

MINUTES

City of Las Vegas

BOARD OF COMMISSIONERS

COMMISSION CHAMBERS • 400 E. STEWART AVENUE • 386-6011

DATE: September 7, 77

TIME: 9:00 A.M.

INVOCATION:

PLEDGE OF ALLEGIANCE:

BOARD OF CITY COMMISSIONERS

	PRESENT	ABSENT	EXCUSED
MAYOR BILL BRIARE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. PAUL J. CHRISTENSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. RON LURIE MAYOR PRO-TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. MYRON E. LEAVITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. ROY WOOFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CITY ATTORNEY

MIKE SLOAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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APPROVED BY REFERENCE September 28, 1977

ATTEST:

Ernie M. Case CITY CLERK *William N. Briare* MAYOR

MINUTES

September 7, 1977

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 7th day of September, 1977 was called to order by His Honor, Mayor William H. Briare, at the hour of 9:00 A.M.

AGENDA POSTED September 1, 1977 (See Page 3 of these Minutes - Affidavit)

AGENDA MAILED August 31, 1977 (See Page 4 of these Minutes - Affidavit)

		PRESENT	ABSENT	EXCUSED
STAFF ATTENDANCE	Acting City Manager LAURENCE HAMPTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	City Clerk EDWINA M. COLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Business Activity ILA M. BRITT	X		
	Director, Dept. of Community Planning & Development DONALD J. SAYLOR	X		
	Director, Dept. of Cultural Services HAROLD A. FOSTER	X		
	Director, Dept. of Financial Management MARVIN A. LEAVITT	X		
	Director, Dept. of Fire Services SAM COOPER		X	
	Director, Dept. of Funds Coordination & Projects RONALD JACK	X		
	Director, Dept. of Municipal Services J. C. CATHCART	X		
	Director, Dept. of Parks & Recreation RICHARD L. CAMPBELL		X	
	Director, Dept. of Personnel & Employee Relations J. ROBT McPHERSON	X		
	Director, Dept. of Public Services BILL PURVIS	X		

AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

CARL D. PETERSON, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 1st day of September, 1977, at the hour of 8:30 A.M.

there was posted a copy of the Agenda (NOTICE), the attached of which is a true and correct copy, of a Regular Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on

the 7th day of September, 1977, at the following locations:

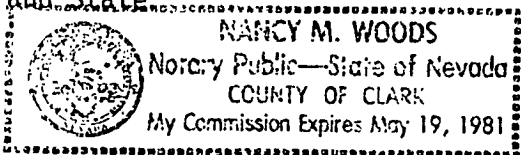
1. On the Public Bulletin Board in the United States Post Office
301 E. Stewart Avenue
2. On the Public Bulletin Board in the Federal Building
300 Las Vegas Blvd., South
3. On the Public Bulletin Board in the Clark County Court House
200 E. Carson Avenue
4. On the Public Bulletin Board at the Plaza Level of the City Hall
400 E. Stewart Avenue (near the entrance to the Court Clerk's office)
5. On the Special Public Bulletin Board at the Plaza Level of the City Hall
400 E. Stewart Avenue (near the entrance to the City Commission Chambers.

Carl D. Peterson
(name)

Subscribed and sworn to before me this 19th day of Sept., 1977

QUALITY CONTROL DIVISION
(department or division)

Nancy M. Woods
Notary Public in and for said County and State



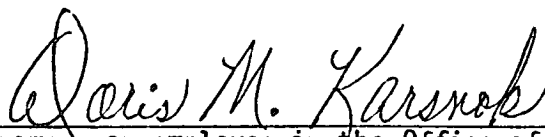
CITY CLERK
SEP 10 51 41 '77
RECORDED

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS CHAPTER 241)

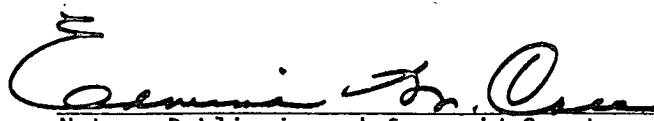
STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

DORIS M. KARSNOK, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 31st day of August, 1977, a copy of an Agenda (NOTICE), the attached of which is a true and correct copy, of a Regular Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 7th day of September, 1977, was deposited in the United States Mail, postage prepaid, first class mail, to each person and/or organization whose name appears in the Agenda Register maintained in the Office of the City Clerk as having requested, in writing, a copy of said Agenda (NOTICE).

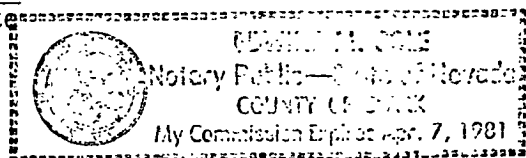


(name - an employee in the Office of the City Clerk)

Subscribed and sworn to before me
this 31st day of August, 1977



Notary Public in and for said County and State



CITY MANAGER

LAURENCE HAMPTON - ACTING

INVOCATION AND
PLEDGE OF
ALLEGIANCE

Mayor Briare: We are privileged this morning to have the Rev. Stanley Unruh from the Sunrise Southern Baptist Church. He is going to offer the invocation, and then please remain standing for the Pledge of Allegiance. Is Rev. Unruh present? (No response). The Director of the Finance Department Marvin Leavitt will offer the invocation.

Marvin Leavitt: Our Father in Heaven as we meet this morning at the Regular Meeting of the Las Vegas City Commission we feel thankful in our hearts under the good conditions under which we meet. To the free country in which we live. The many privileges and blessings Thou has given to us. We would ask You to bless the Las Vegas City Commission this morning, as they deliberate on the matters that are before them. That they may be blessed with insight and wisdom as they make the decisions that they have to make. We also ask You to bless those who make presentations before the Commission this morning. That they may be able to say what is in their minds, and articulate in what they say in such a way that their message will be understood. We again thank Thee for the many blessings we have, and we do it in the name of Thy Son Jesus Christ. Amen.

(Pledge of Allegiance)

RESOLUTION
DEDICATING AND
NAMING A CITY
RECREATIONAL
AREA AS "BOB
BASKIN PARK"
Presented to
Mrs. Robert T.
Baskin

Mayor Briare: Ladies and gentlemen the first two items on the agenda are some presentations that on behalf of the City of Las Vegas we wish to present. One is a Resolution of Appreciation, and a naming of a brand new park that is going to be built in the City of Las Vegas. I would like to read the Resolution because Bob Baskin's widow Rose Baskin is here with some of her family. Rose as soon as we read this Resolution, then we have another Resolution to also read, and then we will declare about a two minute recess, and we are going to ask you, and the recipient of the other plaque to come forward. I am going to go ahead and read this. Commissioner Lurie is going to read the next one, and then after we are through with that one we are going to have you both come up here for a moment or two O.K.?

This Resolution reads: "WHEREAS it is the policy of the Board of City Commissioners of the City of Las Vegas, to establish living memorials to those citizens of our Community whose pioneering spirit and dedication have been of significant contribution to our growth, and development to the enrichment of the lives of our citizens, and WHEREAS throughout our Community parks, playgrounds, public buildings and other facilities have been dedicated the names of such distinguish citizens whose civic prides and deeds are thus perpetuated for all time to come. WHEREAS ROBERT T. BASKIN, whose death December 29th 1976 at the age of 82 years brought to a close a distinguish career of public service and civic activities, including serving as a member of the Board of Commissioners of Clark County, and as a member of the Board of City Commissioners in the City of Las Vegas.

WHEREAS through his public and private life ROBERT T. BASKIN was among our Communitys most beloved and respected leaders, and is worthy of the greatest honors this Community can bestow. WHEREAS the City of Las Vegas has acquired a park site of approximately six acres lying South of Oakey Boulevard, and about midway between Rancho Road and Valley View Boulevard, this site to be developed in keeping with the open space and recreation needs of our Citizens. NOW THEREFORE be it resolved that the Board of City Commissioners of the City of Las Vegas does hereby dedicate, and name this Park, BOB BASKIN PARK as a living memorial and tribute to the memory of a great pioneer Citizen of Las Vegas." It is passed, approved and adopted on the 20th day of July 1977, and signed by myself as Mayor, Paul J. Christensen, Myron E. Leavitt, Ron Lurie and Roy Woofter. So Rose we will present this to you in just a moment, but I would like to ask if you would all join me in a round of applause. Commissioner Lurie will you make the next presentation.

COMMENDATION TO
FLETCHER JONES
FOR OUTSTANDING
SERVICE AND
CONTRIBUTIONS TO
THE WELFARE OF
THE CITY OF LAS
VEGAS
Presented

Commissioner Lurie: Thank you Mayor. It is a privilege for me at this time to be able to read this Commendation to a gentlemen who has shown outstanding service to this Community as well as other areas of his concern for our Community. This Commendation goes to Fletcher Jones. It says: "WHEREAS Fletcher Jones has been a resident and prominent businessman of our community for more than a decade, owner and operator of Fletcher Jones Chevrolet one of the nations largest automobile dealerships. WHEREAS Fletcher Jones has made great contribution to the betterment of our Community, and to the welfare of our citizens through his generous support of civic and charitable endeavors. WHEREAS among these agencies which to date have shared in the near \$100,000.00 contributed by Fletcher Jones. By the Helen J. Stewart School, Opportunity Village, Ask, Aid to Adoption of Special Kids, the Childrens Division of the Kidney Foundation, the City of Las Vegas Handicapped Children Recreation Fund, the Las Vegas Sun Camper Fund, and the Juvenile Diabetes Fund and others. WHEREAS Fletcher Jones has shown outstanding dedication and concern for the social service needs of our Community due to his continuous programs for continued financial support for these humanitarian works. WHEREAS his concern for the care and placement of animals has been a great benefit to our Citizens, and particular assistance to the City of Las Vegas, and Animal Control Program. WHEREAS it is proper that official recognition be given and tribute paid to those citizens whose civic pride and dedication is of great inspiration to all. NOW THEREFORE we the Mayor, and the City Commissioners of the City of Las Vegas in Regular Meeting assembled on the 3rd day of August 1977, do hereby commend Fletcher Jones, and express the profound appreciation of all Citizens of Las Vegas for his distinguished services." Now would you join me in applauding Fletcher Jones.

Mayor Briare: Now just for a few moments would you bear with us. We are going to be in recess for a few moments to make these presentations.

(Commission Meeting Recessed at 9:10 A.M.)

(Commission Meeting Reconvened at 9:15 A.M.)

CITIZENS SCREENING
COMMITTEE FOR
SELECTION OF
CITY MANAGER
Appointed 15
member board

Mayor Briare: The next item is going to be handled at 11:00. Now we will take up the Citizens Screening Committee for selection of a City Manager. Commissioner Lurie has addressed a memo to the Mayor and the other members of the City Commission with some nominations. Commissioner Lurie would you present your nominations?

Commissioner Lurie: The eight nominations that I have before you this morning I would like to have this adopted, and I would also like to recommend that we increase the number that we set for nine, and to raise it to fifteen. There has been a lot of interest shown from citizens who would like to serve on this Committee. I believe some excellent names have been recommended to us to serve on this Committee. The names before us this morning are Rev. Ken Forshee, Lloyd Mann, Hank Chism, Jim Marsh, Lloyd Katz, Oran Gragson, Dorothy Eisenberg, Wayne Bunker, and I have two other names that I would like to also recommend at this time. Those are Joe Manns, and Dr. Kenny Guinn.

Mayor Briare: Are there any other nominations that you want to present Commissioners?

Commissioner Woofter: I have one, Michael J. Daly.

Mayor Briare: There are four others. I would like to propose the name of Marguerite Segretti.

Commissioner Christensen: How many is that?

Mayor Briare: That is twelve.

Commissioner Christensen: Why don't we cut it off at twelve.

Commissioner Lurie: Roy has a nomination of Marjorie Elliott.

Mayor Briare: I will propose the name Sherman Miller who is the President of the Nevada Development Authority.

Commissioner Christensen: What about R. J. McNutt?
That is fifteen, lets close it off there.

Mayor Briare: Are there any more nominations by the Commissioners? (No response). Hearing none then we will close the nominations with this, and Commissioner Lurie would you please make the necessary....

Commissioner Lurie: I will move that these names be approved at this time as a Citizens Review Committee for recommending a City Manager.

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

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

Mr. Hampton: On that item I would like to ask if it is the Commissioners intention that the Committee should select a Chairman among themselves, or will you wish to do that?

Mayor Briare: I think they could make their own selection.

Mr. Hampton: The next item is an abeyance item. Status of Space Allocation, and we refer to a memo that was sent to you dated August 30th. We pointed out the costs involved in Relocating the Data Processing Operation to both the Library and the Fifth Floor. The summation of the cost, and it would indicate that if the Data Processing moved to the Library it would cost us a total of \$173,000.00. Whereas if it moved to the Fifth Floor, thus moving the Design Services Division to the Library it would only cost \$57,000.00 which is a difference of \$116,000.00. Therefore it would be our recommendation that this plan be adopted.

Mayor Briare: Questions or comments?

Commissioner Lurie: I move that we follow the recommendation that the Design Services Division move into the Downtown Library making the Data Processing Operation remain on the Fifth Floor.

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

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

STAFF COORDINATION
COMMITTEE REPORT
REFERENCE STATUS
ON CITY MANAGER
RECRUITMENT
Approved as
Recommended

Mr. Hampton: The next item I would like to have Mr. Bramble discuss the Staff Coordination Committee.

Mr. Bramble: You will find in your agenda booklets the Staff Coordination Committee Report, which is requesting as well as a job description, which has been developed by the Staff Coordination Committee. You will see that we are requesting that you review the Job Description today.

You don't necessarily have to adopt it, or approve it. However we do have two recommendations. One on travel for the finalist candidates that you will be interviewing, and also a recommendation by the Staff Coordination Committee regarding the relocation costs for a potential City Manager Candidate. If we were to hire somebody out of town. The summation is that the travel costs for the final candidates would be absorbed by the City, and would only be the three or six candidates or whatever number you would select to interview. The other Staff Recommendation is that the City pay those moving expenses equivalent to one months salary of the City Manager, and travel expenses with a total cost not to exceed \$5,000.00. This would be a policy that you would set and be established.

Commissioner Christensen: That would be just for the management?

Mr. Bramble: That is correct.

Commissioner Christensen: I move that we adopt the Job Description and the Policy regarding travel. Since it is in line with what is done everywhere else, and it does create a burden, and those people have to; if we want to interview applicants and look at them eye ball to eye ball we are going to have to pay their transportation here, and I think it is a necessary expense. I move that we follow the recommendations of our Committee and vote the Job Description in, and the travel, and the relocation expense policy.

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

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

REVIEW OF AGENDA
FORMAT
Held in Abeyance

Mr. Hampton: This is the review of the Agenda Format. This is possibly premature in as much as on the City Attorneys agenda there is a Resolution for your consideration regarding the establishment of Commission meetings times. You may wish to consider this as a joint item. It is important that we get a consensus among the Board as to the format for the forthcoming Agenda Meetings.

Commissioner Christensen: Don't we have to have a consensus before he can draw up the proper Resolution?

Mayor Briare: If we talk this afternoon when we get to the City Attorneys portion of the agenda about the format, then having finished our format we can amend the Resolution.

Commissioner Lurie: The Resolution already has the time specified.

Commissioner Christensen: We will have to amend it then if we change it.

Mayor Briare: If there is no objections then we will take this part up just prior to the portion of the agenda from the City Attorneys part this afternoon.

WATER CONSERVATION Mr. Hampton: The next item is a Water Conservation Item.
DISCUSSION

Referred to C/A
to get Info from
other Cities

Commissioner Lurie: The reason that I put this on here for discussion is that I called a meeting with the County, and with the Southern Nevada Home Builders to discuss a Water Conservation Program. One of our meetings we had with the Environmental Protection Agency was stressing water conservation because of the drought conditions in Northern California and the Northern Nevada areas. We are very fortunate here in Southern Nevada that we belong to the Southern Nevada water project, and we have not felt the pinch as far as water at this time. I asked for a meeting with the Home Builders to see what progress they are making as far as installing certain types of toilets in homes that use less water, and they are doing this at the present time. We also discussed restrictors in the showers so that we would be using less water per shower. This might sound kind of silly in some instances, but when you talk about the usage and the gallons that would be saved by having less water per shower from 5 gallons a minute to 3 gallons a minute. That is 2 gallons for every household. Times the number of people that use the shower everyday, and that amounts to a tremendous amount of water. The other item we discussed was the run off water from yards, parks and schools into the gutters of the streets that create many problems in our neighborhoods, as well as the great expense to the City, and to the County in repairing these streets because of water damage. Basically what I bring before you now is the conclusion to the meeting. That was that we are beginning an education program which the water district has already been using by sending out information in the bills to the homes on how the people can conserve water. We are going to go a little bit more extensively into the program, and have speaking groups go out to service clubs, churches and different organizations. This will make them aware of the problem that we could have 5 years, 10 years, 20 years down the road if we don't start conserving now. The last part of the report is that I am going to request the City Attorney to gather information from other Cities, in Northern California and Nevada on Ordinances that have been written on water conservation. I am going to request that our Ordinance on water conservation be reviewed, and brought back to us with additional recommendations for stricter penalties for people who violate, and just waste precious water. At this time I would like the City Attorney to be instructed to follow through with these suggestions, and bring this information back to us.

Mayor Briare: Thank you Commissioner. Is there any questions or comments by the Commissioners? (No response). Mr. Sloan would you accomodate the Commissioner?

Mr. Sloan: Be happy to.

CITY EMPLOYEES
CREDIT UNION
GASOLINE PUMP AT
NEW OFFICES
Requested Applicant
to Apply for the
necessary
Variance

Mr. Hampton: The next item is a request for reconsideration from the City Employees Credit Union for a Gasoline Operation.

Commissioner Lurie: Mayor I asked that this be brought back on it. After discussing it after the meeting the reason I was disturbed about the request is that it wasn't presented before us properly. I needed some more information on it. After discussing it I think it is a resonable request, but I find out now from the City Attorney that the proper way that this should be before us is that the Credit Union is going to have to apply for a use permit, and go through the procedures in obtaining this permit. It can't be approved just by the plot plan. So at this time I believe the proper procedure would be to refer this item to the Credit Union Director to apply for a use permit. Then it will come back before us in the proper manner.

Mayor Briare: Well then there is no action today.

Mr. Sloan: That would be our advice.

Mayor Briare: Would you please advise the proper representatives.

Commissioner Lurie: I think Jerry Snyder is in the audience. Jerry if you would get a hold of Don Saylor after the meeting he will explain the procedure you have to follow now.

SPEEDROME
DISCUSSION
Tabled with the
approval to
conduct events
already scheduled
subject to usual
controls

Mr. Hampton: The next item is the discussion on the Speedrome. I am sure you are all aware that the court has awarded the City the right to terminate the lease with Las Vegas Sports Enterprises. It is important that the Commission discuss how the City should proceed as far as operating a facility at that location, or doing whatever is felt necessary at that site.

Commissioner Lurie: I asked for this item also to be on the Agenda. I believe it is a little premature to be before us this morning. The City has filed a notice on the Speedrome, and Curly Price has 30 days in which to file an appeal to the Supreme Court. I don't believe that until such time the legalities have run their course that we can take any action on the Speedrome. So I think this item should be held until such time we request to bring it back before us.

Commissioner Christensen: The motion is tabled right?

Mayor Briare: That is correct.

Dennis Haney: I am an attorney here on behalf of the Sports Club of America, and the Sports Car Club of America. On or about August 16, 1977 we addressed a written communication to the City Manager with a copy to each of you gentlemen. This was regarding the use of the Speedrome. We have obtained Mr. Curly Prices permission in the event that he has control of the Speedrome for the use on three particular days. We would like you gentlemen's contingent approval if in the event you have the right to use that. I have been in communication with the City Attorneys Office. I contacted Jan Stewart primarily and Mr. Sloan. He has no objection to that if we could just on a contingent basis in the event Mr. Price doesn't appeal. In order for us to conduct our events as we have been in the past, we have to properly notify people in California and other places who bring their cars up here. If we don't have your approval now we can't do it. These are three special events.

Mayor Briare: I can't imagine any objection to that.

Commissioner Lurie: Well the City Attorney wanted to check with Jan Stewart before the Commission takes any action on it. Possibly we could hold this until later on this morning. Until such time as Mike Sloan gets a chance to talk to Jan Stewart.

Mayor Briare: As long as the City Attorneys Office can get together with you in some way. It would appear that there is no objections to the part of this board to utilize it. As long as it doesn't prejudice anybody's position. I am sure you lawyers could figure out some way. Mr. Sloan could you proceed along that basis then.

Mr. Sloan: Then the approval would be subject to....

Mayor Briare: As long as your office approves of the thing, and it is not going to be a firm commitment. It is a temporary thing. They want to use it for a special event.

Mr. Hampton: Your Honor in the meantime I would request that you give us authority to make some nominal repairs to the gate and fences, so we can protect our own interests.

Mayor Briare: In order to protect the City's interest I don't think you have to have any action by this board.

Commissioner Christensen: Are you going to vote on the motion to table.

Commissioner Lurie: I make a motion that it be approved subject to final determination by the City Attorney that everything is legally proper.

Mayor Briare: Now this is on the request.

Commissioner Lurie: The request to use the track for those dates.

Mayor Briare: I think we are talking about two different things.

Commissioner Christensen: Where does that leave us legally now?

Mayor Briare: Well the item is on the agenda and it has been suggested that it is a little premature to be on the agenda.

Commissioner Christensen: So there is a motion to table that, and then the Sports Car Club wanted to hold their special events, and we agreed that that is alright providing it doesn't prejudice our case or the liability situation. I still think we have a motion hanging here.

Mayor Briare: I am just going to suggest Commissioner that if there is no objections we will remove the item from the agenda.

Commissioner Christensen: Whatever as long as you do it legally.

Mayor Briare: Page 3 now is the Department of Cultural Services.

DEPARTMENT OF CULTURAL SERVICES

HAROLD FOSTER DIRECTOR

CITY PARTICIPATION IN THE COOPERATIVE MURALS PROJECT
Approved as Recommended

Mr. Foster: This first item is a request for City participation in the Cooperative Murals Project. This project will be with the School District and the State Arts Council. It will involve three high schools and hopefully four governmental entities. The County, Henderson, Las Vegas and Boulder City. It will be to utilize art students at the three high schools. Ten murals will be executed under this project. Generally three from each entity, and one from Boulder City if they participate. The City's share of this project cost will be \$2,000.00, and funds are available in the Cultural Services Department Budget.

Commissioner Lurie: How much are the other entities going to put in to this.

Mr. Foster: Each \$2,000.00 with the School District coming up with \$1200.00 and Boulder City \$1,000.00.

Commissioner Lurie: I move for approval.

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

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

REQUEST OF THE
THEATER ARTS
SOCIETY, INC.
FOR CONSIDERATION
OF A COOPERATIVE
AGREEMENT WITH THE
CITY TO PROVIDE
COMMUNITY THEATRE
SERVICES

Tabled for
Additional
Information

Mr. Foster: The next item is a request by the Theater Arts Society Inc. They are now changing their name to the Las Vegas Community Theater for consideration of a cooperative agreement with the City for providing Community theatre services. At the present time the City and this theater group provide theater services, and it is felt that a much larger program can be provided by combining our efforts into a joint venture. This proposal is for a one year time period, and it would be to provide theatre services to the entire Las Vegas Community. Not just restrict it to the City of Las Vegas. There is also as part of this request a consideration for space at Whipple Center for the administrative offices of this theatre group. They have a projected budget of \$81,400.00 for this coming year, fiscal year. We expect to derive funds from two major sources. One is the City and the other is from private donations. They are asking under this item that \$33,500.00 be provided by the City, and they are expected \$28,000.00 from private donations, and the remainder of the budget will be obtained from an already approved State Arts Council Grant. Ticket sales and other fees from workshops etc. This theater group already has about \$15,000.00 raised towards their share of the project, and in turn the Citys Cultural Services Department would provide certain in kind support services. Such as space, some printing and publicity equipment usage and so forth. It is just felt that since Cultural Services is already providing Childrens Theater and TASI is providing some Childrens Theater along with Adult Theater, that by combing these two together we can have less duplication of effort, and one solid program. Now the funding for this has not been set forth in the Cultural Services Department Budget. We have explored other sources, and according to the Financial Management Director he indicates that if the entire amount does not have to be put forth but one time, that possibly through interest accrued on Revenue Sharing Funds that it would be available on a quarterly or monthly basis. If this request for funds is approved then it should be tied in to a specific agreement that would be acceptable to the City and to the Theater Group. This would require a strict accounting of funds making sure that we receive the services that we are paying for.

Mayor Briare: We have before us some correspondence. One is a letter from John Knight who is the President of the Theater Arts Society. I see that Mr. Knight is present in the audience. We also have a letter from the Allied Arts Council. They have some suggestions or recommendations signed by the President of the Allied Arts Mr. Lowman. Mr. Knight would you like to add anything to what Mr. Foster has outlined for us?

REQUEST OF THE
THEATER ARTS
SOCIETY - Continued

Commissioner Lurie: I have a question for Mr. Foster. Are you saying that they are changing the name. It is not going to be TASI anymore?

Mr. Foster: Right to the Las Vegas Community Theater.

Commissioner Lurie: What I asked was that the Cooperative Agreement was with TASI, and now I understand that the name has been changed to the Las Vegas Community Theater.

Mr. Knight: Mr. Mayor and members of the Commission. Legally we are both TASI, the Theater Arts Society Inc., and the Las Vegas Community Theater. Actually the Las Vegas Community Theater is a subsidiary of the Theater Arts Society. There are two reasons why we have gone to the name of Las Vegas Community Theater. First because it is more meaningful to the general public than the Theater Arts Society. The Theater Arts Society could be too broad or very broad in its concept. Secondly because it is our desire to give the City of Las Vegas the widest possible coverage. So this will do the most good for the City. For example our new managing director is going to be the executive director for the Miss Tourist. We are trying to bring that convention into Las Vegas. I believe we will be successful. Then he thinks that he can bring in the Miss Universe Contest perhaps next year. The name of Las Vegas is a great deal more meaningful than Clark County. I am sure you will agree on that. Those are the reasons for using the name Las Vegas Community Theater. The first thing that I believe is extremely important, and worthy of emphasis is, that this is a straight forward business proposal. We are not asking for a contribution per se. We are asking for a straight forward business proposal where the consideration of services that we would render the City would provide services and money to us. For example, the City would provide as they have in the past the warehousing facility, and also the use of Reed Whipple and Naval Reserve Center for a certain number of our activities. We have a workshop program in which we have had over the past seven months. About four hundred students from this area. We need class room space for that. Then we have a great amount of props, and other materials that we use in the theater business. We have to have storage space for that, and this very same Commission was good enough to provide that for us in the Naval Reserve Building. In addition to that we need funds. We need what we call reliable funds. Where the funding is on a level basis for putting on our productions. In that past the TASI productions have suffered because they have never known where the next dollar was going to come from. Sometimes the dollars didn't come and they would be in debt for a considerable length of time. By rendering our services to the City in return for some funding, this can be leveled out, and our programs can be greatly enhanced. Jack Nicholson who is our Director, and who some of you have met, and who is bringing these two fine conventions to our City feels that with the talent that we have in Las Vegas, if properly directed, can make Las Vegas

REQUEST OF THE
THEATER ARTS
SOCIETY
Continued

the outstanding Community Theater in the United States, and possibly the world. We have an Assistant Director who comes directly from Romania with wide contacts in Europe. We can bring a great deal to the City of Las Vegas through the development of a better show than we have had. We can only do this if we have level funding so we know where the next dollar is coming from. You will observe from what Harold had to say that we have been working closely with the Cultural Services Department. I am sure you will agree that it is a wise man who knows what he doesn't know. The next step is to do something about it. Now Harold knows that he is a good administrator, and we think that he is as fine as any we have seen. He also knows that he is not a producer. He is not a director of a show. He is coming to us for our services. We have hired Jack Nicholson as a Director of our shows out of our own pocket. We have obligated ourself for about \$20,000 a year for that very services. Harold knows that with these kind of services that the levels for all theater arts programs in Las Vegas can be materially upgrated. This is why we are coming to you. This program needs money now not in the future. Why, because this is the beginning of the theater season. So probably the first week in October we plan a show called "Everybody Loves Opal". This will be a comedy, and it will be followed by another one in December. Probably "The Boyfriend" which is a musical comedy. One of our very interested patrons Herb Kaufman feels that he will be successful in getting one of the major casinos on the strip for which we will put on a show. It will be a montage of the Rogers and Hammerstein plays. Some of the finest shows that those two playwrights have put on. So we need the money now, some money now to start our theater program, and it cannot be delayed, or should not be delayed. We are going ahead with our fund raising program but this fund raising program probably won't really mature sometime until later, or the middle of November or the early part of December. So we ask your favorable consideration for this request in the budget. Thank you.

Commissioner Lurie: Are you telling us that if we don't fund you some money today that you won't be able to put on any productions this year?

Mr. Knight: No I am not saying that. I am merely saying that it will impede our progress. We won't be as sure of ourselves, and won't be able to proceed with the confidence that we have to be able to proceed with.

Commissioner Lurie: I am sure you had confidence all through the years. TASI has been putting on a lot of productions in the Community.

Mr. Knight: Yes, but it never had a Managing Director such as we have now. As a result the shows have not been the high quality that they should be.

REQUEST OF THE
THEATER ARTS
SOCIETY Continued

Commissioner Lurie: Well now you know I believe in high quality, and I believe in putting on great shows for the community. I also believe that we should have a cultural center to put them on in. That is what bothers me, putting on a professional performance in the Reed Whipple Center. I don't believe Reed Whipple Center is the type of professional auditorium. Commissioner Leavitt called it one time a gymnasium that we hoped to change in to a cultural center and theater. I don't know if we are putting the cart before the horse here. I would like to see the facility built, and then go ahead and put on some major productions.

Mr. Knight: Well in that period of time then, the City of Las Vegas would lose the advantage of the things that I have been walking about.

Mayor Briare: On the other hand John there is some things. I think your letter John Knight is dated, well whenever it is dated we have to take these things under consideration, and take all the time that is necessary to make the necessary decisions. Mr. Lowman has a letter that reflects on this. Would you come forward.

Mr. Zel Lowman: I am the President of Allied Arts Council. I have here for you a copy for each of you not only the testimony, but also of the members of Allied Arts Council. Our responsibilities as a Council include coordination of the Art scene as much as that is possible. Given the diversity and the individuals involved. We have however been making a great deal of progress this year in the midst of a fast growing interest in all the arts. Our philosophy is that each discipline support the others, and cooperate together. I find it extremely difficult to be in opposition to a request of the Theater Arts Society. In fact I approved an advertisement for my own company for their playbill only a couple of weeks ago. I simply believe that like all diverse activities the arts must be coordinated before expecting our elected officials to support them. As you know the Arts Council has a recommendation before you to appoint your Arts Commission, which among other duties should recommend and administer whatever budget you authorize for the Arts. The Commission could analyze needs and make proposals and make recommendations to you. I was surprised on the weekend to have a friend call and tell me that there was this item on the agenda today. Allied Arts had not been consulted by the requesting organization, although up to now an Allied Art member. Our position on an Arts Commission has been no secret. It has been discussed openly in Council meetings and Board meetings. So we were amazed to see this item come up at this time. There are many disciplines within the Arts which deserve such consideration. Some that come to mind, there are programs in classical music, ballet, community and professional theater, arts and crafts museums and gallerys, historic preservation, jazz musician groups, poets and writers. All deserving as is TASI.

REQUEST OF THE
THEATER ARTS
SOCIETY Continued

I predict that if such a request was approved at this time that many of our 35 member organizations, and perhaps others who are not members will be before you with similar requests. Efforts to maintain fair budget controls without coordination will then be a shambles. We believe that it would be much more advisable to capitalize on the rising interests of the Arts in the orderly manner which can be brought about by the procedures I have outlined. Because I believe this consideration is premature I urge that the matter be tabled today, and remain so until you can consider the appointment of your Arts Commission, and give it an opportunity to analyze and to recommend to you.

Mayor Briare: Any questions of Mr. Lowman?
Mr. Foster have you had an opportunity to look at the letter that was addressed to the Commission September 1st by Mr. Lowman? If so do you have any comments on that?

