



MINUTES

City of Las Vegas

BOARD OF COMMISSIONERS

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

DATE: Nov 23, 1977

TIME: 9:00 A.M.

INVOCATION: Rev. Mike Friedman, First Baptist Church, North Las Vegas

PLEDGE OF ALLEGIANCE:

BOARD OF CITY COMMISSIONERS

PRESENT ABSENT EXCUSED

MAYOR BILL BRIARE

COMM. PAUL J. CHRISTENSEN

COMM. RON LURIE

MAYOR PRO-TEM

COMM. MYRON E. LEAVITT

COMM. ROY WOOFER

Excused at 11:45 A.M.

CITY ATTORNEY

Mike Sloan

APPROVED BY REFERENCE December 28, 19 77

ATTEST:

Edmund D. Osce

William H. Briare

MINUTES

November 23, 1977

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 23 day of November, 1977 was called to order by His Honor, Mayor William H. Briare, at the hour of 9:00 A.M.

AGENDA POSTED November 17th, 1977 (See Page 3 of these Minutes - Affidavit)

AGENDA MAILED November 17th, 1977 (See Page 4 of these Minutes - Affidavit)

		PRESENT	ABSENT	EXCUSED
STAFF ATTENDANCE	City Manager LAURENCE HAMPTON, Acting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	City Clerk LARRY MARTIN, Acting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Business Activity ILA M. BRITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Community Planning & Development DONALD J. SAYLOR, A.I.P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Financial Management MARVIN A. LEAVITT	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Director, Dept. of Fire Services SAM COOPER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Director, Dept. of Funds, Coordination & Projects RONALD JACK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Municipal Services J. C. CATHCART	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Recreation & Leisure RICHARD L. CAMPBELL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Personnel & Employee Relations J. ROBERT McPHERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Public Services WILLIAM PURVIS, P.E., Acting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

INVOCATION AND
PLEDGE OF
ALLEGIANCE

Mayor Briare: Welcome to the meeting of the Las Vegas City Commission. We are pleased today to have in our audience, to have the Rev. Mike Friedman of the First Baptist Church. He is going to give us the invocation this morning, and then if you would stand, and remain standing for the Pledge of Allegiance.

Rev. Friedman: Almighty God we again thank You, and give thanks to You for our blessings. We thank you God that we can admit that we are frail people, and we need to look to a supreme being for our guidance, and direction. I would ask God a special blessing on every family that is represented here in our City. You might bless them this Thanksgiving You might protect them. You might give us a blessed Thanksgiving, a happy one, and a safe one. For those of us who have gathered here might never forget the rich heritage which is ours. I say Father, that as the business of the day goes on we might remember that we are made in the image of God. Whether we like it or not. We thank You God for those who serve. Who constantly take criticism. For that one who sits in the judgement seat. I pray that those of us who are the helpers might have mercy, and be merciful. Thank You God for another time together. Bless this meeting. We asked it all in the Blessed name of Jesus. Amen. PLEDGE OF ALLEGIANCE.

PUBLIC HEARINGS - 9:00 A.M.

APPEAL FILED BY
LAS VEGAS CITY
EMPLOYEES
FEDERAL CREDIT
UNION
U-69-77
Approved

Mayor Briare: Thank you Rev. Friedman. Have a nice day. The first item on the agenda this morning is a Public Hearing.

Mr. Jerry Snider: I believe you gentlemen have all had the information given to you. I would be glad to answer any questions if there may be any.

Commissioner Lurie: What would be the procedures as far as use of the facility if it is approved?

Mr. Snider: This facility is for members only. We are issuing individual membership cards with signatures on them. For any individual to have use or access to the services involved they will have to present the card. Sign a slip so that we know the signatures are the same. That the member is using it himself before the pump will be activated.

Commissioner Lurie: What about the hours?

Mr. Snider: We requested that it be taken in to consideration for up to 16 hours. No more than 16 hours. We wanted to have the feel that we could adjust to those needs, and wants of the City employees.

Commissioner Leavitt: What safe guards have you got for example with the member of the union with his car, but filling up the tank of his friends car. Do you have license plate checks?

APPEAL FILED
BY LAS
VEGAS CITY
EMPLOYEES
FEDERAL
CREDIT
UNION
U-69-77
Continued

Mr. Snider: We are planning on it. This is the only element that we haven't been able to come up with. If one of our members got in to someone else's car, and put gas in it, we would have to run a check on every car if we do that. We are in hopes that our members will be appreciative enough, and recognize that the service is strictly for them and their families.

Commissioner Leavitt: You have a plan by which you would be able to check the license plates? Do you have that in mind?

Mr. Snider: We are going to put the license plate of the vehicle down with the signature. We can spot check occasionally to see if we are being taken.

Mayor Briare: The Las Vegas Credit Union as an entity in itself will be making how much per gallon on the gasoline?

Mr. Snider: We don't intend to make anything other than the cost of operation itself.

Mayor Briare: Which is?

Mr. Snider: We have discussed, and intend to take a ten year write off on the facility itself. We assume that we will have to have at least two attendants on duty.

Mayor Briare: Two attendants to pump gas?

Mr. Snider: If we are open 16 hours we are going to have to have two attendants.

Mayor Briare: It is not a self service thing?

Mr. Snider: Yes it is.

Mayor Briare: Then I would be kind of interested. You recall the conversations that were held here the last time you were denied on this application. Just because it happens to be the Las Vegas City Employees makes it a little more difficult perhaps, but if it was any credit union, and there are a good number in the City. You probably know exactly how many other Credit Unions there are in the City.

Mr. Snider: There are 67 in the State.

Mayor Briare: So theoretically there could be 67 service stations in the State selling gasoline at cost.

Mr. Snider: Right.

Mayor Briare: Did the Commissioners receive a telegram in opposition to this? (No response).

Mayor Briare: Any other questions? (No response). Is there anyone in the audience that wishes to be heard on the appeal filed by the City Employees Credit Union? (No response). Being no one else present I will declare the Public Hearing closed.

APPEAL FILED BY LAS VEGAS CITY EMPLOYEES FEDERAL CREDIT UNION U-69-77

What is the pleasure of the Commission?

Commissioner Lurie: I would like to move that the appeal be approved, and that the Credit Union be allowed to pump gasoline.

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

Continued

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

ANNEXATION A-4-77 INTENT OF THE CITY OF LAS VEGAS, NEV TO ANNEX TERRITORY GENERALLY LOCATED AT THE SW CORNER OF DECATUR BLVD. AND SMOKE RANCH ROAD

No protests
Approved

Mr. Saylor: This is a small piece of land at the corner of Smoke Ranch, and Decatur. This has been before you on several other occasions. This is a Public Hearing to hear if there are any protests or not. No action is necessary at this time however.

Mayor Briare: Is there anyone in the audience present to protest the proposed annexation? (No response). Is there anyone here who wishes to be heard on the petition? (No response). We will now close the Public Hearing. Mr. Saylor you will proceed to continue the sequence, or the required steps. Now the last Public Hearing is a petition of vacation for the applicant Kermitt Waters.

Mr. Norris Tally: I am representing Kermitt Waters.

PETITION OF VACATION VAC-14-77 KERMITT WATERS

Approved

Mr. Saylor: You will remember Mayor this involved a piece of right-of-way in conjunction with the freeway construction. At the last meeting we discussed it with you, and Kermitt Waters discussed with you the litigation involved. It was held in abeyance to allow us to again contact the State officials to see what if any position they were taking. They have advised us that they are not taking any position on the vacation. So you can proceed on it without taking that into consideration if you would like.

Commissioner Lurie: Have you met with the State Highway Department, and they are not requesting that the property that is vacated be turned back over to them?

Mr. Saylor: That is right, they are not taking any position on it. It is in litigation. Now if you do vacate it then the legal proceedings will eventually determine the disposition of the property.

Commissioner Lurie: So which ever we go today, it is still going to end up in the courts for litigation?

Mr. Saylor: I believe so yes.

Mayor Briare: But the City will not be a party to any of that?

Mr. Saylor: Well if vacated, the property becomes the property of the City. I would have to presume then from that point on that there would be some litigation between Mr. Waters, and his client with the City to quiet title on it. I think the issue is; is that right-of-way needed for street purposes? The staffs position is that it is not needed for right-of-way purposes.

VAC-14-77
Continued

Mayor Briare: Is there anyone else in the audience that wishes to be heard on this matter? (No response). Then this Public Hearing will be closed. Any comments by the Commission?

Commissioner Lurie: I move that the application for vacation be approved.

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

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

COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT

DON J. SAYLOR, AIP, DIRECTOR

See Pages 20 thru 28 of these minutes - Annotated Agenda

Z-112-77
M. A. &
HANNAH
CLEMENS
Approved

Mayor Briare: The first item is an abeyance item.

Mr. Saylor: This item was held in abeyance at your last meeting. It involved the proposed development of apartments in the immediate vicinity of the Sunrise Hospital. (Pointing to the Map). This is the location of the property on Willow. The proposal was to have C-2 zoning which would allow the development without the normal parking requirements. They were proposing 40 units, and I believe they have 8 parking spaces.

Mayor Briare: Mr. Rosenthal you have done some research, and some marketing studies of that nature prior to your plans for building an apartments with so few parking spaces.

Mr. Rosenthal: Yes your Honor I have. The downtown area by survey shows 22% of the people that live in the downtown area have cars. I have also changed the 8 spaces to 14 which is a 3 for 1 ratio, and we have changed the pool from a recreational pool to a therapeutic pool. Because we are going more on a basis of handicapped people than regular, because of the nature of the area.

Mayor Briare: You are just convinced from a standpoint of the economics of your own project, that you are not going to have need for any more parking. You are convinced of that?

Mr. Rosenthal: Yes sir.

Mayor Briare: You are putting up your construction money to show that you are convinced of it?

Mr. Rosenthal: Yes.

Z-112-77
Continued

Mayor Briare: Any other questions?

Commissioner Lurie: Well my concern is with the parking also. My second concern is with the barrier free access for the handicapped. The members of the committee, and the employment of the handicapped were concerned about the barrier free access into the units. Maybe you can relate to us how you plan on constructing them so they will be barrier free.

Mr. Rosenthal: I spent several hours yesterday morning with Suzanne Thomas of the Governors Committee on employment of the handicapped. She gave me all the basic architectural requirements. We incorporated them in to our plan. As a matter of fact she was just here, and she brought a letter of indorsement. We thought the meeting was going to be 7:00 tonight. She is out right now getting three other letters from the blind, the elderly, and other organizations. If you would like to take a look at this letter. (Handing the letter to the Commissioners).

Mayor Briare: Any other questions?

Commissioner Christensen: Will you tell us one more time how you plan to break this up? There seems to be some confusion over how much is going to be for what type of units for the out-patients, and for the people that work there. What ratios would that be.

Mr. Rosenthal: It will be a two story structure. There will be 20 units on the bottom designed specifically for the handicapped, and the elderly, and the 20 units on top will be designed for the low paid highly responsibility people that are employed within the area.

Commissioner Christensen: That answered my question.

Mayor Briare: Anything else? What is the pleasure of the Commission?

Commissioner Woofter: I think the reasons set forth by Mr. Rosenthal, the applicant, and certain letters I have reviewed, as well as certain individuals that is concerned in the field of the handicapped; that this is a worthy project as far as the need is concerned in that particular area. Therefore I make the motion 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, Lurie, Leavitt,
Christensen, and Mayor Briare voting aye;
noes, none.

ANNEXATION
PETITION
A-5-77
JAMES S.
SPEAR
ET AL
Approved

Mr. Saylor: This involves property located at the Northeast corner of O'Bannon, and Edmond Street. Sahara is to the South, and Decatur to the West. It is a 2 and ½ acre parcel. The Planning Commission recommends approval. If you are in favor of the annexation you would approve the petition, and that starts the procedure in motion.

Mayor Briare: Is there any one in the audience that wishes to make any comments on this application? (No response).

Commissioner Leavitt: What is the current zoning in the County on this parcel?

Mr. Saylor: I believe it is R-C. After it is annexed then the proper zoning will be applied for.

Commissioner Leavitt: What is the zoning right next to it?

Mr. Saylor: There is an apartment house complex right here, and I assume that probably that is what we are proposing.

Commissioner Leavitt: Then the zoning right next to it is R-4?

Mr. Saylor: Yes. To the West, and to the South.

Commissioner Leavitt: I understand that they made application for rezoning in the County, and it has been denied. Are you aware of that?

Mr. Saylor: No I am not aware of that Commissioner. The County's position is that when it is obvious that the applicant is going to seek annexation to the City, that they will not take an action on the zoning. They usually say, go get it annexed first.

Commissioner Leavitt: I am just wondering if the reason for annexation is to change the zoning?

Mr. Saylor: I would guess yes. That is the purpose, but along with that of course would be the overwhelming advantage of being in the City. Plus the advantage of having the City utilities, or City services available, plus the City sewer.

Commissioner Lurie: This is right next to the parcel that was annexed to the City with apartments already under construction, and this application would be before us if the annexation was approved for the rezoning?

Mr. Saylor: Yes.

Commissioner Leavitt: Should the application of rezoning come would you have any recommendations against it? Your recommendation probably would be for R-4 because it is right in that area right? Should this be annexed, there isn't any reason why it couldn't be R-4 is there?

