such as this is going to have on the budget of Las Vegas? Also, you speak about the tourist industry here, and we are all concerned with that. Because that is our livelihood. But we have come up to the Legislature many times looking for the Legislature to give us more money, to operate our Cities, and one item is the entertainment tax. That is paid strictly by the tourists. I would like to know if maybe you would support us next time at the Legislature, in seeing some of that 8 Million Dollars that Clark County pays into the States coffers, could be channeled back down into Clark County. To help us with out police protection, and the tourists, and the Citizens who live here.

Mr. Hernstadt: I would be delighted to do that. I have said to my other members of the Clark County Delegation, that I am appalled that we keep getting a smaller proportion of the money that goes up, than what comes back down. I might point out, however, that on my role on this Committee on Human Resources and Facilities, no one came before that Committee; which is responsible for studying the jails, and made any request to us. From the point of view of the City of Las Vegas, or the County saying they wanted money for an additional facility down here. I am not on the Senate Finance Committee, and such a pitch may have been made to them, but it was not made to our Facilities Committee. I would urge you to try, and get the other members of the Clark County Delegation, and there is an absolute majority of 11 Senators and 22 Assemblymen to fund adequately the needs of our people down here.

Commissioner Lurie: Well Senator, that is one of the reasons I brought it up at a Public Meeting. Because of the New Open Meeting Law, I wanted it known to the Public, and everybody concerned. We have been trying for the last three sessions to get money channeled down here. I asked the City Attorney to get me the Bill, the Statute, which is 218.2723, "if a fiscal note requires to build, having financial impact on local governments". Now by reading this, and I will read it to you, maybe it will be familiar to you. It says, "Before any Bill which has a financial impact on local Governments, considered at a Public Hearing of any Committee of the Assembly, or the Senate before a vote is taken thereon by such Committees, the Research and Fiscal Analysis Division shall prepare a fiscal note, after consultations with the appropriate local governments, or their representatives." I don't ever recall seeing any type of fiscal note attached to AB 17. I believe that, based on my own personal view, and I am not an attorney. I think that Bill can be challenged in the Courts, based on not having a fiscal note attached. I know what my responsibility is to the people I represent in the City of Las Vegas, but I resent the fact of having the Legislature pass Bills that are going to put a burden on the taxpayers, and then they go home and we have to live with it. We have to be put through what we are being put through today

to build a facility that we don't know how much it is going to cost. They are just saying it is going to cost 7 Million Dollars for the first phase, but I don't know what phase 2, 3, 4 or 5 is going to cost. I think that as a Commissioner, going back out to my constituents I have to be able to answer these questions. They ask me, where is the money going to come from.

Mr. Hernstadt: Well, to briefly answer your question you are right. Every Bill that has a fiscal impact has to have a fiscal note. In my part of the house, the Senate, if any one Senator says that there is a fiscal note missing, that Bill can be placed on the desk, and the Lieutenant Governor can order a fiscal note be produced, and that Bill can go no further. No Senator made that request, and to my knowledge no City Official ever asked any Senator to make that request.

Commissioner Lurie: Well the thing is, this fiscal note on the Bill. It says "Local Government impact - No."

Mr. Hernstadt: Well just because it says that doesn't mean it is so. If you felt at the time....

Commissioner Christensen: It is typical with a lot of our legislation.

Mr. Hernstadt: Any one of us could have asked for that, and it would have had to be produced.

Commissioner Lurie: I am just saying there is an impact on our budget.

Mr. Hernstadt: Well I just hope you understand, that....

Commissioner Lurie: I know that you are going back in 79, and I heard it here and it is in the record. That you are going to support us on helping us get some of that entertainment cash back down here in the local government. So we can provide public safety for the Community.

Mr. Hernstadt: Well I have been saying this all along, and I have said this during the 1977 session too.

Mayor Briare: I'll bet you are the first legislative official in the State of Nevada, who has been lobbied in the Public, With the Press and a whole audience in attendance.

Mr. Hernstadt: I hope my lobbying of you also is effective in that you vote favorably on the 3.5 Million Dollar temporary loan. Thank you.

Commissioner Christensen: I have one question I would like to ask the Senator. Your business is in Henderson is it not?

Mr. Hernstadt: That is correct.

Commissioner Christensen: Would you be willing to place an extra tax burden on your business for the jail in Las Vegas?

Mr. Hernstadt: Well we have a jail in Henderson, and we pay taxes to support that particular jail. So you are asking us to pay twice.

Commissioner Christensen: Well I am asking you as a Henderson businessman if you are willing to pay twice too.

Mr. Hernstadt: Well the Henderson people are paying twice too, because they have the Henderson jail, but they

pay their share of the County Revenue, which goes 50% into the Metro Budget. I don't understand your question.

Commissioner Christensen: My question is; would you be willing to place an extra tax burden on your business to support the jail in Clark County?

Mr. Hernstadt: Well, until I understood the rationale behind it, which I don't think you have explained it, I wouldn't commit myself one way or another on that.

Commissioner Leavitt: No one agrees to taxes Commissioner.

Mr. Hernstadt: No one agrees to taxes.

Commissioner Christensen: Well everyone seems to agree that it is perfectly fine for the residents of the City of Las Vegas to pick up 70% of the cost. That is what bothers me. Everybody says "yes, we need this new jail", but the City Residents, my constituents, has to pay 70% of that total cost, and we have got less than 50% of the population. That is wrong.

Mr. Hernstadt: The broadcasters survey that all the different Radio and TV Stations know as to what is wrong with the Community; the top item, or next to the top item has been crime. If you don't have a place to put these people it is just going to get worse.

Commissioner Christensen: I realize that, but don't you believe, that people would be more sympathetic to the problems of crime and do something about it if it was on an equitable basis? Let me pose another question. You don't live in Henderson your business is there. But if you lived in Henderson. The elected City Councilmen, that appoints your Police Chief, the elected County Commissioner, that runs my Police Department, and when we elect the Sheriff, that is my Police Chief. I just elect my Sheriff, I don't get to elect my Police Chief. I don't get to elect the City Councilman who can pick a Police Chief. Does that seem equitable to you?

Mr. Hernstadt: There is a great deal of inequity, and I think George Franklin has pointed that out over the years. The problem of not having adequate representation. I think you are evading the basic issue today, which is whether you are going to bite the bullet or not.

Commissioner Christensen: My question isn't whether we are going to bite the bullet. It is how much of that bullet I have to eat.

Mr. Hernstadt: As inequitable as it is, I am suggesting that you eat it even if it is inequitable. Because otherwise we are going to have a crime problem.

Commissioner Christensen: You know we had a jail that we had to throw in, I don't mind that, and we could have put a kitchen in it for a heck of a lot less than 2.5 Million Dollars, there is no question about that. Before anybody raises that Red Herring. Now we have got the County Court system coming to us for land to put the Juvenile Home on they want that free gratis. There is no Bill in the Legislature or passed by the Legislature, that says we are responsible 50/50 for funding the courts along with the rest of the County. Nevertheless, we are having to provide free land for the Juvenile Facility by a vote of this Board. Now we have to double up the taxes on the jail. It has already been indicated that this 3.5 Million Dollars isn't even going to scratch the surface. A vote to fund a jail 50/50 with the County today, and it is a vote to bankrupt the City of Las Vegas, without instant relief from some where else. That is what we are looking at.

You are a resident of the County, I am a resident of the City of Las Vegas. Would that scare you, if you were paying an extra 40% ?

Mr. Hernstadt: I have a 2 Million Dollar apartment complex in the City. It certainly bothers me, but I might point out that you are reputed to have the best lobbyist of the entire session up there. It is strange that you now say how badly you came off.

Commissioner Christensen: This is the whole irony of the situation. We had the best lobbyist up there and we came off badly. But we were better off than we were two years before, when we really came off badly. When we lost our Police Department, when we lost our Sanitation Department, and when we almost lost the Charter to the City of Las Vegas. We still at least have a City, and in 75 we almost didn't have that.

Commissioner Woofter: Senator, and it took a layman. Commissioner Lurie to bring this out, but looking at it from a legal standpoint this 218.2723, in consulting with our City Attorney, that seems to be mandatory. "Before a vote is taken by any such Committee, the Research Fiscal Analysis Division shall prepare a fiscal note. After consultation with the appropriate local governments, or their representatives." I would say reading that, that the burden is upon that division to contact whatever entity is concerned to get their view. That is mandatory. I am just wondering. I am going to ask Mr. Sloan now, because of that mandatory nature. Reviewing your legal opinion, would this change your opinion in any respect?

Mr. Sloan: Commissioner I do apologize. That question was not addressed in our opinion. I had overlooked that. That question was not addressed to our office, and I did not catch it on my own. When I was upstairs I had a hurried phone call with the Legislative Counsel. Mr. Dickson was out of town, but I spoke to one of his assistants. They were not certain that this question had ever been addressed by the Attorney General, or by the Courts. They felt perhaps that it was not as mandatory as it appears on the face of the Statute. I am not in a position at this time to advise you; as to whether or not the failure of the Legislature to comply with that requirement, would undercut the validity of AB 17. I am not sure whether or not the fiscal division of the Legislature made any of the arrangements contemplated by that Statute. Even though it was not reflected on the face of the Bill. I think that one should investigate whether or not the Legislature complied with that provision, and if it has not been complied with, I think it would be appropriate for us to consider asking the Attorney General for his guidance, as to whether failure to comply would have an impact on the legality of AB 17.

Mayor Briare: Thank you very much Senator. We appreciate your appearance here, and we know that you are vitally interested in this. The only difficulty is, that you came here after a time when the County Commissioners had been discussing this for a long time. The Legislature discussed it, and then a law passed, and it became effective July 1st, and all of a sudden we have got it. All of these things piled into one makes it difficult within an hour or so to try to make sense of the whole situation

Mr. Hernstadt: Mayor if I could just make one brief point. This is in response to the City Attorneys comment. Even if it were decided that you wanted to challenge AB 17 as long as it is Constitutional in other respects I am not an attorney, but I would suspect that it would hold up, if that was the only aspect that was in question. I would urge you, because of the urgency of the situation at the jail, that you put aside these technical objections and get on with the business. Otherwise some Civil Libertarian is going to come along with a suit. You are going to wake up one morning and find that 200 or 300 people are going to have to be released from the jail. I don't think any one of you wants to see that kind of a headache.

Mayor Briare: In other words, the legal technicalities are not going to make the need go away.

Mr. Hernstadt: That is right.

Mayor Briare: Thank you very much. We are going to continue this Public Hearing, but I want to make an announcement to the ladies and gentlemen that are here on planning matters. We have four more Public Hearings that are under the agenda of Board of Zoning Adjustments that hopefully would have started around 10:00. There is a great deal of business that has to be concluded first before we get to the Planning Commission agenda. By all means you are welcome and urged to stay. I think that probably many of you are interested in this subject here, but for any of you who have some time problems, I would like to suggest to you that those items that are on the Planning Commission agenda, the Community Planning and Development Department, it would be hoped that we could begin the Planning Department agenda this afternoon. I want to make that announcement for those of you who are here specifically for an item on the Planning Commission. Is there anyone else who wishes to be heard on the Public Hearing on the Resolution of the City to borrow 3.5 Million Dollars?

Mr. Gordon Brusso: I live at 508 San Pablo Drive. I would just like to reiterate what Senator Hernstadt, and Judge Goldman have been saying. Naturally whenever we get on a subject of this nature it will open a large number of problems. However, we do have an urgent need. You must keep in mind two things. Las Vegas is the largest growing Community in the United States. You also have a crime rate growth of 16.9 percent. So you get down to a simple hard cold factor of, you have to have a place to put people. You couple this with the human rights problem, with Constitutional problems, and we are going to be in very deep trouble. Senator Hernstadt brought out, that what is going to happen is, that you are going to wake up one morning and 200 people are order released. You will just add an injury to a big problem.

Mayor Briare: Thank you. All matters that are on the agenda under the category, Board of Zoning Adjustments, under the Public Hearing portion will be taken care of this morning. Anyone else who wishes to speak on the Resolution for the City to borrow 3.5 Million Dollars?

Stephanie Barrett: Director of the American Civil Liberties Union. The gentleman that just spoke, Senator Hernstadt, spoke about Civil Libertarians bringing suits about the County Jail. It is true, there is one in progress. The problem comes in when you spend this 7 Million Dollars you are proposing to spend, and find that the new jail is no better off than the old one. No provision is being made for the increase in crime, or an increase in prisoners, or an increase for the overload in the courts. It would be perhaps possible for the City to begin thinking in terms of alternatives to incarceration. The pretrial release program

which was in effect which was in Clark County some time ago, and which was stopped, the expenditure for it by the County Commission, was a program that not only worked extremely well, but it was considered one of the best in the Country. It kept people out of the jail situation which is less a burden to the taxpayer. If you can keep misdemeanors, and persons who can be released on their own recognizance out of the jail, you will also save the taxpayers a good deal of money. Now on the fiscal problems that seem to be arising here. Commissioner Christensen has made a very good point. In that the inequitable distribution of the way the tax dollars are required of the City and the County. Certainly Henderson, Boulder City, and the other parts should be required to pay their fair share if you must build a new jail. We would certainly recommend that this act, AB 17 be looked at very very carefully to determine its Constitutionality in that it may deprive the City of Las Vegas of its due process.

Mayor Briare: Thank you. Anyone else who wishes to be heard at this Public Hearing on the Resolution to borrow 3.5 Million Dollars?

Commissioner Leavitt: We have all had presented to us a break down of the present bond of indebtedness. The City of Las Vegas has gone from 1972 to 35 Million, to where it is now 12.8 Million Dollars. You also have received a resume from the City Manager, and the Director of Financial Management, which indicates, that if this money is borrowed after July 1978, that the current tax rate that we are now paying for debt services would continue. That there would be no increase in regards to the amount of our tax rate concerning our debt services. In view of that, it would indicate that there would be no need for any cut backs in services, because this is the rate we are currently paying. There would be no need for any cut backs in Capital Improvement, because the money that is coming for Capital Improvements, is coming from other sources. I would also point out that, the question has been raised regarding the operational cost of the jail itself. Assembly Bill 17 also provided that the formula of 52½ percent to 47½ percent was changed to a 50/50 proposition. As a result of that the City will now have to pay 1.1 Million Dollars less into the Metropolitan Police Budget than it did in previous years. In view of these things, and in view of the things that have been said regarding the Public Hearing, there is no question about the need for the new jail. At this time I move for the adoption of the Resolution.

Mayor: On the question I am going to first call on Mr. Jacka to ask if he would like to make any comments. The Public Hearing is still open Mr. Jacka. It has not as yet been closed.

Mr. Jacka: I am Barton Jacka Assistant Sheriff, Las Vegas Metropolitan Police Department. I feel that I would be void in my responsibilities if I were not to respond to a couple of comments that have been made this morning. Before I comment however, I might note to you that the Department, on behalf of the Sheriff, certainly supports the need for the expenditure of funds to eliminate the problems that presently exist in the jail facilities under the jurisdiction of the Police Department. That not only includes the main facility at the County Court House, but the annex facility here in City Hall, and some of the substations in Clark County throughout the County. Even though we are not addressing substation facilities throughout the County at this time. There has been some exaggeration about some of the problems. I don't intend to particularly enumerate what those exaggerations are. I think that perhaps a lack of communications, based upon where these people gained their data. But the end result is generally, that the people that have spoken to you this

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morning support the concept. An item of interest was raised at the last City Commission Meeting, when this was originally scheduled. The Mayor asked me what it would cost in my opinion and let me preface that. My opinion is not an expert in detention. I am a police officer, and I function as an administrator, so I have to operate with the best information that is available. Not specifically jails, but the information provided to me that over the long haul. To provide a facility that meets modern day standards and not a country club. A detention facility that meets the standards would cost us anywhere from 22 to 25 Million Dollars. The Mayor in a memorandum to our office asked what it would cost to eliminate the immediate problem in the Clark County Jail. Our answer to that is, somewhere between 7 and 10 Million Dollars. We purposely did not respond to the question that had been asked by the Mayor. About what the operational costs would be. That is a physical impossibility to respond to at this point. since we don't know the depth of the facility that can be built for 7 Million Dollars. It will be reasonable however in the operational costs. If we are fortunate in obtaining your approval for short term financing for this project. If we are able to select, after the Police Commission appoints them an architect, to study the problem. Then we are going to know what type of facility we have, and operationally what it will cost us to operate. Hopefully in the long haul going to be able to transfer some of the personnel in some of these other facilities, to operate this facility. It would be our intention that the main facility, commonly referred to as the main facility in the Clark County Court House, to be used as a Court Holding Facility. Those people who are immediately going to court. Not only in the Municipal Court, but the District and the Justice Court. The new facility would be the long term holding facility. Commissioner Lurie commented, that we didn't even have a location at this point. That is not really correct in the sense that we have recommended at this point, pending discussion with the architect, that the facility be located at the Rehabilitation Center where we presently have a detention facility. The land is there he services that are needed in connection with the facility are there, and the operational costs would be less if we located there. Commissioner Lurie also asked about the fiscal impact. City Manager Bill Adams was at the Legislature as was I, in 1975. I was there in 1977. It was my interpretation that the fiscal impact. Those impacts would be those things that were immediately recognizable as impacts. Even though we knew that we needed a jail, at the time AB 17 was passed, and your lobbyist was there working in conjunction with me, to get AB 17 passed. So that the City could have adequate representation on the Police Commission. We didn't know what the costs were in relation to the jail we don't know what the costs are in relation to the operation of the Metropolitan Police Department in years hence down the road. Because of inflation and other things. So I honestly don't think that the question that arises over this fiscal impact of this particular issue, is a valid point. At the last City Commission meeting, Commissioner Christensen talked about how many people were in the jail from the City, how many in from the County and so forth. I know, I really don't want to answer the question, but I have prepared some data. Since one of the concepts for consolidation of the police agency in 1973, was to eliminate the political boundaries, and the hassle, that existed prior to the time the two agencies existed. I might also comment at this point, that I think that we have a fine organization. I think we have done a tremendous job, and naturally I am prejudice in my comment. In trying to combat the crime problem that exists in Clark County, what with the growth of the Community some 20% over the year since 1973, and not one increase in personnel for the line. The survey that was conducted at my request on July 20, 1977 to July 31, 1977, by reviewing the booking sheets. Those individuals who are arrested showing purely the address that they list as their residence, the following results were evident. County Residents arrested, 392; City Residents arrested, 350; Nonresidents arrested, 111.

There were 95 transient subjects who listed no permanent address. Mrs. McClure and the lady from the Civil Liberties Union mentioned alternatives to incarceration. Alternatives to incarceration has been instituted by the Department. By the District Attorneys Office, and by those other element of the Criminal Justice System. Specifically it was mentioned that the OR Release Program was a fine program, and that it was discontinued due to a lack of funding by the County. I will tell you that prior to the time the Prerelease Program existed, the people released on their own recognizance, at the individual discretion of the judge. That once the program was instituted we had an immediate increase of 25% more people in custody. That is a direct relationship that it tightened the program up, as opposed to putting more people out in the streets. It has been mentioned, that another alternative would be misdemeanor citation. In the 1973 session and again in the 1975 session, and in the 1970 session of the Nevada State Legislature, our Department was instrumental in instituting the capability for misdemeanor citations. Not traffic citations, because that always existed. We do use that program. We are using as many alternatives as we know how to eliminate the problem. It had been commented by Mrs. Boyers, and inferred by some other people, that perhaps there are people in custody who should not be there. I agree in small part that there are people in custody who should not be there, but they are not the misdemeanor prisoners. The misdemeanors are the petty larcenists, shop lifters, and so on, and they add considerably to our problem. Let me indicate to you, that in the downtown Las Vegas area, about two and a half months ago, we instituted just a little different program. We began to pick up the vagrants, the bums, the desolate person on a daily basis. We tried to clean up the image of the downtown Las Vegas area, in conjunction with the downtown foot patrol. That was instituted about a year and a half ago, and some other things. Our purse snatchers in the casinos, in the downtown Las Vegas area, as well as thefts of motor vehicles decreased drastically. I can only relate that that little drive to clean up downtown Las Vegas, was perhaps one part to solve the problem. Were we not to hold misdemeanor prisoners, I can see the parks, the downtown area, the strip flooded much more than they are now with people who are undesirable, and certainly not conducive to an element to entice tourists to come to Las Vegas. The only area which I feel is not our responsibility to hold, are those individuals who are classed as gross intoxicants. The Nevada State Legislature, I believe in 1973, decriminalized Alcoholism. However, as late as the 1977 session, they did not develop one small funding source to develop detoxification centers. There are none to my knowledge, that are provided by the State. Even though they decriminalized gross intoxicants. You have the Southern Nevada Drug Abuse Council and you have some private institutions, who provide those services on a limited basis. We refer as many of these people as we can to those people. We are literally obligated, if we can't get rid of those gross intoxicants who cannot control themselves, and cannot be cured by someone else, to try to do something for them. At least to dry them up. To escort them out of town, or whatever is necessary when they do dry up. Similarly in past sessions of the Nevada State Legislature, there was a cry about detaining mentally incompetent people in the local jails. We were brought to task many years ago in the County for holding those people. Even though there was no facilities provided elsewhere. The Legislature took some action. There has been so many actions by the Nevada State Legislature over the last few years. I can't remember specifically what it was. The end result was, however, that we would generally at their behest, and the behest of the Clark County Mental Health Association, not hold mentally incompetent people.

Southern Nevada Memorial Hospital has a ward out there that is very limited in its scope. The State Building Facility at Jones and Charleston, to hold mentally incompetent people that is full. The end result is, that we have refusals by doctors on the staff, and rightfully so perhaps, at Southern Nevada, not to take criminally insane people who are pending trial. So you have the net result, to hold them in the jail facility. Those are the types of people that I feel we should not hold. I do however, feel that we should hold those people who violate the law. Thank you.

Commissioner Lurie: I don't agree with your opinion as far as whether my point is valid or not, as far as this fiscal impact. But I helped lobby for that Bill in the 75 session because that is our obligation to the people that I represent, and to the residents of Las Vegas. In the whole State any time there is any fiscal responsibility or accountability attached to any Bill, we should know going in how much it is going to cost us. I think that if you read the Bill where it says "shall", the word "shall", to me means quite a bit. That mandates us to do it, and it says "shall be apportioned". The other Bill 218 says "shall prepare a fiscal note". I don't agree with you on those particular points. I think it is important that we know going in how much it is going to cost. I don't like the end result, where we are going to have to either cut back on services, or we are going to have to lay off employees, or we are going to have to do other things in order to meet our responsibility. Maybe I ought to save a lot of this for the Police Commission, and maybe I have been saving a lot of this for a long time, as far as what is happening with the Metropolitan Police Department. I grant you that the man on the street is doing an excellent job. I question some of the administration work, and I am going to get to that at some of the Police Commission meetings coming up. I am fortunate to serve on that, and I have some information that maybe some of the members on this board don't have. I question the fact, that when we first merged, and I wasn't part of that first merger because I was just elected. The day I took office was the day the Police and Sheriff merged together, and they dumped that thing in to our laps. We didn't know what we were getting into. We went from 15 Million Dollars to 26 Millions Dollars without hiring any additional people for the street. Where is that going to end? We haven't even addressed the problem of additional personnel. Now we are talking about a larger facility. I agree, I am not getting away from the point that we don't need to correct the problem that has existed with the County Jail and the condition that it is in. We didn't have all of these problems when the City had its own Police Department.

Mr. Jacka: I think you had problems just as we had problems.

Commissioner Lurie: Well, we might have had problems, but they weren't as big. Maybe we had a small problem in the City and a small problem in the County, now you put them together, and we have one large problem. Nobody really addresses themselves to that. I am concerned with the fiscal note, and the attachments that go along with the Bill. I am not opposed to the City putting in its share, because we have to address that problem. But I am concerned about where it is going to end.

Mr. Jacka: I did not make my comment to the Board about the fiscal impact in the sense; I agree with you that that is what the law says. I have indicated to you that there was no clear cut indication by any one, including myself, or Mr. Bunker, or any one from the County, that there was an immediate fiscal impact in so far as the jail or anything else. That is why it wasn't there. There was a talk about the jail, but we didn't know what the cost was going to be at that time.

Commissioner Lurie: That is where you and I are not on the same wave length. Because we did know that there was going to have to be a new jail, and we did know that there was going to be some costs. Everybody was in a hurry to get the City fair representation back on the Police Commission. Nobody really took into consideration the fiscal note attachments. That should have gone along with us paying the share of the new jail. I think that should have been included. I overlooked it at the time, and now I look at the Bill and it says "Local Government impact - No", and I know there is an impact.

Mr. Jacka: I didn't indicate that there wasn't....

Commissioner Lurie: But based on the other Bill in 75, any Bill that was passed, that had any fiscal responsibility to the entity should have had a note attached to it, letting us know how much it was going to cost. Based on that, after the motion, after the motion is voted on, I am going to ask the City Attorney to prepare a statement and a question for the Attorney General on that particular item. I don't know of anything that is going to stop this Commission today from borrowing the money. But I do want to know whether or not, from the Attorney General, on the Constitutionality of this Bill being passed without having a fiscal note attached to it.

Commissioner Woolfer: Yes I have a couple of questions. Bart this is no reflection on you. I have known you for several years, and you are highly qualified, and hard workers. I approach this from a little different aspect, than the Grand Jury Report, or all of us, that this is what we feel the need for a new jail. I talked to a couple of former clients of mine, that had been guests of your County Jail for many times over. That is one I call a Duncan Hines client of mine. Since he served time in the Texas State Prison, and served time in Leavenworth. Since 1936 he has put down his occupation as a professional burglar and just retired. He has advised me; I asked him. I said "What do you think as far as the jail facilities here, the need for a new facility, based on your experience." Since he is on the other side, and we are on this side. He said, "Roy, as far as food is concerned it is excellent. It is the best in the West." He thinks the needs are there already. I mean, that it could be changed or tempered without the need of a new facility. His concern was the tanks situation that you have up there. Putting 40 or 50 bodies in one tank. That could be changed. The first offender being thrown in with the hardened criminal. Which I know you are always on guard with. He says that he feels that the farm is not being utilized as much as it should be. I don't know what your capacity is there, but he says he feels, that a lot of those first time offenders, the homosexual situation might be alleviated if a lot of these young first time offenders could be sent out there. The policy being that no matter if they are felons, or on down the line, and I believe there is a policy in the jail, that if convicted of a felony you don't have the right to go, or you are not allowed to go to the farm. I put these comments in light with respect to this one gentleman. I believe it was Mr. Evans Mayor, or whoever it was, that said maybe we ought to study this Army Prison Stockade concept. Maybe the hardened criminals, maybe we don't have that need right at the present time, as far as facilities. But maybe a lot of this could be alleviated. This 20 to 25 Million Dollars could be cut down quite a bit. Maybe building a facility for the hardened criminal, or the multiple offense criminal. But the majority of the embezzlement situations, the petty larcenys, and all the misdemeanors that is being housed in that County Jail, couldn't be shipped out to the farm. Let them plant a garden to make themselves useful. Bart you said that as far back as 1975. You commented to the State Legislature that there is need for a jail. I can remember you inviting me down to have dinner with the inmates was DA in 72 and 73, to look over the new jail.

Here I go back to the comment that I made earlier in the City Jail. I am like Commissioner Lurie. Sure I think there is certain needs, but I want to see the end of that tunnel too. To put 3.5 Million in to something, that everyone of us agrees is not going to resolve the situation. That is my concern also.

Mr. Jacka: The Rehabilitation Farm, which had been developed by the City. We have gained permission from the Police Commission to reconstitute the Rehab Farm so we can transmit more prisoners out there. That was built originally as a low risk facility, and truly for misdeameanors. They were the days when they were loaded with misdeameanors. There has been a change in the concept by the courts, particularly in the Municipal Court, and they don't sentence people that they used to sentence. I think that is evident in the fact that we don't have sufficient trustees to run any of the facilities. We are having to use convicted murderers, and some others to function in certain limited areas as trustees. We intend to build a visitors center out there at the Rehab Farm, and increase the facility a little bit. Then we are going to transmit, on a limited basis, some prisoners out there so we can gain more effective utilization. You talk about growing gardens and so on. We reverted now to where we raise hay and alfalfa, barley and so on. But as far as the gardening is concerned, it takes more guards to guard them gardening, than what worth comes out. Just like we got out of the cattle business because we are not farmers. We are police officers and it is a detention facility. It was costing us more money to be in the cattle business than the net worth. It was one of the things that we decided to do a year or so ago. I agree with you that in the main complex the problem is the design of the jail. At the time it was developed it was considered to be one of the most modern facilities of its kind. They traveled throughout the country to review it. The times have changed. Not only in holding prisoners, but they have changed in the development of the Community in general. The tanks are a problem. When the County was the Police Commission I asked them, pursuant to a Facilities Sciences Corporation Study, to remodel the existing main facility in to a court holding. To get in to the one man one cell concept. Then build the main detention facility outside the City of Las Vegas, in the outskirts. I am saying that we agree with the same concept, but you are limited with what you can do with the 7 Million Dollars. Initially they were talking about trying to do some remodeling and then build a facility to eliminate the overcrowding. You simply can't do that with that limited amount of money. So it is going to be my recommendation to the Police Commission, that if we get the 7 Million, to start in a modular fashion at a location to be determined to build a facility that will accomodate the first phase, the 7 Million Dollars. It will probably be 200 or 250 prisoners based on todays standards. Then build it in the modular fashion. I don't like criminology to return to Stalag 17, with the wire, and the barracks, and so on that was mentioned by Mr. Evans. But many are talking about the modular fashion. Like Pueblo Colorado has in the North is built that way. Then we could come in to the County Jail then, and develop the one man, one cell thing there. You are limited in structure problems, and in steel. For example when the main jail was built, you couldn't go any higher than the third floor, because of the weight of steel in those days. Since then they have improved their techniques, and were able to add the fourth floor. Again what they were trying to do when they did that, and that is the floor that we invited you to tour when that was open. To get the most capacity for the minimum amount of dollar. I am frank to admit that we disagreed with that. In the fourth floor is where a lot of our problems are. The tanks, yes they are problems. But I don't think that the structure will hold the capability of being extensively remodeled without having the facility available to us to move prisoners to, and then come in and reconstruct. That is what our long range plan is. We certainly appreciate that there isn't an end to that bucket, to that financial bucket. We appreciate your responsibilities. I think you have to appreciate our responsibilities, since we are charged with maintaining the jail

and the care and custody of the prisoners, as are members of the Police Commission. So it isn't that we are not looking at those things.

Commissioner Lurie: I just have one comment. You made one statement that times have changed and I agree with you. I don't think crime has changed. You still have the same crime that has been going on for hundreds of years. I think that the problem that exists with the changing of the attitudes and the thinking of some judges and our society has changed, on what we have to provide to the prisoners. That is where it lies. Society is changing. I don't think the crimes have changed, the people have changed. It is just the things that they are mandating us to do now for these people. I don't necessarily agree with it. I think the Country Club living that we have to provide for the people, I don't think they deserve it. The unsanitary conditions in the report of the Grand Jury. I understand thousands of dollars are spent in keeping that jail clean. They don't want it clean. They don't want to keep it clean. They want to live in those conditions. I understand that they are given the opportunity to clean their cells and do the work up there, but they won't do it.

Mr. Jacka: We force them to perform certain functions Commissioner. I didn't want to publicly address myself to the Grand Jury Report, but I will make this comment. I think, and with all due respect to the Grand Jury, they did what they thought was right. I don't condone the facility as such. But I think it was a highly emotional report, and there are certainly many inconsistencies in it. The cleanliness as such. You certainly can't expect people who are put in to a facility against their will, to maintain that abode the same as they do their personal abode. We have certain capabilities to place restrictions on them, which we do. Some of you toured the facility last month, and you could see generally that it wasn't as bad as what was portrayed.

Commissioner Leavitt: I would like to put this Resolution possibly in perspective. In view of what Commissioner Lurie and Commissioner Woofter has stated. The way I understand this Resolution. That first of all it is going to require the unanimous vote of this Commission. The Resolution is to approve the authorization to borrow this 3.5 Million Dollars. This has to then be approved by the Nevada Tax Department prior to the time that the money can be borrowed. It doesn't say that we are going to borrow the money. The Resolution is to seek permission to borrow the money. If the Nevada Tax Department grants that permission, we then have 18 months after that time in which to borrow the money. I don't think the money should be borrowed prior to July 1978. I think there are many questions that have been raised, and I think the Attorney General should be requested to give an opinion on these things. But this can still go on. There is no reason why we can't pass the authorization, and still have the Attorney General's opinion. This is not a Resolution to borrow the money, but a Resolution to seek permission to do so. Sometime within the next 18 months. The Metropolitan Police Commission, will then after this authorization, should it pass, request an architect to come up with plans for a new detention facility. Experts will be called in. Nobody wants to admit that they are experts. Experts will be called in to plan this detention facility. Then the Metropolitan Police Commission can then see these plans. Somewhere we have got to start, and this will be the first step. As I indicated, the legal questions can be answered. All this request is for today is to go to the Nevada Tax Department for authorization to borrow the money.