Mr. Foster: I think that is one of the considerations that you will find to look at in terms of developing an Arts Commission for the Las Vegas area. We are also working on another proposal which I believe you are aware of Mr. Mayor. I think that is another alternative. I think that no doubt somewhere down the road we are going to have an Arts Commission in the Las Vegas area. But I think that this proposal is something separate, and it does not need to be tied in or held back until an Arts Commission is created for Las Vegas.

Commissioner Woofter: I did talk to Mr. Foster, and I have talked with Mr. Knight, as well as Mr. Lowman. The point that Mr. Lowman brings up that concerns me is considering granting that request today, is there a possibility that these other groups would come forward and say look we have considered the one request, how about our request. I can just...

Mayor Briare: Commissioner I have overscored something, and Mr. Lowman saw this in his letter on the bottom page. "Please consider placing us on your appropriations list for \$5,000.00 from each Commission before the end of the fiscal year." So even with your letter, and I can appreciate what Mr. Lowman says here. They are all deserving. He predicts that if this request is approved at this time, that the other 35 members or organizations will come up.

Mr. Lowman: I don't know if they will all be, but I have already been told by one of our members that they are going to if you approve this.

Mayor Briare: Well you are the president of this thing. What might you suggest to this Commission would be the best way to make everybody happy.

REQUEST OF THE
THEATER ARTS
SOCIETY Continued

Mr. Lowman: I don't think you are going to make everybody happy because obviously the Theater Arts Organization wants its money now. I think our position is that we have no objection to the Theater Arts Society getting this money if it is available. However, we only call to your attention that 335 is a pretty good chunk for one organization. When there are 35 members of our own, plus other organizations that are not even members of our group. Our whole suggestion is that if you have an Arts Commission to help you set a budget, that you can talk in intelligent terms over a years time. About whether or not this is too much or not enough or whatever.

Mayor Briare: I have a feeling Commissioners that there is some information that this Commission should have, or there are perhaps some questions that need answering. I don't know whether the Commission wants to continue with this thing at this particular time, or whether we should have everybody get together and discuss it a little further.

Commissioner Lurie: I have some concerns about the in kind services. We are talking about \$33,000.00, and now Mr. Foster is telling me that there is additional space being requested at the Naval Reserve Building, and at the Reed Whipple Center. These are all areas that we have been discussing at previous meetings about the City possibly needing that space for our own use. I don't think we have a true picture here of what the final cost of this request. The other thing that disturbs me is that I think the other entities ought to be included. I think that members of TASI, and the Theater Arts Society, that this is a project that is going to benefit all of Clark County. I think that the City by the use of Reed Whipple Center, is part of our contribution. I think the County should be included in this as well as North Las Vegas, and Henderson. They all benefit by giving the residents of those Cities an opportunity to attend the performances, and also take part in the performances. I agree with Zel Lowman as far as the Arts Commission. I think I brought this up two years ago when we were talking about the Reed Whipple Center being refurbished, and making a nice theater out of it. You talk about Seattle. One percent of Seattles budget goes to the Allied Arts Council, or the theater. There is talk about you getting more involvement with the theater and cultural activities. It has shown statistics wise that it cuts down crime. To give people activities, and things to do. I am not opposed to Art. I have been on the bandwagon as far as trying to put something together, but I don't think we have a complete picture before us. I think that this is a start, but I think there is still more that we have to research.

Mayor Briare: Sometime this afternoon when it comes time on the agenda for the City Attorney portion this Commission is going to be discussing formats of meetings, and times of meetings to the point where we won't be so jammed up on things.

REQUEST OF THE
THEATER ARTS
SOCIETY. Continued

So maybe in the future as opposed to this day, which is the last day that we are going to be following the format that we have here today. That we are going to be able to take more time and perhaps hash some of these things out during the course of the meeting. For now I see no possibility at all of coming to some kind of sensible decision on this. So if it meets with the approval of the Commission I am going to table this matter, and I am going to request the City Manager to coordinate with the Department of Cultural Services, Mr. Lowman, Mr. Knight, and the items on the agenda for coordination will be the correspondence and requests that we have here. Then when you are ready to present something to the Commission that would be in the form of a recommendation from the City Administration, then we can bring it up again. Thank you very much. Would there be a problem if we held Financial Management, Personnel and Employee Relations, and Municipal Services.

Mr. Hampton: There is one item on Award of Bids that there might be some people in the audience....

Mayor Briare: Is there anyone present in the audience today interested in the Awards of Bids? (No response). I don't see anyone. Mr. Cathcart do you recognize anyone who may be here for the Award of Bids?

Mr. Cathcart: Well we may have some response on the Proposal 77.65 on Veterinarian Services.

Mayor Briare: Is there anyone here on the proposal of 77.65 of the Purchasing Department? (No response). Well it would appear that there is no one in the audience to be heard on this and other matters. We will go right to page 13 to the Department of Business Activities, and then to the Public Hearings, and then to the Community Planning and Development portion of the agenda where we have the zoning matters.

DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

See Pages 21 through 29 of these minutes - Annotated Agenda

AGENDA

City of Las Vegas

September 7, 1977

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 13

PHONE 386-6011

ITEM	Commission Action	Department Action
CITY COMMISSION - REGULAR MEETING - MINUTES - SEPTEMBER 7	1977 - Page 21	
<u>I-f. DEPARTMENT OF BUSINESS ACTIVITY</u>		
<u>ILA M. BRITT, DIRECTOR</u>		
<u>*CONSENT AGENDA</u>		
<u>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.</u>		
*A. <u>CHARITABLE SOLICITATIONS PERMITS</u> (Approved by the Solicitations Review Board)	Approved as recommended Lurie - unanimous	Director authorized to iss
1. CHURCH OF SCIENTOLOGY OF NEVADA -- sale of books		
2. CLUB SOCIAL MEXICANO -- tickets to a Fiesta		
3. FLEET RESERVE ASSOCIATION, FABULOUS VEGAS BRANCH # 279 -- tickets to a Navy Birthday Ball		
4. ARTHRITIS FOUNDATION, NEVADA CHAPTER -- a walkathon		
5. CHAPARRAL HIGH SCHOOL YEARBOOK -- sale of advertising space		
6. CHRIST CHURCH EPISCOPAL -- tickets to the ninth annual Live Lobster Fair		
7. CLARK HIGH SCHOOL SOCCER BUNNIES -- sale of advertising space		
8. FIRST METHODIST CHURCH OF LAS VEGAS, UNITED METHODIST WOMEN -- a bazaar and buffet luncheon		

AGENDA

City of Las Vegas

September 7, 1977

Page 14

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 388-6011

ITEM	Commission Action	Department Action
<u>CITY COMMISSION - REGULAR MEETING - MINUTES - SEPTEMBER 7 1977 - Page 22</u> <u>I-f. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
*A. <u>CHARITABLE SOLICITATIONS PERMITS</u> (cont'd)	See Page 13	See Page 13
9. GARSIDE JUNIOR HIGH SCHOOL -- sale of magazine subscriptions		
10. GERMAN AMERICAN SOCIAL CLUB OF NEVADA -- sale of tickets to the Octoberfest		
11. GREATER LAS VEGAS AREA BILLY GRAHAM CRUSADE -- general solicitations		
12. HADASSAH, LAS VEGAS CHAPTER -- raffle tickets		
13. HOMESITE BAPTIST CHURCH, AMERICAN BAPTIST WOMEN -- a rummage sale		
14. HYDE PARK JUNIOR HIGH SCHOOL -- sale of magazine subscriptions		
15. LAS VEGAS GRANDMOTHERS CLUB -- the Westland Mall Garage Sale		
16. NORTH LAS VEGAS CHAMBER OF COMMERCE -- tickets to a concert		
17. RUTH FYFE P.T.A. -- a carnival		
18. STAR AUXILIARY OF SOUTHERN NEVADA -- raffle tickets		
19. US, INC. -- a carnival		
20. VALLEY HOSPITAL AUXILIARY, INC. -- raffle tickets; tickets to a Ball		
21. WE CARE FOUNDATION -- a rummage sale		

AGENDA

City of Las Vegas

September 7, 1977

Page 15

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-8011

ITEM

Commission Action

Department Action

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPTEMBER 7, 19

77 - Page 23

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

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

Family Child Care Homes

1. MADELINE E. BRYAN
3208 E. Alcoa
6 children, days only

Approved as recommended
Lurie - unanimous

Director authorized to proceed

Child Care Centers

1. GOOD WILL CHILD CARE CENTER
976 Hassell
38 children, days only
2. HIGHLAND SQUARE DAY CARE CENTER
1720 North "J" Street
53 children, days only

Items 1 and 2
Approved as recommended
Lurie - unanimous

Same as above

*C. GAMING -- Additional

1. DOMMERMUTH ENTERPRISES, INC.

Orbit Inn Casino
707 E. Fremont
2 slots

2. BILLY BARNHILL

Tourist Information Downtown
302 E. Fremont
1 slot

Approved as recommended
Lurie - unanimous except that
Commissioner Lurie ABSTAINED
on the 49'er Saloon

Same as above

AGENDA

City of Las Vegas

September 7, 1977

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 16

ITEM

Commission Action

Department Action

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPTEMBER 7,

1977 - Page 24

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

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

See Page 15

See Page 15

3. ROBERT AND ADA COHEN

Downtowner Motel
129 N. 8th Street
1 slot

4. ALSTATE COIN MACHINE CO.

Safeway Store # 349
4750 Vegas Drive
1 slot

5. BALLY DISTRIBUTING CO.

Sundance West Casino
32 E. Fremont
2 slots

6. SILVER SLOTS, INC.

49er Saloon
1556 N. Eastern
1 slot

Larry's Villa
2401 W. Bonanza
1 slot

Lotus Inn
1213 Las Vegas Blvd So.
2 slots

Terry's Villa
1311 E. Charleston
1 slot

AGENDA

City of Las Vegas

September 7, 1977

Page 17

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
CITY COMMISSION - REGULAR MEETING - MINUTES - SEPTEMBER <u>I-f. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)	7, 1977 - Page 25	
*C. <u>GAMING -- Additional</u> (cont'd)	See Page 15	See Page 15
6. SILVER SLOTS, INC. -- cont'd		
Lady Luck Casino 206 N. 3rd Street 1 slot		
Jackpot Casino 2410 Las Vegas Blvd So. 2 slots		
7. VIDEO DOWNS, INC.		
Four Queens Hotel & Casino 202 E. Fremont 1 slot		
*D. <u>RETAIL TOBACCO -- Additional</u>		
1. C. C. VENDING		
Bushey's Sahara Texaco 300 W. Sahara Avenue	Items 1 and 2 Approved Lurie - unanimous	Director authorized to proceed
Classic Club 3819 W. Sahara		
Wait'n Room 208 Las Vegas Blvd North		
2. W. W. VENDING		
Rendezvous Hotel & Casino 400 E. Ogden		

AGENDA

City of Las Vegas

September 7, 1977

Page 18

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM	Commission Action	Department Action
<u>CITY COMMISSION - REGULAR MEETING - MINUTES - SEPTEMBER 7,</u>	1977 - Page 26	
<u>I-f. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
<p>E. <u>LIQUOR -- Change of Ownership</u></p> <p>1. *SUNDOWNER TAVERN 1418 Fremont Tavern License</p> <p>From: W. L. Holst, 55% W. L. Holst, III, 25% Patricia Schneider, 20%</p> <p>To: Barbara D. Prandecka, 100%</p> <p>*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations</p>	Approved subject to Conditions W - unanimous	Director authorized to proceed
<p>F. <u>LIQUOR -- Change of Ownership/Change of Business Name</u></p>	Abeyance	9/14/77 Agenda
<p>1. From: Woody's Place Willcock, Inc. -- Woodrow Wilson, Pres Nora Wilson, Secy/Treas</p> <p>To: *JJ'S STATION 805 West Owens Tavern License</p> <p>International Sports Management, Inc. -- James E. Walker, Pres., 62% Joe Lee Preddy, Secy/Treas, 38%</p> <p>*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations</p>		

ITEM	Commission Action	Department Action
CITY COMMISSION - REGULAR MEETING - MINUTES - SEPTEMBER 7, 1977 Page 27		
I-f. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
G. LIQUOR & RETAIL TOBACCO -- Change of Business Name	Approved Lurie - unanimous	Director authorized to proceed
1. From: Lavicio's Food Store # 28 To: HOAGY'S CORNER 30 West Wyoming Beverage Off-Sale		
National Fast Foods, Inc. -- Samson Meyer, Chmn of Board/ Pres et al		
H. LIQUOR & RETAIL TOBACCO -- New	Items 1 and 2 Approved subject to Conditions Lurie - unanimous	Same as above
1. *7-ELEVEN FOOD STORE # 20084 SW corner Stewart & Lamb Beverage Off-Sale		
Southland Corporation -- John P. Thompson, Chmn of Board/ Chief Exec Officer Herbert E. Hartfelder, Pres et al		
Robert Hitchcock, District Mgr.		
*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations		
2. *7-ELEVEN FOOD STORE # 20107 NW corner Cheyenne/Tonopah Beverage Off-Sale		
Southland Corporation -- Richard Evans, District Mgr.		
*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations		

AGENDA

City of Las Vegas

September 7, 1977

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 20

ITEM

Commission Action

Department Action

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPTEMBER 7, 1977 - Page 28

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

I. LIQUOR, GAMING & RETAIL TOBACCO --
Change of Corporate Structure

1. RENDEZVOUS HOTEL & CASINO
400 E. Ogden

From: Seventy Six Corporation --
Philip A. Stearns, Pres/
sole officer/ 50% stock-
holder
M. Arthur Shenker, Jr.,
50% stockholder

To: Seventy Six Corporation --
M. Arthur Shenker, Jr.,
Pres/Director/50% stock-
holder
Philip A. Stearns, Secy/
Treas/Director/50% stock-
holder

Approved
Lurie - unanimous

Director
authorized
to proceed

J. PRIVATE DETECTIVE LICENSE -- New

1. GUY INVESTIGATIONS
2324 South Highland #2

Clyde P. Guy, 100%

Approved
W - unanimous

Same as above

K. SECONDHAND LICENSE -- Change of
Business Name

1. From: Slim's New & Used

TO: SLIM'S SWAP SHOP
403 South Main

J. A. Ewing, 100%

Approved
Lurie - unanimous

Same as above

AGENDA

City of Las Vegas

September 7, 1977

Page 21

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
<p><u>CITY COMMISSION - REGULAR MEETING - MINUTES - SEPTEMBER 7, 1977 - Page 29</u> <u>I-F. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>L. <u>LIQUOR -- Request for Extension of Inactive Status</u></p>	<p>Approved W Commissioner Lurie voted "no"</p>	<p>Director authorized to proceed</p>
<p>1. <u>CIRCLE K STORE # NA 1252</u> SE corner Lake Mead/Simmons Beverage Off-Sale</p> <p>Circle K Corporation -- Frederick Hervey, Chairman/ Pres J. Winslow Smith, Pres of the Policy Board/Director et al</p> <p>(Approved 5/18/77. Extension for period 7/17/77 thru 9/14/77 approved 7/6/77. Request for 60-day extension of inactive status for 9/15/77 thru 11/13/77.)</p>		
<p>M. <u>COMMUNICATION ITEM</u></p>	<p>Referred to City Attorney</p>	<p>C/A to draft Ordinance</p>
<p>Letter from J. A. Ewing requesting consideration of amendment to Pawnshop Ordinance (Title 5, Chapter 9, Section 32) to allow him to move his pawnshop known as Slim's Ready Cash from 133 No. 3rd Street to 403 So. Main Street.</p>		

PUBLIC HEARINGS

V-55-77
APPEAL FILED
BY LEE E. WALKER
ATTORNEY ON
BEHALF OF
LELAND O.
WHITMORE
Denied Appeal

Mayor Briare: This will be an appeal filed by Lee Walker, Attorney on behalf of Leland O. Whitmore. This is an action by the Board of Zoning Adjustments whereby their Board denied an application for a variance to allow commercial storage. Now that decision is being appealed. Is Mr. Walker present? Oh wait, Mr. Walker is not present because he wrote us a letter. Is there anyone present to protest? (Affirmative response). Yes, are you aware, well this is very difficult. As a matter of fact I think I sent this letter down to your office Mr. Sloan asking where do we go now?

Commissioner Christensen: It might not be that difficult your honor. Have you got a whole crowd here to protest? I talked to Mr. Walker personally yesterday on another matter and this came up. We discussed his letter, and I said that there is a problem because the people would come here to talk about this, that they have a right also. I told him that it creates a real problem when we ask for it to be delayed. He understands the problem with his not being here, and that we may insist on hearing it anyway. If there is no one but this gentlemen here. His court date may be all through by noon, and if this could be put to the end of the agenda that would suit him or whatever. I am not making a recommendation I am just giving you the benefit of that conversation.

Attorney representing Mr. Curtis: Mr. Walker was aware that I was representing Mr. Curtis. I was not notified of this. I had no indication that this was going to happen.

Mayor Briare: Nor did we. Not until, well I think it was received yesterday.

Commissioner Christensen: No, I had mine before that.

Mayor Briare: This one was received in the City Clerks Office on September 2, so it has been a few days.

Commissioner Woofter: Is Mr. Walker aware of the fact that you were counsel.

Attorney representing Mr. Curtis: Well I spoke in opposition to it at the Board of Zoning Adjustment, so he was aware. He knows that I represent Curtis, and he knew that I was in opposition because he heard me speak. He was not aware of whether or not I would be here today.

Mayor Briare: Would you object to a suggestion that this matter be held?

Attorney representing Mr. Curtis: Well I would unless it was set for a time certain.

V-55-77
Continued

Mayor Briare: Well today is the time certain. Is there another person present that is here on this application? (Lady in the audience raised her hand) Mr. Sloan I believe I sent my copy down to your office asking what alternatives do we have in instances like this. I can certainly see where a matter could come up. This is almost at the last minute. Well I would like to get this moving in one direction or another. If any Commissioners have any suggestions. I tell you how I personally feel. I feel like the matter is on the agenda for 10:00 today. The letter head indicates that there are a number of attorneys connected with this.

Commissioner Lurie: I believe Mr. Walker is the one that filed this appeal, and it was set for 10:00, and I believe we should proceed.

Commissioner Christensen: Let us move ahead.

Mayor Briare: Mr. Saylor would you inform the Commission and the audience what the matter is that we have before us?

Mr. Saylor: The request is for a variance to conduct a nonpermitted use in an R-E Zone. The use is the commercial storage of equipment and building materials, and to park a small travel trailer for a watchman. The property is located on Gilmore Avenue which is in the Northwest part of the City. (Pointing to the map) This is the property in question. The property presently is occupied with a substantial amount of building materials that are being stored there. The applicant indicated that this has been conducted here for a number of years. The protestants indicate that it has only been a couple of years, and it has been increasing in volume, and that is what led to a complaint which in turn led to the application for the variance. We also had two letters of protest submitted to us this morning from people who could not be here.

Mayor Briare: Would you have any idea Counsellor as to what the basis of Mr. Walkers appeal might have been?

Attorney representing Mr. Curtis: No I do not. Mr. Walker presented his version of what was happening out there. I took photos and I have photos this morning. There are very large tractor trailers that are being run up and down the street. The streets except for Thom Boulevard are unpaved, and that the activity takes place at all sorts of hours. It was pointed out to the BZA that there was a gas tank or what appeared to be a gas tank on the property. A 500 gallon gas tank, and then a larger tank. Somebody from the building department was supposed to go out and look those over. The Board felt that that was the most important thing. I have some photos that I would like to present to you.

V-55-77
Continued

Commissioner Christensen: If Mr. Walker is not here representing Mr. Whitmore, it seems like we should hear from Mr. Whitmore first shouldn't we?

Mayor Briare: Is Mr. Whitmore present? (No response).

Commissioner Christensen: Your honor rather than belabor the point I move for denial of the appeal.

Mayor Briare: Any comments? (No response). Cast your vote. Motion is approved. The appeal is not allowed.

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

ANNEXATION
PETITION -
CHARLESTON
HEIGHTS DEVELOP-
MENT A-2-77
No protests

Mayor Briare: The next is a procedural annexation Public Hearing for Charleston Heights Development A-2-77.

Mr. Saylor: This is simply to find out if there are any protests, and if there are none no action is required until a later date. This is the property located generally at the Northeast corner of Lorenzi and West Cheyenne Avenue. Approximately 100 acres immediately adjacent to the City.

Mayor Briare: Is there anyone protesting this matter? (No response). The Public Hearing is closed.

DEPARTMENT OF PUBLIC SERVICES

LAURENCE HAMPTON, P.E., DIRECTOR

APPROVAL OF
SUBDIVISION
PLATS
ITEMS 1 and 2
Approved as
Submitted

Mr. Hampton: Item A is Approval of Subdivision Plats for Charleston Rainbow Unit No. 15-D, and Mercedes Circle. Both of these items are in order, and we would recommend approval.

Commissioner Lurie: Move for approval.

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

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

REPORTS -
HOMESTEAD
ESTATES
Approved
Installation
of Septic tanks

Mr. Hampton: Item Number 1 under B is the Development Requirements of Homestead Estates. I would refer to a memo that I sent the Commission regarding the dilemma that Mr. Ruthy is in, in regards to State requirements and City requirements. When this item was approved it was implied that there would be septic tanks installed at the Homestead Estates. The State is requesting that this matter be clarified. In my memorandum I indicated that there were three alternatives. One is to allow the septic tanks to be installed. The other is to require that the developer construct a pressure system, and pumping station which would cost an estimated \$125,000.00, or to construct a system which would require a considerable extension to the North. Mr. Purvis has a plat. (Pointing to the map) The Red line would be the gravity line that would be required to serve the Orange area. The Blue line would be the location of the pressure line. It would have to be installed across Rancho Road.

Commissioner Christensen: Is that particular area of the valley conducive to septic tanks?

Mr. Hampton: We have not seen a detailed soils report, but with my general knowledge of the area I believe that percolation is adequate.

Commissioner Lurie: I believe that there are some reports that there are some problems with septic tanks out in that area. I think there is some problems talking with the people of the State Public Works.

Mr. Hampton: This may be. We have not received any reports but we would like to. We would like to investigate that area if there are some problems.

Commissioner Lurie: There was some item before us a while back, that there was some wells that were drilled that showed some problems with the water.

Mr. Hampton: Now across Rancho Road in what is called the Eastland Heights, quite a ways down. There are several problems there, and there is a moritorium placed on any future building there. We are not aware of any reports on this particular area.

Chuck Ruthe: I am the owner and developer. The soils reports that we have that has been submitted to the State indicate that this is one of the finest areas for septic tanks. The area that we are developing. That documentation could be available to your City Engineer. My problem is simply gentlemen that we came before you approximately six months ago, and this subdivision was approved as submitted. Since that time we have

HOMESTEAD
ESTATES
Continued

gone out. There was one problem that we had within the City in that there was a no-mans land between my property and some property to the South. We have gone out and purchased that property so the lines tie together, and we are now in a position to deed the excess property to the City. So that you can further clarify some problems you have with surveys in that particular area. From here we went to the District Health Board, and they said they had no jurisdiction in this matter, however, after reviewing it indicated that we had to go to the State, and they recommended approval of the subdivision the same as you to allow septic tanks. I then got to the State Engineer, and this is where the problems began. They came with four possible recommendations and they narrowed it down to two. One to deny the application for the subdivision, or two for us to put in dry sewer lines. Once again after going through all the processes, it was determined that dry sewer lines was not feasible, and the City did not want dry sewer lines in there. The reason they thought they wanted that was because at some point in time the City would put sewer out in this particular area, and they would have the lines in. So they eliminated the dry sewer lines. Then the State said we now want you to put in this pumping station. With working with Mr. Hampton here the City has had an Ordinance for some time that you did not want pumping stations. As a matter of fact I think the Ordinance did away with them in 1952. The State then told me, well you prove to us that the City Ordinance is legally enforceable. So we come back to the City once again, and you substantiate to the State that your Ordinance is legally enforceable. So I went back to the State again and they said, well now you go back to the City and you tell the City to tell us that that sewer line is not available, and two that they will accept this subdivision with a septic tank. So this is where I am today back before you again. There is one change that we have made to the subdivision that you may want to take into consideration. The original subdivision called for 62 acres which went clear to the Tonopah Highway. Since we have been before you we have sold off the front 22 acres of this property. It will not be part of this subdivision. That means two things. Now our closest point when we finish up this subdivision will be over 500 feet from the sewer line. Where the State was saying that we were in 400 feet to hook in. So now at no time will we be within that sewer line. We will be over 500 feet. The survey shows 515. So my problem is this, it is very simple. If this subdivision is to be improved and put in we have to have a letter from this Commission, and I would assume that it could be from Mr. Hampton directed by you, to Mr. Rossi the State Engineer stating two things. One the sewer is not available to this subdivision, and two that you are willing to accept septic tanks.

Mayor Briare: Any questions of Mr. Ruthe?

Commissioner Lurie: One more week wouldn't hurt your project would it? I have to be satisfied about some reports that I have on file about some wells that were drilled out there. I want to maybe hold this item until next Wednesday so I can assure that

HOMESTEAD
ESTATES
Continued

this is not going to endanger having an affect on the water table in that area.

Commissioner Christensen: Who is drilling wells?

Mr. Ruthe: We are hooking up to City water.

Commissioner Lurie: I am talking about other property owners that would be affected.

Mayor Briare: Commissioner Lurie is concerned about contamination of because of leeching.

Mr. Ruthe: Mr. Lurie couldn't we do this. I have a report that the State approved them. The District Health approved them. I don't know if the City has.

Commissioner Lurie: I don't have them, and the reports that I have are upstairs. This was before us a while back, and I don't recall the exact time that it was before us. It has been about a year and a half or two years. There was some questions about the water out there and about the contamination.

Mayor Briare: Could you get those reports this afternoon?

Commissioner Lurie: I could yes.

Mayor Briare: Would you be available this afternoon so Commissioner Lurie could be satisfied in his own mind?

Mr. Ruthe: Well the Engineer from VTN is here, if you could answer any questions. They are the ones that ordered these, and he can read them much better than I can. I can submit to you our report, but I am not qualified as an engineer to state to you some of the information that you might want. Mr. Perkins is here, and I think he can relate to you right now the actual soil conditions. Because this point was raised by the State, and they are satisfied by the reports that the conditions were adequate. I don't mind coming back if I know what time.

Mayor Briare: Is he prepared now to suggest or make statements to the effect that there is no possible danger of infiltrating any well systems.

Commissioner Lurie: I would like to hold this until this afternoon. I have to check some reports. We have had some other zoning applications come in, in that vicinity, and people who are living out there now that have wells were concerned about the contamination of the water. I just want to be assured myself that we are protecting those individuals, and also protect that water from contamination.

Mr. Perkins: The water is the North Las Vegas Water System out there. Most of the houses are on that. They have a well nearby but they are pumping from 300 feet. There wouldn't be any danger of contamination of that.

HOMESTEAD
ESTATES
Continued

Commissioner Christensen: Part of the problem that you have with septic tanks is the way that septic tanks are put in. If it is put in properly you eliminate these problems. If it is done improperly and the tank leaks and so forth then you run into problems. If you have got the proper soil, and the septic tank is put in in a proper manner, then you don't have any problems with them. It is generally a workmanship problem more than a soils problem when you have contamination problems.

Mr. Perkins: That is correct.

Commissioner Christensen: You may very well see the time where every house built in this valley is going to be on a septic tank.

Mayor Briare: In the event that this development should in any time in the permanent future, not just the foreseeable future cause any contamination from a health standpoint. Obviously the Health Department is going to be in a position to take steps to make it stop.

Mr. Ruthe: We will inform the potential buyers that as such time as the City constructs a sewer line in, and the City wants that they will hook up to that sewer line. Bearing in mind that even though you may have sewer in that particular area, at some point in time you may still want to allow some areas to be on septic tanks, and not overload your lines. We are going to advise buyers of that.

Mayor Briare: What action does the Commission want to take?

Commissioner Woofter: I move to approve.

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

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

Commissioner Leavitt: Let the record reflect that the reason I abstained is the fact that Mr. Ruthe and I own property together. Not this one however.

Commissioner Lurie: I would like to make this request to the Manager and Public Works. That he check into these subdivisions that are coming in now, on possibly the small refining plants that are being used. It is a whole new concept now, and it would take some of the waste out of our plant and put it right back in to the residential area. I have information on that if you like.

EAST CHARLESTON
HEARING DATES
Approved as
Recommended

Mr. Hampton: The next item is an informational item. We would like your concurrence in establishing some hearing dates for the reconstruction of East Charleston from Main to Eastern.

We have met on several occasions with the Regional Streets and Highway Commission, and we are proposing that a scheduled Hearing be set for December 14th. That we have an informational hearing prior to that on November 30th. Between now and that time we would be able to up date our estimates and to actually fly the area again and get photos. To better depict the latest conditions

Commissioner Leavitt: Mr. Hampton the condition of the pavement on Charleston at Maryland Parkway and 15th. This is getting to be very deplorable. There is a bunch of ruts. Could anything be done with this in the mean time to take care of those intersections? Especially Maryland Parkway and 15th?

Mr. Hampton: Approximately a year or more ago we took a blade and tried to shave off some of those high points. We can do that right away.

Commissioner Leavitt: Well could you take a look at that.

Commissioner Lurie: Well that could have been all improved in there if we would have gone ahead four years ago.

Mayor Briare: Two of the members on this Commission were on the Board at the time this came up, and I guess no one wanted any part of it. Is November the 30th the soonest that you could have an informational meeting. I was going to suggest that you should have an informational meeting first. Then depending on some of the feed back that we are getting back from the information that we are hearing, the Commission then could decide when the Public Hearing should be held. But if we set a Public Hearing today then we are stuck with it.

Mr. Hampton: I don't believe we could have the detailed information required any sooner than the 15th your Honor.

Mayor Briare: Is it a little early now to set up a Public Hearing for December 14th?

Mr. Hampton: That is a possibility. There is no real need to set it at this time. It could be delayed.

Commissioner Christensen: I move that we establish the dates that the Public Works Director has recommended, but not establish the Public Hearing date formally until such time as we have the information.

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

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

PROJECT
APPROVAL - LAS
VEGAS WASH.
SIPHON
Approved

Mr. Hampton: The next item is a project approval for a Siphon in to the Las Vegas Wash as it leaves the Winterwood Golf Course area. The County has agreed to construct a channel which would run North and East along our Sewage Treatment Plant. It is necessary however to construct a Siphon which would cost between \$350,000.00 and \$400,000.00. The County is expending probably twice that amount of money in the total construction of that channel around our Sewage Treatment Plant. They are in the midst of constructing a bridge across Vegas Valley Drive at the present time. The last flood kind of slowed them up, but they will be back under construction very shortly, if they have not already started. The construction of the siphon is very critical. The siphon is very critical in constructing. We do not feel that we have expertise in our office to design a siphon of this nature. We would recommend that the Prima-Coola Engineers be contacted in an attempt to negotiate a contract with them to design this facility.

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

Commissioner Lurie: I move that we follow the recommendations.

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

Commissioner Woofter: I have one question for the City Attorneys Office. At this stage in the game can we designate any certain engineering firm to handle a project this size without opening it up to other qualified firms?

Mr. Sloan: I would like to take that under consideration and report back to you later. I think we would not have to open it up, but let me get back this afternoon on it.

Mayor Briare: Keep that in mind will you? The motion is approve

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

REQUEST OF
THOMAS MATHEWS
TO CONNECT TO
CITY SEWER
AT 1645 WEST
WIND STREET
Approved

Mr. Hampton: The next item is a request by Thomas Mathews to connect in to the City Sewer at 1645 West Wind Street. We recommend approval.

Commissioner Lurie: Move for approval.

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

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

MONROE MANOR
SUBDIVISION
REQUEST FOR
OVERHEAD WIRING
Held in Abeyance

Mr. Hampton: I would like Mr. Purvis to discuss the last item which has to do with the Monroe Manor subdivision, and the request for overhead wiring.