Mr. Saylor: Not that I can see. In view of the fact that we do have multi-family zoning adjacent on two sides.

A-5-77
Continued

Mayor Briare: Anything else? (No response). What is the pleasure of the Commission?

Commissioner Lurie: Move for denial.

Mayor Briare: Would you outline the procedure again on these matters Mr. Saylor? If Commissioner Lurie's motion were to be passed then that is the end of it.

Mr. Saylor: That would be the end of it.

Mayor Briare: Well if his motion failed, and a motion was made to go ahead and approve the application then the next events is what?

Mr. Saylor: Then we prepare a report which is presented to you, and put on file with the City Clerk, and an "X" number of days after that is on file, then you set date for a public hearing. It comes to a public hearing at which time you can hear protestants against it. If you then wish to deny the petition you could, or if you wanted to annex then it goes to the next step, which is the development of an Ordinance annexing the property.

Mayor Briare: Any other comments or questions? (No response). Cast your vote. Motion fails to deny the request.

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

Commissioner Woofter: Move to approve.

Mayor Briare: Comments on motion to approve. Cast your vote. Motion is approved.

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

Commissioner Lurie: Mr. Saylor when this comes back before us make sure you get all the back ground information concerning the application that was before the County, and get all the protestants from the applicant, and from the people who live in the surrounding area who protested this application in the beginning. From where the first units were first built there on O'Bannon.

Mr. Saylor: Yes, we will develop that information. All other pertinent information on the annexation of course will be included in the report we will present.

Commissioner Lurie: Also I want a report on all of the rezoning in the surrounding area from Sahara to Charleston on Decatur to Rancho Road.

VACATION -
VAC-7-77
VALLEY
HOSPITAL,
ET AL
Public
Hearing Set
for Dec 14,
1977

Mr. Saylor: The next item is to set a date for a public hearing. It could be December the 14th. For both Item B, and C.

Mayor Briare: Whatever the statutory procedures are.

Commissioner Leavitt: I have a question regarding this vacation of the Golden Hotel. This alley between Main and First, this has already been vacated by the Las Vegas Club hasn't it?

VACATION
VAC-18-77
GOLDEN HOTEL
Public Hearing
Set for Dec
14, 1977

Mr. Saylor: This is from Carson to Bridger.

Commissioner Leavitt: Right, but it has been vacated from Fremont to Ogden?

Mr. Saylor: Oh, yes.

Commissioner Leavitt: If there is interest to vacate it from Fremont to Carson. Is there any interest in that?

Mr. Saylor: There has been no indication. I don't think we have been approached by anyone on that.

Commissioner Leavitt: Well it seems like we are doing this peace meal. I think we ought to vacate the whole thing, rather than do it block by block. What is going to happen is that you are going to have to vacate that alley all the way. I think we should do it in one swoop. Rather than do it block by block.

Mr. Saylor: Well we will do an evaluation of that.

Mayor Briare: Then we will set the public hearings for the December 14th meeting.

TENTATIVE
MAP
RAINBOW WEST
Approved
as
Recommended
by the
Planning
Commission

Mr. Saylor: This is a tentative map for Rainbow West. This is a development West of the freeway between Carmen, and Washington. We discussed this somewhat at your last meeting when the petition was made to vacate right-of-way that had been dedicated for the freeway along this line. The lady owning the property up here (pointing to the Map), had professed a concern about access to her property. The development of this subdivision would provide this access because there would be a street along the East end of this subdivision. The Planning Commission has recommended approval subject to the conditions set forth on the agenda.

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

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

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

TENTATIVE
MAP
TORREY
PINES
PARK
UNIT #3

Mr. Saylor: The next item is a tentative map of the Torrey Pines Park Unit #3. This is approximately 27 acres, and 100 lots. It is located in the Northwest part of the City. Planning Commission recommends approval subject to the conditions set forth on the agenda.

Approved
as
Recommended
by the
Planning
Commission

Commissioner Christensen: Mr. Saylor referring to condition 3, what is the street name policy?

Mr. Saylor: Avoid duplication of existing street names. Street names that sound very similar to existing streets, or a continuation of an existing street.

Commissioner Woofter: Move to approve.

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

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

TENTATIVE
MAP
STEWART PLACE
#6
Approved as
Recommended
by the
Planning
Commission

Mr. Saylor: This is in the Eastern part of the City. This is just West of Nellis. Marion Drive is to the West. The Planning Commission has recommended approval subject to the conditions stipulated on the agenda.

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

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.

EXTENSION OF
TIME
& PLOT PLAN
REVIEW
Z-61-75
BAUGHMAN &
TURNER
Held in
Abeyance

Mr. Saylor: The next three items are all inter-related. It concerns the proposed commercial development at the Southeast corner of Bonanza and Eastern. Between Eastern, Bonanza. (Pointing to the map). This is the parcel in question. They are asking for an extension of time, plus a plot plan review. This is the proposed development of the property. They are proposing a commercial condominium, in that each of the parcels outlined in red would be under separate ownership, but all part of the same package in terms of sharing parking, and ingress, and egress. That is the purpose of the tentative map, Bonanza East, and the final map that is on the agenda. The Planning Commission has recommended approval of all three items. The extension of time to allow the development to proceed, and then this pattern of the condominium.

TENTATIVE MAP
BONANZA EAST
Held in
Abeyance

FINAL MAP
BONANZA
EAST Held in
Abeyance

Z-61-75
Continued

Commissioner Lurie: The Problem then, if it is in a particular area, we have to go to the owners of say parcel 1, or parcel 2. There is not one person that will handle all the problems that might exist concerning that project?

Mr. Saylor: I don't believe so. I think your first statement was accurate. These will be a separate ownership type of thing.

Mayor Briare: Mr. Saylor on the original application which was in June of 1976, was that the application that caused the rezoning from R-1 to C-1?

Mr. Saylor: Yes.

Mayor Briare: At that time was there any protest factor?

Mr. Saylor: No.

Commissioner Woofter: Since that is a block away from where I reside I don't know whether I am interested in further development in that area. Commissioner Lurie I think brought up a valid point. As far as who is responsible, and who we have to go to in regards to any foreseeable problems. I have seen a couple of other shopping centers in that area that they have had to go back in, and remodel.

Mayor Briare: Is the applicant present? (No response).

Commissioner Christensen: You are talking about, or would the situation be any different than if you had an area where there were already several property owners in a commercial area?

Mr. Saylor: Not really.

Commissioner Christensen: I can't see the fact of a separate ownership has any barrier on whether it is proper or not.

Commissioner Woofter: Has there been any design.

Mr. Saylor: Yes, this is a plot plan of the development. (Referring to the map). We overlayed on there the individual parcels, but this shows the proposed buildings as such, and the landscaping, and the access points, and the parking.

Commissioner Woofter: Would you say then Mr. Saylor that it looks similar to the shopping center across the street, where the Luckys Store is?

Mr. Saylor: It is somewhat similar yes to the Lucky Store development.

Commissioner Lurie: What would prevent; well the thing that concerns me here is that you have ingress, and egress off of Bonanza, and off of Eastern. What happens if these six people decide that they don't get along with one another, and each decide to put up a wall to block each other out from parking?

Mr. Saylor: All of these lots have frontage on a street, and therefore could have their own driveway, with the exception of parcel number 5. However 5 will have a recorded easement on to Eastern.

Z-61-75
Continued

If that did take place they still would have access to a dedicated street.

Commissioner Woofter: If the Commission doesn't object I would like to hold the item for a week, so the representative could be here.

Mayor Briare: Is there any objections by the Commissioners in holding this? (No response). If none then Item G, H, and I will be held off, and be placed on next weeks agenda.

PLOT PLAN
REVIEW
Z-5-74
RONCO MEDIA,
INC.
Approved as
Recommended
by Planning
Commission

Mr. Saylor: This is the property in question. (Referring to the map). This involves an outdoor advertising sign on the Las Vegas Expressway. West of Highland, and East of Rancho. This is the property in question. Bill Boards are allowed in that zoning. This is simply a plot plan review. The Planning Commission recommends approval.

Mayor Briare: Has this been before the beautification committee?

Mr. Saylor: Just the Planning.

Mayor Briare: The matter before us is whether it is to be located here, or whether it should be located there?

Mr. Saylor: Right.

Commissioner Christensen: Isn't this within the guidelines that are established by the Federal Government along the freeways?

Mr. Saylor: Yes. They have a classification I believe called organized area. It falls within their requirements.

Commissioner Lurie: Is there a time limit that can be placed on the approval of these type of applications, so that if the sign doesn't conform to the over all area that after a certain length of time it can be removed?

Mr. Saylor: I believe you could put a time limit on it, if it was reasonable. Something like 5 years, enough to amortize the cost of the bill board.

Mayor Briare: Mr. Saylor when this property was zoned there was no discussion at that time about any possible signs was there?

Mr. Saylor: That is right. That is the only reason it is before you at this time.

Mayor Briare: What does the Ordinance say? I think however that time limitations should be considered. I don't even know the zoning ordinance that allows billboard signs. Perhaps a zoning such as this should have a condition, that if in the future a billboard sign is to be built that there should be some consideration given to a time limit.

Z-5-74

Continued

Commissioner Christensen: Well I understand your concern Mr. Mayor, but I sometimes think we can over regulate. I think supply and demand takes care of the time factor.

Mayor Briare: Well if a person has C-M zoning, then they can put a billboard sign on it. I just wondered if this Commission, or a Commission in the future would like to place a time limit, if a sign were to be put there. What is the pleasure of the Commission?

Commissioner Lurie: I move for approval, subject to putting a 10 year time limit. The same terms that Ronco has with the property owner.

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

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

PLOT PLAN
REVIEW
Z-1-66
GEORGE
KALB
Approved as
Recommended
by the
Planning
Commission

Mr. Saylor: This is a Plot Plan Review. The property is located between Charleston and Shadow Lane. A Resolution of Intent at one time was approved for commercial along the Charleston frontage. They are now proposing to develop the corner. They also own the lot to the South. That was shown on this plot plan, but cannot be approved under this resolution. The property to the West has commercial development on it. The Planning Commission has recommended approval of the plot plan with the condition it would only apply to the end of the C-1 line.

Commissioner Christensen: What happens if we were to hold this in abeyance until we received the other application on the other piece. There is a question in my mind as to whether the other piece will ever be approved.

Mr. Saylor: Well we had suggested that it be done as one package, but they had some type of time problem.

Commissioner Christensen: It looks to me like you are approving half of something, to get your foot in the door for the other half. I think this is a little premature.

Mike Corey: I live at 1054 King Richard. I am the general manager of Wendy's Old Fashioned Hamburgers. When we purchased this property we knew that only the first 145 feet was under the resolution of intent. We applied for rezoning for the back half, and we went before the Planning Commission last night. They rezoned it to P-R. We applied for C-1. Not knowing what we are going to do in the future depending how good the business is, if you want to use it for parking, or if you want to build professional offices back there. Some of their recommendations were to build a wall on the South boundary of the property, and also at the West boundary of the property. With a curb cut only allowed on the first 145 feet.

Z-1-66
Continued

We do not have any plans of putting any retail stores, or businesses in the back. It depends on our business if we do. If we think it warrants additional parking we will put parking there. If not, we are going to build offices for ourselves, and lease a couple of them out.

Mayor Briare: This was heard last night, and you requested C-1, but the Planning Commission recommended P-R.

Mr. Saylor: They recommended approval of P-R.

Mr. Corey: We have no objections to that.

Mr. Saylor: There were no protests to C-1.
The design is completely comparable to the Weisner property.

Commissioner Lurie: The front part of it is already zoned.

Mr. Saylor: It is simply an approval of a plot plan.

Commissioner Lurie: Then the only thing we are talking about now is whether or not when the other application comes before us, whether or not we approve that, and take the recommendation of the Planning Commission. If this is approved they can go ahead and start building, and without the additional parking they have enough parking, and they have access to complete their project?

Mr. Saylor: This can stand on its own.

Mayor Briare: Any action on this Commission this morning though has no bearing whatsoever on the rezoning that was got last night, or the recommendation that you got last night. It is not zoned until this Commission takes action.

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

PLOT PLAN
REVIEW
Z-105-73
SOUTHERN
NEVADA
MEMORIAL
HOSPITAL
Approved as
Recommended
by the
Planning
Commission

Mr. Saylor: This is the expansion program of Southern Nevada. (Pointing to the map). This is Charleston, Shadow, and they have received a vacation of Alturus through here. They are proposing a new medical educational center at this location which would be a five or six story building. This is the proposed addition to the hospital in this area.

Commissioner Woofter: Is there anyone from the hospital here today?

Mr. Ted Kennedy: I am the architect on the project.

Z-105-73
Continued

Commissioner Woofter: I have had several complaints in that area on Alturas that when you leveled in preparation for erecting such a structure, that you left all the debris and mess in that whole neighborhood.

Mr. Kennedy: Yes, that has since been cleaned up. They are putting a parking area in there now.

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

Commissioner Woofter: Move to approve.

Mayor Briare: Cast your votes. Motion is approved.