Mayor Briare: Commissioner the money perhaps if this Resolution should pass unanimously, and if the money were to be borrowed in 1978; what would the Police Commission use to finance the things that you are talking about up until then?

Commissioner Leavitt: Well the current budget of course is available. I am confident that if there is a commitment on this Commission, that the members of this Commission who sit on the Metropolitan Police Commission can encourage the County, since they don't have to borrow the money, to put their money up as front money should it become necessary. I am not sure that in July of 78, that we will even be ready to start construction. There is a considerable amount of planning that has to be done. Considerable amount of plans have to be drawn. We not only have to decide what we are going to build, we have to decide where we are going to build it. Now we are addressing ourselves as to how we are going to build it. But those questions of what and where will have to be answered. Before we can start planning construction, we have to have the money first. Where is the money going to come from? How are we going to build it? That is why we have to take the first step here this morning. That is what I understand this Resolution to be all about.

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

Commissioner Christensen: I have one comment.

Mayor Briare: Commissioner I was going to close the Public Hearing, but I won't do it until after you have made your comments.

Commissioner Christensen: We have had about two hours of discussion on Short Term Financing. It has covered a lot of things. Jails, Police Departments and so forth. We are almost forced into this kind of a situation because we can't discuss these things any other time. We end up making comments and accusations and raising questions with each other. That has to be done in the fish bowl of the public. I hope that every one takes these as what they are. That no one takes them personal as far as the attitudes of the Commission as to how the Police Department is doing or not doing. There is a couple of comments that I feel have to be made, and I will make comments regarding what I think, and get in trouble for it. I sometimes wonder why I do it, or if it is even worth it to sit here. Commissioner Leavitt made quite a statement here a little while ago, in which he said that we were saving the City something like 1.5 Million Dollars less that we wouldn't have to put in to the Police budget this year. While I am making these other comments, Mr. Leavitt our Finance Director, if he would verify those figures because I think that we are. What is generally the case, is, well, I would like to know just how much net savings. You also said Commissioner Leavitt that this has to be approved by the Tax Commission? That this Resolution is just an authorization to, and yet on the next breath, the comment that this was an assurance; so that we can get the County Commission to use their 3.5 Million as up front money. Because it is now assured that we are going to come with that 3.5. It becomes more than just an authorization to borrow. We have had problems with the Police Department from the time that I was originally on the Police Commission. I requested figures from the County regarding the budget. How much they spent for Police, they could not tell us. In the 1977 Legislature they couldn't tell us. We got it out of their budget, but they couldn't tell us. That is one of the things that resulted in the change to the 50/50 split. I am here to tell you that in four years, as far as cooperation from the County is concerned, we haven't gotten any. Now as far as the Tax Commission is concerned I don't think that there is any question that the Tax Commission would allow us to borrow the money to support the Police Department. I think to put this in the proper perspective, we have to recognize the fact that we also need a jail. I don't deny that fact, and yes we do need to keep the criminals off the street I don't deny that fact. Yes the

Police are doing a good job. I think they are doing an excellent job. I don't deny that. My whole question is, can we afford it, and should we have to shoulder 70% of the burden for the facility. That is the part that bothers me. The Constitution of the State of Nevada is not properly set up for the County to do municipal business. That is what we have got. We have got a municipal County. What bothers me about this whole affair is the whole structure. Where the City has to continue to pick up the tab for the County. Now we are talking about a facility that we are trying to finance. Now Assistant Sheriff Jacka says "yes we do have a location for it", the old City Rehabilitation Farm. When does the County come up with any donations? When do they start paying us for the land? When do they start paying the tax payers back? The Police Department uses 40% of the City Hall. They use 40% of this new building which the City of Las Vegas taxpayers are paying for out of their small share of the ad valorem tax, like the other cities get.

Commissioner Leavitt: First of all regarding the figures that I mentioned. I did receive those from Marvin Leavitt. All Commissioners did receive it. The report was dated May 25, 1977. Marvin Leavitt's figures indicated that there is \$1,129,250.00 less that the City would have to contribute.

Commissioner Christensen: I know that figure is there, but does that situation still, is it still the same?

Commissioner Leavitt: Well it is adjusted somewhat because of the problem we have had with the Metropolitan Police Department as to who is going to pay for the Data Processing. I am not saying that the Police Department Budget isn't going to be increased. What I am saying is that as a result of AB 17, the formula has been changed from 52% on the part of the City to 50%. The City will have to contribute \$1,129,250.00 less. There is no question about the fact also, that this is an authorization to borrow the money. I don't think the money should be borrowed prior to July of 1978. But between now and July of 1978, the plan should be completed. Sometime between now and July of 1978, if this Commission should desire, there should be a commitment at that time to start the construction, and to borrow the money. The question here really is the process that we have to go through before we can borrow the money. This is part of our process. I hear what you are saying about the tax burden on the City. There is no question about that. We have also heard from our legal advisors, and so forth. That that is a legislative problem. We have to live with that. We could beat that dead horse forever. Until the Legislature changes it, we will have to live with it. You also heard our City Attorney say that it is not moral, it is not right, but it is not illegal. The City of Las Vegas is required to provide half the cost of building a jail facility. We can complain all day about how wrong it is that the residents of the City of Las Vegas have to pay the extra tax, and I agree with that. But the point is, the law says that we have to provide the jail facility. I think we ought to move on our responsibilities and proceed.

Mayor Briare: Is there anyone else who wishes to be heard at this Public Hearing? (No response). There apparently being none, I am declaring this Public Hearing closed.

Commissioner Leavitt: I call for the question on the motion.

Mayor Briare: A little earlier ladies and gentlemen we made the comment that it would be highly unlikely, because of the Public Hearing that we have just concluded, and four more Public Hearings that have to come up right now; that all of the items on the Planning Commission agenda, the Community Planning Commission Agenda, will begin at 2:00 this afternoon. If anyone has come in since the last time I made that announcement of course you are welcome to stay. However, your Planning Commission items will not be heard. Right after we conclude our business on this particular jail matter, we will go in to the Public Hearings on the Board of Zoning Adjustment.

Commissioner Leavitts motion is to adopt the Resolution. Are there any comments by the Commissioners on the motion to adopt?

Commissioner Woofter: One question Mayor. Assistant Sheriff Jacka sort of swayed my opinion back to my original opinion on how to vote. But he did sort of commit this 3.5 of the 7, with what his feelings were. Where it would go. I can see the need for that 7, and not committing myself further down the line for extra funds. But Commissioner Leavitt that if we vote for this 3.5 Million today, we are just giving a blanket approval, and whatever happens to that 3.5 down the line, we wouldn't have any say so. Is that correct?

Commissioner Leavitt: That is not true. The members that sit on the Metropolitan Police Commission would have the determination as to what happens.

Commissioner Christensen: No you don't.

Commissioner Leavitt: There are three members of this Commission, who were elected by this Commission to sit on the Metropolitan Police Commission.

Mayor Briare: Don't pass over that point to quickly there. I want you to restate it, because it doesn't apply to Commissioner Woofter and myself. Because we are not on the Police Commission. When we call for the question ladies and gentlemen, on the tote boards. If you don't see all 5 green lights lit, then this Resolution is going to die. Because it takes the unanimous consent of this Board to make application. In the event that there are not 5 green lights up there, then Mr. Sloan I am going to ask this in the form of a question. If there are not 5 green lights up there, that does not preclude this Commission from bringing the matter up again, at some time, whether it be next month, two months from now, or sometime before January 1978. Is that a correct statement?

Mr. Sloan: I don't think that you would be precluded from bringing it up, and following the same procedure by having another notice published, and going through the same steps.

Mayor Briare: In other words, if there are some unanswered questions in the minds of any member of this Commission which would suggest that he vote against this. That doesn't mean that the whole matter can't be reviewed again, and those unanswered questions become answered?

Mr. Sloan: That is correct.

Commissioner Christensen: Commissioner Woofter you, and Myron talked about the fact that, yes we do get to say where this money is spent because we have three members on the Police Commission. That is balanced by Three County Members, and one Sheriff. Who already indicated that he is in favor of building the new jail. Who is also elected by voters from Henderson, North Las Vegas, and Boulder City. So really and truly, if you think that members of the City Commission has say as to where this money is going to go, you are kidding yourself.

Commissioner Lurie: I think what Commissioner Christensen is saying, that if it is a tie vote the Sheriff breaks the tie.

Mayor Briare: Any other comments by the Commissioners? (No response). Please cast your vote on the motion to adopt the Resolution. Having failed to receive a unanimous consent the Resolution has died.

Commissioner Leavitt: City Manager, I would like to request that this Resolution be placed on the next agenda of the City Commission.

Mayor Briare: Also Mr. Adams, would you contact Sheriff Lamb, and ask him if he would be so kind, at the next meeting of the Metropolitan Police Commission, to invite the members of the County Commission who are not members of the Police Commission. Also to invite the Mayor, and the members of the City Commission, who are not members of the Police Commission to attend the meeting. For the purpose of trying to resolve some of the questions that we raised today.

Commissioner Lurie: I would like to make a motion that this Board support requesting an opinion from the Attorney General, on the Constitutionality of AB 17, concerning this fiscal note. Concerning legislative Bills.

Mayor Briare: Any objections by the Commissioners to this request? Hearing none it will be so ordered.

Mr. Adams: I might add, that the necessary process for Commissioner Leavitt would be, that we come back with a notice to publish, and then the Resolution following.

Commissioner Leavitt: I want the matter put back on the agenda, and the procedure started over again with the Public Notice.

Mayor Briare: Is that something that requires a majority vote of this Board? I think we decided that last time that it requires a majority vote to go ahead and put it on.

Commissioner Leavitt: To put it on the agenda?

Mayor Briare: I beg your pardon, I thought you wanted to go ahead and post notice.

Commissioner Leavitt: I want the matter put back on the agenda as soon as possible. Do whatever procedure that has to be followed.

Mayor Briare: Right, that is perfectly valid. Do you understand Mr. Adams?

Mr. Adams: Yes sir.

Mayor Briare: There is going to be a 5 minute recess, and then the first item to be taken up will be an appeal filed by Lola Pivavaroff.

(Commission Meeting recessed at 11:25 A.M.)

(Commission Meeting reconvened at 11:35 A.M.)

APPEAL FILED BY
LOLA PIVAVAROFF
V-42-77 Abeyance
at request of
applicant.

Mayor Briare: The first item for the Board of Zoning Adjustment, is an appeal filed by Lola Pivavaroff. I would like to ask if there is any one in the audience that is here to protest this. There has been a request made. It is part of our agenda here by the applicant. Because she is seriously afflicted with a heart ailment, that she can't be here. I am just going to ask if there is anyone here to protest this appeal? (Affirmative response from member of the audience). O.K. there is opposition. That means that we have a problem. We have to determine whether or how we should act on the request, to postpone this. Would you like to make a comment on that?

Sharon McCauley: I represent Investors of Nevada Realty. What can I say, this is my mother. She has had open surgery. My husband isn't here either. He is visiting a doctor. I am here of course to try to present my case, but I feel that it is her privilege to be here too.

V-42-77 Continued Mayor Briare: If your mother were here, and we certainly wish her well. If she were here, would you be the one that would be presenting her case?

Mrs. McCauley: It would be my mother I am sure.

Mayor Briare: Would you be her representative?

Mrs. McCauley: No, she would be talking on her own.

Mayor Briare: Would you come forward sir.

James Brown: I am the attorney for the next door neighbor. I understand that the elderly lady is the owner, but not the occupant, nor is she the person who put the structure on that the opposition is to. In fact the mother was not before the Planning Commission when they refused it. This lady, it is my understanding, is the lady who presented their case. I would object to having the Hearing continued. I can see no useful purpose from it.

Mrs. McCauley: Mayor Mr. McCauley was there presenting the case. He is not able to be here either.

Mayor Briare: Mr. Saylor, is this, I don't find my little note that you give to us each time. Help my memory here is this thing already up.

Mr. Saylor: Yes.

Mayor Briare: So a delay would not change anything. Except it would be another couple of weeks. It is already up, so nothing is going to change one way or the other.

James Brown: The only thing I can tell your Honor is that it is up in violation of the Code. It was put up without a permit, and the Planning Commission has recommended that it be torn down. We feel that it constitutes a hazard.

Mayor Briare: Under the extenuating circumstances, I am just trying to make a few observations, that perhaps this Commission might want to act on. You are here representing other people. The applicant is obviously very ill.

James Brown: I understand that the applicant is not really the real party in this case. The applicant owns the home. This lady is the one who lives in the home, who occupies the home, and who has the structure up.

Mayor Briare: So obviously the daughter of the mother has the interest in this particular item. You are here, but Mr. McCauley is not here. You feel that in order to present your case, that both of them should be here?

Mrs. McCauley: Yes.

Commissioner Lurie: Who presented the case before the Planning Commission? Did you present the case?

Mrs. McCauley: I opened it, and Mr. McCauley presented it.

Mayor Briare: You know (speaking to Mr. Brown), like you do everyday in court. You come before a judge in that instance, and ask for a continuance for reasons one way or the other. Do any of the Commissioners want to make any comments on the question, should this be postponed. Is there any postponement to a time certain that you can think of?

Mrs. McCauley: I requested 60 days.

Mayor Briare: Well, I don't think 60 days. I don't think that would be an orderly thing. In fact it would seem like even the next meeting.

V-42-77 Continued Mrs. McCauley: That is fine.

Mayor Briare: Is Mr. McCauley going to be physically capable to present it two weeks from today?

Mrs. McCauley: I hope so.

Mayor Briare: Any comments from the Commissioners?

Commissioner Lurie: I thought maybe we could hear from the people who were objecting to it today. Then we could recess the Public Hearing and continue in two weeks to hear the other side. These people are here, and they are prepared.

Mr. Brown: I would prefer Commissioner Lurie, if in fact you are going to continue. I don't want it broken up. I would rather have it, so we can have both sides at one time, so that we would have an opportunity to respond. We would have to come back in any event, because we don't know what they are going to say.

Mayor Briare: Is this going to do any great harm Mr. Brown?

Mr. Brown: No.

Mayor Briare: Is there anyone else who would like to be heard on this matter? (No response). Are there any objections from the Commissioners if we postpone this Public Hearing until Wednesday, August the 17th? (No response). If there are none, then it will be scheduled with the Public Hearings on August the 17th.

APPEAL FILED BY
DALE A RODELA
V-45-77
Abeyance pending
report from
Planning and
Public Services

Mayor Briare: The next item is an appeal filed by Dale Rodela, to an action by the Board of Zoning Adjustments denying his request for property on 1502 Rexford. Is Mr. Rodela present? (No response).

Commissioner Leavitt: I wonder if he could have been confused.

Mayor Briare: Yes, I am worried about that. I tried to make it clear, but it is possible that it was confusing. Is there anyone here to speak in objection to the application of Mr. Rodela? (No response).

Commissioner Leavitt: I move that we hold this until 2:00 just to make sure that there was no misunderstanding in the announcement this morning.

APPEAL FILED BY
T. S. VERBLE ON
APPLICATION OF
JAMES PAPPA
V-46-77
Approved appeal
overruling
BZA decision

Mayor Briare: Right, at the end of the Public Hearing we will not adjourn the Public Hearings. We will just continue until this afternoon. The next is an appeal filed by T. S. Verble, on the application of James Pappa. Mr. Saylor.

Mr. Saylor: Mr. Mayor, the structure has been removed, and it is my understanding that he no longer wants to proceed with the variance. However, it was approved, and this is an appeal of that approval. I would suggest that the Board take action approving the appeal, otherwise it will stay on there as an approval.

Mayor Briare: Is there anyone present on this application? (No response). Does the Board then wish to make a motion to approve?

Commissioner Lurie: I so move Mayor.

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

APPEAL FILED BY
HARREY E. CLAIBORNE
ATTORNEY FOR
PHYLLIS JEAN
MC GUIRE V-50-77

Mayor Briare: The next item is an appeal filed by Attorney Harry Claiborne, for Phyllis Mc Guire. Is there a representative of Miss Mc Guire here?

Mr. Brown: Mr. Mayor, the only thing that I can advise. Mr. Claiborne was over here this morning when the Board continued the hearing until 2:00. I know that he was here about an hour and left. The only thing that I can request is we go at 2:00, or that you give me 10 minutes, so that I can try to get him here.

Mayor Briare: Mr. Brown, I tried very hard to make it clear to what the procedures were. I recognize that perhaps Mr. Claiborne perhaps might have had other things to do, but that is why the announcement was made. However, I think it was clear enough. That it would be possible. Especially since there is an attorney here who sat through the thing, waiting to be heard on this matter. Do you think that you could get Mr. Claiborne over here in 10 minutes?

Mr. Brown: I will try to do so.

Mayor Briare: We are hopefully going to conclude the Board of Zoning Adjustment appeals this morning. Would you make an effort.

Mr. Brown: I sure will. The only reason, well I know. I saw Mr. Beckley prepare to leave, or was about to leave when the people who he was with, advised him that this matter was going to be heard this morning. He came back, but Mr. Claiborne had already left at that time.

Mr. Beckley: I would also like you to note your Honor, that I have some people sitting here, who has been sitting here since 9:30 this morning. They are prepared to go forward with this matter.

Mayor Briare: I am pretty certain that my announcement was clear.

Mr. Brown: It was after he had left.

Mayor Briare: Did he perhaps leave voluntarily?

Mr. Brown: No, he left....

Commissioner Christensen: The first announcement was clear. It was pretty clear that it was the BZA items, the Public Hearings, it was pretty clear.

Mayor Briare: Why don't you try Mr. Brown.

Mr. Brown: O.K.

Mayor Briare: I am very hopeful that we can have the appeal filed by Harry Clairborne for Phyllis Mc Guire heard this morning. In the mean time, Mr. Adams, lets go back to page 1.

CITY MANAGER

WILLIAM E. ADAMS, P.E.

PRIORITIES -
CAPITAL IMPROVEMENT
PROGRAM

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Mr. Adams: Very well your honor. I think first that I would like to make the announcement under our portion of the agenda, that the meeting itself was duly posted, and the announcements and agendas were mailed out, so that it does conform to the Statute. The first item is on the priorities of the Capital Improvement Program. I have addressed a memorandum to you explaining that we would request that you approve the priorities that we have established in concept, as we will bring them to you as each case arises. As in the example of our first two

items in our priority requests, in that, in our budget that we have already brought to you for Resolution. Because it was necessary to go forward with a Resolution for making an application. The other priorities that we have listed in there, as they come on down, we will bring each one of them to you. It will give us the general idea that you are in agreement generally with what priorities we have established in those areas.

Commissioner Leavitt: I would like to have more time to study this. We only received this a couple of days ago. I am not willing at this time to move on it. I would like to request that the matter be held.

Mayor Briare: I agree. Is there anyone who objects to that?
(No response).

CRIMINAL JUSTICE
STUDY
CONSULTANT
Report only

Mr. Adams: The next item is the Criminal Justice Study Consultant. This is a request from Commissioner Lurie that it be placed on the agenda.

Commissioner Lurie: I put this on the agenda just to make you aware of my attendance at the Criminal Justice Review Meeting. This is a study that was being undertaken, or a suggestion that it be undertaken by the Chamber of Commerce to both the City, and the County. We had the meeting last Monday morning. The recommendation from the Committee was not to proceed with the study. Which I have to agree. With the documentations that were presented to the Review Board, that was about 24 inches of documents, and papers of studies that were done in previous years, and nobody has even bothered to look at them, or accept any of the recommendations. I felt that that was an excellent decision on their part, not to proceed with any additional studies at this time. To take that money that was set aside to correcting the situation up in the jail, and court houses that exist now. I will keep you informed of whatever information I can get from the Review Board. Thank you.

Mayor Briare: Thank you.

Mr. Brown: Mr. Mayor could I interrupt for just a moment?

Mayor Briare: Yes.

Mr. Brown: I called the office and he has already left for lunch. I asked the secretary if he knew, or whether he was aware of it, and she says that on his calendar, he has it marked to come back here at 2:00. The only thing that I can advise you is, that he did believe, and he did note that it was going to be on at 2:00, and he is going to be here at 2:00.

Mayor Briare: Well Mr. Brown, I don't know what the Commissioners feel, but I still maintain that the announcement was relatively clear, or clear enough. Perhaps Mr. Claiborne would recognize it as such. We have other people here. I tried to announce that the Public Hearings would be concluded this morning. The Planning matters are not Public Hearings, they are not. We certainly conduct them as such, but they are not Public Hearings that are advertised in notices, and everything set for a time certain.

Mr. Brown: Did I understand you to say that you continued the Rodela matter until 2:00?

Mayor Briare: That is correct.

Mr. Brown: I don't know why the exception would be in this case.

Mayor Briare: Well Mr. Brown, noone is here for the Rodela case. Are you representing....

Mr. Brown: No, I have no knowledge of this case whatsoever.

Commissioner Christensen: We have got a reporter here, perhaps he could. Could you give us back what the Mayors announcement was? Just to clarify this point.

Commissioner Woofter: Well, by the time the reporter gets this information to us, it is almost noon. I would hope that we are going to break today for lunch. Because it looks to me like we are going to be here until 8:00 tonight anyway.

Mayor Briare: Is there anyone present in the audience, while our stenographer is referring back. Is there anyone in the audience here on the matter in favor of the Phyllis Mc Guire application? (No response). Mr. Brown to your knowledge was there anyone besides Mr. Claiborne present this morning? In favor of the application from Miss Mc Guire?

Mr. Brown: To my knowledge, no.

Mayor Briare: Well I would hate, and I would leave it up to the Commission to decide, when the stenographer gets back to that part. I would hate to make a ruling on my own announcement, but unfortunately I find myself in the position, that many times after I read transcripts of meetings of what I said, I can't believe it.

Commissioner Christensen: That is why I want to make sure of what you said. Because I think I know what you said.

Mayor Briare: Tell me what you think I said?

Commissioner Christensen: I understood at the time, but of course I understand the agenda. If it was as clear as I thought it was, it was pretty clear I thought.

Mayor Briare: It was clear to 22 people or whatever it is over there.

Mr. Brown: Well it wasn't clear to Mr. Beckley until you pointed it out to him.

Mayor Briare: Mr. Sloan, while they are looking that up would you be ready to give me an opinion. Mr. Brown brings up a point, that we kind of perhaps hung ourselves on the possible misunderstanding of the Rodela matter. I think Commissioner Leavitt suggested that it be held over until 2:00. Mr. Brown has indicated that the same reason for holding over the Rodela matter, might apply to holding over the Mc Guire matter. What we don't want to do is go ahead, and go through the whole business, and then everybody end up in court somewhere because this Commission made some kind of technical flaw. I don't want to do it that way. Are you ready Mr. Sloan?

Mr. Sloan: Yes, I think it might not be appropriate to proceed with the possibility of the ambiguity in terms of the statement. Although I frankly heard it the same way Commissioner Christensen did. If there has been some confusion, and if we have just immediately preceding this matter continued something to 2:00, I think as an attorney he is entitled to the same benefit of doubt as perhaps others are.

Mayor Briare: To avoid that, there is a possibility that since there was no representative of the Rodela application, and there was no one to speak in opposition to the Rodela application; this Board could certainly rescind its action. Then we could hear the Rodela matter this morning, and go on to the Phyllis Mc Guire application.

Mr. Sloan: I would honestly say that I would think that even if you were to do that, and go ahead and have the hearing without Mr. Claiborne present, it is really inviting the chance of having to do this on more than one occasion. Because if he were to go to court, and the court were to rule in his favor on the fact, that due to a confusion he was not properly here, we would inconvenience these people again by having to come back again. I think it is to their best interest that they don't have to come down here twice. I think it would be the kind of matter that the court would resolve procedurally against the City of Las Vegas.

Mayor Briare: I don't know. Who is going to be the judge as to whether this is a clear statement? Would you read the statement.

Betty Jo Winter: "I would like to make an announcement to the people that are here on the Planning Matters. We have four more Public Hearings that are under the agenda of the BZA that would have started around 10:00. There is a great deal of business that has to be concluded, and finished before we get to the Planning Commission agenda. So everyone here that has time problems, would like to suggest that those items on the Planning Commission agenda, it would be hopeful if we can begin at 2:00 this afternoon." (Reading from notes).

Mayor Briare: Not so good. I jumped from the Board of Zoning. The impression that I wanted to give, and perhaps I made that in the second announcement. The impression I wanted to give, was that we were going to make every effort to hear the BZA matters this morning. The Planning matters would be held this afternoon. I myself, I would like to hear it this morning, but I myself now having heard the transcript read back, would have to follow the City Attorneys advice. I think in the long run, even though it might be inconvenient for you ladies and gentlemen to come back here at 2:00. I hope you will accept my personal apologies for not being more clear on the matter. I think that we are headed for trouble if we do it contrary to what the City Attorney has just suggested. So folks I apologize. I caused this misunderstanding. I thought it was clear, but obviously it wasn't. So that being the case, I think with the concurrence of the other members of this Commission, that we had best hear this matter at 2:00 this afternoon.

Commissioner Christensen: Your Honor I move that we recess for lunch.

Mayor Briare: Can we take care of the relocation of the library first, and approve the minutes? Can we do that?

RELOCATION OF
LIBRARY
Held pending
further
negotiation
of lease

Mr. Adams: The next item is the relocation of the downtown library. We have had discussions with the library, and with the Charleston Plaza Shopping Mall. We are in the capabilities now, of being able to lease property in that area at a fairly nominal rate, in order to move the library, and to have it more accessible to all of the citizens. Also to allow the building for us, as a computer operations center, and as additional office space. It would be my recommendation that we be authorized by this Board, to enter a 5 year lease agreement with the Charleston Plaza Mall, at the rate of .36¢ per square foot, to accommodate the library.

Mayor Briare: Do any of the Library Trustees want to make any comments on that? (No response).

Commissioner Leavitt: Move we follow the recommendations.

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Commissioner Lurie: Are we paying the rent? We will be paying the rent to the Charleston Plaza Mall for the library? Do we pay rent now, or is this going to be an additional expense?

Mr. Adams: The original rent that we had for instance on our Charleston Heights Shopping Center came in to the original contract, and is covered under that item. The contract with the Library District will terminate in July of 1978, and in December we would have to make some sort of notice. So between now, and then we would prefer to bring it to you in such a way, that we can do it all in one lump sum payment. Which would be taken care of within the library district. We are obligated to furnish the space for the library wherever it may be.

Commissioner Lurie: Well who picked the Charleston Plaza Mall?

Mr. Adams: I think we were just looking for space, and that is where it wound up.

Commissioner Lurie: Did you do it, or did the Library Trustees do it?

Mr. Adams: I think, as I recall, it was Bruce's group. Some of the Library District. Some of our own Planning people. In attempting to find a place that would be equitable for the general area in conjunction with what the Library District wanted to serve.

Mr. Saylor: My original discussion several months ago with the Library District, they indicated this particular area. Not necessarily the Charleston Plaza Mall, but in that immediate vicinity. That is where they wanted the location.

Mr. Adams: It is the general center of their area. The East serving area that they are working on. It fits in with the pattern with the rest of the location of the facilities of the Library District.

Commissioner Woofter: Here again though, this is not going to solve the problem. I note that you want a 5 year lease Mr. Adams, and somewhere down the line I would imagine that they would be looking for permanent facilities, to house this complex. What is the need to enter into a lengthy lease other than naturally the owner of the property desiring so. Could we limit that to an immediate need situation? Since it looks like we will be voting a lot of funds to build a permanent complex?

Commissioner Lurie: Do we have the agreement? Where is the agreement that it shows the conditions of the lease?

Mr. Adams: Well we will bring all that back to you after we have made the agreements, and finalized the item, and have the City Attorney check it, and then bring it back to you for final approval. In essence, we are asking to go ahead and proceed to set up the 5 year. On that basis of .36¢ per square foot. Like the other items, we will bring the final documents back to you for approval.

Commissioner Lurie: Is this a negotiated price, this .36¢ or did they just come back to you, and tell you that that is what they want?

Mr. Adams: As I recall, I think they did come down .2¢.

Commissioner Woofter: I know you have done some study, but I would like to see some alternatives too, to that situation.

Ron Jack: Basically the school district was very willing to go for less than a 5 year lease. They would love us to build a building in a year or two. Basically it was staff recommendation that we consider a long term lease, i.e., 5 years. By doing this the merchants association out there in the mall will considerably upgrade the facility. Additionally we got some price break on the

cost per square foot. Then thirdly, it also alleviates the problem of our having to go immediately and look for a facility, and start either rehabing one, or start construction of a new one. All of those considerations were developed during the negotiations with the Library, and they finally agreed that the 5 year lease would be acceptable to them. If the City would then start looking for a permanent facility sometime in the future.

Commissioner Lurie: I think that the price is too high. I think the price should be lower. If they are asking .38¢ per square foot, what are the other tenants in the shopping center paying?

Mr. Ron Jack: I am not sure technically on that. John Bramble handled basically most of that. What they are doing is, they are going to do about \$60,000.00 worth of renovations on the facility. Which brought us up on the price from .35¢ a square foot to .36¢.

Commissioner Lurie: We are a Triple A tenant. We should be given some consideration in going into a shopping center. If they are only putting in \$60,000.00 worth of equipment they could use more improvements than \$60,000.00. I served on the Board of Equalization this year when they came in, and asked for a reduction in their taxes. I think, and this is the first time that I have seen this, and I think that it should be, that a library should be located there. I think it is a good recommendation for location, but I think the price can be better, than what is presented before us today. Would it make too much of a problem for you, if we were to hold this until the next meeting, and get with the people there, and see if they want to negotiate this price down a little bit?

Mr. Ron Jack: Well it certainly would give us some ammunition to use.

Commissioner Leavitt: Well you have been negotiating this for about a year haven't you?

Mr. Ron Jack: About two or three months, in terms of actually finding a spot and....

Commissioner Leavitt: Well it was brought to my attention six months ago.

Mr. Ron Jack: That general location has been looked at for about a year, but in terms of talking with the mall owners out there, that has only been going on really about two or three months.

Mayor Briare: Who was the negotiator?

Mr. Ron Jack: Basically John Bramble, and myself handled the details. We have been working with a fellow by the name of Walter Lippman, who is a representative of the owners from New York City. Then we also were dealing with the Merchants Association there.

Commissioner Leavitt: You examined other places in the area too, didn't you?

Mr. Ron Jack: Yes we did. We looked at a number of spots.

Commissioner Lurie: I am not questioning the area. I think the space is there, and I think it is convenient, but based on their representation before the Board of Equalization I just think that this price can be negotiated a little better. I am going to ask that this item be held to our next meeting.

Mayor Briare: Any comments on that request? (No response). Well then if there are no objections, it will be held.

Commissioner Christensen: Are we going to withdraw the motion? Somebody made a motion.

MINUTES
April 7, 1975
June 16, 1977
July 6, 1977

Commissioner Leavitt: I made a motion, but the motion to hold takes precedence.

Mayor Briare: The next item is on the minutes of the meetings of April 7, June 16, and the July 6th Regular Meeting.

Commissioner Christensen: Motion to approve.

Mayor Briare: Comments on the motion. 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 Briare: Ladies and Gentlemen, it is my intention now, and I want the Commissioners to concur in this, to reconvene this meeting, for the purpose of discussing consent type items at 1:15. At 2:00 we will go into those matters whether people who were here this morning, and attended this morning, that, that is when we are going to convene on those matters. The consent type items consist of routine payment of bills, routine personnel, some Department of Business Activities. The Planning, and the consideration of the Computer System. The Liquor and Gaming Licensing matters will all be held sometime around 2:00 or hopefully shortly thereafter. This Commission is in recess until 1:15.

(Commission Meeting recessed at 12:05 P.M.)

(Commission Meeting reconvened at 1:30 P.M.)

Mayor Briare: This will be the continuation of this mornings agenda. We will go immediately to the Service and Material Warrants and Payroll Warrants.

DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, CPA, DIRECTOR

See Page 41 of these minutes - Annotated Agenda

Mayor Briare: Next item.

Mr. Adams: The next item is on Page 4, the Department of Personnel Employee Relations.

DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

BOB McPHERSON, AEP, DIRECTOR

See Pages 42 thru 44 of these minutes - Annotated Agenda

ITEM	Commission Action	Department Action
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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. G1180 to G1191, F311451, G114507, G311542, G406171 to G406176, G406180 to G406181, G406184 to G406185, G406188 to G406218, G406220 to G406221, G406224 to G406242, G406245 to G406487, inclusive.

