

# MINUTES

## City of Las Vegas

BOARD OF COMMISSIONERS

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

DATE: March 15, 1978

TIME: 9:45 A.M.

INVOCATION: Rev. Evan Shea, Spiritual Science Mother Church

### PLEDGE OF ALLEGIANCE:

#### BOARD OF CITY COMMISSIONERS

	PRESENT	ABSENT	EXCUSED	
MAYOR BILL BRIARE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Excused at approx. 4:05 P.M. for balance of meet
COMM. PAUL J. CHRISTENSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMM. RON LURIE MAYOR PRO-TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMM. MYRON E. LEAVITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMM. ROY WOOFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

#### CITY ATTORNEY

MIKE SLOAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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APPROVED BY REFERENCE April 19, 1978

ATTEST:

*Edna M. Case* CITY CLERK      *William J. Briare* MAYOR

CITY COMMISSION - REGULAR MEETING - MINUTES - PAGE 2

MINUTES

March 15, 1978

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 15th day of March, 1978 was called to order by his Honor, Mayor William H. Briare, at the hour of 9:45 A.M.

AGENDA POSTED March 10, 1978 (See Page 3 of these Minutes Affidavit)

AGENDA MAILED March 10, 1978 (See Page 4 of these Minutes Affidavit)

		PRESENT	ABSENT	EXCUSED
STAFF ATTENDANCE	City Manager RUSSELL W. DORN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	City Clerk EDWINA M. COLE, C.M.C.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Bus Activity ILA M. BRITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Comm Planning DONALD J. SAYLOR, A.I.P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Rec & Leisure Activities RICHARD L. CAMPBELL	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Director, Dept. of Fin Mgt MARVIN A. LEAVITT	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Director, Dept. of Fire Services SAM COOPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Funds, Coordination & Projects RONALD JACK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Muni Services J. C. CATHCART	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept of Personnel & Employee Relations BABETTE NAEF-Personnel Officer	<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  
PLEDGE OF  
ALLEGIANCE

Mayor Briare: This is the regular meeting of the City Commission for the City of Las Vegas. If you would all please stand, we are going to have the invocation by the Rev. Evan Shea, and then please remain standing for the Pledge of Allegiance.

Rev. Shea: Our Heavenly Father we realize that we need Your divine guidance during these difficult times. Our Father help us to make the right decisions, that our City may prosper, and all may benefit. Our Lord Bless our Mayor, and our City Commissioners, and all those who will participate in this assembly this day, that they may be filled with Your wisdom, and Your strength, with Your peace, and Your love. In Your name we pray our God, Amen.

PLEDGE OF ALLEGIANCE

Mayor Briare: Thank you very much Reverend.

SPECIAL  
IMPROVEMENT  
DISTRICT  
No. 408  
Resolution  
Adopted  
and Notice  
approved

Mr. Dorn: The first order of business is Item D, Special Improvement District No. 408 for street lights, curb and gutter, parking lane, South side of Owens Avenue from Pecos Street to Nellis Boulevard.

Commissioner Lurie: I move for the adoption of the resolution.

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

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

NOTICE OF  
PUBLIC HEARING  
APR 5, 1978 -  
2:00 P.M.

Mayor Briare: There will be notices of a public hearing to be held April 5, 1978 at 2:00 P.M., in reference to the proposed special improvement district. Mrs. Cole you will take care of that.

RESOLUTION  
A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT  
THAT THE WORK OF IMPROVEMENT OF CERTAIN STREETS AND  
PARTS THEREOF WITHIN THE PROPOSED LAS VEGAS, NEVADA,  
SPECIAL IMPROVEMENT DISTRICT NO. 408 SHALL BE DONE.

WHEREAS, the Board of Commissioners of the City of Las Vegas, in the County of Clark and State of Nevada, has directed the City Engineer to file with the City Clerk, who is also the Clerk of said Board of Commissioners, certain preliminary estimates of costs, and estimates of maximum benefits; all in connection with the installation of street improvements within that certain area of said City hereinafter described, all pursuant to Chapter 271 of Nevada Revised Statutes and all laws supplemental thereto; and:

WHEREAS, the City Engineer, on the 1st day of March, 1978 filed at the office of the Clerk of said City and of said Board of Commissioners, in connection with said improvements and with its proposed Las Vegas, Nevada, Special Improvement District No. 408 the following:

A. Preliminary plans showing typical sections of the contemplated improvements, the type or types of material, and preliminary estimates of the costs of such improvements;

B. Preliminary estimates of the total cost of each type of construction, said estimates being made in a lump sum or by unit prices, and, further, including in said estimates without limiting the generality of the foregoing, the advertising, appraising, engineering, printing, and such other expenses as in the judgment of said Engineer are necessary or essential to the completion of such work of improvement, and the payment of the costs thereof;

C. Assessment plats showing the areas to be assessed and the amount of maximum benefits estimated to be assessed against each lot or parcel of property in the assessment district, such estimates being computed on an area basis; as heretofore designated by said Board of Commissioners; provided that an equitable adjustment will be made for assessments to be levied against any irregular lots or parcels, so that assessments according to benefits will be equal and uniform; and

WHEREAS, the Board of Commissioners has examined said plans, assessment plats, typical sections of contemplated improvements, preliminary estimates of costs, and estimates of maximum benefits, so filed with said Clerk, and has found, and does

hereby declare the same to be satisfactory in all respects;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, at a regular meeting thereof held on the 1st day of March, 1978 at 9: 45 o'clock A.M., that the Board of Commissioners shall and hereby does accept said plans, assessment plats, typical sections of contemplated improvements, preliminary estimates of costs, and the estimates of maximum benefits to be assessed against each tract or parcel of land in the assessment areas.

BE IT FURTHER RESOLVED that said Board of Commissioners shall, and hereby does, PROVISIONALLY ORDER THAT:

SECTION 1. That street improvements shall be installed within that certain area of the City hereinafter described, all as more particularly hereinafter set forth and as described in said plans herein accepted, reference to which is hereby made and which are available for public examination at the office of the said City Clerk, and at a total estimated cost of \$1,656,875.00 including engineering legal and incidental expenses.

SECTION 2: The amounts to be assessed shall be made upon all lots and parcels of property benefitted, proportionately to the benefits received and shall be assessed against the property abutting said improvements on an area basis, i.e., on the basis that each lot or parcel of property to be assessed in each such assessment unit shall be assessed a portion of the aggregate dollar amount being levied against that particular

entire assessment in the proportion that the area of said lot or parcel bears to the area of all the assessable property in such assessment unit, provided that the depth of a lot or parcel in excess of 100 feet from the frontage facing the improvements shall not be considered in computing the area of such lot or parcel; provided that in each assessment unit an equitable adjustment will be made for assessments levied against any irregular lots or parcels, so that the assessments according to benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum benefits estimated to be conferred upon each lot or parcel of property shall be as stated in the aforesaid assessment plat.

Regardless of the basis used by apportioning assessments, in case of wedge or "V" or other irregularly shaped tracts, an amount apportioned thereto shall be in proportion to the special benefits to be derived.

SECTION 3. The area comprising said streets to be improved and said property to be assessed (i. e., all of said assessment units), shall be designated "Las Vegas, Nevada, Special Improvement District No. 408 "

SECTION 4. On Wednesday, the 5th day of April, 1978 at the hour of 2:00 P.M. o'clock at the Commission Chambers in City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, or any time prior to said date and time at the Office of the City Clerk in City Hall in said City, the owners of the property to be assessed, or any other person interested therein, may file written protests or objections, and may appear before the Board of Commissioners at said time and place and be heard as to the propriety of making such improvements, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against the property to be so improved. Twenty (20) day's notice in writing of such time and place shall be given to such property owners, which shall be served by the City Clerk by mailing a copy of such notice, postage prepaid, as first-class mail, to the last known address of each last known owner of property within each assessment unit whose property will be assessed for the costs of such improvements, such names and addresses of such property owners being those appearing on the local property assessment rolls for general (ad valorem) taxes on file in the Office of the County Assessor of Clark County, Nevada, wherein said property is located. Notice shall also be given by the City Engineer by posting a copy of such notice in three public places at or near the site of the proposed work in each assessment unit at least twenty (20) days prior to said hearing. Proof of such mailing and posting shall

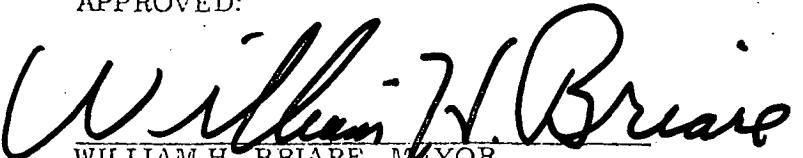
be made by the affidavit of the City Clerk or of the City Engineer as the case may be, such proof to be filed with the City Clerk; provided, however, that the fact that the person to whom any such notice is addressed does not receive the same shall not invalidate or affect the legality of the notice given thereby and shall not invalidate or affect the legality of any assessment nor any other of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by publishing a copy of such notice in the Las Vegas Review Journal, a newspaper published in the City of Las Vegas, Nevada, and of general circulation in said City of Las Vegas, once each week for three consecutive weeks, by three weekly insertions, the first publication to be at least fifteen (15) days prior to the date of the protest hearing. Not less than fourteen (14) days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with said City Clerk. Said notice shall be in the form as indicated hereafter.

SECTION 5. That the City Clerk and the City Engineer are hereby authorized to advertise for bids on the contemplated work by advertising at least once a week for three consecutive weeks by three weekly insertions in the Las Vegas Review Journal, a newspaper of general circulation in the City of Las Vegas; provided that not less than fourteen (14) days shall intervene between the first publication and the last publication;

provided that the last publication shall be at least five (5) days prior to the receipt of bids; and provided that no contract shall be awarded until after the aforesaid hearing and until after the creation of said District by ordinance.

INTRODUCED, PASSED AND ADOPTED this 15th day of March, 1978.

APPROVED:

  
WILLIAM H. BRIARE, MAYOR

ATTEST:

EDWINA M. COLE, CITY CLERK

NOTICE OF HEARING ON THE IMPROVEMENT OF CERTAIN STREETS AND PARTS THEREOF AND PROPOSED ASSESSMENTS WITHIN THE PROPOSED LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 408.

NOTICE IS HEREBY GIVEN to the property owners within the proposed Las Vegas, Nevada, Special Improvement District No. 408, and to all interested persons that:

The Board of Commissioners of the City of Las Vegas, Nevada, has provisionally ordered that street improvements shall be installed within that certain area of the City hereinafter described, all as more particularly set forth:

The improvements include the installation of street lighting, consisting of sodium vapor luminaires and steel lighting standards with concrete bases and underground wiring; the installation of concrete curbs and gutters, with commercial or residential driveway openings as required, and an eight foot (8') parking lane on the south side of Owens Avenue from Pecos Street to Nellis Boulevard, except where adequate improvements have previously been installed, all in conjunction with the installation of driving lanes, median islands and drainage facilities to be paid for with funds other than the levy of assessments, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams and plans of the work and locality to be improved, now on file in the Office of the City Clerk.

All of the plats, diagrams and plans on file in the Office of the City Clerk are deemed by the City Engineer and the City to be essential to the construction of said improvements.

It is estimated that said estimated total cost shall be apportioned as follows:

<u>Total Cost</u>	<u>Estimated Amount of Special Assessments</u>
\$1,656,875.00	\$248,512.00

The amounts to be assessed shall be made upon all lots and parcels of property benefitted, proportionately to the benefits received and shall be assessed against the property abutting said improvements on an area basis, i. e. , on the basis that each lot or parcel of property to be assessed in each such assessment unit shall be assessed a portion of the aggregate dollar amount being levied against that particular entire assessment in the proportion that the area of said lot or parcel bears to the area of all the assessable property in such assessment unit, provided that the depth of a lot or parcel in excess of 100 feet from the frontage facing the improvements shall not be considered in computing the area of such lot or parcel, provided that in each assessment unit an equitable adjustment will be made for assessments levied against any irregular

JID 2

lots or parcels, so that the assessments according to benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon each lot or parcel of property shall be as stated in the aforesaid assessment plat.

Regardless of the basis used by apportioning assessments, in case of wedge or "V" or other irregularly shaped tracts, an amount apportioned thereto shall be in proportion to the special benefits to be derived.

The areas to be assessed within the assessment units which the Board proposes to so have improved are as follows:

All those parcels of land situate in the City of Las Vegas, County of Clark, State of Nevada, described as follows:

All those parcels of land adjoining OWENS AVENUE on the South from Pecos Street to Nellis Boulevard.

EXCEPT therefrom those parcels of land lying within that certain subdivision known as OWENS PLAZA UNIT NO. 1 as shown by map thereof on file in Book 8 of Plats, Page 34, in the Office of the County Recorder of Clark County, Nevada.

The proposed improvements will result in no substantial change in the existing street elevations or grades.

All persons interested are hereby advised that the plans, plats, typical sections, preliminary estimates of the total cost, the description of the property to be assessed, the portion of the cost to be assessed thereagainst and the maximum amount of benefits estimated to be conferred on each piece of property are on file in the Office of the City Clerk and may be inspected by any property owner, or other interested persons, during regular office hours.

On Wednesday, the 5th day of April, 1978 at 2:00 P.M. o'clock, in the Commission Chambers at City Hall, 400 East Stewart Avenue, in the City of Las Vegas, or at any time prior to said date and time, at the office of the City Clerk at City Hall, in said City, the owners of the property to be assessed, or any other persons interested therein, may file written protests or objections, and may appear before the Board of Commissioners at said time and place and be heard as to the propriety and advisability of making such improvements, as to the costs thereof, as to the manner of the payment therefor, and as to the amount thereof to be assessed against the property to be so improved.

The Board of Commissioners requests that any property owner or other interested person wishing to make a protest or objection, make such protest or objection

ing aforesaid. Those persons shall have the right within thirty (30) days after the Board of Commissioners has finally passed on such protest or objection to commence an action or suit in any Court of competent jurisdiction to correct or set aside such determination, but thereafter all actions or suits attacking the validity of the proceedings and the amount of benefits shall be perpetually barred. If the owners of more than one-half of the area to be assessed for the improvements shall file written objection thereto, the particular improvements shall not be ordered installed, unless pursuant to NRS 271.305(7)(b)(1), the municipality shall pay one-half or more of the total cost of the entire project with funds derived from other than the levy of assessments, in which event the Board of City Commissioners may order the improvements installed in spite of a more than 50% protest.

After such hearing, said Board of Commissioners shall make a determination as to the advisability of so improving said streets and parts thereof, shall determine the kind and character of such improvements so to be made, and shall enter into a contract with the responsible bidder submitting the lowest bid for the doing of such work and the furnishing of all necessary materials, in response to a duly advertised invitation for construction bids.

After the making of such contract, said Board of Commissioners shall determine what portion of the cost of such work, including incidentals, shall be paid by the property specially benefitted, and the assessments shall be levied in accordance with the laws of the State of Nevada. In no event shall the assessments exceed the estimated benefits to the property assessed. The Board of Commissioners shall provide that the assessments may be payable without interest or demand, at the election of the owner, or in ten substantially equal annual installments of principal. The Board of Commissioners shall also provide the time and terms of payment of such assessments, and the rate of interest upon deferred payments thereof, which rate shall not exceed nine per centum (9%) per annum, and shall fix penalties to be collected upon delinquent payments.

By order of the Board of Commissioners of the City of Las Vegas, Nevada.

DATED this 15th day of March, 1978.