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

EXTENSION
OF TIME
Z-58-76
DARWIN W.
LAMB

Mayor Briare: Next is the request of extension of time for Darwin Lamb.

Commissioner Woofter: Move to approve.

Approved
as
Recommended
by 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.

REVIEW OF
CONDITION
Z-95-73
RICHARD
NORRIS
Held in
Abeyance

Mr. Saylor: This involves a P-R Zone on Eastern Avenue. It was approved for P-R with a condition that there only be one office use in there. I think this is due to the restricted nature of parking availability. He had requested relief from that condition. The Planning Commission recommends denial.

Richard Norris: The building next door I have; if you are talking about shortage of parking, well we have between the two buildings there is ample parking for 20 cars. The types of businesses that usually go in there don't; like the guy next door is an accounting office, and there is never any cars in his area other than his own. It would probably be no more than 10 or 15 at one time.

Commissioner Christensen: There is no street between the two pieces of property?

Richard Norris: There is an easement; well it was a wide drive way. I gave him an easement, because he had no access.

Commissioner Christensen: Wouldn't this be more appropriate to be considered for a plot plan review Mr. Saylor, if both lots were considered, so that you could look at the piece as one piece?

Z-95-73
Continued

Mr. Saylor: I think so. I think this should be held in abeyance, and have him bring in an overall plot plan of the two developments to show this joint parking.

Commissioner Christensen: I think you would be wise to bring in a plot plan indicating both buildings together. I think that would have more chance of approval.

Commissioner Lurie: Could we hold this for one week then, and you can bring in a plot plan for us to review?

Commissioner Christensen: I would like to make such a motion. To hold it in abeyance for one week for an amended plot plan on both pieces of property.

Mayor Briare: The motion is to hold. Cast your votes. Motion is approved.

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

PLOT PLAN
REVIEW
Z-25-77
and
Z-99-76
CENTURY
DEVELOPMENT
CORPORATION
FOR CIRCLE
K FOOD STORES
Approved
as Recommended
by the
Planning
Commission

Mr. Saylor: One is the property located at Lake Mead, and Simmons. They changed the original design to this (pointing to the map), which is simply to accomodate the Circle K Store. We have no objection to the revised Plot Plan.

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.

Mr. Saylor: The other is at Lamb and Owens. Again the change in design we think enhances the circulation. We would recommend approval.

Commissioner Lurie: Move for approval.

Mayor Briare: Cast your votes. Motion is approved.

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

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II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
DON J. SAYLOR, AIP, DIRECTOR

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. ANNEXATION PETITION - A-5-77 - JAMES S. SPEAR, ET AL

Petition of Annexation for property generally located at O'Bannon and Edmond Street, containing approximately 2½ acres of land.

Planning Commission recommends APPROVAL.

Approved
Woofter
(Commissioners
Lurie and Leavitt
voting "no")

Staff to proceed

B. VACATION - VAC-7-77 - VALLEY HOSPITAL, ET AL

Petition of Vacation submitted to vacate that portion of Rose Street from Valerie Street south 160 feet.

Planning Commission recommends APPROVAL subject to the following conditions:

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

SET DATE FOR PUBLIC HEARING

Date set for
Public Hearing -
7:00 P.M. December
14, 1977

12/14/77 Agenda

C. VACATION - VAC-18-77 - GOLDEN HOTEL

Petition of Vacation submitted to vacate the alley bounded by Bridger, Carson, Main and 1st Streets.

Planning Commission recommends APPROVAL subject to the following conditions:

1. Satisfaction of the requirements of the various utility companies.

Date set for
Public Hearing -
7:00 P.M., December
14, 1977

12/14/77 Agenda

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II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "C" VAC-18-77 continued . . .

2. Satisfaction of the requirements of the Department of Public Services.
3. Conformance to code requirements and design standards of all City departments.
4. Vacation shall not be recorded until all of the above conditions have been met.

SET DATE FOR PUBLIC HEARING

D. TENTATIVE MAP - RAINBOW WEST

Property generally located at the northeast corner of Washington and Tenaya Way, R-1 zone.

Owner/Subdivider: Charles M. Brown
No. of Acres: 42.5+ No. of Lots: 182

Planning Commission recommends APPROVAL subject to the following conditions:

1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
2. Construction of a protective dyke either adjacent to or in alignment with the west boundary of this subdivision.
3. Vacation 16-77 to be recorded prior to the recording of the final map containing the vacated area.
4. Street names to be provided in accord with the City's Street Name Policy.
5. Subject to all conditions of City departments and State Subdivision Statutes.

Approved as
Recommended by the
Planning Commission
Lurie - Unanimous

Clerk to notify
Director to
Proceed

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CONTINUED

E. TENTATIVE MAP - TORREY PINES PARK UNIT #3

Property generally located at the southwest corner of Peak Drive and Maverick Street, R-1 zone.

Owner: Marion Smith
Subdivider: Buttrum Construction
No. of Acres: 27.4 No. of Lots: 101

Planning Commission 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 the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
2. The tract to be protected from storm run-off from the west by a term adjacent and to the west of the half-street improvements required on Torrey Pines as required by the Department of Public Services.
3. Street names to be provided in accord with the City's Street Name Policy.
4. Subject to all conditions of City departments and the State Subdivision Statutes.

F. TENTATIVE MAP - STEWART PLACE #6

Property generally located at the southeast corner of Stewart Avenue and Marion Drive, R-1 zone.

Owner: First Western Savings Association.
Subdivider: Dasco, Inc.
No. of Acres: 67.27 No. of Lots: 287

Approved as Recommended by the Planning Commission
Woofter - unanimous.

Clerk to notify Director to Proceed

Approved as Recommended by the Planning Commission
Lurie - unanimous

Clerk to notify Director to Proceed

II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

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Item "F" continued . . .

Planning Commission 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 the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
2. Sidewalk to be provided on the Stewart Avenue alignment as required by the Department of Public Services.
3. The portion of the street extending south to Charleston and following the Vegas Wash alignment to be 60 ft. in width as shown on the display map.
4. A 6 ft. high wall to be provided on the rear of those lots backing up to the Vegas Wash Flood Channel.
5. Provide an additional street for access to Stewart at the approximate location shown on the display map.
6. There shall be no vehicular access to Stewart from the lots backing or siding thereto.
7. If a wall is constructed on an exterior boundary street, the CC&R's shall contain wording to the effect that each property owner of a lot backing up to said wall shall be responsible for the continued maintenance of the exterior side of the wall and the ground area at the exterior base of the wall.

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II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "F" continued . . .

8. Street names to be provided in accord with the City's Street Name Policy.

9. Subject to all conditions of City departments and State Subdivision Statutes.

G. EXTENSION OF TIME & PLOT PLAN REVIEW - Z-61-75 - BAUGHMAN & TURNER

Plot Plan Review and one-year Extension of Time for property located at the southeast corner of Eastern Avenue and Bonanza Road (ROI to C-1).

Original Approval: June 16, 1976

Extension Granted: June 1, 1977 (6 mo.)

Planning Commission recommends APPROVAL subject to the following conditions:

1. Extension of time to be for a period of one year.
2. All requirements imposed by ordinances adopted subsequent to the initial approval of this application shall be adhered to.
3. Subject to all previous conditions of approval imposed on Z-61-75.
4. Conformance to the plot plan.
5. Conformance to code requirements and design standards of all City departments.

H. TENTATIVE MAP - BONANZA EAST

Property generally located on the southeast corner of Bonanza Road and Eastern Avenue, R-E zone (under ROI to C-1).

Owner/Subdivider: Adams Construction Co.

No. of Acres: 8.343 No. of Lots: 8

Planning Commission recommends APPROVAL subject to the following conditions:

Abeyance
Woofter - unanimous

11/30/77 Agenda
(By Addendum No. 2)

Abeyance
Woofter - unanimous

11/30/77 Agenda
(By addendum No. 1)

AGENDA

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II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "H" continued . . .

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 the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
2. Street improvements on Bonanza Road as required by the Department of Public Services.
3. Relocate the two power poles on Bonanza Road.
4. Meet the requirements of Z-61-75.
5. Submission of CC&R's.
6. Provide vehicular access easements as required by the Department of Community Planning and Development.
7. Street names to be provided as required by the City's Street Name Policy.
8. Subject to all conditions of City departments and the State Subdivision Statutes.

I. FINAL MAP - BONANZA EAST

Property generally located on the southeast corner of Bonanza Road and Eastern Avenue, R-E zone (under ROI to C-1).

Owner/Subdivider: Adams Construction Co.
No. of Acres: 8.343 No. of Lots: 8

Planning Commission recommends APPROVAL subject to the following conditions:

Abeyance
Woofter - unanimous

11/30/77 Agenda
(By Addendum No. 1)

MINUTES

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II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

Item "I" continued . . .

1. Approval of the Tentative Map of Bonanza East.
2. Conformance to the conditions of approval of the Tentative Map of Bonanza East.
3. Street names shall be provided in accord with the City's Street Name Policy.
4. Subject to code requirements and design standards of all City departments.
5. Meet the requirements of State Subdivision Statutes.

J. PLOT PLAN REVIEW - Z-5-74 - RONCO MEDIA, INC.

Plot Plan Review to allow a sign 14' x 48', double faced, two post structure, approximately 40 ft. high on property generally located on the southeast corner of property along the downtown expressway approximately 800 feet from Rancho Road off-ramp, C-M zone.

Planning Commission 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.

K. PLOT PLAN REVIEW - Z-1-66 - GEORGE KALB

Plot Plan Review to allow a restaurant on property generally located on the southeast corner of Shadow Lane and West Charleston, Under ROI to C-1.

Planning Commission recommends APPROVAL subject to the following conditions:

1. Approval was granted for that portion of the plot plan located within the C-1 zoning area.

Approved as Recommended by the Planning Commission
Lurie - unanimous
Subject to a 10 year time limitation

Clerk to notify Staff to proceed

Approved as Recommended by the Planning Commission
Christensen - unanimous

Clerk to notify Staff to proceed

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II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

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Item "K" continued . . .

2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Conformance to the plot plan to reflect the above conditions.
6. Conformance to code requirements and design standards of all City departments.

L. PLOT PLAN REVIEW - Z-105-73 - SOUTHERN NEVADA MEMORIAL HOSPITAL

Plot Plan Review to allow the construction of a six-story building on property located at Tonopah and West Charleston Boulevard, C-V zone.

Planning Commission 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.

M. EXTENSION OF TIME - Z-58-76 - DARWIN W. LAMB

One-year extension of time and reinstatement for property generally located on the south side of West Ann Road, 5/8 mile west of N. Rancho Drive from R-E to C-2.

No previous extensions.

Approved as recommended by the Planning Commission
Woofter - unanimous

Clerk to notify Staff to proceed

Approved as Recommended by Planning Commission
Woofter - unanimous

Clerk to notify Staff to proceed

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II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "M" continued . . .

Planning Commission recommends APPROVAL
subject to the following conditions:

1. Extension of time to be for a period of one year.
2. All requirements imposed by ordinances adopted subsequent to the initial approval of this application shall be adhered to.
3. Subject to all previous conditions imposed on Z-58-76.

N. REVIEW OF CONDITION - Z-95-73 - RICHARD NORRIS

Review of condition to allow more than one business operation on property located at 1329 S. Eastern Avenue, P-R zone.

Planning Commission recommends DENIAL.

O. PLOT PLAN REVIEW - Z-25-77 and Z-99-76 CENTURY DEVELOPMENT CORPORATION for CIRCLE K FOOD STORES

Plot Plan Review for property located at the southeast corner of Lake Mead Boulevard and Simmons Street and at the southeast corner of Lamb Boulevard and E. Owens Avenue, C-1 zone.

Planning Commission 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.

P. PLOT PLAN REVIEW - Z-47-77 - JOHN ROBERTS

Plot Plan Review to allow an apartment project on property located on the west side of Highland Drive, 470 ft. north of Hastings Avenue (ROI to R-4).

Abeyance
Christensen -
unanimous

11/30/77 Agenda
(By Addendum No.
1)

Approved as
Recommended by the
Planning Commission
Lurie - unanimous

Clerk to notify
Staff to proceed

Approved
Lurie - unanimous

Clerk to notify
Staff to proceed

PLOT PLAN
REVIEW

Z-47-77

JOHN ROBERTS

Approved

See Page 28 of these minutes - Annotated Agenda

Mr. Saylor: This is a Plot Plan Review. This is an apartment house development on Highland, and Desert Lane. This recently was before you for a change in zoning to R-4. At that time the plan he submitted as shown here had a substantial amount of open area. There was to be parking underneath some of the buildings. He now comes in with a relatively stereotype apartment house development plan. (Referring to the map). There is a series of buildings here, and here. It appears to be less landscaping, and open space. We felt that we should bring this back before you because we feel part of the reason was you approved the R-4 was because of the particular design presented at that time.

John Roberts: I live at 2800 Gilmary. We didn't feel that a swimming pool was necessary, so I am taking out the pool, and that frees the area here for a different size building, and this for a different size building. We do meet all the requirements of R-4. We have increased our parking by one. We are in 100% compliance. We have all the landscaping on our plan that we can get. (Referring to the map). This is all landscaped. We have a little more in there, and between the buildings. I feel the plan is good, and workable.