In the amount of \$ 4,014,982.59

*B. PAYROLL WARRANTS

Nos. 97441 to 98873, inclusive
 For Pay Period Ending 7-09-77
 In the amount of \$ 501,276.22

Items A and B APPROVED as recommended Lurie - Unanimous (Commissioner Woofter temporarily absent)

Director to issue

ITEM	Commission Action	Department Action			
<p>I. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS</p> <p>BOB McPHERSON, AEP, DIRECTOR</p> <p>AUTHORIZATION TO FILL POSITIONS</p>					
<p>A. <u>FEDERALLY FUNDED</u></p>					
<table border="0"> <tr> <td style="text-align: left;"><u>Dept/Class</u></td> <td style="text-align: center;"><u>Monthly Salary</u></td> <td style="text-align: left;"><u>Justification</u></td> </tr> </table>	<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>	<p>APPROVED Items 1 thru 5 Lurie - Unanimous</p>	<p>Director to Proceed</p>
<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>			
<p>(1) PS/Animal Control Kennel Attendant (replace vacancy) Until 9/30/78</p>	<p>721 To maintain Kennel Attendant support to feed and care for animals in the Animal Shelter.</p>				
<p>(2) Fire Services Junior Office Asst (replace vacancy) Until 9/30/78</p>	<p>622 To deliver supplies and inter-office mail to all nine Fire Stations and other Divisions located throughout the City.</p>				
<p>(3) Human Resources Office Assistant (replace vacancy) Until 9/30/78</p>	<p>721 To act as switchboard operator at 940 East Owens office, handling all calls for approximately 50 staff members.</p>				
<p>(4) PS/Traffic Engineering Electrical Trades Helper Two positions (replace vacancy) Until 9/30/78</p>	<p>836 To assist traffic signal electricians in the installation, maintenance and repair of traffic signals.</p>				
<p>(5) Human Resources Junior Office Assistant Twelve positions Office Assistant Twenty eight positions (provide needed services) Until 9/30/78</p>	<p>622 721 In order to comply with mandate that the PSE hiring schedule be at 100% by 8/31/77, these positions are necessary to register and interview applicants, determine eligibility, place in the labor force and monitor the 115 subcontractors and hiring agencies.</p>				

ITEM	Commission Action	Department Action
<p>I. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS</p>		
<p>B. REIMBURSABLE POSITIONS</p>		
<p>(1) CS/Fine Arts 777 Instructor Six positions (provide needed services) Until 11/18/77</p>	<p>To handle proposed class activities at Reed Whipple Center, teaching classes in Floral Design, Beginning Voice, Introduction to Play Writing, Introduction to Make-up for the Theater, Enameling, and Introduction to Technical Theater and Costuming. The fees charged will defray the expense for the instructors.</p>	<p>APPROVED Items 1 and 2 Lurie - Unanimous</p>
<p>(2) Senior Citizens Center Senior Citizen Program Specialist (provide needed services)</p>	<p>Responsible for supervision of paid instructors, administrative details relating to scheduling, supplies, registration, etc., and other duties pertaining to the effective support of a multi-faceted program. Paid for by Housing Authority funds.</p>	<p>Director to Proceed</p>
<p>C. CITY FUNDED - FULL TIME</p>		
<p>(1) City Attorney Junior Clerk (replace vacancy) Until 1/21/78</p>	<p>Responsible for miscellaneous jobs in the City Attorney's office, filing, photocopying, keeping file room and library in order and updating news folder.</p>	<p>APPROVED Items 1 thru 6 Lurie - Unanimous</p>
<p>(2) PS/Traffic Engineering Electrical Trades Helper Two positions (provide needed services)</p>	<p>To assist traffic signal electricians in the installation, maintenance and repair of traffic signals.</p>	<p>Same as above</p>

ITEM	Commission Action	Department Action
I. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS		
<u>C. CITY FUNDED - FULL TIME cont.</u>	See Page 5	
(3) Personnel & 721 Employee Relations Office Assistant (replace vacancy)	This position is responsible for front office receptionist duties; greeting and assisting the public, answering phones and screening and referring calls, typing and filing.	
(4) PS/Maintenance 836 Skilled Trades Helper (replace vacancy) Until 1/15/78	To replace employee who is on NIC. Responsible for assisting the air-conditioning mechanic in the continuous maintenance of air-conditioning units and is essential to maintain an acceptable level of service.	
(5) PS/Maintenance 994 Plumber (replace vacancy)	Responsible to service and maintain all City buildings and installations requiring a journeyman plumber's expertise.	
(6) PS/Building & Safety 1097 Mechanical Inspector (replace vacancy)	Responsible for mechanical and plumbing inspections throughout the City checking for faulty construction, providing the services paid for by plumbing and mechanical permits.	

ITEM	Commission Action	Department Action
<p><u>I-f. DEPARTMENT OF BUSINESS ACTIVITY</u> <u>ILA M. BRITT, DIRECTOR</u></p>		
<p><u>*CONSENT AGENDA</u> <u>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.</u></p>		
<p><u>*A. CHARITABLE SOLICITATIONS PERMITS</u> <u>(Approved by the Solicitations Review Board)</u></p>	<p>APPROVED Items 1 thru 13 Lurie - Unanimous</p>	<p>Director to Proceed</p>
<ol style="list-style-type: none"> 1. KLVX, CHANNEL 10 -- mail solicitations 2. NEVADA ASSOCIATION OF THE PHYSICALLY HANDICAPPED -- sale of Arby's Roast Beef tickets 3. NEW WORLD, INC. -- a thrift shop 4. ARCHIE C. GRANT PARK -- raffle tickets; a bazaar 5. ANGELIC CHURCH OF GOD IN CHRIST -- a candy sale 6. BONANZA HIGH SCHOOL, DRILL TEAM AND ATHLETIC CLUB -- sale of advertising space 7. BONANZA HIGH SCHOOL, GOLDEN VISIONS YEARBOOK -- sale of advertising space 8. FIRST CONGREGATIONAL CHURCH -- tickets to a Hawaiian Luau 9. JUNIOR LEAGUE OF LAS VEGAS, INC. -- sale of advertising space 10. NEVADA STATE YOUTH SOCCER ASSOCIATION -- raffle tickets 11. SOUTHERN NEVADA OFF-ROAD ENTHUSIASTS -- raffle tickets 12. SOUTHERN NEVADA ASSOCIATION FOR THE HANDICAPPED -- mail solicitations 13. ZOOLOGICAL SOCIETY OF NEVADA -- memberships; raffle tickets; general solicitations 		
<p>Page 46 Minutes Regular Meeting City Commission August 3, 1977</p>		

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

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

Family Child Care Homes

1. KATHERINE L. O'GORMAN
 141 South 16th Street
 6 children days only
2. ELBERT AND PATRICIA LATHAM
 2306 South 15th Street
 5 children days
 2 children nights

Child Care Center -- Kindergarten

1. ALL SAINT'S DAY SCHOOL KINDERGARTEN
 4201 W. Washington
 10 children

APPROVED
 Items 1 and 2 - Family
 Child Care Homes and
 Item 1 - Child Care
 Center
 Lurie - Unanimous

Director to Proceed

*C. GAMING -- Additional

1. WILLIAM BOYD ET AL

 California Hotel & Casino
 12 Ogden Street
 27 slots
 1 Roulette
 4 "21" games
2. TWO-ONE-NINE CORPORATION

 Lotus Inn Casino
 1213 Las Vegas Blvd South
 65 slots
3. SHOWBOAT, INC.

 Showboat Hotel & Casino
 2800 E. Fremont Street
 182 slots
 6 "21" games
4. BALLY DISTRIBUTING CO.

 Rendezvous Hotel & Casino
 400 E. Ogden
 10 slots

 Hotel Nevada & Casino
 235 South Main
 2 slots
5. CARDIVAN COMPANY

 Skaggs Drug
 800 Tonopah Highway
 2 slots

APPROVED
 Items 1 thru 10
 Lurie - Unanimous
 except:
 Commissioner Leavitt
 abstained on Item #1
 and Mayor Briare
 abstained on Item #3

Same as above

ITEM	Commission Action	Department Action
<u>I-f. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
*C. <u>GAMING -- Additional</u> (cont'd)	See Page 10	
6. GAMES OF NEVADA Orbit Inn Casino 707 Fremont 5 slots Money Tree Casino 2466 Las Vegas Blvd So 2 slots		
7. J. J. PARKER CO Odyssey 2001 1930 E. Fremont 1 slot		
8. J. J. PARKER/OPERATOR Golden Gate 1 Fremont St 4 slots		
9. PENNINGTON AND BENNETT CO. Rendezvous Hotel & Casino 400 E. Ogden 4 slots		
10. UNITED COIN MACHINE CO. Four Kegs 276 N. Jones 5 slots Orbit Inn Casino 707 Fremont 1 slot Woolco Dept. Store 1720 E. Charleston 15 slots		
D. <u>LIQUOR AND RETAIL TOBACCO --</u> <u>Approval of Franchise Managers</u>		
1. 7-ELEVEN FOOD STORE # 15889 3033 Arville Beverage Off-Sale Southland Corp. -- Anthony & Harriet Aliano, managers	APPROVED Lurie - Unanimous	Director to Proceed
Page 48 Minutes Regular Meeting City Commission August 3, 1977		

ITEM Commission Action Department Action

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

E. LIQUOR, GAMING & RETAIL TOBACCO -- APPROVED Director to Proceed
 Change from sole ownership to Lurie - Unanimous
 Corporation

1. THE BROTHERS
 1000 North Rancho Drive
 Package Liquor Ltd.
 Gaming: 10 operator slots
- From: Joseph Vranesh, 100%
- To: Vran Corporation --
 Joseph Vranesh, Pres,
 20%
 Peter Vranesh, Exec V.P.,
 20%
 Nicholas Vranesh, V.P.,
 20%
 Walter Vranesh, Secy/Treas,
 20%
 Alexander Vranesh, V.P.,
 20%

F. LIQUOR, GAMING & RETAIL TOBACCO -- APPROVED Same as above
Approval of Additional Stockholders Items 1 and 2

1. CALIFORNIA HOTEL & CASINO EXCEPT Commissioner
 12 E. Ogden Leavitt Abstained
 on Item #1
- Sam A. Boyd, Chmn of Board
 Wm. S. Boyd, Pres, Secy, Dir
 et al
- Thomas Scott Ludian, .50%
2. BINGO PALACE CASINO
 2540 Rancho Road
- Mini Price Motor Inn Casino,
 Inc. --
- Frank J. Fertitta, Jr. - 10%

G. LIQUOR, GAMING & RETAIL TOBACCO -- APPROVED Same as above
Transfer of Corporate Interests Lurie - Unanimous

1. RENDEZVOUS HOTEL & CASINO
 400 E. Ogden
- Request for approval for
 Philip A. Stearns to purchase
 50% interest presently held
 by Alex Habeeb. This will
 result in the following stock
 ownership:
- Seventy Six Corporation --
 Philip A. Stearns, 50%
 M. Arthur Shenker, Jr., 50%

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ITEM	Commission Action	Department Action
<u>I-f. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
H. <u>GAMING -- Change of Location/ Deletion of Corporate Officer</u>	APPROVED Lurie - Unanimous	Director to Proceed
1. CASINO EQUIPMENT INTERNATIONAL, INC. Slot Operator		
From: 3100 Sirius		
Gail George Bonneson, Pres-Treas Carrie Bonneson, V.P. Secretary		
To: 3212 Wynn Road # A-102		
Gail George Bonneson, Sole Officer, Director, & Stockholder		
I. <u>LIQUOR -- Request for Extension of Inactive Status</u>	APPROVED Lurie - Unanimous	Same as above
1. FIESTA CANTINA 7000 - 7050 W. Charleston Blvd. General Liquor		
Firehouse Four, a partnership Donald Gilday, 33-1/3% Melvin Wolzinger, 33-1/3% Earl Wilson, 33-1/3%		
(Change business name/location approved 8/18/77. Extension for 10/17/76 thru 12/15/76 approved 10/6/76; extension for 12/16/76 thru 2/13/77 approved 12/15/76; extension for 2/14/77 thru 4/14/77 approved 2/2/77; extension for 4/15/77 thru 6/13/77 apprvd 4/6/77; extension for 6/14/77 thru 8/12/77 approved 6/1/77. Request for extension of inactive status for 8/13/77 thru 8/18/77. *)		
*Must be open by midnight 8/18/77.		

ITEM	Commission Action	Department Action
I-e <u>DEPARTMENT OF MUNICIPAL SERVICES</u>		
<u>J. C. CATHCART, DIRECTOR</u>		
J. E. Park, Purchasing and Contracts Officer		
*CONSENT AGENDA		
All items listed under Items A and B are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.		
*A. <u>PERMISSION TO RECEIVE BIDS</u>	APPROVED Items 1 thru 7 Lurie - Unanimous	Director to Proceed
1. Traffic Signal Installation Mojave at Washington (Public Services - Traffic Division) REVENUE SHARING PERIOD VII		
2. Traffic Signal Installation Sixth at Ogden (Public Services - Traffic Division) REVENUE SHARING PERIOD VII		
3. Repair Parts for Rainbird Sprinklers (Parks and Recreation - Golf Course Division)		
4. Nuclear Moisture Density Gauge (Public Services - Quality Control)		
5. Playground Equipment for Wildwood Park - (Parks and Recreation)		
6. Playground Equipment for Mirabelli Park Expansion (Parks and Recreation)		
7. Replacement Vehicles: 1. Water Truck 2. 10 C.Y. Dump Truck With Overshot Loader 3. Cab Chassis with Stationary Platform (Municipal Services - Vehicle Services)		
*B. <u>AWARD OF BIDS</u>		
1. Bid #77.10 - City Wide Computer System (Financial Management)	APPROVED as recommended Christensen - Unan.	Director to Proceed
2. Bid #77.33 - Annual Tire and Tube Contract, Fiscal Year July 1, 1977, Through June 30, 1978 - BID GROUPS III AND IV - HELD IN ABEYANCE FROM COMMISSION MEETINGS OF JUNE 15, 1977, JULY 6, 1977, AND JULY 20, 1977 (Municipal Services - Vehicle Services Staff) Page 51 Minutes Regular Meeting City Commission August 3, 1977	Abeyance	8/17/77 Agenda

ITEM	Commission Action	Department Action
I-e <u>DEPARTMENT OF MUNICIPAL SERVICES, CONTD.</u>		
3. Bid #77.39 - Replacement Parts for Wastewater Treatment Plant (Public Services - Sanitation Division)	APPROVED Items 3 thru 8 Lurie - Unanimous	Director to Proceed
4. Bid #R76.62 - Owens Avenue Bridge and Channel Improvements (Public Services) REGIONAL STREETS AND HIGHWAYS COMMISSION FUNDED		
5. Bid #77.63 - Adjustment of Fifty-five (55) Manholes (Public Services)		
6. Bid #77.64 - Metropolitan Police Department Records Bureau Ceiling Modification (Public Services)		
7. Bid #77.67 - Replacement Sprinkler Parts (Parks and Recreation - Parks Division)		
8. Bid #77.68 - Hand Tools - Replacement (Parks and Recreation - Parks Division)		

DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, P. E., DIRECTOR

See Pages 58 and 59 of these minutes - Annotated Agenda

PROJECT APPROVAL
ANNUAL OVERLAY
PROGRAM
Approved as
Recommended

Mr. Hampton: Item E 1, is the Annual Overlay Program. By a memorandum dated July 27th, from the City Engineer, we have indicated that we wish to proceed on the Annual Overlay Program. There was a budgeted amount of \$100,000.00. In some instances we are recommending that they not be overlays, that they be Slurry Seals, which is a process that was used from years ago. Boulder City uses the process quite extensively. We feel that in certain areas, that it is a very good process, as long as it is not overly used to correct major deficiencies. We would recommend Slurry Sealing in an amount of \$18,800.00, based upon our estimates, and the remainder being overlays. I have a map here depicting the streets that we recommend. I also have a list that I would be happy to point out to the Commission. The total of the overlay, and the slurry seal, comes to \$96,635.00. This includes in addition to the actual overlay. Some man hole adjustments, some fire hydrant valves. Also one of the projects, number 21 on the overlay, is shown as John C. Fremont School Parking Lot - \$11,000.00. We were requested to include this in our project by the School District. They have agreed to pay this amount themselves depending on what the bids come in. After the bids come in we propose to inform them of the price, and if they concur we would proceed and do it under our contract. This is adjoining a parking area that the City has. It is just a lot easier for them to ask us to cooperate in this manner. The map, I apologize for the map not being more visible from that distance, but it is a small section that we propose to overlay up Edwards, Valley Drive. There is a section down near Rancho Vista, all those streets in that area. On the Eastern side of the valley, it will be 23rd street, Wilson and a section of 15th street. This being the Fremont square here. Over on the West Side, there will be Montclair, Del Ray Avenue. Then the section that we propose to use the slurry seal, will be on Yosemite, Mallard, and Idle Avenue. How we prepared this list is, our inspectors in their normal routine of inspecting proposed streets that should be improved. Then our senior inspector went out after all the lists were turned in, evaluated the projects by priority system. He in turn went out with us, and we developed our recommended list for this year. Again I apologize for getting the list to you at such a late date. If you would prefer to take more time to study this list. It isn't critical that we proceed at this meeting, however, we would like to get started as soon as possible. Two weeks would not hurt us though in this respect.

Mayor Briare: Well if any members of the Commission, after studying this list, should find something that perhaps would be higher in priority, or some adjustment, you could always amend it at a later time couldn't you?

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Mr. Hampton: That is right. We have a contingency built in to the \$11,000.00. Plus the difference between the \$100,000.00 and the \$96,000.00. So we have a contingency of about \$15,000.00 built into the program.

Commissioner Christensen: I move for approval.

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.

STORM DRAIN -
FREMONT ST
Approved as
Recommended

Mayor Briare: The next item is the Storm Drain on Fremont Street.

Mr. Hampton: If you will recall several months ago, we went first to the Downtown Progress Association, and then to this Board for concurrence of a concept to improve Fremont Street from Main to 7th. By removing the existing asphalt and putting in concrete. In connection with that project, there is also an installation of a storm drain. What we are asking for today, is permission to proceed immediately on the installation of the storm drain. This is so the storm drain work will be complete before the reconstruction work is passed on the street itself. It will only take about 30 days to complete the storm drain. This will be at a cost of \$89,000.00, which will be entirely funded by 701 funds. I would like to go over briefly with you the scope of the project in its entirety. So that you will see how this storm drain fits in. The presentation that we will make today to you gentlemen, will be similar to what Mr. Saylor and I will be making to the Downtown Progress Association tomorrow. Tomorrow, we will be asking for some support in the project, in as much as we feel that the gaming motiff, that we will show you later, that we propose to install at the intersections, should be the responsibility of the property owners. They at their last meeting of the Association, indicated that a reluctance to pay for that item. We have not gotten final approval of that however. They have not given us final approval for the payment of the curbs that we are trying to replace. We are replacing all the curbs along the entire length of the project. That is approximately \$16,000.00. The gaming motiff, we are estimating at \$56,000.00. So what we are asking for is a contribution by the Downtown people of \$72,000.00. The State Highway Department is in this project with us, as far as the street work is concerned. They originally committed \$200,000.00. We had a meeting with them last week, and explained the complexity of the project, and told them that we feel their share should be \$268,000.00. They have agreed to fund the additional amount. The only problem we have with coming up with an additional amount, as far as this area is concerned. I might just say at this point, that the major reasons for the cost going up from the original \$500,000.00 estimate, is the fact that where we cross the intersections we have major conduits that contain therein traffic control cables. We feel that while we are in the area tearing up the street, many of them will have to be replaced. Because they will be torn up. They are so close to the surface. Many of them should be completely replaced at this time. So in the future it will not be a necessity to tear the street up. That is a \$75,000.00 item that we did not contemplate at the beginning. The quality control aspect of the project we feel is very important, and this is one of the major reasons that the price has risen. We cannot accept a normal concrete type of operation. What we are proposing is a colored concrete. It would be a light tan and a dark brown at the intersections. We have sent people to California. We have talked to who we feel is the most renowned experts in architectural concrete work. We have very fine concrete specifications, and we have prebid qualifications that states that anybody that bids this job, must have adequate experience in the skill of architectural concrete. This is not to say that a local concrete firm cannot bid the job. But they must retain a subcontractor, or assistance experts in the field. This project is very critical, in so far as the time it takes to install it. That it is very critical in the quality that eventually comes out. If it is not done right it is going to be worse than if we didn't do it. At this time I think it is appropriate that Mr. Saylor go over with you the details on the intersections, but before that, I would just like to show you the where we intend to install the storm drain.

Mr. Saylor: Taking into consideration the many technical aspects of translating a design like this, into the actual street itself, and also taking into consideration the use of the motifs for channelization of pedestrian traffic. We finally came up with a set that we feel can be made to look like this on the street, and can be properly constructed, and will serve that purpose in addition to being a very attractive feature. (Mr. Saylor displayed designs of various gaming symbols). Starting at Main, we propose to have the four card symbol, with the white back ground. We are investigating the possibility of using tile on these, and that has not been firmly concluded as yet. But in any event the surface will be such that it can be readily cleaned. Then from 1st through 4th, will be the dice motif. Going to the Boulevard, we felt it should have a distinct pattern. We are proposing the slot machine with the three cherries design. Sixth Street would be back to the dice, and then we run down to Seventh Street. We have used the four card design again.

Commissioner Christensen: Do we have three cherries on a slot machine?

Mr. Saylor: I don't gamble Mr. Christensen.

Commissioner Christensen: Neither do I. That is why I am asking, otherwise I would know.

Mr. Saylor: I frankly don't know. We thought, after discussing this with people in the industry, that the Cherry symbol is highly recognized however. The Downtown gaming interests have indicated a very strong participation or cooperation on this, and have unofficially indicated the willingness to pick up the tab. We hope to get that firmed up tomorrow. Now in addition to the intersection designs, we have a sidewalk project going, once we get the street in. The gray dirty sidewalks we have in most of the downtown area on Fremont will stick out like a sore thumb. We feel that most of the property owners will recognize that, if not beforehand, then surely after. Mr. Gragson has indicated that he will contact all of the property owners, and we are trying to set up a project where we can get some sidewalk improvements. In some cases it will be a complete new sidewalk. In other cases, we hope to get some type of surfacing so they are also in agreement with the overall concept of the Downtown area. That will be strictly a private matter with the property owner. The City will not be involved in any costs there.

Mayor Briare: Any questions?

Commissioner Christensen: How long are you going to have the Downtown torn up?

Mr. Hampton: I should have gone over this before. This is really a critical matter. The top one involves 90 working days (pointing to a diagram). That is when we will construct all of the blue at one time, and then all the pink. The next proposal is doing it in three stages. The brown and the pink could be done at the same time. The next one is to construct it actually in two phases, a little bit differently. The last proposal is constructed in two phases By leaving access at Casino Center, Main, Third, Las Vegas Boulevard, and Sixth. At least half of the intersections would be open at all times. We would be completely shutting down the First Street intersection, and the Fourth Street intersection and, the Seventh Street intersection.

Commissioner Christensen: What would that do to the freeway traffic on Fourth Street, would that affect that any?

Mr. Hampton: Yes, they would have to come down the Boulevard and make a turn either on Ogden or Stewart. We have two concerns about shutting down intersections. If we can shut down the intersection, you can see by the complexity, that we would get a much better job. Unfortunately we feel that this is not possible from an emergency vehicle standpoint. We are recommending either the last proposal, which is 110 days, or the top one which is 90 days. The other ones are 131 days, and this one is 149 days. So the minimum time is 90 working days, which would be about four and a half months. This is putting very strict conditions in the contract, to have that contractor work at night. We see no other way in which to shorten that time. We will be discussing this particular item with the Downtown people tomorrow. This is one that they are going to be mostly concerned with.

Mayor Briare: Is there any suggestions Larry, as to how many years in the future that this should take care of the volume of....

Mr. Hampton: We are willing to state, that in our opinion it will be a minimum of 20 years before any repair work is done. That is the primary reason for going to the concrete. We asked them, what would be the best time to do this work? They indicated that starting in mid-October, and that is what we are trying to gear to. We hoped that it would be complete shortly after the beginning of the year, but as you can see, it is going to be March at least.

Commissioner Lurie: What about the additional cost.

Mr. Hampton: There is only \$121,000.00 set aside in the Revenue Sharing Money for the City's share of the project. As I indicated from the total that you see of 401, the storm drain work would be paid for by 701 funds. In addition to that, we would also have one half of the engineering costs, which brings our total to \$375,000.00. So we are short approximately \$250,000.00. This is something that we have not been able to determine, where this money is coming from. We will be working on it with the Finance Department, and the City Managers Office, on recommendations along those lines. This is the most critical item at this time. Where we get that additional money.

Commissioner Lurie: Well some of the additional money, some of it could come from Revenue Sharing on projects that possibly under the EDA Grants, that we have set aside money, that we could use that Revenue Sharing Money for this project.

Mr. Hampton: That is a very distinct possibility.

Commissioner Lurie: When are we going to know if we have been approved for those projects?

Mr. Hampton: What we intended to do, was to come back to you at the next meeting with a report on a definite commitment by the Downtown Association. However, in the meantime what we would like to do is go ahead and proceed with bidding for the storm drain. If we have to halt the project, we could hold up award on that project before you gentlemen can see it. We would like to get permission today to proceed with that storm drain aspect. If we do proceed with the project, it is important that we get out of our way this storm drain.

Commissioner Lurie: I move that we proceed with getting the bids on the storm drain, and that the other items be brought back before us at our next meeting.

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

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

Mayor Briare: Do you have anything on Discussion Items 1, 2, 3 and 4 Larry?

Mr. Hampton: I would like to withdraw Number 4, and I would like to take up 1, 2, and 3.

Mayor Briare: I think there was someone here that wanted to talk about number 4. Why did you want to withdraw it?

Mr. Hampton: We are supporting the project. However, I do not have all the details to give you today, as far as cost is concerned.

Mayor Briare: This lady asked me this morning when this item might be coming up, so obviously she wants to say something about that particular item. Did you hear Mr. Hampton indicate that he doesn't have the information.

Nadine Ford: I am a real estate broker, but I am not here in that capacity today. I am speaking for some homeowners on Decatur, as well as myself. It does pertain to Thom Boulevard. First I should like to say, that with 14 years since you annexed us into the City of Las Vegas, in the Elstner Estates, that at that time I was grateful, and I am grateful now. Things have changed. Downey and Ricky are still residential streets, but not Decatur. Decatur has become a thoroughfare, and the people who live on Decatur are taking the brunt of the tremendous growth that we have in that area. You have kept it beautifully graveled, but what is gravel when you have the type of traffic that we are getting on Decatur? I know that you are aware of it. Because you put street signs out there. Now, lets come to Thom Boulevard. To me that is a death trap. As you go out the Tonopah Highway, you can shoot right across Cheyenne Boulevard, and up Thom. There is no stop there, and there can't be, but going West on Cheyenne you have a boulevard stop up Thom, and you have another one at the Tonopah Highway. Now I made a personal survey out there the last two weeks, a lot of people don't make any stop sign, and if they did they can't imagine two being there. I am asking you to take Thom Boulevard off as an ingress only if they are going East. Move that over to Decatur. Because that is the logical artery going North. There is no other way.

Mayor Briare: You are anxious then, that this paving of Decatur from Cheyenne to Gowan be gotten underway.

Nadine Ford: A 30 foot wide strip, which would help, in fairness to the people. Now you approved a subdivision called the Homestead Estates, another 52 acres. The Southeast Corner of that Subdivision is going to be at the corner 1320 feet West of Decatur, and the Northern Boundary will be Elstner Estates. Why not move the people over to Decatur. Force them up there. Lets take care of that death trap. As you go East on Cheyenne, and don't forget we have got growth on Cheyenne on both sides of the Tonopah Highway.

Mayor Briare: Perhaps that is why Mr. Hampton wants to hold off on this matter, because you have some other arguments. Thank you very much.

Mr. Hampton: That is primary one of the reasons. What is on the agenda just concerns the paving of Decatur. We wanted to combine this with the consideration of Thom Boulevard, and also there is an interconnect into the Rancho Road that is actually in the City of North Las Vegas. We would like also to confer with that City.

Mayor Briare: Proceed along that line Mr. Hampton. Do you know how much time the other three items are going to take there?

ITEM	Commission Action	Department Action
<p><u>I (g). DEPARTMENT OF PUBLIC SERVICES</u></p> <p><u>LAURENCE HAMPTON, P.E., DIRECTOR</u></p> <p>*CONSENT AGENDA</p> <p>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.</p>		
<p><u>*A. APPROVAL OF SUBDIVISION PLATS</u></p> <p>It is recommended that the following plat be approved subject to posting of bond and signing of agreements and plans within thirty days. All engineering designs have been submitted and are being processed.</p> <p>1. Charleston Heights No. 51-G (Becker and Sons, a partnership, E. A. Becker, Jr. Agent).</p>	<p>APPROVED as recommended Lurie - Unanimous</p>	<p>Director to Proceed</p>
<p><u>*B. RELEASE OF SUBDIVISION BONDS</u></p> <p>All offsite improvements on the following subdivision have been completed in accordance with agreements and city standards. All work has been inspected by the Public Works, Fire, Electrical, and Sanitation Departments. It is recommended that the improvements be accepted for this subdivision.</p> <p>1. Charleston Rainbow Unit No. 14-D (Sproul Homes of Nevada, R. B. Cline, President).</p>	<p>APPROVED as recommended Lurie - Unanimous</p>	<p>Clerk to Proceed</p>
<p><u>*C. RELEASE OF CONSTRUCTION CONTRACT</u></p> <p>The following contractor is requesting release of retention and bond following the expiration of the 35-day lien period. All work has been completed in accordance with contract plans and specifications. Subject to no liens filed in the 35-day period it is recommended that the contract bond and retention be released.</p> <p>1. Bid No.: R76.53 Contractor: Traffic Control Services, Inc. For: Traffic Signal Installation, various locations</p> <p>Notice of Completion: July 6, 1977 Release Date: August 10, 1977</p> <p>Page 58 Minutes Regular Meeting City Commission August 3, 1977</p>	<p>APPROVED as recommended Lurie - Unanimous</p>	<p>Clerk to Proceed</p>

ITEM

Commission Action

Department Action

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

*D. RIGHT OF WAY ITEMS

1. Grant Deed
From: Becker Investment Co.,
a Nevada partnership
To: City of Las Vegas
For: Portion SE-1/4, Sec. 35,
T20S, R60E
Jones Blvd. Bldg. Permit
Dedication (7/25/77)
2. Grant Deed
From: Las Vegas Rescue Mission
a Non-Profit Corp.
To: City of Las Vegas
For: 4th St., Use Permit
Dedication (7/20/77)
3. Grant Deed
From: Las Vegas City Employ-
ees Federal Credit
Union
To: City of Las Vegas
For: Portion NW-1/4, Sec. 35,
T20S, R61E
Bonanza Rd. & radius
Bldg. Permit. Dedication
(7/19/77)
4. Right of Way Grant
From: Las Vegas Valley Water
District
To: City of Las Vegas
For: Portion SE-1/4, Sec. 31,
T20S, R61E
Service Line Easement
on Valley View Project
(7/11/77)
5. Right of Way Grant
From: Las Vegas Valley Water
District
To: City of Las Vegas
For: Portion SE-1/4, Sec. 31,
T20S, R61E
Service Line Easement
on Valley View Project
(7/11/77)

APPROVED
Items 1 thru 5
Lurie - Unanimous

Director to Proceed

E. PROJECT APPROVAL

1. Annual overlay program.
2. Storm drain - Fremont St.

APPROVED as recommended
Christensen - Unan.

Director to Proceed

APPROVED as recommended
Lurie - Unanimous
(Woofter temporarily absent)

Same as above

F. DISCUSSION ITEMS

1. Proposal to purchase downtown trash
containers.
2. Cooperation for sewer connection with
Circle K Store, Charleston and Pecos.
3. Proposed S.I.D., sewers Small Tract
Area.
4. Paving of Decatur - Cheyenne to
Gowan. Page 59
Minutes
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Abeyance

8/17/77 Agenda

APPROVED as recommended
Christensen - Unan

Director to Proceed

APPROVED as recommended
Lurie - Unanimous

Same as above

Abeyance as requested
by Public Services

8/17/77 Agenda

Mr. Hampton: I would say about 10 minutes or possibly 15.

Mayor Briare: Well I think we had better come back to it. The next item on the agenda if the Commission will refer to the Public Hearing on Page 28. I will ask if Mr. Dale Rodela is here. Would you come forward Mr. Rodela?