# AGENDA

## City of Las Vegas

March 15, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - Pg 17 Commission Action

Department Action

I. 9:45 A.M.

A. COMMUNITY RELATIONS

N  
o  
n  
e

B. SPECIAL EVENTS

N  
o  
n  
e

II. 10:00 A. M.

A. CALL TO ORDER

B. INVOCATION - Rev. Evan Shea,  
Spiritual Science Mother Church

C. PLEDGE OF ALLEGIANCE

D. FIRST ORDER OF BUSINESS

SPECIAL IMPROVEMENT DISTRICT No. 408 -  
STREET LIGHTS, CURB & GUTTER, PARKING LANE -  
SOUTH SIDE OF OWENS AVE. FROM PECOS ST. TO  
NELLIS BLVD.

1. Resolution making a Provisional Order that work shall be done
2. Notice of Public Hearing to be held April 5, 1978 - 2:00 P.M. re said proposed Special Improvement District

Adopted Resolution  
Lurie -\*unanimous  
Approved Notice  
Lurie -\*unanimous

\*Commissioner  
Woofter did not  
vote - temporarily  
absent

Staff to proceed

Clerk to proceed

# AGENDA

## City of Las Vegas

March 15, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION REGULAR MEETING - MINUTES - Page 18 Commission Action

Department Action

### III. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

#### \*CONSENT AGENDA

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

#### \*A. CHARITABLE SOLICITATIONS PERMITS (Approved by the Solicitations Review Board)

1. HELP THEM WALK AGAIN FOUNDATION, INC. -- sale of advertising space
2. LAS VEGAS FAMILY ABUSE CENTER  
general solicitations
3. PERPETUAL HELP FOUNDATION --  
general solicitations
4. THEATRE ARTS SOCIETY, INC. --  
sale of tickets to production  
"Night Must Fall"
5. CHURCH OF GOD -- a candy sale
6. CLARK COUNTY HUMANE SOCIETY --  
collection boxes
7. DISABLED AMERICAN VETERANS  
AUXILIARY UNIT # 11 -- sale  
of "Forget-Me-Nots"
8. ELKS LODGE # 1468 -- button  
sales
9. EMBLEM CLUB # 114 -- tickets  
to a dinner; raffle tickets

Items 1 thru 24  
Approved as  
recommended  
Lurie - unanimous

Commissioner Woofter  
did not vote -  
temporarily absent

Director  
authorized  
to proceed

# AGENDA

## City of Las Vegas

March 15, 1978

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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CITY COMMISSION - REGULAR MEETING - MINUTES - Page 19 Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

\*A. CHARITABLE SOLICITATIONS PERMITS  
(cont'd)

See Page 2

See Page 2

10. FRATERNAL ORDER OF EAGLES --  
tickets to a Barn Dance/  
Western Nite

11. FRIENDS OF THE SOUTHERN  
NEVADA LIBRARIES, INC. --  
mail solicitation

12. KIDNEY FOUNDATION OF NEVADA --  
a "skate-a-thon"; a golf  
tournament

13. KIWANIS CLUB, PARADISE  
VALLEY -- a peanut sale

14. J. T. MC WILLIAMS P.T.A. --  
a school carnival

15. MISS BLACK TEENAGE WORLD --  
tickets to a fashion show;  
sale of advertising space

16. NEVADA PUBLIC RADIO CORPORA-  
TION -- invitations to a  
grand opening

17. OUR LADY OF LAS VEGAS P.T.A. --  
rummage sale; bake sale

18. REDROCK BAPTIST CHURCH --  
newspaper re-cycling drive

19. LEWIS E. ROWE P.T.A. -- a  
school carnival; raffle  
tickets

20. ST. JOSEPH'S CATHOLIC SCHOOL --  
a school bazaar

# AGENDA

## City of Las Vegas

March 15, 1978

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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Commission Action

Department Action

CITY COMMISSION - REGULAR MEETING - MINUTES - Page 20

### III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

#### \*A. CHARITABLE SOLICITATIONS PERMITS (cont'd)

21. SALVATION ARMY WOMEN'S  
AUXILIARY -- a bazaar
22. SUNRISE ACRES P.T.A. -- a  
school carnival
23. TRUE LOVE MISSIONARY BAPTIST  
CHURCH -- raffle tickets
24. VETERANS OF FOREIGN WARS  
# 1753 -- tickets to a  
"Tots to Teen" show

See Page 2

See Page 2

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

##### Family Child Care Homes

1. LANA SIMPSON  
5704 Shawnee  
  
5 children, days only
2. PATRICIA ADAMSON  
3904 San Angelo  
  
5 children, days only
3. TERRIE ARONSON  
4974 Nettie  
  
5 children, days only

Items 1 thru 8  
Approved  
as recommended  
Lurie - unanimous

Director  
authorized  
to proceed

Commissioner Woofter  
did not vote -  
temporarily absent

# AGENDA

## City of Las Vegas

March 15, 1978

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING -MINUTES - Page 21 Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

\*B. CHILD CARE FACILITY APPLICATIONS  
(cont'd)

4. VIVA CONWAY  
1400 Atlantic  
  
6 children days/6 nights
5. PATRICIA JACKSON  
1401 "J" Street  
  
3 children, days only
6. BONNIE COUSENS  
6240 Ressler  
6 children days/2 nights
7. MARIA "ROSI" SHELTON  
300 Pomegranate  
  
6 children, days only
8. PATRICIA TRUEHL  
218 Vallejo  
  
5 children days/5 nights

Child Care Centers

1. LIT'L SCHOLAR  
2301 West Charleston Blvd  
  
91 children, days only
2. LITTLE MACCABEES  
1380 E. Sahara  
  
36 children, days only

See Page 4

See Page 4

Items 1 and 2  
Approved  
Lurie - unanimous

Commissioner Woofert  
did not vote -  
temporarily absent

Director  
authorized  
to proceed

# AGENDA

## City of Las Vegas

March 15, 1978

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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CITY COMMISSION - REGULAR MEETING - MINUTES - Page 22 Commission Action

Department Action

### III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

#### \*C. GAMING -- Additional

1. GSY, INC.

Jolly Trolley Casino  
2440 Las Vegas Blvd South  
1 slot

Items 1 thru 12  
Approved  
Lurie - unanimous

Director  
authorized  
to proceed

Commissioner Lurie  
Abstained on  
Item 11 - 49'er  
Saloon

2. MINI-PRICE MOTOR INN CASINO, INC.

Bingo Palace Casino  
2540 South Rancho Road  
1 Poker Table

3. HORSESHOE CLUB OPERATING CO.

Horseshoe Club  
128 Fremont Street  
51 slots

4. SAM BOYD/WILLIAM BOYD

California Hotel & Casino  
12 E. Ogden  
1 slot

Commissioner Leavitt  
revealed for the  
record that William  
Boyd and Commissioner  
Leavitt own property  
together.

5. MONEY TREE, INC.

Money Tree Casino  
2466 Las Vegas Blvd South  
4 slots

6. EXBER, INC.

El Cortez Hotel  
600 East Fremont Street  
12 slots

# AGENDA

## City of Las Vegas

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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### III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

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

See Page 6

See Page 6

#### 7. DOMMERMUTH ENTERPRISES, INC.

Orbit Inn Casino  
707 E. Fremont Street  
2 slots

#### 8. DISCOUNT SLOTS, INC.

Discount Slots, Inc.  
1501 N. Decatur  
1 slot

#### 9. ALSTATE COIN MACHINE CO.

Thaddeus Thudpucker  
5100 West Charleston  
1 slot

Union Plaza  
# 1 Main Street  
1 slot

#### 10. GAMES OF NEVADA

Jolly Trolley Casino  
2440 Las Vegas Blvd South  
3 slots

#### 11. AUTOMATIC AMUSEMENTS

Green Shack  
2504 Fremont  
1 slot

49er Saloon  
1556 N. Eastern  
1 slot

contd....

# AGENDA

## City of Las Vegas

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BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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### III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

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

See Page 6

See Page 6

#### 11. AUTOMATIC AMUSEMENT - contd

Kings Coffee Shop  
1102 Fremont  
2 slots

Thee Place  
2511 Teddy Drive  
1 slot

City Liquors  
416 Las Vegas Blvd North  
1 slot

Mallory's  
1511 N. Nellis  
1 slot

#### 12. UNITED COIN MACHINE CO.

Toots Cocktail Lounge  
417 Las Vegas Blvd South  
1 slot

Hard Hat Cocktail Lounge  
1675 Industrial Road  
4 slots

Nice Place  
3021 E. Charleston Blvd  
1 slot

Jerry's Liquor/Beer Bar  
1604 West Oakey  
3 slots

cont'd...

# AGENDA

## City of Las Vegas

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BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

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Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

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

See Page 6

See Page 6

12. UNITED COIN MACHINE CO. -cont'd

Sundance West Casino  
32 East Fremont  
1 slot

Trap House  
6119 Clarice  
1 slot

Circle K Store # 542  
3500 E. Charleston  
3 slots

Circle K Store # 695  
428 South Valley View  
3 slots

\*D. RETAIL TOBACCO -- Additional

Approved  
Lurie - unanimous

Director  
authorized  
to proceed

1. S SMITH VENDING CO.

Ice Cream King  
840 North Rancho Drive

E. LIQUOR -- Change from Sole Proprietorship to Partnership

Approved  
Lurie - unanimous

Same as above

1. MARGI'S FIESTA  
1610 E. Charleston Blvd  
Tavern License

From: Margi Kidd, 100%

To: Margi Kidd, 50%  
James Joseph Rush, 50%

# AGENDA

## City of Las Vegas

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Department Action

### III. DEPARTMENT OF BUSINESS ACTIVITY (Cont'd)

#### F. LIQUOR -- Reclassification

1. MONEY TREE CASINO  
2466 Las Vegas Blvd South  
From: Tavern  
To: General

Money Tree, Inc. --  
Donald Pettit, Pres, 52%  
Richard D. Pettit, 48%

Approved  
Lurie - unanimous

Director  
authorized  
to proceed

#### G. LIQUOR -- Approval of Additional Corporate Officers

1. WHISTLE STOP LIQUORS  
# 1 Main Street  
Package Liquor  
  
Host International, Inc. --  
  
Addl Corporate Officers:  
Norman W. Baske, Vice-Pres  
Vincent Eiichi Kikugawa, V.P.

Approved  
Lurie - unanimous

Same as above

#### H. LIQUOR & RETAIL TOBACCO -- Change of Business Name/Change of Location/ Request for Extension of Inactive Status

1. From: Charlie's Bar  
1511 South Main Street

TO: \*BONANZA LOUNGE  
4300 East Bonanza  
Tavern License

Eugene Stanfill, 50%  
Fred Atol, 50%

Approved subject  
to conditions  
Lurie - unanimous

Same as above

(Closed 11/16/77. Extension for period  
1/18/78 thru 3/18/78 apprvd 1/18/78.  
Request for extension of inactive status  
for 60-day period: 3/19/78 thru 5/17/78.)

\*Subj to the provisions of the Planning,  
Bldg & Fire codes & Health Dept regulations

# AGENDA

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Department Action

### III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

#### I. LIQUOR & RETAIL TOBACCO -- Change of Business Name/Deletion of Corporate Officer)

1. From: Philip's

Philips, Inc. --  
Philip Q. Deale, Pres,  
Secy/Treas  
Virginia Hart, V.P.

TO: PHILIP'S SUPPER HOUSE  
4545 W. Sahara Avenue  
Tavern

Philips, Inc. --  
Philip Q. Deale, sole  
ofcr & stockholder

Approved  
Lurie - unanimous

Director  
authorized  
to proceed

#### J. LIQUOR & RETAIL TOBACCO -- Approval of Franchise Manager

1. 7-ELEVEN FOOD STORE # 20084  
225 North Lamb  
Beverage Off-Sale

Southland Corp --

Franchise Manager:  
Robert F. Darling

Approved  
Lurie - unanimous

Same as above

#### K. LIQUOR & RETAIL TOBACCO -- Deletion of Corporate Officer

1. PIZZA HUTS OF LAS VEGAS, INC.

PIZZA HUT OF LAS VEGAS # 1  
825 Tonopah Highway  
Restaurant Beverage

Approved  
Lurie - unanimous

Same as above

contd.....

# AGENDA

## City of Las Vegas

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Commission Action

Department Action

### III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

#### K. LIQUOR & RETAIL TOBACCO -- Deletion of Corporate Officer (cont'd)

See Page 11

See Page 11

#### 1. PIZZA HUTS OF LAS VEGAS, INC. - cont'd

PIZZA HUT OF LAS VEGAS # 2  
2536 E. Fremont  
Restaurant Beverage

PIZZA HUT OF LAS VEGAS # 6  
260 S. Decatur  
Restaurant Beverage

PIZZA HUT OF LAS VEGAS # 12  
3001 W. Sahara  
Restaurant Beverage

PIZZA HUT OF LAS VEGAS # 14  
7000 W. Charleston  
Restaurant Beverage

From: Gerald Aaron, Pres/Dir  
Max Sutton, VP/Treas/  
Dir  
Ronald D. Watson, Secy/  
Dir

To: Gerald T. Aaron, Pres/  
Treas/Dir  
Ronald D. Watson, VP/  
Secy/Dir

# AGENDA

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Department Action

### III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

#### L. LIQUOR & RETAIL TOBACCO -- Approval of Additional Corporate Officers/ Request for Waiver of Investigation of Corporate Officers/Directors

##### 1. SAFEWAY STORES, INCORPORATED

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

SAFEWAY STORE # 334  
700 South Decatur Blvd  
Beverage Off-Sale

SAFEWAY STORE # 335  
701 North Rancho Drive  
Package Liquor Ltd.

SAFEWAY STORE # 346  
3631 W. Sahara Avenue  
Package Liquor Ltd.

SAFEWAY STORE # 349  
4750 Vegas Drive  
Package Liquor Ltd.

Safeway Stores, Incorporated--  
W. S. Mitchell, Chmn of Bd/  
Chief Exec Ofcf  
Robert Magowan, Chmn of the  
Exec Committee

Additional Officers:  
Dale L. Lynch, Pres/Chief  
Operating Officer  
James A. Rowland, Sr. V.P.

Corp Ofcrs/Directors requesting  
waiver of investigation under  
Title 5, Chapter 18, Section 6 (D)--  
Donald J. Smith, V.P.  
Eugene J. Lawson, V.P.  
John F. Bookout, Director  
William H. Webster, Director  
Brayton Wilbur, Jr., Director

Approved  
Lurie - unanimous

Director  
authorized  
to proceed

# AGENDA

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Department Action

### III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

#### M. LIQUOR, GAMING & RETAIL TOBACCO -- Approval of Executor of Estate

1. HARD HAT COCKTAIL LOUNGE  
1675 Industrial Road  
Tavern  
Gaming: 8 Operator Slots

From: El Toreador, Inc.  
Earl Ramey, Pres, 66-2/3%  
Craig Carrier, Jr.,  
33-1/3%

To: Carl Aubrey Brown, Executor  
of the Estate of Earl D.  
Ramey

Approved  
Lurie - unanimous

Director  
authorized to  
proceed

#### N. RETAIL TOBACCO -- New

1. BONGERS II  
5116 West Charleston Blvd

Thirds, Inc. --  
Gary R. Wilkins, Pres  
et al

2. PORT TACK  
3190 West Sahara

Starboard Tack of Nevada, Inc,  
parent corp of wholly-owned  
subsidiary Port Tack, Inc. --  
Robert Kostelecky, et al

3. TERRIBLE HERBST, INC.  
1608 E. Charleston Blvd  
333 South Main Street

Terrible Herbst, Inc.  
Jerry Herbst, Pres  
Maryanna Herbst, Secy

Items 1, 2 and 3  
Approved  
Lurie - unanimous

Same as above

# AGENDA

## City of Las Vegas

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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Department Action

### III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

#### O. SPECIAL EVENT LIQUOR LICENSE

##### 1. CLUB SOCIAL MEXICANO

Location: Nevada Natl Guard  
25th & Stewart

Date: March 26th, 1978

Responsible Licensee:  
Edward Guzman

##### 2. WENDLIN REIGER

Location: 1500 Foremaster

Dates: March 23rd, 1978  
March 27th, 1978

Responsible Licensee:  
Wendlin Reiger

#### P. LIQUOR -- Request for Extension of Inactive Status

##### 1. FOODLAND 1412 East Fremont Package Liquor Ltd.

Pet-Char Corp --  
Pete Tasios, Pres, et al

(Closed 5/25/77. Extension for period 7/24/77 thru 9/21/77 apprvd 7/6/77; extension for period 9/22/77 thru 11/20/77 apprvd 9/21/77; extension for period 11/21/77 thru 1/19/78 apprvd 11/16/77; extension for period 1/20/78 thru 3/20/78 apprvd 1/18/78. Request for 60-day extension of inactive status for 3/21/78 thru 5/19/78.)