Commissioner Lurie: How many units were going to be built there?

Mr. Roberts: 48, and under the R-4 it could have been 54.

Commissioner Lurie: How many parking places do you have?

Mr. Roberts: Seventy one total, or seventy two rather. We conform to all the parking requirements.

Mayor Briare: Does Highland run the same direction on both plot plans?

Mr. Saylor: Yes.

Mayor Briare: What is to the North?

Mr. Saylor: Apartment house development on Highland.

Commissioner Lurie: I move for approval, subject to conditions that we set forth in the first application.

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.

PLOT PLAN
REVIEW

See Page 31 of these minutes - Annotated Agenda

Z-66-73

ROYAL CREST
INC.

Approved
as Recommended
by the Planning
Commission

Mr. Saylor: This is a minor amendment to the Spanish Oaks Development. At the time the townhouse plan was approved it indicated the desire to continue that townhouse pattern to Oakey. However they ran in to some problems, and found out it would be more economical to stop it short of Oakey, and instead provide a series of R-1 single family homes along Oakey Boulevard. They changed the design of the townhouse development on the next tier to individual lots. The Planning Commission recommends approval of the change. One of the conditions also would be circular drive-ways.

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.

PLOT PLAN
REVIEW

Z-5-66

TRI STATE
DEVELOPMENT
CORPORATION

Approved as
Recommended
by the
Planning
Commission

Mr. Saylor: This is to allow an office use on West Charleston. It is under a resolution of intent to P-R. It is just East of Decatur, and on the North side of Charleston. We have had an indication that there is a slight change in the plot plan because there is a light standard that has to be removed. They do have adequate parking. The Planning Commission recommends approval.

Commissioner Lurie: Move for approval subject to the conditions.

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

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

See Page 32 of these minutes - Annotated Agenda

U-71-75

BOB

STUPAK

Abeyance

Mr. Saylor: This is a BZA action which Commissioner Lurie requested to be put on the agenda, to determine if the Commission in fact wants review the action of the BZA. There has been two or three tenants involved. The conditions of the use permit have not been met. A new tenant approached the BZA for more time in meeting those conditions. It is on the agenda to see if the Commission wants to have a hearing on it.

Commissioner Lurie: I was not aware that this application was going to be before the BZA board. When I read that they gave them a six months extension I thought that we might like to review it ourselves. Since this is a very busy corner, and a used car lot too, it does not fit what we would like to see built on that corner.

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II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "P" continued . . .

Planning Commission recommends DENIAL because they felt the changes in the plot plan were of such a magnitude as to not be within the intent of the approval of the City Commission.

Q. PLOT PLAN REVIEW - Z-66-73 - ROYAL CREST, INC.

Plot Plan Review for Spanish Oaks Unit #7, property generally located south of Oakey Boulevard, west of Campbell Drive, R-1 zone (ROI to R-PD 6).

Planning Commission recommends APPROVAL subject to the following conditions:

1. Lots "A" thru "M" to remain R-1 zoning.
2. Conformance to the plot plan to reflect the above condition.
3. Conformance to code requirements and design standards of all City departments.

Approved as
Recommended by the
Planning Commission
Lurie - unanimous

Clerk to notify
Staff to proceed

R. PLOT PLAN REVIEW - Z-5-66 - TRI-STATE DEVELOPMENT CORPORATION

Plot Plan Review to allow a real estate and construction office on property located at 4704 West Charleston Boulevard, ROI to P-R.

Planning Commission recommends APPROVAL subject to the following conditions:

1. The sheds on the rear of the property to be removed.
2. Provide a 5 ft. wide planter area on West Charleston Boulevard frontage with 5 gallon size evergreens, 3 ft. on center and provide irrigation as required by the Planning Commission.

Approved as
Recommended by the
Planning Commission
Lurie - unanimous

Clerk to notify
Staff to proceed

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Page 32 **II** COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

Item "R" continued . . .

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

S. U-71-75 - BOB STUPAK

Property located at 2000 Las Vegas Boulevard South for a used car lot operation.

Review by the City Commission for a determination whether the Commission wants to review the action.

T. REPORT ON PARK DESIGNS

Evaluation of the present park design philosophy specifically in reference to maintaining open lawned area as opposed to utilization of open areas for "active uses" or integrating the natural ground-cover into the park design.

Abeyance
Lurie -
Commissioner
Christensen voting
"no" Commissioner
Woofter excused.

Requested Mr.
Stupak be notified
to attend on
11/30/77

Approved
No formal vote

11/30/77 Agenda
(By Addendum No.1)

Director to
Proceed

U-71-75
Continued

In reviewing the conditions that went along with the Use Permit I think there has been enough delay in accomplishing what the conditions were supposed to have been. I feel that we should not allow this to continue if they do not meet the requirements set down by our staff. If you would like to hear it I guess we would have to hear it next week.

Mayor Briare: Was Mr. Stupak notified that this was going to be discussed this morning?

Mr. Saylor: No. It is only on the agenda to determine if you are going to hear it again.

Commissioner Lurie: I would like to move that this item be placed on our agenda for next week, and Mr. Stupak be in attendance to answer questions we have concerning the use permit, and the conditions set forth.

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

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

REPORT
ON PARK
DESIGN
Approved

Mr. Saylor: We thought that it was advisable to provide substantial amounts of open grass areas for park, and picnic use. For years designing our parks, if we had any area that we did not have any other use for specifically, we automatically would put it in to an open grass area. I have been evaluating in the field the use of our parks, and talked to a number of people over a period of time, and have concluded that much of this open area is wasted. It does not get any or very little use. It is a continuous maintenance problem, and a user of water, etc. We would like to try to design picnic areas in those cases where we feel there would be a demand factor. For example Lorenzi Park is one that is intensely used for that purpose. To design our picnic areas around playground equipment because the adults want to be close to the children when they are playing. (Referring to the map). This is Freedom Park. This area here is already developed. This is the ball diamond complex that is under construction. This is open grass area. This has not been developed around the perimeter. There is a certain amount of vegetation at Freedom Park. We would recommend in this case that this material be preserved as such, as shown in these darker colors, and we simply put in some picnic bays around the natural cover. Also the Lions Club Park, on the West end we have playground equipment, and shade trees. At the East end again a playground area for children. These two areas are used substantially. In the middle here we have about 10 acres of open grass area which receives little use. We did put in a Frizbee Court which utilized a portion of it. The rest of the area remains unused. We would recommend in a case like this that we put in some activity areas, such as ball diamonds, and things of that nature. Fountain Park is what we are trying to do in utilizing all the areas. All of the areas are designed for a specific active function. This undeveloped area we would

REPORT ON
PARK
DESIGN
Approved

propose that it be developed the same way. We do have an open area in here, however, if you agree with us we would develop some type of use in here (referring to the map). It is very likely they are going to need more parking. This is not before you for any specific action at this time except to indicate to you staffs change in philosophy in the design of park areas. If you do have exception to this we would like to hear about it, otherwise it will be reflected in the designs as they come before you.

Commissioner Christensen: I agree in concept, but in Freedom Park you talk about the trees, and using those which I agree with. Then you referred to picnic areas that were kind of like bays. Are we inviting a situation that makes it even tougher to police parks if we build kind of like hide outs in the park where park personnel can't see what goes on? Are we inviting more of a crime problem in back of the trees?

Mr. Saylor: It is conceivable that that could come about. The natural growth in this case is thick. That is something that we would have to take in to consideration. In other areas however, most of the natural growth is not going to be a sight barrier because it is relatively skimpy. The vegetation is quite high here in this situation. That is a good point, and we would take that in to consideration.

Commissioner Lurie: Well as soon as the City establishes its Park Ranger Program we can handle any situation like that. I don't really believe that we have that much crime in the parks.

Mayor Briare: Would you point to where the soccer field is right now Mr. Saylor?

Mr. Saylor: Right here. (Pointing to the map).

Mayor Briare: Does the City own just below that?

Mr. Saylor: Right, the animal shelter property runs back to about this point, and here is the 5 acres we gave away.

Mayor Briare: Well the people are driving on the lawn out there, and parking on the lawns. Because there is no parking area to get back to the soccer field. It is becoming quite a problem. Is there any other area behind the dog pound that could be used for parking?

Mr. Saylor: We are proposing a substantial amount of parking all along the east end. This is to accomodate the attendance here.

Mayor Briare: Any comments by the Commissioners? (No response). We will continue to review these.

See Page 36 of these minutes - Annotated Agenda

REPORT
ON
SENIOR
CITIZENS
PARK -
LORENZI
Report
Approved

Mr. Saylor: The Senior Citizens felt that they needed to have an area specifically designed for Senior Citizens in one, or more of our parks. We could understand the need to have a relatively secluded area that would be primarily for their use. Particularly those in invalid status. We were instructed to design such a facility, and we submit this to you too for your consideration. (Referring to the plan). This is Washington, and the entrance to the park. This is the touch and smell garden of the blind. This area from this building down to here would be terraced with ramps going down to it. It would be a textured concrete pattern. There is a large tree in this location, and this line represents the branch line of that tree. These are limbs that run parallel to the ground a couple of feet off the ground. We designed around that to provide a series of tables underneath the branches. There is a proposed fountain here, and a porch swing here. A shuffle board court up in this corner, and benches at various locations. Landscaping along here. This would be terraced. We have not provided any picnic facilities because of the preservation of the trees in the area. There is always a certain dry residue from those in terms of the dropping of needles. We felt it could be a potential fire hazard. Also we felt that if we put the barbeque facilities there, that it would be utilized by other people other than senior citizens.

Commissioner Lurie: I think this is an excellent plan. I have had many senior citizens clubs request an area at Lorenzi to be set aside for use of senior citizens. Where they don't have to be concerned with the kids, and things. This is an area where they can have their picnics, and card playing, and just relax. I think it is a good idea, and a good location. What would it cost now to develop that area to make it in to a little senior citizens area?

Mr. Saylor: The bottom line on it is \$86,000.00. That includes the engineering costs, and things of that nature.

Commissioner Lurie: Well you can break it down in to four phases or something, until we get it completed can't you?

Mr. Saylor: Yes, as long as we follow the logical sequence.

Mayor Briare: Thank you very much Mr. Saylor.

REPORT ON
PUBLIC
FACILITIES
IDENTIFICATION
SIGNS
Report
Approved

Mr. Saylor: This is the result of an action of a committee that has been in action for quite awhile to come up with recommendations concerning directional signs for public facilities, and also some uniformity in designing in our parks system. The committee recommends to you the use of this sign (referring to a mock-up sign). This would be placed on major streets indicating that a park is over this way or that way. The name of the park would go in here. This is the color chosen by the National Park Service also. We would propose these at a number of locations throughout the City.

AGENDA

City of Las Vegas

November 23, 1977

BOARD OF CITY COMMISSIONERS

Page 14

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - NOV 23, 1977 Commission Action

Department Action

Page 36 II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

U. REPORT ON SENIOR CITIZENS PARK - LORENZI

Presentation of a proposed senior citizens park facility in connection with the Garden for the Blind at Lorenzi Park.

Report Approved
No formal vote

Director to proceed

V. REPORT ON PUBLIC FACILITIES IDENTIFICATION SIGNS

Presentation of recommended standardization of park signs and also a recommendation for the installation of standardized location signs for parks and other public facilities.

Report Approved
Leavitt - unanimous
Approving
Park Directional
Signs

Director to proceed

ADDENDUM NO. 1. ITEM

- W. ZONE CHANGE Z-112-77 - M.A. & HANNAH CLEMENS
Property generally located on the West side of Willow Street, between alturas Ave., and Goldring Ave. From R-E to C-2. Proposed Use: 40-Unit Apartment Building. (Abeyance from Meeting of 11/16/77)

Lurie - unanimous
Approving
Signs erected inside
parks

Approved
Woofter - unanimous

Clerk to notify
Staff to proceed

REPORT
ON PUBLIC
FACILITIES
IDENTIFICATION
SIGNS
Continued

In terms of other public facilities such as the parking garages, the Animal Shelter, and things of that nature the same shape, and size would be used, but a different color format. I don't remember whether it is blue on white, or white on blue. This is here for your acceptability on it.

Commissioner Leavitt: I move that we approve the directional signs.

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

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

Mr. Saylor: Now in connection with park signs in the park. We have no uniformity on these whatsoever. As a result of this committee they have come up with this proposal which is a component type of sign. (Referring to the drawing). It will be constructed of wood. There will be metal inserts where various messages could be put on it. This is one component. In larger parks you would probably want to add on the two sides, and it does allow for messages both written, or the symbolized. On this panel the type of facilities could be illustrated. There would be room for a message here. Also the back of the sign could be used if more information was needed. This component could be added for special attractions. Indicating a special event, with room for a message here. Also a component can be added which could indicate when a park is a product of a service club, for example the Rotary Park. It is very flexible. This is the standard width of the main sign, which I believe is 80". The overall cost is roughly estimated at \$500.00. We would not have the complete sign at all parks, only at the larger ones.

Commissioner Lurie: I would move that we approve that concept, and approve that sign. I think that is an excellent sign. I think that would look real nice in the parks.