APPEAL FILED BY
DALE A. RODELA
V-45-77
Approved Appeal
Overruling
BZA decision

Mayor Briare: Mr. Saylor would you give us a quick briefing on this?

Mr. Saylor: This property is located on Rexford, in an R-2 Zone, which allows duplexes. There is a duplex on the property as shown on this plot plan, units 1 and 2. (Pointing to the map). However, an area has been converted into another unit. The way that this came to our attention was a request for a separate power hook up with a separate meter on it. That was the basis for the request for the variance. To get the additional unit approved which would then allow the City to give him permission for the hook up. He wants the separate meter so that whoever is renting that, pays their own power bill. But the basic question is to allow another rental unit in the R-2 Zone.

Mayor Briare: What was the nature of the protest?

Mr. Saylor: Oh, just on the basis that they want it kept as R-2, without the additional units.

Mr. Rodela: According to the City Ordinances I am allowed a roomer there. The only difference that will exist, is the fact that this guy will be paying his own power. On my side of the street there are no less than five duplexes which have been converted in this manner, and has been allowed to put the third meter on. There was one on the East side of the street that I became aware of.

Mayor Briare: So essentially they become triplexes?

Mr. Rodela: That is correct. At the blessings of the City I might add.

Mayor Briare: Don is that your recollection?

Mr. Saylor: Well, that is not quite true. It is my understanding that the; first of all let me back up and say this. Our Ordinance permits the rental of rooms in any residential area. In other words you can rent out a room. That does not mean that you can have kitchen facilities, or a separate family unit. It is my understanding however, that the Building Department will give a separate hookup permission in a case like that.

Mr. Rodela: I have been very clear in dealing with the Planning Commission, and so forth, but I do not intend to have a kitchen there. Simply a bedroom and a bathroom. If this is their objection.

Mayor Briare: The Power Company will not hookup a meter for you until they have the necessary clearance.

Mr. Rodela: Well there has to be a seal on there. I work for the power company so I know what their rules are.

Commissioner Christensen: Why do you want an extra meter on an extra bedroom?

Mr. Rodela: Well presently that bedroom is being fed off of 1504. Whenever a fuse blows in 1504 you have to go around and bug the people to change out the fuse. If the people move out of 1504 and turn off the power, then he is left without power, which can happen.

Commissioner Christensen: Well you can rent a room, but don't you have to rent a room from another place under the Ordinance? If the place becomes vacant?

Mr. Saylor: Well in essence yes. In this particular case. Under the Ordinance if you rent a room in your home, obviously you are not going to be renting that room if you are not....

Commissioner Christensen: Well if your home is vacant, you are not going to be renting a room.

Mr. Rodela: Well, this will imply that the people renting 1504 would be renting the room, but they are not I am renting the room.

Commissioner Christensen: Well isn't that the way the Ordinance works? Can a third party rent that room?

Mr. Saylor: A third party can rent it.

Mayor Briare: Was the protest in the nature of a letter or a personal protest? I think we have that. I am sorry Don we have that. Any other comments?

Commissioner Lurie: I am just confused as to why he has to have a third meter? He has taken one duplex, and he has cut it in half, is that it?

Mr. Rodela: No, this has already been done. It was like this when I bought it. I was under the impression that I could do this, and that it was already a legal triplex. I came down to apply for an electrical permit so that I could put the third meter on there. What it amounts to, I will have to keep the power on in 1504 should anybody move out of there in order to maintain power to the 1502A. Which is the smaller unit.

Mayor Briare: Structurally it appears that Mr. Rodela is not going to do one blessed thing, other than to add the other meter.

Commissioner Lurie: Mr. Saylor he mentioned that this had happened all up and down the street. I guess if the City has given electrical permits to put the third meter on, we must have Okayed it, Is that correct?

Mr. Saylor: No, they were not Okayed through our Department. I think it was just a matter of them requesting the meter of the Building Department, and then getting permission to put it in. I think where he got into a problem on it, is that under new procedures, or new personnel, the request was given to us, and of course our position was no.

Commissioner Christensen: Evidently before they just didn't check it out.

Mr. Rodela: I would like to say something on that too. After I had made my request, another person on the block made a request, and he was granted a permit to set a third meter. I was working that night when our trouble shooter set the third meter and hooked him up. This was some two or three weeks after I had gone through all this. Over stuff with the Planning Commission.

Mayor Briare: That is what you get Mr. Rodela for doing it in the legal manner.

Commissioner Christensen: Well do we have a problem in our Building Department that maybe should be stopped up? I thought that these things were all supposed to be checked?

Mr. Saylor: The only thing I can tell you on that Commissioner The reason, for some reason, I can't explain that. His request for the meter came through our Department, and of course we said no.

Commissioner Christensen: Don't all the requests come through your Department?

Mr. Rodela: What happened was, I went up, and asked for the permit, and told them what I wanted. I was talking to one of the girls up there, and some guy chimed up and said, "We can't do that. Those are zoned R-2, and we don't have any such thing as R-3. You are going to have to go down to the Planning people, and get a variance before we can even talk to you.

Mayor Briare: Any other comments? (No response). What is the pleasure of the Commission?

Commissioner Lurie: I am concerned about the other ones on the block that don't have a variance or permit. Are they being instructed to come in and apply for one?

Commissioner Christensen: If we approve this one there would be no point in it.

Mayor Briare: Well if the Commission does not want to take action on this Mr. Rodela, then we will close the Public Hearing, and this matter will be held in abeyance.

Commissioner Christensen: I hate to leave things hanging like this. I can see why nobody is anxious to take action. I sure would like to know. Have a report from our staff, before the next meeting. How many of these we have got. I want some reason as to why the permits were issued, and why his wasn't, and what the difference is between his and the others that have been approved. I hate to see this gentlemen discriminated against. If our Ordinance requires that he come for a variance then why are the others privileged. What is going on?

Mr. Hampton: I would be happy to look in to that Commissioner.

Commissioner Christensen: What is wrong with City Hall that this situation occurs? That is what I want to find out.

Mayor Briare: Whatever it is, wouldn't it be nice if we didn't have to hold it against Mr. Rodella.

Commissioner Christensen: That is right.

Commissioner Leavitt: Are you going to ask that this be held then?

Commissioner Lurie: I am going to ask that it be held. I would like it held until our next meeting, so we can get a report from Public Works and Planning. What happened to the routing on the other applications? Two weeks isn't going to be to make much difference is it?

Mr. Rodela: No.

Mayor Briare: Would it be necessary for Mr. Rodela to be here?

Commissioner Lurie: No.

Mayor Briare: O.K., Mr. Saylor and Mr. Hampton, you understand what it is that the Commission wants? We won't require Mr. Rodela to be here. Perhaps on the evening of August the 17th you might call Mr. Saylor, and ask if the Board took action on the matter.

Mr. Rodela: O.K.

Commissioner Christensen: If you want to be here to see what happens, and to speak in your behalf if you need to, you can do that. You understand that.

APPEAL FILED BY
HARRY E. CLAIBORNE
ATTORNEY, FOR
PHYLLIS JEAN
MC GUIRE V-50-77
Denied Appeal

Mayor Briare: The next item is an appeal filed by Harry Claiborne, for Phyllis Mc Guire.

Mr. Claiborne: Mayor and members of the Commission. First I want to apologize for this morning. I thought that all matters of the Planning Commission was continued until noon, and then Mr. Brown advised me otherwise. Mr. Brown also sympathized with me when I came over here, and he said, "I hope things will be well with you. If I don't see you anymore I want you to know that I have enjoyed working for you. Because when you get over there it is going to be like throwing the Christians to the Lions." I first want to say that I recognize the very delicate position which I am in. I have filed an appeal for Miss Mc Guire for the denial of the Zoning Adjustment Board. For her application to put up a 15 foot fence around her property at 100 Rancho Circle. I say my position is delicate, because I happen to represent Miss Mc Guire on this, and some other matters. She requested that I take care of the matter in her absence. At the same time I know that all of her neighbors have protested this matter, and many of them are present here protesting now. There is only one street that separates me from being also, them being also my neighbors. So that is why I say my position is delicate. May I explain Miss Mc Guire's position the best that I can, as she relates it to me. As you know, she is an entertainer, and as such is somewhat of a celebrity. Her house is the nearest to Rancho Road as any of the houses in Rancho Circle, which the number 100 might indicate. As such she is subjected to considerable curiosity as far as the populace is concerned. She finds people constantly on her property, looking around, that have no business being there. There is some form of security in that area, and they do the very best job they can. But they can't be every where at all times. Even with the present fence that has gone up, people arrive in their automobiles, and climb on the hoods of their cars and look over. I notice that that has happened on several occasions, which gave her the idea that her fence should be higher, than its present height. This is in order to keep people from standing on hoods of cars, and looking over in her back yard, and over into her dwelling area. Thus invading what she believes is her privacy. That is the sole purpose for her request. Now I certainly can appreciate, because I have talked to Mr. Beckley, who represents her neighbors in that locality. I certainly can appreciate their position. I understand their chief complaint is, that they believe that the fence is unsightly. Well, I don't know how much higher than six feet establishes an unsightly condition. I think that perhaps a six foot fence in that area, that is within the requirement, might well be unsightly. I talked to Miss Mc Guire, and she wants me to assure her neighbors of this one thing. She has no intention of doing anything to create any unsightly conditions for that neighborhood. She recognizes that the Rancho Circle area has always been the elite dwelling section of this City. She recognizes the fact that everyone that lives there, has prestigious reputations; and are people of considerable prestige in the Community. To say nothing of the wealth. There is probably more money in Rancho Circle than there is in any other section of the country, or in the United States. She recognizes that, and that is one of the reasons she bought the property. She felt too, that her personal reputation was such, that she was also prestigious. Now as far as the fence is concerned, she says that she would like me to advise this Commission, and her neighbors, that she would do anything architecturally to that fence, that any other neighbors would want. As far as the expenditure of money, there is no question as to the amount. Anything that might cure this situation, which they consider to be unsightly. Many suggestions have been made to her, some of which are having large flower pots with flowers in them along the wall. Those things I don't know too much about. Being an Arkansas boy I am not too familiar with architecture, and not a hell of a lot, you might say, enlightened about beauty. But that was a suggestion that was made to her, and she is willing to go along.

In other words, what I am trying to say to this Board is that she would do anything in the world that would not make that fence unsightly. She would make it an architectural delight. So with having said that, and nothing having fallen on me yet; I have an idea that being a practical man that this may be as far ahead as I am going to get. So I will shut up.

Commissioner Lurie: I just have one comment Harry. I think that if Phyllis Mc Guire is concerned about the residents of Rancho Circle, and she wants to do everything architecturally to preserve the area, I think the best thing she could do would be not to put up the fence.

Mr. Claiborne: I thought that you were intelligent enough to follow my remarks. That it presupposed the fence being there. That we would do anything to the fence to make it architecturally beautiful. That was my remarks. You see I would have no reason to make a remark about beautifying something that was not there. That wouldn't be very practical.

Commissioner Christensen: Mr. Claiborne, did I understand that the purpose of the fence was two fold. To keep people from looking in, and also to keep people from penetrating her property?

Mr. Claiborne: That is right. That is what she tells me Commissioner Christensen. That is why she built the fence, and the only reason she built it.

Mayor Briare: Thank you Mr. Claiborne. Is there any other questions by the Commissioners? (No response). Was there anyone else Mr. Claiborne, that is present to your knowledge. That wanted to speak in favor of the application?

Mr. Claiborne: No I think I stand decidedly alone.

Mayor Briare: Thank you Mr. Claiborne. Mr. Beckley, do I assume correctly that you represent the property owners in the area that opposes the appeal? That favored the Board of Zoning action?

Mr. Beckley: That is right your Honor. I represent certain individuals. Residents of Rancho Circle. Whether there are others here today, or whether there are others who opposed the matter independently, I don't know. For the record my name is W. Bruce Beckley, member of the firm Beckley, Singleton, Delaney and Jemison, Attorneys-at-Law. For the purposes of the proceedings today, I represent Mr. and Mrs. Kenney Searles, Mrs. Lillian Hicks, Mrs. Mary Wauschek, Dr. Joseph Bongiovi, Mr. and Mrs. William Laub, Dr. John Grayson, Mr. Manuel Swartz, Mr. and Mrs. Herb Grier, Dr. and Mrs. Jack Cherry, Mr. and Mrs. Max Kelch, Mr. and Mrs. Jack Richardson, Mr. and Mrs. Andrew Tompkins, Mr. and Mrs. Sidney Gathrid, Mr. and Mrs. Stanley Melon, Mr. and Mrs. Michael Leffert, Mr. and Mrs. Kell Houssels, Mrs. Diane Coulthard, Dr. and Mrs. Gerald Sylvain, Mr. and Mrs. Robert Griffith, Mr. and Mrs. Robert Kaltenborn, Mr. and Mrs. John Dilley, Mr. and Mrs. John Hughes, Mr. and Mrs. Don Pettit, Mr. and Mrs. Carl Sanders, Mr. and Mrs. Steve Gold, Dr. and Mrs. Shearing and Mr. Paul McVay. Some 28 resident landholders, who live on the circle. Before, and I trust that the Commissioners will give the somewhat lengthy presentation I make, but I am concerned with the matter of an appeal. If so, I feel incumbent upon me, in terms of representing people who I do, to make a presentation here. As a basis for a record, in that instance, should it go to court. The Board of Zoning Adjustment denied this application by a vote of 4 to nothing. Before arguing the matter, I should like to call the Boards attention; and I trust that the record and the exhibits, which were presented to the Board of Zoning Adjustment are before you know. Is that material available to you?

V-50-77 Continued Mayor Briare: Does this constitute the exhibits?

Mr. Beckley: No, it does not. I presented at least six exhibits.

Mr. Saylor: Well what you presented, it is de novo before this Board.

Mr. Beckley: Well, that is not what the Code says Mr. Saylor. The Code says this is an appeal. I am going to ask, that all of the matters that were presented.(pause) I ask the Boards indulgence. I simply assumed these would be before you your Honor. (Mr. Saylor handed Mr. Beckley a package containing the requested exhibits).

Mayor Briare: Well, as you can see, they were readily available if we needed them. While you are doing that I am going to make an announcement. There were a number of items that were taken care of prior to the 2:00 time that the zoning matters were going to come up again. While Mr. Beckley is reviewing some of those papers I am going to indicate to you those items that were taken care of. All of the agenda for Personnel and Employee Personnel matters were taken care of. In the Department of Municipal Services, all of the, excuse me, in the Department of Business Activity, all of the Business Licenses were approved. All of the Charitable Solicitation Permits all of the Family Care Centers were approved. All of the Slot Machine Licenses were approved. The Retail Tobacco Licenses were approved. Liquor Gaming and Retail Matters were approved. As a matter of fact, everything that was on the agenda for the Business Licenses and Activities, were approved. I believe those were the only matters that we took care of in that time. So if there was anyone here for Business Licenses, you have been approved.

Mr. Beckley: In the event that the Commission wishes to consider this as a complete de novo proceeding; then I would ask that there be made a part of the record....

Commissioner Christensen: You are going to have to tell me what that means before we can consider it. I am not an attorney.

Mr. Beckley: It means brand new, or all over, from the beginning.

Mayor Briare: Well Mr. Beckley, I think that the materials that are given to us, save and except maps and things of that nature, we are aware of. Now if you feel that it is necessary to begin the whole matter again, in order for you to establish some legal grounds, and I think we are obliged to listen to whatever you have. But I think it should be stipulated, that we know what exists right there, by our knowledge of the Community.

Mr. Beckley: I am not so concerned about that your Honor, as I am the actual evidentiary material, which was presented to the Board.

Mayor Briare: Mr. Ahlstrom, do you feel that this is something in order that Mr. (pause), in order to answer the case, whether we should have a de novo hearing on it?

Mr. Ahlstrom: This is a Public Hearing Mr. Mayor, and he represents the people that are protesting. I think he is free to offer whatever material he chooses to the Commission.

Mayor Briare: Go ahead Bruce.

Mr. Beckley: I will make it as briefly as I can your Honor.

V-50-77 Continued Mr. Claiborne: Mr. Mayor, may I make a stipulation. It will save a lot of time. Whatever you want to introduce, I stipulate that it may go in.

Mr. Beckley: Thank you, but I still want the Commissioners to look at it.

Mr. Claiborne: I am just stipulating to save time.

Mr. Beckley: First your Honor, I would like to introduce in evidence a certified copy of the Assessors Map of the Rancho Circle area. This indicates the two lots on which the variance is at, namely lot number 13 and 14. Second, I would like to introduce in evidence certified copies of three deeds. One from R. J. Kaltenborn, dated March 9, 1948, establishing the CC and R's in the area, and establishing an easement for a highway right of way at the entrance, and around the circle. Next I would offer into evidence two deeds to lots 13 and 14, by which the applicant acquired title, in the year 1967. I introduce the two deeds primarily for the purpose of showing that she attained title to the two lots separately, and by separate deeds. Next an affidavit by Elsie Thornburg, who is the Associate Management Analyst of the County Assessor's Office, to which are attached the Master Property Record Assessment Cards. Indicating that the two lots owned by Miss Mc Guire at this location, are still assessed separately, and the tax bills go out separately. Next an affidavit of Mr. Maxwell Kelch, to which are attached certain photographs indicating the existing fence, which has already been constructed. The affidavit also points out, that at all times, in the last 15 years, both of the lots of which Miss Mc Guire now resides, namely 100 and 300 Rancho Circle; have always maintained separate driveways, mailboxes, addresses, and the properties located at those separate addresses have received their mail in that fashion. Additionally a set of photographs taken by a member of my staff, in my office, Mr. C. Eric Funston; showing the existence of the present wall. (Mr. Beckley handed the exhibits to the Commissioners and Mayor). Before going further your Honor. I wish to make it perfectly clear, that this proceeding, as you are aware, is for a variance. Raising the height of Miss Mc Guire's present wall to 15 feet. Whether or not the present wall falls within the Code, and is a legal wall, is not an issue for the Commission this day. Also, before arguing the matter in detail, one other point should be made very clear. The City's notice indicated that the variance was for a 15 foot wall, in an area where a 6 foot wall was presently permitted. It is the position of the protestants, that while that might be true, in so far as the side wall is concerned along the house in which Miss Mc Guire resides, which faces on the Circle itself; the house behind it, which is the old Laub house, which you may be familiar with, has a frontage on Rancho Circle. Since that is an entirely separate lot, separately assessed, with a separate driveway and a separate mailbox, it is our position; that in so far as the wall is concerned at that lot, that is a front yard, and as a consequence the maximum permitted height permitted under the Code, without a variance, is four feet. The top two feet of which is required to be at least 50 percent open. That is your own Code, Section 11-1-3, the definition of a front of a lot. The Code makes it very clear that a variance cannot be granted by the Board, or of this Commission, unless there are certain very positive requirements met. It is not a matter of simply someone wanting a variance. This is something that must be established by evidence. The Code itself has language which is indeed very strict. It states, "When practical difficulties, unnecessary hardships, or dictates inconsistent with the general purpose of the chapter will result through a strict, and literal interpretation, and enforcement of the provisions hereof; the Board of Zoning Adjustments shall have the authority, as an administrative unit, subject to the provisions of the chapter, to grant upon such conditions as it may determine, such variance from the provisions of this chapter, as may be in harmony with its general purpose and intent". The Supreme Court has defined

V-50-77 Continued a variance as a safety valve. Namely, something that permits an administrative body to undo an extreme hardship, which is placed upon one piece of property. The Code defines the purpose of a variance as "The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted, which will have the effect of granting a special privilege not shared by other properties, in the same vicinity, and in the same zoning district". In other words, you must find that there are practical difficulties, unnecessary hardships, or requirements inconsistent with the general purpose of the Zoning Ordinance, before you can grant the variance. It is not just a question of whether Miss Mc Guire would like a higher fence. She bought the property subject to zoning. She must be treated like the other property owners in that neighborhood; and she is required to make a necessary showing before you. There is no evidence here of any practical difficulty which she faces. There is no evidence here of any unnecessary hardship which she faces. There is no inconsistency in applying the 6 foot fence rule, to this property. Indeed as it is to other properties in the neighborhood. But even more important, the Code says that "the sole purpose is to prevent discrimination as to her property". There has been no showing whatsoever, that a 6 foot fence, in any fence, would discriminate against her in any way. The same rule applies to all other properties in the neighborhood, and there is no injury or discrimination, which has been shown. The Code also says, "no variance may be granted which grants a special privilege not shared by the other owners in that neighborhood". That language in itself, is sufficient to permit you to deny this application. It is obvious, that if the variance is granted she is getting a special privilege, which no one else in the area shares. Lastly, there must be substantial evidence presented by the applicant, for a variance to be granted. That it is necessary for the preservation and enjoyment of a substantial property right, which is possessed by other members. Other property owners in the same vicinity and in the same Zoning District, and denied to the property in question. This showing also is absolutely lacking here. There is no substantial property right which has been shown, that others possess, which has been denied to her. We therefore submit that none of the requirements set forth in the Zoning Ordinance, have been met. There has been no, there is no present discrimination by the Zoning Ordinance against the Mc Guire property. Mc Guire would be getting the same privileges, or concessions she would be getting, would the variance be granted. A special privilege which is not presently shared by her neighbors. There are no extraordinary or exceptional circumstances which exist. Others in the area do not have a substantial property right, which is now being denied to her. A variance would be, in our opinion, extremely detrimental to the Public Safety and welfare of the other property in the area. (Mr. Saylor handed Mr. Beckley a sketch). Mr. Saylor has just handed me a sketch, which we had made, showing the appearance of Rancho Circle, if all of the residents there would be permitted to put a 15 foot fence on their curb line. I would like that made a part of the record. (Mr. Beckley handed the sketch to the Commissioners).

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Regular Meeting
City Commission
August 3, 1977

Commissioner Leavitt: Maybe we could use this for our jail.
(Laughter)

Mr. Beckley: I might add Commissioners, that I have checked the matter with Mr. Peter Simon at Jean, and the prison authorities have found that 12 feet is sufficient. We therefore submit that the variance should not be granted, where there is no substantial existing problem, and no problem exists which can be solve by the granting of it. All you would be doing here is satisfying the whim of someone who is fearful of public exposure. The applicant has owned the property now for 10 years. She knew of the zoning requirements when she moved there, and when she purchased the property, and she knew the character, and nature of the neighborhood. As we know, it is a beautiful natural section, with much open green spaces. If the applicant desires

to live behind a 15 foot concrete fence, that of course is her right. But we suggest, that it is not a right she is entitled to exercise, in that area, that is well established. That it is an R-A area; and such a construction would be obviously contrary to all established zoning principles. I would be happy to answer any questions.

Mayor Briare: Those 10 documents that you gave us to look at, do you wish those to remain in the custody of the Clerk to remain a part of the record.

Mr. Beckley: I would like them to be made a part of the record.

Mayor Briare: Right.

Commissioner Christensen: I have a question for our department. Did we not have, sometime ago, a variance request on a high wall in the Rancho Circle area?

Mr. Saylor: Yes, that was 7 feet I believe, and it was for a short section of wall. It was on the side. It was not visible from the street.

Commissioner Christensen: Was that denied or approved?

Mr. Saylor: It was finally approved.

Commissioner Christensen: Is this the same piece of property that we are talking about today, that was; I am like Mr. Claiborne, I am not too far away from this area. It sticks in my mind that some years ago, we had a problem over a tennis court and the lights, and there ended up a suit in court over it and so forth. Is this the same piece of property before she owned it?

Mr. Beckley: There was a variance granted some years ago for the back portion of this property, yes.

Mr. Saylor: Yes, however I don't believe that is the one that ended up in litigation.

Commissioner Christensen: Well there was one which had some litigation over the lights.

Mr. Saylor: That was further in.

Commissioner Christensen: O.K.

Commissioner Lurie: I have one question. Based on the property sections, that you were talking two separate pieces of property. What you are saying, is the back lot; you are saying that that is actually the front yard, and the fence there has to be four feet.

Mr. Beckley: I am saying that they are separate lots, and because of the configuration of the lots, that the frontage is on the Circle, rather than on Rancho Road.

Commissioner Lurie: Well based on the driveway there too it shows that it is possibly facing in toward, facing North.

Mr. Beckley: There is two big gates in the fence.

Mayor Briare: Any other questions.

Mr. Beckley: Mr. Crandall, who represents his daughter may have an answer to the question that was just asked you about the large fence.

Commissioner Christensen: Wasn't that; wasn't there a problem about another fence.

Mr. Crandall: There was a problem about it. He wanted to put a 30 foot fence between my daughters place, and his place. That was a doctor. It was denied. That was about 5 years ago.

V-50-77 Continued Mayor Briare: Any other questions or comments? (No response). Is there anyone else in the audience that has not already been represented by Mr. Beckley, that wishes to be heard on this matter?

David Laub: I live at 1000 Rancho Circle. The front house the one with the wall in the front was my grandfathers house. There was a previous wall there, That was 8 feet, but it was back against the house. If you stood on your car hood, you could not see through that fence. But they tore that fence down, and moved it up to the curb. If they would have left it where it was, people wouldn't have been able to see over it. If she wouldn't have torn down the old wall, and moved it up to the curb, she would still have her privacy.

Mayor Briare: Is there anyone else?

Gerald Moffitt: I want a clarification as to their position on the old Laub house, as a front yard. Ten years ago, when this property was acquired, that house was turned into a guest house, and it has been operated that way ever since. I am wondering if it is the position of Mr. Beckley that because of the fact that it was two separate pieces of property at one time, that they want a four foot high wall in that position? He made reference to that, and I didn't know whether he was advocating that or not.

Mr. Beckley: I think the answer to that is, I don't have to take a position on that here. That is not before this Commission. What you are being asked, is to approve a 15 foot wall, regardless of what the Code presently permits. In my opinion, you are only allowed a four foot wall at that location.

Mayor Briare: Anything else? (No response). Mr. Claiborne, would you like to make a closing comment or two?

Mr. Claiborne: I am also concerned about Mr. Beckley's statement about the front of the house. The Laub house that Miss Mc Guire purchased. She purchased that house, and she turned all of the area into a back yard, and the old Laub house into a guest house. What used to be the front of the front yard of the Laub house, then became the back yard of Miss Mc Guire's house. No longer then did the front yard face the street, to which we are only entitled to a four foot fence, according to Mr. Beckley. Since the front yard of the old Laub place, became the back yard of the McGuire place, it would be an entirely different thing. You see it is to bad that I don't represent all of those rich people today, because as quick as I am to figure those things out. Anyhow, see there is another answer which proves once again, that it is according to whose ox is being gored. As far as the said discrimination is concerned, I recognize that that is a valid principle. I know how large law firms work. Mr. Beckley is absolutely correct, when he said that there has to be something in the nature, that is discriminatory, that entitles you to a variance. There also has to be; and he is absolutely right, when he says "a substantial deprivation of a property right". He is correct in that. His young lawyer that looked up the law for him, and prepared a memorandum, and told him what to say was correct. Now I told you of the purposes that she expressed to me, was that because she was bothered and harrassed by people peering over the wall. I have seen that with my own eyes. I didn't have to hire an investigator, because I live in that area, and I have seen it on several occasions. When she told me that people stood on the top of cars, and looked over the fence, I have seen that also. I knew that was a fact. I have an idea that it depends on how tall the car is, and how tall the fellow that is standing on it would have a lot to do with it. Any way, she is an entertainer, and she is a pretty good looking lady. In fact she is a very good looking lady. I believe that even Mr. Lurie could appreciate that. Anyhow, now you can see the difference. Now who the hell is going to peer over Doctor Cherrys house, and look at him?

Do you know of a human being in the whole world in his right mind that would climb up on the hood of his car, to look over the fence at Kenney Searles? There isn't one. The same would apply to Max Kelch also. So we do have some form of discrimination. Now enjoyment of a substantial property right. It has to be. If you are being harrassed by people, then you can't enjoy your property, and your right to enjoy that property is being interferred with. That is all the law means when it says "being deprived of a substantial property right". It means the enjoyment and the use of your property, for the purpose for which you purchased it. That is simply all it means. If she is bothered by people, then the enjoyment of her property is at least being impeded. That point in the law, as far as this case, is satisfied. Thank you very much.

Mayor Briare: Anyone else? (No response). This Public Hearing will be declared closed, and I will ask if there is any comments by the Commissioners? (No response). What is the pleasure of the Board?

Commissioner Christensen: I will move for the denial of the appeal.

Mayor Briare: Any comments on the motion to deny the appeal? (No response). Cast your votes. Motion is approved. The appeal is denied, there is no fence.

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

Mayor Briare: The next item now we will go to the Community Planning and Development.

COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT

DON W. SAYLOR, AIP, DIRECTOR

EXTENSION OF
TIME TO BE
EFFECTED BY
ORDINANCE Z-37-
76 - ERNEST A
BECKER
Approved as
Recommended
by Planning
Commission

Mayor Briare: The first matter on the Planning Department is an extension of time. Both Items A and B are extensions of time. Is there anything special about these Mr. Saylor?

Mr. Saylor: Instead of being contained in the Resolution that they be put into effect by Ordinance. The Planning Commission recommends approval of both A and B.

Mayor Briare: Any comments by the Commissioners? (No response). What is the pleasure of the Board?

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

Mayor Briare: Cast your votes. Motion is approved.

EXTENSION OF
TIME TO BE
EFFECTED BY
ORDINANCE Z-38-
76 - ERNEST A.
BECKER
Approved as
Recommended by
Planning Commission

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

Mayor Briare: Item C, Plot Plan Review for Mike Gold.

PLOT PLAN REVIEW
& REVIEW OF
CONDITION Z-6-66
MIKE GOLD
Approved as
Recommended by
Planning
Commission

Mr. Saylor: This involves commercial property on West Charleston area. At the time the commercial zoning was approved along the North Side of West Charleston, it was stipulated that there would be no access to the street immediately to the North. That there would be no signs fronting that street. The idea being to stop the commercial at that point. To protect the single family characteristics. This particular property however, is located in the Eastern part of it, where there is apartment house buildings. He is requesting that he be allowed to have an opening in that wall, so the people in the Spanos Apartment Development have that access to the rear of the commercial property. The Planning Commission recommends approval.

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

Mayor Briare: Mr. Saylor, if my memory serves me, I believe Alpine consists of all apartments on one side, and vacant property on the other?

Mr. Saylor: On the Eastern part, but as you go further West it is single family R-1 to the North. This is in the apartment house area.

Mayor Briare: Would Alpine be considered as a residential street?

Mr. Saylor: Yes.

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

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

PLOT PLAN
REVIEW AND WAIVER
OF CERTAIN
REQUIREMENTS
IN THE TRAILER
PARK ORDINANCE -
Z-10-69 RON
RICHARDSON'S
BALLERINA SUNRISE
MOBILE HOME
COUNTRY CLUB
Approved as
Recommended by
Planning
Commission

Mr. Saylor: The next item is a Plot Plan Review in connection with a proposed Mobile Home Park, and a waiver of 2 or 3 of the conditions in the Ordinance that concerns Mr. Richardson's Ballerina Sunrise Mobile Home Park, which is on the West side of Lamb Boulevard, and South of Washington. The area immediately to the North has already been developed as a Mobile Home Park. This is properly zoned. However, he has submitted a new Plot Plan which is a redesign and a better design than the previous one. He is requesting a waiver because there will be laundry mat operation in the commercial part of the development. He is asking that he be able to space his lights at 104 feet instead of 100 feet, and to set within 5 feet of the side property line, instead of the 15. Now the 15 is the requirement predicated upon some other type of land use. In this case it immediately abuts a mobile home park, so the Planning Commission felt that that was a logical request and has recommended approval.

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

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, Leavitt, Christensen
and Mayor Briare voting aye; Commissioner
Lurie voting no.

Mayor Briare: Next item.

PLOT PLAN
REVIEW Z-57-75
JUVENILE PAROLE,
STATE OF NEVADA
Approved as
Recommended by
Planning
Commission

Mr. Saylor: It is another request for a Plot Plan Review. To allow additional office space in connection with the P-R Zoning at 869 North Eastern, Juvenile Parole Services. This is a Plot Plan of the property. (Pointing to the Map). This is the existing buildings. A small addition to the rear. There is adequate parking, and the Planning Commission recommends approval.

Mayor Briare: Comments or questions? (No response).

Commissioner Lurie: Move that 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, Christensen,
Leavitt and Mayor Briare voting aye;
noes, none.

Mayor Briare: Next item.