Mr. Purvis: This is the area in question. (Pointing to the map) Jackson Avenue to the North, M Street and J Street to the East, Monroe Avenue to the South. The existing overhead wiring which was installed prior to the Underground Ordinance. There is one down between this alley here and another overhead here and in here. The blue line indicates the main transmission line which has been changed. It now has the gray poles and is all fixed up. If they are allowed overhead wiring it will run down through the center of the lot. This is a 32 lot subdivision. If we go the underground route of course it will go under the sidewalk, and be on both sides, and service will be from the front. This is really the first subdivision or development I have seen in this area in my short career with the City. It is an opportunity to start the underground system over there. This will be up to you gentlemen, and I am sure Mr. Williams would want to say a few words.

Mayor Briare: The request is to allow overhead wiring contrary to what the Planning Commission originally approved. Did you want to make any statements or comments?

Mr. Williams: My understanding of the Ordinance is that the underground was to go in effect where there are new tracts, and also where there was not existing overhead wiring. I don't believe this gentlemen has shown where the overhead power lines the gray lines there are going to be removed. Without those being removed it doesn't really do anything to beautify the area. If you are not going to do something to change the entire area then we are not really accomplishing anything by penalizing the tract to go underground. Also it gets back to the main reason why we are all down here to talk to you. It is economics and we are in a low economic area. These are 235I houses, and we really need to approach it from the economic basis. Even though that is not part of the criteria, but that is really the basis. I think we have enough background to show that we are complying to what the area is now. We are not asking for anything that is not existing. When you got high tension wires running on the East end of the property, and through the entire area I don't really see where it is feasible to penalize for underground service when it is not going to do anything but service 32 houses.

Commissioner Lurie: How much are we talking about going with overhead compared to underground? How much is it going to cost the home owner?

Mr. Williams: It is going to cost the tract \$20,000.00

Commissioner Lurie: So you are going to have to put that \$20,000.00 into the increase of the price of the homes to offset that?

MONROE MANOR
SUBDIVISION
Continued.

Mr. Williams: That is correct.

Mr. Hampton: I would like to propose a compromise which we have used in other areas. If we were to allow the developer to extend an overhead line down the backyard of the lots, and require then from the line to go underground to the house. I think what becomes quite unsightly is the mass of lead wires from the poles to the homes. I am sure the cost difference for that type of installation would not be any where near \$20,000.00. In the future then if the area were to ever go underground then these people would already have their services underground, and it would just be a matter of running an underground service down the property line.

Mayor Briare: You used the word sir, and I disagree with it. That a suggestion contrary to your wishes would be penalizing these people. We are not penalizing anybody. Your project was approved on the basis that you do certain things from a beautification standpoint. I think that this Commission has been concentrating as long as I have been here to try to upgrade building conditions on the West side. To allow a retreat back to the way it used to be done which has nothing to do with the desire to beautify would be really a step backward in what the desire of this Commission is. Now if a suggestion like Mr. Hampton makes should be the desire of this Commission it is a compromise, but I think we should be darn sure that we are going to be consistent. What is the general character of this neighborhood? Is there any other potential for more housing in this immediate?

Mr. Hampton: It is developed both on the North and South, and I am not sure of the West.

Mr. Purvis: You get in close to Highland Avenue there. There is not much to develop there. Just 300 feet.

Mr. Hampton: Well you do have potential on the West. It is pretty well developed on the North and South.

Mayor Briare: Would there be a natural inclination for another developer somewhere on the West side and say "well now you allowed this developer this on September 7th, and now you should allow it for me?"

Mr. Hampton: I believe that if there was a similar situation whereas he was developing it on a piece of property in between two developed pieces you would probably get a similar request. We have had several problems with this. In the County even more than we have had in the City. You really have to look at each one of them individually. I believe this proposed compromise is suitable for this area, and would only be suitable for equal conditions in other areas.

Mayor Briare: Any further comments by the Commissioners?

MONROE MANOR
SUBDIVISION
Continued

Mr. Williams: The compromise that he has made could be considered. Providing you did not have so many other hazardous things that are not feasible, and is not going to help in the next 15 or 20 years. While I am looking at the main line where the power company is supplying the whole area with the overhead wiring. As you know you cannot really have any TV receptacles under that line or any services. But the whole tract is hindered by that. I can understand what you are speaking of by setting criterias. But when the circumstances and the surrounding properties are not really going to benefit anything by going to underground I disagree with a compromise. I would like you to take a look at the tract of what you are trying to do, in comparison to what we are asking. What I am trying to say is that, we will put fire places in 235I houses in the entire tract. I think that gives the tract a little more beautification. When we ask for the overhead wiring, and if I am correct in the law being written that it only applies to new areas. Where there are existing lines and the conditions are harmonious to the entire area, that it does not apply. I would really like to be straightened out on that.

Commissioner Woofter: I would go along with Mr. Williams request in that regard. I would like to view that area personally myself, and possibly the other members of the Commission. Therefore I would like to make a motion to table action on this until our next meeting.

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

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

COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT

DON J. SAYLOR, AIP, DIRECTOR

ZONE CHANGE
Z-69-77
HORST SCHMIDT
ET AL
Denied as
Recommended
by Planning
Commission

Mayor Briare: The first item is Z-69-77 for Horst Schmidt. Who is going to be representing the applicant? We have been requested to have a five minutes recess. We will be in recess for five minutes.

(Commission Meeting Recessed at 10:50 A.M.)

Commission Meeting Reconvened at 10:55 A.M.)

Z-69-77
Continued

Mayor Briare: We will now be in order. The procedures that we will follow are the same procedures that we always follow. We allow the applicant to present his application, and then we will here from anyone who is present to protest the application, and then allow a short rebuttal for the applicant. The first matter to be considered this morning is the application of Horst Schmidt Z-69-77. Mr. Franklin.

Mr. George Franklin: There will be two attorneys appearing on this application. Myself George Franklin appearing for Ceilia Cragin and Horst Schmidt. Gentlemen I think I am here mainly to go into a little background, but most of you are old timers and know as well as I do. The purpose of zoning is to keep progress and to be in line with progress. When things grow zoning changes. If we had a static town there would never be a need for one single rezoning of any kind. I go back and remember when Ernie Cragin and Ceilia built their house there. Just to show you what progress will sometimes do to people. When they built their house there, they had to go over the railroad tracks not under. You had to go over the railroad tracks to get out to where that was way out in the country. As a matter of fact the railroad company still owned most of that land out there because they owned the water company. That was about the only traffic going out there until Ernie and Ceilia built their house out there. The whole West Charleston at that time was about as wide as the turns lane are now in the middle of Charleston. The whole street wasn't. Now they didn't do anything to change that. Progress changed that. As a matter of fact it was governmental boards that widened Charleston. What do we have now. We have got a six lane highway out there, not counting the left turn lane. We have got six lanes of highway with no parking on either side. Guess what the speed zone is? Forty five miles per hour. What are you going to build there? Single family residences? I think the property was properly rezoned under a letter of intent some 10 years ago. Of course this rezoning before you today was determined 10 years ago. Now it is just a matter of determining whether the use as requested are uses that are permitted under C-D Zoning. I think we should also talk about that gentlemen. Going back about 12 years ago they decided that they had to widen Charleston Boulevard, and make it the broad thoroughfare it is. Regional Streets and Highways in the State came in on that project. But the City had to put up the money for the curbs, sidewalks and the lighting. The City didn't have the money so all those people from Rancho to Valley View approved themselves personally an assessment district to pay for all that. To come up with the money that was necessary so that Charleston could be widened. Again what I am saying. It was progress that caused that. I know there is some kind of implication against a shopping center. I have never seen a more better designed shopping center. I am also well aware of the fact that this property backs right up on the Mayors property line, and I think on some other commercial property on the otherside of it Mayor.

Z-69-77

Continued

I am sure today you are going to be the statesman, and consider just zoning and zoning only, and that is why I am here. All I know is that this is the first time I have seen a shopping center where there is no request for a tavern license of any kind on this property. It complies with every use of C-D. We are not asking for commercial or C-1. Every use that has been requested out there is permitted under the letter of intent that is on that property now to the full depth of that property. The lighting is in compliance. At the time that Charleston was widened the thought at that time was to make this C-1 Property from Valley View. It was men like Horst Schmidt and the property owners out there that said "Hey wait a minute". They could have gotten the C-1 probably at that time in return for the widening, because they had a six lane highway. They said "We don't want an East Charleston, we don't want that situation that you have on Las Vegas Boulevard South either. We would like to come up with a new concept. A controlled type of a design." That is where you got your C-D development. I think probably Don put in more time on that than almost anybody. He will also tell you the hours and hours that Horst Schmidt worked on that. But it was their idea to give up C-1, and go for a C-D design. That is all they are looking for now. They have got the C-D, the letter of intent. Every square foot of this land is covered by a letter of intent. They allow up to 30% coverage of the land, and they only want 25% coverage. They have got over 200 in excess of the required parking spaces there. They are willing to go to an eight foot fence to do everything to protect this neighborhood. I cannot conceive of any other feasible use of this land that was bought so many many years ago by people who wanted to move out into the country, and found themselves now surrounded by progress. I think the shopping center they are talking about is ideal. I think it is perfect. I don't know what the alternative would be if this is not approved. Now the one thing I know you don't want is high density apartments there. Not on a 45 mile an hour street with six lanes, and a school that you are going to impact. I think all the other alternatives for use of this property, because clearly I don't think any of you think this should continue to be R-1, or to be used as R-1. Any other alternative use will have more of an impact on the neighbors by far than the pretenders of the purported use that they are seeking here today. Gentlemen almost every house along Charleston, and that same area is either for sale or being used for some commercial property. I know a lot of them say "well they are professional offices." They are not all professional offices. We have got burgers out there. As a matter of fact right directly across the street is an animal clinic. Now there are people who will tell you that an animal clinic is a professional building. Well all you have to do is live next to one and hear the yapping and the screaming, and the barking and you will find out that it is pretty darn commercial. That is right across the street. I think this is the one and only legitimate good use of this property. Incidentally gentlemen I want to congratulate you on having prettiest agenda of anybody in the County. I approve

Z-69-77
Continued

of it, and I am going to have the people down in North Las Vegas working, and coming up with one so my Commissioners can get their pictures in there too. It is a darn good agenda, and I am very proud of it. We will have to have a State wide competition for best agendas because yours is a beauty. Now if there are any questions that I can answer before I turn it over to the technicians who will come up here and show you the design, the layout, and answer your questions.

Commissioner Leavitt: The way I understand this application is that certain portions is ranch acres, and certain portions is residential estates. They are trying to rezone that to be zoned commercial is that correct? What uses are allowed under designed commercial? Does this meet all the criteria for designed commercial?

Mr. Saylor: The C-D Zone specifies as a general category retail outlets etc. It has a list of specifically prohibitive uses, and none of those are proposed. However each type of use has to be approved by this Commission. For example a super market to date has not been approved by the Commission as an allowed use in C-D Zoning. If you approve this development with a super market in it, then it would be added to the list of proposed uses.

Commissioner Leavitt: Is the C-D Zoning the Red or the Pink portion?

Mr. Saylor: Yes. The White is the R-A, and the one lot just North of the Red is still R-E.

George Franklin: It was all under a letter of intent, the C-D.

Mr. Saylor: As far as our records are concerned it was approved for C-D some time ago for a proposed office complex. The time has elapsed on that.

Commissioner Leavitt: What about the depth. Is there any continuity of depth on Charleston as to how far back this can go. I can see it from the map that some portions go back almost as deep, but other portions don't go back so far. Is there any provisions regarding depth?

Mr. Saylor: This was one of the problems of course we faced in connection with the overall evaluation of the development of Charleston in this area. The property lines were not in constant depth.

George Franklin: I might point out that the use is under C-DR, retail shops, and stores for dispensing goods, and services. General business, and professional offices, and banks and financial institutions. So everything that is being requested today qualifies under C-D.

Z-69-77
Continued

Mr. Renny Ashleman: I am an attorney representing the developer. I would like to introduce Howard Palmer. As most of you that know me know that I am not much of a technician. Mr. Palmer is, he is the Vice President of the developer, and I will have him go into the changes that were made to get along with the Planning Department, and show you some of the plans, and discuss some of the technical matters involved.

Mr. Palmer: We have made some changes of an architectural concept nature rather than a design use type of change. I am quite sure that you can see this (holding up a diagram). Basically this is the same layout that you see underneath here. I will go through out plot plan. I would like to show you a little illustration here. This of course is Charleston, and this is the existing divider. This is the main entrance in to the shopping center. Keep in mind that the design represents probably over 100 hours of work, and this is a result of many many hours with Mr. Saylor's staff in trying to achieve a design that would be in keeping with the neighborhood. Trying to achieve a design that would be conforming to the C-D Zoning, and trying to keep a design that would also make our tenants to successfully retail in here. Basically we have added a good number of landscaping items. As you can see we have a lot of foliage and a lot of trees. We have interesting entrance ways in which we hope to use a different texture of brick type of tile in our entrance ways. We have developed monument type of entrance walls here with ornamental lighting. It has modified signs which will conform with the sign code of C-D Zoning. In the front here we have what we call simulated tile. Sort of a red adobe tile. On the front of the buildings immediately facing on Charleston we have exposed wood. The texture of the walls themselves will be slump stone, or blocks given an adobe type of treatment. In the front we have more or less institutional type of retail uses. This will be a savings and loan, and this is suppose to be a drive in bank area. These all have their individual parking areas, and independent of other uses. This is a two story office building with a decorated courtyard in front. To the rear are existing homes. We have designed an 8 foot wall with high trees in the back. We have proposed in this two story building not to have any windows or outlets to invade on the privacy of the residents behind here on Shetland. Incidentally these to my knowledge are the only immediate residence to the land abutting the shopping center. In the rear here we have the same architectural treatment. We have a low roof line in conformance with a suggestion by the staff to give more of a low profile. We have incorporated the sign on the roof line so it is more subtle. We have a good landscaping concept in the back here between the two major stores. As another suggestion that we followed from the staff, we have realigned the drug store and the market so the market now is on the Western side and adjacent to the existing professional building which you see up there on the screen.

Z-69-77
Continued

This is because the drug store has less traffic for trucks than the market does. I would like to take a minute too to tell you that the truck traffic is done during normal business hours. Usually from 5 to 6:00, and this is because receiving has to be done at hours that has to conform with working patterns, working hours that are set by management and union. Basically that is design. I have to take one minute and show you the site plan now.

~~This~~ This is Charleston again, and this is the decorative entrances that we explained earlier. This is the bank area with the three drive up window lanes. This is the savings and loan area. This is the two story office building, an eight foot wall with high trees, and the wall there with no windows or any kind of observation from there. This is the main driveway into the retail area. I hope that you can see that we have more than adequate landscaping required by code. This too is a suggestion by the staff to incorporate these and hope to conform with the C-D Zoning. These are the major buildings back here. This is an 8 foot wall, and this is the school with landscaping here. This is a 6 foot planter wall with an 8 foot, rather a 6 foot planting area with an 8 foot wall over here. Which conceals it from existing professional buildings. This is the existing homes which I told you about a little earlier. There we have a 6 foot planting area, and we have an 8 foot wall which pretty well conceals the development itself. I would like to spend just a minute to tell you a couple of things about the development. The development itself will run about six and a half million dollars including the land. We are talking about probably a year of building, which will employ about 200 craftsmen. Trades people in the building business. We are talking about retail sales of pretty close to 10 million dollars a year. We are talking about real estate and personal property taxes through the various agencies of about \$150,000.00 a year. We are talking about retail employment of 150 people a year with a payroll of around \$2.5 Million. Other employees will be employed with the Savings and Loan, and with the Bank, and with the office buildings which are not included. It is pretty hard to estimate at this time their employment. We do think it conforms. We feel that it fills the needs of the community in that area because of our major tenants commitment. We hope that you will favorably look upon our appeal. Any questions I will be very happy to answer.

Mr. Ashleman: I just have a few more remarks. It is not a 24 hour operation. I happen to live at the Las Vegas County Club area we have far more development around our area, and contrary to peoples belief there has certainly been nothing wrong with land and home values in their because they have outside of these high walls some development. I can certainly tell you that because I know when I first should have bought, and I know what I paid when I finally did break down and bought in there. I can assure that you are not going to hurt the land values in that. We always look at these things as sort of a dispute between the commercial interests and the property owners. Naturally

Z-69-77
Continued

they would prefer to have nothing there. It is a natural inclination that if you have a home anywhere within a hundred miles of this, or any other development you would prefer it weren't that way. We would all like to live on real ranch estate kind of situation. But there is another public interest that is vitally involved in these applications that is rarely heard from. Some of those people are down here today, and I am going to ask one or two of them to speak to you briefly. I am not even going to go through all of the names, but that is the people who have an interest in the employment afforded by construction. As most of you are well aware with the situation that we have at the test site, and the situation we have on the strip where there is starting to be some concern about over building. Construction employment in this town has not been very good. The Halls have been pretty full for a long time now. In fact hundreds of people have moved away because they could not get employment here. Among the people that have come down because of their interest on this I am only going to use just some of those. An individual from the Retail Clerks. Frank Kane, who is the head of the Building Trades Council, and is also an official with the Iron Workers. An individual from the Operating Engineers. Chuck Conley and some others from the Carpenters local. All these people will be vitally involved if there is construction. There will be quite a few people put to work. A number of the other trades could not be here, but they have asked that they be represented. I would like to ask Mr. Glazer to say a few words about problems of unemployment in his group, and then I would like to ask the President of the Building Trades Council to say a few words, and that will complete our presentation until the rebuttal period.

Mr. Lee Glazer: 6360 Clarice. Mr. Mayor, and Commissioners. This development I think is not only needed in that particular area. I represent the Retail Clerks Union. Our offices are very near that location. We desperately need a facility nearby, and that is a personal opinion. Our member will be at great advantage. I understand that there are some of our union employers who will be leasing this facility, and employing some 75 to 100 employees. We have many people unemployed that are ready to go to work. Experienced people in the retail industry. I think that this would be a great asset to our membership. Thank you.

Frank Kane: I am speaking in behalf of the Building Trades of Southern Nevada. I am not sure whether you people are aware of the straights that the construction industry is in today. Being at the hall today we have people that have drew out all their unemployment, and that includes their medical benefits and everything. We are in bad shape, and if you people would see your way clear to allow some construction we certainly would appreciate it.

Mr. Ashleman: I think with that I will finish. We have others but obviously the situation is pretty much the same through the Halls. They are loaded with unemployed, many of whom have run out of their benefit periods. They have a

Z-69-77
Continued

vital interest and one I think equal to those of the citizens of the area. This is a fairly sizeable project. Thank you for your time.

Mayor Briare: Any questions by the Commissioners? (No response) That concludes the presentation of the applicant. Is there someone present who wishes to speak in opposition to this application? Is there a spokesman? Yes sir would you come forward please?

Jack Perry: I live at 812 Campbell Drive. First of all let me impose upon the Commission and Commissioners. People in that area collected signatures on a petition. They were submitted yesterday with 234 signatures. These were really only an example in what we believe to be almost unanimous neighborhood opposition to this proposed rezoning. Since we turned them in yesterday there have been an additional 44 people whose signatures were obtained. I would ask this Commission, your approval for permission to belatedly file these now with the City Clerk if I might.

Mayor Briare: Sure go ahead.

Jack Perry: I collected some of these myself. Some 65 in the neighborhood which is immediately to the West of Campbell Drive. This is covering Kenny Way, Campbell Drive, Lacey Lane, Hastings and Palomino. (Pointing to the map). That is the area there. I think I went to some 40 or 50 homes, and of those I found only 2 who refused to sign the petition. One of those had some property across the street from the proposed shopping center and thought that they might gain commercially if the shopping center were approved. The other man was in the construction business, and thought that he might be able to get some construction work as a result of this project. All of the people who live there, and have no selfish or private gain from it signed the petition not only willingly, but anxious to have this Commission affirm the action of the Planning Commission. I think the reason is pretty apparent. If you will look down Rancho Road West. I think Mr. Leavitt asked Mr. Saylor the question about the depth of the C-D. I believe that all of those pink or purple areas, with the exception of one on the North side between Shetland and Rancho without exception, except for that one, they are all I believe at most 300 feet deep. Now this request as you can see is twice that deep, and I believe it is about 600 feet deep. Now I thought that C-D was something different from commercial. I thought that C-D was Commercial Design. I see that the agenda says Designed Commercial. If we look up and down those streets clear up to Valley View from Rancho. Valley View is substantially to the West of the diagram. We will see without exception, except for the rest home, and I believe that is the rest home that we see that is deeper. Every other area that is commercial design is only half the width of this area. The uses that are requested here, and as Mr. Saylor pointed out this Commission has to approve the uses, and as they are approved they are then become standard uses for the C-D I believe. Uses that are requested here are

Z-69-77
Continued

substantially different from any use that has ever been approved heretofore from Rancho to as far as Arville, and possibly even as far as Decatur. That is for a super market and for a large chain drug store. Now we believe that if this is approved the entire concept for commercial design for the West Charleston area is going to fall in the waste basket. If you go out there and look you will find that there are a lot of nice offices, professional buildings, which consistently are next to Charleston on the West side. They don't create any traffic problems, and there was some comment about neighbors always being opposed to progress, but that is not the case. The neighbors haven't been in to fight those proper uses for C-D. We believe that the use here requested is improper. The Planning Commission certainly felt so they unanimously turned this down. It is their duty to first pass on these things, and decide whether they are appropriate for the area. They unanimously found that this proposed use was not appropriate. We ask that this Commission affirm their action.

Mayor Briare: Thank you.

Mr. Krolak: I have property on 2915 West Charleston which has become known as the Krolak Center directly across the street from the proposed development. I am here to protest the proposed development for the following reasons. The C-D zoning is supposed to do one thing. Provide a buffer zone between the high quality residential development, and the traffic which has been created. George Franklin has very deliberately discussed the six lane traffic on West Charleston, and therefore he also stated that the traffic is commercial, and therefore the development should be commercial. He also has stated that the property owners have paid for the assessments which has levied against their property. He failed to point out however that every property owner along Charleston Boulevard has done the same thing, and therefore these property owners have a right to protect their property from invasion of purely commercial development. If you look down the street from Rancho Road you will find nothing but a conversion type development. If you are going to introduce a commercial use of the type proposed I believe you are creating a hazard, and I don't think there is a need for such a use as this. Sure the gentlemen has stated that \$3.5 Million will be added to the revenue. That means that \$3.5 Million Dollars worth of merchandise has to be delivered by truck. He also stated between the hours of 5:00 and 6:00. If that is the case if you have that much truck traffic between 5:00 and 6:00 with so much traffic on Charleston, then you have a suicide right there. Once this is permitted then you will introduce a trend, and the next property owner, and the next down the line will have the same zoning, and what do we have. We have noncompetitive uses of property. When I applied for my building permit, and my rezoning I had specifically addressed myself to the zoning requirements. I purchased the property with the thought that this zoning and

Z-69-77
Continued

this use of land would be protected. I am finding out that this is not so. I therefore very very strongly recommend, and ask you gentlemen to deny this application. Everybody needs employment, but it doesn't have to be this type of development in this location. When we build a shopping center opposite a center like mine which is purely professional we are introducing a tragic which will be there 24 hours. I don't care what the gentlemen says, that it is only going to be open during the day time. You are dilluting the environment, and you are introducing juvenile type traffic which prevails 24 hours a day without control. Driving through the neighborhood and through other properties, which have been found in effect to be in other or similar type shopping centers. Again gentlemen I ask you for denial. By protecting the properties along Charleston Boulevard you are protecting the established trend of the development.

Mayor Briare: Mr. Krolak you are speaking as a property owner, and your business is up in that area. Do you have any comments to make as an MAI Appraisor. Do you have any comments you would like to make as a professional person.

Mr. Krolak: No sir I just came here as a property owner.

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

Conrad Becker: I live at 818 Shetland Road. Mr. Mayor and Commissioners I am one of the three people that is most affected by this shopping center. We are definitely opposed to it. The fellow from the Retail Clerks Union says we desperately need that kind of thing. He lives up on Clarice Avenue, and that is five miles a way. I can't understand that. The fellows from the Union Hall. I am a contractor myself, and I can't even get any good help. It has been a problem for 10 years to get men to work. All my sub-contractors say they can't get anybody out of the Hall. So I don't see why it is a desperate need to put a few people to work. During the Planning Commission meeting the developers stated that there would be maybe five or six deliveries a day. Since then I have done a little checking around, and I talked to all the major food markets within a mile and a half, and there is nine major ones, and quite a few smaller ones. The minimum deliveries just for the food markets is 23 a day. That is an average minimum. So now you have got the drug store and a half a dozen other stores in between. We are talking about 25, 50, who knows trucks coming and going constantly. We are opposed to the two story building next door. There is no two story buildings in that area, and I don't see why there would need to be one even if this was approved. Which we don't want it approved. Landscaping, they make a big thing out of this. I haven't seen a shopping center in this town a year old that has any decent landscaping. They plant all this stuff, and they water it about three times, and that is the end of it. It is just going to be a mess. The Planning Commission stated

Z-69-77
Continued

several times that they did not take into consideration the dollar value. In other words they weren't concerned with dollar value between the people selling the land or the people buying or so on. Only for the community development. I can appreciate Mr. Smith wanting to sell this land, but I would hate to see it be sold because of the taxes that you might gain from it or anything else. We are getting along fine in the City without those taxes now I don't see what another \$100,000.00 is going to do for us. They show in their plans that they are going to have lighting in that shopping center 24 hours a day. I drove around quite a few of the other shopping centers in town at night, and up in to the residential areas within a block around it, and the back yards are always in light. Living right next to it I don't want to see that. Our back yard is going to be lit up all the time. Even if the lights aren't shining directly on us. For that is another good reason for not approving it. Mr. Franklin said that he just didn't see any alternative but to approve this zoning for this type of use. I can see lots of alternatives. Why not do like the rest of them are doing. Why not put in professional buildings. There is no reason why they can't have R-E lots back there. There isn't a house around there worth less than \$100,000.00. I am sure that anything built these days would sell for \$200,000.00. It is not a matter of dollars and cents value as far as selling the land. That is about all I have to say, and I urge you to vote against it.

Commissioner Christensen: I have a couple of points of clarification. There is no two story restrictions anywhere in the area. You can build a two story house. So the two story deal doesn't make any difference with the zoning. You also made the comment that you haven't seen anything two years old with landscaping, and I think Mr. Krolak has a well landscaped building, and I think Mr. Krolak will indicate that that is over two years old.

Mr. Becker: I meant shopping centers.

Commissioner Christensen: Well it isn't all the shopping centers fault.

Mr. Becker: True.

Commissioner Christensen: If you have ever tried to maintain landscaping in a commercial area you know what you are up against.

Mr. Becker: Well this may be true, but it is their responsibility to maintain it once it is planted.

Commissioner Christensen: Well I think there is a lot more to maintain than you indicate, and I just hate to see a blanket statement like that come out, which is an indictment on the City who is suppose to control this, and make sure that that landscaping is maintained, and I think in most instances it is.

Z-69-77
Continued

Mayor Briare: Any other questions of Mr. Becker? (No response).

Dr. James Jones: 818 Campbell Drive. Being a native Las Vegas as many of us here are. Many of us have lived here for many years although we may not be natives we all remember the problems that occurred when West Charleston became a busy street. Mr. Franklin referred to this. I think that the City and the neighbors did a fine job in trying to develop this C-D Zoning. Certainly Charleston Boulevard is a busy street. We have to have a busy arterial to serve the Western area of our City. C-D was designed to serve as a buffer to protect the residents of the area, yet let those who have investments on Charleston have a way to recover their investment by developing this property. C-D has provided for this. My concern is that this is a very large parcel of land, and it extends very deeply away from Charleston. Back against the West Charleston Schools. Immediately adjacent to that property to the West is another large parcel of land. With an access to Charleston Boulevard. This would be four lots to the West of the proposed project. I am concerned that wouldn't this person have a right to also ask for a shopping center? He has the right. If it is granted to one it should be granted to another. His property would be no deeper than what is being proposed. Now the alternative has been stated that if this could not be developed as proposed, that it would be far worse to have an apartment project. I didn't know that there were only two alternatives. Either a heavy density commercial use or apartments. Certainly you couldn't call Spanish Oaks a heavy commercial or a heavy residential area. That is a very nice amalgamation of these entities, and it has made a very nice development for our City. Another thing that was referred to is the tax base. I question whether the sales tax will increase. Ask the car dealers if they sell less cars since they are only open six days a week. Would we sell less in this community if we only had the stores open during regular normal daylight hours? People wouldn't eat less they would just have to buy more when they go. The same amount of products will be sold. Whether it is in this neighborhood or another neighborhood because the consumers are there. So the tax base would not be affected except the property taxes. I think that the City has done a fine job in the adequate development of this in C-D. I think the main concern is that this fine effort will continue, and this won't become a creeping cancerous type project that will project in all the other vacant areas in the West Charleston area. So we won't have the problems of heavy traffic, no parking, and poor retail development as they have on East Charleston Boulevard. Thank you.

Bruce Saladen: I live at 721 Shetland. I feel I am also really affected by what is proposed here. I am against this for several reasons. I would like to go over some of the reasons that were given that it would be a good thing. Mr. Franklin stated that we have a 45 miles an hour zone. This is not quite accurate. At this point it is 25 during school days, because we have a school crossing at Charleston and Shetland.

Z-69-77
Continued

I don't know how many of you have driven down Sahara Boulevard about the 3000 block east during school hours. There is a school at that street, and there is quite a traffic pile up. That boulevard is also a six lane boulevard. It is equal I think in capacity to Charleston. During the morning hours, and during the release hours of school it is very congested because of the school children have to cross there. There has been a problem created because of that. We don't need that in our area. That has been gone over several times. If you will notice on Rancho another shopping center has already been approved. I question the economics of this. Here is a City roughly 24 miles square that in 1970 was smaller than our sister City in the North Reno. Today we are six times larger, but in our area where we have many shopping facilities, and a goodly number of supermarkets, and we have new ones going a block away. It isn't economics to put another one right in this location I don't believe. There are many places that he could go. We have many people who are moving in. We will be a city of probably 800,000 people within the next four or five years, and there is a lot of surrounding areas that something like this could go. But at this point in time I don't think it is necessary. I think it is also a hazard to the school that it butts up against. I don't know how many of you have been out there during the school hours, but it is quite congested. I can count anywhere from seven to fifteen cars in my front yard in the afternoon. We have a situation on Palomino now that I feel that you put a buffer zone on primarily I am certain because you wish to protect the children that come down Palomino that have to go home. Rancho Road is also a 45 mile and 35 mile zone, but at this point it becomes a 25 mile zone because of school children. We just don't need the congestion. I am not against progress or shopping centers, but I feel that there is proper locations for them, and I don't think this is one of them. I appreciate your time.

Harry Polk: I live at 800 Campbell Drive. I want to talk about money. Do you folks realize that within this one mile radius of this proposed project is the largest tax base of residential property in the City of Las Vegas, County of Clark, and also the State of Nevada. Do you realize what your people have told me in the last two weeks. That granting a shopping center in this location would lower the tax base anywhere from 20 to 40%. Now it takes money to run this City, and the only means you have, or one means you have of getting your money is from your ad valorem taxes and your tax base. Think a little bit about it before you consider granting the right to build a shopping center here. I had the misfortune for several years to have to appear before the Board of Equilization both in your County and also in your State. If you want to go to the Board of Equilization and you see what shopping centers do to a tax base. I can name you a dozen of them, the homes within a miles radius have a bigger tax base than any shopping center within the City of Las Veg

Z-69-77
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Consider this because you have to have taxes to run your Government. That is the means of getting it. I think you should consider that. Accordingly to Mr. Franklin here there is no other means of using this property. There is many of them. There is a little apartment complex East of Spanish Oaks that is a good place, and this would keep the property values as they are now, and would be used so we could see. Another thing is your traffic. Who is going to pay. They are going to have to have Hastings Street cut through to serve this shopping center. It is going to require electric signs, a stop sign on Hastings and Campbell. It is going to require the same things on Hastings and Shetland Road. Who is going to pay for them. These signals are going for around \$100,000.00 a piece today. Who is going to pay for things like that? Is that going to create another burden on the City here? Where are you going to derive the money for it? Things like that should be considered in your decision, and I hope that you see fit to go with the Planning Board.

Commissioner Christensen: Do I understand you that that would devalue the property 20% to 40%?

Mr. Polk: No it devalues the surrounding property underneath your tax structure for residents between 20% to 40%.

Commissioner Christensen: I would like to know who gave you that because I would like to talk to him about a house. I don't believe your figure. I live in the area and I can't see. I can't see that devaluing your property 20% to 40%. You are going to have to show me some figures to back that up.