Mayor Briare: I would like to bring up something. I took a picture of it. It said "no dogs, no drinking, no loitering, no swimming, no picnic fires, no fun." I just wondered then what in the world could a person do. I don't know how to do it. Rather than have so many things you can't do.

Mr. Saylor: I agree with you completely Mayor. Now over here are the controlling things by use of the symbols, and on this side all the things that you can do. Which hopefully will balance.

Mayor Briare: Would you cast your votes on the motion?
Motion is approved.

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

(Commission Recessed at 10:55 A.M.)

(Commission Reconvened at 11:05 A.M.)

See Page 48 of these minutes - Annotated Agenda
ADMINISTRATIVE AGENDA - LAURENCE HAMPTON, ACTING CITY MANAGER

STATUS
REPORT
CLARK
COUNTY
SEWER
RATE STUDY
Approved

Mr. Hampton: The Clark County Commission has introduced an ordinance that would establish the rates for the debt service for the AWT Plant. I appeared at the County Commission Meeting, and requested a delay so that we could meet with staff to look over some problem areas. One of the problems was that it would prohibit us from selling effluent to the LDS farm, and so forth. They did grant the extension, and the ordinance will be heard again on December the 6th. We had our meeting with staff, and representatives of North Las Vegas. We pointed out our concerns. They have agreed to make changes to the ordinance. Until we get the second draft of the ordinance we really can't comment any further. We are having discussions with staff on our procedures in billing. There are three procedures. One would be to bill on a monthly basis, secondly to bill once a year for the additional AWT charge, and thirdly to request that the County do the billing for us. That option is theirs not ours. I would be pessimistic that they would want to do the billing. One of the first two alternates would be the most appropriate at this time. This type of recommendation will be forthcoming the next time we bring this before you. We are trying to keep up with the progress of that particular matter, and will be keeping you informed.

Mayor Briare: Any questions? (No response). Next item please.

POLICY
re USE OF
CITY HALL
PLAZA
Policy
Approved as
Amended.
Commission
give final
approval,
and Facilities
be placed
in proper
condition
within 24
hours of use.

Mr. Hampton: As a result of the National Association of Broadcasters which was before you on November 9th, 1977, as you recall they requested to have a cocktail party in the plaza. Our office was requested to recommend a policy for the use of the plaza. First the plaza would be used for non-profit or governmental related functions based upon the following conditions. 1. Request must be made 90 days in advance. 2. User must sign a waiver of liability holding the City harmless. 3. The user must be responsible for cleaning the premises after the event within 24 hours or deposit \$250.00 to cover such requirement. 4. User is responsible for any, and all damage to the facilities. 5. Any proposed use should not impede the access to any of the operations affected by the use of the plaza, such as Muni court, Metro PD, and so forth. This policy would be administered through the City Managers Office, and should report such uses to the City Commission as soon as possible thereafter. The serving of liquor should be handled by normal procedures in obtaining a liquor license. We present this policy to you for your consideration. I understand the National Broadcasters event is in April. They would make application to the City Managers Office for the use of the plaza. They would also make application to Ila Britt's office for the Special Event Liquor License.

USE OF
CITY HALL
PLAZA
Continued

Commissioner Lurie: Move that we follow the recommendation of the City Manager, and establish this as our policy.

Mayor Briare: Mr. Hampton on suggestion number 3, I know that we have never done this, and I am sure that you have to wait at least for the first one to get an idea of how these are handled. Twenty Four hours could possibly be difficult for City business for the following day if it were on a week night or something. I think they should have the premises in the same condition as it was when they took them over prior to the opening of City Hall the next morning.

Mr. Hampton: That should be possible in most instances. We should also add in here something to cover the production of movies and television productions. Saying non-profit and governmental functions, we should insert the word "movie productions". We have had several of those in the past, and there has been no policy.

Commissioner Leavitt: Well before this is to be done it is going to come before the City Commission for review. Is that part of your policy?

Mr. Hampton: The proposal is that it would be approved by the manager for use. If there is liquor involved the liquor license must be obtained, and would be before this Commission. As far as just general use, the Commission would be informed by the City Manager.

Commissioner Leavitt: I question the 90 days in advance thing. Now that gives this Board plenty of time to review it. I think it ought to come before us, and say that these people have complied with the policy, and therefore we would like to have you grant permission. I think the City Commission should do it rather than the City Manager.

Mr. Hampton: I have no objections to that.

Commissioner Lurie: I would like then to amend my motion that the policy be administered by the City Commission, and that the 24 hours be changed to request that the premises have to be in the same condition that they were for opening of business in the next preceding day.

Mr. Hampton: Might I suggest the wording on the first paragraph after the five conditions, that the policy be administered by the City Managers Office, and must present the application to the City Commission for their approval.

Commissioner Lurie: That is fine.

Commissioner Christensen: We are adopting a policy here for a portion of this building that does not have a roof over it. That differs 180 degrees from the policy that we adopted last week for the portion of this building that is public that does have a roof over it.

USE OF
CITY HALL
PLAZA
Continued

We are approving a policy for the plaza with all these conditions, and yet last week we approved a policy for the use of this Chamber that is exactly the opposite. No notice, anybody has priority over the City Commission. No costs for cleaning. I can't justify in my own mind how you can have a different policy for outside than there is inside.

Commissioner Leavitt: My recollection was that we didn't adopt a policy for the use of the Chambers. It was voted down.

Commissioner Christensen: Well we adopted a partial policy that they could use it free with hard times, that we can't even change the times.

Commissioner Leavitt: Well I made a motion that we adopt the recommendation of the City Manager which included a \$50.00 fee which was voted down. Then we adopted a motion to allow free use of the Commission Chambers, but we didn't actually have a policy drawn up. Maybe we ought to direct the City Manager to draw up a policy regarding the use. I think we ought to have a policy drawn up as to priorities of use, or at least that policy that was drawn up be brought back to us on the next agenda.

Commissioner Christensen: I move that we hold action on this policy until we get a complete policy on the whole building.

Mayor Briare: The motion then is to table. Cast your votes. Motion fails.

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

Mayor Briare: The motion before us then is to adopt the policy with the changes that Commissioner Lurie put in his motion.

Mr. Hampton: You want to insert the word "movie productions"?

Commissioner Lurie: Yes.

Mayor Briare: Any further comments?

Commissioner Christensen: I am going to vote against this motion not because I am against the policy, but because I am against establishing policy on two different portions of the building. I think that is foolish.

Mayor Briare: Cast your votes. Motion is approved.

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

Mayor Briare if it will meet with the approval of the Commission, Commissioner Woofter has to leave the City. There is one item that comes up under Municipal Services that he would like to bring up at this time. If it meets with the approval of the Commission we will go to the Awarding of Bids on Page 25 with respect to item on the addendum Bid #77.123. The addition to the parking garage.

See Page 53 of these minutes - Annotated Agenda

AWARD OF
BIDS
Bid No.
77.123
Approved

Mr. Hampton: That is under Award of Bids. There were three bids received. The low bid coming in from Sleten Construction Company the low bid of \$975,900.00. The second low bidder was from Empire Construction Company in the amount of \$1,200,263.00. The estimate was \$946,000.00. In the package provided to you we have on the first several pages a bid break down. I will refer you to a memo, the first short page after the break downs. Memo from Gary Collie, Funds, Coordination and Projects Office. Going over the discussions we have had with the EDA Office, it is my understanding that the opinion of that office, as well as the City Attorneys Office that we have the blessings of the Federal Government to proceed on this project, and awarding to the low bidder.

Mayor Briare: Questions?

Commissioner Woofter: Starting with Mr. Collie. Commissioner Lurie has advised me that he has not received the memo issued by Mr. Collie on November 14th. I was just wondering if any of the other members of the Commission had this. The one that you received this morning is a memo from Mr. Collie dated November 23. I think it is a complete 180 degree turn about. The opinion that was issued by Mr. Collie today, as compared to his memo November 14th. There are several representations made by Mr. Collie on November 14th that I think really hit to the issues that concern me, that are all of a sudden are rectified in the memo as of today. Namely Mr. Collie you stated in your memo; here is what I would like to do. Since I would certainly like representatives of NEDCO as well as the other concerned parties to be present in regards to the questioning I was going to pose, if it would be possible. I note that there is a certain expediency needed if we are to award the bid to the low bidder, in that December 14th is the deadline. I was wondering if it is possible if we could table this item until November 30th. So as all members of the Commission, and the Mayor could be apprised of these memos, and review it. As well as the City Attorneys office in respect to the fact that they have had oral communication with EDA, but no written opinions, as well as NEDCO interceding here in regards to certain protests they made on the part of certain minority contracts. On that basis I would like it to be held until November 30th. If there is no objection.

Mayor Briare: If holding this until November 30th is going to adversely affect the project. Let's find out if it will.

BID 77.123
Continued

Mr. Hampton: I can't give you a definite yes or no answer. It depends upon how EDA views our actions. We are going out on a purchase request to have the trees removed, which is a phase of the construction. That particular action may constitute starting the work. They might disagree with that. If we award it today it is pretty tight whether or not the contractor would actually be on the job December 14th, which is the day that we are supposed to break ground. If this is held off until the 30th I doubt very much whether any contractor could begin construction in that short period of time. Contracts must be signed and so forth, and he must mobilize his equipment. I would say our chances of losing the project are increasing as every day passes. I cannot tell you with any certainty that if we hold this off to the 30th that we will lose the project. There is a chance we will lose the project. What the odds are I don't know.

Mayor Briare: What is that statement based on?

Mr. Hampton: That is based upon the fact that the requirement is that we start construction by December 14th. If we delay one additional week this lessens the possibility that the contractor would be able to start at that time.

Mayor Briare: Tell me what the bid specifications indicated with respect to starting date?

Mr. Hampton: He has 30 days to sign the agreement following the award. He could take that long.

Mayor Briare: Who is the successful bidder?

Mr. Hampton: Sletten Construction Company.

Mayor Briare: That is the argument right Commissioner?

Commissioner Woofter: The argument is in regards to certain minority contractors in the community, as well as NEDCO protesting the awarding of the bid to Sletten on the basis they do not feel that a certain sub-contractor by the name of Ruff & Ready qualifies as a minority contractor, who will conform to the EDA specification that 10% of the work will be done by minority contract. I want to make sure that we are on all fours when we consider the low bidder in respect to meeting all the specifications. I note that NEDCO has filed a letter, and they have advised me of such in protest. Further Mr. Cathcart has advised me that the second lower bidder would not even qualify to be considered for the awarding of the bid on the basis of the fact that they forgot to insert the word "none" in regards to a certain question. Which means that if we are going to be that technical on the awarding of a bid, that one contractor does not insert one word, and we have got much more in regards to consider than just that, and staff considers that not to be able to qualify. I just want to be assured in my own mind that NEDCO and these protesting contractors are pacified, and assured that the EDA requirements have been met. I can forsee the possibility of litigation which can come up, regarding the awarding of the bid, or the non-awarding of the bid. I think if we can pacify

BID 77.123
Continued

NEDCO, and certain minority contractors that this is a situation that EDA is approving, and NEDCO is satisfied with it; then I don't think that there would be any problem. There is too many things up in the air at this stage as far as I am concerned. Especially certain points Mr. Collie brings out in his November 14th memo, that are not even answered in his November 23rd memo.

Mr. Hampton: I can say that there is a chance that we would jeopardize the project in not awarding today. I would like to refer some of Commissioner Woofers questions to either Mr. Collie, or Mr. Sloan.

Commissioner Woofter: I just talked to Mr. Sloan, Mr. Hampton, as late as yesterday, and essentially what Mr. Collie has advised; that verbally there has been conversation with EDA, but nothing in written form as far as their opinion is concerned. As far as whether or not Ruff N' Ready qualifies. I think there is still certain protests in that regard before the EDA that I would certainly like to see in written form, and if in fact they considered each, and every point raised by Mr. Collie in his memo of November 14th.

Mr. Collie: There is a problem of getting a written opinion from EDA. They will not provide us with one until we go through the process of submitting our proposal documents. That is what we tried to get. They wouldn't come through. I was not aware that NEDCO had filed a protest. I have not seen that.

Commissioner Woofter: It is in your memo.

Mr. Collie: Well then I should back up. The staff that I was talking with when this all started; it was his impression that he was to direct, and interpret the guidelines for us, and make decisions before we turned in any paperwork. He told me that he had received a protest. From another staff member I found out that no protest from NEDCO had arrived. They do not have a protest from NEDCO. Why I got that information I have no idea. There was a problem with some of the interpretations handed down that you are talking about in the November 14th memo. We, the City Attorneys office, and myself, and Purchasing and Contracts got on the phone, and talked to EDA. They had made the 180 degree turn. They are saying that we can't give you any decision. You have to determine if all the parties are acting in good faith. That is what it hinges on. Off the record, they told me that there should be no problem as long as documentation is provided. That is why I have two memos. One on the 14th, and this one the 23rd, that is the exact opposites. That is based on the oral discussions we have had over the phone. We are not going to get anything in paper from them. Not until we file our own.

Commissioner Woofter: On your memo today there are several documents attached by either you or Mr. Cathcart, which is the first I have had an opportunity to review whether or not in my opinion Ruff N' Ready would qualify. This is the first job they

BID 77.123
Continued

have done in the area?