ZONE CHANGE
Z-37-77
JERRY HERBST
Denied as
Recommended by
Planning
Commission

Mr. Saylor: The next item is the application of Jerry Herbst for a change in zoning. The property is located on the North side of West Oakey Boulevard, between Arville and Decatur. (Pointing to the map). If you look on the map you can see the location of the property. Immediately to the North is a single family home development. Immediately to the East in the Green area is a church. To the South is single family homes that back up to Oakey, and towards the West end of that is vacant commercial property. This project was before you previously at a greater density. At which time the applicant indicated that he wished to have it sent back to the Planning Commission, so that he could revise the plan and produce a lesser density. This was done. The property owners were again notified. We still have essentially the same protest factor. The Planning Commission recommended denial. The density is about six and a half per acres under the new proposal. It will take a couple of minutes to explain the Plot Plan. The units that back up to the single family homes, are all single story. In other words this Northern tear are all single story. There are some single story, and two story units towards the front. It would be a circular drive up to this portion. Here there would be a recreation area. These would be townhouses. I believe that is the only comments that I have on that.

Mr. George Smith: I live at 3355 West Spring Mountain Road. I am here to represent Jerry Herbst, and BJA Development, to present the positive side of this zoning application. This is Mr. Al Brende of BJA Development. I would like to begin by describing the neighborhood, which consists of 320 acres bounded on the South by Oakey Boulevard, on the West by Decatur Boulevard, on the North by West Charleston and on the East by Valley View. The reason that I bring up this 320 acres, is to go in to a little background briefly on what the general plan for the City of Las Vegas has to say about this particular size neighborhood. The neighborhood is described as Suburban Density Residential. This neighborhood would allow 4,000 people to inhabit it. According to the General Plan. This would translate to approximately 1,000 dwelling units, or a little more than that depending on the conversion that you may use. I would like to point out, that at the present time in this 320 acres, we have 138 dwelling units. This would equate to approximately 550 people. Most of the area as you can see, like Westwood Mall, there is some strip C on the North. East of Arville it is predominantly R-E. Houses on half acre lots. To the West of Arville we have one subdivision, which is R-1. The neighborhood South of the subject area from Oakey to Sahara is another 320 acres, and this area has roughly 5 times the population of the area or neighborhood that we are discussing. I would like to point out that the

remaining area adjacent to our project, has 45 acres of commercial zoning. Well all of it is not commercial zoning, but 45 acres of which some is commercial zoning. Some of this is going to be developed commercial and some of it is going out to be developed residential. We are submitting what we need between whatever commercial or other developments that are going to be in the area, requires higher density, as we move from our project towards Decatur. In other words we are starting out at an area that has approximately 40 units per acre, and as you move towards Decatur it is going to have to become higher. What we are offering is a medium density, and when I say medium, it really isn't medium. It is less than that, because our project has a density that is between R-1 and R-2. We are offering a medium density buffer with these positive attributes. We are offering something that has home ownership. These dwelling units are going to sell from \$55,000.00 to \$75,000.00. I should like to quote in part a letter from a Real Estate Appraiser. The gist of the letter is a neighborhood description. The letter has several paragraphs. One of the paragraphs states that the Fair Acres Estates tracts, which is South of us; this is a tract development which has had resales of homes ranging in prices from \$39,000.00 to \$50,000.00. She goes on to say, "however within the subject neighborhood there are higher quality homes and ones of lower quality and modular construction." Further on in the paragraph she states that "North of Oakey Boulevard we have the project or subdivision known as the Parade of Homes. The price range of these homes last year, sold from between \$42,000.00 to \$60,000.00." So the condominiums that we are proposing for this area fall within the type, and space wise, and price range wise as to what is existing there. We are also submitting that people have a right to live in this area. To live in a new area and to live where we are proposing this project. We are also pointing out at the same time, that while this is a condominium project, it would be totally maintained. The landscaping, the painting on the outside of the house, the pool care. All of this will be taken care of by the home owners association. This is a high quality construction project. The Developer has developed in Southern California, He is developing presently in Nevada. The homes right down the street in McNeil Manor, are homes that he has developed or building. These homes are selling for \$100,000.00 to \$130,000.00. We are offering an alternative to apartments in the neighborhood. At the same time we are not significantly doing anything to depreciate the area. Some of the items that were brought up previously are the traffic. In talking with Al Bossi of the Traffic Division of the Engineering Department, Oakey is operating at approximately 65% of the capacity that it was designed to comfortably handle. What we would be adding to this street would be less than 1% of that total number of cars. It would be 6600 cars versus 60 cars. As Mr. Saylor pointed out, that along the North property line we have single story homes. I should like to read you a petition that is signed by the following people. We have nine people that have signed this petition. These are the people that have the most concern about this project. These people abut our project and these people have been explained in detail what our project is about. They have signed this petition. This petition represents the nine households that abut our project. In total it says, "We the undersigned would like to go on record as homeowners most affected by application Z-37-77, because our homes are located adjacent to the project. After speaking with the developen, and fully understanding the project is our feeling that this development would be a benefit to our neighborhood. We would hope that you would give your approval to this application."

Unidentified Individual: Read the names.

Mr. Smith: Frank and Ann S. Trinco; George and Dora Shorff; Mr. and Mrs. Schutz; Mr. and Mrs. Taylor; Bob and Billie Tholgott, Al and Mary Rider; Alfred and Margaret Pulitini; Mr. and Mrs. Williams, and I am sorry I can't read the last signatures. I didn't personally get these.

Mr. Ron Tiberti, the Real Estate Broker on it talked to the people, and obtained these signatures. We do have a listing of the names of the people, and their addresses. I would also like to submit a letter from Mr. John Robard, and another thing that has been mentioned is, why don't we go R-1? Well we addressed ourselves to this. Mr. Robard writes, and I would like to point out that he is the only developer that is developing in this neighborhood. He is developing on Residential Estates Lots, to the East of us. He says, "Presently I am developing Ranch Estates Homes in the same area that Mr. Herbst proposed condominium development, and therefore I am knowledgeable of the area. I researched Mr. Herbst's property for the development of homes, and felt at the time that it was not suitable to my needs because of development costs, and the proximity of commercial zoning. It is my opinion that the proposed condominium development is an excellent alternative, and I hope that you would approve this application." We also have a letter an engineer that performed, I am sorry, we did have a letter from an engineer that did a soil test on this, stating that caliche was very shallow in the area, and he made certain recommendations to the development of the land. Basically right now I would just like to sum up what I have said. We feel that we have a valid application here, and we feel that we are within the Las Vegas General Plan for the area. We don't feel that anything that we are doing is detrimental to the neighborhood, or the general area that it falls in. We would ask for your positive consideration on this action. I would also like to thank at this time the Planning Staff. They were very helpful in answering our questions, and helping us.

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

Randy Mainor: I am an attorney, and I am here simply on behalf of myself, my wife and my three children. We live in the area known as the Royal Crest Park Addition. It is one block North of the area proposed by the developers. I have been before the Planning Commission on one previous occasion to express my personal views, as to why I think this ought to be denied. I don't wish to take up a lot of time, but I want to point out three areas that I am concerned with as a citizen. I have three little children who walk to school from our home over to Vegas Verdes. The ascertainment that traffic will not be increased appreciably, I just don't buy. I am concerned everyday about my kids going back and forth to that school walking. It is a situation where, as this body knows, there are many apartment or condominium developments that have popped up on our side of town. One of my concerns is, that there is just too many. It could probably, and properly be stated that this one project won't add appreciably, but when you add in all the other projects that are going on right there, they do add appreciably. Also I have been informed, although I have no records to give you, that Vegas Verdes, the Elementary School, within two or three blocks of that area, is now overcrowded. To bring in more dense living situation, where people congregate a greater density could cause problems, and probably would cause problems in terms of the school. My main concern, other than the first two I have stated is this. I spent an hour and a half here this morning listening to this body discuss the crime problem in this City, and the solution to the crime problem. Building a bigger jail, and other things. Crime is caused mainly by people being caused to congregate in numbers in given areas. There is no question but that the crime rate in that area, will be increased if we have denser population, than what it has been originally designed to be. To the area

near Clark High School, which is about 7, 8 or 9 blocks South of that area, there are a number of condominium type projects going up. I know people who are moving now out of there. Why, because there is more crime there now. There are more problems there. When people are caused to congregate in certain areas, in greater numbers, you just have more problems and more crime. If you are looking for answers to 1985, in terms of jails, I think you need to keep in mind that we need to be more concerned with following the wisdom of your predecessors in zoning certain areas in a certain manner. This ascertainment that those homes are only worth top \$60,000.00 is not correct. The home that I live in, I am not a Real Estate Broker, but I wouldn't sell it for less than \$75,000.00. Those are nice homes in there. I am not saying that the project that these people want to put up would necessarily detract from my home. I don't know if it would. But it is certainly a consideration. We are not Rancho Circle people. But the people who live there have lived there a long time. The area that was originally developed as the Parade of Homes, was a concept that dates back to when I was a child, and I grew up in Clark County. I was born in this County. I don't think that a logical reason can be advanced, why that area cannot be developed by putting homes in there. Homes, the type, the kind that are there right now. To put up these condominiums will create more problems in the future than it is worth. As a home owner, as a citizen, living in that area, I strongly oppose the application. I am hopeful that you will follow the recommendation of the Planning Commission and deny it. Thank you.

Commissioner Christensen: Gee I understand that that was an average for those homes. That there were many more expensive than that. That they weren't tops at \$60,000.00. Did I hear that incorrectly?

Mr. Mainor: I don't know. The nine people who signed the petition, if they are the people who live along that area that abuts, as the gentleman stated, those homes are not the top type homes.

Commissioner Christensen: Well, but you said that you didn't believe the statement that the homes are worth \$60,000.00 and that is tops. I don't think that statement was made was it?

Mr. Mainor: I thought it was.

Commissioner Christensen: Well the way I understood it, was that they were average. The letter is right here.

Mr. Mainor: I thought he said \$40,000.00 to \$60,000.00.

Commissioner Christensen: The letter also said there were many more than that. That the average is between \$40,000.00 and \$60,000.00. The letter also stated that there were many homes in excess of that.

Mr. Smith: Essentially what he is saying is, that the Real Estate Appraiser researched the homes in the area for the last year, and they were selling in those ranges that were there. That does not say that there isn't a \$70,000.00 home in there.

Commissioner Lurie: It says, "the sales in the neighborhood over the past year have ranged in price from \$42,000.00 to \$60,000.00. This price range is deemed typical to the subject neighborhood."

Mr. Smith: Well those particular homes were Parade of Homes, the other was Fair Acres. There wasn't any consideration given to the half acre lots.

Commissioner Christensen: You would recommend that they put R-1 in there?

Mr. Mainor: Well I would recommend that they build homes just like the ones they have.

Commissioner Christensen: How many more people are you talking about in your project than R-1?

Mr. Smith: Ten dwelling units.

Commissioner Christensen: So you are talking about 30 more people.

Commissioner Lurie: My understanding is, that right now they can build 26 two story houses on the property without even coming before us.

Mr. Smith: That is correct.

Commissioner Lurie: Those are two story houses, and they have come in with a plan here, that has single story backing up to the residents who approve the project. According to the letter here that is presented.

Commissioner Christensen: Well what I am talking about here is an increase in population, and you are not considering that they have to leave the property vacant to hold the traffic down.

Mr. Mainor: No, what I am saying is, why not develop that whole area by putting homes.

Commissioner Christensen: Yes, but you said the reason was the traffic, and you are talking about many more people. It sounded like that with what they are proposing is going to really increase the traffic flow. I just wonder how much it is going to increase the traffic flow. In other words, it doesn't seem to be very large, as large as you are painting it, that is what I am getting at.

Mr. Mainor: I would like to inquire as to how many square feet these units are going to be?

Mr. Smith: There are basically two units, the single story and the two story. The single stories are 1300, and the two stories are 1700.

Mr. Mainor: The homes that are built in that area are in excess of 2,000 square feet. If the vote would stand or fall on the traffic problem I wouldn't be able to convince you of my position. I am not saying that that is the only problem. I am not saying that.

Commissioner Christensen: Well another problem you mentioned was the schools. It is my impression that the schools are suppose to change to take care of the population shift. The populations are not supposed to shift to fit the schools.

Mr. Mainor: Well, then what I will do is adopt as a part of this record the point of law that Mr. Beckley cited, in support of his denial on the application.

Commissioner Christensen: Except that is a variance, and this is a zone change. There is a difference.

Mr. Mainor: Yes, but the effect on the thing, the change made. The effect of a variance is that you take one condition and you vary it....

Commissioner Christensen: Are you saying that if this is approved, that we will be in court with it?

Mr. Mainor: I am saying that there are people who have discussed that with me, and asked whether I would be willing to represent them in court. I am not here representing anybody but myself and my family. But I am saying that if there are enough people there is always enough to go to court. I don't know, I haven't

been shown anything, and I will say this also. The information that has been provided on three prior occasions, once before the Planning Commission, denial, once before you people, denial, back to the Planning Commission, denial, three prior times it has been my understanding, and my remembrance that it has not been at all consistent. You hear one thing one day, and you hear another thing another day.

Commissioner Christensen: That is the reason we sent it back.

Mayor Briare: Excuse me. Our procedures here are to let you go ahead and let you speak first and then listen to the protestors. I am not going to allow you to rebut each individual item.

Commissioner Christensen: I was under the impression, that that was the reason we sent it back. We thought it was too high a density, and we referred it back to the Planning Commission, and see if they couldn't come up with a lower density. Now they have, which is the normal procedure. That is why it is different. Because we told it to be different. Sometimes these things can get emotional and statements can be made that are not entirely accurate. That is why I keep getting back to the same thing, you are talking about. Rather we are talking about 1300 to 1700 square feet, that is going to create more traffic by having 10 more units, than 2,000 square foot homes, which hold large families. I don't know what you base that on.

Mr. Mainor: Now wait a second, what is to stop large families from moving into the smaller units? You can't make that kind of comparison. Simply that a smaller unit means that smaller families are going to go there. That doesn't make any sense. You can take a 1300 foot apartment and put 20 people in there if you want.

Commissioner Christensen: Well normally a person who buys a \$70,000.00 condominium with 1300 square feet, doesn't have a large family. If he has those funds he will go buy a bigger house so he don't have to live quite so close to his children. I would, I did.

Mr. Mainor: Well I would question very seriously the representations that these units are going to go for \$70,000.00.

Commissioner Christensen: Well I think that could be established based on the projected cost of construction. They will go for \$70,000.00 or they won't sell.

Mayor Briare: Is there anyone else who wishes to speak in opposition to this application?

Miss Melbo: I am in the affected area at 1612 Metropolitan. Regarding some things that this gentleman from the developers have said, I would like to comment on that. He mentioned in his talk that there were 45 acres of commercial remaining in the undeveloped land, indicating that it would not be harmful to the existing neighborhood for you to approve his plan, because there is 45 acres of commercial anyway. What he conveniently did not point out to you, that that particular 45 acres is around Decatur, and just down the corner of Decatur and Oakey. It is no way close to the immediate abutment of the affected property. Another point that the gentleman mentioned was, that these units were going to sell for \$55,000.00 to \$75,000.00. I looked at the plans for these units at the meeting that they held last Friday, and at the last Planning Commission Meeting. At the Planning Commission meeting, these same units that we are discussing here today, we were told were going to sell for \$45,000.00 to \$65,000.00. I might go back further and state that at the first Planning Commission Meeting, the original design was going to sell for \$33,000.00 to \$45,000.00. Every time we come before another Body, the price keeps fluctuating. The plans don't always change, but the price changes. The gentleman also said that the Parade of Homes, which is the subdivision just North of the questioned zone change, that the homes there are valued between \$42,000.00 to \$60,000.00.

He has some letter from someone that stipulated that. I have no idea who this person is, or where he got his information, however, I do know that the smallest house square foot wide in the Parade of Homes happens to be right next door to me. It is presently owned by the Bowens. They bought it from Judge Legakes a year and a half ago. This house is approximately 1300 square feet. It has only one bathroom. The yard looked like central Africa when they bought it, and that house went for \$43,500.00. That was the cheapest sale that has been made in two years in that neighborhood. I don't know where he got his figures. Phil Marabelli lives at the end of the cul-de-sac on my street, and he built his house in 1964 at a cost of \$48,000.00, in 1964. Now gentlemen we all know, what a \$48,000.00 house in 1964 is worth today. That completely obviates the figures that the gentlemen gave. He also kept making referral to his area that he wants rezoned, as R-1. It is presently zoned R-E, not R-1, indicating that he was getting a change lesser than for which he is applying for. He also had information from a builder that is building on Oakey South of him, that said the property in question this builder inquired about, found it to be too expensive for him. Indicating that that builder was building all those houses South of him. I happen to know that this is not true. Two of those houses are being built by a gentleman named Mott, because one of my clients is supplying his cabinetry for those two houses, and they are in excess of \$100,000.00 both of them. So there is not just one builder who has inquired about this property, and selected others. In regards to the petition of approval that he turned in to you. One of the signatures on that petition is Schultz. They live one house away from me, and I talked with the Schultz family last night. I am speaking today in behalf of the Schultz, in behalf of the Bowens, my immediate next door neighbors and in behalf of myself. The Schultz family told me, that through verbal communication with the Tiberti people, Mrs. Schultz was conveniently convinced that there was some existing Master Plan already, wherein all of that was going to go either shopping center or apartments. Out of fear, they signed this approval. Because they were led to believe that if they did not sign it to O.K. the apartments or condominiums, that they would then be faced with a shopping center. Now somebody is not telling the truth somewhere. Aside from that, and speaking in my own behalf, I realize that extra building always creates extra traffic, and extra wear and tear on utilities and so forth. I have no small children. My son is grown so my feelings about not wanting this passed are personal. I am a working lady, I am 47 years old, I bought my house in 1962 very wisely, because it is a good neighborhood, and my property has gone up. My house is worth \$55,000.00 now. I don't want to work past 60. I would like to retire. My mortgage will be paid, I would like my property to be of a high appreciative value at that point in my life, when I need it. If cheaper housing comes in, or if apartment type dwellings come in, there is no other way but for them to follow through with more and it will depreciate my property. Also, there was a petition with 181 signatures on it from effected property owners. I think that pretty well covers just about every one of them. We are talking about houses here, not apartments with a lot of people. This was protesting this zone change. We took the time at our own expense to xerox it and send copies to each of you gentlemen. I don't know if you received them or not.

Mayor Briare: Thank you very much.

Commissioner Woofter: You stated that you attended a meeting That the applicants sent out notices in regards to these 181 protestors. How many of these 181 showed up for that meeting? This last meeting a week ago.

Miss Melbo: I don't know how many people were sent notices on it, however I talked to several people who did receive the notices, and did not attend. The reason for not attending was because of the denial. Which was emphatic on the part of the Planning Commission. They not only denied it, but further stipulated in the denial that the property remain R-E Zoning. It was the feeling of the Commission that no other type of building should be built there. Resting on that laurel if you will,

we all felt quit safe that this Commission, would go along with the prior protests and with the recommendation of the Planning Commission. That it would automatically go through and we wouldn't have any problems.

Commissioner Woofter: That is a concern of mine, in that a lot of those that signed this protest, was considering the fact that they originally came in with a higher density as far as this property is concerned. Since that time they have cut it down, and we are talking about the fact that they could build 26 houses there now, two story, and they are coming in asking for an increase of 10 more.

Miss Melbo: The objection is not so much the number Commissioner. The objection is more lifestyle and value. I am an accountant, and I have a lot of clients. There are some who live in townhouses, some who live in cheap homes and some who live in very expensive homes. Single family dwelling owners are family oriented, neighborhood, roots in the ground type of people. Condominium buyers are show people, single people. They are people whose existence is more transient. They don't want to be bothered with mowing lawns, with babysitting, with crabgrass, and Boy Scouts, and so forth. This is the bottom line of the objection. It is a matter of lifestyles.

Commissioner Woofter: You are saying Spanish Oaks, and the area around the Las Vegas Country Club are all transients?

Miss Melbo: The point I am making is, that most people who live in a condominium or apartment type of structure are not people who are concerned with these things.

Mayor Briare: That is speculation We don't really know that. Do you have any other points you would like to make?

Miss Melbo: No.

Mayor Briare: O.K. thank you.

Jo Patsell: I live at 4501 Delmonte Avenue. In answer to Commissioner Woofter's question, this is a whole new petition. The first petition against the higher density had 145 signatures I believe. The second petition which has 181 was opposing the present density. The whole idea is that we are against multifamily units. That we want to live in a residential neighborhood. I have lived there for 10 years and we plan to stay there. We want to live in a residential area. The people at Fair Acres, the people in Parade of Homes, they have all lived there I would say an average of at least 10 years. We don't have many people floating in and out. When they do decide to sell, they have absolutely no problem in selling the homes. The only advantage I can see for putting higher density in, is to make as much profit out of the 5 acres that you possibly can. That is the only advantage, and the advantages goes with the builder. It is certainly not to our advantage.

Commissioner Christensen: There is another advantage. Commissioner Woofter asked the question as to how many people knew that it was for a lower density?

Mrs. Patsell: We all did. We made sure of that. We got more signatures this time, even though the density was lowered. Once the Zoning is changed, we are going to have no control over what goes on in that area after that. We have seen our neighbors to the South. They took 5 acres first, and they are now completely surrounded. This is our last line of defense. If we give in now, we do not want to be surrounded by multifamily dwellings. It is as simple as that. West Oakey Boulevard is the only remaining Boulevard left out there, that is not spattered with condominiums or apartments. We have a beautiful residential boulevard. I can't see why it can't stay that way.

Mayor Briare: Thank you very much.

Robert Patzer: I am the husband of the lady that just spoke. I just wanted to add one thing. We are not merely talking about this 5 acres. It has been alleged that they could build 26 two story structures with the present zoning, which is not true. It is R-E now. Not many people are to much opposed to R-1 Zoning. This is what is in character with the area. R-1 Zoning holds 26 structures, but these 26 structures bring in a different type of people, which you say is speculation. But I don't think the people along the strip would go along with that. The couple of points that I wanted to make, was that West Oakey is one of the only residential streets in town from the East Side of town to the West, where there are only a couple of places where it is not single family. Of course that is along Main Street and Las Vegas Boulevard. Along Nellis on the Boulder Highway and again when you get to Charleston. It is also bounded one half mile on each side by Sahara and Charleston, until you get out Oakey to Decatur. Then it goes commercial for a short strip. It is bounded North and South by heavy commercial on Sahara and Charleston, which is reasonable. But as soon as you start putting high density, crowding it in to the residential areas, it starts causing problems. I think it is out of character with this whole street, and in particular where the applicant is building. Another point that I wanted to make is that I have seen these plans for the rest of the 80 some acres involved there, leaving out the 40 acres strictly commercial. I would like the applicants to deny before the Commission if they wish too, that they have an option of the purchase of this land contingent upon it being zoned for multifamily units. I have seen their plans. This is what we are talking about. The only people that are going to benefit are the builders. There are no residents in the area that would benefit from this type of construction. There is only one more point that I wanted to make. This strip of land for at least 15 years to my knowledge, has been the natural flood drainage for the West Charleston area. I believe the applicants should submit an environmental impact statement to what they plan to do with the water that comes down through the now vacant land.

Mayor Briare: Any application requires substantial engineering surveys.

Commissioner Christensen: You know you can chase this water back and forth, It just depends on who developed first, and moved the water on to the neighbors property.

Mr. Patzer: There is a well developed ravine coming all the way down, along West Charleston. It switches 100 or 200 yards to the South. I helped people at Parade of Homes dig out three times since I have been living here. That is a high flood area.

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

Frank Facha: I live at 4516 Hillcrest. Now the gentleman said to you that you are using only 65% of the capacity of Oakey. I have been on Fremont Street on a Friday night, and that is about 165%. If we went ahead and let over 65% of the traffic travel on Oakey, we are going to have pretty much of a mess up in that area. Just to clear up one point as far as the traffic is concerned. Again Mr. Lurie brought up the fact that they can put in 26 two story homes over there. Fine let them put them up, just as long as they are single family homes. We don't object to that. What you are doing, is that you are opening up all of our property for apartments. It was turned down once before, Mr. Lurie agreed that there was too many apartments in that neighborhood. We don't need any apartments up in there, I emphatically stated that before. Anyone who builds a home up in that area, cannot lose money with a single family home. Now we have a nice area, We would like to keep it that way.

We have a big Thrifty Market over there. If we put another great big development on the lower side over here, then Mr. Becker are going to sell out, and what are they going to do. That all could be zoned for apartments. Once you get multiple dwellings anywhere. We definitely don't want them.

Mayor Briare: Thank you.

Ila Warner: I live at 1513 Banner Circle in Royal Crest Park. I wasn't going to say anything except the applicant had a letter from John Robard. I own the property on Hinson and Oakey, that John Robard bought. I could have tried to get it rezoned for condominiums or apartments. I have lived in Las Vegas 26 years and owned that property 25. We only ask for single family homes, because that is a nice area, and I didn't want to have my neighbors up in arms about it. He is going to build nice homes on there. As it has been stated to you, the Planning Commission said that they could build single family homes in this area and come out just as well as building these high density apartments.

Mayor Briare: Now would you gentlemen like to come up.

Commissioner Leavitt: I have been examining these petitions, and it is a very interesting thing that I have discovered here. This petition here has nine residents on it, and seven of those nine residents signed the petition in opposition. So you can see our problem here. Nine people here say we should build and seven of those nine say that we shouldn't. We should grant it, we shouldn't grant it. I don't put much value in petitions, because a lot of times it depends upon what the person who is gathering signatures represents to people. It is pretty obvious here, you would think that they didn't know what they were signing. You can't be on both sides. We have to make a decision, we can't say that we are for and against it, we have to make a decision.

Ron Tiberti: That is signed as of August the 2nd I believe. The people who signed the petition for this met with me individually, three home owners at a time. They cover the back of this property from this area here, to this area here. They all about it right down the line. That is dated August 2nd, which was yesterday. I met with three homeowners at a time, and as soon as I explained it, and took the feelers which they had been grilled into them by the other people, away from them, and showing them this project, there was no problem and they all freely signed. Now they are much older than myself. I obviously didn't persuade in any other way than the truth.

Mayor Briare: Now do you want to make any comments now in rebuttal?

Commissioner Christensen: I have got another one. There is one couple who signed the petition against changing this. I guess it depends on where you live and where you own, because they are on our agenda today for a zone change from R-1 to R-3 for some property they own.

Mr. Smith: As far as the traffic goes, in talking with Al Bossi, Oakey is at 65% of the capacity right now. The street in his words could handle 10,000 cars easily and 12,000 cars comfortably. Fremont Street does like 24,000 cars, Las Vegas Boulevard 26,000 cars and so on. We are adding less than 1% than that. One of the things that I would like to bring out, which really may not be of consideration. Really low density you have to spread out all over the place and that is really contrary to the conservation of energy. The farther you have to drive to get to places, it consumes more energy. I thought I would bring that up.

Mayor Briare: I was hoping that you would offer any rebuttal if you have any because you have already presented your case.

Mr. Smith: I did say that it was commercial, the person that said that it wasn't didn't hear my second remark when I pointed out that the Green was zoned R-1 and my comment to that was that this is a buffer. I want to say one thing that we should really look at. We believe that we have a sound application here, and I think we have to consider this 5 acres on its own, we can't look....

Mayor Briare: That is correct, we are just talking about this one part and nothing coming up in the future that we are not aware of.

Mr. Smith: Last but not least, I will testify here or in a court of law, that we have no options, no agreements either in writing or oral on any other property surrounding this. We are only interested in this property.

Mayor Briare: We don't require those sorts of statements, but in as much as the gentleman asked about it, he has his answer now.

Mr. Smith: As far as the flood control in that area, this will really help that out, because it is designed to push it on to Oakey, where the water should be.

Mayor Briare: Thank you very much.

Mr. Al Brende: I just have one point to make on this and that is it. On this petition, it seems to be pretty important, and I think it deserves at least one more comment on it. The first time we came in for an application we came in for 80 units on this same piece of land, and there were 140 odd petitioners that signed the petition. The second time when we revised the plan to 36, there were then 181 petitioners according to what is represented here. The plan was flown in from California and delivered to the Planning Commission, and presented at the meeting within a 48 hour period. There is no way in the world 181 people could have seen the plan. The whole point I am making is, that I am very confident that there is a very very small percentage of 181 signatures that even seen the plan, or had a direct explanation of it. Furthermore, the second meeting that was called for the homeowners, per the recommendations of our previous meetings here, so we can inform the homeowners what we want to do. The letters were sent out to all affected homeowners. We have had less than 10 of them that showed up at Charleston Bowl for the meeting. I was there, I spoke with possibly 18 to 20 people, but 10 families showed up, and it lasted for about 45 minutes and there was very very few questions and very little interest in our whole thing. But there seems to be a tremendous interest once we come before the Planning Commission or the City Commission in the same manner. I was there, and I just feel that the homeowners had fear of high density in this area since an apartment project was presented to them several months ago across the street. I think the average person that is signing this petition and is looking at our development feels that we are trying to do the same thing, and we are nowhere even in the same ball game as the previous petitioners for apartments. This is 36 units and they are homes and that is it. Thank you.

Commissioner Lurie: You are building those homes down below the hill on Oakey aren't you?

Mr. Brende: Yes sir.

Commissioner Lurie: You took in consideration on that property to build single family homes to keep with the area. Now you want to build townhouses into an area that is single family. Why?

Mr. Brende: Well, I owned the land on Oakey and the property was purchased originally for the purpose of putting homes there. The reason why, is the zoning across the street has already been established as a buffer between the commercial and our project as residential, and the homes behind us represented a very high value in comparison to the average home in Las Vegas. It represented approximately a \$75,000.00 price range or up. So economically and in the spirit of the neighborhood, we built homes and didn't come in for anything different, and applied originally for lots even lesser density than we could have had. We could have had at least one more lot and didn't even ask for it. Now in this particular area, we have a different situation with the commercial we are adjacent to. We also have homeowners, and so there is two sides to it. In order to meet the price range of the neighborhood around it, we would need to build something in the range of 1300 to 1500 square feet of house, if we built the 26 houses, two stories or whatever it would be. When you build a 1300 to 1500 foot house, and you attempt to get a price range of \$60,000.00 or so, you can't give the people anything else. You can't give them landscaping, you can't give them any immunities that are desirable for the value that we put on this particular area. Therefore we did as for this, which allows us to landscape it, secure it and plan it from A to Z, and to establish restrictions for the people that are going to be living in it up front, and to still maintain the value of the neighborhood. The two areas were just different and it depends upon the type of property that is adjacent when you plan these things.

Mayor Briare: It was indicated by the lady that the first petition that went around had 145 signatures I believe she said, and the next one that went around had 180 or 181 signatures. Apparently, whatever the representations were made before, we have to assume that they were made aware of what the next ones were because they signed the petition. Is there anyone else now. What is the pleasure of the Commission. Are there any further comments or questions by the Commission?

Commissioner Lurie: Mayor I would make a motion that we follow the recommendation of the Planning Commission.

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

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

Mayor Briare: I think we are going to have to take about a 3 minute recess, and hopefully it won't last more than 5.

(Commission Meeting recessed at 4:00 P.M.)

(Commission Meeting reconvened at 4:10 P.M.)

Mayor Briare: The next item on the agenda is a Zone Change for William W. and Ruth Boyd.

ZONE CHANGE
Z-52-77
WILLIAM W. &
RUTH L. BOYD
Approved as
Recommended
by Planning
Commission

Mr. Saylor: This is a request for a change from R-E to R-1, property located out in the Eastern part of the City, North of Stewart, East of Lamb and the area to the South is being developed as R-1. They are asking for this change to allow single family dwellings. The Planning Commission recommends approval, there are no protests.

Mayor Briare: Comments?

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.

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

ZONE CHANGE
Z-53-77
GLEN C. ROEDER &
EVELYN R.
MACKENZIE
Approved as
Recommended

Mayor Briare: The next item is the application for Glen Roeder and Evelyn Mackenzie.

Mr. Saylor: Request for a change in zoning from R-1 to R-4 for property located at Hinkle and North 23rd, in the Eastern part of the City. This is in an area where we have allowed R-3 Zoning, in fact almost all of it has gone to an R-3 classification. Under the R-3 they should have two units left in what they are proposing. They want to build fourplexes, that is why they are asking for the R-4, however, at the Planning Commission meeting it was brought out; the Planning Commission felt it best if the application were amended to R-3, and then they seek a variance for the additional two units. I believe the applicant somewhat agreed to that, and that is the recommendation of approval to R-3. There were no protests.

Mayor Briare: Any comments or questions? (No response).

Commissioner Lurie: Move that 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, Christensen,
Leavitt and Mayor Briare voting aye; noes none.