Mr. Polk: Mr. Christensen you will have in the mail tomorrow from me stating who I talked to.

Commissioner Christensen: I would appreciate that.

Commissioner Lurie: I have to say one thing. You were talking about Spanish Oaks. When Spanish Oaks came before us we had more people out here protesting than we do today.

Mayor Briare: Mr. Franklin would you like to make a rebuttal now?

George Franklin: I certainly have to agree with Mr. Saladen when he said in 1970 that the City of Reno in the North was bigger than Las Vegas. My gosh Reno hasn't been as big as Las Vegas for 30 years. In 1970 Reno had a population of 70,000.00, and we had a population of 123,000.00 or almost twice as much. We are not five times the size of Reno. That is just a mistake, and is totally wrong. We probably do have an awful lot of commercial development in our area, but it is a result of progress. I want to correct Mr. Becker. The one who talked about the light in his backyard near a shopping center. C-D has got the best protection by far than C-1 does. The very language of C-D says, "The outside lighting

Z-69-77
Continued

shall conform to the following provisions: 1. That no ray of light or direct beam of light shall be carried into any residential area. 2. That no outside light shall increase the illumination more than two foot candles into any residential area." Gentlemen I can see why Mr. Krolak is here. Some of these home owners may have a very personal reason, he has a commercial reason for being here. I can remember when he appeared before this board and he tried to tell you that his use there is limited to only professional offices. Mr. Krolak didn't come in for a shopping center because he didn't have enough land for a shopping center. That is the only reason for that. He was utilizing the little land he had for that purpose. The one thing that is distressing me more than anything else about this though, is that I think the home owners are letting the words shopping center bother them more. Just the effect of the two words than actually what they are getting from that shopping center. This is not a Boulevard Shopping Center. This is a very limited shopping center. This is one that has got more parking than normal, it has got less cover than normal. There is only 107,000 square feet under roof in the whole shopping center. I wish they would look at the design and forget about the words themselves. 234 signatures and 44 additional handed in to you today. Gentlemen you don't run Government by petition. I could get a petition signed by very innocent sweet people asking to have all five of you shot at sunrise tomorrow, and some maybe knowingly signing it, but others not knowing what they are signing. You just don't govern by petition. I'll bet you won't find a word on that petition. We are against, but we suggest. They never come in that way. They just say we are against. What is Celia Cragin going to do with this land? That is very very valuable land. Is it so good she can eat it? What else is she going to do it. They didn't go out there and buy it to make money gentlemen. They have owned this for 50 years. When some of these protestants had never even heard of the City of Las Vegas. When some of these protestants came in and bought land out there with the express purpose of doubling their money, and making money out of it. They talk about the school I think if you go back I think you will find that they dedicated the land for the school. We are talking 50 years back. What is she going to do it? Put sugar on it and take it down tea spoon by tea spoon. That is what I leave with you. Gentlemen you don't zone because of consent. Because all the neighbors came in. You don't zone because of consent, and you don't refuse to rezone because of protests. You zone because it is proper zoning, and because that is what progress has done to your town. I just can't see how you can tell property owners that have owned property this many years that you cannot utilize your property for a very beneficial use. That will have no impact compared to the normal type of a shopping center these people are thinking of. I think that this is a very reasonable request and I think you are reasonable gentlemen. Thank you.

Z-69-77
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Mayor Briare: We have heard from both sides. The hearing will be closed now, and I will ask if there is any comments or questions by the Commissioners? (No response).
What is the pleasure of the Board?

Commissioner Lurie: I have set here and listened to both sides, and it sounded like a repercussion of the last presentation on the other shopping center. I feel that the City Fathers as well as the property owners did an excellent job in establishing C-D zoning along Charleston. As Mr. Saylor mentioned in his opening remarks that if we were to allow a grocery store operation, and a drug store operation, that that would have to be part of the one of the items that we would have to list. We would have to allow that now. I think the C-D Zoning is a fine Zone, and I think it is a good buffer zone. I don't like the idea of adding any more considerations to the list than we already have. I believe that the items that we have set forth in C-D is compatible with the area, and I believe that the Planning Commissioners in their recommendation. This one I agree with I think it was a good recommendation, and I move that we follow the recommendation of the Planning Commission.

Commissioner Woofter: I more or less concur with Commissioner Lurie's reasoning, but I just have to compliment Mr. Ashleman on sort of a fresh approach in consideration. Maybe we haven't given the consideration in the past as far as the impact, as far as construction. I would like at this point too to take exception to Mr. Beckers remark that we don't have any good workers in those halls. That is the reason why they are in the halls. I know several workers who are waiting to be called to work that are very qualified, and will work at a moments notice. I definitely take exception to that remark.

Mayor Briare: Any further comments? (No response). Motion is to follow the recommendation and deny the application. Cast your votes. Motion is approved.

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

(Commission Meeting Recessed at 12:00 Noon)

(Commission Meeting Reconvened at 1:35 P.M.)

COMMENDATION
TO CLARK W.
COLEMAN FOR
20 YEARS
SERVICE
TO THE LAS
VEGAS TRAFFIC
& PARKING
COMMISSION

(A Commendation was informally presented by Mayor Briare to Mr. Clark W. Coleman for having served 20 years as a member of the City of Las Vegas Traffic & Parking Commission)

ZONE CHANGE
Z-57-77
JOSEPH A.
GORDON
Approved
Subject to
Conditions

Mayor Briare: We are now back in session. The first item is item Z-57-77 a zone change request from Joseph Gordon. Is the applicant present? Mr. Saylor would you like to give us some background on this?

Mr. Saylor: The request is for a change in zoning from C-1 to C-2. This is to allow the operation of a used car lot. (Pointing to the map) As you can see in that area it is all C-1. Which was approved a few years ago. I believe there has been a variance allowed on the property for a used car lot with a time limitation. Planning Commission recommends denial because it was felt that a use car facility would not be compatible at this location.

Mr. Gordon: I come on with information that I got from the Planning Department from one of the boys behind the counter. That there were three C-2's in that area. Primarily one is two blocks to the West of me, and they are both C-2's. I saw the negative and there were three C-2's. When I applied I thought there were three C-2's, and then they told me that there were just two. Then I saw the negative the following day because I didn't understand. Because there were three C-2's, and that showed up on the negative. Of course that made me feel a little foolish. There was a Shell gas station there for about 15 years, and a variance was applied for to make it a used car lot. I believe this is a hardship case. I am in a position of not being able to do anything with it.

Mayor Briare: In the event of an application like this or any application on Charleston Boulevard, East Charleston Boulevard. Do you ever put conditions on approvals to indicate that if and when an assessment district should be formed as a condition of the approval that they have to be willing to enter into such things.

Mr. Saylor: Yes it can be done. That is a standard. They even have to put the improvements in or....

Mayor Briare: Before the Planning Commission there were no protests. Is there anyone in the audience that is here to protest this application? (No response).
What is the pleasure of the Board.

Commissioner Christensen: Your Honor I move for approval of this application.

Mayor Briare: Comments on the motion?

Commissioner Lurie: I would like the record to show that I am going to abstain from voting because Mr. Gordon is my uncle.

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

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

Mr. Gordon: So I am approved.

Mayor Briare: Yes, but you are going to have a long list of conditions that will be applied later.

See Page 58a of these minutes - Annotated Agenda

ZONE CHANGE
Z-66-77
H.S. Service
Corp
Approved as
Recommended
by Planning
Commission

Mr. Saylor: This involves a small piece of land out in the Western part of the City. North of the freeway at Lorenzi. The parcel to the West has it zoned for a shopping center. This parcel is R-3, and as a result of the street design the street was put into here, which put this small triangular piece in the R-3 Zone. They are asking that that be put in to the commercial. Which makes good sense I believe. The Planning Commission has recommended approval, and there were not protests.

Mayor Briare: Comments or questions by the Commission?

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

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

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

See Page 58b of these minutes - Annotated Agenda

ZONE CHANGE
Z-67-77
LEWIS HOMES
OF NEVADA
Approved as
Recommended by
Planning
Commission

Mr. Saylor: The next item was before you four months ago at which time it was denied. It is a request for a change in zoning from R-E to R-1 to allow the continuation of the single family home pattern of development in the immediate area. (Pointing to the map) This is Washington, Harris, Nellis is to the East. Lamb Boulevard is to the West. This is the piece in question. This is Lewis Homes existing single family development. There is R-E development immediately to the South, on the South side of Harris. On the previous application, and on this application it was a source of protest against the R-1.

Nick Dane: I am from Lewis Homes. I am here to answer any questions that you may have, and also I might add that we were unanimously approved by the Planning Commission when we applied this time.

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 23
September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977 Commission Action

Department Action

Page 58aI-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
DON J. SAYLOR, AIP, DIRECTOR

ALL OF THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS INCLUDING SANITARY SEWER, STORM DRAINAGE, TRAFFIC ENGINEERING, PUBLIC SERVICES, FIRE AND BUILDING, AND THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS INCORPORATED INTO THE ACTION.

A. ZONE CHANGE - Z-69-77 - HORST SCHMIDT, ET AL

Property generally located on the northwest corner of West Charleston Boulevard and Shetland Road.

From: R-A (Ranch Acres)
R-E (Residence Estates)
C-D (Designed Commercial)
To: C-D (Designed Commercial)
Proposed Use: Shopping Center

Planning Commission unanimously recommends DENIAL because they felt the proposed shopping center and uses proposed would not be compatible in this area.

PROTESTS: 7

B. ZONE CHANGE - Z-57-77 - JOSEPH A. GORDON

Property located at 1555 East Charleston Boulevard.

From: C-1 (Limited Commercial)
To: C-2 (General Commercial)
Proposed Use: Used Car Sales Lot.

Planning Commission recommends DENIAL (4-yes, 1-no vote) because it was felt a used car facility would not be compatible at this location.

PROTESTS: 0

C. ZONE CHANGE - Z-66-77 - H.S. SERVICE CORP.

Property located on the south side of Silverstream Avenue, 320 feet east of Lorenzi Boulevard.

From: R-E (Residence Estates)
(under ROI to R-3)
To: C-1 (Limited Commercial)

Denied as recommended by Planning Commission Lurie - unanimous

Clerk to notify Staff to proceed

Approved subject to conditions
Commissioner Lurie abstained
Commissioner Leavitt excused

Clerk to notify Staff to proceed

Approved as recommended by Planning Commission Lurie - unanimous

Clerk to notify Staff to proceed

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 24
September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977

Commission Action

Department Action

Page 58(b) (h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

Item "C" Z-66-77 continued . . .

Planning Commission unanimously recommends
APPROVAL subject to the following conditions:

1. Submittal of a plot plan for approval prior to development including a landscaping plan.
2. Conformance to code requirements and design standards of all City departments.

PROTESTS: 0

See Page 23

See Page 23

D. ZONE CHANGE - Z-67-77 - LEWIS HOMES OF NEVADA

Property located between Washington Avenue and Harris Avenue, 630 feet west of Nellis Boulevard.

From: R-E (Residence Estates)
To: R-1 (Single Family Residence)
Proposed Use: Single Family Homes.

Planning Commission unanimously recommends
APPROVAL subject to the following conditions:

1. Forty feet (40') of right-of-way and one 15' radius corner to be provided on the Washington Avenue alignment as required by the Public Services Department.
2. Thirty feet (30') of right-of-way on Greenbrook Street as required by the Public Services Department.
3. Improvements on Washington and Greenbrook Street to meet existing improvements as required by the Department of Public Services or proposed improvements.
4. Conformance to the plot plan.
5. Conformance to code requirements and design standards of all City departments.

PROTESTS: Approx. 65

Approved as recommended by Planning Commission Lurie
Commissioner Woofter voted "no"

Clerk to notify Staff to proceed

Z-67-77
Continued

Mayor Briare: Do any of the Commissioners have any questions of the applicant? (No response). Is there anyone present to protest this application? I see no one here to protest.

Commissioner Christensen: What was the nature of the protests?

Mr. Saylor: The usual protests in connection with R-1.

Commissioner Christensen: Well the substantial amount of protests were across the street then?

Mr. Saylor: Yes. There was a petition submitted with 65 signatures.

Mr. Dane: I would like to say that as far as the protests were concerned. There were only three houses across the street from our proposed development. The 65 signatures came from wives, children. There aren't 65 families affected. There are only three houses across the street. All the other houses are across the street from the school.

Commissioner Christensen: It is almost refreshing to have some one come in to put in single family homes. The protests must not have been to strong because nobody is here.

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

Commissioner Lurie: I make a motion that we approve the application as recommended by 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 voting no.

ZONE CHANGE
Z-68-77
ELSIE A.
BRODKIN
Approved as
Recommended
by Planning
Commission

Mr. Saylor: The next item is a change in zoning from R-1 to P-R. The property is located at the Northeast corner of Garces Avenue and South 10th Street. It is an area that is transitioning into other than R-1. The Planning Commission recommends approval. There were no protests.

Tom Davies: I am representing Elsie Brodtkin who is a widow who lives in Los Angeles. I am managing the property for her.

Mayor Briare: Any comments or questions by the Commission?

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

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

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

Page 25
September 7, 1977

CITY COMMISSIONERS REGULAR MEETING - MINUTES - SEP 7, 1977

Commission Action

Department Action

Page 59 (a) I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

E. ZONE CHANGE - Z-68-77 - ELSIE A. BRODKIN

Property located at 633 South 10th Street,
at the northeast corner of Garces Avenue and
South 10th Street.

From: R-1 (Single Family Residence)
To: P-R (Professional Offices & Parking)
Proposed Use: Offices

Planning Commission unanimously recommends
APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Installation of sidewalk and street lighting on 10th Street and Garces as required by the Department of Public Services.
3. Parking layout to meet the requirements of the Department of Community Planning and Development and the Traffic Engineer.
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.

Approved as
recommended by
Planning Commission
Lurie - unanimous

Clerk to notify
Staff to proceed

PROTESTS: 0

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

See Page 61a of these minutes - Annotated Agenda

ZONE CHANGE
Z-70-77

DARLEEN BABICH
Denied as
Recommended by
Planning
Commission

Mr. Saylor: This is a request for a change in zoning from R-3 to R-4 in an area that is zoned R-3 and developed that way. The request for R-4 is to allow more units that would be permitted under the R-3. This is the parcel in question. (Pointing to the map) This is Bonanza, 9th, 10th and 11th, and Maryland Parkway. As you can see on the map it is all zoned R-3. That which is developed is developed essentially with four plexes. The Planning Commission recommends Denial. There were approximately 20 protests.

Mr. Novosad: I live at 2600 East Reynolds. She bought that property on my recommendation, and I talked to the realtor when we bought it that it could be R-4 real easily. It is not feasible to build four plexes on it. We are going to have to build six plexes otherwise there is no where in the world it can come out. You wouldn't even break even at it.

Mayor Briare: When did you purchase the property?

Mr. Novosad: About six months ago. The realtor said that there would be no real problem, and she bought this on my recommendation.

Mayor Briare: I'll tell you what I had better ask Mr. Sloan if I am going to make this statement properly. If the real estate broker told you that you might have some action against your real estate broker. Is that not correct. Mr. Sloan this gentleman just represented to this Commission that he encouraged the applicant Darleen Babich, and that a real estate broker told them that.

Mr. Novosad: They said that it wouldn't be any trouble. They didn't guarantee it that we could. He said he saw no problems in getting it.

Mayor Briare: Oh I am sorry I misunderstood. I got the impression that they almost warranted you.

Mr. Novosad: No No.

Mayor Briare: It was just a speculative move on your part?

Mr. Novosad: Yes.

Mayor Briare: Mr. Sloan I withdraw my legal opinion here.

Z-70-77
Continued

Unfortunately this Commission cannot be responsible for representations or misrepresentations made by somebody else. Any comments by the Commissioners? (No response).

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

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

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

See Page 61a and b of these minutes - Annotated Agenda

ZONE CHANGE
Z-71-77
LOUIS MACK
& JEROME D.
MACK
Approved as
Recommended
by Planning
Commission

Mr. Saylor: This next item is a request for a change in zoning C-2 property on East Sahara. It is part of their overall holding. There is commercial to the East and the Naval Reserve immediately to the West. It is a proposed restaurant. The Planning Commission recommends approval. There were no protests.

Mayor Briare: Are the applicants present.

Mr. Saylor: They were here earlier.

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

Mayor Briare: Maybe you would like to go on record as being present.

Jean Thompson: Yes.

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

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

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 26
September 7, 1977

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977 Page 61a Commission Action

Department Acti

I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

F. ZONE CHANGE - Z-70-77 - DARLEEN R. BABICH

Property located at 635 North 10th Street,
between Wilson Avenue and Bonanza Road.

From: R-3 (Limited Multiple Residence)

To: R-4 (Apartment Residence)

Proposed Use: 2 six-plex apartment units

Planning Commission unanimously recommends
DENIAL because they felt the proposed R-4
density was too high and would not be
compatible.

PROTESTS: Approx. 20

Denied as
recommended by
Planning Commission
Lurie - unanimous

Clerk to notify
Staff to proceed

G. ZONE CHANGE - Z-71-77 - LOUIS MACK & JEROME D. MACK

Property generally located on the northeast
corner of Sahara Avenue and McLeod.

From: R-1 (Single Family Residence)

R-2 (Two-Family Residence)

To: C-2 (General Commercial)

Proposed Use: Restaurant

Planning Commission unanimously recommends
APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to
a twelve (12) month time limit.
2. Installation of sidewalk on McLeod and
Sahara Avenue frontage and one (1) street
light on McLeod as required by the Depart-
ment of Public Services.
3. Revise parking lot traffic plan to conform
to the requirements of the Department of
Community Planning and Development and the
Traffic Engineer.
4. Close western curb cut on East Sahara and
locate on McLeod a minimum of 6 ft.
north of the point of tangency as required
by the Department of Public Services.

Approved as
recommended by
Planning
Commission
Lurie - unanimous

Clerk to notify
Staff to proceed

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBER: 400 EAST STEWART AVENUE
PHONE: 6-6011

Page 27
September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977

Commission Action

Department Action

Page 61 (b) I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

Item "G" Z-71-77 continued . . .

See Page 26

See Page 26

5. Move building east 3 ft. to provide additional landscaping 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. 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.

PROTESTS: 0

H. ZONE CHANGE - Z-72-77 - FIRST WESTERN SAVINGS ASSOCIATION

Property generally located on the northeast corner of Charleston Boulevard and Marion Drive.

From: R-1 (Single Family Residence)
R-3 (Limited Multiple Residence)
To: R-3 (Limited Multiple Residence)

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Submission and approval of a plot plan prior to development.
2. Conformance to code requirements and design standards of all City departments.

PROTESTS: 0

Approved as recommended by Planning Commission
W - Commissioner Lurie voted "no"

Clerk to notify Staff to proceed

Z-72-77
ZONE CHANGE
FIRST WESTERN
SAVINGS
ASSOCIATION
Approved as
Recommended
by Planning
Commission

Mr. Saylor: This is part of the large development First Western is involved in. This in the part of the City North of Charleston between Nellis and Lamb further to the West. They are asking for a change in zoning to allow a little more apartment building along Charleston. The strip immediately abutting is already zoned that way. The Planning Commission recommends approval, and there were no protests.

Mayor Briare: Is there anyone here representing the applicant?

Charlie Johnson: I am representing First Western.

Commissioner Lurie: How many additional units? What is the density by taking the R-1 and making it R-3? What is the increase?

Mr. Saylor: About three times as much. Immediately to the North of it is RPD-7, which is about twice as many. (Pointing to the map) You have the R-1 here, the RPD-7 here, and have the R-3 here.

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

Commissioner Woofter: Move to approve.

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

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

See page 62a of these minutes - Annotated Agenda

ZONE CHANGE
Z-73-77
CHRISTINA M.
HIXSON, ET AL
Approved as
Recommended by
Planning
Commission

Mr. Saylor: The next item is Z-73-77. As you can see from the applications that have been appearing before you there is a substantial amount of interest in the development of the Eastern end of the City. This particular parcel is 80 acres in total. This is located on the North side of Bonanza immediately East of Pecos. This is nature park to the West. (Pointing to the map) The Juvenile Center here, and Freedom Park up here. They are asking for a zoning pattern as requested on here which would be commercial at Pecos and Bonanza. Both which are primary majors. R-3 Zoning to the North, and to the East is the commercial and R-1 in this portion. The Planning Commission recommends approval. There was a change made by the Planning Commission which was accepted by the applicants. They have asked for commercial here, and apartments here. But they have agreed to amend the application to provide more R-1 here, and instead put the additional apartments here on Bonanza.

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 28
September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977

Commission Action

Department Action

Page 62a

I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

I. ZONE CHANGE - Z-73-77 - CHRISTINA M. HIXSON,
ET AL

Property generally located on the north side
of Bonanza Road between Pecos Road and Sand-
hill Road.

From: R-1 (Single Family Residence)
R-E (Residence Estates)
To: R-1 (Single Family Residence)
R-3 (Limited Multiple Residence)
C-1 (Limited Commercial)

Planning Commission unanimously recommends
APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to
a twelve (12) month time limit.
2. Conformance to revised site plan (approved
by the applicant) which changes the
C-1 in the southeast part of the plan to
R-3, and reduces the R-3 in the central
part of the plan to R-1.
3. Submission and approval of a plot plan/
development plan prior to any development.
4. Dedication and half-street improvements
on Harris Avenue (30 ft.); Pecos Road
(20 ft.); Sandhill Road (20 ft.); Bonanza
Road and a radius corner at Pecos and
Sandhill as required by the Department of
Public Services.
5. Conformance to code requirements and
design standards of all City departments.

PROTESTS: 0

J. ZONE CHANGE - Z-74-77 - LIED MOTOR CAR COMPANY

Property generally located on both sides of
Valley View Boulevard, between Charleston
Boulevard and Mountain View.

From: R-E (Residence Estates)
To: R-E (Residence Estates)
C-1 (Limited Commercial)
R-3 (Limited Multiple Residence)
R-4 (Apartment Residence)

Approved
as recommended by
Planning Commission
Lurie - unanimous

Clerk to notify
Staff to proceed

Denied as
recommended by
Planning Commission
C - unanimous

Clerk to notify
Staff to proceed

Z-73-77
Continued

Commissioner Lurie: I 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 Woofter, Lurie, Leavitt,
Christensen, and Mayor Briare voting aye;
noes, none.

ZONE CHANGE
Z-74-77
LIED MOTOR
CAR COMPANY
Denied as
Recommended
by Planning
Commission

Mayor Briare: The next item is the zone change for Lied Motor Company on property located on Valley View Boulevard, between Charleston Boulevard and Mountain View.

Mr. Saylor: I think you are probably all acquainted with this parcel. It is South of Charleston between Valley View and Hinson. There is some commercial development on Charleston, but the remainder is vacant. The Wesley Tract immediately to the East. The request is for a change to increase the size of the commercial area slightly. To have a strip of R-4 South of that, and R-3 allowing some R-E along the Hinson Avenue boundary. The Planning Commission has recommended denial of the application. There was a substantial protest factor from property owners within the area.

Mr. Andrew Skurski: I live at 4404 Thompson Circle. Since we applied for this application Mr. Lieds and I met, and he told me that he would like to alter the application, and not require the whole thing just to be R-3 and R-4 as shown. What Mr. Lied would like to do is this. (Pointing to the map) In the upper right hand corner in back of the shopping center where Panorama is here, and this is an apparell shop. He would like to go in there with about five acres of R-4 around here, and then a little R-3 and then the rest of it R-1. This would be all R-1 here, and about 5 acres of R-4 here, and R-3 here.

Mayor Briare: That would constitute a whole new Planning Application though Andy.

Mr. Skurski: I just want to find out the feeling of the Commission before we start doing anything.

Mayor Briare: There are some people here who are opposing the application as it is presented so we have to talk about the application as it is presented.

Mr. Skurski: If you have any questions I would be glad to answer them.

Mayor Briare: Is there any questions? (No response). Is there anyone here who wishes to speak in protest of this?

Z-74-77
Continued

Mrs. Robert Ray: I live on Hinson Drive opposite this property. I would like to protest anything except residential estates. When I moved out here I lived in a tent for three years, and cooked on a wood stove. We moved out there so we could be away from everything, and we could have horses, and sheep and things. Now we are built up. We protested stores, we protested everything and it didn't do any good whatsoever. I called up the Vehicle Department today, and on May the 17th on Valley 10,392 cars went North and South between Charleston and Oakey Boulevard. The entrance to this he said is going to be on Valley. There would have to be stop lights, and there would be lots of cars coming in and out. On Hinson there is 2,850 cars a day, and that would bring more traffic on Hinson too. Also Vegas Verdes School has 660 students as of today. If residential estates went in which is fine, or single housing units which is fine. But if any apartments go in the schools say there would be at least 150 to 300 more children. We have been annexed and the City has taken us in, and we have had to get rid of what animals we had, and we cannot have any more except horses. I live opposite this and when we got the letter from the City there was no mention of anything on Hinson. It was all coming on and off of Valley. I don't mind houses, but I am certainly against any commercial or apartments. I have also lived there 35 years.

Mr. Daniel Connell: I live at 1141 Melville Drive, which is in the Wesley Tract. Some of the statements that I have already been said by this woman. In addition to that the traffic problem will be something that is great. Valley View being cut through the way it is has already created a tremendous traffic problem. Where it curves there have been many traffic accidents. We have a major traffic accident in that area about once a month. I also checked with the school. The school would have to expand both in buildings and teachers to accomodate any additional children. I am also a police officer, and I have been one for 12 years. Any time we have a high density area around a predominantly single family residents we have an increase in crime. Not specifically with the high density area or the apartments themselves, but with the surrounding areas. Most of our crimes are committed by juveniles, or people under 18. The crimes that are committed are generally within a three mile radius of their residence, or where they are presently staying. Most of the people in this area in Wesley around Hinson have been there for quite some time. The houses in Wesley are 25 years old. There are some people who have been there ever since the houses have been built. A lot of their belongings they have had a life time, and I am presently with the crime lab. When I go to a house, and people have been ripped off of their momentos for a life time is quite heart breaking. I totally believe that an increase of people in that area, that they are proposing around an additional 300 to 1000 people in that area. I think this is too high. Also the only apartments in that area with the exception of Spanish Oaks from Decatur to Highland, and from Sahara to the Freeway are the Spanish Oaks apartments.

Z-74-77
Continued

All the rest is residential estates along those areas. You have a bunch of several apartments in and around the Bonanza area.

Commissioner Lurie: The Spanos Apartments are going in. That is down from Spanish Oaks.

Mr. Connell: That would still be on between Oakey and Sahara right?

Commissioner Lurie: Yes.

Mr. Connell: They have it there. Your higher density of apartments is basically on the South side of Sahara. We have a tremendous amount of police problems in that area. Specifically with single family residence. This is one of the reasons that I protest.

Commissioner Christensen: I have got to ask you this question. Is it your opinion as a police officer that any time you go the multiple family dwellings that you increase the crime, and therefore could draw the conclusions that there should be no multiple family dwellings?

Mr. Connell: No I don't agree with that. Everytime that there has been a multiple apartments put in a predominantly single family area or single residence area, then the crime rate does increase.

Commissioner Christensen: I have another question Mr. Mayor. If Mr. Skurski is planning on resubmitting his application in an entirely different form, is it necessary that we go on with all this. Would you entertain a motion at this time to deny this application, and save everybody a lot of time? In the interests of time I would move that we follow the recommendation of the Planning Commission.

Commissioner Leavitt: If he withdraws his application would he have to wait six months?

Mr. Saylor: It is the same on withdrawal or denial.

Commissioner Christensen: Why does he have to wait four months if it is a different application?

Mr. Saylor: If it is a lesser density he can apply without waiting.

Commissioner Christensen: What he is saying is that he wants to take the whole area, and instead of having it all multiple dwelling then a large piece of it would be R-1 and squeeze the apartments into a smaller piece. That comes out less density which it looks like it will. Then he can apply next week if he wants.

Z-74-77
Continued

We can save ourselves a lot of time by going ahead and denying the application.

Mr. Skurski: Can we do that Don?

Mr. Saylor: Not until I see what you are going to apply for.

Mr. Skurski: Well if we can't come in right away then I would like to go in for this. If we have to wait six months we might as well try for this one.

Commissioner Christensen: I was just trying to save us a lot of problems.

Mayor Briare: You have presented your application, and we have heard from some of the protestants, and we have a motion to deny your application as if the previous conversation didn't even exist.

Mr. Skurski: If I can apply.

Commissioner Christensen: No I didn't put that kind of a provisal on it. If you are going to reapply and there is nothing to stop you from reapplying we could just as well go ahead and proceed now to deny this one. Because if you are going to apply we are going to have to hear it again anyway.

Mr. Skurski: Well if I have to wait six months then I want to go on as it stands.

Commissioner Leavitt: Well the way I understand this. If you came in with a different or new application you could apply.

Mr. Skurski: Right, well that is what I want to get clear.

Commissioner Leavitt: You would have to get that decision from Mr. Saylor.

Mr. Skurski: Can I get that opinion now?

Mr. Saylor: I can give you on the R-1 part. There is no problem with the R-1 you are talking about.

Mr. Skurski: Well if I am going to change completely....

Commissioner Christensen: Your Honor I withdraw my motion.

Mayor Briare: Is there anyone who wishes to speak in protest of this?

Commissioner Lurie: Why did he withdraw the motion?

Z-74-77
Continued

Ann Bryant: I live at 3910 Mountain View. This mans proposal is right next to my house which is valued at over \$100,000.00. He has two story apartment houses. A new home was built right across the street from me a year or so ago, and it is valued at \$200,000.00. The property right next to that was just sold for \$35,000.00 and the man across from there is building a \$200,000.00 home. If we are talking about two story apartments it is certainly not proper planning. We have lived there for 23 years. We have an area of people that have lived there for over 20, 30 and 40 years. We object to this almost in its entirety, but especially to have two story apartment houses next to our home. It is just not good planning.

Commissioner Lurie: Are you purchasing this property from Mr. Lied and then you are going to develop it yourself?

Mr. Skurski: No sir I am just working with him on it. He is going to develop it.

Mayor Briare: Do you want to make any rebuttal Mr. Skurski to the comments that were made by the protestants?

Mr. Skurski: There is just only one rebuttal I would like to make. It just seems that every time somebody wants to put some apartments in it is always a crime wave. Well if that is the case with Spanos and Spanish Oaks and others that would mean that we have nothing but crime waves all over the City, and I just disagree with it. It is just another type of a living that a lot of people like. There are some wonderful apartments. Las Vegas Country Club, they have had all kinds of crime there, and there are walls and gates, and everything. I resent the fact that they are always accusing the people living in apartments of causing a crime wave. That is all I have to say Thank you.

Commissioner Christensen: Any decisions that I make are not made on the basis that I think all apartment dwellers are criminals. I appreciate your remarks and I agree with them. I think this is bad zoning, and I would therefore move that we deny, or follow the recommendations of the Planning Commission and deny this. Because I think it is too heavy a density for the area, and not for the crime there.

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

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

ZONE CHANGE
Z-75-77
ROBERT &
MARCO
CALLISTER
Approved as
Recommended
by Planning
Commission

See Page 68a and b of these minutes - Annotated Agenda
Mr. Saylor: The next item is again in the Eastern part of the City at Lamb and Stewart. Both of which are primary majors. It is a request for a change in zoning from R-E to C-1 for a Shopping Center. The property immediately abutting this is in the process of being developed for single family. There is single family across the street. You recently approved the Southwest corner for a convenience market. The Planning Commission recommends approval and there were no protests.

Mayor Briare: There was no one at the Planning Commission to protest this application. Is there anyone present in the audience today that wishes to protest this application of Robert Callister for property on Lamb and Stewart?

Commissioner Leavitt: Move that we follow the recommendation.

Mayor Briare: Comments on the motion?
Cast your votes.

Commissioner Christensen: I am abstaining due to the fact that Bob and Marco Callister is my aunt and uncle.

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

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

See Page 68b and c of these minutes - Annotated Agenda

ZONE CHANGE
Z-76-77
JACK & SHARON
SHOEMAKER
Approved as
Recommended
by Planning
Commission

Mayor Briare: The next item is Jack and Sharon Shoemaker. This is for professional offices at 2404 Santa Clara Drive.