Mr. Collie: That is correct. The emphasis on the qualifications of a minority business enterprise as first presented to me from EDA were that they had to have some type of track record, or past experience relating to that field. That is no longer the case. The latest conversations as I state on that memo before you. In paragraph 3, they are talking now about placing emphasis on assisting MBE's in expanding business, getting in to the business. That is what the regulations address also by the way. That was in there, and they told us to ignore that at first. Their legal counsel that we have talked to has said that you have to consider some of these other factors that are in the regulations.

Mr. Sloan: The problem is when you are dealing with a government agency. Last week the word we got from EDA was that we couldn't jeopardize the entire project by awarding the contract to the low bidder at that time. They felt there would be difficulties with Ruff N' Ready. Now we are faced with the prospect that if we don't approve it perhaps we could jeopardize the contract. They have got us between a rock and a hard place. The EDA says do it in 90 days, but make sure you do it in compliance with standards which are not really articulated as to what is a passive conduit. Do it even though you get conflicting information from our offices. The Federal Government is making this as difficult as possible for us. Legally I can't tell you one way or the other because EDA has not given us anything that we could rely on. They make off the record comments. You can't sue them on that basis.

Mayor Briare: Commissioner Woofter, as I understand in your opinion then, with information that has been given to you, you dispute the suggestion that the Ruff N' Ready Company is a qualified MBE bidder.

Commissioner Woofter: I would not go that strongly. There is just so much in front of us that I haven't made up my mind in that regard.

Mayor Briare: Is that the issue?

Commissioner Woofter: Right.

Mayor Briare: What you are suggesting is that time be taken to make a determination as to whether....

Commissioner Woofter: I would like representatives from NEDCO at least to be here. They represent a lot of the minority contractors.

Mr. Collie: I don't believe there is any question as to whether Ruff N' Ready is a bonafide MBE, that they are. NEDCO has them listed as that. The question is, are they a passive conduit, or are they not. Whether they meet the regulations.

Mr. Hampton: What they have stated is, that that has not been their business in the past of doing the particular function that they would be required to do under this contract. It is a business they want to get in to. They don't have any background in it, but we

BID 77.123
Continued

have reason to believe that it is a legitimate venture that they are seeking. What EDA has said is that their regulations should not prevent a minority business from venturing in to new fields.

Commissioner Lurie: Yes, the regulations don't prohibit a minority contractor from going in to other fields in order to qualify for additional monies that are available for contracts such as this that we are discussing here. I know the Ruff N' Ready Company. It is a carpet cleaning company, and they have never been in the steel business before. Based on the information however, they have the credentials necessary to go out and get the material to work with the contractor who was awarded the contract to be part of it, so we can move ahead with the project.

Mr. Cathcart: The portion we are talking about on the just under a million dollar project on Ruff N' Ready is 20 Thousand out of the minorities portion of about \$112,000.00. There is a vehicle if something down the road is not qualified. I would like to have Mr. Park explain this to you. The method in which it can be corrected.

Mr. Ed Park: There are irregularities in their own regulations. One interpretation that they have been giving us is that at bid opening time, those who are listed must be qualified to MBE. However, they give us a form called a 530-A, which we are given five days after award to execute, and to EDA. Which indicates the sub-contractors listed. Further on in their regulations they say at 40% we must resubmit the 530-A Form, and tell them how we are doing on meeting this dollar amount that we must for the total project. It was our interpretation after reading it, that they have given us two doors by which to rectify any situation, if down the road after we award, they disqualify a subcontractor. Then it does not prohibit the City from saying "we do go back to the prime contractor, and ask them to recommit or commit more funding to minority subcontractors to meet this dollar amount". I would also like to add that Sletten has issued to us the supplemental list which we're not even considering until after the discussion on Ruff N' Ready is through. For an additional \$50,000.00 plus worth of funds, to be committed to strictly minority contractors who are qualified according to NEDCO.

Mayor Briare: So it would appear that everyone is making every attempt to comply with the regulations, and to even exceed the requirements?

Mr. Park: Yes. The conflicting regulations have put us in a rather rock and a hard place.

Mr. Sloan: Did they tell you at one time that they might possibly disqualify the prime contractor if they found that it was a passive conduit?

Mr. Park: Originally yes. Since that time we have had four discussions to my knowledge with EDA. Now we are getting different information back.

BID 77.123
Continued

Commissioner Lurie: The only way we are going to know is to approve this low bidder, and then you can send your 530-A forms on to EDA, and they can either accept them or reject them. Is that right?

Mr. Park: That is true.

Commissioner Lurie: At this time then I would like to move that we follow the recommendation, and move for approval of the low bidder.

Commissioner Woofter: I want to advise before hand that I am voting no. Not on the basis of Sletten, but because of the questions that are still unclear in my mind.

Mayor Briare: Any other comments? (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.

Mayor Briare: We will go back now to the next item on your agenda Mr. Hampton.

USE OF
SPEEDROME
BY SHOW
AND GO,
LTD
Approved

Mr. Hampton: I refer you to a memo. Attached there is a letter from Mr. Ray Starker who is requesting the right to have drag races at the speedrome on the weekend of December 3rd, and 4th, and every alternate Sunday thereafter. I understand that there has been an appeal filed in the Supreme Court of the State of Nevada by Mr. Price, and there is a possibility that this may take up to 2 years to act on that appeal. We will be giving to you at a later date a very comprehensive report on recommendations regarding the use both during the time the appeal is pending, and from long range plans. We have this one particular matter to consider at this time, and it would be a recommendation of my office that they be approved for the December 3rd and 4th weekend, and two weekends thereafter subject to the conditions contained in their license that will be prepared by the City Attorneys office.

Commissioner Leavitt: So move.

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

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

MINUTES
SPECIAL
MEETING
3/17/76
Approved

Commissioner Lurie: Move to approve the minutes.
Mayor Briare: Comments? (No response). Motion is approved.
Motion carried by the following vote:
Commissioners Lurie, Leavitt, Christensen
and Mayor Briare voting aye; noes none.
Commissioner Woofter excused.

NAMING OF
CITY FACILITIES
NAVAL RESERVE
BUILDING
Held in
Abeyance

Mayor Briare: If the Commission has no objections we will hold this for another week.

DEPARTMENT OF FINANCIAL MANAGEMENT
MARVIN A. LEAVITT, CPA, DIRECTOR

N O N E

DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS
BOB McPHERSON, AEP, DIRECTOR

See Pages 49 and 50 of these minutes - Annotated Agenda

DEPARTMENT OF FUNDS, COORDINATION AND PROJECTS
RONALD C. JACK, ACTING DIRECTOR

N O N E

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

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IV(a) ADMINISTRATIVE AGENDA - LAURENCE HAMPTON,
ACTING CITY MANAGER

- A. STATUS REPORT - CLARK COUNTY SEWER RATE STUDY
- B. POLICY re USE OF CITY HALL PLAZA (Abeyance from 11/9/77 Meeting)
- C. USE OF SPEEDROME BY SHOW-AND-GO, LTD
- D. MINUTES
SPECIAL MEETING of 3/17/76 (Adoption of Revised Escort Bureau and Massage Parlor Ordinances)
- E. NAMING OF CITY FACILITIES - NAVAL RESERVE BUILDING (Abeyance from 11/9/77 Meeting)

Approved

*Policy approved as amended - Lurie (Comm Christensen voting "no")

Approved
Leavitt - unanimous

Approved
Lurie - unanimous

Abeyance

Commissioner Leavitt requested a Policy regarding Commission Chamber utilization be placed on 11/30/77 Administrative Agenda

Staff to proceed

Staff to proceed

Staff to proceed

Mayor and Clerk authorized to sign

11/30/77 Agenda (by Addendum No. 1)

*Final approval by City Commission and facilities should be in same condition as before use within 24 hours.

IV(b) DEPARTMENT OF FINANCIAL MANAGEMENT -
MARVIN A. LEAVITT, CPA, DIRECTOR

- A. SERVICE AND MATERIAL WARRANTS
N
o
n
e
- B. PAYROLL WARRANTS
N
o
n
e

-

-

IV. (c) DEPARTMENT OF PERSONNEL &
 EMPLOYEE RELATIONS

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BOB McPHERSON, AEP, DIRECTOR

AUTHORIZATION TO FILL POSITIONS

A. FEDERALLY FUNDED

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>		
(1) Human Resources Junior Office Assistant Two positions Until 9/30/78 (replace vacancy)	\$622	To provide clerical backup in monitoring and implementation of PSE interviewing component.	Items 1 thru 3 Approved as Recommended Lurie - unanimous	Director authorized to proceed
(2) PS/Quality Control Assistant Engineering Technician Until 9/30/78 (replace vacancy)	836	To assist in providing survey services due to increased construction activity.		
(3) Senior Citizens Senior Citizen Counselor Two positions Until 9/30/78 (provide needed services)	563	To provide social work services to Seniors at Senior Citizens Center.		
<u>B. CITY FUNDED - TEMPORARY</u>			Items 1 and 2 Approved as Recommended	Director authorized to proceed
(1) Business Activity License Investigator Until 2/23/78 (replace vacancy)	1093	To handle pre-licensing investigations and investigations of existing businesses for false and fraudulent advertising and code violations.	Lurie - unanimous	

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IV. (c) DEPARTMENT OF PERSONNEL &
EMPLOYEE RELATIONS

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B. CONT. CITY FUNDED - TEMPORARY

(2)
Senior Citizens 777 To teach class in
Senior Citizens Textile Design &
Instructor Applique and
Until 5/23/78 Embroidery.
(provide needed
services)

C. CITY FUNDED - FULL TIME

(1)
PS/Animal Control 721 To provide feeding
Kennel Attendant and cleaning services
Two positions at the Animal Shelter.
(provide needed
services)

(2)
Financial 1019 To participate in the
Management initial planning and
Programmer development of complex
Two positions programs for major
(provide needed projects to be
services) processed by a computer
and peripheral equipment.

(3)
Financial 1019 To participate in a wide
Management area of professional
Budget Technician public program analysis
(provide needed and development activities.
services)

(4)
Business Activity 816 To provide adequate
Parking Enforcement coverage of Parking
Officer Enforcement beats.
(replace
vacancy)

(5)
City Clerk 836 To perform a wide
Secretary variety of complex
(replace secretarial duties
vacancy) in the offices of
the City Clerk.

Items 1 thru 5
Approved as
Recommended

Director
authorized to
proceed

Lurie - unanimous

DEPARTMENT OF RECREATION AND LEISURE ACTIVITIES

RICHARD CAMPBELL, DIRECTOR

PROPOSED
EXPANDED
RECREATION
CENTER
PROGRAM
Referred to
Parks
& Recreation
Board
for Review

Mr. Hampton: The first item is the expanded recreation program. Mr. Campbell is here to answer any questions you may have. It is pretty well detailed in his report. We would request approval of the new program.

Commissioner Lurie: I think it is a good recommendation, but I am concerned about summer employment part time that we do have, and have in the past hired to work at the pools, and the playgrounds, and different programs. How is this going to affect our summer hire?

Mr. Hampton: We would still have summer hires for the pools, and some of the other things.

Mr. Campbell: Our recreation budget, and pool budget are entirely separate.

Commissioner Lurie: Then there is not going to be any increase in budget by going the way you are recommending here, or by the additional summer help that we hire in the summer time.

Mr. Hampton: Well we wouldn't be hiring as many.

Mr. Campbell: The swimming pool would stay the same. The change probably would cut down the number of part time park, or recreation aids. I think we figured 72 instead of a little over 100.

Commissioner Lurie: Has this proposal been before the Parks and Recreations Board? Have they reviewed it, and put their stamp of approval on it.

Mr. Campbell: No, I don't believe so.

Commissioner Lurie: I would recommend that we hold this item until the Parks and Recreation Board has an opportunity to review it.

Mayor Briare: Comments? (No response). If there are none then, would you present this to the Parks and Recreation Board?

Mr. Campbell: Yes.

SPACE REQUEST
WHIPPLE
CENTER
Referred to
City
Manager to
find Space.

Mr. Hampton: The next item Martha Peterson on behalf of both requests, has requested office space at Reed Whipple Cultural Arts Center. However in light of the forthcoming construction work at the center, it is our recommendation that their request be denied at this time, and considered at a later date when we know more about the completion dates of the center.

Mayor Briare: Could you help them out on a temporary basis?

SPACE
REQUEST
Continued

At the Naval Reserve maybe.

Mr. Hampton: That is also going to be under construction your Honor. We will be doing a lot of shifting in that particular area. There are some areas that we are pursuing. We can't come forward with a recommendation at this time.

Mayor Briare: I would certainly like to help them if there is any way.

Martha Peterson: I am the executive director of both Young Audiences, and Musical Arts Workshop. I have prepared some information about our services.

Mayor Briare: Did you get Mr. Hamptons comments on why it was to be denied. Only because there is no place. Not that it is not a worthy request. I would hope that as soon as the facilities are improved, that we can make space available for Young Audiences.