Items 1 and 2  
Approved  
Lurie - unanimous

Director  
authorized  
to proceed

Items 1 and 2  
Approved as  
requested

Same as above

# AGENDA

## City of Las Vegas

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Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

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

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

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

(Approved 6/1/77. Extension for  
period 7/31/77 thru 9/28/77  
apprvd 7/20/77; extension for period  
9/29/77 thru 11/27/77 apprvd  
9/21/77; extension for period  
11/28/77 thru 1/26/78 apprvd  
11/23/77; extension for period  
1/27/78 thru 3/26/78 apprvd  
1/18/78. Request for extension  
of inactive status for 60-day  
period of : 3/27/78 thru 5/25/78.)

Q. APPEAL ON DENIAL OF BUSINESS LICENSE

1. THE ACTORS WORKSHOP  
2309 Las Vegas Blvd South  
  
Applicant: Walter D. Leake

Abeyance

4/5/78 Agenda

APPEAL ON DENIAL  
OF BUSINESS  
LICENSE  
ACTORS WORKSHOP  
Held in Abeyance

Mr. Dorn: I just want to bring to your attention on this item, that you have a choice of hearing this matter now, or going before a Hearing Officer, for a Hearing Officer to make recommendations to the Commission.

Mayor Briare: Mr. Sloan do you have any comment on that?

Mr. Sloan: Well I had not had that possibility raised to me until just hearing it from the City Manager.

Mr. Walter D. Leake: My attorney is in court, and he is going to be about 10 minutes late.

Mr. Sloan: Basically in this capacity, the Commission is sitting as an appellant agency already, because he is appealing from the decision of Mrs. Britt. The ordinance says that the Board shall hear the applicant. If you want to consider the possibility of going to a Hearing Officer, the attorney is late, if you want to trail this for a few minutes then I will be happy to look at it.

Mayor Briare: O.K. will someone let me know when your attorney arrives?

Mr. Walter D. Leake: Yes.

Mayor Briare: We will hold this momentarily, and go to the next item.

-----  
ADMINISTRATIVE AGENDA - RUSSELL W. DORN,

CITY MANAGER

See Page 37 of these minutes - Annotated Agenda

NEVADA BLOOD  
SERVICE  
Report Only

Mr. Dorn: The Nevada Blood Service is the next item. The purpose of this item on the agenda today is to compliment our City Employees, and the Nevada Blood Service for their participation in the Nevada Blood Drive. Our Employees will make their semi-annual contribution on March 22, and it is for the opportunity for our employees to give blood.

REPORT ON  
PROPOSED  
TYME-STRYKE  
BELL  
SYSTEM

Mr. Dorn: The next item is the report on the proposed Tyme-Stryke Bell System. We would like the Mayor and City Commissioners approval. We would like to show a slide show. (A slide presentation was shown illustrating the bell system proposed).

REPORT ON  
PROPOSED  
TYME-STRYKE  
BELL SYSTEM  
Continued

Mayor Briare: I think that probably gives a pretty good indication of what the item on the agenda is. I asked that this be placed on the agenda for the purpose of allowing the members of the City Commission to get an idea of about what this system would be like. First of all I would like to indicate that the costs of this system, first for a trial period, and then in the event that it should be accepted by the general public, and approved by this Commission, then it would be on a permanent basis. That the costs would be taken care of as a gift to the City by a donor who wishes not to be announced, until such time as it has been approved. If it is not approved, then nobody has lost anything. However, if it is approved, not only would a system such as this be possibly located here at City Hall, but each member of the Commission would be invited to make suggestions, and with necessary approvals given by anyone who would be concerned, to have these located in other parts of the City. For example, I have already talked to the President at the University of Nevada Las Vegas, about the possibility of having a branch station. It would be an extension of the unit that would be controlled here at City Hall, that could also be located with very attractive towers on the campus at UNLV. It would be perhaps appropriate at Lorenzi Park, Freedom Park, or any City Park. Perhaps the State Mental Health Facility up on West Charleston Boulevard would be interested in having an extension. There are a number, because the donor has agreed to a very substantial contribution to take care of the expenses of these things, and all those would have to be decided later. So I would like to have the Commissions authorization to install this system on a 30 day trial basis, which is agreeable with the manufacturer. Then by every means that we have available announce to the public of the City of Las Vegas, that this is indeed a public hearing, and invite people to come down to the City Hall area, and listen to these chimes, and bells. With the thought in mind that perhaps it would become a permanent thing for the City of Las Vegas, and also other areas of the City. Except for the name of the donor, are there any questions or comments on this trial run?

Commissioner Christensen: Will we be embarrassed when we find out who the donor is?

Mayor Briare: No, you will be very proud. I will let you know right now it is not me. Any other comments?

Commissioner Lurie: I would move that we approve the 30 day trial.

Mayor Briare: Comments from anyone? (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.

MINUTES  
SPECIAL MEETING  
2/18/78

re

Municipal Court  
Judge

Approved by  
Reference

Mr. Dorn: The next item is the approval of the minutes for a Special Meeting on February 18, 1978. The subject was Municipal Court Judge vacancy.

Commissioner Lurie: Move for approval of the minutes of 2/18/78.

Mayor Briare: Cast your votes on the motion. Motion is approved.

MINUTES  
REGULAR MEETING  
2/15/78  
Approved by  
Reference

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

Commissioner Lurie: Move for approval of the Minutes of the Regular Meeting of 2/15/78.

Mayor Briare: Cast your votes. Motion is approved.

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

CITY MANAGERS  
RECOMMENDATION  
AND REQUEST  
FOR  
RATIFICATION OF  
APPOINTMENT OF  
FIRE CHIEF  
Appointed  
Sam Cooper  
as Fir Chief  
for the City of  
Las Vegas  
Nevada

Mr. Dorn: Next is a request for the ratification of the appointment of a Fire Chief. It is with great pleasure that I recommend to the Mayor and City Commissioners the appointment of Sam Cooper as Fire Chief for the City of Las Vegas. My recommendation is based on Mr. Sam Cooper's fine background, his 24 years of dedicated service to the Fire Department, as well as his technical expertise in Fire Service Administration Management, and the handling of men and fire services.

Commissioner Woofter: What was the reason for this being put on as an addendum, other than the regular course Mr. Dorn? This was the first notice that it was going to be put on as far as I was concerned. I was down here yesterday.

Mr. Dorn: If you recall this was requested by Commissioner Leavitt to put this item on the March 1st meeting, and the Mayor was out of town. We put it in abeyance then. On the March 15th meeting, it was a late item on the agenda to be put through for your consideration.

Commissioner Woofter: Is there an immediate need for today, rather than putting it on for the regular agenda for say the next regular meeting?

Mr. Dorn: Yes Commissioner there was a need. As you are aware Sam Cooper has been in an acting position since July 1st of 1977. We feel to evaluate the operation and move ahead, that it would be my recommendation. I am sorry for this last minute notification, but I thought you were notified on that.

FIRE CHIEF  
Continued

Commissioner Leavitt: I move that we ratify the appointment of Sam Cooper as the Fire Chief.

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

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

Commissioner Woofter: Let the record reflect that the reason I cast a nay vote, is that it was a complete surprise that it would be on the agenda. There were certain questions I brought forth the last time that I wanted to look in to. I didn't get a chance.

Mayor Briare: Mr. Cooper congratulations on being the official City Fire Chief. (Applause)

Mr. Sam Cooper: I would like to thank the City Manager for his recommendation, and certainly thank you gentlemen for your confidence place in me, by making me your Fire Chief. This is a very happy time for me. I feel very fortunate, not just today, but for all the years I have been in the Fire Department. It has been a good life, and I have had a secure life being with the City. We have a good Fire Department, but the citizens deserve the best, and so we will continue to improve. Thank you. (Applause)

Mayor Briare: We will now go back to the appeal that is before us on a denial of issuing a license.

APPEAL ON  
DENIAL OF BUSINESS  
LICENSE - ACTORS  
WORKSHOP  
Continued

Mr. Sloan: The Commission could if it wanted to refer this to a Hearing Officer. My concern at the time is that we had two ordinances, both the hearing officer ordinance, and our revised ordinances that relate to business activity, and I wanted to make sure that they square, and they do. We have certain witnesses here today that would be prepared to present the information, but it is really up to the Commission. We could go forward today, or refer it to a Hearing Officer. There are people present today who have come to testify at the request of Mrs. Britt. It is purely at your discretion.

Mr. Paul Carelli: I am appearing on behalf of Mr. Leake, who is the applicant for the Actors Workshop. We are prepared to go forward today.

Mayor Briare: Are there any comments by the Commissioners? (No response). O.K. then we will proceed. Mr. Sloan are we here to hear the attorney for the Actors Workshop challenge Ila Britt's decision on this? What is the specific question before us?

Mr. Sloan: He is in the position of an appellant to try to convince you that she was in error in denying the application.

# AGENDA

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CITY COMMISSION - REGULAR MEETING - MINUTES - Page 37

Commission Action

Department Action

IV (a). ADMINISTRATIVE AGENDA - RUSSELL W. DORN,  
CITY MANAGER

A. Nevada Blood Services

Report only

B. Report on Proposed Tyme-Stryke Bell  
System

Approved on 30-day  
trial basis  
Lurie - unanimous

C/M to proceed

C. MINUTES - SPECIAL MEETING - 2/18/78  
(re Municipal Court Judge vacancy)

Items C and D  
Approved  
by Reference  
Lurie - unanimous

Mayor and Clerk  
authorized  
to sign

D. MINUTES - REGULAR MEETING - 2/15/78

ADDENDUM No. 1 ITEM:

E. CITY MANAGER RECOMMENDATION AND REQUEST  
FOR RATIFICATION OF APPOINTMENT OF  
FIRE CHIEF

Appointed  
Sam Cooper as  
Fire Chief for  
the City of  
Las Vegas  
Leavitt  
Commissioner  
Woofter voted "no"

Staff to  
proceed

ACTORS  
WORKSHOP  
Continued

You might begin by having Mrs. Britt state the grounds which she used for the denial, and then have Mr. Carelli respond. Then we have certain factual matters that I think we have to get into.

Mayor Briare: Mrs. Britt will you come forward then, and start the proceedings in that matter.

Commissioner Leavitt: Before we proceed could I make one inquiry. Mr. Carelli have you filed a legal, or filed a law suit on this matter?

Mr. Carelli: Yes.

Commissioner Leavitt: There is one pending right now?

Mr. Carelli: Well we filed it because I believe back in late January, or early February, because of Mrs. Britt's refusal to make a decision one way or the other.

Commissioner Leavitt: What is the status of that law suit? Did they tell you to exhaust your administrative remedies, or something?

Mr. Carelli: Yes.

Commissioner Leavitt: That is what you are doing now?

Mr. Carelli: We had it continued in order for the City to say yes, or no. The City said no, and it is now in abeyance while we appeal it the decision of Mrs. Britt.

Commissioner Leavitt: Well I wanted to make sure that we don't have any injunctions, or we don't have any court orders preventing us from going ahead and hearing the appeal today.

Mr. Carelli: There is none to my knowledge. In regards to the Mayors suggestion as to the grounds for the denial. I believe that those grounds are set forth in a letter that I received setting forth the grounds for denial. There are two letters that were sent to my office with regard to the denial. However, the letter of February 21st is the operative document, because that is the letter we received prior to the last hearing in court where Judge Pavlokowski ordered the City to make a decision either accepting, or denying it. We received a denial based upon those grounds, and we are ready to proceed on those grounds. Consequent thereto expost facto, the City sent us another letter, and we don't feel that that is the proper procedure, once a denial has been made on certain grounds, to increase the grounds for denial. Because they weren't in existence at the time of the original denial. So we are prepared to go forward on the grounds set forth in her letter of the 21st of February 1978.

Mayor Briare: Are you not prepared to go forth on the other?

ACTORS  
WORKSHOP  
Continued

Mr. Carelli: Well we don't feel it is proper.

Mayor Briare: Mr. Sloan I don't think we are sitting here as judges. We are sitting here as an administrative board. Is that not correct?

Mr. Sloan: That is correct.

Mayor Briare: If there are any legal problems involving which letter we are going to be looking at while we are doing it, then I think that is the prerogative that we should have. As long as it is properly noted in the agenda.

Mr. Sloan: The board sits in a position of determining whether or not Mr. Leake is fit to receive a license. Mrs. Britt makes that threshold decision, then if her decision is adverse it would be our position, that not only should you review the grounds which she used, but if something were to come out during the course of this review which would clearly indicate to you that he is unfit for a license, or if he is fit for a license, then you have to act on the information available to you today. In addition to the information that was made available to you prior to that.

Mayor Briare: So we will proceed based on all the information we have now, and any information we garner through the course of this proceeding here.

Mr. Carelli: I would like the record to reflect that we are objecting to going beyond the grounds for denial originally set forth by Mrs. Britt in the letter of February 21st, which I have referred to. That is the basis for the denial, which we then appealed from, and the appeal was dated the same day, or it was dated February 22nd. Now the consequent letter advising us of additional grounds is after the date of the appeal. The appeal is what we are before this Commission for. The operative dates of February 21st, and February 22nd, they are the operative dates. Not what has occurred since then.

Mayor Briare: The record will so reflect.

Commissioner Leavitt: Mr. Carelli, is your client present?

Mr. Carelli: Yes.

Commissioner Leavitt: Would you be willing to have him submit testimony under oath?

Mr. Carelli: Yes.

Commissioner Leavitt: If we could swear in the Director of the Department of Business Activity, then I would like to ask her some questions.

ACTORS  
WORKSHOP  
CONTINUED

(Mrs. Ila Britt, the Director of the Department of Business Activity for the City of Las Vegas was sworn, and testified substantially as follows)

QUESTIONS BY COMMISSIONER LEAVITT

Q. Will you state your name, and in what capacity you work for the City of Las Vegas?

A. Ila Britt, and I am the Director of the Department of Business Activities.

Q. Mr. Carelli referred to earlier about a letter of February 21st, 1978. Did you deliver such a letter to the applicant Walter D. Leake?

A. Yes sir I did.

Q. How was that delivered to him?

A. It was hand delivered to Mr. Leake.

Q. Did that letter set forth your decision as to why this business license should be denied?

A. Yes sir it did.

Q. Do you have a copy of that letter with you?

(A copy of the letter of February 21st, 1978 referred to by Commissioner Leavitt was furnished by Mr. Carelli.)

Q. This letter was the basis of your denial is that correct?

A. That is correct Commissioner.

Q. It indicates that it is Title 5, Chapter 1, Section 16, subsection a, number 3. Is that correct?

A. It is Title 5, Chapter 1, Section 16 with several subsections. The first one I believe is a(3).

Q. What was your reason for denying the license?

A. I felt I had a reasonable doubt that this business would comport with the peace, health, safety, good morals, or general welfare of the public. As stated in Title 5, Chapter 1, Section 16a(3).