Mr. Saylor: This is in an area where we have approved P-R Zoning. In fact the property immediately to the South is zoned P-R. This is the plot plan of the proposed development. The Planning Commission recommends approval.

Jack Shoemaker: I live at 4141 Victoria. I lived there 13 years. There is commercial to the right of me, and also across the street. I tried rental and gave it up. I have kept it empty for two and a half years. I have done maintenance on it.

Mayor Briare: Is there anyone here who wishes to protest this application? (No response). Any questions or comments by the Commissioners? (No response).

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

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

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

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 29
September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 77

Commission Action

Department Action

I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "J" Z-74-77 continued . . .

Planning Commission unanimously recommends DENIAL because they felt the requested R-3 and R-4 zoning within this development area would not be compatible with the neighborhood.

PROTESTS: Approx. 85

See Page 28

See Page 28

K. ZONE CHANGE - Z-75-77- ROBERT & MARCO CALLISTER

Property generally located on the northeast corner of Lamb Boulevard and Stewart Avenue.

From: R-E (Residence Estates)
To: C-1 (Limited Commercial)
Proposed Use: Shopping Center

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Dedication of 10 ft. additional right-of-way and half-street improvements on Lamb Boulevard as required by the Department of Public Services.
3. Installation of concrete sidewalk on Stewart Avenue frontage as required by the Department of Public Services.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

Approved as recommended by Planning Commission Leavitt - unanimous

Commissioner Christensen abstained

Clerk to notify Staff to proceed

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 30

September 7, 1977

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977

Commission Action

Department Action

Page 68b

I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

Item "K" Z-75-77 continued

See Page 29

See Page 29

7. Conformance to the plot plan to reflect the above conditions.
8. Conformance to code requirements and design standards of all City departments.

PROTESTS: 0

L. ZONE CHANGE - Z-76-77 - JACK & SHARON
SHOEMAKER

Approved as
recommended by
Planning Commission
Lurie - unanimous

Clerk to notify
Staff to proceed

Property located at 2404 Santa Clara Drive.
From: R-1 (Single Family Residence)
To: P-R (Professional Offices & Parking)
Proposed Use: Real Estate Office

Planning Commission unanimously recommends
APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Remove the existing 14 ft. driveway adjacent to the new driveway and replace with curb and gutter and sidewalk as required by the Department of Public Services.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
5. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 31

September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - ^{PHONE 386-6011} SEPT 7, 1977

Commission Action

Department Action

Page 68c I=(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

Item "L" Z-76-77 continued . . .

See Page 30

See Page 30

6. Conformance to the plot plan to reflect the above conditions.
7. Conformance to code requirements and design standards of all City departments.

PROTESTS: 1

M. ZONE CHANGE - Z-77-77 - ROBERT ROGGEN

Property generally located on the south side of Charleston Boulevard, between Pahor Drive and Westwood Drive to a depth of 130 feet.

From: C-1 (Limited Commercial)
R-1 (Single Family Residence)
To: P-R (Professional Offices & Parking)
Proposed Use: Offices

Denied as recommended by Planning Commission Lurie - unanimous

Clerk to notify Staff to proceed

Planning Commission unanimously recommends DENIAL because they did not feel the proposed offices would be compatible in this area.

PROTESTS: 2

N. ZONE CHANGE - Z-78-77 - GORDON & ELIZABETH HURST

Property located on the east side of Lamb Boulevard, 660 feet north of Stewart Avenue.

From: R-E (Residence Estates)
To: R-1 (Single Family Residence)
Proposed Use: Single Family Homes.

Approved as recommended by Planning Commission Lurie - unanimous

Clerk to notify Staff to proceed

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to code requirements and design standards of all City departments.

PROTESTS: 0

ZONE CHANGE
Z-77-77

ROBERT ROGGEN
Denied
as Recommended
by Planning
Commission

Mayor Briare: This is for property on Charleston Boulevard.

Mr. Saylor: I think perhaps some of you are acquainted with the property. There is commercial development on the frontage at Charleston. They are asking to go one lot in depth into the residential area. This has been before you several times in the past for an expansion of the commercial. It has been denied. It has always been a source of protest. They are proposing a development wherein the rear portion of it would not have anything in terms of building above ground. Simply access to the underground parking. This is a plot plan of the proposed development. The Planning Commission has recommended denial. There were two protests at the Planning Commission meeting.

Mr. Bixler: I am here on behalf of Mr. Roggen. First of all I would like to show you the architectural renderings on the project. (Putting renderings on the stand). Gentlemen as you have been explained the proposed zoning change affects the rear two lots along Charleston. The two lots fronting on Charleston are already zoned commercial. The two lots involved are the back two lots which are presently zoned residential. The project as proposed involves the underground construction of approximately 19,000 square feet useable space underground. The only thing that remains above the ground are the elevator shaft and the stairwell shaft, along with the sun light skylight. As you can see the access is on Charleston. Across the street from Southern Nevada Memorial Hospital there is a cross walk right here on this intersection. (Referring to the renderings) The residential areas have been provided a separation with a six foot block wall completely landscaped. The ingress egress is right off of Charleston. There will be no problem with parking along the residential areas. We have also a petition just to let the Commissioners know that not every one in the area is opposed to the project. The residents along Westwood, which is the street directly to the East of the project all along this area are in agreement, and would like to see this project put in. There is a parking lot here, Levy Realty is located right here. This is not a drastic change from the zoning along Charleston. I think that the project is feasible. Allen Blum is the Architect on the project. The Engineering firm is Martin and Cashden. They have performed engineering on the MGM, and directly across the street on the hospital. They are well acquainted and well aware of the type of construction involved in this project. I should also mention that if the Commissioners have been aware of the recent construction along these lines. There was a TV special some nights back on an identical project, and I should mention as far as energy and conservation savings this is probably going to be a much more prevalent type of construction in the future. Once you are below the ground a couple of feet the ground acts as an automatic insulator to the building, and there is a very minor fluctuation in temperature. I believe the project that came on TV indicated that in Florida an underground project similar to this, that it did not vary more than 2 degrees,

ZONE CHANGE
Z-77-77
Continued

and it required no air conditioning, or heating. I think that the project is extremely feasible. I don't think that it is by no means incompatible with the area along Charleston which is involved. This is directly across from the Hospital. I have the architect here and a representative from the engineering firm. If there are any questions from the Commissioners of a technical nature which I may not be able to answer, then I would refer these to the gentlemen.

Mayor Briare: Your elevation would suggest that it is just one story down.

Mr. Bixler: Yes your honor it is.

Mayor Briare: How many individual offices, or does that depend on leases?

Mr. Bixler: It depends on leases. There is approximately 19,000 leasable or rentable space in the project.

Mayor Briare: Mr. Saylor there is a formula for the number of parking spaces required. Did you analyze that for this application? As to whether it has ample parking?

Mr. Saylor: That is more than enough.

Mayor Briare: Any questions from the Commissioners? (No response) Is there any one here to speak in opposition to this application? Come forward please.

Julie DeArmond: I live at 1129 Pahor, and have for the past 22 years. Pahor Drive is a very short small street. It has only eight lots on each side of the street, and on every lot with the exception of the one on Charleston Boulevard, it has a home on it. If this rezoning is approved 25% of Pahor Drive would be rezoned. That I call a big encroachment in to a small high density residential street. Also with as many offices as they plan on having there, and what assurance do we have that there won't be more. It is highly unlikely in my opinion that there would be sufficient parking for all the doctors, nurses, staff, and all the patients. Which means that we would have on our cul-de-sac cars driving in and out all day long, and parking up and down the street. This would create a traffic jam on our own street. Against I ask why should a big office and parking area be in such a high density residential section. Merely because it is across from Memorial Hospital. Just two blocks East there are large empty lots, a half empty office tower that encroaches on no homes. I beg for you to disapprove this rezoning request.

Mayor Briare: Thank you.

ZONE CHANGE
Z-77-77
Continued

Commissioner Christensen: Is there any access off to this property off Pahor?

Mr. Bixler: No, just Charleston. We have tried to keep the access off Charleston. The way it is set up right now there is a sidewalk access only off of each residential street. That could also be blocked off whereas the only access would be through the front. Which would eliminate again even more possibility that there would be any traffic on the side streets. I don't think that the traffic problem created would be that great. The hospital is just across the street, and if there would be any traffic problems created from the hospital on the sides of Memorial Hospital, then a small 19,000 foot office complex....

Commissioner Christensen: She indicated that there would be traffic on Pahor, and I couldn't see an opening. I was just wondering if there was something there that I didn't know about.

Mr. Bixler: There is no ingress or egress other than right now the way it is projected it is just sidewalk traffic. That could also be eliminated if there was any question.

Julie DeArmond: I am referring to the fact that if that parking lot is full or heavily congested the cars naturally. Just like myself. I parked two blocks away to get down here to City Hall because I couldn't find a place to park in your City Parking area. They are going to select the closest parking area. Which will be Pahor Drive. Now they have walk ways there, so anyone parking on our street can just walk right through the little entrance way they made.

Commissioner Christensen: I understand that, but I thought maybe you saw something there that I didn't. I wanted to clarify that.

Mayor Briare: Is there any other folks who want to make any comments?

Mrs. Edward Same: I live at 1121 Pahor Drive. If I may speak for Mr. Mike Brady who can't be here who is very sick. He talked to me this morning and he asked me to say a few words for him. He has been fighting this thing for 12 years. He says, "If God lets him live long enough he will fight for another 12." I hope he does. Now he said that when he moved in to that property he bought residential property. That the first lot was commercial which he knew, but he was sure that nobody would ever infringe on Pahor Drive. I agree with him. He said to me that the next property to it that the people don't want to sell. There is one reason. They are seeing an opportunity that this project may need more parking spaces, and go to the next property. He said they are going to fall like dominoes. This is all that Mr. Brady has to say. May I give you my impressions. I feel that the traffic on Charleston Boulevard is 45 Miles Per Hour.

Z-77-77
Continued

It is fast traffic. We now can't get in or out. You try to get out of there between 7:00 and 8:30 in the morning, and make a left hand turn, or between 4:00 and 5:30 in the evening. It is tough. That is my main objection. On the other hand you stated something about progress, and people were awed about this thing going underground. It was a good idea, and I agree with it. It is a good idea, but it isn't new. I know that people in Philadelphia have lived in basements a long time and they felt like gophers trying to get out and get on top. It is nothing new. I am all for progress, but look what progress has done for our City. All I have to do is look at the Strip. Twenty Five years ago it was beautiful. We used to take a drive down there, but what do you have now. Asphalt, there is nothing but asphalt and cars. Sure the tourist doesn't mind he goes inside and he doesn't see daylight until he comes out. What about us. Please don't let it happen to our residential section. The gentleman said that he has signatures from people that are signed, and they are for it. They are only on Westwood Street. Have you looked at Westwood Street lately? If that should happen to Pahor Drive believe me I am going to pack up and leave. It is pathetic. That is the way they make slums. I am sorry that I have to disapprove of it I hope you do too.

Mayor Briare: Thank you.

Albert Reese: I live at 1140 Pahor Drive. I have been there 17 years. I noticed the list of names they have. Mr. Roggen stopped at my house and wanted me to sign that too, but part of them are people who have no financial interest in the area. One is on Lake Mead Boulevard I think, and out of the area altogether. As far as that goes I don't think much of them. Just like Mr. Franklin said you can get anybody to sign a petition. This application is taken out in the name of Robert Roggen, and according to the City Attorneys Office an application for a zone change has to be taken out by the property owner. This property is in the name of Memorial Medical Offices Incorporated represented by Charles Damus the lawyer. The papers of the Corporation were registered in Carson City on July 15th. As of Friday there were no officers listed for that Corporation. The front part is commercial. What we are trying to stop is the moving back with commercial. This piece of property is going to take a lot of money to development underground. Mr. Roggen says that the rent is going to be 85¢ a foot. Well Charleston Towers is 70¢, and the Rancho Charleston Medical Center is 70¢. I don't think a doctor is going to be renting a property 10 to 15¢ a square foot more just to go underground. What we are trying to prevent is the commercial going down our street. If this is approved as is they can decide not to build that thing underground. There is nothing to stop them from going up five stories afterwards. Once it is commercial it is commercial.

Z-77-77
Continued

Mr. Saylor: If the Commission desires to approve this, they would approve it in accordance with this plan which would allow only the parking at ground level. They can restrict it that way.

Commissioner Leavitt: You say the record property owner is that Corporation, is that what you are saying?

Mr. Reese: Yes sir. As of September 2nd which was Friday afternoon.

Commissioner Leavitt: Well last week we threw one out because it wasn't the record property owner that made the application.

Mr. Reese: No sir it isn't.

Mr. Sloan: That is what the Code requires. That the application be by a record property owner.

Commissioner Leavitt: That was the one that Mr. Levy was involved with. We threw it out because it was proven that the record property owner hadn't made the application.

Commissioner Lurie: What you are saying is that Mr. Roggen is not the owner of the property?

Mr. Reese: Right. According to Mr. Roggen he has a deposit in escrow depending on this change. But that is neither here nor there.

Commissioner Leavitt: Let's ask the attorney. Is that the situation?

Mr. Bixler: No the situation was that Mr. Roggen purchased the property and he subsequently purchased the property after the application was made. This is Mr Damus's original application. The property has been put in to Mr. Roggen's Corporation after the purchase was made and the application was made.

Commissioner Leavitt: When the application was made who was the recorded owner?

Mr. Bixler: Mr. Roggen who owns all of the stock in the corporation which now is the title holder. It was only done after the application, as I am say I am not aware of the reason behind it. It was because of a tax question. Mr. Roggen is the sole owner of the corporation, and it was done to my knowledge after the application was made in Mr. Roggens name.

Mayor Briare: I think the question is then, do the rules apply when this application was made Robert Roggen was the owner of the property?

Z-77-77
Continued

Mr. Sloan: We don't know that factually do we?

Mr. Bixler: . To my knowledge that is exactly....

Mr. Sloan: When was the application filed?

Mr. Saylor: July 18th in the name of Roggen.

Mr. Bixler: The way I understand it is that he purchased the property, and then after he purchased the property the application was made. He then incorporated and transferred the title in to his corporation. He is the sole stockholder of the corporation.

Mr. Reese: This corporation filed July 15th 1977, and there are no officers on file as of Friday.

Mr. Bixler: I have a list of officers right here. We have 60 days in which to file them.

Mrs. Same: I asked Mr. Roggen that question, and he said to me. I said "aren't you foolish to put money in a property that you don't know whether it is going to be zoned or not". He said "We don't own the property, we have an option to buy. If it isn't approved we don't lose nothing." That is the answer I got.

Mr. Reese: He told me the same thing a week Sunday. Another thing I want to say is that if that thing is all commercial, and they can't afford to build that underground thing according to the City Attorneys Office it can be approved with a restriction on it. But he said it is subject to litigation. It has never been tried in court, but it has been tried and done but no one has disputed the thing on it. As far as the cost. I think you are all familiar that when they built the hospital across the street. When that was put up in a drawing like that, and in the paper. Not the hospital the new section. It looked beautiful with everything in it. You look at it now, and it looks like the side of a prison. There is no architectural qualities about it at all. That is going to end up the same way.

Mr. Bixler: I would like to get a ruling from the City Attorneys Office before we go any further here. I want to know exactly what the status is.

Mayor Briare: Who owns the property?

Mr. Bixler: The property is deeded to the Memorial Medical Offices Inc. A corporation solely owned by Mr. Roggen.

Mayor Briare: When was that recorded?

Mr. Bixler: I don't know the name of the recording of it. It was July 15th.

Mayor Briare: Then it has been recorded?

Z-77-77
Continued

Mr. Bixler: Yes. The Recorders Office does show that Memorial Medical Offices Inc., is the title owner of the property.

Commissioner Leavitt: Who was the title record owner of the property when you made your application?

Mr. Bixler: I understand Mr. Roggen had already....

Commissioner Leavitt: Well that is all the Code says. The record owner at the time of application.

Mr. Bixler: That is exatly how it has been told to me.

Mayor Briare: Mr. Sloan are you ready?

Mr. Sloan: I think Commissione Leavitt we are working on supposition because we have second hand information. But assuming that that is correct, that it was at the time of the application that the application was signed by a record owner, then it would comply with the requirements of the Code. We don't have any real facts. He indicated that someone else had indicated that to him.

Mr. Bixler: I did not do the corporation, and I did not handle it at the time. This is all what has been told to me. That is all I can say.

Commissioner Leavitt: I move that we follow the recommendation of Planning.

Mayor Briare: The recommendation of Planning is denial. Any comments by the Commissioners?

Commissioner Woofter: Just one. I am an oild neighbor of everybody on Pahor there. I know the neighbors were quite concerned about commercial ventures going on on the corner there. They were concerned with a lot of garbage piling up. Have you all reviewed these plans thoroughly as well as the drawings up there? You are still very much against it? (Affirmative reply by protestors)

Mayor Briare: I am going to ask your architects a question. I am curious. I certainly feel that someplace in this City that that is a very innovative plan. Where would the garbage be put. How do you service it. Garbage collection, and deliveries of supplies and so on.

Mr. Blun: Refuse would be gathered within the building, and placed above ground in a designated area. Trash trucks would then come by and pick it up. As far as deliveries are concerned. They are medical offices, and they have very minimal requirements anyway. Trucks would deliver it by any other business. They would pull in and there is an elevator there. A truck would come in, unload and take it below.

Z-77-77
Continued

Mayor Briare: Any other questions? (No response). Cast your votes. Motion is approved. The application is denied.

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

See Pages 79 through 83 of these minutes - Annotated Agenda

ZONE CHANGE
Z-78-77
GORDON &
ELIZABETH
HURST
Approved as
Recommended
by Planning
Commission

Mr. Saylor: The next item is a request for a change in zoning from R-E to R-1 to allow single family development. Again this is in the Eastern part of the City at Lamb Stewart. (Pointing to the map) This is the parcel in question. The Planning Commission recommends approval. There were no protests.

Mayor Briare: Is there any one in the audience that wishes to speak in protest to this? (No response).
Any questions by the Commissioners? (No response).

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

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

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

ZONE CHANGE
Z-79-77 VALLEY
BANK TRUST
DEPARTMENT
Approved as
Recommended
by Planning
Commission

Mr. Saylor: The next item is Z-79-77. (Pointing to the map) This is the parcel in question. Shadow Lane and Desert Lane. I believe at the last meeting this one was approved for the same type of use. The Planning Commission has recommended approval. There were no protests. They are proposing duplexes on these lots.

Mayor Briare: Any questions or comments?

Commissioner Lurie: Is there any way Don when these applications come before us that we know who we are dealing with?
Can't we get some names?

Commissioner Leavitt: There is no way that you would know.

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

Commissioner Christensen: I will move for approval.

Mayor Briare: Comments? (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.

ZONE CHANGE
Z-80-77
JOHN E. KENNEY,
JR. Referred
back to
Planning
Commission
(re Conditions
3 and 7)

Mayor Briare: This is for property located on Bonanza between Pecos Road and the Park Bonanza East Townhouses.

Mr. Saylor: This is part of Mr. Kinneys development out in the Eastern end of the City which I assume most of you are acquainted with. It does have R-3 along Pecos at the present time, and R-3 in this area. A small piece of commercial. What he is asking for now is to do a way with this R-3, and enlarge the commercial area, and put in more R-1. In other words (pointing to the map) this whole piece would go R-1. As would this, and the strip along here. That would be commercial. The Planning Commission recommends approval and there were no protests.

Mayor Briare: Is there any one here to speak in protest to this application?

Mr. Kinney: On item Number 3 it says "Dedicate 20 foot right-of-way on Pecos." I assume that that means that we will come over a total of 50 foot from the center line of Pecos.

Mr. Saylor: That would be 100 foot....

Mr. Kinney: So we come over 50 foot on my side?

Mr. Saylor: Yes.

Mr. Kinney: Alright. Item number 7 the staff recommended on this commercial the South boundary and the West boundary have R-1 back in to them. Once thing I would like to do. The recommendations for 100 foot deep. I would like that to read 6500 square foot. Because it gives me a little more flexibility. All my lots are not 100 foot deep. They are 93.

Mayor Briare: Mr. Saylor is nodding his head that that is no problem.

Mr. Kinney: One other thing in talking to the commercial people they would prefer to have more frontage. So if we could now I would like to see this taken out. The staff indicated that they wanted to see single family units backing up to the commercial. I don't need this much depth. I would like to change these around. (pointing to the map)

Commissioner Lurie: Do you want us to refer this back to the Planning Commission so you can make your changes?

Mr. Kinney: I would think so on this point unless you are willing to accept it today. I haven't talked to staff.

Z-80-77
Continued

Mayor Briare: Was there an intention to create a buffer?

Mr. Kinney: The staff brought this up at the Planning Commission meeting. I went along with staff because I said I would check it out.

Commissioner Lurie: There is no big hurry. I will move that we refer this back to the Planning Commission.

Mayor Briare: If there is no objections it will be referred back.

TENTATIVE MAP
PARK BONANZA
EAST #6
(REVISED) AND
PARK BONANZA
EAST UNIT #7
Approved as
Recommended

Mr. Saylor: This is expanding the R-1 to incorporate what was R-3. The Planning Commission has recommended approval.

Commissioner Lurie: Move for approval.

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

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

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

Page 31

September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977

Commission Action

Department Action

Page 79

I=(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

Item "L" Z-76-77 continued . . .

6. Conformance to the plot plan to reflect the above conditions.
7. Conformance to code requirements and design standards of all City departments.

PROTESTS: 1

M. ZONE CHANGE - Z-77-77 - ROBERT ROGGEN

Property generally located on the south side of Charleston Boulevard, between Pahor Drive and Westwood Drive to a depth of 130 feet.

From: C-1 (Limited Commercial)
R-1 (Single Family Residence)
To: P-R (Professional Offices & Parking)
Proposed Use: Offices

Planning Commission unanimously recommends DENIAL because they did not feel the proposed offices would be compatible in this area.

PROTESTS: 2

N. ZONE CHANGE - Z-78-77 - GORDON & ELIZABETH HURST

Property located on the east side of Lamb Boulevard, 660 feet north of Stewart Avenue.

From: R-E (Residence Estates)
To: R-1 (Single Family Residence)
Proposed Use: Single Family Homes.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to code requirements and design standards of all City departments.

PROTESTS: 0

See Page 30

See Page 30

Denied as recommended by Planning Commission Lurie - unanimous

Clerk to notify Staff to proceed

Approved as recommended by Planning Commission Lurie - unanimous

Clerk to notify Staff to proceed

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 32

September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977

PHONE 386-6011

Commission Action

Department Action

Page 80 I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

0. ZONE CHANGE - Z-79-77 - VALLEY BANK TRUST
DEPARTMENT

Property generally located on the south side of Alta Drive, between Shadow Lane and Desert Lane.

From: R-1 (Single Family Residence)
To: R-3 (Limited Multiple Residence)
Proposed Use: Medium Density Residential Duplexes.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Approved water main and fire hydrant to be provided on Alta Drive as required by the Fire Department.
3. Signing of an Assessment District Agreement for future street lighting on Alta Drive and Kenyon Place as required by the Department of Public Services.
4. Installation of half-street improvements on Alta Drive as required by the Department of Public Services.
5. Installation of sidewalk on Kenyon Place frontage as required by the Department of Public Services.
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.

Approved as recommended by Planning Commission C
Commissioner Lurie voted "no"

Clerk to notify Staff to proceed

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-8011

Page 33

September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977 Commission Action

Department Action

Page 81 I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

Item "0" Z-79-77 continued . . .

See Page 32

See Page 32

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.

PROTESTS: 0

P. ZONE CHANGE - Z-80-77 - JOHN E. KENNEY, JR.

Referred back to
Planning Commission
(re Conditions
Nos. 3 and 7)

Clerk to notify
Staff to proceed

Property generally located on the south side of Bonanza Road, between Pecos Road and the Park Bonanza East Townhouses.

From: R-3 (Limited Multiple Residence)
R-E (Residence Estates)
To: R-1 (Single Family Residence)
C-1 (Limited Commercial)

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Show 1/16th line as centerline to Cedar Avenue Drainage Channel as required by the Department of Public Services.
2. Dedication of 29 ft. of right-of-way for Cedar Avenue Drainage Channel from Pecos to + 670 ft. east of Pecos as required by the Public Services Department.
3. Dedication of 20 ft. right-of-way on Pecos Road frontage and dedication of 25 ft. radius corner at Pecos and Bonanza Road as required by Public Services.
4. Installation of half-street improvements on Pecos and Bonanza Road frontages as required by the Department of Public Services.
5. Construct a 6 ft. high chain link fence on the Cedar Avenue Drainage Channel right-of-way line with a gate on Pecos Road as required by the Department of Public Services.

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 34
September 7, 1977

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977

Commission Action

Department Action

Page 82

I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "P" Z-80-77 continued . . .

6. Submission and approval of a reversionary map for Park Bonanza East Townhouses Unit 3-D.
7. Reduce the C-1 portion of the plot plan by designating the east 100 ft. and the south 100 ft. from C-1 to R-1.
8. Approval of a development plan for the C-1 portion of the property prior to development.
9. Conformance to the plot plan as amended to reflect the above conditions.
10. Conformance to code requirements and design standards of all City departments.

PROTESTS: 0

Q. TENTATIVE MAP - PARK BONANZA EAST #6 (REVISED) and PARK BONANZA EAST UNIT #7.

Property generally located on the south side of Bonanza Road, between Pecos Road and the Park Bonanza East Townhouses, R-E and R-3 zone (proposed C-1 and R-1).

Owner/Subdivider: John E. Kenney, Jr.
No. of Acres: 9.1± No. of Lots: 40

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.

See Page 33

See Page 33

Approved as recommended by
Planning Commission
Lurie - unanimous

Clerk to notify
Staff to proceed

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 35

September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977

Commission Action

Department Action

Page 83

I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

Item "Q" continued . . .

See Page 34

See Page 34

2. Approval of and conformance to the requirements of the zoning (Z-80-77).
3. Submission, approval and recordation of a reversionary map for Park Bonanza East Townhouses Unit 3-D, prior to recordation of the final map for Park Bonanza East Unit #7.
4. Expand the border of the tentative map to include the dedication of 29 ft. of right-of-way for the Cedar Avenue Drainage Channel from Pecos to + 670 ft. east of Pecos, the dedication of 20 ft. of right-of-way on Pecos Road frontage and the dedication of a 25 ft. radius corner at Pecos and Bonanza.
5. Installation of half-street improvements on Pecos and Bonanza frontages.
6. Street names shall be provided in accord with the City's Street Name Policy.
7. Subject to code requirements and design standards of all City departments.
8. Meet the requirements of State Subdivision Statutes.

R. ZONE CHANGE - Z-81-77 - DR. HAROLD L. BOYER

Denied as
recommended by
Planning Commission
Lurie

Clerk to notify
Staff to proceed

Property generally located at the northwest corner of Rancho Drive and Palomino Lane.

From: R-A (Ranch Acres)

To: P-R (Professional Offices & Parking)

Proposed Use: Professional Office Complex.

Planning Commission unanimously recommends DENIAL because they did not feel the professional office complex would be compatible in this area.

PROTESTS: 3

ZONE CHANGE
Z-81-77
DR. HAROLD
L. BOYER
Denied as
Recommended
by Planning
Commission

Mayor Briare: The next is a zone change for Dr. Harold L. Boyer.

Mr. Saylor: I am sure you are all acquainted with the property in question. This is on the North side of Palomino Road, and West of Rancho. This is the lot in question. (Pointing to the map) The property to the North and West is all R-A acre lots. The green is R-E. Immediately across the street on the East side of Rancho is vacant R-E. Of course immediately to the South is a row of R-E lots that were proposed as a condition of the shopping center development. I think comments were made on that application relative to the purpose of requiring these lots to stop the intrusion of other than low density residential going North on Rancho. Since this application has been filed this property receiving a notice of it has approached me, and indicated that if this is approved that he wanted to come in and discuss with us of something other than residential on his property.

Commissioner Leavitt: What is that yellow, what is that zoning?

Mr. Saylor: That is R-D. It is 100 square foot lots.

Commissioner Leavitt: What can be put there?

Mr. Saylor: Just homes.

Dr. Harold Boyer: I live at 2044 East Charleston. Mr. Saylor has presented the points to you. I am aware that we have been denied by the Planning Commission, but I would like to present this to the Commission. I would like to point out that historically medical offices have fit in very well in the residential areas. The design which we have is of a low profile ranch type condominium complex which I believe would fit very well in to the area on a relatively busy corner on Rancho Road. The parking areas are completely concealed behind the buildings which face mainly on Rancho Road and on to a lesser degree on Palomino. At the Planning Commission meeting it was pointed that it might be a school hazard. But I would like to point out that there is a school crossing guard in this area, and there has been for some time. I don't think that would be a valid point of objection. Sometime ago I contacted a number of people in the area. At that time I encountered no objections from anyone including Mrs. Jemison who is two lots away, and Mrs. Gorman who is immediately adjacent to the area. Nor Mr. Madison Graves who at that time owned the property across the street. He had in turned had contacted other people in the area, and assured me that there would be no protests. At the time of the last Planning Commission Meeting there were some protests. On the other there have been people who have told me that they would have no objection to the development of the area. I have seen buildings of this type in San Jose California, and they are nestled very nicely in the residential areas. I believe from a design standpoint, and from the zoning that the buildings would not be objectionable.

Z-81-77
Continued

There are parking spaces for 96 cars I believe. There is a total of about 14,000 square feet in the complexes.

Mayor Briare: Any questions or comments by the Commissioners? (No response). Is there any one in the audience that wishes to be heard on this application?

Commissioner Lurie: The only thing I was going to say Mayor is that a few meetings ago when we had this controversy over there, and all the things that we discussed about encroachment, and the buffer zone with the R-E, and there wouldn't be any P-R commercial on the other side of Palomino. Now this application comes before us. I committed myself because I felt that that is why the buffer zone was put there. To stop any more encroachment North of Palomino. Now this application comes before us, and I can't support it based on the fact that I have already committed myself. On the last vote I had on that shopping center.

Mr. Chuck Santelman: I live at 2550 Palomino Road. I am coming back again in opposition to this because the Commission I did feel made some sort of commitment on a buffer zone. I would like to point out that if Tramwell Crow does does proceed and build their shopping center on that vacant piece of property, that they have promised that they would put in a buffer zone of six homes. After that last meeting I talked to the construction person who said that he was going to build the homes, and he told me that the homes would start at about \$105,000.00 and go up to \$130,000.00 or thereabouts. I questioned the sale potential of those homes if they back up to a shopping center, and face a professional building across the street. I don't them selling. Only two or three of the homes would face Dr. Boyers proposal. I feel that if this Commission does not stop this encroachment it will continue right down Rancho, and I think well I don't want to see that. We would have had more represent. here today, but my neighbor had to take his wife to the hospital, and I know that there are others who are opposed, but they were here this morning too.

Mayor Briare: Any questions?

Mr. Bruce Saladin: I live at 721 Shetland, and I also would like to support Chuck in advocating that you not allow this encroachment. Primarily because Palomino as I understand it I at one time tried to buy a piece of property on Palomino, and was told that I couldn't build a house on it because it consisted of only 39000 square feet, and you need a full acre to build a home on that street. It is a very nice street. There are several pieces of property that are small there that have never been built on because of that. The City would not grant a variance to build a home. I don't see any reason at this point to put a P-R zoning on where they couldn't even build a home. Our area is nice because of this. We like to

Z-81-77
Continued

keep it that way. We had to more or less go along with the buffer zone of the six houses, and that is fine. We do have a shopping center on Rancho. I think it is sufficient. Lets not encroach any more on the R-E. Thank you.

Mayor Briare: Any one else? (No response). Dr. Boyer would you like to make any further comment?

Dr. Boyer: No sir.

Mayor Briare: Any comments by the Commissioners?

Commissioner Woofter: I have one question for the doctor. What is the closest medical professional building from this particular location.

Dr. Boyer: One block to the South, and a half a block to the East. That would be; oh no, I beg your pardon.

Commissioner Woofter: It would be close to the Southern Nevada Memorial Hospital wouldn't it?

Dr. Boyer: Yes.

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

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. The application is denied.