ZONE CHANGE
Z-54-77 RON RUDIN
CONSTRUCTION
COMPANY

See Page 85 of these minutes - Annotated Agenda

ITEM	Commission Action	Department Action
<p>b) <u>COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED</u></p> <p>Item "a" Z-37-77 continued . . .</p> <p>Planning Commission recommends DENIAL (4-ayes - 1-abstention) because it was felt the density proposed was still too high and anything other than R-1 development would not be compatible in this area.</p> <p>PROTESTS: Approx. 180</p>		
<p>G. <u>ZONE CHANGE - Z-52-77 - WILLIAM W. & RUTH L. BOYD</u></p> <p>Property generally located north of Stewart Avenue, east of Lamb Boulevard, south of Cedar Avenue and west of Marion Drive. From: R-E (Residence Estates) To: R-1 (Single Family Residence) Proposed Use: Single Family Homes.</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Conformance to code requirements and design standards of all City departments. <p>PROTESTS: 0</p>	<p>APPROVED as recommended by Planning Commission Lurie Commissioner Woofter abstained</p>	<p>Director to Proceed Clerk to Notify</p>
<p>H. <u>ZONE CHANGE - Z-53-77 - GLEN C. ROEDER & EVELYN R. MACKENZIE</u></p> <p>Property generally located on the southeast corner of Hinkle Drive and North 23rd Street. From: R-1 (Single Family Residence) To: R-4 (Apartment Residence) Proposed Use: 5 four-plex apartment units.</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> 1. An approved water main and fire hydrant system to be installed as required by the City Fire Department. 2. Installation of half-street improvements including two street lights on North 23rd Street as required by the Department of Public Services. 3. Installation of half-street improvements including one street light on Hinkle Drive as required by the Department of Public Services. 4. Application be amended to R-3 zoning. 5. The west 20 ft. of the east 40 ft. be an easement so that each unit would be provided access to the easement. 6. 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>APPROVED as recommended Lurie - Unanimous</p> <p>Page 84a Minutes Regular Meeting City Commission August 3, 1977</p>	<p>Same as above</p> <p>Page inadvertently left out of minutes showing Conditions of Z-52-77</p>

ITEM	Commission Action	Department Action
<p>h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED</p> <p>Item "H" Z-53-77 continued . . .</p> <ol style="list-style-type: none"> 7. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy. 8. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. 9. Conformance to the plot plan to reflect the above conditions. 10. Conformance to code requirements and design standards. <p style="text-align: center;">PROTESTS: 0</p>		
<p>I. ZONE CHANGE - Z-54-77 - RON RUDIN CONSTRUCTION COMPANY</p> <p>Property located at the southwest corner of Stewart Avenue and Lamb Boulevard. From: R-3 (Limited Multiple Residence) To: C-1 (Limited Commercial) Proposed Use: Convenience Market and Self-Service Gasoline Pumping Facilities.</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Resolution of Intent be restricted to a twelve (12) month time limit. 2. Installation of off-site improvements as required by the Public Services Department. 3. Provide an approved fire hydrant as required by the Fire Department. 4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license. 5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy. 6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. 7. Conformance to the plot plan to reflect the above conditions. 8. Conformance to code requirements and design standards of all City departments. <p style="text-align: center;">PROTESTS: 0</p>	<p>APPROVED as recommended by Planning Commission Lurie - Unanimous</p>	<p>Director to Proceed Clerk to Notify</p>
	<p>Page 85 Minutes Regular Meeting City Commission August 3, 1977</p>	

ITEM	Commission Action	Department Action
<p>-(h) <u>COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED</u></p>		
<p>J. <u>ZONE CHANGE - Z-55-77 - FRONTIER SAVINGS ASSOCIATION</u></p> <p>Property located at 905 Las Vegas Boulevard North. From: R-1 (Single Family Residence) To: C-2 (General Commercial) Proposed Use: Motel</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Dedication of 15.29 ft. of right-of-way on 4th Street (plus an additional 3 ft. for landscaping) and construction of a concrete sidewalk on 4th Street and Las Vegas Boulevard frontages as required by the Department of Public Services. 2. Provide an approved fire hydrant as required by the Fire Department. 3. The structure to be relocated eastward 18 feet as required by the Department of Community Planning and Development. 4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license. 5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy. 6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. 7. Conformance to the plot plan to reflect the above conditions. 8. Conformance to code requirements and design standards of all City departments. 	<p>APPROVED as recommended by Planning Commission Christensen Commissioner Leavitt abstained</p>	<p>Director to Proceed Clerk to Notify</p>
<p>K. <u>ZONE CHANGE - Z-56-77 - JOHN & OLLIE RICHARD, JR.</u></p> <p>Property located on the northwest corner of Miller Avenue and La Salle Street. From: R-2 (Two-Family Residence) To: C-2 (General Commercial) Proposed Use: Beauty Shop and retail Uses.</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p>	<p>APPROVED as recommended by Planning Commission Woofter - Unanimous</p>	<p>Same as above</p>
<p>continued . . .</p>	<p>Page 86 Minutes Regular Meeting City Commission August 3, 1977</p>	

ITEM	Commission Action	Department Action
<p>(h) <u>COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED</u></p> <p>Item "K" Z-56-77 continued . . .</p> <ol style="list-style-type: none"> 1. Application to be amended to C-1 zoning. 2. Resolution of Intent be restricted to a twelve (12) month time limit. 3. Provide an approved fire hydrant as required by the Fire Department. 4. Dedication of a 15 ft. radius corner at Miller Avenue and La Salle as required by the Department of Public Services. 5. The curb cut to be provided on Miller Avenue rather than La Salle as required by the Department of Community Planning and Development. 6. 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. 7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. 8. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy. 9. Conformance to the plot plan to reflect the above conditions. 10. Conformance to code requirements and design standards of all City departments. <p style="text-align: center;">PROTESTS: 0</p>		
<p>L. <u>ZONE CHANGE - Z-58-77 - JANE POTTER, ET AL</u></p> <p>Property located on the south side of Owens Avenue, between Nellis Boulevard and Marion Drive and the east side of Marion Drive, between Owens Avenue and Monroe Avenue. From: R-2 (Two-Family Residence) To: R-E (Ranch Estates) Proposed Use: Single family homes.</p> <p>The Planning Commission unanimously recommends DENIAL because it was felt all of the lots in question should not be zoned R-E, and the people wishing to have horses on the lots in question could do so by means of a Variance Application.</p> <p style="text-align: center;">PROTESTS: 6</p> <p>Page 87 Minutes Regular Meeting City Commission August 3, 1977</p>	<p>TABLED pending BZA action</p>	

ZONE CHANGE Z-58-77 Mayor Briare: The application of Jane Potter.

JANE POTTER, ET AL

Tabled pending

BZA action

Mr. Saylor: This involves property in the vicinity of Nellis and Owens, in an area that was annexed to the City and subdivided for R-E purposes, however, at the time it was annexed, it was zoned R-E along the Owens Avenue Frontage and along the Marion Drive Frontage. The interior was developed R-E and developed as such. These are large lots, I expect they are larger than a half acre, they are probably close to 3/4 of an acre or better. We had a request recently for somebody to have horses in the R-2 zone, it was about three years ago and the variance was approved, with a time limit. They have now requested an extension of time. When it came before the Board of Zoning Adjustments, the matter was discussed and there was some evidence that some of the property owners perhaps wanted to have horses, others already had them illegally and would want to keep them. Consideration was given to the possibility, or desirability of rezoning it back to R-E. When that was heard before the Planning Commission, quite a few of the property owners came in and indicated that they purchased the property as R-2, with the thought in mind of using it at a later date for construction of income units. At least one property owner has already been given a Resolution of Intent to R-3, and has built apartments. As a consequence to that, with a further indication of many of the people that objected to going back to R-E, taking the position that they would have no objection however, if variances were granted to those people who wanted to keep horses. The Planning Commission subsequently denied the application for the change in zoning. Now we do have an application on file before the Board of Zoning Adjustments for another variance for horses. I think it has been indicated that these will be allowed.

Jane Potter: I reside at 4959 East Owens. I was wondering if it is possible to spot R-E on my property and Mr. Perrys property. I have a letter stating that they would wish that too. Also to begin with we got turned down on a variance in May and I got many signatures on a petition for R-E Zoning. I got about 57 or 75, I can't remember, you should have it on file.

Mayor Briare: What you want to do is build?

Jane Potter: No, I want to keep my horses there.

Mayor Briare: You are not interested in building new homes there, you just want the ability to keep the horses?

Jane Potter: Right.

Mayor Briare: Did you understand what Mr. Saylor was saying about what you might do in order to have the horses?

Commissioner Christensen: She got turned down she said.

Jane Potter: Yes, the variance. We just got turned down in May for a variance. That is why the Commissioners told me to take a petition around to have it signed and make my application. I have taken a few days off work to do this, and I got a lot of signatures.

Mayor Briare: What does she do now Mr. Saylor?

Mr. Saylor: You could allow her property to be zoning R-E as the result of the application before you, and as she described it, it obviously would be a matter of spot zoning. I guess no great harm would come to that. The other procedure would be to continue the use of horses by means of a variance.

Mayor Briare: Could you put a; depending upon how the Commission feels, I certainly wouldn't have any objections to letting the lady having horses. I can't imagine, in years to come it would be disappointing if somebody wanted to use that property for what it is zoned now, namely R-2 to have someone protest and say, "well no we don't want you to have R-2 because it is an R-E neighborhood".

Jane Potter: Well everybody that has their apartments built now aren't griping because my horses are there. That is not their problem, they just didn't want to change the whole zoning. We have had a variance since 1972.

Mr. Saylor: On a temporary basis.

Jane Potter: Yes.

Commissioner Christensen: What is the situation on zoning Don?

Mr. Saylor: It is my impression that it was annexed about 10, 15 or 20 years ago.

Jane Potter: It must be 20, because I have owned the property for 16 years.

Commissioner Christensen: What was the zoning when you bought the property?

Jane Potter: R-2.

Mr. Saylor: It was R-2 and it was obviously subdivided and laid out for R-E Property because of the large lots and that.

Commissioner Christensen: Well how can you take a piece of property that is zoned R-2 and tell somebody that they are allowed four horses on it? Do you not tell the truth?

Mr. Saylor: Well that is possible that that happened. It is not within the Ordinance, you can't have horses in anything but an R-E or R-A Zone. Are you sure that your request for extension time was denied. I thought it was simply put in abeyance until the results of this zoning action took place? Your request for extension.

Jane Potter: The night the Perrys went up for their variance it was denied, they wanted somebody appointed to take a petition around. They said that night that they couldn't see why that couldn't be Zoned R-E. They said to take a petition down there around Nellis and Owens, which I did.

Mr. Saylor: The Commission was trying to find out; in other words, instead of having a situation before them where people were going to continually come in for variances, they felt well, if they all wanted it R-E lets go that way. There were protests to changing it to R-E and the Planning Commission took the position that it should stay R-2, and that the individual cases in connection with the horses should be treated by means of a variance.

Commissioner Leavitt: But they denied the variance.

Mr. Saylor: Not the Planning Commission no. Their recommendation now will to go back to BZA that on any applications for variances that they should be approved.

Commissioner Leavitt: Can we grant a variance today on this application?

Mr. Saylor: No.

Mayor Briare: Is there some way that we could consider a motion or something to recommend to the Planning Commission that something be worked out to allow this lady to have her horses?

Mr. Saylor: I think so. I think that we can indicate to the Board of Zoning Adjustment that both the Planning Commission and this Commission felt that it was not proper to change the zoning, but to allow horses on an individual basis.

Commissioner Leavitt: Does she have to file another application.

Mr. Saylor: Well her application is still pending.

Jane Potter: No its not. I just paid another \$100.00 for a variance.

Mr. Saylor: You did?

Jane Potter: Yes I did.

Mr. Saylor: Then your application is not still pending then?

Commissioner Christensen: Can we also indicate on that Mayor, that the people that are in that area, that if they want to live in an R-E area, and are in fact not, should really start looking for an R-E area. Eventually they will not be able to have horses.

Mayor Briare: They didn't object to her horses, they just objected to the possibility of getting trapped into an R-E area.

Mr. Saylor: Most of them indicated that they had plans at future time to build rental units on the property. They all stated they had no objection to the horses.

Mayor Briare: Do you have horses now Mrs. Potter?

Jane Potter: Yes I do, \$10,000.00 worth, and about \$3,000.00 worth of corral.

Mayor Briare: Mr. Saylor, what could we do? No one is going to go out and arrest Mrs. Potter. Can we do something for the next week or so?

Commissioner Christensen: Well I think the action of this Commission would be to indicate to the BZA what direction they should take whichever way it goes, and then that more or less would cover it. With the exception of the fact that they should start looking for an R-E zone to live in.

Mayor Briare: We don't want this to be considered as a precedent.

Commissioner Lurie: It is my understanding that you have an application for a variance?

Jane Potter: An application for R-E.

Commissioner Lurie: After that application for a variance is heard, then we are going to have to hear it again. I would just refer it back and wait for the decision of the variance.

Commissioner Christensen: Well the motion would be to either approve or deny.

Mayor Briare: Could we refer this Zone Change request to the Board of Zoning Adjustments?

Z-58-77
Continued

Commissioner Christensen: No, they don't do that. That is not their prerogative.

Mr. Saylor: I suggest that you just table this until we get the action of the BZA on her variance.

Commissioner Christensen: Will the BZA take action while this is still pending?

Mr. Saylor: We will recommend to them that they do.

Commissioner Leavitt: I move that this matter be tabled until the BZA takes action.

Mayor Briare: We will hold this matter.

ZONE CHANGE
Z-59-77
KAY A RODRIGUEZ
Denied as
Recommended by
Planning
Commission

Mr. Saylor: This is a request for a change in zoning from R-1 to P-R, the property located on the West Side of Valley View at El Conlon, which is the Southwest corner of the entire West Side of Valley View in this area. It is in a family home. Across the street is the apartment house development that has been taken place, and further to the South is the mobile home park. This area has maintained its integrity as a single family home area. All of the lots front on the East West interior residential streets. They do not front on Valley View. The proposed use of course is a Real Estate Office. The Planning Commission recommends a denial. There were approximately 65 protestors by the property owners in this immediate area.

Mayor Briare: Mrs. Rodriguez.

Kay Rodriguez: I am here to speak on the 3701 El Conlon as you have just seen, he said that the lots face on an inside street. My application to Planning showed the office to face on Valley View, where the lot frontage would then be over 100 feet, and the inside street would be 70 feet. I have a copy of the plot plan as projected to the Planning Department, and I have brought various streets with me to show you that I am only asking now for what history has dictated. (Showing the Commissioners drawings and plot plans of the area). The Maryland Parkway traffic count and development, that I refer to in front of Planning, and Planning was not aware of the traffic count or the dates that I gave them. Number one a property at the corner of the circle at Maryland Parkway was zoned P-R in 1965. These subject lots that I will be giving you all had P-R or higher use zoning prior to the traffic count of 12,488 cars per day in 1972. I have a minimum of 7 subject lots on Maryland Parkway rezoned some smaller, only one larger lot than the lot that I am asking for a change on. At the time of rejection, Miss Coleman said that she proposed a denial because she did not want the same problems that she sees existing on Maryland Parkway. These subject lots 2 and 6, zoned in 1968 and 1971 have only 60 feet frontage. None of these 7 lots on Maryland Parkway, rezoned with only 12,488 cars in 1972, none of them have the frontage that I have on the lot that I am asking consideration on. I also have again what history dictates please. Note, on Decatur the traffic count both ways in 1971, was 14,820 cars per day. I have 10 subject lots minimum, I did not research each lot. These lots have maximum 100 feet frontage. The lot I am asking to have you consider is 107 feet on Valley View. These lots began the P-R Zoning in 1965. A minimum of 7 subject lots were approved for a minimum of P-R and as high as C-1, prior to a traffic count of a minimum of 1,000 less that is presently on Valley View today, or I should say May of 1977. That was 15,880 cars per day. Also, if you will take a look at the map that we have here, there are only 8 lots between Sahara and Spring Mountain, 8 residential lots. All of the rest is of a higher use. I have made my own map, because that leaves a little bit to be desired in looking at the whole make up of the traffic on Valley View. Wonderworld, Herbst, Safeway and then the only corner that is minimumly zoned commercial in depth on Valley View, the only side of the street that is not 600 feet

of commercial, which is where my property is, at that point, is the Southwest Corner of Valley View and Sahara. This is a primary artery, Valley View is a primary artery of the streets in the City of Las Vegas. I talked to K. K. Elder of the Department of Public Services, Traffic Survey Assistant, and he told me that this is a primary artery. My Real Estate Office fronting on a primary artery is in my opinion of the highest and best use for the property. The property owners who protested said that the traffic was too great on that street. This I would say would not be a valid objection, but it should be for the motion. I have owned the property since January, I have had an approximately 50% vacancy factor because of the traffic. I also want you to note, when it comes to traffic, they said that one man at 3700 or 3800 I believe El Conlon said his kids play in the street there, there is no place else for them to play. I can understand that, however, I must say that it would not be reasonable even to believe that traffic from the Real Estate Office would move West on El Conlon, because El Conlon is one block long at that point, and ends at the street at Las Verdes. The proposal for the office shows ingress and egress on Valley View a circular drive, no through traffic, no cutting the corner. Parking which would be on the South side of the property. I will go along with whatever Planning says I must do to make it residential in character, as I have read in the Planning, what is required. I plan no exterior changes, but will if necessary. I am only asking for what history dictates, that same opportunity to give my property the highest and best use. South of Sahara on both sides of the street, it is M-1, C-1, R-3, Commercial. There are 15,880 cars a day, this traffic count was taken May 26th. The traffic count on Decatur in September 1971 with 7 properties, minimum 7 properties already approved, was 14,820.

Mayor Briare: I believe you have given us those traffic counts.

Kay Rodriguez: I am recapping and then I am going to sit down. On Maryland Parkway we have that day in 1972, a minimum of 7 properties, 12,488 cars.

Mayor Briare: Would you hold up your plot plan. What is the property immediately to the North?

Kay Rodriguez: There is one block with two houses. On that side of the street, there are 8 single family residences. There are 3 between this property and Sahara.

Mayor Briare: They are all single family homes? Are those the people that signed the petition?

Kay Rodriguez: No.

Mr. Saylor: I will have to check the file, but I think some of them were the protestors. I think it is obvious to the Commission, that if you approve this one then all of them have to go the same way, and they may not be able to accommodate the parking which is both from Valley View and El Conlon.

Mayor Briare: Is there anyone in the audience that wishes to speak on this application?

Commissioner Lurie: Mrs. Rodriguez, when I talked to you on the phone, when you called me and talked to me as to what was coming before us, I didn't have my agenda and I didn't know which corner you were talking about. Now that I have had a chance to review the presentation, and look at your drawings as well as get with staff, I can see why the Planning Commission turned it down. I just want you to know that when I talked to you...

Kay Rodriguez: Will you tell me what you see that I don't understand?

Commissioner Lurie: Well I can tell you right now, that I can see why the Planning Commission turned it down, because it is spot zoning. Number one, the house faces into an interior street, and the address is an El Conlon address, it is not a Valley View address. What you are anticipating doing is putting a circular drive on to Valley View, which I cannot support a circular drive on Valley View. I think all those homes along that interior would be coming in for that change. If that house was facing or turned around and facing Valley View, like we do have some on Eastern, and some on Charleston and Sahara, and those interior streets that you mentioned, Maryland Parkway face in, the characteristics of those neighborhoods have changed. I don't think this is changed for an office.

Kay Rodriguez: May I tell you that when I went up with this plan, the gentlemen that I turned it in to, I gave him this plan with the opening and the frontage on Valley View. Architecturally it is excellent. I have had this opinion and it works very well, and I put in the application for a change of address to Valley View. He said "well if I change your address now," he said "what if you don't get your zoning"? I said "I shall get my zoning, because it is correct, there are only 8 residences with this type of traffic. Now he said "why don't you delay my address on Valley View". If that is your problem Ron, that can be verified....

Commissioner Lurie: My problem is the direction of the house faces, that is my problem.

Kay Rodriguez: This is what I gave them.

Commissioner Lurie: I know, but I am looking at the other houses all along Valley View. The other 8 that you are talking about.

Kay Rodriguez: What about Decatur?

Commissioner Lurie: Decatur is a different situation. Decatur is a much wider street, you have a lot different situation on Decatur than it is on Valley View.

Mayor Briare: Thank you Mrs. Rodriguez. Is there anyone here that would wish to speak in protest to the application?

Gary Sanders: I live at 3700 San Angelo, now that is the house directly behind the one in question. I have spent a considerable amount of money redoing my back yard, the house, the entire exterior, not with the intentions of selling or going commercial but staying there. I had a brand new pool put in and if she gets this thing on, she will have parking in the rear which means that she will have to put up another fence, which will be concrete. If my kids are out there swimming, and somebody runs into that fence, concrete or not it is going to go down, and I can show you some instances around town. We are only 8 along there, and we are a minority, and I can't see taking advantage of a minority. I really don't have to much more to say than what I said to the Planning Commission, but I am completely opposed to the entire subject. If she puts a circular drive onto Valley View, it is going to be a complete traffic hazard. People will be driving in and out of there, I don't know whether they will be able to turn around in their back yard, if she anticipates parking back there or what. I still see a traffic hazard there, and I am going to be right next door. That is all I have to say, thank you.

Mayor Briare: Is there anyone else?

Dean Hamilton: I work for a Real Estate Company, and I live with my parents on 3705 El Conlon. First of all a lot of residents didn't feel, since it was allowed the first time, that they had to reappear a second time for it to come to you. That is why a lot of them are here. Most of them felt that the kids that play, a lot of kids play on El Conlin, and they felt that the traffic coming from Valley View will cause a hazard to their kids. I often do myself come up through the residential area. I don't know whether this office will be a branch office or a main office. You could have 20 or 30 people working in this office, which would cause a lot more parking than would be required on that lot. That would mean a lot of the time parking on the main street. The parking would then be on El Conlon which would block our property, our parents property and other property along the side. It is still a young neighborhood and it still has a lot of value to it. I could see if it was 25 or 30 year old houses that were going down in depreciation, they would have no more value there. As young as they are now, it is just no reason for it. I might suggest, that since there is a lot of vacant land on Valley View, that she might purchase a lot further down, and try to get it rezoned, or something like that. Thank you.

Mayor Briare: Any comments or questions by the Commission?

Commissioner Woofter: I want to ask the City Attorney a question. Mr. Sloan, since not only my partners in real estate with Mrs. Rodriguez, but I am also in partnership with Mr. Al Levy, so I would like to get a clarification whether or not I can vote on these two particular applications, even though I am not involved with Mrs. Rodriguez or Mr. Levy in these two particular projects.

Mr. Sloan: Commissioner Woofter the Ordinance provides that no member of the Board shall vote for the approval of a tentative or final subdivision map, variance, use, permit or zone change, or in such Commissioners partners, agents, or employees to the knowledge that that Commissioner shall have a pecuniary interest therein, unless such Commissioner shall make a full disclosure of the nature and extent of such interest therein to the other members voting thereon. In addition, basically the requirement is that you do make the disclosure. By the silence of the Ordinance, it leaves to your own judgment whether or not there is a conflict. I would also cite to you the language of the recently inactive Nevada Ethics in Government Law, Section IX which provides that no officer or employee may use his position to secure a grant, unwarranted privileges, preferences or advantages for himself, any member of his counsel, any business entity in which he has a financial interest, or any other person. I guess it is a judgement call as to whether or not voting for this particular application would be granting an unwarranted privilege, when changes in zoning are made. That would be the law, I think really it is a judgement that you would have to make and clearly within the contemplation of the Ordinance by making the disclosures comply with that as to whether or not your relationship would be precluded under the ethics law. I am not prepared to say that your vote either way would be granting an unwarranted privilege. I think you would have to make that decision yourself as a Commissioner.

Commissioner Christensen: This lady referred to Maryland Parkway. I think it should be made clear that the only reason we got P-R Zoning in Maryland Parkway is because the City had to widen that street, and had to cut the front yard off of everyone of those homes. It wasn't based on traffic count. The same thing took place on Eastern, and I don't know how many other streets, that made those areas almost untenable as residences, because of the lack of any yard space whatsoever. Based on the fact that the rest of it is all R-1, I think it would be fruitless. I would move for denial of it.

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

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

ZONE CHANGE
Z-60-77
HOME INVESTMENT
CO. Denied
as Recommended

Mayor Briare: The next application is the Home Investment Company.

Mr. Saylor: This is a request for a change in zoning from C-1 to C-2 for property located at the Northwest Corner of Eastern and Bonanza, which is the Greater Vegas Shopping Center. The shopping center as exists, has existed for many years. There are single family homes backing up to it. The request for the C-2 Zoning was to allow a Mini-Warehouse along the North and West line, as indicated in red on this plot plan. (Pointing to the map). In other words these would be the mini-storage areas. On the West of it, there is an alley, there is no alley to the North however. The Planning Commission recommends denial, there were three protests.

Ralph Carico: I am with Home Investment Company, I have an interest up here in this Las Vegas Center. We had planned to put some money in to this shopping center, rejuvenate it, which we have started with the front of the center. We have more or less a lost area in the back, (pointing to the map), as you can see there is a block wall encompassing the back portion of the North and the West side of the shopping center. We were thinking of putting in some retail buildings, being in back of the main center. We of course didn't think they would lease to well. We came up with the idea of putting in these storage buildings, which we felt would clean up the area back there, and have a perpetual maintenance for that back portion, which would be the same structure as the retail sales, with the exception of a garage type aluminum door in front. With a retail we could put those up now with the C-1 Zoning, to go with the mini-warehouse, we would have to go to the C-2 Zoning, so that is our reason for the application.

Mayor Briare: Is there a block wall fence all the way around?

Mr. Carico: Yes there is, there is a six foot block wall. We have one man protest, and one man for when I was here. The protestor said he did not wish to have buildings behind his block wall. I was here when the man for this project said that he was interested in having the area cleaned up back there and stop the noise on weekends for the kids, getting together with motorcycles and airplanes and what have you.

Mayor Briare: Is there anyone present who wishes to speak in protest of this application? (No response). Mr. Saylor, the comment made on our agenda here indicates that the Planning Commission recommended denial based on the fact they felt the C-2 Zoning would not be compatible with the C-1 Zoning in the area. Might they have also considered the possibility apparently there is great popularity in Mini-warehouses, that maybe this might be a precedent setter for other shopping centers throughout the entire area?

Mr. Saylor: I think that somewhat encompassed their feeling, that it should not go to C-2 because of it would establish that type of a precedent.

Mayor Briare: Well it is good utilization of some property that is kind of dead space. Apparently you don't need this space for parking.

Mr. Carico: No, it is not used back there, it is just a trash collecting area and we have quite a problem with it, with our lights in back getting busted out on weekends. It is just a trash collector back there. It would pull automobiles or boats or what have you off the streets, or out of peoples front yards and park it in a public storage building. I just feel that this would maintain the back portion of that shopping center.

Mayor Briare: Any comments?

Commissioner Woofter: Don, what is the policy about sending these notices out on regards to these changes? How far away....

Mr. Saylor: We go at least 300 feet depending on the situation, we can conceivably go further. I can show you where notices were sent, it is in the area within the red line. (Pointing to the plot plan). Now of course the people most vitally affected are those in the immediate vicinity.

Commissioner Woofter: You just cut me off there. I think I live in the house in back of that line.

Mayor Briare: Any other comments? (No response). What is the pleasure of the Board?

Commissioner Woofter: I move that we follow the Planning Commission.

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

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

ZONE CHANGE
Z-61-77 WILLIS
AND DOROTHY J.
DEISS
Approved as
Recommended
by Planning
Commission

Mayor Briare: The next application is for Willis and Dorothy Deiss.

Mr. Saylor: This is a request for a change in zoning from R-1 to R-3 for property located on the South side of Alta Drive, between Shadow Lane and Desert Lane. There is apartment house zoning along Highland and Desert Lane. This property is pretty much vacant. It is zoned R-1, the large piece across the street is all vacant. The Union Building is going in here, and of course here you have the various health related facilities. The Planning Commission recommends approval of the change. There were two protests, and they were not because they felt the property should remain R-1, but they felt that it was more appropriate that it should go for professional offices or something related with the hospital and medical characteristics of the area.

Carl Baker: I represent the applicant. I would just like to say that the two that protested were ill informed as to what was going in there. They expected about a 68 unit apartment building for some reason. Once we showed them the plans, that they were really supportive of this, as a matter of fact they came to visit our offices so they could take a closer look at it.

Mayor Briare: Mr. Saylor there is in that area, now, is it all zoned R-1?

Mr. Saylor: No.

Mayor Briare: I mean along Alta, between Highland.

Mr. Saylor: Well, the East side of Desert Lane is all zoned for apartments. There is apartment zoning on the West side of Desert Lane in this location. (Pointing to the map). Toward the interior however, or going West it is all R-1, except for you know the medical facilities, and there is a P-R Zoning at Shadow and Alta.

Mayor Briare: Alta of course is going to be very busy.

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

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
and Mayor Briare voting aye; Commissioner
Christensen voting no.

ZONE CHANGE
Z-62-77
Stricken due
to Improper
Application

Mayor Briare: The next item is the application for Zone Change of Al Levy

Mr. Saylor: This is a request for a change in zoning from R-E and C-D to C-D. The property is located at the Southeast corner of West Charleston and Cashman. The reason why we say from C-D to C-D, is simply to encompass the entire property. The corner is already zoning C-D and is the strip immediately to the East. It is the lot immediately South of the corner lot, which is zoned R-E, which is really that which is before you, but it is an integral part of the overall development plan submitted. That parcel extends a little further South than the lot facing on Charleston on the West side of Cashman, which I believe is the Manning property. If you will look at the plot plan, although it is still zoned R-1, I think it is logical to assume that that property would also go C-D. That would bring it down to this point, and then there is the alley. Then the other R-1s front on Cashman Drive. (Pointing to the map). This is a layout of the proposed development, a series of shops, offices with parking in the front, landscaping along Charleston and Cashman. Additional parking is furnished in the rear, your employee parking, and the service area for loading and unloading, and a block wall and hedge proposed South of that. I think we are all acquainted with the fact that the City several years ago established a policy of allowing C-D Zoning on West Charleston in this area. You have some situations however wherein it becomes a judgement call saying that the property lines are not uniform. For example, all of these lots extend to this, until you get to the lots on the corner, and then it jumps up a lot. This property bordering on Charleston, the property line goes like this. (Pointing to the map and illustrating). On the North side they all have a common line. There was a protest factor at the Planning Commission Meeting from eight properties in the area. I think there was some indication, made by the spokesman of the property owners, that they felt that perhaps there was a need for the property to go to C-D, but that certain protective steps should be taken to afford the greatest amount of protection to these property owners, particularly in the immediate area. Such as the redesign of the facility to eliminate the exposure and traffic ingress and egress to Cashman. However, at that point in time before the Planning Commission, there was no indication on the part of the applicant of wanting to redesign it. The Planning Commission recommends denial, it was one of those motions that failed to carry, with one yes vote, two noes, and two abstentions.

Mr. Levy: Good evening. Commissioner Christensen was talking to a lady about her horses, she was going from R-2 to R-1, and he made a statement that hit home. He said that the people who bought that property under R-2 should be able to continue to have that zoning, even though some of them want to go back to R-E, I think it was, to have their horses. That is basically what we have done here. We have bought this piece of property on the pretense that is Master Planned C-D, and we are asking for C-D Zoning. Two of the lots, as you can look at the map up here already have been zoned C-D. The third lot, which would make it a square so we can complete this project is what we are asking for. My partner Mr. Weisner lives behind this, which is Ashby. He bought that one lot so that he could somewhat dictate a good plan because he is going to have to look at the back of it. We have taken into consideration of just about everything, in trying to develop a good plan. I have brought my architect with me who will speak of maybe doing some changes. I brought him along just to see if there is something that they would want that is reasonable and we will do it. I am trying to be a reasonable man.

Mayor Briare: Anyone else present to speak in favor of the application? (No response). Is there anyone present who wishes to be heard in opposition to the application?

Mr. Gray: I live at 1120 Cashman Drive.

Richard Vandenburg: I live at 1125 Cashman, I have the dubious distinction of living adjacent to this application.

Mr. Gray: Mr. Vandenburg and I have been requested by all of our neighbors, which is everyone who lives in that block at the present time to represent them here. I do want to mention that there is one of our neighbors, Mr. Albrecht, the local contractor who wanted very much to be here, because he questions the legality of part of this plan. Unfortunately he could not stay this long during the day. We have not gone beyond our block to talk to other people on Cashman Drive relative to the merits or demerits of this project. Perhaps we should have, but I want to list what we feel are the demerits of the project. Number one, there was not enough parking spaces. This plot plan that has been given to us by the developers has 67 parking spaces, for 21,600 square feet of office space. Now by actual count, I took my office, which is a professional office, and the office in which I work has 9,000 square feet. Thirty Six people drive cars to work there every day, which mean they need 250 square feet of parking space, each parking space requires 250 square feet of office space. I went over to the building in which Mr. Jones works and he has 7,000 square feet, which is right behind our building, and theirs average out to one car to 280 square feet. Now on the basis of the plot plan that we were provided by the developer, they would need 87 parking spaces just to take care of the employees. This is further complicated because there is no parking allowed along Charleston, so all of the overflow parking would be on Cashman. We want to preserve the integrity of that street as a residential street. Most of us have been there for up to 20 years. We don't think it can be kept a residential street, if we are going to have parking for commercial purposes in our block, and I don't see how we can avoid it. I don't know, maybe Mr. Saylor can verify these figures by investigations of his own, but I have actually done this with these two office buildings.