Q. In this letter it says here, "that the performance is going to be held in 9X12 cubicles, which necessitates in performing in a very close proximity to a very small audience, and the small size of cubicles would make supervision difficult, or impossible." Is that correct?

A. That is correct.

Q. And it is going to be available for a 24 hour a day use, is that correct?

A. That was Mr. Leake's statement yes, that this would be a seven day a week, 24 hour day operation.

ACTORS  
WORKSHOP  
Continued

Q. You also indicated that on February the 2nd, 1978, the applicant applied for a license to conduct an adult oriented bookstore, and movie arcade, which is upstairs from the proposed Actors Workshop. Is that correct?

A. That is correct.

Q. You also set forth here, that another reason for the denial was the fact that the applicant has applied for a license to operate a tavern, and a brothel in Lincoln County. Is that correct?

A. That is correct.

Q. Do I understand that the reason is because of the lack of supervision, the inability to supervise what is going on is your main reason for denial of the license?

A. Well taking the nature of the proposed business, the physical lay out of the premises where he wants to locate the business, the fact that he has full time employment which he is going to keep, and has applied for licenses to operate three different business, led me first of all to believe that he wouldn't have the time to adequately supervise this business. I also question the possible relationship between the businesses that he is proposed to operate.

Q. You mean the Actors Workshop, and the businesses upstairs, and the brothel in Lincoln County?

A. That is correct.

Q. Did the time every come where you made any kind of an agreement as to how this business could be operated and licensed?

A. Yes, on January the 20th, when we asked him to come to our office and talk about this application. He did come with Mr. Carelli. The City Attorney Mike Sloan was present, Howard Crow, the Deputy Director of Business Activities, and myself. We went into quite great lengths. We were very frank in expressing our concerns about this business. Mr. Leake gave us a lot of assurances as to how he would operate it. Frankly it kind of set our minds at ease about it. However, after that meeting when I typed up what I thought was his agreement with us in the form of a proposed addendum to his application, he came in and got a copy of it for himself, and for Mr. Carelli. He came back about a week later, and said that he had changed his mind about signing it. He felt it was too restrictive. That he was merely asking for a general business license, which he wanted to pay for and receive.

Q. In other words you were willing to grant the license concerning certain conditions could be met, that was set forth in this agreement that was typed up?

A. That is correct.

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Continued

Q. Did he at that point decide that it was too restrictive?  
A. That is correct.

Q. Was there a court action pending at that time?  
A. Yes. Mr. Leake had gone to court and asked for a writ of mandamus. In effect is asked us to either grant the license, or show cause why we had not. Now when we went into court on that, the judge gave one week for me to take an action on the application. At that same time he directed Mr. Leake's to answer a letter that I had written to him subsequent to the agreement which he refused to sign. I had been writing him asking him a lot of questions, because I still didn't feel like I would make a decision on this. The judge said that he would answer that letter, and in a week I was to either grant or deny.

Q. What caused you to treat this license any different than any other license? Why did you make an inquiry into the nature of the business that was going to be conduct there, as opposed to say someone applying for a motel license, or something like that?

A. Well first of all the nature of the business as described in the application. It is something that we haven't had previously. The description states, "Amateur, and professional actors, and actresses, improvisation, mythology, Greek tragedy, impromptu performances, and so forth. Taking that together, with the physical lay out of the premises at 2309 Las Vegas Boulevard South, and the history of the licenses that we have had down there, and the problems we have had.

Q. Is that where Sulton's Palace was?

A. That is correct. The physical layout is still the same as it was when it was operated as a massage parlor.

Q. Didn't we close down Sulton's Palace with an Order to Show Cause?

A. Actually we had two Show Cause hearings on Sulton's Palace.

Q. What businesses have been there besides the massage parlor?

A. We have had a business called Sulton's Health Studio That operated there for a short period of time actually without a license. The license application was denied, and there was a rather lengthy hearing before the Commission, at which time the denial of the business license was upheld by the Board.

Q. Has there been any change from the physical layout of the building?

A. None what so ever.

Q. Didn't we have a photography studio there for a while?

A. Yes, right next door to the Sulton's Palace massage parlor, and Sulton's Health Studios. There was a photography shop that opened up there operated by a Mr. Robert McGregor, who used the dba as the Doll House. This was applied for

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Continued

just as a photography studio, but actually it turned out to be something more than that. There were complaints and arrests made down there. It was operating on a temporary business license, and the time that that would have been up, we were facing a show cause hearing on that license. It was just given up.

Q. It was surrendered?

A. That is right.

Q. After the massage parlor, and health studio closed, did you see any other applications?

Mr. Carelli: I don't think that what the premises were previously used for is at all relevant.

Commissioner Leavitt: Well it could be. We have had a lot of problems at that location, and I am trying to point out that maybe your client is trying to conduct the same kind of business.

Mr. Carelli: There is no allegation in that letter of denial as that being one of the grounds. We would object to going into this past history.

Commissioner Leavitt: Well you can object for the record, but I am still going to ask the question.

Mayor Briare: Go ahead and proceed Commissioner Leavitt.

Q. After you closed the massage parlor, and the health studio, then what other businesses were conducted at that location?

A. To my knoweldge there hasn't any more businesses actually conducted in there, however, in October of last year we had an application submitted for a business very similar to what Mr. Leake is applying for. A B&B Interprises Inc., doing business as Pandora's Box. The description of that business at the same location was, "drama workshop, comedy and mythology, live impromptu works of art, art fantasy, and interpretation of the Greek and Roman Classics." Now I scrutinized this application for exactly the same reasons.

Q. In other words you had an application for the same type of business at the same location, which was previously rejected?

A. Exactly. They didn't pursue when I went in to it, and asked the same questions that I have asked. They just dropped it. Apparently they didn't come back.

Q. Other than what you have mentioned, have you other grounds for denying this license?

A. Yes sir there are. Five-1-16a(2) makes grounds for a denial

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Continued

"false or fraudulent statements in the application for a license."

Mr. Carelli Again let the record reflect that I am objecting, it is not on the letter of February 21st, and it is not properly before this board.

Commissioner Leavitt: Well I think it is covered in "d" it says, "That you have been less than candid with this office in outlining your proposed business plans. You have been evasive, and noncommittal in answering our questions. The information which I now have gives reasonable doubt as to whether your proposed Actor Workshop operation comports to the safety, good morals, and general welfare of the citizens of the City of Las Vegas, and the tourists, which are the life blood of this City's economy." Do you have reason to think that he had given you false answers, that he hadn't been candid with you?

Mrs. Britt: Yes sir I do.

Q. What representations were false, or statements were false?

Mr. Carelli: Commissioner Leavitt there is nothing in that application, and I believe that is what we are dealing with, that was raised in that letter of February....

Commissioner Leavitt: Well I am going to give your client the opportunity to answer these. I am going to ask him the same questions. There was a statement made that Mr. Leake had worked for the Fresno California Police Department. Did he make that statement to you?

Mrs. Britt: He made it in my presence. First of all our License Investigator Jim. Defiore, in interviewing some of the residences that Mr. Leake had given, was told by one of them, that he thought Mr. Leake had worked for the Fresno Police Department. Mr. Defiore reported that to his immediate supervisor Howard Crow. In the January 20th meeting Howard Crow asked Mr. Leake directly, how long did you work for the Fresno PD, and Mr. Leake stated four years. I was present, and heard that.

Mr. Carelli: Well I don't recall it, and I was present. To clear the record up, Mr. Leake was a reserve policeman.

Commissioner Leavitt: Well I will ask him that when we examine him. In the meanwhile lets just go ahead with this. Did you indicate that, you indicated that he made a statement to you that he was a police officer for four years?

Mrs. Britt: Yes he did. When he was asked how long he was a police officer, then he said four years.

Commissioner Leavitt: Was that checked out?

Mrs. Britt: Yes, Sergeant Jerry Ashenfelter of the Special

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Continued

Investigations Bureau did contact the Fresno PD, and was informed that Mr. Leake was never employed by them in any capacity.

(Questions by Commissioner Leavitt to Mrs. Britt)

Q. You said that the former business there was Sulton's Palace. Is that correct?

A. Sulton's Palace and massage parlor.

Q. Who ran that?

A. Baxter Boulet was the licensee of the massage parlor.

Q. That is the one we revoked?

A. Yes.

Q. Did you ask Mr. Leake if he had any connections with Baxter Boulet?

A. He was asked that in the January 20th meeting if he knew Baxter Boulet, and it is my memory, and others who have testified as to this, that Mr. Leake said "no, perhaps he had heard the name."

Q. He never knew Mr. Baxter Boulet, and never knew who he was. Is that what he said?

A. To that effect yes.

Q. Did you ever find out any information to the effect that he did know Baxter Boulet?

A. Yes, I have found out that he does have a business association with Baxter Boulet.

Mr. Carelli: I am going to object to this. If she has information lets have what it is.

Commissioner Leavitt: I was going to get to that next Mr. Carelli.

Q. What is the business relation he has with Baxter Boulet?

A. Mr. Leake entered into a lease agreement with Celebrity Inc. Baxter Boulet signed as President of Celebrity Inc for the property on which he proposes to operate his saloon, and brothel in Lincoln County.

Q. In other words it was a lease between Celebrity Inc. signed by Baxter Boulet, who Mr. Leake is a tenant, to operate his brothel in Lincoln County? Is that correct?

A. That is correct, and that lease agreement was signed on January 15th, which is five days previous to the meeting we had in our office.

Q. In other words five days prior to the time you met with him you asked him if he knew Baxter Boulet, and he said he didn't, this lease was signed then, according to the document. Do you have that document?

A. We have the Undersheriff from Lincoln County with the Lincoln County records. It is part of his files.

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Continued

Q. Could you describe the relationship between Celebrity Inc. and other businesses in the City. Does it have other businesses?

Mr. Carelli: Commissioner there has been no showing that my client has any interest in Celebrity Inc.

Commissioner Leavitt: Well he has indicated that he has a business dealing with Celebrity Inc. He has a lease with them for a brothel in Lincoln County. That is a business relationship.

Mr. Carelli: That is not a business association. A landlord tenant relationship is an arms length transaction. He has no interest in Celebrity. It is just as if someone was a landowner of a movie theater. It wouldn't make any difference. He is not participating in the movie theater. He is not participating as a landowner. He is the leasee.

Commissioner Leavitt: He will have the opportunity to testify to such.

Mr. Carelli: This is completely irrelevant, and immaterial to....

Commissioner Leavitt: I don't think it is. I think we have to find out about it. What about the relationship between Celebrity Inc. and other businesses in the City?

Mrs. Britt: My office contacted Don Lancaster, who is the Las Vegas representative of the Nevada Department of State. As such, he has records of filing of corporations. I was told....

Mr. Carelli: I am going to object to what she was told.

Commissioner Leavitt: Do you have the documents from the Secretary of State?

Mrs. Britt: He has told me, as of yesterday, that he will furnish me certified copies of all of them. I have applications on file that bear out much of the information that he has given me.

Commissioner Leavitt: Do you have any evidence, other than the lease that you mentioned, of any relationship between Baxter Boulet, Celebrity Inc. and Mr. Leake?

Mrs. Britt: May I enter this information that I got from Mr. Lancaster?

Commissioner Leavitt: O.K.

Mr. Carelli: I am going to object. Let the record show I object to it as hearsay.

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Continued

Commissioner Leavitt: This is evidence that you have from Lincoln County?

Mrs. Britt: No, this is information that was given to me by Mr. Lancaster, who is the local representative of the Secretary of State.

Mr. Sloan: Commissioner you are aware that hearsay is clearly admissible in an administrative proceeding. I don't think there is any question that it goes to the weight that the Commission might allocate to the information, and not to its admissibility.

Commissioner Leavitt: Why don't you give us that information. Your objection will be noted for the record.

Mrs. Britt: On August the 3rd 1976 Celebrity Inc., Global Investments, and Entree Limited all filed articles of Incorporation on the same day with the Secretary of State. On September 13th 1976 they all filed identical lists of corporate officers of the three corporations. Those mainly being John Minor as President, Phylliss Sanfillipo as Vice President, and Jeff Shaner as the Resident Agent. None of the three corporations had filed their current list of corporate officers for 77-78, and Mr. Lancaster has told us that they have all three had their charters revoked for that reason, as of March 6th of this year. Now Celebrity Inc. previously filed an application for a top parlor operation down on East Charleston under the business name, House of Fantasy. That application was denied, and the denial wasn't appealed. Global Investments was the operator of the Sulton's Health Studio that was denied, and a hearing was held on, and a denial upheld. Entree Limited operated the Circus Maximus Health Studio on East Charleston, which there also was a Show Cause Hearing on license revocation on that. In other words, there definitely is a relationship here, in that all of these corporations filed by the same people have been engaged in similar type businesses, which the City has had to have lengthy hearings on.

Commissioner Leavitt: Tell us basically then what your reasons were for denying this license?

Mrs. Britt: Just basically that given the nature of the business that he was going to operate, the premises where he was going to operate them, my doubt as to his ability to adequately supervise this type of business. The license history at the particular location, and then a possible relationship between the Actors Workshop, and other businesses that he proposes to get in to.

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Continued

Commissioner Leavitt: You are talking about the brothel in Lincoln County, and the movie arcade.

Mrs. Britt: Yes, which would be above the Actors Workshop. I just feel that there is a reasonable doubt that this business would be in the best interest of the City of Las Vegas.

Commissioner Leavitt: You indicated that you had somebody here with the documents from Lincoln County?

Mrs. Britt: Yes sir I do. Undersheriff Larry Wilconson has come down.

Commissioner Leavitt: I don't have any more questions.

Mayor Briare: Do any of the Commissioners have any questions?

Mr. Carelli: May I examine Mrs. Britt?

Mayor Briare: Yes.

(Questions by Mr. Carelli to Mrs. Britt)

Q. Mrs. Britt in that meeting that was attended. Isn't true that prior to that meeting written questions were submitted to Mr. Leake by Mr. Coletta.

A. Mr. Chuck Coletta, who is the supervisor of license and revenue. Initially when the application first came in Mr. Coletta talked to both you and Mr. Leake I believe. The letter you are referring to I wrote myself.

Q. That was a lengthy discussion as to the method of operation, and the purpose. Isn't that correct?

A. Yes, that is correct.

Q. Thereafter we had a meeting with you?

A. That is correct.

Q. You testified that you were then prepared, based upon certain understandings with my client, to issue the license.

A. Had Mr. Leake been willing to sign the addendum agreement I was prepared to issue the license.

Q. In that addendum agreement didn't I tell you that one of the requirements, we were willing to sign, if it was limited to a specific period of time?

A. Didn't I tell you no, that I would not agree to that?

Q. I told you that we would agree to everything you would agree to, that if there was no problems within a certain period of time, that it would be treated just like any general business license. Isn't that true?

A. My memory is that you advised your client, and told me that you felt that he should only sign this for a six month period of time. I very clearly stated to you

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Continued

that I would not agree to that, and when Mr. Leake came back and said that he would not sign it, he did not mention that at all.

Q. Was the six months put in the....

A. It was not.

Commissioner Lurie: Were you asking for a temporary business license? The City does not issue temporary business licenses.

Mr. Carelli: A permanent license Commissioner.

Commissioner Lurie: It sounds to me like it was a temporary business license, to see if the business was going to be conducted in a proper manner.