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

ZONE CHANGE
Z-82-77
CHARLES &
DAISY MOHLER
Denied as
Recommended
by Planning
Commission

Mayor Briare: The next application is for Charles and Daisy Mohler. Property located on Searles Avenue between Eastern and Arthur Street.

Mr. Saylor: The property in question is between Owens and Searles East of Eastern in the area of the Wonderworld Shopping Center. It is an area that was annexed to the City from North Las Vegas with a zoning pattern none that is obviously not workable or not suitable because of the strip of R-E completely surrounded by commercial, and other types of zoning. Immediately to the East is single family homes. To the North is the Wonderworld Shopping Center, and commercial on Eastern. There is a strip of R-4 along Searles, but they are asking for this entire R-E piece (referring to the map) to be zoned R-4 also. To allow the development as shown on this design here, which is pretty stereotyped in terms of rows of units.

Z-82-77
Continued

There is a recreation area provided in the interior. A small park area, and swimming pool. The Planning Commission has recommended denial of this application. There were some 180 protestants. I think the great majority of them were the single family home owners in the area. I forgot to tell you that there is a church in this location. (Pointing to the map) There is an elementary school in this location.

Mr. James Bixler: I am here on behalf of Mr. Mohler. If I might please put this rendering up on the easle. I would like to start by saying that this is as much for the City Commissioners benefit as it is for the protestors that are here today. I realize that there was a substantial protest made at the Planning Commission, and that there was a petition circulated with some 180 names. I believe that that petition was circulated prior to the Planning Commission hearings. Since that time many of these people have been contacted, and I say this for their benefit as well as the Commissions that a lot of misinformation has been circulated in regards to this proposed project. Number one this is no low income housing project. These are 53 units, 53 four plex units consisting of a total of 212 units to be placed on the entire area of approximately 11½ acres. As is shown on the map on the screen, the orange area is that area which is presently R-4. If I am not mistaken that is the R-4 area that consists of approximately 2½ acres. The density would allow right now approximately 184 units to be placed on that project. Now the developers have tried to make this as please and compatible to the surrounding neighborhood as is worldly possible. They have only proposed 212 units over the entire 11½ acres. I think that this should be kept in mind. These units are placed actually on a bigger lot than a residential home directly to the East. The density is actually not much greater than the residential area next to it. The developers have allowed a buffer area along the East side next to the residential area which consists of a road 60 feet wide. Of the R-E area sought to be changed it would only be one four-plex unit that would fall within 60 foot of the residential area to the East. I think that when you look at the alternatives to this property. What we now have is a vacant acreage which over the past few years has been a considerable problem. These problems are in regards to complaints by the residents in that there is nothing there. They have had to grade it and gravel it to try to keep the dust down, and the dirt down. They have motorcyclists riding over there, and they have people dumping garbage in there. The way that the R-E section is now located. I should preface this by saying that the developers have already invested a substantial sum of money that there will be four-plex units built on the R-4 property right now. What we are going to end up with is a piece of R-E property which is surrounded by three sides, or completely surrounded by property which is not single family residence. It will be divided from the residential tract to the East by a six foot block wall, and if the Commission sees fit they would be willing to raise that to an eight foot block wall. There are also proposed in their plans Italian Cypress which they will be willing to run along the entire project on the East side so there is not any possibility that any one is going to be looking over in to somebodys backyard.

Z-82-77
Continued

As a matter of fact as I previously stated only one of the four-plex units will be within 100 feet of the block wall to the East. I think from a sound planning and zoning standpoint, what else is going to be done to the property? It is impractical to assume that somebody is going to go in, and put ranch estates on a piece of property that is surrounded by commercial property completely. Other than the R-4 property, or put in even single family residences. Certainly what is being done here is much more compatible than a commercial enterprise would have been, or would be which is what apparently, or would be another logical extension or step. I think this is by every way preserving the integrity of the area. It is certainly more compatible than every other type of project. This is not by any means a high density apartment unit. These are individually owned four-plex units. I would point out that a good number if not half or more of these four-plexes are to be owned by people who live in them. That have a substantial investment in them more so than the residents right next door to us. The units will be running from \$230.00 to \$250.00 a month. That by no means can be considered low income housing. I dare say that probably many of the residence in the tract directly to the East pay less than these units will be renting for. It has a park, it has a swimming pool. It is totally and completely in conformity with the general scheme in that area. It cannot be utilized for anything of a residential nature other than the type of project which is proposed here. I think that it is impractical to assume that there could be any other kind of a residential project in this particular area considering its closeness to other commercial projects. Wonderworld is located in the Northwest corner. The other property C-1 that nothing is located on is directly on the Northeast corner. We have all the Dairy Queens facing or abutting this on the West side. I don't think that it is conceivable or logical to think that there is going to be any other kind of residential unit placed in this particular area. The developers have gone out of their way to do everything that they can to make the project as pleasant looking as they can for the residents in the area. I certainly think that when the residents realize that it is not low income housing, and it certainly is not going to detract from the area, or that community I cannot see any logical reason why that this project should be denied. I should also point out that Mr. Mohler has owned this property for years. He owned the property before it was annexed into North Las Vegas. At the time it was annexed in to North Las Vegas it was all R-E property. At that time pursuant to the annexation they allowed him to rezone the North section. (Pointing to the map) Which would be in this area here C-1, and they also allowed him to rezone the South to R-4. Leaving the portion that is now sought to be rezoned as R-E. That was in 1964. Approximately three years later the City Commission of Las Vegas annexed that area in an effort to straighten up the boundary lines between North Las Vegas and Las Vegas. After various discussions with Mr. Mohler he has disclosed to me that he did not oppose the annexation for the reason that he was asked at the time it was annexed in to Las Vegas

Z-82-77
Continued

if he would like to have any portion of that rezoned at that time. He said that he did not have any plans at that time, and that if he would not oppose the annexation, that subsequently he could come back when there is a project proposed, and we will give this due consideration because of the fact that you have not opposed our annexation. I should also point out in the frame of time that this was all done prior to the residential tract to the East. All these homes were built and bought long after the C-1 and the R-4 areas were already designated. I just think that gentlemen from a sound zoning, and planning standpoint that this is the most logical move to make to best utilize this area. Otherwise it is undoubtedly going to stay vacant for a number of years until undoubtedly some point in time there might be commercial property there. I don't think that that would be in line with what the residents actually want. They would oppose a commercial enterprise, but I think faced with a choice that certainly the most reasonable, and the most compatible project for this area would be this project.

Mayor Briare: Do your clients own the R-E zoned property?

Mr. Bixler: Yes your honor.

Mayor Briare: You went in to quite a long history. Did you indicate who owned the property when it was first, that brown area was first zoned R-4?

Mr. Bixler: Mr. Mohler did:

Mayor Briare: Why did they not go in for zoning on the entire parcel up there?

Mr. Bixler: I don't know. This happened in 1954. I don't know what was planned at that time.

Mayor Briare: Are they present?

Mr. Bixler: Yes your honor.

Mayor Briare: Would they care to answer that? The question Mr. Mohler was when you were the person responsible for getting that parcel zoned R-4 to begin with. Why did you not go in for the whole parcel at that time?

Mr. Mohler: It was suggested by the North Las Vegas City Commission that we leave that to go either commercial or R-4 whichever development came up first.

Mayor Briare: They told you to go ahead and zone that, but hold the other because it might get zoned the same way?

Mr. Mohler: To be honest with you they didn't think there would be enough commercial ever developed there to use all of it. They wanted to hold it open.

Mayor Briare: Oh I see they were using R-E as a holding zone.

Z-82-77
Continued

Commissioner Christensen: They have been using R-E as a holding zone for years in this community. That is why I spearheaded an effort to change that here some time ago. R-E has been used as a holding zone by the entities for years.

Mayor Briare: You have answered my question. Thank you sir.

Mr. Mohler: I might add too that we donated 50 feet also for Owens Avenue. We also put in that sidewalk, and paid for it ourselves. That people walked on going to and from the market there. We also donated the 30 feet South along which was already R-4.

Mayor Briare: Were those all of the conditions in your getting the R-4 Zoning?

Mr. Mohler: It wasn't conditions. That was done afterward.

Commissioner Christensen: Everybody does that. Every property owner in town does that.

Mayor Briare: When they get you in a position where you can't bargain then that is when they stick it to you. You might not have done that out of the kindness of your heart, you did it because you had no choice. Thank you Mr. Mohler.

Commissioner Christensen: The point should be made here that in Las Vegas everyone pays for his own street, and sidewalk and curbs and gutters. Now maybe they bought a house in a tract that had them in, but that is in the price for the house.

Mayor Briare: Is there anyone in the audience who wishes to speak in protest to this application?

Mr. John O'Reilly: I am an attorney with the law firm of Keefer Clark and O'Reilly. We are here representing many of the individuals who live in the area, and who are very vigorously opposed to the application that is before this Commission. I have not been retained I am doing it voluntarily. I am doing this for two reasons. One I am also a resident of that particular area, and secondly I firmly believe that the development that is proposed, or any apartment development for that matter on that particular area will be the ultimate demise of that particular neighborhood. I think that is evident from the surrounding area and the experience that we have had in the surrounding area. Because of the fact it is a voluntary operation we don't have fancy drawings to present to you. We have got a few rather unprofessional pictures I think. Hopefully however they may help to explain our position. (Passing photographs to the Commissioners). There are many people who were at the Planning Commission Meeting that are unable to be here today and remain here because of their work commitment. We lost several people at the noon hour. Many of the people who signed the petition signed it prior to the time of the Planning Commission Meeting, and were uninformed or ill informed.

Z-82-77
Continued

I will submit that the 200 or 180 signatures obtained prior to the Planning Commission were obtained in approximately three days. There was very little time to inform them of anything except the fact that there was going to be proposed apartment dwellings. Since that time we have petitions here before us that have in excess of 200 signatures on them. I will submit that some signatures may be repetitious because of the fact that we had an overlap of people getting the signatures. Except for the first page I notice that none of them are duplications, but I feel quite strongly many of them in the subsequent pages are, and I don't want to represent anything to the contrary. We would like to present them to the City Commission at this time. (Passing the petitions to the Commission).

Our purpose of being here today I think is obvious, and that is on the first hand to vigorously oppose the application from R-E to R-4, which by my reading of provisions is the absolute highest in density. We would also like to request that if the Commission based on the facts that we present to it determines as the Planning Commission did that the application is not justified, that the City Commission also entertain a motion to request the Planning Department to investigate the R-4 Zoning that is presently in existence on the one strip according to the City's records. We feel that the R-4 Zoning on that one particular strip is certainly improper, and if there are any improprieties in similar zoning I think they should be resolved now before there is any construction built on it. In some of the things brought up by Mr. Bixler in his presentation. He has indicated that there is only one unit within 100 feet of any of the property of the people in the residential area. I know that there is at least one unit because that happens to be right by my house. It is approximately 30 feet. So instead of looking at Mt. Charleston or the Mint Hotel, and the skyline of the downtown area I would be looking at the side of a wall. There is nobody who can put any amount of landscaping in there to improve that. The buffer zone they talk about I think is virtually nonexistent. There are many other items that I think was represented to the Commission that I don't believe are accurate. I think if Mr. Bixler had been at the Planning Commission meeting he would have heard that the rental value of the units would be \$210.00 a month. Not \$230.00 to \$250.00. The price goes up I think the more they talk. Let us talk in terms of misrepresentation, and misinformation. I think that the misrepresentation and misinformation has come from his clients. Far more so than any misunderstanding that may have come from our efforts to block this particular petition. In reviewing the history I think it is important to note that as has already been noted to the Commission that the owner of this piece of property here has not changed. It has been in the Mohler family from 20 to 25 years. In reading the minutes of the May 4, 1964 meeting of the North Las Vegas City Council it appears that the end result was a negotiated resolution at that point. That ended up with a Resolution of Intent by the City Commission of North Las Vegas which was achieved after a recess, which I think indicates some negotiations. Then the North Las Vegas City Commission

Z-82-77
Continued

on that same evening voted to annex the property involved, and zoned it according to the Resolution of Intent which is exactly the same zoning that the Mohlers still have with the property. So the property is presently zoned to some extent with their request in accordance with that agreement. There are several discrepancies I think in terms of the zoning, and as I indicated should be looked in to. It is my understanding, and I may be incorrect because I was provided this information by the Planning Department orally and not in writing. That a particular parcel of property was traded off with the City of North Las Vegas at the time that Rancho High School was going to be part of the North Las Vegas Community. So I guess to adjust the tax base. I don't know that for a fact, but that was what was reported to me.

Commissioner Christensen: You mean in regards to the street dedication?

Mr. O'Reilly: As I understand it the portion of the property that was annexed to the South of Owens was this parcel here. (Pointing to the map). This was annexed by North Las Vegas. Then there came a point in time I think when the City of Las Vegas, and North Las Vegas had worked it out where Rancho High School was going to be put in to North Las Vegas, and I understand it is presently in North Las Vegas....

Commissioner Christensen: Well they got the best of the deal. All they took was the high school. We got the whole street.

Mr. O'Reilly: I don't know if it was a good deal or a bad deal, but that is what was related to me of the deal that was made....

Commissioner Christensen: They left us with the whole street. We have to take care of that street all the way to the high school. Not just half of it but the whole bloody street.

Mr. O'Reilly: At any rate good deal or bad that is my understanding how it was resolved. I think we have to look first of all at the request itself that is before this Commission. We have a request that is deemed an R-4 request, but if you look at the development, and as was represented to the Planning Commission they said that "we hardly have enough units here for barely an R-3 development". I would submit that they have a method to their madness and that is if it is zoned R-4 you may see R-4 development not R-3 development as has been proposed here. I think it is also incompatible with that particular neighborhood. I am sure that the Commission is well aware of the fact that if you are dealing with an R-4 you have one unit for 875 square feet as opposed to the R-1 which is one unit for 6500 square feet. The differences in bodies is startling.

Z-82-77
Continued

The Planning Commission as this Commission is well aware unanimously recommended that the application be denied because of the incompatibility with the surrounding neighborhood. I mentioned earlier the conduct of the applicants and their representatives. I heard that some misrepresentations have been made by representatives opposing this particular development. I had a rather startling experience involving this, and that is when two men came to my front door apparently knowing that it was my front door, and talked to my wife for some half an hour or so. Telling her that if they didn't get this particular zone change that they were going to build two ugly apartment buildings on the land that has already been rezoned. They were also going to see that a "HUD" project went in to the area that wasn't rezoned. There are people in the audience here that have been told that if it didn't get approved that they were going to build some cheap houses in there just to show them. This conduct I don't think is the type of professional conduct that is warranted in an action such as this. I think that the map that is on the screen here explains better than I ever could in terms of the actual use of the surrounding area. The R-1 zoning and the single family dwellings are obviously the predominant factor there. I think it is also important to note that while we like every other neighborhood have houses that are not exactly the prettiest in town, that that neighborhood there has probably nicer homes than any surrounding area in that general vicinity. As a matter of fact I feel very strongly when I say that that particular neighborhood that you are dealing with there is probably the mainstay of that particular end of town as it presently stands. Some of the value of the houses in that area I was surprised to find that some of them were in the area of \$50,000.00 to \$60,000.00. I have some photographs here as well as a diagram that covers the area in question. The yellow being a single family dwelling. The photographs are photographs of the street which I think will be primarily effected by this development. I would like to present these to Commission at this time if I may. I also have a letter that I would like to present to the City Commissioners that we received from Mr. Bryant who is the State Senator in that particular area who has examined that particular area. I might add that Mr. Bryant is in the same office that I am.

Mayor Briare: He probably agreed with what you are saying.

Mr. O'Reilly: Yes it is quite coincidental. I might add that Mr. Bryant is extremely brilliant. I think that the area is one in which you have to live in to appreciate the uniqueness of the area. If you take into consideration the improvements that have been made to the homes in that area, I think you will find that the homes are far superior to anything they would put in that area. I think also why the people are opposed to this project is because of the experience the people have had in the immediate area with four-plex developments. I don't mean to imply that people who live in apartments are all criminals.

Z-82-77
Continued

I lived in an apartment, and my wife did, and I think we probably all did at one time or another. I think an area of that nature draws less than desirable people. Immediately to the West of Eastern there is a four-plex development. In that particular four-plex development I believe about August the 19th a lady was murdered at that particular location. As I understand it was about the 1600 block of North 22nd. Which is within eyesight of my backyard. In that same area about a block away approximately six months ago there was an individual who was knifed by somebody who had broken in to his house. He chased him in to the street and ended up dying there. People who live in apartments are not all criminals, but that particular area there is not far from some serious problems. I think if you have the type of zoning that is being requested that encroaches upon a residential area that this R-4 zoning. You will find that it too is going to become the type of neighborhood that the residents don't want to see exist in that area or any other neighborhood. There is a school directly across the street and I don't think that would be compatible with the type of structures that have been proposed, and the large number of cars that would come out of there exiting immediately in front of the school. You are going to have people coming out of there. They are going to come out in front of the school. They are going to be going down Arthur Avenue which is an extremely wide street, and they are going to be traveling up to Owens at higher than the 60 mile an hour rates that they currently do. I believe you also have to appreciate the street that is involved. I think that the facts speak for themselves. I would hope that the Commissioners would consider denying this request, and also initiating the motion asking for Mr. Sloan to investigate the legality of the R-4 Zone.

Mayor Briare: Thank you very much John. Is there anyone else who feels that that there is something that John didn't cover?

A. D. Hopkins: I am a newsman and a home owner. I also live in the neighborhood. It seems to me that the gentleman has gone out and sought commercial zoning to the North, R-4 Zoning to the South, and now he is coming back to you and complaining that he is hemmed in by these two zonings. That he has himself sought, and therefore he wants you to change this zoning on this piece in the middle. It seems to me that he got himself in to the situation, and it is up to him to develop himself out of it. During the lunch break I called some of the nearby apartment complexes, and I found out that there are vacancies in that area. They don't seem to be overrun with applicants for apartments. I used to be an apartment dweller, and I know it was much more difficult to find an apartment in other portions of the City than it was in that particular area. I used to live in that area. There are a great many apartments

Z-82-77
Continued

There are a great many apartments up to the Northwest of that. There were quite a few to the Northeast. Any of you who read the police reports in North Las Vegas with any regularity will know that those are the centers of crime in North Las Vegas. However the portion directly to the North of this as far as I know is all single family dwellings. It is a very stable neighborhood. As a matter of fact because I work on a newspaper in North Las Vegas that I tried to buy a house in that area to the North of Owens, and was not able to. Because I couldn't find a house that I could afford that would suit my needs, so I bought down here just South of Owens. What we are doing here is that we have driven a wedge into the College Park neighborhood which lies on both sides of Owens in North Las Vegas, and in our neighborhood. A wedge of developments that I don't find particularly compatible with the well kept homes that you find in this area. The commercial property to the North end of this property is not developed now. I don't believe there is anything on it. I believe that that is more the center of the problems and complaints about dust, and dumping than the R-4 area in the middle that he proposes to rezone. I think when you talk about crime that one of the things that you ought to consider is that his proposed apartment complex would be near the City Limits. I was a police reporter for many years, and I know the techniques involved in crime, and one of them is to hit near the City limit and get across into another jurisdiction. It makes you harder to follow. I am not saying that every body who lives in this apartment will be a criminal but they will be targets for criminals. Just as people in the apartment complex to the North has been. The Eldorado Apartments on Owens incidentally are much the same type of apartments, or rather on Carey, are much the same type as he is proposing to build here. They are nice apartments. When I moved out I believe the rent went up to about \$200.00 a month. That has been about a year and a half ago. I think it probably is substantially above that now. Those apartments became completely unsafe. We moved out because I got tired of having to sit home on my floor with a shotgun every Tuesday night. I had on three successive Tuesday nights I had burglars in my apartment. The police were unable to do anything about it. I think everything else I have here has either been covered or will be covered. I think what we have got here is a proposal to allow Mr. Mohler to develop his property at the expense of every one around him. A proposal to take money out of our pockets and put it in to his. I hope you gentlemen will simply see through that and let him pay the cost of his own development. Thank you.

Mrs. Bergman: I live at 1532 Arthur Avenue. I live right on the corner of Arthur and Owens, and I watch every day especially when it is time to go to work. When school is out, and people come home from work we have a tremendous amount of traffic going down Arthur. People sit on the corner trying to get out, and young people drive down that street like they never heard of 25 miles an hour. They have been up in my yard coming around the corner. Because they couldn't turn, and we have had accidents with school children.

Z-82-77
Continued

Anybody that comes down that street lots of times they don't stop for the children crossing. They just run right over them. If you can imagine 220 apartments that would be straight across from the school coming down Arthur into Owens. That makes 440 cars approximately with every family having two cars. I can't see living on that corner bearing that kind of traffic.

Mayor Briare: Is there any one else? (No response).
O.K. Do you wish to offer a short rebuttal?

Mr. Bixler: Yes. First of all as to the question or issue of crime. Mr. O'Reilly mentioned that on August 19th a body was found out in the four-plex units some four or five blocks away. I wish I could count the number of times in the last four years that I have heard the news say that a body was found in the desert. You are looking a desert right there right now. I don't know if there has been a body found there, but I know that within the limits of the City of Las Vegas in desert areas that a lot of bodies have been found. I don't think that is very indicative or by any means any argument in favor of keeping this area a desert. Number two we ran a study of the Bracken Four and Bracken Three areas. I am sure you are aware of where they are situated. The Bracken Three area is the higher density area. As compared to the Bracken Four area which is this area primarily here. (Pointing to the map). This information has been taken right from the Metropolitan Police records as to crime reports, and crime calls. There is no difference between the number of crime reports between Bracken Three and Bracken Four. They both average the same amount of calls regardless of the density. I don't believe that that is a valid argument in this situation or in any situation. We are talking about the City of Las Vegas. Not in North Las Vegas, not four or five blocks away in some other kind of a project and in some other kind of an area. We are not talking again about any kind of low income housing. The people that buy these four-plex units are spending more money on them than those houses. These are a valuable investment that these people are investing in, and they are certainly not going to let anything happen to them that is going to run down that area. Would the number of people who are here that live in that area that are in favor of this project, would you raise your hands. (Small number raised their hands from the audience). How many are here that oppose this project (Larger number raised their hands from the audience). I wanted our elected officials to see that not everybody is opposed to it. I think the people that have had a chance to see the plan, and I don't think the people back here have even seen this rendering. I realize that this is an elected body, and I realize that people in opposition are votes, but when I look at that map what are you going to do with that property? What possible use is going to be made of that property? This is the closest use to a single family residential unit that can be done. We submit this on our plans not to go in with any kind of high density apartment dwellings. These are low density four-plex units.

Z-82-77
Continued

There is no other kind of zoning or project that would be any more compatible to that particular location, and with those residents to the East than has been proposed. I submit it on that your honor.

Mayor Briare: Any comments from the Commissioners?

Commissioner Lurie: I just have one comment. I would like Mr. Bixler to know that I make my own decision regardless the amount of signatures on petitions. I make it based on the facts presented, and also on the general plan, and the compatibility of the area. What is going in there, and what is going to be spot zoning. Whether it is going to be high density, or low density. I appreciate the fact that all these people give up their time to come here because that is one thing that has always bothered me. We don't get enough interest from the public in making these decisions. Don't think a couple hundred signatures is going to sway the Commission one way or another. I think that we all make decisions based on facts. The other thing is the crime situation. I look at that that being on the Police Commission. I am bombarded with calls daily concerning crime areas in the City, and we spend our own time out in the evening riding with units just to be familiar with the areas that have high crime rate. It is not all apartment areas. I can guarantee you that. There is a lot of areas that are in need of more policemen, more judges, more courts, more a lot of things, but it is not based on apartments.

Commissioner Christensen: I have to agree with Commissioner Lurie because I have the ability of making enemies of the people who signed the petition as well as making enemies of the people making the application. By questioning the validity of petitions and the way they are written. None of us believe in governing by petition.

Commissioner Woofter: I make a motion that we follow the Planning Commission recommendation, and deny the application.

Mayor Briare: The motion is to follow the recommendation. Any comments? (No response). Cast your vote. Motion is approved. The application is denied.

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

REQUEST TO
RECONSIDER
Z-63-77
No formal
motion
(Initial
action of
Commission
to approve
to stand

Mayor Briare: This is a request to reconsider. I kind of forget. Did one of the Commissions request this to be reconsidered? Oh I know there was a....

Mr. O'Reilly: We requested that you instruct the Planning Department, and the City Attorney's office to investigate the validity of the R-4.

Commissioner Lurie: I am making a request for the record to Mr. Saylor to check the R-4 Zoning on this matter.

Z-63-77
Continued

Mayor Briare: Is there someone present here now to discuss the request for reconsideration of property at 1711 Bearden Drive?

Commissioner Woofter: Mr. Mayor this was placed on the calendar for a legal opinion on whether or not we could reconsider a motion for a rehearing. Actually I don't know how it got on the Planning and Development. I think this should have come under the City Attorney.

Mayor Briare: Mr. Sloan would you like to make a comment on this then?

Mr. Sloan: At the request of the Commission we investigated the propriety of the Commission entertaining a motion for rehearing in this matter. We have provided you with a written opinion the highlights which state that the hearing power of an administrative agency such as this Commission to reconsider and revise prior administrative determinations. So long as it has retained control of the proceeding and rights of third parties have not vested. Normally a successful applicant for a zoning change acquires a vested right when in good faith he relies upon the administrative action granting him the approval, and has made a substantial change in position, or has incurred expensive obligations and expenses. This doctrine of equitable estoppel is subject to a good faith requirement, and the Board of Commissioners would be justified in voting to reconsider this particular application if the proponents of the motion to reconsider could demonstrate that there was actual fraud and misrepresentation in the securing of the approval at the previous meeting. By this we mean fraud or bad faith as an intentional provision or distortion of the truth for the purpose of inducing the Commission to act and reliance thereupon. A material representation would be a false representation that was made with the intent to affect the conduct of a reasonable person with reference to the transaction. I understand that Dr. Minnear has extended money in reliance upon this particular action of the Commission, and I have read in the newspaper that he has advertisements indicating the relocation of his business to that location. It would be our opinion from the City Attorneys Office that you must have clear and convincing evidence of fraud or misrepresentation in order to legally justify a reversal of the previous action. This will obviously be a question of fact for the Commission to conclude whether or not there was fraud or misrepresentation.

Mayor Briare: Do you have a spokesman? Would you come forward please? Oh pardon me. Is this the doctor? Oh I see you are with the group that would like to see this undone. I want to call your attention, and I want to mention it to you again, or I am going to ask Mr. Sloan to mention it to you again so that you will know what kind of remarks you must make in order for us to be able to take further action. You are going to have to make some remarks relative to fraud or misrepresentation.

Barry Lagan: Am I under the understanding that what I am presenting to you now would make this whole thing change over by your vote, or what I am presenting to you now would set forth

Z-63-77
Continued

this whole action again as Mr. Sloan has pointed out. Where we hear it again, and we go all through the process again?

Mr. Sloan: This is a motion for reconsideration. For you to speak in support of your motion to reconsider. In order for them to reconsider it you would have to in my judgement establish that there had been fraud and misrepresentation in the first hearing. If you were to establish that then the Commission could vote to reconsider, and we would have a public hearing at a subsequent date, and go through it all over again.

Mayor Briare: This would be based on the points of fraud and/or misrepresentation.

Mr. Sloan: It is a two step procedure.

Mayor Briare: The reason is that I suggest that is so you will know that you would have to confine your comments today just on the basis of your suspicion of fraud, or accusation of misrepresentation. Would you like to proceed? Then the decision that this Commission has to make is if in deed there was fraud and/or misrepresentation.

Barry Lagan: I live at 1712 Bearden Drive. Again I am sorry that not everyone could be here. The people who worked with us on this are at work and so on. They can't be here other than my wife and I, so I am the person to carry this on. I am not an attorney so I will do the best I can. That was pretty strong words there, and I will try to convey what we found since this thing has been approved. We are going to go back. I have in front of me here the minutes of the City Commission Meeting. Some points that were presented by Doctor Minnear on page 2 where he spoke and he said, "as of yesterday afternoon we only have two property owners who are opposed to our proposal." That would be point one. We had at that time five property owners who were opposed to that proposal.

Commissioner Woofter: Excuse me for interrupting. Is there any question as far as terminology here. The ones that are residing there, and property owners. I note in the minutes too that I have before me that the Doctor mentioned that he had 85% of the property owners. Now he didn't mention anywhere or the best I could determine go in to the question of who resided there. How many he had in favor and how many against.

Barry Lagan: That is our point. Property owners; the material that he submitted to you was residents. In other words he gave you I think 17 or 18 signatures. We found that of those 17 or 18 signatures three of them were from 1711 Bearden Drive. The Doctor himself, his wife, and a renter. We are under the understanding that only one signature per legal household owner is entitled to be submitted. There was three of seventeen. We also found out. I believe it was Commissioner Leavitt who asked me about Hooks who lives in Washington. If she was on that list. She was on the list, but so were the renters in the

Z-63-77

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house. In other words they signed a letter passed around by the Minnears stating that they approve of the proposed zoning change at 1711 Bearden Drive. They didn't have any right to sign. As we contacted her on the telephone extensively we went through everything: Our side and their side. I read her the Planning Commission minutes when they denied this, and I read here the minutes of the City Commissioners. From that hour and a pretty large phone bill she sent us a telegram that states "As of this date 8/16/77 I Florence Hooks owner of 1700 Bearden Drive Las Vegas Nevada rescind my previous approval of the zone change of 1711 Bearden Drive due to misrepresentation." Those were her words. We just asked her to send us what she felt. This is what she sent us. She was unhappy that residents renting her home signed something. They approved this zone change when they didn't have any reason to. What you mentioned that there was basically the reversal. We went and found out that people that they submitted, 17 of these people were rentals and home owners. One of two signatures from 1710. Applicant one of two signatures of 1711. We found that a lot of these signatures were from people. Well we found one of them wasn't even the legal owner of the home. One person didn't even receive a letter for the zone change. He was the Administrator of Southern Nevada Memorial Hospital. He had no right to sign. That was one of 17. This is one of the points where we feel that what was submitted to you a feeling that everything was allright on Bearden Drive, that it wasn't. We have got letters. I think you have got some of them in front of you there. By people who did sign at first, but when they saw what the Minnears had said in the City Planning and the City Commissioners meeting. We have got two letters that said that that was not what they were told, and they wanted to change. They sent a change which makes this cover letter that we gave you twelve residents on Bearden Drive. All of them but two oppose this.

Mr. Sloan: When you say residents you mean property owners or residents?

Barry Lagan: I am sorry property owners. Now that is one point. Another point of interest, and I have to direct this at Commissioner Woofter. I am under the impression that it would take one of the Commissioners to ask this to be reconsidered who voted in favor of the application. At the last page Commissioner Woofter made the comment "That even though it has a Bearden address it is on the corner of Shadow and Bearden. I also feel that we have more or less set a precedence here as far as Shadow with the majority of home owners in support of this." We agree. Shadow is being changed, and we are not opposing that. The house next to me, and I know it is going to. A doctor just bought it, and he will probably ask that it be rezoned. I am not going to be in front of you fighting it. That is on Shadow. What I am saying is that the house that you thought you were addressing here is down the street even farther in than my house is.

Z-63-77
Continued

Mayor Briare: Is it a corner piece of property?

Mr. Lagan: No it is not.

Mayor Briare: It is one removed.

Mr. Lagan: It is one piece behind the Desert Health Clinic.

Commissioner Woofter: That is my mistake. I believe I mentioned that if this was a representation made by the applicant I certainly would seriously consider a motion for rehearing. However I note in the minutes that the Doctor did not make any representation of such. That was a mistake on my part. I would say at this time however, we are here on a fraud situation, and to be perfectly candid with you I don't know whether this would have much affect on a reconsideration.

Mr. Lagan: I agree with you there. I am saying I presented my fraud. The fraud is basically that; well we have been at four of these meetings on this same issue, and I understand what you say about community participation. Believe me I don't like being in front of you here every time. I wish other people were here today to voice their opinion on this. These people couldn't be here so what we have is written words and not hands and clapping and so on. We have given you ten out of twelve, and four or five of those weren't people that lived on Bearden Drive as realty owners. They were merely residents. People that didn't live there. They lived there but they didn't own the property. This is the one point where we feel that it should be brought up again so that this thing can be straightened out. My point Commissioner Woofter was this. You made the comment. You thought that we were dealing with a different house, and you made the motion to deny it, and I was hoping that the motion wasn't made on the fact that you were under the impression that it was a different house.