Martha Peterson: I would like to speak to two particular problems that I have at this moment. The original request that I made through Mr. Foster was in response to an article in the newspaper. To the effect that renovations were going to be made, and that request that I made was for you to keep these organizations in mind so that you might include them in these future plans. A few things have happened. Naomi Fine has moved to another City, and she has donated to those organizations furniture and office equipment. At the same time I presented the request for space, I also applied for a CETA spot. The action was taken on the CETA spot before the request came before the City. I have now a month old contract for a CETA person, and no place to put them. I am wondering if there is any chance that there might be some corner that I might be able to put some temporary things for a month or so. So that I could make use of this person.

Mayor Briare: Can't we provide just a desk and a chair in the corner of a room Mr. Hampton?

Mr. Bramble: There is a possibility that we could request the Voluntary Action Center to provide us with some space for a short period of time.

Mayor Briare: Mr. Hampton try to work out something to help these people. Whatever you work out within reason you are authorized to do it.

DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

See Page 53 of these minutes - Annotated Agenda

DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

*CONSENT AGENDA

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

*A. PERMISSION TO RECEIVE BIDS

- 1. Diving Boards - Aluminum (Recreation and Leisure Activities - Recreation Division)

Approved as recommended

Director authorized to proceed

Lurie - unanimous (Commissioner

Christensen temporarily absent

Commissioner Woofte excused)

*B. AWARD OF BIDS

- 1. Bid #77.100 - Three (3) Each Truck Cab Chassis Units - One (1) Each 10 Cubic Yard Dump Body and Front Loader; One (1) Each 3,000 Gallon Water Tank; One (1) Each KPK Hydraulic Patch Unit
- 2. Bid #77.116 - Cultural Services Complex Phase I - Street and Parking Improvements (Public Services)
- 3. Bid #77.118 - Offsite Improvements Charleston Heights Library and Arts Center (Public Services)
- 4. Bid #77.121 - 1,850 Feet 12" Concrete Pipe (Public Services - Streets Division)
- 5. Bid #77.125 - Offsite Improvements for Recreation Center Stewart Avenue and Mojave Road (Public Services)

Items 1 thru 5 Approved as recommended

Director authorized to proceed

Lurie - unanimous (Commissioner

Christensen temporarily absent

Commissioner Woofte excused)

ADDENDUM NO. 1 ITEM

- 6. Bid #77.123 - Addition to the Parking Garage - Las Vegas City Hall (Public Services)

Approved Lurie - (Commissioner Woofte voting "no")

Director authorized to proceed

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BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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IV (f). DEPARTMENT OF PUBLIC SERVICES

WILLIAM J. PURVIS, P.E., ACTING DIRECTOR

*CONSENT AGENDA

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

A. REPORTS

1. Water Conservation Program.

Report Approved

Director authorized to proceed

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V. MIKE SLOAN - CITY ATTORNEY

A. Resolution by the Traffic and Parking Commission and the Traffic Engineer amending Title X of the City Code

Resolution adopted
Lurie - unanimous
(Commissioner
Christensen
temporarily absent/
Commissioner
Woofter excused)

C/A to proceed

R E S O L U T I O N

WHEREAS, Ordinance No. 1589 allows for the additions and corrections of schedules pertaining to Title X of the City Code to be done by Resolution; and

WHEREAS, it has been determined and recommended by the Traffic and Parking Commission and the Traffic Engineer that the following additions and corrections be made in said schedules; and

WHEREAS, the City Commission deems it to be for the betterment of traffic and parking conditions to adopt said recommendations of the Traffic and Parking Commission and the Traffic Engineer.

NOW, THEREFORE, be it resolved by the Board of City Commissioners of the City of Las Vegas, Nevada, that the following schedules pertaining to Title X of the City Code be amended as follows:

Schedule 17-IV, Page 26, be amended to include the following as parking prohibited during certain hours on certain streets:

Stewart Avenue - both sides - from Main Street to Las Vegas Boulevard North (3:00 A.M. to 5:30 A.M., daily)

Schedule 17-VI, Page 29, be amended to include the following as parking time limited on certain streets:

Eastern Avenue - east side - in front of 861, 865, 869, North Eastern Avenue

Schedule 18-II, Page 37, be amended to include the following as a hotel loading zone:

Main Street - in front of 301 South Main Street extending a distance of twenty-two feet (22')

Schedule 25-II, Page 46, be amended to include the following as 35 MPH speed limit:

Owens Avenue - from Highland Drive to Nellis Boulevard

PASSED, ADOPTED AND APPROVED this _____ day of _____, 1977.

ATTEST:

Edwina M. Cole, City Clerk

WILLIAM H. BRIARE, MAYOR

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VI. NEW BILLS TO BE REFERRED TO A STUDY COMMITTEE OR RECOMMENDING COMMITTEE

None

VII. VACANCIES - BOARD & COMMISSIONS

ADDENDUM No. 2 ITEMS:

A. SOUTHERN NEVADA COMMITTEE FOR THE EMPLOYMENT OF THE HANDICAPPED

Dennis Rusk as an alternat to Fred Kennedy

Appointed as alternate

Clerk to notify

B. SENIOR CITIZENS ADVISORY BOARD (3 year term)

Laura Tupper to serve as a representative of the Association of Senior Citizens Clubs.

Appointed as a representative of the Association of Senior Citizens Clubs.

Clerk to notify

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VIII. REPORTS FROM RECOMMENDING COMMITTEES

ADDENDUM NO. 1 ITEM

- A. Bill No. 77-36 - REVISING CERTAIN LICENSING CATEGORIES - 1ST AMENDMENT
Committee: Commissioners Christensen and Lurie

2nd Reading and
Adopted as amended
Christensen -
unanimous

Clerk to Publish
and proceed

IX. REPORTS FROM STUDY COMMITTEES

N
O
N
E

Mayor Briare: I will not be able to make it back at 1:30, however I would like to make a comment on the Unification Church. I am hopeful that this Commission might refer this application back to the Licensing Department, or the Solicitations Department because, it is my understanding that the application has expired. I wanted to indicate that that is what I hope will be the action of this Commission. I would particularly call attention on page 5 to Mr. Sloans opinion. That the City clearly has the authority to insure that the public is not defrauded by any organization soliciting funds in Las Vegas. We will be in recess until 1:30.

(Commission Recessed at 12:05 P.M.)

(Commission Reconvened at 1:30 P.M.)

Mayor Pro-Tem Lurie: This afternoon the Mayor indicated before lunch that he will not be attending the meeting this afternoon, and Commissioner Woofter had another commitment. We will proceed with page 15.

DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

See Pages 60 thru 63 of these minutes - Annotated Agenda

COMMUNICATION
ITEM
APPEAL FROM
"NO ACTION
TAKEN" BY
SOLICITATION
REVIEW
BOARD ON
REQUEST OF
UNITIFICATION
CHURCH TO
SOLICITY
PERSON-TO-
PERSON
Referred
back to
Solicitations
Review Board

Commissioner Lurie: We have another item that was an abeyance item.

John Olden: I am the Public Relations Officer of the Unification Church. This is our Center Director.

Jerome Childers: I am the Director of the Unification Church Las Vegas.

Commissioner Lurie: Where is the church located?

Mr. Childers: We don't have a church building as such. We are four missionarys here. We are in the process of establishing the Unification Church. We have been in Nevada for a year, and two months. We have been in Las Vegas since June.

Commissioner Lurie: Do you have a solicitation permit in the County?

Mr. Olden: Yes we do.

Commissionr Lurie: What type of restrictions do you have on your license from the County?

Mr. Olden: They have asked for a financial statement.

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BOARD OF CITY COMMISSIONERS
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III. DEPARTMENT OF BUSINESS ACTIVITY

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ILA M. BRITT, DIRECTOR

1:30 P.M.

*CONSENT AGENDA

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

*A. GAMING -- Additional

1. FOXY'S JACKPOT CITY, INC.

Foxy's Firehouse Casino
2423 Las Vegas Blvd South
2 Poker Tables

2. G. S. Y., INC.

Jolly Trolley Casino
2440 Las Vegas Blvd South
10 slots

B. GAMING -- Change of Location

1. GAMES OF NEVADA Slot Operator License

From: 2575 South Highland

*To: 2607 South Highland

Michael Wichinsky, 100%

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

Item 1 and 2
Approved as
recommended
Christensen -
unanimous
(Mayor Briare/
Commissioner
Woofter excused)

Director authorized
to proceed

Approved as
recommended
Christensen -
unanimous
(Mayor Briare/
Commissioner
Woofter excused)

Director authorized
to proceed

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III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

C. LIQUOR -- Request for Extension of Inactive Status

1. CIRCLE K STORE # NA 1254
SE corner Tonopah Hwy/Michael
Way
Beverage Off-Sale

Circle K Corporation.
Frederick Hervey, Chairman/
Pres
J. Winslow Smith, Pres of the
Policy Board/Director
et al

(Approved 6/1/77. Extension for
the period 7/31/77 thru 9/28/77
apprvd 7/20/77; extension for the
period 9/29/77 thru 11/27/77 apprvd
9/21/77. Request for extension of
inactive status: 11/28/77 thru
1/26/78.)

Approved
Christensen -
unanimous
(Mayor Briare/
Commissioner
Woofter excused)

Director authorized
to proceed

D. RETAIL TOBACCO -- New

1. PLEASURE UNLIMITED, INC.
305 Fremont Street

Pleasure Unlimited, Inc.
Martin Foosaner, Pres
Lynne Foosaner, Secy/Treas

Denied
Leavitt -
Commissioner
Christensen voting
"no" (Mayor Briare/
Commissioner
Woofter excused)

Director authorize
to proceed

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III. DEPARTMENT OF BUSINESS ACTIVITY
(con't)

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E. SPECIAL EVENT LIQUOR LICENSES

1. DE LUCA LIQUOR AND WINE LTD.

Responsible Licensee:
Robert S. Keyser

Beer and Wine Only

November 25, 1977

Smith Food King # 370
2901 W. Washington

November 26, 1977

Smith Food King # 365
3830 West Sahara

November 30, 1977

Safeway Store # 335
701 Tonopah Highway

November 30, 1977

Smith Food King # 362
22 E. Oakey

December 1, 1977

Smith Food King # 371
232 North Jones

December 1, 1977

Safeway Store # 349
4750 Vegas Drive

Approved
Lurie - unanimous
(Mayor Briare/
Commissioner
Woofter excused)

Director authorized
to proceed

AGENDA

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BOARD OF CITY COMMISSIONERS

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III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

E. SPECIAL EVENT LIQUOR LICENSES (cont'd) See Page 19

See Page 19

1. DE LUCA LIQUOR AND WINE LTD.

December 1, 1977

Gary's Discount Liquor
1006 East Charleston

December 2, 1977

Safeway Store # 333
1100 East Charleston

December 3, 1977

Smith Food King # 361
1221 East Sahara

December 3, 1977

Panorama Market
4101 West Charleston

ADDENDUM NO. 1 ITEMS

F. COMMUNICATION ITEM. Appeal from "No Action Taken" (incomplete application) by the Solicitations Review Board on request of UNIFICATION CHURCH TO SOLICIT PERSON-TO-PERSON (Abeyance from Meeting of 11/16/77)

Referred back to Solicitations Review Board
Lurie - unanimous
(Mayor Briare/
Commissioner
Woofter excused)

Director authorized to proceed

G. CHARITABLE SOLICITATIONS PERMITS - UNICEF - Door to door solicitation for trick or treat; sale of Christmas Cards

Approved
Lurie - Unanimous
(Mayor Briare/
Commissioner
Woofter excused)

Director authorized to proceed

UNIFICATION
CHURCH
Continued

Commissioner Lurie: You submitted a financial statement to the County Business License Department?

Mr. Olden: They only asked for a financial statement after the solicitation is completed. That is the only financial statement they require.

Commissioner Lurie: I believe our Solicitation Board took no action on your application because you did not submit a financial statement is that correct?

Mr. Olden: Yes, we feel that according to the Constitution, that if it were a charitable organization then we would have nothing to say about you looking at our books, but because we are a religious organization we are guaranteed by the Constitution that it is our right not to submit a financial statement. To be examined by government. We do have a recognition by the IRS as a non-profit religious organization. We feel this is enough. In Clark County they said this was enough.

Commissioner Lurie: So you feel based on that, that you don't have to comply with the City's solicitation request to submit the type of information that the board has to make their considerations. Based on the fact that we would like to know who is soliciting our residents, and where the money is going, and how it is being spent. You have some objection to that?

Mr. Olden: I can give you a semi-financial statement. We do not have a certified public accountant report. We can give you a list of any solicitors, of anyone who would be working. You can check on backgrounds if you desire.

Mr. Childers: It is not that we object to your taking a statement. We don't have recent statements from local governments here. I don't know if it is necessary for you to have a statement at the end of a certain period, such as Clark County has asked for. We are willing to comply with you completely on that however.

Commissioner Christensen: Do you not have a financial statement?

Mr. Childers: Locally is what you are speaking of?

Commissioner Christensen: I am speaking of any kind. Do you not have a financial statement of any kind anywhere?

Mr. Childers: We do have financial statements. It is just a matter of having....

Commissioner Christensen: You got something that you don't want anybody to know about?

Mr. Childers: It is not that we have anything to hide. Here locally we have been in Las Vegas since June, and we have depended pretty much upon donations from outside the State. We haven't been able to solicit inside the City.

UNIFICATION
CHURCH
Continued

Commissioner Christensen: Well the reason you have not gotten approved so far is because you have not gotten a financial statement.