Mr. Carelli: We were voluntarily willing to place certain provisions on our operation, which is not normally required by a general business license. So we were saying that there was no problem in a six months period. Those conditions would be removed by the City, and we would be treated like any other business. We agreed to do those things if that time limit was placed on the special provisions, which were not required for a business license. When that was not placed in the letter that was sent to Mr. Leake, a copy of which I have received, I advised my client not to sign it, because I told him that there had to be a time limit placed on it. Mrs. Britt in our conversations, didn't you ask Mr. Leake whether he knew Baxter Boulet's son?

Mrs. Britt: I did not ask him that no. I didn't know that he had a son.

(Questions by Mr. Carelli to Mrs. Britt)

Q. Wasn't that one of the questions asked?

A. I don't recall.

Q. You don't recall?

A. No, Baxter Boulet's son is news to me right now.

Q. You don't recall either you, Mr. Sloan, or Mr. Crow asking that question?

A. No, sir, but I speak only for myself.

Q. You were present?

A. I was present.

Q. Mr. Crow, Mr. Sloan and myself were also present.

A. That is correct. I am saying that I don't remember it.

Q. Do you recall exactly, or specifically what Mr. Leake stated with regard to his assignment as a policeman?

A. He said two words, four years.

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WORKSHOP  
Continued

He was asked how long he had been a police officer on the Fresno force.

Q. Who asked that question?

A. Howard Crow.

Q. When did he ask that question?

A. As I recall it was right at the end of the meeting. Mr. Leake had already stood up to leave. Had you left ahead of Mr. Leake?

Q. I don't believe so. The question was directed at; the Fresno Police Department, or Fresno County.

A. It was specific, how long were you a police officer on the Fresno force? Mr. Leake said four years.

Q. Did you check with the Carmen City Police Department in Fresno County California? To determine if he was a police officer with that police force?

A. No sir I didn't. I didn't have any reason to.

Q. Well you had information from someone that he was a police officer.

A. In Fresno.

Q. In Fresno, but you didn't go further and check whether he was with another City within Fresno County?

A. No, but since you are asking and reviewing an application which will be introduced here later, that he made in Lincoln County, where his full employment record was outlined. I did look there to satisfy my own mind as to whether or not he had possibly been a police officer any where, and it is not listed in that application by Mr. Leake.

Q. With regards to this business association, wasn't one of the questions asked at that meeting, whether Mr. Boulet was going to have any interest in this business?

A. It is possible that that question was asked. Not by me, and I don't recall that specific question.

Q. You don't recall Mr. Leake saying that Mr. Boulet was going to have no interest in this business? Wasn't that one of your worries, and that wasn't one of the areas that was discussed, the relationship of Mr. Boulet, and Mr. Leake?

A. Mr. Carelli I have already testified to my memory of what was said about Mr. Boulet.

Q. Your memory is limited to that specific....

A. That is all I recall as to the conversation about Mr. Boulet.

Q. Not whether there was any business association of Mr. Boulet in the Actors Workshop?

A. I don't recall that no sir. When he said no, he didn't know him, but maybe he had heard the name, I think that

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Continued

would have finished the matter.

- Q. Don't you recall Mr. Leake stating that he didn't know Mr. Boulet's son, but knew Mr. Boulet?
- A. No, as I say Mr. Boulet having a son is news to me this morning. I have never heard of Mr. Boulet having a son.

Commissioner Christensen: Does He in fact have one?

Mr. Carelli: We were so informed.

Commissioner Christensen: By whom?

Mr. Carelli: I believe it was Mr. Crow at that hearing.

Commissioner Lurie: Maybe we can speed this up. I have some questions for Mr. Leake. Mr. Carelli doesn't seem to be able to get Mrs. Britt to answer a lot of those questions. I would like to have Mr. Leake come in, and have him sworn in, so we could ask some questions to the applicant. Then from there we might be able to understand the application a little clearer.

Mr. Carelli: Well if I may just finish up with Mrs. Britt.

(Questions by Mr. Carelli to Mrs. Britt)

- Q. Do you also recall Mrs. Britt, in regard to the supervision Mr. Leake stated that there would be management supervision at all times? Either he or somebody employed by him.
- A. Yes, I believe he said that.
- Q. There was a question raised as to the cubicles, and whether there would be doors, or curtains, so that supervision would be more difficult. Do you recall that question being raised?
- A. Do you want to repeat that?
- Q. Whether the cubicles would be open for supervision.
- A. Oh I believe that that was part of the agreement that he refused to sign, that the rooms would be left open. That is part of the agreement he did not sign.
- Q. But he did agree to that didn't he in your presence?
- A. Yes.
- Q. That is one of the things that we discussed, and said that we had no objections, and we said we had no objections to supervision on the premises at all times didn't we?
- A. Oh he said many things that day that were in the agreement that he refused to sign.
- Q. Isn't it true that with regards to the size of the cubicle Mr. Leake stated that he would be more than willing to alter the sizes of those cubicles?
- A. Yes, but in a later answer to a later letter that I wrote him after he didn't sign the agreement, he specifically

ACTORS  
WORKSHOP  
Continued

stated that the premises would remain as they are unaltered at this time. He specifically stated that.

- Q. Yes, and that was the agreement to change the size of those cubicles, which you say is part of your reasons for denying the license. He had at one time agreed with you to alter, as long as those provisions were limited to a period of time.
- A. Well I think I can clarify that whole thing by saying that he didn't sign the agreement. I then could not rely on anything that he had represented in that meeting. That is my position.
- Q. Tell me, is there a provision in the application with regard to previous employment?
- A. Yes, well in regard to previous employment?
- Q. Yes.
- A. There is....
- Q. You are saying that he misrepresented that he was a policeman. There was an oral conversation, it wasn't on any written application was there?

Mayor Briare: The application speaks for itself Mr. Carelli.

Mrs. Britt: He wasn't required to state that on his business license application. If that is your question.

Mr. Carelli: That is my question.

Mr. Gelner: That is the written application. I think however, the City Code specifies that the application the applicant makes is more than the paper that he submits. It is a request that he is required to make for a license. I think that is what Mrs. Britt was relying upon. That he was using this information, he wanted her to rely upon it in believing that he was a credible individual, so that she would issue the license.

Mr. Carelli: Mrs. Britt didn't further Mr. Leake said that initially it would be open for 24 hours, that if it was economically feasible that thereupon the hours would be reduced?

Mrs. Britt: I believe he did say that yes.

Mr. Carelli: It wasn't anything firm on his part, that that is how it was going to operate, that he was new in the field?

Mrs. Britt: That is correct.

Mr. Carelli: Do you have any information to indicate that Mr. Leake was a business partner with Mr. Boulet in any business?

Mrs. Britt: No sir I do not.

ACTORS WORK SHOP  
Continued

(Questions by Mr. Carelli to Mrs. Britt)

Q. Other than Mr. Boulet signing a lease as a president of a corporation, do you know of any other business relationship between the two?

A. No sir I do not.

Mr. Carelli: I have nothing further at this time.

Mayor Briare: Do any Commissioners have any questions of Mrs. Britt?

Commissioner Leavitt: You indicated that you were worried about the relationship between the businesses. Are you concerned about the possibility that the brothel in Lincoln County could be related to the business here?

In other words is he going to use it for a pimp house? Is he going to use it to recruit people to his brothel in Lincoln County? Is that what you are concerned about?

Mr. Carelli: If she has facts let her state the facts, and not her personal opinion.

Commissioner Leavitt: Well the fact is, he has a brothel in Lincoln County, he is going to open something called a Actors Work shop.

Mr. Carelli: He doesn't have a brothel in Lincoln County.

Commissioner Leavitt: Doesn't he lease one?

Mr. Carelli: He doesn't lease a brothel.

Mayor Briare: Does he have anything whatsoever to do with a brothel in Lincoln County?

Mr. Carelli: He is applying for a license.

Mayor Briare: So he wants to run one?

Commissioner Leavitt: Diamond Lil's Saloon and brothel. Is that what he has applied for in Lincoln County?

Mr. Carelli: That has not been approved.

Commissioner Leavitt: Oh, in other words it hasn't been approved yet in Lincoln County. Is that what you are saying? Maybe I ought to ask him under oath if that is what he wants to use it for.

Mr. Carelli: I think perhaps that would be a better tactic.

Commissioner Leavitt: Well she said that she based her denial on the fear of the inter-relationship between the businesses. I am asking her if this is what she is talking about. I am just trying to put it in plain language that's all.

ACTORS WORK SHOP  
Continued

Mrs. Britt: That is the question that was in my mind.

Commissioner Lurie: Well how about this question about advertising. I am not satisfied that that has been covered yet. I am going to ask Mr. Leake to elaborate a little bit on that. I am concerned about the mode of his operation, the type of advertising where it could be false, or mislead the public, and rip them off. I am sure that Mr. Leake can answer some of these questions about the type of advertising, the type of performances, and the types of people that will be coming to this type of a business. Whether or not the advertiser is going to mislead them. I think we have enough information concerning that part of it, concerning adult businesses.

Mr. Carelli: I am sure he can answer that question. Both questions were raised and answered at our meeting. I would like to ask Mrs. Britt one or two more questions. Do you have any facts upon which would indicate to you, and indicated to you on February 21st that there would be; that the Actors Workshop would be used as a pimp house, or a means of obtaining girls for work in Lincoln County.

Commissioner Leavitt: I was thinking about customers.

Mr. Carelli: Or customers, do you have any facts to establish that.

Mrs. Britt: Certainly not. The Actors Workshop hasn't even opened up yet.

Mr. Carelli: You don't know how it would operate other than Mr. Leake's advising you that there would be no nude dancing, there would be no nude performers. Isn't that correct?

Mrs. Britt: I believe one of his statements was that it would not be more provocative than topless.

Mr. Carelli: I believe that was the statement that was made. Didn't he further advise you that it would be operated at all times within the law and the ordinances of the City of Las Vegas, County of Clark, State of Nevada?

Commissioner Christensen: What could be more provocative than topless in a 10X12 room?

Mr. Carelli: Bottomless I suppose.

Mayor Briare: Do you have anything else Mr. Carelli?

Mr. Carelli: No.

Mayor Briare: Anything else by the Commissioners? (No response).  
Thank you Mrs. Britt.

ACTORS WORK SHOP  
Continued

Mr. Gellner: I have a few questions, but before that I think Mrs. Britt has some affidavits, as well as some records from Lincoln County that she would like to submit to the Commission as evidence, which supports some of the statements she made in her testimony.

Mrs. Britt: Yes that is correct. I have affidavits by Howard Crow, in regard to Mr. Leakes statement as to whether he knew Baxter Boulet. Another affidavit by Howard Crow in regard to Mr. Leakes statement that he worked for the Fresno Police Department for four years. My affidavit as to the same matter. The affidavit of Jim Defiori, who was personally told by Mr. Leake that he had worked for the Fresno PD for four years.

Mr. Carelli: I object to these affidavits. I have not had the opportunity to cross examine them. I have never seen them, I have never been provided.

Mayor Briare: You are going to see them in a second.

Mr. Gellner: All of the individuals who have executed those affidavits are present Mr. Carelli, and if you care to cross examine them they will be more than willing to....

Mr. Carelli: Testify, rather than affidavits being presented if they are all present?

Mr. Gellner: I believe that evidence would just be cumulative however....

Mr. Carelli: I have never seen them before.

Mr. Gellner: If that is what the appellant desires, then it can be done I guess.

Mr. Carelli: I think we are entitled to an opportunity to have these....

Commissioner Woofter: Mr. Carelli may I make a suggestion to expedite matters to allow a recess at this time, so Mr. Carelli can review the affidavits, and possibly talk to the affiants. If there is a need for him to call them to testify that could be done, but possibly Mr. Carelli, after he has had ample opportunity to review the affidavits, that that might suffice as far as any objections he may have. As well as introducing the affidavits.

Mayor Briare: If there is no objections would you look at those Mr. Carelli, and then we will be back with you, and continue this later on this morning. Perhaps we could use this time now to proceed with the portions of the agenda scheduled for this morning. Thank you Ila.

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DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, CPA, DIRECTOR

See Page 57 of these minutes - Annotated Agenda

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DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS.

BOB McPHERSON, AEP, DIRECTOR

See Page 58 thru 63 of these minutes - Annotated Agenda

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DEPARTMENT OF FUNDS, COORDINATION AND PROJECTS

RONALD C. JACK, ACTING DIRECTOR

N O N E

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DEPARTMENT OF RECREATION & LEISURE ACTIVITIES

RICHARD CAMPBELL, DIRECTOR

N O N E  
-----

# AGENDA

## City of Las Vegas

March 15, 1978

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - Page 57 Commission Action

Department Act

I. (b)

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

\*CONSENT AGENDA

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

\*A. SERVICE AND MATERIAL WARRANTS

Nos. C1260, C114521, B509441,  
C509442 to C509443,  
C509446 to C509468,  
C509470 to C509471,  
C509484,  
C509487 to C509575,  
C509577,  
C509580 to C509835, inclusive.

In the amount of \$4,840,242.64

\*B. PAYROLL WARRANTS

Nos. 1333 to 2648, inclusive.

For Pay Period Ending 2/18/78

In the amount of \$ 447,249.54

Items A and B  
Approved  
as presented  
Lurie - unanimous

Commissioner  
Leavitt did not  
vote - temporarily  
absent

Director  
authorized  
to issue.

# AGENDA

## City of Las Vegas

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Department Action

IV. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

BOB MCPHERSON, AEP, DIRECTOR

AUTHORIZATION TO FILL POSITIONS

A. CITY FUNDED - FULL TIME

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
(1) Fire Services Electrical Trades Helper (replace budgeted vacancy)	\$836	Responsible for performing maintenance of present fire alarm system and new fire alarm console.
(2) Business Activity Stenographer (replace budgeted vacancy)	758	To handle applicants, interviews and application processing for the Child Nursery Unit and to provide clerical support to the License & Revenue Division.
(3) Business Activity License Inspector Trainee (replace budgeted vacancy)	857	To provide business license inspector coverage.
(4) Business Activity Senior Office Assistant (replace budgeted vacancy)	796	To provide clerical support to the License & Revenue Division particularly in the area of privileged licenses.

Items 1 thru 6  
Approved as recommended  
Lurie - unanimous

Commissioners Christensen and Leavitt did not vote - temporarily absent

Director authorized to proceed

# AGENDA

## City of Las Vegas

March 15, 1978

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Department Action

IV. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE  
RELATIONS

A. cont. CITY FUNDED

(5)  
Recreation & \$758 To perform general  
Leisure Activities/ park maintenance work  
Parks & Open on all parks and median  
Spaces islands, repairs and  
Maintenance Laborer maintains ball diamonds  
Seven positions and soccer fields.  
(replace budgeted  
vacancies)

(6)  
PS/Animal 721 To perform duties  
Control involving the care and  
Kennel Attendant feeding of animals and  
(replace budgeted maintenance of  
vacancy) sanitary conditions at  
the Animal Shelter.