Commissioner Lurie: Barry you are saying that all these documents that we have in front of us, and I imagine these legal descriptions came from the Records Office. That these aren't true then. That these people signed these approving the zone change.

Mr. Lagan: When they first canvassed the area these people that signed were given this very blank thing. In other words "To whom it may concern", and so on. "Approve the proposed zone change at 1711 Bearden Drive from a single family dwelling to P-R classification to be used as a doctors office". What we are saying is, that of the 17 that was submitted to you over half of those were people that did not own the property. Those property owners. I will give you one example with the Haggertys. They live at 1608 Bearden Drive. They have been in opposition to this from the beginning. They were in the audience at one time when this was passed. They were submitted to you as a verbal approval. There is one example that he didn't sign anything.

Z-63-77
Continued

He wasn't in favor of this, and yet they submitted to you that they were.

Commissioner Woofter: Let us go through a few of these. What Commissioner Lurie is referring to is these legal descriptions. They look like they were copies made right out of the actual County Recorders Office representing the legal description of 1604 Bearden Drive. Supposedly owned by Frontier Fidelity Savings and Loan. That would be then that the residents actually don't own it as signed the approval, David and Mabel Abbott.

Mr. Lagan: Right.

Commissioner Woofter: That is one. The next one is legal description owned by D. E. Adam 1711 Bearden Drive. Now subsequently owned by Dr. Minnear so that explains that one. Then Joe and Christine Godrich on Desert Lane, 918. Cleo and Florence Hooks 1706 Bearden Drive. There is several here in other words. 1707 Bearden is represented to have signed in favor of the rezoning, 1701 Bearden, 1706 Bearden, 1710 Bearden. Then the others are the Valley Hospital, and a Mr. Pritchard at 1706 Bearden. That is the ones that we have legal descriptions which are property owners of these particular pieces of property, and they say they are in favor of the rezoning.

Mr. Lagan: Alright. I don't have copies of those. I have a copy of the list of the people that were sent letters that had a vote on this. Is that what you are referring to.

Commissioner Woofter: Well this shows a legal description of the property, and then a copy of the notice of the letter that was sent which they say they approve of the application.

Commissioner Lurie: These people that approved. Do you have any of those that say the approve that are property owners? Do you have any of those that are different?

Mr. Lagan: Yes, number four, number five, number six. Now number seven is Abbott, and the legal owner on that is....

Commissioner Lurie: Four and five is the telegram that you gave us on Hooks that says that they are not in favor.

Mr. Lagan: Yes.

Mr. Sloan: In terms of trying to shorten this up. I think you have to focus on the time of the hearing. Not anything that might have come up since then. The way these people have been changing back and forth. You have to focus on what took place at that hearing. If there was some misrepresentations outside of that hearing where allegedly the doctor said something to the property owners. I don't think we can consider that. There has to be some kind of misrepresentation in front of the Commission at the time of the consideration. I think we should address ourselves to the petitions that were presented on that date. Wasn't there a petition presented by the Doctor

Z-63-77
Continued

at that time?

Mr. Lagan: It was never a petition. It was just these 17 letters with these peoples signatures on it.

Mr. Sloan: Did they say that they were property owners?

Mr. Lagan: No. It just says that "I Blank approve of the proposed zone change at 1711 Bearden Drive from single family dwelling to P-R. The classification to be used as Doctors Offices." It was signed and then their address.

Mr. Sloan: They didn't represent if they were residents, tenants or property owners?

Mrs. Lagan: No, but they did represent them as being property owners in the minutes. I think if you look through the minutes that you will find that.

Mr. Lagan: He said that they had as of yesterday 85% support of the actual property owners. That is the whole contention. He did not have.

Mrs. Lagan: It also stated in the minutes that John Haggerty was in favor. He was sitting there with us, and we had gone before the Planning Commission and that night we talked to them, and they said "No, we are opposed". Yet they indicated that they were orally favorable to this.

Mr. Sloan: Well Mr. Haggerty was here at the meeting and physcially present to be able to rebut the statement.

Mrs. Lagan: Yes at the Commissioners Meeting. He did not rise and state....

Mr. Lagan: That was the night that it was pretty late, and he made the comment from the audience that he did not sign anything giving his O.K. that from the beginning he disapproved this. Commissioner Lurie you gave me this list here. Eleven is against it also. I think you have seen that letter. Gibbs is against it.

Commissioner Woofter: I notice that you both are speaking on behalf of several of the property owners and residents of that area. I am going to ask the City Attorney right now being an attorney myself. Can we rely on the representations made here which would be in essence hearsay to determine whether or not there is probable cause of fraud?

Mr. Sloan: That is the difficulty of this entire type of proceedings. The fact that we allow people to bring in petitions, and to make statements that are unsworn. What we are concerned with here is if there was an intentional distortion or misrepresentation. I think that when you are accusing some one of fraud obviously the standard that should be involved is somewhat more stringent than we would normally apply.

Z-63-77
Continued

I think they are entitled to make this kind of representation. What we need to focus on is something to indicate that there was an intentional wrong doing on the part of the doctor, as opposed to the confusion which we have seen here today as well as in the transcripts in calling people property owners or residents interchangeably. Particularly the question of 85% was disputed by the people here today, and they had an opportunity to respond to his representation of 85%. Mr. Haggerty was present. There were a number of people who went through here person by person disputing this. I think we just have to recognize that we are talking about a material misrepresentation or fraud. It is not a question of your disagreeing or your dislike of what he may have said. You are talking about some serious wrong doing on his part and you are going to have to have some evidence of it.

Mr. Lagan: We are doing something that was told to us in the beginning. I contacted Commissioner....

Commissioner Christensen: Let me interrupt you here for a second. I think this package that we have here was submitted by Dr. Minnear. In reading the minutes and it so states right here on page 103. It says and it is quoting Doctor Minnear. "There was some confusion to determine who exactly was for and who was against and where did they live. These are the people who own the property, and these are the affidavits signed by them, and this is the list of the people who are actually for it as of yesterday afternoon." I think that is the basis of his contention that they weren't property owners and it was represented that they were property owners. Now how strong that is is up to the attorney. But if it was 85% and one of those or two of them weren't property owners it would change the percentage. Now the question is did they misrepresent a little bit or a lot, or how much misrepresentation does it have to be to be misrepresentation. I believe that is the question that the Lagan's are asking. It was indicated by the doctor in those minutes that those people were property owners.

Mr. Lagan: Right from the beginning other than our opposing this. As soon as you approved it I began talking as well as my wife with everyone from the City Clerk. I spoke with the different Commissioners here. I talked with the City Attorney. All we tried to do was find out how we could present this to you. I am not an attorney, and I can't present it as good as an attorney can. I called on your wisdom to let me know how we could put this together, and submit it to you to show you that something was wrong. I personally think that we have done it. This will be up to you, but we got together what you people told us what we would have to have, and present it to you again.

Z-63-77
Continued

Mayor Briare: Thank you for your comments. We will be back with you in just a second. I think we need to talk to Doctor Minnear here, and see if he would like to make some comments about these things. Now doctor I think we have pretty well refreshed our minds as to what went on at the previous meeting etc. etc. I suppose that it is going to be up to this Commission to decide after you make your comments as to whether Mr. Lagans statements are strong enough to convince this Board that there should be some further action.

Doctor Minnear: I certainly do want to make some comments. We do take offense at these accusations that these are misrepresentations. We have not misrepresented anything and we have not made any false statements of any kind. This is the chart which we used to demonstrate visually exactly our position here with the property owners who were wish and who were not with us. I will point to that again in a minute. First of all we made no implication that this was on a corner. There was no implication made at all that this was a corner lot. Let me quote from the minutes of the meeting. "Mr. Saylor: 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". Now down near the bottom of that same paragraph it says "This is the first lot immediately in to the interior". I see no representation of it being a corner lot. This is the lot that we are talking about right here. (Pointing to the chart). I think that clarifies that. There has been no misrepresentation about it being a corner lot. Now getting in to the supporting letters. We have provided you wish supporting letters, each one attached to the actual copy that we purchased from the Clark County Assessors Record of Ownership of each parcel. We have attached the actual letters to these records. On each one of these, and I will go down the list incidentally. Doctor Limb is the first one. He is a property owner. The owner of 1710 Bearden which is right next to Mr. Lagan's property. They are very much in agreement with this. Florence Hooks owns the next two properties. Number 26 and 39. The next two on the list here. She owns two properties, and we have attached a telegram from here supporting our proposal here. At that time. Now how she feels now I don't know after she has been spoken to by others. Now John Haggerty is a seperate case, and I will mention him in just a moment. David Abbott is the owner of 1604 Bearden, and you will find a letter attached from him. He is the owner. I believe that is the one that is listed in a Savings and Loan or banking institution of some sort. Mr. Goodrich is the owner of this lot number 22. This one here with the star. (Referring to the chart). You will find a letter attached with his signature on it. These are not forged signatures either. Mr. Pritchard at the time of the presentation he had given us his firm verbal support. Since then he has rescinded that, and you will notice the date of that which is considerably after our presentation.

Z-63-77
Continued

If you will note near the bottom of his letter it says "I hereby rescind my verbal agreement", which pretty much indicates that he had given us his verbal agreement. Now if he has changed his mind since. He is for rezoning the whole block actually. Somehow he feels that you do this a block at a time. He misunderstands that, and he states in his letter that he is for rezoning the whole block. Mr. Hilton, now you have a letter attached by the Hiltons. We spoke with them the evening before the initial Commission Hearing. You will find his property, the certification from the assessors office for his property. George Gibbs is the next door neighbor. There is no question of our own property. The counselling center next door to us in this property right here. I spoke several times to the administrator there and he is in support of this. We don't have anything in writing from him. These are the property owners that we had designated by the stars. As I said Mr. Haggerty is a separate case entirely. We spoke, as the matter of fact the very first person we spoke to was to Trish, whom she had known before. Before we ever considered the application for a zoning change. We wanted to get some idea. She knew Trish, and she called her, and she said no we have nothing against it. Now later on she talked a couple of times before to Mr. Haggerty himself. This was my wife talking to these people. The day before my wife spoke on the phone to Mr. Haggerty, and he said he had nothing against it, and if he changed his mind he would let us know. To date we have not heard from him. That is why I made the statement, and I wanted to make it very clear when I mentioned my data there of the property owners. We did see Mr. Haggerty come in with Mr. Lagan that morning. That is why I mentioned as of yesterday we had 85%. That is exactly why I mentioned that because, although he had promised us to let us know if he changed his mind. He had not let us know, and as far as from a verbal agreement held, aside from the fact that we assumed that maybe he did change his mind when he came in with Mr. Lagan, that is the single exception. That is the single exception of the people that are listed approved and disapproved. If a person changes his mind and rescinds his verbal agreement then it is pretty tough to, well we weren't aware of that. Even without Mr. Haggerty we have exactly 75%. There are 16 plots on this street, and there are four that we did not have. It was not a fraudulent misrepresentation. We were not aware that Mr. Haggerty had changed his mind at the time we made this up. Which was the night before. Mrs. Hooks I understand has changed her mind. Well it is pretty much documented that she was for us at the time, and we have her telegram. Now we did have additional letters of support. Besides the property owners. Incidentally Mr. Swartz who is the Chairman of the Board at Valley Hospital gave his hearty support to this project. Mr. Reese who is the Administrator of Southern Nevada Memorial Hospital gave us his hearty support. We had a few additional residences in the area. Now these were residents, they were not property owners. We didn't even present that information to you men. We had these letters in addition. We presented them initially. We simply turned them

Z-63-77
Continued

and did not say who they were. To the initial Planning Commission. We did not submit that information at all to you gentlemen. The material that we presented to you Commissioners were the property owners, and that is all we spoke about at that time. That is all that we presented to you at that time. I think the real question here is really who is misrepresenting what to whom.

Mayor Briare: Mr. Sloan will you tell me whether I have the proper manner in stating the question that is before us? That would be, does this Commission feel that the applicant at the time of the hearing presented this Board with material that was misrepresenting or fraudulent?

Mr. Sloan: Further that that misrepresentation or fraudulent conduct affected the outcome of the rezoning hearing. If so then a motion to reconsider would be in order.

Mayor Briare: I am asking if this Commission feels that way, and if they do feel that way then they can take action accordingly. If they don't feel that way then there is nothing for this Commission to do.

Mr. Sloan: It would be our advice based on the case that absent fraud or misrepresentation if in fact the doctor has expended money, and changed his position on reliance on your earlier position, then the Commission could be subject to the doctrine of equitable estoppel in court. We haven't inquired as to what improvements if any he has made since the previous change. If he has relied on it. Obviously if he has not done anything subsequent to the last meeting, and a status quo had been maintained, which I am sure is not the case. Then you could go ahead and reconsider it without any of this consideration. It is only where he has relied on your previous action, and changed his position in reliance upon that.

Mayor Briare: Well if I were to ask now then what is the pleasure of the Commission, and if a Commissioner feels that perhaps it was a misrepresentation, or that there were fraudulent statements made. Then some Commissioner will make a motion. If there is no motion for lack of a motion then would it just be an order after each Commissioner has just been polled perhaps, to determine if they wish to make a motion to some affect. If there are no motions to be made then it is moot. There is nothing to be further discussed.

Mr. Sloan: That would be the proper manner in which to proceed. For the record it might be appropriate to ask Dr. Minnear what if anything he has done since that time in a very brief statement. Just so we know if this doctrine does apply.

Dr. Minnear: I have changed my entire basis of operation to that building. We have expended a figure of around \$20,000.00 in to this. We have extensively remodeled the inside of the building. I believe they put the sidewalk in today. They were working on it when I went back to the site in mid-day.

Z-63-77
Continued

We have let a contract out for the paving of the front section of the property. We have expended a considerable amount of time and money. We moved our practice there a week ago last Monday. I have been practicing in that building since then associated with all the various things like moving the business license and so forth, and notifying the appropriate people.

Mr. Sloan: What percentage of those expenditures occurred after you received the letter from me indicating that this matter might be subject to a rehearing?

Dr. Minnear: What is the date of the letter? We received it on the 22nd. We were four days away from moving in. I can check back on the actual dates.

Mr. Sloan: So you would represent that most of the expenditures had been made prior to receiving notification from me that this matter was subject to reconsideration?

Dr. Minnear: Yes.

Commissioner Christensen: I would like to ask the attorney a question. I am certainly in a unique position because I voted against this originally. What is the position if a motion comes about or does not come about. Will a vote by me in favor of rehearing be construed as saying there was fraud involved? It puts me in a double jeopardy kind of position here. If I don't think there is any fraud involved, and I voted against it because I thought it was bad zoning.

Mayor Briare: I think I understood Mr. Sloan. The only matter that is going to be before us is this. Does some Commissioner want to make a motion to reconsider.

Commissioner Christensen: Well then I will just shut up until I hear....

Mayor Briare: If there is no motion at all, and I don't get even a grunt out of anybody then I am going to make a ruling that there is nothing before us. I am going to ask now. Based upon the matter that has been presented to us today by Mr. Lagan and people he represents. Do any of the Commissioners have any motions to make?
(No response). Well based on the evidence Mr. Lagan that you presented it was not convincing to the point where any Commissioner wants to make a motion to reconsider. Therefore there is nothing before this Board, and the original decisions that were made in the past are held to be still in effect. Now we have one last matter on the Planning Commission, and then it is my intention to call about a 10 minute recess. Now we will take up the zone change for Teddy Rich Enterprises.

TABLE ITEM
ZONE CHANGE
Z-65-77
TEDDY RICH
ENTERPRISES
Approved
as
Recommended
by Planning
Commission

See Pages 115 and 116 of these minutes - Annotated Agenda

Mr. Saylor: This application was before you some time ago. It involves the remaining piece of land that is undeveloped of Mr. Teddy Rich in this area. This is the parcel in question (Pointing to the map). Immediately to the South is a mobile home park, an approved apartment house development to the North. The teachers development in here. Of course on the West side of Valley View is single family homes. This is a proposed apartment house development. When it came up before you at the last time the matter of the drainage was brought up, and it was tabled until some information could be obtained. This project itself makes provision for the drainage from Valley View through the project to the mobile home park. If it is approved even though it is shown on the Plot Plan, I think we should have a specific condition that it will be maintained as a drainage channel, that being this driveway. Now what arrangements have been made, and Larry Hampton might be able to tell you this. Relative to the drainage from this point on out I don't know. There were five protests at the Planning Commission Meeting on this, and as a result of some of those protests conditions were put in to the recommendation of approval. For example the buildings along Valley View to be turned in the direction so that no patios face Valley View, and that there be a wall, and a buffer planting along Valley View.

Mayor Briare: What was the nature of the protests?

Mr. Saylor: From the single family area Mayor. They are simply protesting the addition of more apartments.

Commissioner Lurie: In the information before us there is nothing in here that says anything about the conditions about the drainage channel. Whether or not it is going to be opened or whether it is going to be covered. That is number one.

Commissioner Christensen: The drainage channel is the street is it not?

Commissioner Lurie: No you are talking about the back of the property. That channel runs from that property clear through Meadows Mobile Home Park and into the land in back of Richfield Village.

Mr. Saylor: There is no conditions applied to this development relative to the drainage from this point on South and East.

Commissioner Lurie: I understand they are separate items. The drainage in the mobile home park is a separate item, and the drainage that I am concerned with in behind Richfield Village is a separate item. Mr. Hampton and I went out and looked at that, and we discussed a way to get the funds to put that necessary channel in.

Mr. Saylor: They are separate. This project itself does make adequate provisions to handle the drainage by means of this driveway which is to be a drainage channel also.

Z-65-77
Continued

Mayor Briare: To that point Mr. Saylor.

Mr. Saylor: That is right.

Mayor Briare: Now where from there?

Mr. Hampton: It will proceed through the Meadows Trailer Park.

Mayor Briare: Is it handled? Is there a design at the Meadows Trailer Park to handle it?

Mr. Hampton: We have had several meetings with the owners there, and they are in the process of either adequately disposing of the water going through the Mobile Home Park. It is my view of the situation what was originally proposed at the Meadows was not and approved was not constructed. We have remedied the situation as far as....

Commissioner Lurie: Please elaborate on that a little bit because that is a very important point. That is going to be a problem. That water is going to have a faster way, and more velocity coming through with a new channel. Then it is going to get to the area that isn't built properly.

Mr. Hampton: Right Mr. Weber has had several meetings as I indicated before with the property owners, and they are making satisfactory changes to their drainage system. I am not sure if that is complete at this time. What was originally approved, and the plans for the trailer park were approved was not constructed. It is difficult right now in determining whose fault that was. The City possibly was a little lax in its enforcement of the original plan. The Meadows do now recognize the problem, and have agreed to make necessary modifications.

Mayor Briare: Just on that point Mr. Sloan now that it has been brought to our attention I think we are almost doubly liable. Whatever the merits of this particular application are other than this one point we will hear about in a minute. I certainly couldn't see how we could hold this application up, and I am only considering this drainage thing now as far as it being dropped in to the Meadow Mobile Home Park. If the Meadows Mobile Home Park were deficient in their construction of their drainage to receive it.

Mr. Hampton: They were.

Mayor Briare: They were but are they no longer deficient?

Mr. Hampton: Mr. Weber just came in. Bob have they made the corrections that they indicated they would make? Are they in the process of doing such?

Z-65-77
Continued

Mr. Bob Weber: As far as the corrections are concerned for the water coming out of the trailer park those have not been made at this date. They have hired an engineer and they have not got back with me. He should be back within probably the week.

Mr. Hampton: But the Meadows owners has indicated their desire to make the corrections?

Mr. Bob Weber: That is correct. We are merely looking over the details at this time.

Mayor Briare: Well the thing that I want us to be aware of is that should this application be approved with this drainage set up. That we are not going to be hearing from some property, or some residents of the Mobile Home Park next door after the next rain storm.

Mr. Hampton: Well it depends upon when it rains.

Mr. Dales : I think that after I demonstrate my case, that the evidence that we have before us illustrates that there will not be fault with the City or this particular piece of property. In fact what is proposed to occur here changes nothing at all. In fact on August 16th, which was the big rain a couple of weeks ago. On or the morning of the rains when in fact there was flooding all over the valley, we went out and examined that entire area. Starting Westward, and coming through our property, and through the mobile home park and the adjoining areas. I prepared a written statement which I am sure you people have, and I would just like to read it if I may. "On August 16th the engineers examined the subject property. This examination drew the following conclusions. Number one, that 98% of the water which currently flows through the natural drainage ditch on the subject property originates in the development West of Valley View, between Valley View and Arville. Our point that we are attempting to develop there was that what we are doing on the subject property is handling water that is given us and not the tract creating a drainage problem. Number two is of the water flowing in to Mobile Home Park less than 18% flowed through the drainage ditch on to the subject property. The balance flows directly off Valley View on to the mobile home park." I have pictures which are in sequence if you wish to see them. "Point Number three. Development of the subject property changes nothing as regards the flow of water into the mobile home park as it now exists." In other words all we are doing is putting in a channel into what is now a natural drainage ditch to do exactly what is now being done. I think by looking at the pictures that you can see that the water flows through there now, and we are changing nothing. The water problem actually comes from Valley View and on to the mobile home park from there.

Z-65-77
Continued

Mayor Briare: You mean the problem as far as the Meadows is concerned.

Mr. Dales: Yes with respect to the Meadows. With these pictures I have these numbered I will give them to you and then will show you on the map where they are. The first picture is the formation of the water immediately flowing on to the subject property under Valley View. Picture number two is the picture of the water at this point right here (pointing to the map) which is the point which it enters through this natural drainage channel in to the mobile home park. So essentially it is forming here, and flowing through the existing channel, and going through there. Picture number two I believe shows that the fence that was built by the mobile home park, that there is an allowance for the water to flow through this ditch on to the mobile home park. Picture number three is the water as it flows in to the mobile home park. Picture number four you are viewing the water as it comes on to the mobile home park from Valley View. It is approximately at this point that we are making the picture. (Pointing to the map). If you will see the size of the flow and that flow which is coming in to the mobile home park and not from the subject property. From the subject property is a very substantial lesser flow. Picture number five is the junction at which the water which flows from Valley View in to the mobile home park occurs with the water that is flowing through the subject property in to the mobile home park. This illustrates that there is a dramatic difference of the water that is coming from Valley View and the water that is coming off here. I think the point that we would like to illustrate is that this is going to change nothing. In fact when you cover the ground with some grass and the constructed activity there you are going to have the water absorbed at a higher rate than the desert ground does. I think that we can conclude that whether this development is approved or not does not in fact really affect the flow of the water. Now I would like to conclude that in 1974 a Master Plan which was approved by L. Hampton in June of 1974 is exactly what is happening with the drainage to what we are proposing is exactly consistent with the Citys Master Plan.

Mayor Briare: Please cover picture number three once more.

Mr. Dales: That is the water as it enters on to...

Mayor Briare: From about two thirds from the way up from the bottom of that property line.

Mr. Dales: The property line is here. (Pointing to the map). We are taking the shot at this angle.

Mayor Briare: You are going to be diverting that by the method in which you construct your back pavement there?

Z-65-77
Continued

Mr. Dales: Well what we are going to be doing is creating a channel which flows the water exactly as it now exists.

Mayor Briare: It is still going to go the same way.

Mr. Dales: Yes.

Mayor Briare: Do any of the Commissioners have any questions. The matter before us of course is zoning, but as a condition to that zoning there is always a necessity to make sure that it is done in compliance with the requirements of Planning, Public Works and such. Larry are you satisfied that this is not going to create a problem for us?

Mr. Hampton: I believe it will not create a problem in excess of what we have today. There is a problem with drainage in that whole area. The Meadows had a real problem. We hoped that they have recognized that. We feel that it is their responsibility. It is a private development, and they have indicated to us that they have intentions of correcting it. We are optimistic that they will. This development as that channel is constructed as proposed would not substantially alter the drainage flow in the area. There is a slight difference between a line channel and a natural channel, but as far as overall quantity of water is concerned it is going to be essentially the same. It will be a little different character. But we will be satisfied as far as this subject property is concerned about what is proposed.

Mayor Briare: That is what I wanted to hear you say. You are going to take steps to make sure that any residents of the Meadows are not going to come back before this Commission as a result of anything that would happen with water coming in to their area. Especially if they were deficient in their construction of their flood control which I assume now that you have brought it to their attention, and they are going to take care of it.

Mr. Hampton: Right.

Mayor Briare: Any other questions of this applicant?

Commissioner Lurie: I know Mr. Hampton might be satisfied about the drainage but I am still not satisfied with it, but I am not going to elaborate any more on it because I definitely feel that we are going to have a problem there. The other question I had is the Traffic Department. The Traffic on to Valley View. Already we have been petitioned and have been contacted by the mobile home park because it is a hazard trying to get out on to Valley View. Making a left hand turn or making a left turn in to the Meadows. I personally believe that this is going to be a bad situation with the traffic that is going to be generated with 114 apartments. All the other units in that area face towards El Conlon or come out on to Valley View closer to Safeway or down to Sahara. I feel again I am not trying to hold you up or anything, but I want to go on record as opposing the

Z-65-77
Continued

project. Number one based on the traffic problem and number two the flooding problem, and I think it is going to happen in that area because of improper channels.

Mayor Briare: Any other comments?

Commissioner Woofter: I believe that staff has thoroughly reviewed the concerns of Commissioner Lurie set forth, and they seem to be satisfied. On that basis I make a motion to approve the application subject to the conditions set forth by the Staff.

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

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

Mayor Briare: That concludes the Planning items. The remaining business for today would be the Financial Management, Personnel Employee Relations, Other Departments. We are now back to page 4. Well lets recess for 10 minutes.

(Commission Meeting recessed at 4:50 P.M.)

(Commission Meeting reconvened at 5:00 P.M.)

DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, CPA, DIRECTOR

See Page 117 of these minutes - Annotated Agenda

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 36
September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEPT 7, 1977 Commission Action

Department Ac

Page 115 I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

S. ZONE CHANGE - Z-82-77 - CHARLES & DAISY MOHLER

Property located on the north side of Searles Avenue, between Eastern Avenue and Arthur Street.

From: R-E (Residence Estates)
R-4 (Apartment Residence)

To: R-4 (Apartment Residence)

Proposed Use: 212-unit, four-plex apartment project.

Planning Commission unanimously recommends DENIAL because they felt the proposed 212-unit apartment project would not be compatible in this area.

PROTESTS: Approx. 180

T. REQUEST TO RECONSIDER - Z-63-77 -

Request for reconsideration of zone change - property located at 1711 Bearden Drive from R-1 to P-R.

Use: Doctor's Office.

U. TABLED ITEM - ZONE CHANGE - Z-65-77
TEDDY RICH ENTERPRISES

Property 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.

Planning Commission recommends APPROVAL (4-yes, 1-no vote) subject to the following conditions:

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.

Denied as recommended by Planning Commission W - unanimous

Clerk to notify Staff to proceed

No formal motion (Initial action of Commission to approve to stand)

Staff to proceed

Approved as recommended by Planning Commission W
Commissioner Lurie voted "no"
Commissioner Christensen temporarily absent

Clerk to notify Staff to proceed

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 37
 September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEP 7, 1977 PHONE 386-6011 Commission Action Department Action

Page 16 I-(h) COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
 CONTINUED

- Item "U" Z-65-77 continued . . .
- 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.

See Page 36

See Page 36

PROTESTS: 5

V. SET DATE FOR PUBLIC HEARING ON ALL APPEAL
 ITEMS FILED FROM THE BOARD OF ZONING
ADJUSTMENT MEETING HELD AUGUST 25, 1977.

None

None

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

Page 4

September 7, 1977

CITY COMMISSION - REGULAR MEETING - MINUTES - SEP 7, 1977

Commission Action

Department Action

Page 117

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 for the City Commission and may be acted by one motion. However, any item may be discussed if a Commission member or citizen so requests.

*A. SERVICE AND MATERIAL WARRANTS

Nos. F311194, H406564, H1193 to H1203, H114508, H311543, H406852, H406855 to H406856, H406867, H406872, H406875 to H406900, H406902, H406908 to H406910, H406913 to H406931, H406933, H406944, H406946 to H406948, I406951 to I406966, H406969 to H407240, inclusive.

In the amount of \$ 6,355,301.63

*B. PAYROLL WARRANTS

Nos. 100724 to 102214, inclusive

For Pay Period Ending 8-06-77

In the amount of \$ 481,920.92

Nos. 102215 to 103690, inclusive.

For Pay Period Ending 8-20-77

In the amount of \$486,137.12

Approved as submitted
Lurie - unanimous

Director authorized to issue

Approved as submitted
Lurie - unanimous

Same as above

DEPARTMENT OF PERSONNEL AND EMPLOYEE RELATIONS

BOB McPHERSON, AEP, DIRECTOR

See Pages 119 through 122 of these minutes - Annotated Agenda

DEPARTMENT OF FUNDS, COORDINATION & PROJECTS

RONALD C. JACK, ACTING DIRECTOR

RESOLUTION
DESIGNATING
LABOR
STANDARDS
DETERMINATIONS
OFFICIAL
FOR BLOCK
GRANT PROGRAM
Adopted as
Recommended

Mr. Jack: There are two items before you. The first is a Resolution designating the Labor Standard Determinations Official for the Community Development Block Grant Program. This is house keeping which is prescribed and required by HUD.

Commissioner Lurie: Move for the adoption of the Resolution.

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

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

STATUS REPORT
ON RELOCATION
OF DOWNTOWN
LIBRARY
Approved
as Recommended

Mr. Jack: Next is a status report on the relocation of the downtown library. On August 25th of 1977 a lease was signed for the new library facility at the Charleston Plaza Mall. Representatives from staff and the library met, and agreed upon specific improvements to be included in that. I think it is fair to say that the library was happy, and the staff was happy with that agreement. The downtown library has now been closed. It is estimated that they will have their materials completely removed from the building sometime within next week. So this will open it up then for the renovation for the relocation of City Staff.

Mayor Briare: Any questions? (No response). Thank you very much.

DEPARTMENT OF MUNICIPAL SERVICES

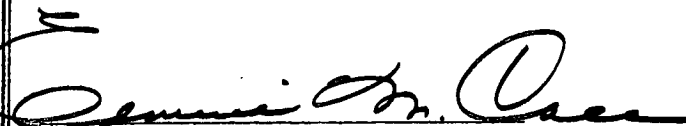
J.C. CATHCART, DIRECTOR

See Pages 123 through 125 of these minutes - Annotated Agenda

PASSED, ADOPTED AND APPROVED this Seventh day of September, 1977.


WILLIAM H. BRIARE, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

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1 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
2 CITY OF LAS VEGAS, NEVADA, DESIGNATING THE LABOR
3 STANDARDS DETERMINATIONS OFFICIAL FOR THE COMMUNITY
4 DEVELOPMENT BLOCK GRANT PROGRAM

5 WHEREAS, the City of Las Vegas commenced the third year of the
6 Community Development Block Grant Program on June 1, 1977; and

7 WHEREAS, the Department of Housing and Urban Development requires
8 that the City of Las Vegas, as an entitlement City, undertake responsibility
9 for Labor Standards determination and monitoring; and

10 WHEREAS, the Department of Housing and Urban Development requires
11 that this responsibility be undertaken as part of the administration of the
12 Community Development Block Grant Program; and

13 WHEREAS, the Department of Housing and Urban Development requires
14 that a designated official be responsible for Labor Standards and the sub-
15 sequent enforcement of those standards; and

16 WHEREAS, the City of Las Vegas desires to establish and maintain
17 a system of Labor Standards and review for the Community Development Block
18 Grant Program including construction; and

19 WHEREAS, the City of Las Vegas deems it appropriate to designate
20 a Labor Standards Official.

21 NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the
22 City of Las Vegas:

23 1. That the Department of Funds, Coordination and Projects, as
24 the agent of the City, be responsible for Labor Standards determination and
25 monitoring.

26 2. That the Supervisor of the Program Administration Staff be
27 designated as the Labor Standards Determination Official for the Community
28 Development Block Grant Program for the City.

29 3. That said Supervisor as the designate of the City, is hereby
30 authorized to certify, endorse, or otherwise execute any documents, forms, or
other reports as may be necessary or appropriate.