The second thing that at least two or perhaps three of our people violently object to, is this. These houses are located along here and they are going to be looking in to a parking lot. Living here, I am going to be looking in to this parking lot. Mr. Albrecht is going to be looking in to one parking lot and Mr. Manning, who does not desire to have this property zoned commercial, is looking in to a parking lot. We do not think; well what we think is that this would devalue our property, to have residential property looking in to a commercial parking lot. There is another factor here which we think is very detrimental to us, as far as this location of this plot plan is concerned. Look at the plot plans that you have, there are two arrows showing the egress and the ingress into this property from Cashman Drive. Here again is degradation of a street which we hoped would remain residential, by allowing commercial exits and entrances in to it, not only that, but right next to that and across from our property. Now we have talked to the developers in this matter, as a matter of fact we have approached them on several occasions, even as late as last Thursday. We asked them and we have said come on over, we want to cooperate with you, lets see if we can't get together and get rid of some of these objections. I think most of the people in our area, have said to them, that if they could develope something like Mr. Crolack has got developed down the street, with exit and entrance from Charleston, parking in the back, with suitable arrangements for landscaping, that we could live with it. But we think that the developers have some responsibility to us, if we are going to have the threat of the devaluation of our property. Naturally we would rather keep this residential, but unfortunately the developers have told us that they have bought this property on the basis of commercial value. My heart can't bleed for that, if they didn't buy it on the basis for getting it zoned for that, I just can't feel too sorry for them. Now there is one other thing that I have been asked to bring to your attention. It has been suggested by the developers, that this would be a professional building, and we get scared. First of all, if you will look at this. (Handing a copy of the application to the Commissioners). This is a copy that was given me by the Planning Department, of the application. In all due respect to Mr. Levy, one of the first things that one of our neighbors said when he read that, he said that looks like a typical Levy Shopping Center. It is "L" Shaped, with parking in the corner, and you will notice that somebody in the Planning Department, when they received this, put a big question mark about professional building. We didn't do that, somebody from the Planning Department did that. This disturbed us even further, when at the Planning Board Meeting Mr. Levy called it a shopping center. We think it is shaped like a shopping center, it looks like a shopping center, it is designed like a shopping center, and we don't want a shopping center there, and we don't think that is good C-D. If they want to put in a professional building, our people would like to see it zoned P-R and have a professional building, so that we could be assured of it. Now one other point I want to make. They talk about Landscaping, and the picture looks beautiful and shows all this landscaping. But I want you to drive up and down Charleston where many of these places have landscaping, and they let it die. Across the street from us we have a covered wagon, I am not blaming, you see you can't enforce all the rules, I know that. You just can't depend however, on landscaping to be kept alive, they just don't do it. Now some do, there are some very fine developments along there. I have another little offering here. It is not as pretty as the one Mr. Saylor showed you. (Handing a copy of a diagram to the Commissioners). This is a diagram, in which I got down on my knees in your lobby up there and took from your map, of the lots along Charleston that are zoned C-D, and those that retain residential zoning. Now I have no argument that, I am sure, that nobody in the world would refuse a C-D zoning for these lots that face on Charleston. But I want to point out a little problem to you. If you will notice, that on each one of the corners, some Planning Department purposely left these on the corner so we could retain the residential character of those streets as much as possible.

If you rezoned this, what are you going to tell all of these other people that live in the same general location on all the other streets, and on both sides of the streets? I don't know what Mr. Levy is going to come up with today. If he does come up with any new proposals, we would like to have the ability, as a group of citizens, to review it. We don't want it just to be passed upon today. There is one other question that I would like to bring to your attention. I have here a copy, well this is a section on amendments and reclassifications, and it says here, "The application shall be signed and acknowledged by a record owner or owners of property within the area sought to be reclassified." I took it upon myself to go to the Court House, and I have here this application, which is signed by Mr. Levy and dated 20th day of June 1977. I have here a copy of the sale deeds for both lot 3, which is this one, and lots 1 and 2, and the record owner of that is Mr. Weisner in both cases. Dated May 23rd and May 24th. This request for these was made just a short time ago since this was signed. I don't know, you can talk to your City Attorney about it. I don't think you even have a legal application here. I think you should take that in to consideration before you take action. If you do wish to take action today, I solicit your interest of we, the residents of this area in connection with this. We do not want to stall a good project, but we want to stop a project that we think is not in the best interest of these people living on this street. Thank you very much.

Mayor Briare: Mr. Vandenburg do you wish to make any comment?

Mr. Vandenburg: Well, I bought that lot 19 years ago, I built on it 18 years ago and I was surrounded by residential estates. We lost the battle of zoning on Charleston, but I still had one buffer residential lot between me. Now I suffer the chance of losing that, of course you know what that does to our property. Mr. Weisner says that he has the lot behind me that abuts to the project, and he is not concerned about it, but his bedroom window is 200 feet from that property and my bedroom window is 18 feet. The first layout had parking against that portion of my property, and had the garbage collection back there, and the access of course from Cashman. It is just another inroad into the integrity of our residential area and I certainly do protest it.

Mayor Briare: Anyone else who wishes to speak in protest to this application? (No response).

Commissioner Christensen: I would like to hear from our City Attorney, or whoever is going to act in that capacity.

Gerald Moffitt: Mr. Levy has purchased half interest in the property from Mr. Weisner.

Mr. Levy: That was before the application was signed, but I have an agreement but it has not been recorded.

Gerald Moffitt: I would like to speak of some of the benefits of this plan quickly and bring you the reasons as to why it was designed as it was.

Commissioner Leavitt: Is this your new plan you are talking about?

Gerald Moffitt: This is the plan here.

Commissioner Leavitt: Well, that isn't the plan I have seen regarding this property. It was delivered on my desk, and it was a different plan that that. I was wondering if you are changing that plan at all.

Gerald Moffitt: I am going to explain the difference. For some reason I got here without the correct plans.

Mr. Sloan: May I interrupt for one second to respond to Commissioner Christensens comment. My reading of the Ordinance

would be similar to that which was previously pointed out. It requires that the application be signed and acknowledged by a record owner. Even if the facts were true, that Mr. Levy is an owner by the statement of Mr. Moffitt, he is not an owner of record at least, on file with the County Court House. I would think that it is not a proper application at this time.

Mayor Briare: It is not you say?

Mr. Sloan: It is not, because it is not signed by a record owner.

Commissioner Christensen: Well if this is not properly before us, shall we proceed?

Commissioner Woofter: That is right, that is my question.

Commissioner Christensen: If it is not properly before us should we even proceed? We have nothing before us.

Mr. Levy: Well it is just a matter of time of filing the application properly and going through the procedure again. I would like to take up a point with Mr. Gray. Al Levy does not own one shopping center in this town, and so it is not a typical Levy center. I resent that remark.

Commissioner Christensen: Well I took it in the same light that you did, because he did say that that is what somebody said when it was presented.

Mayor Briare: Well apparently this application then is not properly before us, so until it is cured in some manner, we just have nothing else to talk about do we?

Commissioner Leavitt: Could that be amended Mr. Sloan, or are they going to have to start all over again?

Mr. Sloan: It would seem that the action taken up to this point would be void, because the application was not proper at the time. I would think that they would have to start over unfortunately.

Mayor Briare: This obviously is very innocent, but it is something that we want to look at very carefully, and make sure that when these applications are signed, that the applicant himself, or the person who signs his name here recognize what it is he is signing. This thing could have gone on and on and it could have ended in court, and it could have just been all kinds of problems if Dr. Gray hadn't brought this subject up. I don't know whether it is doing you harm or good. I have a feeling that it might be doing you good, to get it before it gets all involved.

Commissioner Christensen: Is there any way we can offer some financial relief, or are they going to have to come in with the fees and everything else again?

Mayor Briare: This application is then; well I suppose the best way to do it is to refer it back to the Planning Commission. It is just void, just null and void.

Gerald Moffit: We will of course be back and we will be talking about the same issues, and without an opportunity to rebut, I want to say categorically that the statements that Mr. Gray has made we take complete issue with. We wouldn't want to leave this issue in your minds, that his statements are not without rebuttal.

Mayor Briare: I am sure, give us credit for recognizing that. Well I indicated to the Commission that I had to leave these chambers at 5:00.

ZONE CHANGE Z-63-77
RICHARD AND BEVERLY
MINNEAR Approved
Subject to
Conditions

Mayor Pro-Tem Lurie: The next item is the Zone Change Z-63-77, Richard and Beverly Minnear.

Mr. Saylor: This is a request and change of zoning from R-1 to P-R. This is property located at 1711 Bearden Drive. If you will look at the screen (pointing to the map), you will be able to see. It is an interior lot on Bearden which is a residential street. It shows on this map perhaps a little clearer. This is Shadow, Hastings, Alta to the North, Charleston to the South. This is a medical complex area; Valley Hospital, County Health Department and the Industrial Commission Building here. However Bearden Drive is a residential street and you will note by the dot that these are single family homes. There is P-R Zoning on the lot that fronts on Shadow, the corner lot. This is the first lot immediately into the interior. This is the plot plan of the proposed development. The proposed use is a doctors office, the Planning Commission recommends denial. There were two protests.

Mayor Pro-Tem Lurie: Is the applicant here?

Dr. Minnear: Yes.

Mayor Pro-Tem Lurie: Would you like to speak on the application?

Dr. Minnear: My wife Beverly and I are the applicants. I have a private practice, I am in solo practice in town here. Our desires are to continue my practice in my own facility here. The building that I have been practicing in over the past seven years now, has recently been sold and before the end of the month I have to leave. This property has been in our family for over 20 years. It would provide an ideal location for the private practice of medicine. We spent considerable planning in the beautification and landscaping of the building. We don't plan any major structure changes to the outside of the building in the front, we do intend to do considerable amount of landscaping in the front. We have provided for more than the required parking and turn around facilities. This proposal is certainly compatible with the developing medical trend in the area. I have a chart here that I think explains a little bit more clearly. We have actually the same type of thing that is here, but it is a little larger scale. These are actual plot maps joined together. This is the property in question right here. (Pointing to the map). We are certainly compatible with the adjacent large N.I.C. Project, developing behind us. We are certainly compatible with the office space P-R Zoned right adjacent to us on our left. We are certainly compatible with the 6 to 8 office buildings, which are private doctors office buildings, right diagonally across, up on Shadow Lane. Due North of that is the Valley Hospital complex; and right across the street from that is the Public Health Department, Beverly Manor and the other medically oriented facilities. We have the support of most of our neighbors. We carefully contacted these people and have contacted the actual property owners here. We have found that we have had, as of yesterday, 85% support from the actual property owners in the area. Now this is a point that was somewhat confusing in the presentation to the Planning Commission. They didn't know exactly who was for and who was against. We have attempted to outline this clearly. First of all we have documented affidavits from these people. Do they have copies of our affidavits here, the same copies that was presented to the Planning Commission?

Mr. Saylor: Do who have copies?

Dr. Minnear: Do the Commissioners here.

Mr. Saylor: No.

Dr. Minnear: O.K., let me provide you here with the copies then. (Applicant passed out to the Commissioners copies of affidavits formerly presented to the Planning Commission).

Dr. Minnear: To clarify this even more, the fact of who these people are, for and against, we have compiled a list and outlined the properties. We have copies here of the actual properties outlined in green, who are supporting our measure.

Mayor Pro-Tem Lurie: You say all of the ones that are up there now, that have a star, are in support of your application?

Dr. Minnear: Yes, as of yesterday afternoon all that have the green stars....

Mayor Pro-Tem Lurie: Which two are the protestors? Where is the properties that are protesting?

Dr. Minnear: You can see by this diagram here. (Pointing to the map). This one and this one.

Mayor Pro-Tem Lurie: Oh, I see, O.K.

Dr. Minnear: Here is a listing that makes it a little bit more clear. There was some confusion as to exactly who was for and who was against, and where did they live. These are the people that own the property here, and these are the affidavits sign by them; and this is the listing of these people who are actually for it. As of yesterday afternoon. As of yesterday afternoon we have only two property owners, who are opposed to our proposal. The first Mr. Lagan, who just recently bought into the area, certainly full knowing that the area; that he was surrounded already by the medical complexes; and certainly knowing the commercial nature of the area surrounding the entire area, was already directed. The second opposition was Mr. Warna who lives clear at the end of the street, the opposite end of the street. I think that he is too far away even to receive official notice of our zoning proposal. This proposal certainly fits with the Master Plan for the area. The Master Plan is for medical useage, certainly, and not for residential. Everything outlined in red (pointing to the map), is medical. This is also becoming expanded. I imagine other areas should be reddened, but the ones that we know of at the present time are outlined in red. The current residential use is certainly a time limited use. The desirability as a residential area has already been reduced, with the commercial nature and atmosphere. With N.I.C. large buildings, they are building large buildings right immediately behind this, and the massive expansion of Valley Hospital involving over 13 acres....

Mayor Pro-Tem Lurie: If I might interrupt. We know all of these things. Maybe you can just sum it up, because we know what that area is zoned and what the characteristic is.

Dr. Minnear: I will sum it up then. We are providing adequate facilities and we do have as of yesterday afternoon over 85% of our property owners, as these documents will testify to. We are not asking for a spot zoning actually. This Commission has already set a precedent, when they allowed the Valley Hospital Unit and the Southern Nevada Units, and the large N.I.C. Project and the many other professional, medical professional zoning to take place. Thank you.

Mayor Pro-Tem Lurie: Can I see the hands of everyone else in favor of the application? (Undetermined number raised their hands). Is there anyone in the audience to protest the application?

Barry Lagan: I live directly across the street at 1712 Bearden Drive. I represent tonight 5 home owners on Bearden Drive, out of 12. The good Doctor has pointed out that he has 85% of the residents in favor of this. Maybe so, on the adjoining streets, but I represent 5 on Bearden Drive.

Mayor Pro-Tem Lurie: Can you show us on the map where it has the stars? Also the people you represent.

Mr. Lagan: The people I represent is Mr. John Warna, who is hospitalized today and couldn't be here tonight. On this last dot here, number 24. This house directly across the street, number 21. These folks back here which are in 39 and a written objection to this by the people who live in 37, and myself in 42.

Mayor Pro-Tem Lurie: So what you are saying is, the ones on 37 and 39 who have stars; those people oppose the project.

Mr. Lagan: Well, the way it has been....

Commissioner Leavitt: You say that Florence Hooks is in opposition?

Mr. Lagan: I don't know that particular person.

Commissioner Leavitt: Well you said number 39, that is who that is.

Mr. Lagan: 39?

Commissioner Leavitt: We have a signed statement that she says she is in favor of it.

Commissioner Woofter: We have a telegram stating that she is in favor of it.

Mayor Pro-Tem Lurie: I just want to make sure that we are talking about the same property.

Mr. Saylor: O.K., we have 1608, this lot (pointing to the map).

Mayor Pro-Tem Lurie: O.K. we have 41, 23,

Mr. Lagan: 25 would be John Haggarty. Mr. Gibbs 1707.

Commissioner Leavitt: Mr. Gibbs signed this one.

Mr. Lagan: Yes, but there was a little bit of wording difference here. He has given me a written statement here.

Commissioner Leavitt: We have a written statement here.

Mr. Lagan: Well, it's the way that they approached him.

Commissioner Leavitt: All he wants is a wall between the places.

Mr. Lagan: That is if it goes, that is when he wants the wall.

Commissioner Leavitt: Here we are again, people have signed both sides of the petition again.

Mr. Lagan: Right here, the way it was worded to him, he is against it.

Commissioner Woofter: (Comparing both statements by Mr. Gibbs). A wall, he wants a wall, it is the same thing. He is in favor of it with the understanding that a wall be constructed on the East edge of the property.

Mr. Lagan: Read what that letter says please.

Commissioner Lurie: This one says, "I object to 1711 Bearden going to P-R. The exception being, if approved, a cement wall to be constructed on the East side of 1711 Bearden.

Mr. Lagan: Now I realize that there is two letters by the same person, but it is the way these people have been canvassing the streets. Telling him that that has been O.K.'d and this has been O.K.'d and so on, and it hasn't been. I am providing 5 legal residents out of 12 on Bearden Drive that are in opposition to this. I don't think that is 85%. The points that I want to say very briefly, so that we can get out of here, was the Family Counselling Center, which is on the corner of Shadow and Bearden was approved. But it was flatly stated that no access on to Bearden would be for that center, it has to go on and off Shadow. We all know that Shadow is going medical. We live on Bearden Drive and we want to keep it residential. Now here again we are adding to the big thing that has been talked about several times today, traffic. They have provided four or five spaces in front of their house, that they would change the parking. Therefore, the staff would occupy probably three or four of those spaces, and the people would again start parking on the street, as they are doing on Shadow. Now that street is very narrow, and with those people parking on Bearden, we are not even going to be able to turn out of our own drive ways. It is a dead end street, a very quiet street. People come down there now, find out that it is a dead end street and try to turn around and go out. Well with cars lined up on both sides of the street, this will be difficult. Spot zoning was mentioned tonight, they believe it is not spot zoning. If you take the whole street as Bearden Drive, approving this would be spot zoning. We want the street to remain residential. We are all in favor of progress going on around us. It is a narrow street and we just don't believe in this at this time. I live directly across the street. One point he brought out I would like to say briefly. I bought the house yes, a year ago. But I went through a very reputable real estate man here; and one of the beautiful things that I liked about that house was that it was on a nice quiet dead end street. Everything was residential. I was fully aware of the medical; and as I told Dr. Minnear when he came to my house and asked why I was against this house, which has only been his wife bought for the last 5 years; I said "if you want to open up your office, go 200 feet to the West where there is already offices available for doctors. There is no parking problem there, there is parking already provided, let it be residential." Thank you.

Mayor Pro-Tem Lurie: Anyone else want to speak in opposition to this application?

Mrs. Lagan: I live at 1712 Bearden Drive. Many of those people in favor of this, do not in actuality reside on our street. They have rentals there. I know the couple next door bought the house in advance, in hopes that it would go professional. They do not live there. That is the people next door at 1710 Bearden Drive. They have set a price on the home next door that has caused some snickers up and down the street. Number two, at the corner of Bearden and Shadow Lane, where the Counselling Center is, as of this moment they have not been able to get them to; they are going to come out and put a red line from Bearden, around on to Shadow Lane. Because when you come out of Bearden Drive and someone is parking on that corner, you cannot see Northbound Traffic on Shadow Lane. So they are going to put a red zone there. We already have people from that Center parking on our street, in front of our mail boxes. We have on the street mail boxes and the mail man isn't going to stop if he can't get to the mail boxes. We already have this problem, and with that red zone we are going to have continued problems with this. We certainly don't need another doctors

office across the street to continue to congest our street. We don't need added traffic on the street for our children, for those of us who do have children on the street. I have a 5 and an 8 year old. There are also children coming from other areas, who walk up Bearden Drive to catch the school bus. They know that it is a nice safe street that they can walk up. I just feel that it should remain as a residential street, that was the intention when the Family Counselling Center went in on the corner, that Bearden was going to remain residential. There would be no ingress or egress. I think that is the way it should be.

Mayor Pro-Tem Lurie: Is there anyone else in the audience who wishes to speak in opposition to this application? Do the Commissioners have any questions of the applicant? (No response). What is the wishes of the board?

Commissioner Woofter: I make a motion. First of all I would like to make a few comments before I make the motion. To me I agree with the applicants, that this isn't spot zoning. Even though it has a Bearden address, it is on the corner of Shadow and Bearden. I also feel that we have already more or less set a precedent here, as far as Shadow, with the majority of the home owners in support of this, I feel that we should overrule the Planning Commissions denial. (Inaudible response from member of the audience). If it is still 50/50, I still feel that it is good zoning. On that basis I am making a motion to overrule the Planning Commission and move to approve.

Commissioner Christensen: I would like to make one comment. Even though I was out of the room, I want to make it clearly understood that I was still apprised of all that was going on. We do have a speaker in the back, so I will be voting on this issue, but I was in fact in attendance.

Mayor Pro-Tem Lurie: You heard the motion, the motion is to approve the application and reverse the decision of the Planning Commission. Cast your votes on the motion. Motion is approved.

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

ITEM	Commission Action	Department Action
<p>(h) <u>COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED</u></p>		
<p>R. <u>ZONE CHANGE - Z-64-77 - KAX CORPORATION</u></p> <p>Property located on the north side of St. Louis Avenue, between South Maryland Parkway and South 15th Street.</p> <p>From: R-2 (Two-Family Residence) To: R-PD 12 (Residential Planned Development)</p> <p>Proposed Use: Medium density planned development.</p> <p>(No proposed physical change in the existing development nor any additional units are proposed. The purpose of the zoning is to allow the sale of the units as condominiums.)</p> <p>Planning Commission recommends APPROVAL (4-yes votes, 1-abstention) subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Construction of a 6 ft. high masonry wall along the rear (north) property line as required by the Department of Community Planning and Development. 2. Conformance to the plot plan to reflect the above condition. 3. Conformance to code requirements and design standards of all City departments. <p>PROTESTS: 1</p>	<p>APPROVED as recommended by Planning Commission Leavitt - Unanimous</p>	<p>Director to Proceed Clerk to Notify</p>
<p>S. <u>REVERSIONARY MAP - MARYCREST ESTATES</u></p> <p>Property located on the north side of St. Louis Avenue, between South Maryland Parkway and South 15th Street, R-2 zone (proposed R-PD 12). Owner/Subdivider: Kax Corporation No. of Acres: 1.83 No. of Lots: one</p> <p>Planning Commission recommends APPROVAL (4-yes votes, 1-abstention) of the reversionary map.</p>	<p>APPROVED as recommended by Planning Commission Leavitt - Unanimous</p>	<p>Same as above</p>
<p>T. <u>TENTATIVE MAP - MARYCREST MANOR I</u></p> <p>property located on the north side of St. Louis Avenue, between Maryland Parkway and South 15th Street, R-2 zone (proposed R-PD 12). Owner/Subdivider: Kax Corporation No. of Acres: 1.83 No. of Units: 22</p> <p>Planning Commission recommends APPROVAL (4-yes votes, 1-abstention) of the Tentative Map, subject to the following conditions:</p>	<p>APPROVED as recommended by Planning Commission Leavitt - Unanimous</p>	<p>Same as above</p>

ITEM	Commission Action	Department Action
<p>(h) <u>COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED</u></p>		
<p>Item "T" Tentative Map continued . . .</p> <ol style="list-style-type: none"> 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. Replace or modify curb openings as required by the Department of Public Services. 3. Subject to the conditions and approval of Z-64-77. 4. Subject to all conditions of City departments and State Subdivision Statutes. 		
<p>U. <u>FINAL MAP - MARYCREST MANOR I</u></p> <p>Property located on the north side of St. Louis Avenue, between Maryland Parkway and South 15th Street, R-2 zone (proposed R-PD 12). Owner/Subdivider: Kax Corporation No. of Acres: 1.83 No. of Units: 22</p> <p>Planning Commission recommends APPROVAL (4-yes votes, 1-abstention) of the Final Map subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Subject to approval of the Tentative Map. 2. Conformance to the conditions of approval of the tentative map. 3. Final Map not to be recorded until recording of the Reversionary Map. 4. Subject to code requirements and design standards of all City departments. 5. Meet the requirements of the State Subdivision Statutes. 	<p>APPROVED as recommended by Planning Commission Leavitt - Unanimous</p>	<p>Director to Proceed</p>
<p>V. <u>ZONE CHANGE - Z-65-77 - TEDDY RICH ENTERPRISES</u> ✓</p> <p>Property generally located on the east side of Valley View Boulevard, between El Conlon Avenue and the Meadows Mobile Home Park. From: R-1 (Single Family Residence) To: R-3 (Limited Multiple Residence) Proposed Use: 114-unit apartment complex.</p> <p>continued . . .</p>	<p>TABLED Leavitt Commissioner Woofter voted "no"</p> <hr/> <p>Page 108 Minutes Regular Meeting City Commission August 3, 1977</p>	

ZONE CHANGE Z-65-77 Commissioner Lurie: Item V is Zone Change Z-65-77 Teddy
TEDDY RICH ENTERPRISES Rich Enterprises.
Tabled

Mr. Saylor: This involves hopefully the last piece of this property located on the East side of Valley View, South of Sahara. In the general vicinity of the Clark Towers, which was the Teachers Credit Union Project, and the more recently approved Senior Citizens Kitchen Facility; and of course the Meadows Mobile Home Park to the South. This is a vacant piece. They are asking for apartment house zoning on it, as shown on this plot plan. (Pointing to the map). The Planning Commission; well they have 114 units, 200 parking spaces. The Planning Commission has recommended approval subject to the conditions set forth on the agenda, some of which were in response to some of the protests, about having patios facing out on to Valley View. One of the conditions takes care of that. A decorative fence and planting along Valley View. Not on the agenda, but which should be added if it is approved, is a condition in terms of the drainage channel. It will be either put in conduit underground or an open concreted facility to be provided. There were 5 protests again, the property owners in the general area to the West.

Commissioner Lurie: My question on this piece of property is the drainage problem. On Valley View, the drainage runs underneath Valley View into that channel. It seems like we have been getting away from; everytime that Teddy Rich Enterprises comes in with a Zone Application, they by-pass doing anything with the drainage problem. The City has an obligation all the way around from Valley View clear on behind Richfield Village, clear to the Freeway with a drainage problem created by his construction of all of the property. This application doesn't even address itself to it, and now you are bringing it up that it should be an underground channel, or it should be a cemented channel. What about the people that live over behind Richfield who has been promised a covered drainage channel. I think now we come to the final piece of property, and I don't think anything should be built there until he takes care of his obligation to those people who live behind Richfield Village. It is going to cost \$100,000.00, which the City Taxpayers are going to have to pay for that channel to be improved. This is where it all starts, right here. I have been waiting for this application for a long time. Larry Hampton and I went out there and reviewed the area. I have walked the area; and it is a major problem. It all starts right there at Valley View, where this piece of property is located. I don't think anything should be considered as being built there until that whole channel is improved. Otherwise where is that water going to go.

Mr. Saylor: Into the Mobile Home Park.

Commissioner Lurie: That is right. Three Hundred of my constituents live there and they are very unhappy about having that water go through that Mobile Home Park. I think that we have to address this now, before anything else is considered being built on that piece of property.

Commissioner Leavitt: I move that the application be held. I move that it be tabled.

Commissioner Lurie: Cast your vote on the motion to table this item.

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

ITEM	Commission Action	Department Action
<p>(h) <u>COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT CONTINUED</u></p>		
<p>Item "V" Z-65-77 continued . . .</p> <p>Planning Commission recommends APPROVAL (4-yes votes, 1-no vote) subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Resolution of Intent be restricted to a twelve (12) month time limit. 2. Approved water main and fire hydrant system to be provided and a turning radius on driveways to be compatible for fire equipment use as required by the Fire Department. 3. Installation of concrete sidewalk along Valley View Boulevard frontage as required by the Department of Public Services. 4. The buildings along Valley View to be turned in a direction so that no patio is facing Valley View Boulevard. 5. A decorative fence plus a buffer planting to be provided along Valley View Boulevard. 6. 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. 7. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy. 8. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. 9. Conformance to the plot plan to reflect the above conditions. 10. Conformance to code requirements and design standards of all City departments. 		
<p>PROTESTS: 5</p>		
<p>W. <u>AMENDMENT TO THE ZONING ORDINANCE</u></p>		
<p>Amendment to the Zoning Ordinance creating a special downtown district and related amendments.</p> <p>Planning Commission unanimously recommends APPROVAL.</p>	<p>Referred to Study Committee Christensen and Leavitt</p>	

ITEM	Commission Action	Department Action
I-(h) <u>COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT CONTINUED</u>		
X. <u>SET DATE FOR PUBLIC HEARING ON ALL APPEAL ITEMS FROM THE BOARD OF ZONING ADJUSTMENT MEETING HELD JULY 28, 1977.</u>		
V-55-77 -- Leland Whitmore	Public Hearing set for 10:00 A.M. September 7, 1977	Clerk to Proceed 9/7/77 Agenda

Mayor Pro-Tem Lurie: We will take about a 3 minute recess, and when we come back we will discuss the Award of Bids, Bid 77-10.

(Commission Meeting recessed at 6:05 P. M.)

(Commission Meeting reconvened at 6:10 P.M.)

See Page 51 of these minutes - Annotated Agenda

AWARD OF BIDS
Bid 77-10
Approved as
Recommended

Mayor Pro-Tem Lurie: I would like to call the meeting back to order, and we are on the Award of Bids.
Mr. Cathcart.

Mr. Cathcart: We recommend the award to Burroughs Corporation, in the amount of \$374,485.00. The second low bid received was from Sperry Univac in the amount of \$400,360.00, there was a total of 3 bids received, and we have furnished you all the report. I believe Mr. Jones of Laventhol and Horwath would like to be heard.

Mayor Pro-Tem Lurie: You were retained as a consultant, in choosing the company as far as recommendations to the City on the computer?

Mr. Jones: As he indicated we were hired to assist in the selection of a data processing system. Our reports and our recommendations are contained in the documents that have been prepared and made available. The overall end objective in this study, was to determine which vendor would provide the most system for the funds that were available. If the only evaluation criteria were to determine the fastest hardware, this would have been a very easy task, and you wouldn't have needed a consultant to do this. However, the total system encompasses not only the hardware and software, but it includes the support, and the availability of packaged programs, leadership, experience, resources, and many things that can be provided by the vendor. Before making our recommendation, we studied and evaluated all of these factors, not just a technical consideration. The reason for using consultants versus inhouse personnel, was that consultants can draw upon their vast experience with many installations, representing practically every vendor operating under different circumstances to meet a variety of requirements. We believe that taking one or two, or just a relatively few items shouldn't be singled out of dozens or even hundreds of items, whether it be in the specifications, or in the test, as being a make or break situation. Rather, we believe that all of the items must be considered as to their relative importance in the overall system. The purpose of the Benchmark Test, which you have all heard about, was to evaluate the performance and capability of the hardware and software, and to determine that they function as represented by the vendor, and would meet the city's requirements. A number of questions have been raised by individuals and certain vendors. Our written responses have been included in these documents assembled by your purchasing and contract staff, and have been made available to interested parties. In conclusion, I just was to reiterate that it is our opinion that Burroughs has exhibited, that they are prepared and capable to provide the City with a Data Processing System, which meets your requirements within the funds available, and recommend that they be awarded the contract.

Mayor Pro-Tem Lurie: Do any of the Commissioners have any questions of Mr. Jones? Is there any one in the audience who wishes to speak in opposition to the City awarding the bid to the Burroughs Corporation? Just so everyone knows, we were given these documents and we have read these documents, and we are all aware of the information contained in the package presented to us. Don't go through the entire package, because we are familiar with it.

Jerry Morris: I am here to speak in opposition to the contract. I am not going to go in to all of the points that are raised in my letter, I am sure they were in those packages as well. Basically I agree with everything that the gentleman said, as far as the complexity of the problem that you are facing, in selecting a computer. As far as all of the judgemental factors and so on that have to go into it. In designing, in which the consultant had the final say so, he prepared it himself, there were 64 points where we said O.K., basically these are not judgmental factors, these are minimum requirements. We wrote very specific language that said "there are certain items that are must items", there was leeway for random judgment on those 64 items. There were several dozen other items that we said "you should address these issues". Can you provide them if not we will rate them, but of the 64 items, that were absolute minimum requirements, Burroughs failed to meet a number of those, linkage editor, checkpoint restart, and so on. My memo cited 16, there aren't 16 that are purely objective like this, because some of those I used my professional judgement on, but there are a number, which Burroughs even admitted in their proposal that were must requirements and they did not provide. Second point where Burroughs failed the specifications, in regard to the Benchmark Test. I want to cite from the consultants memo to Ed Park, where he himself admits that Burroughs did not pass the test. He said "if the revised timings are used as the criteria, and if each program is evaluated individually, then Burroughs cannot be given pass". Now these revised timings that he is speaking of are timings that were written in the specifications, not timings that he wants to use that were discussed internally. The criteria that he has programmed to be evaluated individually was in the specification. My contention is simply that, if the standards are going to be relaxed, if we are going to say "O.K. well the Linkage Editor doesn't really matter that much, it should have been a should item instead of a must. If the timings are not that really important, and we should have adjusted the timings", then all of the vendors should have been aware of this. It seems to me like, that if you are not giving the vendors all the same information to bid against, that you are quite likely to be in violation of the Local Government Purchasing Act, and possibly even some of the Federal requirements regarding the spending of Revenue Sharing Funds, for which this is a part of. I think the City should really consider this when they are making their decision. The City does have a couple of viable alternatives besides rejection of Burroughs on this. The City can throw all the bids out, that is one of their options, and give all the vendors the same set of specifications and say "O.K. these things we are going to adhere to this time." If you make everybody follow that, then all the vendors will know what to bid. Another thing that the Commission could do to insure a more impartial judging of this, to taking the recommendation of Judge Goldman from this morning, that a committee be appointed from the Community. We have data processing people in this Community that have a tremendous amount of expertise with very large computers and stuff. I just hate to see one company awarded this when everybody did not have a chance to really bid to the same specifications. Thank you.