See Page 19

See Page 19

# AGENDA

## City of Las Vegas

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Department Action

IV. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE  
RELATIONS

B. FEDERALLY FUNDED

- (1)  
City Manager/ \$987 Financial management  
Funds, Coordination team to evaluate  
& Projects program services.  
Management Analyst  
Trainee  
Four positions  
Until 9/30/78  
(fill vacancy)
- (2)  
City Manager/ 758 To provide secretarial  
Funds, Coordination services to staff.  
& Projects  
Stenographer  
Until 9/30/78  
(fill vacancy)
- (3)  
City Manager/ 994 To participate in  
Funds, Coordination Neighborhood  
& Projects Preservation Program.  
Housing Counselor I  
Until 9/30/78  
(fill vacancy)
- (4)  
City Manager/ 721 To answer phones, type,  
Funds, Coordination file and perform  
& Projects other clerical  
Office Assistant functions.  
Until 9/30/78  
(fill vacancy)
- (5)  
Municipal Court 622 To perform receptionist  
Junior Office duties for judges.  
Assistant  
Until 9/30/78  
(fill vacancy)

Items 1 thru 19  
Approved  
Lurie - unanimous

Commissioners  
Christensen and  
Leavitt did not  
vote - temporarily  
absent

Director  
authorized  
to proceed

# AGENDA

## City of Las Vegas

BOARD OF CITY COMMISSIONERS  
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Department Action

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CITY COMMISSION - REGULAR MEETING - MINUTES - Page 61 Commission Action

IV. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE  
RELATIONS

B. cont. FEDERALLY FUNDED

- (6)  
Municipal Court 721      To handle increased  
Office Assistant      workload at counter  
Two positions      on swing shift.  
Until 9/30/78  
(fill vacancy)
- (7)  
Financial 1066      Assist in preparation  
Management      of operating & Capital  
Research Analyst I      Improvements Budgets,  
Until 9/30/78      in revenue and expen-  
(fill vacancy)      diture analyses and in  
other management  
related research work.
- (8)  
Financial 796      To receive, log and  
Management      monitor data coming  
Data Control Clerk      into the department  
Until 9/30/78      for processing.  
(fill vacancy)
- (9)  
Financial 721      To answer phones,  
Management      handle routine  
Office Assistant      correspondence and  
Until 9/30/78      perform other clerical  
(fill vacancy)      duties in Data  
Processing.
- (10)  
Business Activity 758      To provide secretarial  
Stenographer      services to License &  
Until 9/30/78      Revenue Division staff.  
(fill vacancy)
- (11)  
Personnel & 1019      To assist in the  
Employee Relations/  
Lower Court Counseling      Alcohol & Drug Abuse  
Court Counselor I      Program.  
Until 9/30/78  
(fill vacancy)

See Page 21

See Page 21

# AGENDA

## City of Las Vegas

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Department Action

IV. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE  
RELATIONS

B. cont. FEDERALLY FUNDED

- (12)  
City Commission/ 758 To provide secretarial  
City Clerk and other clerical  
Stenographer services.  
Until 9/30/78  
(fill vacancy)
- (13)  
PS/Building & 857 To handle increased  
Safety building construction  
Building Inspector inspection activities.  
Trainee  
Two positions  
Until 9/30/78  
(fill vacancy)
- (14)  
Recreation & 758 To perform a variety of  
Leisure Activities/ semi-skilled and  
Parks manual laboring tasks.  
Maintenance Laborer  
Seven positions  
Until 9/30/78  
(fill vacancy)
- (15)  
Recreation & 563 To assist in activities  
Leisure Activities/ at Reed Whipple  
Cultural Services Cultural Center.  
Junior Cultural  
Assistant Trainee  
Until 9/30/78  
(fill vacancy)
- (16)  
Recreation & 1044 To assist in planning,  
Leisure Activities/ organizing and super-  
Cultural Services vising programs in  
Cultural Arts Specialist fine, applied and  
Until 9/30/78 dramatic arts and  
(fill vacancy) cultural activities.

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# AGENDA

## City of Las Vegas

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Department Action

IV. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE  
RELATIONS

B. cont. FEDERALLY FUNDED

(17)  
Senior Citizens 994 Counseling senior  
Senior Citizens citizens in a variety  
Counselor of areas.  
Two positions  
Until 9/30/78  
(fill vacancy)

(18)  
Senior Citizens 721 To perform work on  
Office Assistant the Rocket Newsletter  
Until 9/30/78 and provide other  
(fill vacancy) clerical assistance.

(19)  
Senior Citizens 994 To assist in  
Senior Citizens coordinating programs  
Affairs Coordinator and activities at the  
Until 9/30/78 Senior Citizens Center,  
(fill vacancy) particularly the new  
transportation and  
health programs.

See Page 21

See Page 21

DEPARTMENT OF MUNICIPAL SERVICES

J. C. CATHCART, DIRECTOR

PERMISSION TO  
RECEIVE BIDS  
Item 1 thru 8  
Approved.

Commissioner Lurie: I have a question on Permission to Receive Bids. The first item, Security Services for Various City Facilities, which you have listed the City Parking Garage, the City Yard, and the Speedrome. I would like to know why the parks haven't been included since I understand the only park security guard we have now is working in the courts as a bailiff. I think we have to look towards providing some security to the residents that use those facilities, and to protect our parks from vandalism. I would like to know if that can't be included in this Permission to Receive Bids.

Mr. Cathcart: Commissioner under the Permission to Receive Bids, the three facilities that we have right now are presently being covered. We have covered them for sometime.

Commissioner Lurie: Well the parking garage has only been covered for the last year, and that was a request from downtown, one of the banks, and one of the hotels, to provide security people in the parking garages. I think it is time that we start looking at some of the other facilities. The ones that are costing us money to maintain, such as the parks.

Mr. Cathcart: There is a study going on right now. We are looking at a CETA system, that we could furnish our own security in various locations that we feel that should be covered. The permission to receive bids is something that is on-going right now. We need this to get our proposals from the local security firms, to cover where we need it immediately. We have somebody handling the security in the interim. We changed security people last week, because of some other problems. We are trying to open this up to keep this on going. The various parks and so forth, I will have a proposal through the Managers Office in approximately two weeks to bring the other things that we feel should be covered.

Commissioner Lurie: I would like this then brought back before the Commission at our first meeting in April. I would like to have a report from either yourself, or the City Manager concerning park security. I would now move for approval of Permission to Receive Bids, 1 thru 8.

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

# AGENDA

## City of Las Vegas

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Department Action

### IV (f) 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.

#### PURCHASING AND CONTRACTS ITEMS

##### \*A. PERMISSION TO RECEIVE BIDS

1. Security Services for Various City Facilities (Municipal Services)
2. Lake Mead Storm Drain - Block Grant Funded (Public Services)
3. Restroom Renovations - Fire Station #1 (Public Services)
4. Office Furniture (City Attorney)
5. 58 Traffic Signal Poles - Replacements (Public Services - Traffic Division)
6. 20 Luminaires - Complete - Replacements (Public Services - Traffic Division)
7. Sprinkler Repair Parts (Recreation and Leisure Activities - Parks Division)
8. Ten (10) Each Conflict Monitors for Traffic Signal Controllers (Public Services - Traffic Division)

Items 1 thru 8  
Approved  
Lurie - unanimous

Director  
authorized  
to proceed

Re Item #1:  
Commissioner  
Lurie requested  
that the City Mgr.  
prepare a report to  
the Commission on  
Security Services  
for various City  
Parks

4/5/78 Agenda

AWARD OF  
BIDS  
Items  
1, 2, 3, 4,  
and 6 approved  
Item 5  
held  
for afternoon  
session

Commissioner Woofter: On number 5 on the T-shirt situation. I note the recommended award is to an out of state firm, and the next lowest bid was a local firm. The amount involved is maybe \$150.00. Is there any consideration given, or can be given under the ordinance when the bids come in so close that a preference can be given to a local firm, over an out of state firm.

Mr. Cathcart: There is no preferential law in the statutes any more. That was removed some time ago. Giving preference to local businesses is considered each time on the delivery, the past history, and so forth. Also the competition. On this particular bid item the local concern did not comply with the legal requirements of the bid. Consequently we are recommending rejection of them, even though they were low. We couldn't consider them any way, whether they had furnished the bid bond or not. We are just bringing this up for record.

Commissioner Woofter: I notice Mr. Cathcart that H&H of Las Vegas was rejected on that basis, but I noticed that a third bid was from Turf Equipment of Las Vegas in the amount of \$3,600.00. Which was approximately \$150.00 over the Salt Lake City Bid. I am asking, can we give consideration to Turf Equipment of Las Vegas on just that small difference in regards to that contract over an out of state firm?

Mr. Cathcart: No, there is no preference under the statute.

Commissioner Woofter: Well then I am going to ask the City Attorney at this time to look into this situation, where we have a situation of an out of state firm being able to be awarded a contract over such a minute difference. That in the future consideration can be given to a local in-state firm over an out of state firm.

Mayor Briare: Does an out of state firm need any kind of a license to submit bids to the City? Do they pay a business license fee?

Mr. Cathcart: Mayor prior to going to bid we research the local vendors and so forth, to find out who can supply what we have. If we only find one supplier for instance we will transmit to the Managers Office, with our recommendations of waiving the local City Business License prior to going in to bid. Where we can get solicitations from out of state we can require them to apply for a local City Business License within 10 days. This was at the recommendation of the Commission some time ago. We have a full report covering the last five years on our preferential treatment of local vendors anyway. We average better than 90% keeping it right here in Southern Nevada of every dollar spent. We are using every effort we can to solicit only local vendors where possible.

AWARD OF  
BIDS  
Continued

Commissioner Lurie: How many applications were sent out to the different vendors on the T-shirt locally?

Mr. Cathcart: Eleven invitations were submitted.

Commissioner Lurie: Went out locally, and only two local vendors submitted a response?

Mr. Cathcart: They have to have this done out of state anyway. They are just kind of jobbing the T-shirts out anyway.

Commissioner Woofter: If we considered at this time a rejection of all bids, would that allow time for receiving new bids in this regard, in time for the summer season?

Mr. Cathcart: It possibly could. I would really have to defer that to the Department of Parks and Recreation, and their summer programs. If you will give me a few minutes I can research the package, and give you the delivery dates and so forth. Tell you how long it takes to get these.

Mayor Briare: Perhaps we might have a motion on Items 1 thru 4, and number 6, and leave out number 5 for the time being. If that would be agreeable to the Commission.

Commissioner Lurie: Move for approval on items 1, 2 and 3 4 and 6.

Mayor Briare: Comments on that motion? (No response). Cast your votes. Motion is approved. Item 5 will be held.

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

# AGENDA

## City of Las Vegas

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Department Action

IV (f) DEPARTMENT OF MUNICIPAL SERVICES, CONTD

\*B. AWARD OF BIDS

1. Bid #78.2 - Fremont Street Storm Drainage System (Public Services)
2. Bid #78.14 - Vertical Lift Boom Truck (Public Services - Traffic Division)
3. Bid #78.15 - Traffic Signal Poles - Various Types (Public Services - Traffic Division)
4. Bid #78.18 - Office Furniture (City Attorney Office)
5. Bid #78.19 - 107 Dozen T-Shirts for Summer Program (Recreation and Leisure Activities Recreation Division)
6. Bid #78.21 - Playground Equipment and Supplies - Annual Summer Program (Recreation and Leisure Activities - Recreation Division)

Items 1 thru 4 and Item 6 Approved Lurie - unanimous (Commissioner Woofter had a question relating to Item #5)

Director authorized to proceed

(following info. requested by Comm. Woofter) Item #5 Approved Woofter - unanimous

Same as above

C. PURCHASE ORDER APPROVAL

1. Request Purchase Order Approval, to Safetran Traffic, Santa Ana, California, in the amount of \$3,726.00, for traffic signal controller replacement parts. Sole Source. (Public Services - Traffic Division)
2. Request Purchase Order Approval to 3M Company, Traffic Control Products Division, St. Paul, Minnesota, in the amount of \$3,580.00, for four (4) each Opticom Generator Assembly #175. Units needed for replacement and new pumper equipment. Sole Source. (Fire Services)

Items 1 and 2 Approved Lurie - unanimous

Same as above

# AGENDA

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Department Action

### IV (g). DEPARTMENT OF PUBLIC SERVICES

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

#### \*CONSENT AGENDA

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

#### \*A. APPROVAL OF SUBDIVISION PLATS

It is recommended that the following final plats be approved subject to posting of bond and signing of agreements and plans within thirty days. All engineering designs are being processed.

1. Casa Linda 8-B. (Halco, Inc., Harold Thompson, President)

2. Spanish Oaks Unit #6 (Amended) and Unit #8. (Royal Crest, Inc., E. A. Collins, President)

#### \*B. RELEASE OF SUBDIVISION BOND

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

1. Charleston Estates Unit No. 7-A. (Becker & Sons, E. A. Becker, Jr., Agent)

Items A thru D  
Approved  
as recommended  
Lurie

Director  
authorized  
to proceed

# AGENDA

## City of Las Vegas

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Department Action

### IV (g). DEPARTMENT OF PUBLIC SERVICES (Continued)

#### \*C. RELEASE OF BOND

See Page 28

See Page 28

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

1. Location: Bruce Gardens  
Use: Repair damaged offsites, Sagman, Pastel, Constantine, Held and Bruce  
Builder: Bronze Construction  
Surety: Fireman's Fund  
Amount: \$2500.00  
Bond No.: SC6307033

#### \*D. RIGHT OF WAY ITEMS

1. Grant Deed  
From: Winifred M. Viola, a married woman  
To: City of Las Vegas  
For: Portion SE-1/4, Sec. 12, T19S, R60E  
Bradley Rd. and Horse Dr. Dedication (2/24/78) (6-12-6)
2. Grant Deed  
From: Valley Bank of Nevada, Trustee T-1099  
To: City of Las Vegas  
For: Portion Sec. 33, T20S, R61E  
Radius Alta and Shadow Lane. Dedication (2/22/78) (M-33)

# AGENDA

## City of Las Vegas

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Department Action

### IV (g). DEPARTMENT OF PUBLIC SERVICES (Continued)

#### \*D. RIGHT OF WAY ITEMS (Continued)

3. Grant Deed

From: Jacob H. Secrest  
To: City of Las Vegas  
For: Portion SE-1/4, Sec. 12,  
T19S, R60E  
Horse Dr. Dedication  
Building Permit  
(2/24/78) (6-12-4)

4. Grant Deed

From: Melvin Bagley and  
Barbara Bagley  
To: City of Las Vegas  
For: Portion NE-1/4, Sec. 28,  
T20S, R61E  
Radius Madison and "M"  
St. Dedication  
(2/1/78)

5. Right of Way Grant

From: Lewis Homes of Nevada, a  
partnership  
To: City of Las Vegas  
For: Portion SE-1/4, Sec. 25,  
T20S, R60E  
Sewer easement. Meadow  
Vista No. 3  
(2/22/78)

#### E. REPORTS

1. Request of Nevada Power Company for  
overhead lines, Homestead Estates Unit #1.

2. Request of Thayer and Kathryn Coon,  
4335 Smoke Ranch Rd., to hook into the  
city sewer system from outside city  
limits.

See Page 28

See Page 28

Withdrawn (at  
request of Director  
of P/S)

Approved as  
presented  
Lurie - unanimous

Staff to  
proceed

(Commission Meeting recessed at 11:20 P.M.)

(Commission Meeting reconvened at 11:30 P.M.)

-----  
MIKE SLOAN - CITY ATTORNEY

See Page 76 of these minutes - Annotated Agenda

APPOINTMENT OF  
MUNICIPAL  
COURT  
JUDGE  
KELLY O. SLADE  
APPOINTED

Mr. Sloan: The first item on our agenda is the appointment of the Municipal Judge to fill the vacancy created by operation of law, when Judge Mullens became convicted. I would like to say that I had the pleasure of serving with the committee, which this Commission appointed at their request. To sit with them as they went through their deliberations. I think they did an outstanding job of deliberating in public, and of doing the very best they could on behalf of the Citizens of the City, and this Commission. To analyze and consider who were the best of a very good group of applicants for this position. I would like to request that after you make your selection from the three names submitted by this committee, that the Commission direct the City Clerk to send an appropriate communication to each of the five members of the committee expressing your gratitude for their outstanding efforts.

Mayor Briare: The Committee consisted of Mrs. Sorenson, who is the Chairperson of the committee. Mr. Brian Greenspun, Mr. Earl, Mr. Robert Bugby, and Mr. Jim Toler. We express the appreciation of this Commission for doing a job. They submitted three candidates without any particular ranking, of whether there was a first, second or third. The ones that have been recommended are Mr. Kelly Slade, Mr. John Bonner, and Mr. Walter Norwood. Do any of the Commissioners have any comments?