Mr. Childers: We haven't been able to make any funds in Las Vegas for us to offer any statement.

Commissioner Christensen: I am not talking about a local financial statement. I am talking about an overall financial statement.

Mr. Childers: Do you want a statement from our International Church, our National Church, or from our Western States, or from Las Vegas?

Commissioner Christensen: What did the Solicitations Review Board ask for?

Mr. Childers: They only asked for a financial statement.

Mr. Olden: We do have a financial statement from the Church in Southern California.

Commissioner Christensen: Did you offer them any kind of financial statement?

Mr. Olden: Yes we did. They rejected it, they said it was incomplete. They wanted a CPA Report or something like this.

Commissioner Christensen: I don't think we require a CPA Report from anyone. I don't think they have asked you for that have they?

Mr. Olden: I don't think they have that much, but they did not accept the financial statement that we did offer. We had to get another one since then. We also feel that this is not the main stipulation. We feel that according to the Constitution it is not necessary for the City Government to look in to the books of a religious organization. To determine what is religious, and what is not religious.

Commissioner Lurie: I don't think we are looking for what is religious, and what is not religious. I think we are looking at how you are soliciting, where the money is going. I think we have that right. I think our Solicitation Review Board has set an example as far as screening out groups of people that might want to come in to Las Vegas, and ask for donations, or contributions, and then they are gone. Nobody sees them or hears from them again. We are trying to protect the public. I think there are some legal questions that I would like to have the City Attorney address himself to. I believe the application before us now has expired. I believe that the only action that we could take today is to refer this back to the Solicitation Review Board where you could update your application, and work out any of the details with the City Attorney concerning conditions that might be attached to your Solicitation License. Mr. Sloan maybe you could fill us in on some of those.

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Mr. Sloan: I think that correctly states it. It is our feeling that the Commission would not be Constitutionally justified in seeking to compel the Unification Church to provide a financial statement of the entire national organization prior to allowing them to engage in solicitation. There are numerous recent cases involving the Unification Church, and Hare Krishna Organizations. The decision by Judge Foley in our own State, and the very recent decision in Phoenix which is an identical ordinance to what we have. On the other hand there are certain things that clearly require certain conditions, and stipulations that can be made before you can solicit, and I have discussed this with representatives of the church, and they are in complete agreement. I think the best thing to do is to refer this back to the Solicitation Review Board. At which times the application dates could be changed. We could also have a written agreement entered in to between my office, and representatives of the church as to what conditions they are going to agree to, and what conditions we would agree to. I think that is the best way to do it.

Commissioner Christensen: I have a question regarding the methods of solicitation that you may could cover in your agreement. In this letter that we have from Mr. Olden it indicates that individuals are contacted on a person-to-person basis with a gift offered for a donation. Efforts would be concentrated in business areas, and owners of small businesses we ask contribution of a parking lot of a super market or something, if the manager of the store gives his consent. In the past we have had complaints on these solicitations. Where in fact it was not a case of a gift offered for a donation, it was a case of a gift offered, and after it was accepted, then they were told that it wasn't free after all. They expected a donation. Is there any way we can clarify that. So people are not mislead.

Mr. Olden: I know that has been a practice of the Hare Krishna. That isn't one of our practices. We definitely have our members refrain from anything like that. Giving gifts, and then asking for a contribution after giving a gift.

Commissioner Christensen: Would this agreement also be able to cover physical contact. So that nobody could be grabbed by the coat sleeve.

Mr. Sloan: These are all things that I would contemplate putting in to the agreement. There will be certain stipulations that would be not only for the Citys interest, but also to their benefit. They do have a Constitutional right to engage in the activity even if some of us don't like it.

Commissioner Christensen: Well I think a person has a right to solicit as long as he doesn't hold me up. But if someone stands in front of me so that I cannot get around him, then they have infringed upon my rights. I want to make sure that these things are in the agreement.

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Mr. Sloan: Well I think that once we had this draft agreement then I would submit it to the Commission for the City to ratify. I can't enter in to it on my own. I am reasonably convinced that they will proceed in a reasonable manner, and enter in to this kind of an agreement with us.

Commissioner Christensen: Fine, if we can establish that nobody will be harrassed or anything I have no fight with the solicitation.

Commissioner Lurie: I would move then that the application be referred back to the Solicitations Review Board, and the group get together with the City Attorney to draft such an agreement to be forwarded back to the City Commission.

Mr. Robert W. Roland: I live at 978 Hickok Street in Las Vegas. I have been a resident here for almost 5 years. For 14 years I have been heavily involved with the Unification Church. I have testified before Congressman Donald Frazer subcommittee on the House International Relations Committee. Since last June I have had extensive interviews with the FBI, since July of 1975. I had constant interviews with the Las Vegas Office of the FBI until June. I testified in the Phoenix situation, and the Solitications Board there did turn down the Unification Church. However it did go to court on appeal, and under the first amendment rights of freedom of religion the court saw fit to restore their solicitation permit in Phoenix. However it has been lifted in a number of places, and has not been restored. If you recall in March of 1976 three of them were arrested here in 1976 after they had been warned by the Business Activity Bureau not to solicit. The man just admitted that he has not had a permit here for a year and a half. Just less than a year ago my wife and I were solicited in the Fox Theatre parking lot by a member of the Unification Church. He did not even have a solicitation badge. I have nothing against these young people because my daughter just spent two and a half years in the Unification Church. She walked out this summer with a number of young people from Moons Fairy Town Unification Seminary. She correlates this, and I can quote her as of yesterday. When I said to her, "Linda did they ever instruct you on how to solicit?" She said, "yes dad a Mr. Ashley Noble was instructing us at this pep rally, and somebody asked well what do we do when we are pressured by the donor, and he said well do this, and this." She said he instructed them to tell them it is for the kids. I have been approached over the years a number of times. I can't count them when they said it was for a youth drug project, or it was for an alcoholic rehabilitation center. Now let me explain to you how they cover this. In this church there is a doctrine called Heavenly Deceit. Once they convert you to the Moon cause, then they have solved the drug problem, the alcohol problem by changing the heart. In the Phoenix case a young Kathy Winer testified on behalf of the Unification Church, and throughout the hearing she withheld the fact that there are in this country several hundred mobile fund raising teams. Now when they found out they couldn't get the solicitation permits Mr. Moon developed MFT's. His goal is 9,000 world wide. These vans loaded with young people go to a town, and they hit it with carnations or candy, and they are in and out before anybody knows.

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One young girl just standing at the New York side of Lincoln Tunnel in one day sold \$1,000.00. She is becoming an outstanding figure in the Unification Church because of that effort. \$100.00 a day is not unusual. On May 27, 1975 a young boy stopped by my front door to sell candy for the Unification Church. He was a foreign student by the name of Mohammed Nabi Nori. We talked over a three hour period that day, and he subsequently left the Unification Church. With their knowledge he was here on an expired tourist visa. We contacted the immigration, they picked him up and took him back, and he is back in Las Vegas with a work permit. He is doing fine. Let me make a statement that I can substantiate. That the Moon organization Unification Church, which is the parent organization operates a number of fronts. One of the largest is called the Korean Cultural and Freedom Foundation. I was there with Colonel Bo De Pak, who is now Moon's right arm. I have a copy of all their tax returns. That is why I don't understand why Clark County refuses to turn over their financial statement. I had no trouble at all. In 1975 they came under investigation of the New York State Board of Health and Welfare. That audit removed the KCFF. It is run by Moon. The New York State audit proved that this group which set up a childrens relief fund. This was their front organization. I have some of the literature, and it shows a little boy about four years old with the extended abdomen with his ribs showing through. They collected a million and a half dollars in that one year campaign for the childrens relief fund. Over one million dollars went for fund raising efforts. Back in 1975 there was a Diplomat National Bank going in Washington D.C. Subsequently it was learned that the Moon organization was trying to take over the Diplomat National Bank. Through 19 of its members including Mr. Moon, they bought 4% of the stock. This has been exposed now. On September 29th just past Colonel Bo De Pak retired, and was charged in Federal Court with a complaint by the Security and Exchange Commission. I am here to tell you that in my 14 years experience. That this cult has been marked by nothing more than deception. Most of the money went to Moon's headquarters in New York. I have people inside the Unification Church that feed me information all the time. The big drive is on now. To collect money to finish paying for the Mormon temple in Washington D.C., which the Moon organization just bought. They have no organized church structure as we know it. They have a small group of people like here in Las Vegas who come here to solicit, but no organized church. They are now going legitimate. Mr. Moon has gone in to the fishing business in Norfolk Virginia. He is trying to prepare for the day when he no longer will be able to solicit. This group is under investigation by Donald Frazier's subcommittee. I think I would like to read something from sworn testimony at that committee meeting which I was at from Congressman Frazer himself. I quote. "The purpose of this hearing is to further examine information regarding alleged ties between the South Korean Government, or the Korean CIA, and certain persons in organizations association with Mr. Moon. These relationships, and activities may be in violation of one or more statutes regarding regulating the activities of foreign agents. Many

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people have contacted my office regarding this hearing, and seem to have the impression that the subcommittee is investigating the Unification Church. Let me say at the outset that this is not the case. This hearing is not concerned with the religious philosophy, or the practices of the Unification Church. Those are protected by the First Amendment, and those rights are confirmed. The point must be made however, that Moon is the hub of a network of organizations including not only his church, but also political, cultural, academic, and commercial enterprises. On the basis of testimony received in executive session, and information developed by the subcommittee staff, some of the activities which occur in this organizational frame work can be called in to question." Now it has been my experience through all these years, that people do not know. There are people in this town who are not aware. If they knew that they were giving money to Rev. Moon then they would be appalled that they had done this. I think it is encumbant upon this City Commission not to assume that people know. I think it would do the people of Las Vegas a disserve by approving this solicitation permit from this organization until all the facts are in. They are know under government investigation, and I would hope that you might wait until whether it has been determined that it is a legitimate religious organization. The IRS has them under investigation.

Commissioner Lurie: Maybe you can attend the Solicitation Review Board hearing when this application is presented again, and make your comments known to them.

Mr. Roland: I am an airline pilot by profession, and I have difficulty making meetings.

Commissioner Lurie: Well then maybe a transcription of the minutes could be made to give to the Soliciation Review Board so they will have them.

Commissioner Christensen: Is there anything this City Commission could do without jeopordizing ourselves in terms of the offices, and so forth to hold off on something like this? Until such time as these cases that this gentleman is referring to are heard in the Federal Courts, and so forth. So we have a clearer understanding as to where it stands.

Mr. Sloan: I think it would be very difficult to achieve that. While the Phoenix people are resolving this, the Federal Court has enjoined the City from interfering with the right to solicit. It is my understanding that they still have a tax exempt status from the IRS. One of the things that would be in our agreement, is that they would have to furnish us with documentation indicating that they have that status with the government. I just don't see anyway that we can at this time preclude them from engaging in an activity which is guaranteed by the First Amendment of the U.S. Constitution.

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Commissioner Christensen: I think on a Solicitations Permit it runs for a period of time, but at the end of that time you have so many days to file a report saying how much money was collected. Does that also indicate what the money was used for?

Ila Britt: There are two different types of financial things contemplated by the ordinance. One is the general annual financial statement that reflects the organization receipts. That is the one that is in dispute. After they have received a permit which is for 90 days maximum, then within 30 days after that they are required to submit a statement of what they took in, and what their expenses were. It shows there what the proceeds to go to a charitable cause is. So at that time generally they haven't dispersed, and then that would show up again in the financial statement. The annual that they furnish.

Commissioner Christensen: Would that information, as to where these funds were dispersed then normally show on the application? The financial statement that accompanies it for the second Solicitations Permit?

Ila Britt: That is correct. If this permit now were granted, and they showed us a statement within 30 days indicating that they raised \$10,000.00 through solicitations, and then they came back for another permit, and furnished a whole financial statement it would reflect. That is the purpose of requiring these statements.

Commissioner Christensen: Would the Unification Church have any objections in providing us with that information?

Mr. Childers: No absolutely not. That is the agreement that we have with the County.

Commissioner Christensen: If you applied for another permit after the first one would you then still give us a financial statement? Would you give us a financial statement of what you collected, and what it was spent for?

Mr. Childers: If it is an absolute requirement of your City to provide that type of statement on monies that were made during that period then we would have to comply, and we will comply.

Commissioner Christensen: Well that is one of the reasons why you don't feel you can comply now is because you have no track record with the City of Las Vegas?

Mr. Childers: Right

Commissioner Christensen: But after a 90 day Solicitation Permit has expired, you should have a track record of 90 days, so that information would be supplied on the next application?

Mr. Childers: It would be forthcoming.

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Commissioner Lurie: We have a motion, and we just had a call for a question. We will now vote on the motion. Cast your votes. Motion is to refer it back to the Solicitation Board, and is approved.

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

Commissioner Lurie: This meeting will now be adjourned.

CITIZEN PARTICIPATION - PUBLIC APPEARANCES

N O N E

There being no further business to come before the Board,
at the hour of 2:10 P.M., Mayor Pro-Tem Ron Lurie declared
this Regular Meeting of the Board of City Commissioners
A D J O U R N E D.