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

Commissioner Leavitt: I have a question for our City Attorney. Mr. Morris mentioned here that we might be in violation of the Local Government Purchasing Act. Do you have any comment on that?

Mr. Sloan: It is the judgment of our office, that the Local Government Purchasing Act has been complied with. Additionally it is questionable as to whether or not we had to comply with the Act, but I have been advised that we have in fact complied with it.

Mayor Pro-Tem Lurie: I have a question of Mr. Cathcart. This is a large contract, and I would be concerned if all the bidders had the same opportunity in bidding on the same specifications.

Mr. Cathcart: This is a two process bidding procedure that we used here. The specification of work went out, then we had a pre-bid conference, and the specifications were changed by addendum. When all the bids came back in, there was no one bidder that met all the specifications, which is understandable. In fact under the Award of Bids and the documents right here, it was so stated, that it is of a technical nature, that you can use the professional expertise of consultants and everyone is like an attorney. It depends on what side you are one, and how you evaluate what is laid before you. I feel it was all fair and everybody had an equal opportunity to bid. We based everything we had technically on our consultants. It was run through the City's Staff and the computer staff, and we used their expertise, and based on my judgement in talking to Mr. Ed Park, the Purchasing and Contracts Officer, Mr. Leavitt of the Financial Division, and the Attorneys Office, that would still be my recommendation. I have gone through the documents at hand, and I just talked to Mr. Meyers and Mr. Jones briefly. I see nothing there that would give more of an opportunity to one bidder than the other. They have all had their chance to submit their technical documents. That is my evaluation of what we have here. I don't want to get into professional jealousys or any of that.

Commissioner Leavitt: We had the consultant make this decision for us didn't we?

Mr. Cathcart: Yes we did.

Commissioner Leavitt: We paid that consultant, if I remember right \$70,000.00 didn't we?

Commissioner Lurie: Not that much.

Commissioner Leavitt: Less than that? Well, in other words we had a consultant to make this decision for us, because of the complexity of the issue, and because of the technical matters that were involved. The question has been raised here regarding impartiality, and you say there was no impartiality shown to anybody in the selection of the lowest bid?

Mr. Cathcart: In my estimation we have been more than fair, and really bent over backwards. In fact all the bidders got copies of all these documents, and the correspondence that went back and forth so they could prepare for whatever. We kept them abreast of everything that is happening.

Mayor Pro-Tem Lurie: Do the Commissioners have any other questions of Mr. Morris? (No response). Is there anyone else who would like to speak on this bid?

Paul Buzby: I am the Branch Manager of Sperry Univac. I appreciate your time for allowing my company to speak to you, because I believe that you have a very important decision before you. To be candid with you my corporation is rather dismayed at having to speak to you at all today and further, that the recommendation before you is even in existence. Sometime ago your City provided Sperry Univac a copy of a report, which was prepared for the City by the Consulting Firm of Laventhol and Horwath. Though there are new inconsistencies contained in this report, I do not feel that thrashing through each and every one of these sentences at this time is worthy of any of our time. However, I do feel strongly that there are a couple of items about this bid and the consultants report, that warrant your attention and review. The first of which, it is a fact that Sperry Univac was the low bidder. Although we have been round and round with the City, we still feel that way and we respect your position. Your bid specification

called for the low bidder to run a Benchmark, and as such, in your determination you decided that Burroughs was the low bidder and you gave them the Benchmark. Although there was only \$30,000.00 spanning the two corporations; if your interpretation of our discount is correct, it would spread over a seven year period, it doesn't amount to very much money a month. As Mr. Jones said, you must consider a lot of factors, not just one single factor. That one being cost to determine who would run the Benchmark. We requested of the City, since the bids were so close, that we too would run the Benchmark at our expense, and we were denied that request. The City's bid specifications are very specific, and they set performance requirements to be adhered to in order to be declared the successful vendor, and to determine the successful completion of the Benchmark demonstration. In responding to the Hardware portion of the City's specification, Sperry Univac was guided and/or misguided by the Benchmark requirements. Had these requirements been less; which they now appear to be, Univac would have probably did less equipment thus making our bid even lower. Sperry Univac has requested and received a copy of the City's Staff Report on the Burroughs Benchmark. It is our understanding, that the Burroughs Corporation was given two opportunities to perform the Benchmark, which is totally within the guidelines of the Benchmark specifications. On both occasions, Burroughs Corporation was unsuccessful in running the Benchmark per the City's bid specifications that were issued. Due to the fact that the Burroughs second Benchmark attempt coincided with the last allowable date to run the Benchmark, a vehicle for the justification of the second set of Benchmark timings was needed. This vehicle was graciously provided to you by your City's consultant. The consultant ruled after the second attempted Benchmark, that the detailed Benchmark specifications as outlined in the City's Bid Document, were no longer applicable. That in fact the results of the second attempted Benchmark could be folded together and averaged, so that any given individual deficiency could be masked to distort the overall result. Even after averaging the second set of results, the overall number arrived at fell short of the number required in the specification. My last major point is, that in a letter dated July the 25th 1977 from your consultant to the Purchasing Officer of your City, the statement was made that "I have explained some of the problems experienced during the Benchmark test with Burroughs Software, and we expect to correct the deficiencies". In another report dated the 27th of May from your consultant to the City of Las Vegas, he says "The Burroughs Software can be characterized as probably the most time tested operating system in the Data Processing Industry". Now on one hand he is saying that they have got problems in the Benchmark, on the other hand he says it is the most time tested operating system in the industry, so feel comfortable. There appears to be a disparity between these two reports, and suffice it to say that such significant deficiencies appear in the Benchmark; what types of problems will the City anticipate when they attempt to run a production payroll cycle? Will the City employes give Burroughs a second opportunity to run their checks or will the City defer this question to their consultant for interpretation and reevaluation. Notwithstanding the irregularities in the presentation, it is Sperry Univac's firm conviction, that due to our experience in the State and local Government area, our installations include such places as the City of Inglewood, the County of Los Angeles, your own Clark County School District and many others. All of these are under the control of my office. We are in a unique position to help you install successfully your new system. In the words of your consultant, "Univac has more systems installed similar in configuration to the one proposed, than the other vendor." We have over 1500 of these such systems installed. I believe the statement should provide your City with a little more comfort than a consultant describes in his report as "one that can be viewed as a potential problem because of a new machine syndrome." In conclusion Sperry Univac has supported your school district for the last six years, and will support your City for the life of the contract should we be selected. In conclusion we believe that our company offers

the lowest price, the most powerful system, the most proven system and per the Laventhol Report, met more of the requirements of the bid specifications than Burroughs. Therefore, I would like to propose to you the following suggestions. That you allow Sperry Univac to run a Benchmark at our expense, and then you can draw a true conclusion as to which system will provide the true needs of the City. Secondly that you will allow your new Data Processing Manager to become involved, for it is his job that will be on the line when that system goes in. I think it would be fair to him to provide to you perhaps his objective viewpoint on how he sees one system versus the other. Thank you.

Commissioner Christensen: You said that your bid would have been lower if you would have had a lower Benchmark. Why, would you have used different equipment?

Mr. Busby: The requirements change during the Benchmark. In other words....

Commissioner Christensen: I am aware of that, but you said that you would probably could have bid lower, why?

Mr. Busby: Well you reduce the amount of memory configurations, use maybe some other systems. Components of the system could have been reduced.

Commissioner Christensen: You would have run a lesser system in?

Mr Busby: Possibly

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

Commissioner Christensen: Suppose Sperry Univac ran the first Benchmark test and it wasn't accurate, what would Sperry Univac do? What would Sperry Univac do if they set the system up and it was deficient?

Mr. Busby: I don't think you would have the situation. We have over 1500 of these installed, we don't have that problem.

Commissioner Christensen: You are telling me that the first run of your equipment would have been no sweat and no problems.

Mr. Busby: No, I didn't say that. I said that the probability and success with Univac is higher than the success of Burroughs.

Commissioner Christensen: Based on what?

Mr. Busby: Ours is time tested.

Commissioner Christensen: Well, I am not computer expert, but I have gone through the throes of buying a computer and spending a good piece of change, and it has been my discovery after a year and a half of frustration, that the hardware is one thing and the software is another thing. Now the software is designed to fit the business. So are you telling me that you have got many many software systems that are identical to the one that the City is going to be using?

Mr. Busby: Yes.

Commissioner Christensen: I would have to challenge that. I don't think there is any two software systems that are exactly alike. I would have to challenge that.

Mr. Busby: That is not my point. My point is, the probability of success with a system that is time tested is higher than one that isn't.

Commissioner Christensen: Yes but you can't time test a software system. You custom build or custom alter a factory system to fit the particular entity, so you have no time test on that particular system.

Mayor Pro-Tem Lurie: Does staff want to tell me why all the companies were not given an opportunity to perform a Benchmark? I looked at all the Benchmark tests and I don't think any company could meet 100% of all the things that were asked as far as the Benchmark goes. When you are talking 5 second or 6 seconds, I have been waiting around here a couple of years for some things to be done so 5 or 10 seconds to me doesn't mean anything. Maybe you could explain as to why they weren't given an opportunity to perform the test.

Mr. Leavitt: Well first of all our specifications indicated that one vendor would be selected to perform the Benchmark, so we acted in accordance with that. The second thing, and I think maybe it is the basis behind all of that, is going into this purchase, as Mr. Jones has explained. There is a lot of factors other than how you perform that Benchmark test. That Benchmark test is just one small part of the vast field of things that we are analyzing. Had one company been able to perform the Benchmark test better than another, that would not necessarily mean that they would be the best for us. In my view at least. Because there are so many factors considered such as local support systems that are available, how well they have been tried and the standing in the company and industry and all of these kinds of things. For that reason, the consultant evaluated all of those type things and then gave us a recommendation, and then to prove that they could perform in the field, then is when we asked them to do the Benchmark. Sperry Univac has met several times with us asking to perform the Benchmark test and based on that reasoning we felt that it was improper for them to do that, and that is the reason.

Mayor Pro-Tem Lurie: Do you have any other questions? Is there anyone else in the audience here to speak on this award before the Commission takes action.

Mr. Morris: I would like to clear up a point about the Benchmark since there is a lot of reference to that, and what difference does 3 seconds or 5 seconds make. The timings that were set down in the specifications for the Benchmark were based on timings that the City currently gets. In other words the Benchmark consisted of jobs that we are running now. An Engineering job, a job for Manpower which Commissioner Lurie has seen run and these are timings that we get now off our current equipment. When Mr Meyers originally revised the timings higher, I pointed out to him that; well if we go higher, we are taking something that is less than what we can get now. We shouldn't really have to do that. When we add on we are even going to be in worse shape. The more jobs you add the worse timings get for everybody. That is why the timings were set at what they are today for the City, as the minimum to go to.

Commissioner Christensen: When that Benchmark test was conducted, how was it timed?

Mr. Morris: It was timed with stop watches.

Commissioner Christensen: To how close a tolerance?

Mr. Morris: I don't know what type of watches they were using.

Commissioner Christensen: You were using 10th of a second timers, hand held?

Mr. Morris: Yes.

Commissioner Christensen: Your accuracy is no good, you can't do it.

Mayor Pro-Tem Lurie: Do the representatives from Burroughs have any comments to make before we take action on this. Is there anyone else who would like to speak.

Don Parker: I am with a wholesale liquor firm. We purchased a year and a half ago and new Burroughs machine. It was the very first one installed in the county. We were up, it was installed on a Saturday and I ran my work Monday morning. They have got a good system. I ran my work Monday.

Mayor Pro-Tem Lurie: Is there anyone else in the audience that would like to speak?

Wayne Corbett: I have just been an observer here today. I have been in data processing since 1961. I have been in a number of Benchmarks. I don't think you had any Benchmark at all, not when you are using hand stop watches. You didn't have a Benchmark. Commissioner Christensen that software that you were talking about there are two types. One is the type that the vendor provides, the other one is the type that the data processing organization writes. It would be easier to convert an IBM Base Program to Univac, than it would to Burroughs. That is my personal opinion.

Commissioner Christensen: I would move at this time that we award the bid to the Burroughs Corporation.

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

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

Mayor Pro-Tem Lurie: We are now back to page 15, back to Public Works, the discussion items. Item 1.

See Page 59 of these minutes - Annotated Agenda

PROPOSAL TO
PURCHASE
DOWNTOWN TRASH
CONTAINERS
Held in
Abeyance

Mr. Hampton: I would like to discuss this item 1, I haven't gotten an answer back from the supplier as the result of our negotiations for the purchase of this trash container. As you are all aware, the trash containers are in a deplorable shape. The contractor that we have is not in a financial position to maintain these properly. We have put him on notice through the City Attorneys Office, that he is in violation of the contract and he has responded through his attorney stating that he will remove his trash containers at our liking, or he will sell them to us. So we had a meeting last week, in which he offered to sell them to us at \$185.00 each. We feel that this was an exorbitant price. We asked him if he would consider \$100.00 each. Come to find out that he did not own the containers, that he was an agent. He indicated that he would contact the owner and see if he would accept \$100.00 a piece. We felt that \$100.00 a piece would be a reasonable offer. He indicated today that he was unable to get ahold of the owner. He has indicated however, that he can get us as many new trash cans for \$135.00.

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Mayor Pro-Tem Lurie: He sounds like a real nice guy. First he wants to sell the old ones for \$185.00 and now he is going to sell them brand new for \$135.00. He is a good businessman, I like to do business with a man like him. I think we should just hold this until our next meeting, and give him a chance to submit a written proposal indicating what he proposes to do. Then we can take that under advisement. We can then decide whether we want to go out and purchase new ones, buy his containers, or just have him remove them and we can do without the containers for the time being.

Mr. Hampton: Well he has indicated that he will leave the existing ones on the street. We will have all of these details you requested at the next meeting hopefully.

COOPERATION FOR
SEWER CONNECTION
WITH CIRCLE K
STORE, CHARLESTON
AND PECOS

Approved as
Recommended

Mayor Pro-Tem Lurie: Is that O.K. with the Commission? (Affirmative response). The next item is the Cooperation for sewer connection with Circle K store, Charleston and Pecos. I believe we all had a memo on this particular item.

Mr. Hampton: I would like to make a slight correction in the memo, in this proposal. The easiest way to sewer their property would be the red line on Charleston. (Pointing to a diagram). This would cost as per your memorandum, \$3900.00. It would cost them an additional amount, \$200.00 to run to their store, so that their cost, if they were to take the easiest route would be \$4100.00. Since we do own the red property, we would need to sewer this property, and we would like to do it without going out in to Charleston again. We propose that we would cut this line along the yellow, therefore we would hook into it off of Pecos and not into Charleston. For that yellow line it would cost \$6770.00, so in lieu of our proposal, with the City's share to the tune of \$2825.00, if we subtract those two figures, that would be \$2,670.00. That would be our revised recommendation as to the City's participation in this project. If we were to connect at some future date, we would be paying approximately \$4,000.00 or more to make the hook-up, so I think it is in the best interest of the City to participate along with Circle K in running the yellow line.

Mayor Pro-Tem Lurie: Why wasn't the sewer connection put in at the time Charleston Boulevard was improved.

Mr. Hampton: We weren't....

Mayor Pro-Tem Lurie: That is something that always bothers me, because I think it is poor planning. When things aren't look to ahead down the road. We knew at the time that we owned that property and we were going to have a sewer connection. Now we have to; and you have to get permission by the way to tear in to that from the Regional Streets and Highways.

Mr. Hampton: Yes, it is on the agenda for the committee tomorrow to make this connection here. This was also in conformance with the Regional Streets and Highways request that we provide the yellow one, so that it eliminates two cuts, or one cut. I can't answer you why it wasn't done when the Charleston project was built. That was before my time.

Mayor Pro-Tem Lurie: Is there a motion to accept Mr. Hampton's recommendation.

Commissioner Christensen: I move that we follow his recommendation.

Mayor Pro-Tem Lurie: Cast your vote. Motion is approved.

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

PROPOSED S.I.D.
Sewers Small
Tract Area
Approved as
Recommended

Mayor Pro-Tem Lurie: The next item is the proposed S.I.D., sewers Small Tract.

Mr. Hampton: I would also make reference to a memorandum to the Commission dated July 25th, which we point out the results of a survey that we took in the area bounded by Charleston, Jones, Evergreen and Decatur. This is what is commonly referred to as a Small Tract Area, and is very much in need of sewer facilities. The proposed sewer line would run down Jones, East along Corey to Upland, and down to Charleston. There will be another line running along Corey down Brush to Charleston Boulevard. We had a yes vote of 38%, no answer of 40%, there was 16 noes. The City has 12.5 acres in the area, of course we were not included in that percentage that I just gave you. We substantially have 84% approval of the project. We recommend that we be given the authority to proceed with a design and all necessary S.I.D. proceedings.

Mayor Pro-Tem Lurie: That takes care of the area that it shows in red?

Mr. Hampton: Yes, it would serve this entire area bounded by the blue however. Now what we have done, if you will refer to the memorandum. There are two different basis for assessment. The people that are adjacent to the lines that we propose, would be charged on the basis of \$4,050.00 per acre. The people that are back off of the shaded area shown on the map would be charged considerably less, only \$615.00 per acre. At some future date they would have to hook in to this line, it would be to their advantage to have this line in. We feel that this is a very fair method of assessment, and it is somewhat difficult to follow. It is quite complex when you talk about dollars and acreage.

Mayor Pro-Tem Lurie: Any comments from the Commission? I would move that we follow the recommendations. Cast your votes on the motion. Motion is approved.

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

Mayor Pro-Tem Lurie: Page 29 is Vacancies on Boards and Commissions.

See Page 121 of these minutes - Annotated Agenda

CITY ATTORNEY

MIKE SLOAN

See Page 122 of these minutes - Annotated Agenda

ITEM	Commission Action	Department Action
<u>III. VACANCIES ON BOARDS AND COMMISSIONS</u>		
<p>A. <u>LAS VEGAS METROPOLITAN BEAUTIFICATION COMMITTEE</u> Three Year Term</p> <p>Mary Kozlowski - Term of Office expired <u>7/21/77</u>.</p> <p>Margaret Cahill - Resignation submitted <u>7/23/77</u> - Term of Office expires 11/3/77. Appointment to fill unexpired term.</p>	<p>Appointed Barbara Blumer Leavitt - Unanimous</p> <p>Abeyance</p>	<p>Clerk to Notify</p> <p>8/17/77 Agenda C/M to send commenda- tion to Ms. Cahill</p>
<p>B. <u>PLANNING COMMISSION</u> Four Year Term</p> <p>George Ward - Term of Office expires <u>8/16/77</u>.</p>	<p>Appointed Joseph Swessel Woofter - Unanimous</p>	<p>Clerk to Notify</p>
<p>C. <u>ADVISORY BOARD FOR THE SENIOR CITIZENS PROGRAM FOR WEATHERIZATION AND HOUSING REHABILITATION</u> On-going Program</p> <p>Appointment of three persons.</p>	<p>Abeyance</p>	<p>8/17/77 Agenda</p>
<p>D. <u>CITIZEN PARTICIPATION REVIEW COMMITTEE FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM</u> On-going Program</p> <p>Replacement of three members.</p>	<p>Abeyance</p>	<p>8/17/77 Agenda</p>
<p>E. <u>ADULT COUNCIL ON YOUTH AFFAIRS</u> Appointment of six members.</p>	<p>Appointed Fred Lewis Assemblyman Karen Hayes George Holt Rita McClain Bruce Miller Alan G. Vitkus Lurie - Unanimous</p>	<p>Clerk to Notify</p>

ITEM	Commission Action	Department Action
V. MIKE SLOAN - CITY ATTORNEY		
A. Amendment to Clark County Transportation Study Integrated Co-Operative Agreement	APPROVED amendment Lurie - Unanimous	Mayor Pro-Tem & Clerk Authorized to Sign
B. Resolution amending Title X of the City Code as recommended by the Traffic and Parking Commission and the Traffic Engineer	ADOPTED Lurie - Unanimous	Mayor Pro-tem & Clerk Authorized to Sign
C. Annexation Resolution A-2-77	ADOPTED Lurie - Unanimous	Mayor Pro-tem & Clerk Authorized to Sign
D. Annexation Resolution A-3-77	STRICKEN at request of City Attorney	
E. Resolution establishing time for holding City Commission meetings.	Held until Ordinance is adopted	

R E S O L U T I O N

WHEREAS, Ordinance No. 1580 allows for the additions and corrections of schedules pertaining to Title X of the City Code to be done by Resolution; and

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

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

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

Schedule 3-1, Page 2, be amended to include the following as parking meter zones:

4th Street - east side - from Bonneville Avenue to Garces Avenue

Schedule 14-11, Page 12, be amended to include the following as required stops:

Mallard Street at Evergreen Avenue

Schedule 17-111, Pages 22 and 23, be amended to include the following as prohibited parking at all times:

Main Street - west side - from Washington Avenue to Owens Avenue

Nebraska Avenue - north side - from Decatur Boulevard to Yale Street

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

Garces Avenue - north side - from 4th Street east to alley

Schedule 18-11, Page 36, be amended to include the following as hotel loading zones:


Ogden Avenue - north side - west of 7th Street


Schedule 18-V, Page 41, be amended to include the following as commercial loading zone:

Casino Center Boulevard - in front of 1228 South Casino Center

PASSED, ADOPTED AND APPROVED this 3rd day of August, 1977.

ATTEST:


Edwina H. Cole, City Clerk


XXXXXXXXXXXXXXXXXXXXXXXXXXXX
RON LURIE, MAYOR PRO-TEM

R E S O L U T I O N

WHEREAS, the Board of Commissioners of the City of Las Vegas, Nevada deems it appropriate and in the best interests of the public health, safety, welfare and convenience that certain territory hereinafter described that is contiguous to the City of Las Vegas, be annexed thereto.

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 3rd day of August, 1977;

1. That it is the intention of the said Board to annex to the City of Las Vegas the following described real property:

A portion of the East Half (E 1/2) of Section 10, Township 20 South, Range 60 East, MDB&M, Clark County, Nevada, described as follows:

Commencing at the Southeast corner of said Section 10; Thence North 89°52'00" West along the South line of said Section 10, a distance of 1339.16 Feet to the TRUE POINT OF BEGINNING; said TRUE POINT OF BEGINNING also being a point on the center line of the proposed U.S. 95 Expressway-Vegas; Thence continuing North 89°52'00" West along the said South line of Section 10, 1339.42 Feet; Thence North 00°27'33" West, along the West line of the East Half (E 1/2) of said Section 10, a distance of 2703.39 Feet; Thence North 00°28'04" West, 1014.38 Feet to a point on the North line of the South Half (S 1/2) of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said Section 10; Thence South 89°47'03" East, along said North line, 844.22 Feet; Thence departing said North line South 0°21'06" East, 337.98 Feet, to a point on the North line of the South Half (S 1/2) of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of said Section 10; Thence South 89°47'40" East, along said North line, 506.12 Feet to the point of intersection of said North line with the Center line of the proposed U.S. 95 Expressway-Vegas; Thence South 00°16'54" East, along said Center line, 3,377.86 Feet to the TRUE POINT OF BEGINNING.

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2. That said Board of Commissioners shall meet on Wednesday, September 7, 1977, at the hour of 10:00 o'clock a.m. in the Commission Chambers, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, to conduct a public hearing on the question of such annexation.

3. That the City Clerk be, and she hereby is, directed to give notice to such public hearing by publication thereof at least three (3) times in the LAS VEGAS SUN, a newspaper published in the City of Las Vegas, and of general circulation in the above-described territory, the first publication to be at least twenty (20) days prior to the said September 7, 1977, and not less than six (6) days shall intervene between the first publication and the last publication, and by mailing notice thereof by certified mail, return receipt requested, to each record owner of real property within said described territory, said notice to be mailed at the time of the first publication thereof. Said notice shall be in substantially the following form, to-wit:

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"NOTICE OF HEARING ON QUESTION OF ANNEXATION OF TERRITORY WITHIN PROPOSED LAS VEGAS, NEVADA, ANNEXATION A-2-77.

NOTICE IS HEREBY GIVEN to the property owners within the proposed Las Vegas, Nevada, Annexation A-2-77, that:

"The Board of Commissioners of the City of Las Vegas, Nevada, has by Resolution duly passed, adopted and approved on the 3rd day of August, 1977, declared its intention to annex to said City the territory generally located at the northeast corner of Lorenzi and West Cheyenne Avenue.

"The territory proposed to be annexed is more particularly described as follows:

A portion of the East Half (E 1/2) of Section 10, Township 20 South, Range 60 East, MDB&M Clark County, Nevada, described as follows:

Commencing at the Southeast corner of said Section 10; Thence North 89°52'00" West along the South line of said Section 10, a distance of 1339.16 Feet; to the TRUE POINT OF BEGINNING; said TRUE POINT OF BEGINNING also being a point on the center line of the proposed U.S. 95 Expressway-Vegas; Thence continuing North 89°52'00" West along the said South line of Section 10, 1339.42 Feet; Thence North 00° 27'33" West, along the West line of the East Half (E 1/2) of said Section 10, a distance of 2703.39 Feet; Thence North 00°28'04" West, 1014.38 Feet to a point on the North line of the South Half (S 1/2) of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said Section 10; Thence South 89°47'03" East, along said North line, 844.22 Feet; Thence departing said North line South 0°21'06" East, 337.98 Feet, to a point on the North line of the South Half (S 1/2) of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of said Section 10; Thence South 89°47'40" East, along said North line, 506.12 Feet to the point of intersection of said North line with the Center line of the proposed U.S. 95 Expressway-Vegas; Thence South 00°16'54" East, along said Center line, 3377.86 Feet to the TRUE POINT OF BEGINNING."

"That said Board of Commissioners shall meet on Wednesday, September 7, 1977, at the hour of 10:00 o'clock a.m. in the Commission Chambers, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, to conduct a public hearing on the question of such annexation.

"A report setting forth the plans for the extension into said territory of all major municipal services presently furnished by the City to its citizens and residents will be available for examination by the public in the office of the City Clerk, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, twenty (20) days prior to the date of the public hearing. Such report shall include:

- (A) A metes and bounds description of the territory proposed to be annexed.
- (B) An accurate map or plat of such territory prepared under the supervision of a competent surveyor or engineer.

(C) A map or maps of the City and the adjacent territory to show the following information:

- (1) The present and proposed boundaries of the City.
- (2) The present streets and sewer interceptors and outfalls.
- (3) The proposed extensions of the present streets and sewer interceptors and outfalls; and
- (4) The present and proposed general land use pattern into the territory proposed to be annexed.

(D) A statement showing that the territory proposed to be annexed is eligible for annexation under NRS 268.570 to 268.608, inclusive.

"The following is a list of the names and addresses of all record owners of real property within the said described territory and proposed to be annexed hereunder:


Charleston Heights Development Company
6115 Clarice Avenue
Las Vegas, Nevada 89107

"Any record owner of real property within the said described territory may appear and be heard either in favor or in protest of the proposed annexation at such public hearing and/or may file with the City Clerk a written protest to such annexation at any time within fifteen (15) days after the conclusion of said public hearing.

"Unless a majority of the property owners in the territory proposed to be annexed protest such annexation, either verbally at the public hearing or in writing within fifteen (15) days after the conclusion of such public hearing, the Board of City Commissioners shall have authority to adopt an ordinance extending the corporate limits of the City of Las Vegas to include all or any part of the territory described in this notice.

"By Order of the Board of Commissioners of the City of Las Vegas, Nevada.

DATED this 3rd day of August, 1977.


EDWINA M. COLE, CITY CLERK

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BILL NO. 77-44
1st Reading
& Referred to
Recommending
Committee
Christensen and
Woofter

Mayor Pro-Tem Lurie: Bill No. 77-44

Mr. Sloan: This is an Ordinance to extend the corporate limits of the City of Las Vegas, Nevada to include within, annex to and make a part of said City certain specifically described territory adjoining and contiguous to the corporate limits of said City.

Mayor Pro-Tem Lurie: Please read it.

A Bill entitled "AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO." Read by Mike Sloan City Attorney.

Mayor Pro-Tem Lurie: This ordinance will go to a Recommending Committee consisting of Commissioner Christensen and Commissioner Woofter.

BILL NO. 77-45
1st Reading &
Referred to
Recommending
Committee
Lurie and Leavitt

Mayor Pro-Tem Lurie: Item B is Bill No. 77-45. I would like this Ordinance read, and I will refer it to a committee.

A Bill entitled "AN ORDINANCE TO AMEND TITLE I, CHAPTER 5, SECTION 6 TO CHANGE THE NUMBER OF REGULARLY SCHEDULED MEETINGS OF THE BOARD OF COMMISSIONERS FROM TWO TO FOUR; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH." Read by Mike Sloan City Attorney.

Mayor Pro-Tem Lurie: This will be referred to a committee of Commissioner Lurie and Commissioner Leavitt. Item C. is Bill No. 77-46.

BILL NO. 77-46
Referred to
Study Committee
Commissioners
Lurie and
Christensen

Mayor Pro-Tem Lurie: I would like this to be referred to a Study Committee, and before any action is taken on it, the Committee should set a time for a hearing, so that interested parties could speak on the introduction of this Ordinance. I would refer this to a Study Committee consisting of Commissioner Lurie and Christensen. On Page 32 we have Reports from Recommending Committee. Do you want to make a recommendation.

BILL NO. 77-30
Held in Abeyance

Mr. Sloan: This was an Ordinance or changes that was suggested by our office to comply with the decisions of the Nevada Supreme Court, because of certain legal problems that we have encountered in the past. What this does, it puts them all under the category of regular businesses.

Commissioner Woofter: Are they adult oriented bookstores and movie theaters outside this particular zone on East Charleston. Are They grandfathered in to continue to conduct their business?

Mr. Sloan: My understanding of it.

Mayor Pro-Tem Lurie: Item A, to clarify this, we will hold this until the next meeting. No action is needed until 8/24, so we will hold it until the next meeting. Bill Number 77-42 Commissioner Christensen.

BILL NO. 77-42
Held in Abeyance

Commissioner Christensen: We are going to hold that.

Mayor Pro-Tem Lurie: Bill No. 77-43, Commissioner Woofter.

BILL NO. 77-43
2nd Reading
and Adopted

Commissioner Woofter: We can move it out.

Mayor Pro-Tem Lurie: Will you read the Ordinance please.

A Bill entitled "AN ORDINANCE TO AMEND TITLE VI, CHAPTER 4 OF THE CITY OF LAS VEGAS MUNICIPAL CODE, 1960 EDITION, BY AMENDING SECTION 6 THEREOF TO ALLOW THE SHERIFF OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT, OR HIS DESIGNEE, TO ISSUE PISTOL PERMITS TO APPLICANTS UPON APPROVAL BY THE CITY COMMISSIONERS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH". Read by City Attorney Mike Sloan.

Commissioner Woofter: I will make a motion to adopt.


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

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

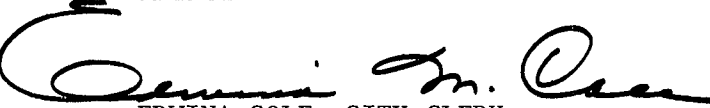
Mayor Pro-Tem Lurie: Is there any Citizens Participation? (No response). If not, this meeting will stand adjourned. (Mr. Gordon Hall, President of Goodwill was recognized) (Meeting adjourned at 7:00 P.M., 3 August 1977)

There being no further business to come before the Board, at the hour of 7:00 P.M., Mayor Pro-Tem Lurie declared this Regular Meeting of the Board of City Commissioners A D J O U R N E

APPROVED:


WILLIAM H. BRIARE, MAYOR

ATTEST:


EDWINA COLE, CITY CLERK

APPROVED BY REFERENCE at a Regular Meeting of the Board of City Commissioners held on the 14th day of September 1977.