Commissioner Lurie: Mayor at this time I would like to thank the committee for giving their time, and I would like to thank also the applicants who all submitted an application, and showed their interest in serving the City of Las Vegas. I am sure that some of the applicants are also going to continue to serve as Alternate Judges. At this time Mayor I would like to move that the vacancy be filled by Kelly Slade.

Commissioner Woofter: Mr. Mayor prior to the vote on Mr. Slade I would like to make certain representations, because I want to advise his Honor, and the Commission, as well as for the record, that I would abstain on the initial vote on Mr. Slade. In regards to that I intend to place Mr. Bonner in to a nomination on the basis of the fact that I have known Mr. Bonner for several years. I know his past background, his present capacity as Alternate Municipal Court Judge, and I certainly feel that he is well qualified for the position. By abstaining I certainly don't want to show, or to indicate that this is any reflection on Mr. Slade. I have met Mr. Slade personally, and I think he is just as well qualified for the position.

APPOINTMENT OF  
MUNICIPAL COURT  
JUDGE Continued

Commissioner Lurie: I would place a nomination for Kelly Slade to fill the vacancy.

Mayor Briare: We will take them then in the order in which they are to be nominated. Were there going to be any other nominations? (No response). If not, then we will vote first on the nomination of Kelly Slade to fill the vacancy.

Commissioner Christensen: I have to abstain on this vote. I will state the reason. Mr. Slade happens to be married to my brother's daughter. Now what degree of consanguinity and so forth that is I don't know. But that makes it imperative upon me that I abstain on this vote.

Mayor Briare: The record will so reflect. Are there any other comments? (No response). Then the first name in nomination is that of Kelly Slade. Will you please vote on the nomination.

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

Mayor Briare: Mr. Slade has received three affirmative votes, and two abstentions. So, having received the majority of the vote of this Commission, Mr. Slade is named the new Municipal Judge. I believe administratively speaking that there be no need now to act on any other nominations.

Mr. Sloan: As I understood Commissioner Lurie's motion, it initially was that Slade be named. In any event I agree with you 100%, there would be no reason to take another vote, because he has already got three votes. That is all it takes. No other nomination would be in order.

Mayor Briare: Perhaps then there should be a motion, having received the nomination, that he now be appointed, or is that taken care of? Lets not get into a legal problem here. Having received a majority in the nomination, does that indicate an appointment?

Commissioner Woofter: Mr. Mayor maybe I could clear that up to complete the record, if Mr. Sloan will allow. At this time, since I note that the majority has cast a vote for Mr. Slade, I will make the motion at this time to make it unanimous to confirm Mr. Slade as the new Municipal Court Judge.

Mayor Briare: Cast your vote on the motion. Motion is approved, Mr. Slade is the new judge. Is he present? (No response).

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

LEE A STICKNEY  
CLAIM FOR  
DAMAGES  
Denied as  
Recommended

Mr. Sloan: Item B is a claim for damages. This has been held in abeyance since March 1st awaiting recommendation from Mr. Marvin Leavitt. It is my understanding from the City Manager that he concurs on the recommendation of my office, that this claim should be denied, and therefore it will be the recommendation of my office, and the recommendation of Mr. Leavitt's office that the claim of Lee A. Stickney for damages be denied.

Commissioner Lurie: Move we follow the recommendations.

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.

LEASE AGREEMENT  
BETWEEN CITY OF  
LAS VEGAS AND  
JUNIOR LEAGUE OF  
LAS VEGAS  
(Repeat Boutique)  
Approved  
lease

Mr. Sloan: Item C is a lease agreement between the City of Las Vegas, and the Junior League of Las Vegas. For the Repeat Boutique. There are some very able spokesman here on behalf of the Junior League. Our office would recommend that this lease be entered in to. Basically it continues a practice which has gone on for a number of years in the City to the mutual benefit of the City of Las Vegas, and the Junior League, and to the people that they serve. I would recommend that you approve it. There are a number of people from the Junior League who can answer any questions, if necessary.

Commissioner Lurie: Move for approval.

Barbara Henry: I am president of the Junior League. We have with us today Donna Andrus a sustainer; Marty Haffin co-chairman of the Repeat Boutique; Dina Gross our Treasurer; Bonnie Brian a member; Priscella Skelly, the other co-chairman of the Repeat Boutique; and Barbara Meyer Henry a member of the executive committee.

Mayor Briare: Thank you very much. The motion was to approve. Are there any comments or questions? (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.

RESOLUTION INTRODUCING Mr. Sloan: Item D is a resolution introducing Improvement IMPROVEMENT DISTRICT District Number 425, directing the City Engineer to submit NO. 425. file and prepare preliminary plans, estimates of costs and assessment plats showing the area to be assessed and the estimated amount of benefits to each lot or parcel. Which is incorporated in the resolution. We would recommend your approval.

Adopted

Commissioner Lurie: Move for the adoption of the resolution.

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

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

# AGENDA

## City of Las Vegas

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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March 15, 1978

CITY COMMISSION - REGULAR MEETING - MINUTES - <sup>PHONE 386-6011</sup> Page 76

Commission Action

Department Action

V. MIKE SLOAN - CITY ATTORNEY

A. Appointment of Municipal Court Judge

Appointed  
Kelly O. Slade  
Lurie - unanimous  
(Commissioner  
Christensen  
abstained)  
Denied  
as recommended  
Lurie - unanimous

Staff  
authorized  
to proceed

Clerk to notify

B. Lee A. Stickney - Claim for Damages  
(Abeyance from 3-1-78 Meeting)

Denied  
as recommended  
Lurie - unanimous

C/A to notify

C. Lease agreement between the City of  
Las Vegas and Junior League of Las  
Vegas ("Repeat Boutique").

Approved Lease  
Lurie - unanimous

C/A to proceed

D. Resolution introducing Improvement  
District No. 425, directing the City  
Engineer to submit, file and prepare  
preliminary plans, estimates of costs  
and assessment plats showing the area  
to be assessed and the estimated  
amount of benefits to each lot or  
parcel.

Adopted  
Resolution  
Lurie - unanimous

Staff to proceed

SANITARY SEWERS - "SMALL TRACT AREA" -  
GENERALLY NORTH OF CHARLESTON, BETWEEN  
DECATUR AND JONES

R E S O L U T I O N

A RESOLUTION DIRECTING THE CITY ENGINEER OF THE CITY OF LAS VEGAS, NEVADA TO PREPARE, SUBMIT AND FILE WITH THE CITY CLERK OF SAID CITY CERTAIN PRELIMINARY PLANS, ESTIMATES OF COST, AND ASSESSMENT PLATS SHOWING THE AREAS TO BE ASSESSED AND THE ESTIMATED AMOUNT OF BENEFITS TO EACH LOT OR PARCEL OF PROPERTY TO BE ASSESSED; ALL IN CONNECTION WITH THE PROPOSED IMPROVEMENT OF CERTAIN STREETS AND PARTS THEREOF WITHIN SAID CITY AND PURSUANT TO CHAPTER 271 OF NEVADA REVISED STATUTES AND LAWS SUPPLEMENTAL THERETO.

WHEREAS, the Board of Commissioners of the City of Las Vegas in the County of Clark and State of Nevada is of the opinion that the interests of said City require the installation of certain street improvements within that certain area of said City hereinafter described; and

WHEREAS, said Board of Commissioners considers it necessary, desirable and for the best interests of said City to take steps pursuant to Chapter 271 of Nevada Revised Statutes for the organization of an improvement district and the construction therein of said improvements; and

WHEREAS for the purpose of designation and identification, it is desirable that said proposed improvement district be known and identified as "Las Vegas, Nevada Improvement District No. 425."

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof, held on the 15th day of March, 1978, as follows:

SECTION 1. That the City Engineer of the City of Las Vegas in the County of Clark and State of Nevada be, and he hereby is, directed to prepare, submit and file with the City Clerk of said City preliminary plans, showing typical sections, the type or types of material, and the preliminary estimates of the cost of the installation of street improvements for said district, all as designated below:

The improvements include the installation of sanitary sewers consisting of twelve inch (12") vitrified clay or polyvinyl chloride sewer pipe, together with the necessary manholes and laterals as requested, from the existing manhole at the intersection of Monticello Drive and Evergreen Avenue, to the intersection of Evergreen Avenue and Jones Boulevard, thence southerly on Jones Boulevard to Cory Place, thence easterly on Cory Place to Upland Boulevard and thence southerly on Upland Boulevard to connect with the existing sewer facilities on Charleston Boulevard; the installation of a sanitary sewer consisting of an eight inch (8") vitrified clay or polyvinyl chloride sewer pipe, together with the necessary manholes and laterals as requested, on Cory Place from Upland Boulevard easterly to Brush Street, thence southerly on Brush Street to connect with the existing sewer facilities on Charleston Boulevard, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on plats, plans and diagrams of the work and the locality to be improved, now on file in the Office of the City Clerk.

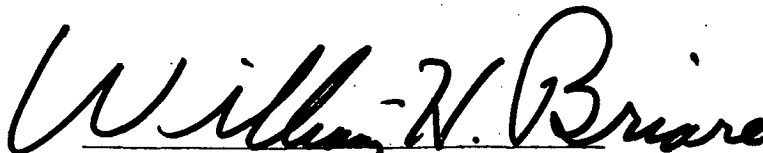
SECTION 2. The City Engineer is hereby directed to estimate the cost of each of such types of construction in a lump sum or by unit prices. Said preliminary estimates of the cost shall also include, without limiting the generality of the foregoing, the advertising, appraising, engineering, printing, and such other expenses as in the judgment of such Engineer are necessary or essential to the completion of such work of improvement, and the payment of the costs thereof.

SECTION 3. The City Engineer is hereby directed to submit and file with the City Clerk an assessment plat showing the areas to be assessed, that is, the amounts to be assessed shall be made upon all lots and parcels of property benefitted, proportionately to the benefits received and shall be assessed against the property abutting said improvements on an area basis, i.e., on the basis that each lot or parcel of property to be assessed as designated on the assessment plat shall be assessed a portion of the aggregate dollar being levied against the entire assessment in the proportion that the area of said lot or parcel bears to the area of all assessable property in the district. Regardless of the basis used for apportioning assessments, in case of wedge or V or any other irregularly shaped tracts, an amount apportioned thereto shall be in proportion to the special benefits thereby derived. The assessments shall be computed on a 7-1 basis according to benefits, i.e, areas designated number 7 shall include those properties within one half the depth of the original government lot facing the improvements or to the depth of the parcel, whichever is least, and shall be assessed at the full rate of the improvements; areas designated as number 1 shall include all remaining properties within the assessable area that is not presently connected to the city sanitary sewer system; and shall be assessed at a rate of 1/7 of the full rate. The 7-1 ratio as previously described is to be applied in order that the assessments according to special benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon each lot or parcel of property shall be as stated on the aforesaid assessment plat.

Regardless of the basis used by apportioning assessments, in case of wedge or "V" or other irregularly shaped tracts, an amount apportioned thereto shall be in proportion to the special benefits derived.

SECTION 4: All resolutions or parts thereof in conflict with the provisions of this Resolution are hereby repealed.

INTRODUCED, PASSED AND APPROVED this 15th day of March, 1978.

  
WILLIAM H. BRIARE, MAYOR

ATTEST:

EDWINA M. COLE, CITY CLERK

# AGENDA

## City of Las Vegas

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

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March 15, 1978

CITY COMMISSION - REGULAR MEETING - MINUTES - Page 81 Commission Action

Department Action

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

- A. Bill No. 78-16 an Ordinance to amend Title V, Chapter 1, Section 16(C) to add an additional ground for the suspension and revocation of business licenses, i.e., that they may be suspended or revoked for the commission or causing or permitting the commission of any act which violates local, state or federal law.

Abeyance

4/5/78 Agenda

VII. VACANCIES - BOARDS & COMMISSIONS

A. COMMUNITY DEVELOPMENT BLOCK GRANT CITIZEN PARTICIPATION REVIEW COMMITTEE (5th Year Program Cycle)

PLANNING AREA 1

- 1. Everline Shaw, 868 Bartlett St. 06
- 2. Cholly L. Williams, 214 Jackson Ave. 01
- 3. Henry L. Williams, 617 Bowman Ave. 06

PLANNING AREA 2

- 4. Deloy Martinez, Jr., 2009 Cedar Ave. 01
- 5. Cheryl Leonard, 2404 Isabelle 01
- 6. Velma Westbrook, 1914 Elm Ave. 01

AT LARGE

- 7. Bill Ainsworth, 3032 Scarlet Oak 04
- 8. Jose Vasquez, 701 N. 20th St. 01
- 9. Ann Lynch, 4305 Fortune Dr. 07
- 10. Thomas G. Tait, 5521 Flower Cir. 07
- 11. Barbara Lawson, 900 Niblick Ave. 06

All members appointed as recommended (No formal motion)

Clerk to notify

Director authorized to proceed

APPEAL ON  
DENIAL OF  
BUSINESS  
LICENSE -  
ACTORS  
WORKSHOP  
Continued

Mayor Briare: Mr. Carelli, have you had a chance to look at some of those papers?

Mr. Carelli: Yes Mr. Mayor. Since they specifically; primarily they all go to the question of employment as a police officer, I think Mr. Leake could be best able to answer what the true facts are with regard to that situation. I don't think it is necessary at this time to call anyone. Perhaps Mr. Crow in rebuttal, but not Mr. Difiore.

Mr. Sloan: So you have no objections to them being entered into the record?

Mr. Carelli: Aah, I....

Mr. Sloan: As I remember your objection was on the basis of hearsay, that you were denied access to cross examine. The Commission adjourned to allow you to have an opportunity to study them to see if you want to cross examine, so, do you want to cross examine or not? That is basically the question.

Mr. Carelli: Well, I have no objection with regard to the conversations that they had with Mr. Leake. I will presume that that is what they will testify if asked. Anything other than the direct conversations with Mr. Leake I would object to. I don't see that that is relevant, especially in regards to Mr. Crow's affidavit of what some one did, or advised him. As to those items where there was direct contact with Mr. Leake, and conversations, then that is fine. I have no objection to that portion of the affidavits.

Mayor Briare: Mr. Sloan are we asking then that these affidavits be made a part of the record?

Mr. Sloan: Your Honor it would be our request, and recommendation that they be incorporated in the record.

Mr. Carelli: Just those portions that I agreed to?

Mr. Sloan: No, it would be our recommendation that the entire affidavit, and that you have the opportunity. Every person here is subject to cross examination. If the basis of your objection is, well it is still not clear. I am saying that I advised the Commission previously that hearsay is admissible in an administrative hearing. Particularly you have an opportunity to cross examine about that statement. It would be my advice to the Commission that they accept the affidavits in their entirety as evidence.

Mr. Carelli: I would have to for the record object to that under those terms.

Mayor Briare: The record is so noted. If it meets with the approval of the Commission then, it will be entered into the record.

A F F I D A V I T

STATE OF NEVADA )  
                  ) SS  
COUNTY OF CLARK )

Howard L. Crow, Deputy Director of the Department of Business Activity for the City of Las Vegas, Nevada, being duly sworn deposes and says:

On January 20th, 1978, a meeting was held in my office for the purpose of interviewing Walter D. Leake in regard to an application made by him for a business license to be known as "The Actors Workshop" at 2309 Las Vegas Blvd South. This meeting was attended by the following persons: Ila M. Britt, Director of the Department of Business Activity; City Attorney Mike Sloan; Walter D. Leake; Attorney at Law Paul Carelli; and myself. During the course of this interview, Walter Leake was asked by City Attorney Mike Sloan whether he knew Baxter Boulet. Mr. Leake's reply to this question was to the effect that, no, he did not know him, but perhaps had heard his name. Although this matter was not pursued further at the January 20th meeting, during investigation that followed I ascertained that Walter Leake and Baxter Boulet had entered into a landlord - tenant agreement on January 15th, 1978.