AGENDA

City of Las Vegas

717

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 5

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - SEP 7, 1977

Commission Action

Department Action

Page 119 I. (c) DEPARTMENT OF PERSONNEL &
EMPLOYEE RELATIONS

BOB McPHERSON, AEP, DIRECTOR

A. AUTHORIZATION TO FILL POSITIONS

FEDERALLY FUNDED

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
(1) Human Resources Office Assistant Two positions (replace vacancy)	\$721	To assist in task analysis, monitoring subcontractors and implementation of PSE interviewing component.
(2) Parks & Rec/Parks Maintenance Laborer (replace vacancy)	758	Responsible for loading and unloading materials, equipment and supplies, also general maintenance work pertaining to Parks Division.
(3) PS/ Maintenance Maintenance Aide II (replace vacancy)	622	To function as a member of the Paint Crew.
(4) MS/Purchasing & Contracts Junior Office Assistant (replace vacancy)	622	Responsible for receiving and delivering stock.

Items 1 thru 9
Approved
as submitted
W - unanimous
Mayor Briare did
not vote -
temporarily absent

Director
authorized
to proceed

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 6

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - SEP 7 1977

Commission Action

Department Action

Page 120

I. (c) DEPARTMENT OF PERSONNEL &
EMPLOYEE RELATIONS

FEDERALLY FUNDED cont.

- | | | | Commission Action | Department Action |
|-----|---|-----|--|-------------------|
| (5) | Municipal Court
Office Assistant
(replace
vacancy) | 721 | To handle increasing
workload at the
traffic counter. | |
| (6) | Human Resources
ESL Teacher Aide
(replace
vacancy) | 622 | To perform clerical
functions for CETA
"English as a Second
Language" clients. | |
| (7) | Human Resources
Office Assistant
(replace
vacancy) | 721 | To provide clerical
support to professional
staff in the CETA
program. | |
| (8) | Funds, Coordination &
Projects
Stenographer
(replace
vacancy) | 758 | To handle clerical
work flow due to
the start of several
new programs. | |
| (9) | Community
Planning &
Development
Housing Code
Inspector
(replace
vacancy) | 994 | To conduct inspections
and investigations
for compliance with
Uniform Building
Code. | |

See Page 5

See Page 5

AGENDA

City of Las Vegas

121

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 7

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - SEP 7, 1977

Commission Action

Department Action

Page 121

I. (c) DEPARTMENT OF PERSONNEL &
EMPLOYEE RELATIONS

B. AUTHORIZATION TO FILL POSITIONS

CITY FUNDED - TEMPORARY

(1)
Municipal Court 622 To handle paperwork
Junior Office involved with
Assistant dismissed warrants
(provide needed
services)
Until 12/7/77

(2)
PS/Maintenance 994 To assist the
Carpenter Maintenance Section
Four positions in catching up
(provide needed backlog of
services) reconstruction and
Until 12/7/77 remodeling.

(3)
Parks & Rec/ 686 One position to be
Recreation utilized for handi-
Senior Recreation capped sports activities
Assistant and two positions
Three positions for night gym and
(provide needed flag football
services) program.
Until 6/9/78

C. AUTHORIZATION TO FILL POSITIONS

CITY FUNDED - FULL TIME

(1)
Municipal Court 721 To work at traffic
Office Assistant counter handling
(replace the excessive work-
vacancy) load of traffic
citations.

(2)
Financial 758 To handle clerical
Management and stenographic
Stenographer needs of Rehabili-
(replace tation Loan Officer.
vacancy)

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

Director
authorized
to proceed

Items 1 thru 5
Approved as
submitted
C - unanimous

Same as above

AGENDA

City of Las Vegas

122

BOARD OF CITY COMMISSIONERS
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
 PHONE 386-8011

Page 8

CITY COMMISSION - REGULAR MEETING - MINUTES - SEP 7 1977

Commission Action

Department Action

Page 122 I. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

CITY FUNDED - FULL TIME cont.

See Page 7

See Page 7

(3)
 Personnel & Employee Relations
 Personnel Analyst
 (provide needed services)
 1019 Assists in cost reduction programs in the areas of safety, job analysis and unemployment compensation.

(4)
 PS/Quality Control Engineering Technician
 (provide needed services)
 946 To handle current and projected work-load in Materials Testing Lab.

(5)
 PS/Animal Control
 Animal Control Officer
 (replace vacancy)
 901 To handle heavy animal control workload of the Animal Shelter.

D. APPROVAL OF ACTING PAY - APPOINTIVE PERSONNEL

In view of the length of the assignments, approval is requested to grant acting pay as follows:

Approved as recommended
 C - unanimous

Staff authorized to proceed

L. H. Hampton - Acting City Manager
 \$37,500. (Effective 9/6/77)

William Purvis - Acting Director of Public Services
 \$28,160. (Effective 9/6/77)

Sam Cooper - Acting Director of Fire Services
 \$28,883. (Effective 7/1/77)

AGENDA

City of Las Vegas

September 7, 1977

BOARD OF CITY COMMISSIONERS

Page 10

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - SEP 7, 1977

Commission Action

Department Action

Page 123

I-e DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

***CONSENT AGENDA**

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

PURCHASING AND CONTRACTS ITEMS

***A. PERMISSION TO RECEIVE BIDS**

1. Washing of Windows and Facia - City Hall (Municipal Services)
2. Bases and Softballs for Summer Softball Program (Parks and Recreation)
3. Office Furniture, Equipment and Supplies (Community Planning and Development)
4. Relocation of Illuminated Signs Due to Five-Points Construction; 2500 East Fremont and 2512 East Fremont (Public Services - Quality Control)
5. Weatherization and Housing Rehabilitation Senior Citizens Programs (Funds Coordination)
6. Furnish and Install Vertical Blinds - Easterly Face City Hall Tower - SOLE SOURCE (Public Services)
7. 200 Each Gabions, Galvanized Wire Baskets, With Tie Wires Various Sizes - Drainage Channel Flood Control - SOLE SOURCE (Public Services - Streets Division)

Items 1 thru 7 approved as recommended Lurie - unanimous

Director authorized to proceed

AGENDA

City of Las Vegas

September 7, 1977

BOARD OF CITY COMMISSIONERS

Page 11

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - SEP 7, 1977

Commission Action

Department Action

page 124

I-e DEPARTMENT OF MUNICIPAL SERVICES, CONTINUED

*B. AWARD OF BIDS

1. Bid #77.33 - Annual Tire and Tube Contract, Fiscal Year July 1, 1977, Through June 30, 1978 (Municipal Services - Vehicle Services Staff) HELD IN ABEYANCE FROM BOARD OF CITY COMMISSION MEETINGS OF JUNE 15, 1977, JULY 6, 1977, JULY 20, 1977, AUGUST 3, 1977, AND AUGUST 17, 1977
2. Bid #77.65 - Veterinarian Services - From Date of Notice to Proceed, Through June 30, 1978 (Public Services - Animal Control Division)
3. Bid #77.71 - Three (3) Each Drafting Tables - Complete (Public Services)
4. Bid #77.78 - Offset Duplicator and Plate Maker (Municipal Services - Reprographics Staff)
5. Bid #77.79 - Shop Tools and Powered Equipment - C.E.T.A. Facilities - Spring Mountain Youth Camp (C.E.T.A.)
6. Bid #77.81 - Panels and Partitions for City Hall - SOLE SOURCE (Public Services)
7. Bid #77.84 - Repair Parts for Rainbird Sprinklers (Parks and Recreation - Parks Division)
8. Bid #77.86 - Annual Street Overlay and Slurry Seal Surfacing Contract, From Date of Notice to Proceed, Through June 30, 1978 (Public Services)

Tabled for 3 weeks
(pending litigation)

Items 2 thru 8
Approved as
recommended

Item 8 - Bid No.
77.86 to include
660 ft. strip,
10 ft. wide in
center of Smoke
Ranch Road
C - unanimous

Director
authorized
to proceed

AGENDA

City of Las Vegas

September 7, 1977

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 12

CITY COMMISSION - REGULAR MEETING - MINUTES - SEP 7, 1977 PHONE 386-6011 Commission Action Department Action

Page 125

I-e DEPARTMENT OF MUNICIPAL SERVICES, CONTINUED

C. PURCHASE ORDER APPROVAL

1. Request Purchase Order Approval to Computer Hardware, Inc., Sacramento, California for lease and maintenance of core storage and modules in the amount of \$17,640.00. These items have been on lease since 1973 and are necessary to insure the present as well as the proposed future system remain functional. (Financial Management - Data Services Staff)
2. Request Purchase Order Approval to Computer Hardware, Inc., Sacramento, California, for lease and maintenance of controller and disc drive in the amount of \$19,248.00. These items have been on lease since 1973 and are necessary to insure the present as well as the proposed future system remain functional. (Financial Management - Data Services Staff)
3. Request Purchase Order Approval to State of Nevada, for various communications equipment. State of Nevada Bids Nos. 2279 and 2279A, in the amount of \$72,475.25. This is a portion of the previously approved communications upgrading for which funds have been set aside. (Municipal Services - Communications)

D. CONTRACT CHANGE ORDER

1. Bid #R77.13 - Charleston Blvd.-Fremont St.-Eastern Ave.-25th St.-Atlantic St. Intersection. FUNDING AGENCIES: State of Nevada; Regional Streets and Highways Commission, City of Las Vegas (Public Services)

Recommend approval of Contract Modification #2, to Wells Cargo, Inc., Las Vegas, Nevada in the amount of \$49,560.60, by reason of field design changes as requested by Las Vegas Valley Water District, and Central Telephone, and the City of Las Vegas.

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

Staff
authorized
to proceed

Items 1 and 2
Approved as
recommended
C - unanimous

Same as above

(Director to
furnish
Comm. Lurie with
breakdown on
Item D1 re Wells
Cargo)

CITY ATTORNEY

MIKE SLOAN

APPROVAL OF
COOPERATIVE
AGREEMENT
BETWEEN
CITY OF LAS
VEGAS AND
NORTH LAS
VEGAS
Abeyance for
formal app
of Agmt by
City Attorney

Mr. Sloan: Item A is an approval of a cooperative agreement between the City of Las Vegas and the City of North Las Vegas relating to the combined communications center in the Fire Department.

Mayor Briare: Did your office draft the agreement?

Mr. Sloan: I can't see with any certainty if they did because it is not on my stationary.

Mayor Briare: I would like to know whose agreement this is. Is this George Franklins agreement or Mike Sloans agreement?

Commissioner Lurie: What don't you hold it until next Wednesday and have a chance to review it.

Mr. Sloan: Well hold it in abeyance and I will have Jan indicate who drafted it.

Mayor Briare: O.K. you let us know the next time Mike.

RESOLUTION
ESTABLISHING
TIME OF
CITY COMMISSION
MEETINGS
1st & 3rd Wed
9:00 A.M. -
2nd & 4th Wed
7:00 P.M.
Resolution
Adopted

Mr. Sloan: The next is a Resolution to establish the time of the City Commission meetings. If you want to make any amendments you can change the times if you discuss it. I don't know if you are going to entertain that discussion now as to what the format of the agenda would be.

Mayor Briare: The Resolution that is before us of course could be amended in any way that the Commission should see fit. We have five or six alternatives to selected from, and there might be more coming. Does anyone want to place the matter before us.

Commissioner Lurie: Well at this time I would like to move for adoption as presented to us.

Commissioner Christensen: What is the Resolution?

Mayor Briare: The 1st and 3rd Wednesday of each month the meetings will be from 9:00 A.M. The 2nd and 4th Wednesday will commence at the hour of 7:00 P.M. I think that your proposed alternative was Commissioner that the 2nd and 4th Wednesday starting at 7:00 P.M. would start at 4:00 P.M.

Commissioner Christensen: That is correct.

Mayor Briare: Maybe this would be a good time to discuss the format.

R E S O L U T I O N

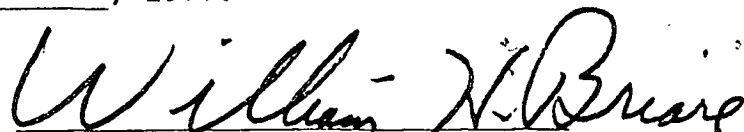
WHEREAS, Title I, Chapter 5, Section 6 of the Municipal Code, City of Las Vegas, 1960 Edition, provides that the Board of Commissioners of the City of Las Vegas shall meet in regular session four times monthly on the 1st, 2nd, 3rd, and 4th Wednesday of each month, and

WHEREAS, the Ordinance provides that such time may be set and changed by Resolution of the Board of Commissioners, and

WHEREAS, the Board of Commissioners desires to set the time for the regular meeting of the Board of Commissioners on the 1st and 3rd Wednesday of each month at the hour of 9:00 A.M. and the time for the regular meeting of the Board of Commissioners on the 2nd and 4th Wednesday of each month at the hour of 7:00 P.M. on said day.

NOW, THEREFORE, BE IT RESOLVED, that the regular meeting of the Board of Commissioners of the City of Las Vegas shall be held on the 1st and 3rd Wednesday of each month beginning at the hour of 9:00 A.M. and on the 2nd and 4th Wednesday of each month beginning at the hour of 7:00 P.M. until such time as it is resolved otherwise.

THIS RESOLUTION shall become effective beginning with the regular meeting of the Board of City Commissioners on the 7th day of September, 1977.


WILLIAM H. BRIARE, MAYOR

ATTEST:

[Handwritten marks]

RESOLUTION
ESTABLISHING
TIME OF
COMMISSION
MEETINGS
Continued

Commissioner Christensen: I think it is. The reason I mentioned that, and I will go in to this. When I first saw this memo with the first four options that were suggested formats for the City Commission Meetings. I immediately threw out the first two because they didn't accomplish the purpose of opening the meetings and making them more convenient to the Public. They were more convenient for the City, but not the Public. Because we were only taking zoning items on two meetings a months. We were meeting more often but still not having more opportunities for citizens to get an item on the agenda. I propose option number 5 which basically is this. All four meetings covering a full agenda so that we accomplish one of our purposes in going to four meetings a month. Making it four times during the month that a person can get something on the agenda. Because of the Open Meeting Law and the requirements for posting the Agenda and so forth. It created a problem with some walk on items and things like that. In order to make it easier for a citizen to get something on the agenda well then they have more opportunities to get it on. So number one it puts a complete agenda for each meeting. Now we want evening meetings. I have also talked about having more certain times for various segments of the agenda. So the public would not have to wait from 9:00 A.M. until 3:00 P.M. to have their items heard. That calls for a day meeting to start at 9:00 A.M. which would be the City Managers business, licensing and the City Attorney and then we would break for lunch at noon. Then at 1:30 start with the Public Hearings and Zoning matters where there are large numbers of people in the audience that want to be heard. So they would know that they didn't have to be there at 9:00 A.M. and wait, or wouldn't have to show up until 1:30 for the zoning items. That way they don't have to kill half a day.

Commissioner Leavitt: Then what we would do would be to take care of all the business except Public Hearings and Zoning matters right?

Commissioner Christensen: Right. Then in the evening meeting it was my suggestion that maybe we should start at 4:00. Run the same schedule except that the City Managers business would start at 4:00 followed by the routine matters and then we would break for dinner from 6:00 until 7:30. Now obviously you can't guarantee these times, but you could start all your Public Hearings at 7:30, and then after those people go home go ahead and continue with routine matters that you hadn't finished earlier. The important thing is that we have a time certain for the Public Hearings and the Zoning items and so forth. So people don't have to spend more than half a day here. Then there is a possibility that maybe we should alter this option by having all four meetings in the afternoon. So the attorneys could make the meetings as well as their court dates.

REGOLUTION
ESTABLISHING
TIME OF
CITY COMMISSION
MEETINGS
Continued

Mayor Briare: Yes but there are people here who have professions other than law around here. I like your format, however, I would like to define it just a little bit further and suggest that on the morning meeting under the City Managers business that we would have Licensing, and other normal City Business including the Attorney plus Show Cause Hearings if any.

Commissioner Christensen: I don't have a fight with that. The main thing that I would like to see happen are two items. Number one I would like to see the public be able to get things on the agenda in less than two weeks time. Number two I would like to have the public who comes here for a specific item on the agenda not to have to sit here for a full day. I realize you can't have everything on a cut and dried basis, but you can cut half of that waiting time off. By not hearing any of those things except in the afternoon, or after supper. So we can eliminate half of that waiting time that the poor citizen has to sit here waiting for the item that they are here to make their wishes known. I think that that is a burden on the public and we have to remember that we work for the public. They don't work for us.

Commissioner Woofter: Of all the proposals and Resolutions. I am going on record that I am voting no. It is still my feeling that there is no need to go to four meetings a month. You note that we are here at approximately 5:30 this evening, and we have covered essentially every matter. I feel that what we are doing by breaking it down to four including Commissioner Christensens. We are just stretching out what we can do two times a week in an eight hour period usually, and making it up to a 32 hours. From approximately 16 to 32. I agree with Commissioner Christensen that there should be some consideration given like having City Manager matters in the morning. Every matter that can be handled by staff without a protest situation, and public hearings in the morning, and then in the afternoon set all of the public hearings, and the Community Planning. So they won't have to sit around. But I still don't feel the need of stretching out an eight hour day in to a 16 hour day. When we can accomplish it in that short of time.

Commissioner Christensen: Well the fact that we are meeting four times a month has already been established. We are just establishing what time we start.

Commissioner Lurie: I also believe that with the four meetings a month the agenda items are going to be spread out through those four meetings. I would have to say that our time would be cut down in half at each meeting. We should be finished if we start at 9:00 in the morning by noon. The meetings that start at 7:00 we should be done by 9:30 or maybe 10:00.

RESOLUTION
ESTABLISHING
TIME OF
COMMISSION
MEETINGS.
Continued

Commissioner Woofter: I agree there, however, the way it is set forth in Commissioner Christensens format he sets specific times 9:00, 1:30, so that means a full day you have utilized. Evening meetings 4:00, and then after dinner returning. So that means that even though we could accomplish it maybe before noon he has got certain times set.

Commissioner Christensen: The latest meeting I have ever been to as a Commissioner was the times when we were meeting four meetings a month. I don't think you are going to shorten the meetings that much. It hasn't proved true in the past.

Mayor Briare: How then can the same volume of business be taken care of in two meetings a month? Are we just having a greater volume now?

Commissioner Christensen: I think you are looking at a situation where the volume increases with the availability of the Commission. I don't think that is so wrong. You are going to spend the same number of hours in a day whether you meet four times a month or two times a month according to past history.

Commissioner Lurie: I am hoping that we can simplify the matter by coming up with a format for these meetings. So we can go through them in a more efficient manner.

Commissioner Christensen: Well if we can arrange the agenda so we can hear all the public hearings and Planning items first. Then the people won't have to wait here all day. That would be allright with me. The two items that I want to accomplish is to have people get on the agenda sooner, and arrange the agenda so they don't have to sit here all day long.

Commissioner Lurie: If we take the agenda format as it is now, and adopt a Resolution, and change the format so that Public Hearings and Planning items are first then that solves your problem?

Commissioner Christensen: Yes, that accomplishes the two items I am after.

Commissioner Leavitt: I think if we had followed this format today I think we would have been out of here by 3:00. I think if we had followed this format for example today, and we started at 9:00 and we had all the licensing and other City business and got it done by noon, then we started our Public Hearings. I think we could have got out of here by 3:00.

Commissioner Lurie: You can set your managers business, and your zoning, and your public hearings first.

Commissioner Leavitt: Well you are going to be spreading those public hearings and those planning matters out.

RESOLUTION Commissioner Leavitt: I think what is going to happen is
ESTABLISHING that if we follow this format that we are going to be out
TIME OF of here by 3:00 in the afternoon. At least I hope so.
CITY COMMISSION I hope that having two extra meetings a month, and spreading
MEETINGS those matters out. We may not have any controversial ones.
Continued

Mayor Briare: Well that is true sometimes we have exceptions.

Commissioner Christensen: I am willing to take all of those things first. The thing that I am concerned about is the public's inconvenience. We work for the people they don't work for us.

Mayor Briare: Now we are kind of back to the original argument here. Commissioner Christensen just indicated that what you can accomplish in, no, what you used to accomplish in four meetings can be accomplished in two meetings. Commissioner Leavitt now says that had we followed the 9:00 A.M. with Licensing and so forth and so on, that we might have been out of here by 3:00. I agree with you.

Commissioner Leavitt: I mean if we have four meetings a month. Like today you were going to have so many planning items and public hearings. Those would be spread over a four meeting a month format. I don't agree however with what Commissioner Christensen says. I think by having four meetings a month, and if we spread this thing out a little bit that we are not going to be long.

Commissioner Christensen: That hasn't been true in the past.

Mayor Briare: I wish this Commission would give a try to having four meetings a month each meeting to follow the schedule as outlined by Commissioner Christensen here. Forget the night time meetings for a while, and then if it turns out that you are going to be able to better serve the public by meeting at night time, then go ahead and go to night time meetings. It seems like I am going to have to think to myself, now let's see is this the second Wednesday of the month. Am I going to meet during the day, or what. Is the City Manager going to have to work 16 hours that day. When does Staff come in on the day that we meet at night time? When are you going to come in Mr. Cathcart? What hour of the day are you going to come in when the City Commission meets from 4:00 until whenever we are finished?

Mr. Cathcart: What time I usually do in the morning.

Commissioner Lurie: That is a good employee.

Mayor Briare: I just think from the standpoint of efficiency and utilization of time. We have got a lot of talent around here, and thank goodness none of them gets paid over time. Edwina do you get paid over time?

Edwina Cole: No.

RESOLUTION
ESTABLISHING
TIME OF
CITY COMMISSION
MEETINGS
Continued

Commissioner Lurie: If we adopt this Resolution I think that ought to satisfy our needs as long as we adopt the format that we take all Planning and Public Hearing items first.

Commissioner Leavitt: Does that mean the night meetings will start at 7:00, and not at 4:00?

Commissioner Lurie: 7:00.

Commissioner Leavitt: The motion is now to adopt the Resolution, and follow the format without the time.

Commissioner Lurie: No we will adopt the Resolution, and then we can consider changing either the format or the times. I would like to move that the Resolution be adopted, and then in a separate motion change the agenda so that the Planning Items and Public Hearing items appear first on our agenda.

Mayor Briare: Cast your votes. Motion is approved.

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

Commissioner Christensen: O.K. now the second motion. Would you consider this. The City Manager should have his finger on the pulse of the agenda to know what items are going to have people attending, and what items are not. Could we leave that to the City Manager to set that agenda so those items that are set that will draw a number of people appear first on the agenda. So that he can add other things other than Planning and Public Hearings that he may already have previous knowledge that there is going to be a lot of people wanting to be heard on.

Mayor Briare: Well if you get that crystal ball I would like to use it for a while. Today is a perfect example. If anybody wanted to bet me that we were going to be until 6:00 tonight.

Commissioner Leavitt: I think the best shot is the idea of putting the Public Hearings and the Zoning matters up front. They are going to be the most controversial.

Mayor Briare: Incidentally I would like the record to reflect that I am not opposed to four meetings, but what I was opposed to was the hours of the meetings. Does that solve that problem? I guess it does.

Larry Hampton: Just a matter of clarification for staff Mayor. I would like to recap what I believe was approved. At 9:00 then would be the Public Hearings and Planning matters, and then would we follow Commissioner Christensens format as far as having a break, and then starting again at 1:30 with the remainder?

Mayor Briare: No.

RESOLUTION
ESTABLISHING
TIME OF CITY
COMMISSION
MEETINGS
Continued

Larry Hampton: Whenever you are done with Planning then you would go right into the other items.

Commissioner Lurie: You are using the same format you are just changing some of the pages on the agenda to move it from the back to the front.

Commissioner Christensen: You are putting I(h) and II at the front of the agenda.

Mayor Briare: So that would mean that lawyers that appear in front of the Commission on Business Licenses, or slot machines or whatever. They will never know whether they are going to be in the morning, or whether they are going to be in the afternoon?

Commissioner Lurie: Well hopefully we can be finished with each agenda by noon. The City Attorney has a recommendation for us on a new procedure we are going to look in to about swearing in all people that come and testify before us, and give us information so that we know that the information is true and correct. Not misleading or misrepresenting. I think that is a good suggestion he had, and I think we ought to follow through with it.

Mayor Briare: While we are on the subject. There are some City Councils that do this, however, they don't get bogged down in such horrendous detail as we do. They rely more on their staff. They rely more on Planning Commissions and Board of Zoning Adjustments etc.etc. As a consequence by the time they get it everything is so refined that it is pretty difficult. Can you imagine Congress trying to get anything done in the manner that we do. We have to ask Cathcart whether it is \$7.50 that he is spending this week, or whether it is \$700,000.00. Sometimes we get involved in things that are so minute that we get bogged down. We spend all day here. What you are saying about swearing people in. Some Councils do that. When you get up to give testimony before a City Commission you had better be willing to put it all in there. Commissioner you have seen Congressional Hearings. They give you what, 5 minutes, and you usually read it. Usually you have it prepared because you want to be sure that you get in everything you have to say within 5 minutes. When you are through, then that is it. Maybe we are progressing.

Mr. Hampton: One additional question please. The first item will be Public Hearings, and the second item will be Planning, will the third item then be the City Managers agenda? The same rotation as we now have?

Commissioner Lurie: Yes, or if you wanted to put Liquor and Gaming behind the Planning. So you would have Public Hearings, Planning, Liquor and Gaming so that the last part of the agenda is taken for things like Personnel. Take the items that are going to bring the most people here, and get those items done first.

RESOLUTION
ESTABLISHING
TIME OF CITY
COMMISSION
MEETINGS
Continued

Larry Hampton: I will be happy to do it in that manner.

Mayor Briare: Why don't you whip up a sample agenda for the 14th of September.

Mrs. Edwina Cole: The agenda for the 14th now is already in the print shop.

Mayor Briare: Then it would be the 21st.

Larry Hampton: Fortunately Mayor on the 14th agenda there are no Planning items. So what I am suggesting is that we start with the new format on the 21st.

Mayor Briare: Right.

Commissioner Lurie: So you would put your Planning items first, and Public Hearings next on that one, and then we could switch the next time to see if it is better.

Larry Hampton: O.K. I understand. We will get it worked up.

Mayor Briare: Now will you explain this agreement with the Nevada Power Company.

AGREEMENT
BETWEEN
NEVADA
POWER
COMPANY AND
CITY OF LAS
VEGAS
Approved

Mr. Sloan: Apparently there was a change approved by the Public Service Commission which abolished one rate classification and so on. So in order to qualify for this new classification we had to enter into this agreement as it relates to our power consumption. I have a memorandum from Mr. Purvis which is based on the forecast of the requirements of the City, and his forecast is that we will not consume as much power as the contract puts at the outer limits, and therefore we will avail ourselves of this new schedule. Which will give us a cost savings of approximately 8%. The agreement was prepared by the power company. They have a standard contract which they utilize. Mr. Stewart has reviewed it and he doesn't have any difficulty.

Mayor Briare: On the first page of the Las Vegas Division. Is it normal that a user of power be penalized for using more electricity than what somebody has indicated as a measured demand? For example under the monthly bill \$14,050.00 for the first 500 Kilowatts, and then \$2.90 per Kilowatt for each additional. Wait a minute what am I doing here. Well it still figures out. It is the exact same thing isn't it?

Larry Hampton: Right.

Commissioner Lurie: I believe that this is an agreement that we are already under at the present time. We are paying this rate. We receive some of these same forms at Wonderworld that they want us to sign also.

Mr. Sloan: Mr. Purvis has indicated that there are two new schedules. Schedule LGS and Schedule GS. If the City were to go to the GS Schedule the City would have an unrestricted use, but it would cost us 8% more than if we used the LGS Schedule.

If you have a question about it we could hold this until next week, and have Mr. Purvis here. We looked at the legal part of it, and not the practicality from the power consumption side.

Mayor Briare: Is this a negotiable thing?

Mr. Hampton: We have our choice of going to either schedule depending upon our useage. Our electrical supervisor has broken down all our past useages, and has determined that if we were to use the LGS schedule we would have a savings of about 8%. It is to our advantage to do this. The power company tells us before we fall under that Schedule that we must enter in to this agreement.

Commissioner Lurie: I would move for the approval of the agreement.

Mayor Briare: Cast your votes. Motion is approved.

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

Commissioner Lurie: The only thing I would like to say is that they bill us under the first 500 Kilowatts of the measured demand. What I would like staff to do is go with me to visit the School Districts new computer system that they have. With all of their air conditioning, their lights, and they are converting everything in to this computer so that when they reach a certain demand this computer tells them that they are reaching this demand, and also shuts off certain airconditioning, and certain things that will prevent them from going over the demand charge. So they don't have to pay the additional costs which is a tremendous savings. I looked at the units, and discussed this with the members of the school district, and they showed me where the unit they have put in at Vo-Tech has paid for itself in a matter of a years time. I think it is something that we have to look at because of the amount of electricity, and the large user that we are. I would like to get that information and bring it back to the Commission. I think it is something that will be a tremendous to the City, and the taxpayers.

Mr. Sloan: I just might point out that Commissioners Woofters remark as related to the selection of engineers to the Las Vegas Wash Siphon Construction under Mr. Hamptons project. Mr. Hampton has indicated that he is going to review the qualifications of other engineers and get back to the Commission on that.

Mayor Briare: Anything else?

Mr. Sloan: Nothing further.

Mayor Briare: The next item then is new Bills to be referred to Committees.

NEW BILLS TO BE REFERRED TO A STUDY COMMITTEE OR
RECOMMENDING COMMITTEE

BILL NO. 77-48 Mayor Briare: I intend to refer Bill No. 77-48 to a
Referred to Study Committee consisting of Commissioners Christensen
Study Committee and Woofter..

Mayor Briare: Item B is Bill No. 77-Z-4. I intend to refer that to a Recommending Committee.

BILL NO. 77-Z-4, 1st Reading and Referred A Bill entitled "AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 3 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY AMENDING THE LAND USE PLAN MAP ADOPTED BY THE CITY OF LAS VEGAS, NEVADA, AND CHANGING THE ZONING DESIGNATION OF SAID MAP; TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH." Read by City Attorney Mike Sloan.

BILL NO. 77-49 Mayor Briare: To be referred to a Recommending Committee
1st Reading consisting of Commissioner Lurie and Mayor Briare. Item
and Referred C Bill No. 77-49.

A Bill entitled "AN ORDINANCE TO AMEND TITLE X, CHAPTER 29, SECTION 7(H) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, TO PROHIBIT THE OPERATION OF VEHICLES OF A CERTAIN LENGTH UPON THE PUBLIC WAYS OF THE CITY EXCEPT UPON CERTAIN STREETS DESIGNATED BY RESOLUTION AND EXCEPT FOR TEMPORARY PERMITS ISSUED BY THE DIRECTOR OF PUBLIC SERVICES; TO PROVIDE FOR OTHER MATTERS PROPERTY RELATING THERETO; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF." Read by City Attorney Mike Sloan.

Mayor Briare: This will be referred to a Recommending Committee consisting of Commissioner Christensen and Commissioner Leavitt.

REPORTS FROM RECOMMENDING COMMITTEES

Mayor Briare: Commissioner Leavitt?

Commissioner Leavitt: Lets move it out. Read it by title, and I recommend approval.

BILL NO.
77-47
2nd Reading
and Adopted

A Bill entitled "AN ORDINANCE TO AMEND TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY REPEALING CHAPTER 2 THEREOF AND ADDING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 2; BY ADOPTING THE 1976 UNIFORM PLUMBING CODE WITH APPENDICES AND A SUPPLEMENTAL DOCUMENT PROVIDING FOR ADDITIONS AND AMENDMENTS TO THE UNIFORM PLUMBING CODE, 1976 EDITION, ALL BEING ADOPTED BY REFERENCE; PROVIDING PENALTIES RELATING THERETO; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH." Read by City Attorney Mike Sloan.

Mayor Briare: The motion is to adopt. Any 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 excused.

Mayor Briare: The Ordinance is adopted. I guess that concludes the agenda.

Larry Hampton: I should have brought this up earlier. This is a legal meeting. We did make the proper postings of the agenda and proper notices.

There being no further business to come before the Board, at the hour of 6:00 P.M., Mayor William H. Briare declared this Regular Meeting of the Board of City Commissioners
A D J O U R N E D.