Dated this 8th day of March, 1978.

Howard L. Crow  
Howard L. Crow, Deputy Director  
Department of Business Activity  
City of Las Vegas

Subscribed and Sworn to before  
me this 8th day of March, 1978.

Marjorie Heth  
Notary Public

STATE OF NEVADA )  
                  ) SS  
COUNTY OF CLARK )

Ila M. Britt, Director of the Department of Business Activity for the City of Las Vegas, Nevada, being duly sworn deposes and says:

On January 20th, 1978, I was present at a meeting held in the office of Deputy Director Howard L. Crow and attended by the following persons: Howard L. Crow, Deputy Director of the Department of Business Activity; City Attorney Mike Sloan; Walter D. Leake; Attorney at Law Paul Carelli; and myself. This meeting was held for the purpose of interviewing Walter D. Leake in regard to his application for a business license under the business name "The Actors Workshop" which he proposed to locate at 2309 Las Vegas Blvd South. Near the end of this meeting Howard Crow asked Walter Leake how long he had served as a policeman on the Fresno, California, force, and Walter Leake replied, "four years".

Dated this 8th day of March, 1978.

Ila M. Britt  
Ila M. Britt, Director  
Department of Business Activity  
City of Las Vegas

Subscribed and Sworn to before  
me this 8th day of March, 1978.

Mayorie O'Leary  
Notary Public

A F F I D A V I T

STATE OF NEVADA )  
                  ) SS  
COUNTY OF CLARK )

Jim DiFiore, a License Investigator employed in the Department of Business Activity, City of Las Vegas, Nevada, being duly sworn deposes and says:

On January 19th, 1978, I interviewed a Mr. William Bernard, who stated he has known Walter Leake for about three years. During the course of the conversation I had with Mr. Bernard, he stated that he thought Walter Leake had at one time been on the Fresno, California, police force. Upon returning to the Department of Business Activity where I am employed, I verbally gave this information to my supervisor, Deputy Director Howard L. Crow, and further by written inter-office memorandum dated January 20th, 1978, in a report on my interview with Mr. Bernard.

On Monday, January 23rd, 1978, I was instructed to go out to 2309 Las Vegas Blvd South to meet with Clay Hymer, Building Inspector, and Ned Barker, Fire Inspector for the City of Las Vegas. I arrived at approximately 2:00 P.M., and was asked in the premises by Walter D. Leake, applicant for the business at 2309 Las Vegas Blvd South. We were awaiting the arrival of Mr. Barker and Mr. Hymer, and while doing so were just walking around looking the place over and commenting on the condition of the building. At a point in the conversation, Mr. Leake said, "I cannot understand why they (the City License Dept.) are making such a big deal out of this. If it was another location, they probably wouldn't have made it into a big thing (referring to Sultan's Palace and past problems). You know I've worked for the State of Nevada, and on the Fresno Police Department, and you'd think I would have some credibility." At this point the conversation

Affidavit: Jim DiFiore

Page Two

seemed to lead away from that discussion. Mr. Hymer and Mr. Barker arrived shortly thereafter at approximately 2:30 P.M.

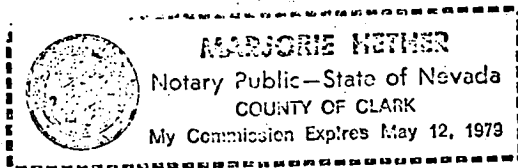
Dated this 8th day of March, 1978.

*Jim DiFiore*

Jim DiFiore, License Investigator  
Department of Business Activity  
City of Las Vegas

Subscribed and Sworn to before  
me this 8th day of March, 1978.

*Marjorie Nether*  
Notary Public



A F F I D A V I T

STATE OF NEVADA )  
                  ) SS  
COUNTY OF CLARK )


Howard L. Crow, Deputy Director of the Department of Business Activity for the City of Las Vegas, Nevada, being duly sworn deposes and says:

On January 19th, 1978, a License Investigator for the Department of Business Activity, Jim DiFiore, informed me that he had heard that Walter D. Leake might have at one time been a policeman in Fresno, California.

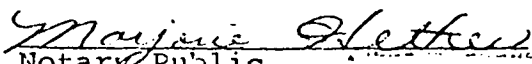
On January 20th, 1978, a meeting was held in my office with the following persons present: Ila M. Britt, Director of the Department of Business Activity for the City of Las Vegas; Mike Sloan, City Attorney; Walter D. Leake; Attorney at Law Paul Carelli; and myself. Near the conclusion of this meeting I asked Walter Leake how long he had been on the Fresno Police Department. Mr. Leake replied, "four years". It is my belief that City Attorney Mike Sloan had left the meeting at the time Mr. Leake was questioned in regard to being a policeman on the Fresno Police Department. However, all others stated to be in attendance at this meeting were still present.

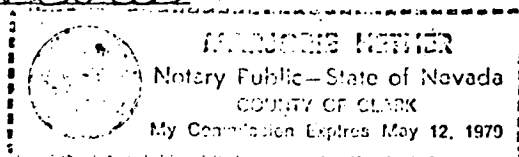
Subsequently, I requested Sgt. Jerry Ashenfelter of the Special Investigations Bureau, Las Vegas Metro Police Department to verify Mr. Leake's statement that he had been a police officer in Fresno, California for four years. Sgt. Jerry Ashenfelter advised this writer that the Fresno Police Department has no record of Walter D. Leake ever having been employed by that department.

Dated this 8th day of March, 1978.

  
Howard L. Crow, Deputy Director  
Department of Business Activity  
City of Las Vegas

Subscribed and Sworn to  
before me this 8th day of  
March, 1978.

  
Notary Public



ACTORS WORKSHOP  
Continued

Mayor Briare: The Commission would like to call your client up and ask him a few questions. Mrs. Cole would you administer the oath to Mr. Leake?

(Mr. Walter Leake was called, sworn in, and testified substantially as follows)

Mr. Gellner: Before Mr. Leake testifies I have reason to believe that his testimony will take quite a bit of time. I think the License Department would like to present the Undersheriff from Lincoln County with the liquor license application record. Which show that Mr. Leake is a leasee of some property from Celebritys Incorporated, where Baxter Boulet signed that document, as president of that corporation.

Mayor Briare: I am sorry Mr. Leake I called you to soon. Who is going to present those?

Mr. Gellner: The Undersheriff from Lincoln County, Mr. Larry Wilconson.

Commissioner Leavitt: Do you have any objections to that Mr. Carelli?

Mr. Carelli: Yes, I would appreciate having an opportunity to examine the document. Perhaps since it is 10 minutes to 12:00 I can examine them during the lunch period. If these are records of the County that have been filed with the County in Lincoln County, I would then stipulate....

Commissioner Leavitt: That is what I was wondering. I wonder if you would stipulate that that is the application that was filed. Why don't you show that to Mr. Carelli.

Mr. Carelli: May I have an opportunity to show it to my client?

Commissioner Leavitt: Sure.

Mr. Carelli: I have no objections to these documents.

Commissioner Leavitt: Fine, then there is no need to ask a lot of questions. Mr. Carelli I understand that you are stipulating that the application, and the records that the Undersheriff brought from Lincoln County can be made part of the record. There is no objections to it.

Mr. Carelli: My objection here again is that they go through an area that was not grounds for the denial, but since you are going into it.

Commissioner Leavitt: You say you have no objections....

Mr. Carelli: For the foundation of such that they are records that were filed, and I object for the purpose of the denial of the license.

ACTORS WORKSHOP  
Continued

Mr. Gellner: Does the appellant stipulate that those records show that he is the leasee of land from Celebritys Incorporated?

Mr. Carelli: I think that question can be asked of him when he testifies. I am sure that he will more than happy to....

Mr. Gellner: Does the appellant also stipulate to the fact that the prior employment history portion of his application does not indicate that he has ever worked as a police officer before in his life?

Mr. Carelli: I think it shows that he was never employed as a police officer, and he would be more than happy to testify under oath that he was never employed as a police officer.

Mr. Gellner: O.K., that is fine then.

Mr. Carelli: That is what he is going to testify to.

Mr. Gellner: O.K., then the records can be introduced on that basis.

Mayor Briare: Do you have any questions?

Mr. Gellner: I have no questions of the Undersheriff. I just wanted him to authenticate the records, and introduce them to the Commission.

Mayor Briare: Would you be good enough to state your name, and your residence, and your occupation?

Larry Wilconson: I am the Undersheriff of Lincoln County Nevada, and have been so employed for about three and a half years.

Mayor Briare: The records that you have given us just now. Mrs. Cole do you have a minute that you could just indicate to the Commission what they are? What are they?

Mr. Wilconson: It is a copy of an application from Mr. Walter Dennis Leake for an alcoholic liquor license in Lincoln County Nevada.

Mayor Briare: Is there a name of a potentially proposed business?

Mr. Wilconson: Yes sir, it is called Diamond Lil'l Saloon, and the nature of the business stated was a saloon, and brothel.

Commissioner Leavitt: How many documents are there? Maybe they ought to be exhibits 1, 2, and 3. Oh, they are all loose. Do you have any objection to making them one exhibit Mr. Carelli?

ACTORS WORKSHOP  
Continued

Mr. Carelli: For the purpose of identification only, no.

Mr. Gellner: The City Attorneys office would like to state one other thing. Regardless of what Mr. Carelli has stated, and notwithstanding the nomenclature of this particular proceeding that has been designated as an appeal of a license denial. It is the opinion of the City Attorneys office that the Commission can consider other grounds, other than those contained in Mrs. Britt's denial letter of February 21st. That would include fraudulent statements made in procuring the license. Basically what this is I believe, it could be characterized as a hearing de novo. The Commission is here to make its own decision. That is all I have to say on that.

Mayor Briare: Will there be any further questions asked of Mr. Wilconson?

Mr. Gellner: No further questions to him, but I would also like to state for the record that the license department did subpoena Baxter Boulet, and a subpoena was served on him, however he has failed to attend.

Mr. Carelli: Throw the rascal in jail.

Mr. Gellner: Prior to Mr. Leake testifying, I would like to have another witness come up here, and tell us what he knows about the operations of Baxter Boulet and Terry Gordon, and some of the businesses that have been at 2309 Las Vegas Boulevard South. Since he has been involved in some of these businesses, as an unwitting corporate officer, and proprietor.

Commissioner Woofter: I take it at this time Mr. Mayor, since the Sheriff is from Lincoln County, and probably desires to return as soon as possible, that there is no need for him to wait around.

Mr. Gellner: There is no need for him any more.

Mayor Briare: As soon as Commissioner Leavitt is through with these papers here, to satisfy himself that there might not be any questions.

Commissioner Leavitt: I don't think so.

Mayor Briare: Mr. Carelli are you going to have any questions of the Undersheriff?

Mr. Carelli: Well I have one question.

Mayor Briare: Perhaps then we better swear the Undersheriff in, and have him on the record as being a witness.

(Undersheriff Wilconson was sworn in, and testified substantially as follows)

ACTORS WORKSHOP  
Continued

Mr. Carelli: Sir is that application that you have submitted to the Commissioner an application for a lawful and legitimate business in Lincoln County Nevada?

Mr. Wilconson: Yes sir it is.

Mr. Carelli: No further questions.

Mayor Briare: Any questions by the members of the Commission? (No response). Thank you very much Undersheriff, then you are dismissed, and you won't be needed again.

Commissioner Leavitt: Make this Exhibit 1.

Mr. Carelli: I agree that it can be Exhibit 1.

Mayor Briare: It will be so designated then Mrs. Cole. Did you have another person you are going to call?

Mr. Gellner: Yes, he is Robert McGregor.

Mayor Briare: Is Mr. McGregor here? Will you come forward please. Mrs. Cole will you administer the oath?

(Mr. Robert McGregor was sworn in, and testified substantially as follows)

Questions by Mr. Chris Gellner of the City Attorneys Office.

Q. Do you know Baxter Boulet Mr. McGregor?

A. Yes sir I do.

Q. Did he ever ask you....

Mr. Carelli: I am going to object, lack of foundation, and hearsay as to my client. If we are going to try Mr. Boulet as a bad guy, then I will stipulate that he is a bad guy O.K. We have no association in this business with Mr. Boulet. He is not a partner, or a business associate.

Commissioner Lurie: He is a landlord isn't he?

Mr. Carelli: He is not a landlord. In this business that we are applying for a Mr. Robert Fulmer is the landlord.

Mr. Gellner: We also want to show that there is a great inter-relationship between a Mr. Boulet in other business, at 2309 Las Vegas Boulevard South, and other businesses that have been operated there, or in that vicinity under different names, and where different people applied.

Mr. Carelli: There is no question about it, he at one time had a lease. I have a client who is a landlord. My client terminated the lease with Mr. Boulet.

ACTORS WORKSHOP  
Continued

Mr. Gellner: In other words we have reason to believe Mr. Carelli. I will state it clearly for you. That maybe Mr. Leake is quote "a front man for Baxter Boulet, or other people."

Mr. Carelli: If you have got testimony that goes in to that fact rather than going in to the history of Mr. Boulet, and all of his business, then I think that is relevant. If he knows anything of a personal knowledge with regard to this application, otherwise it is completely irrelevant to go into Mr. Boulet's history, and how he operated his business. Mr. Leake will testify under oath, as he testified to the licensing department, that Mr. Boulet has no interest in this business, will have none period.

Mr. Gellner: Unfortunately Mr. Carelli we don't have Mr. Boulet here to ask him any questions. I would agree with you if Mr. Boulet was here, but I think these questions are somewhat relevant in a circumstantial way, and I would ask the Commission for permission to ask them.

Mr. Carelli: Let the record show my continuing objection to his entire testimony.

(Continuation of questions by Mr. Gellner  
to Mr. Robert McGregor)

Q. Did he ever ask you, Mr. Boulet that is, to apply for a business license for him?

A. Yes sir he did.

Q. Would you describe the circumstances?

A. To the best of my knowelgde he had me sign documentation, his attorney had me sign papers without being complete, on the premise that I would be a paper figure head only. I would have no connection with the business, no business ties, or vested interest in the business. He simply used my name.

Q. What business was this?

A. The Doll House I think was the name.

Q. Where exactly was that located with respect to Mr. Leake's proposed business operation at 2309 Las Vegas Boulevard South?

A. I believe that is the location, 2309 Las Vegas Boulevard South.

Q. Now was Mr. Boulet the only person....

A. Excuse me, that was 2307.

Q. That was next door then?

A. Yes sir.

Q. Now, was Mr. Boulet the only person who put you up to this?

A. No sir he was not.

ACTORS WORKSHOP  
Continued

Q. Anybody else?  
A. Yes sir, Terry Gordon.

Q. Now, what was the name of the corporation that these papers referred to, that they had you sign?

Mr. Carelli: I think the documents speak for themselves, and are the best evidence, and I object to his testimony of what the documents say.

Mr. Gellner: Just answer the question Mr. McGregor.

A. The documents were for Celebrity Inc.

Q. What were you listed as with regards to Celebrity Inc. and those documents? What was your position?

A. I really don't know my position. The papers were blank when I filled them out.

Q. How did you find out that the papers were filled out, and they were used to indicate that you were an officer of Celebrity Inc?

A. I was served a subpoena by the City as an officer in Celebrity Inc. of which I requested one year ago to be completely removed.

Q. After you received the subpoena you requested it?

A. No sir I requested this a year ago. To be removed from the records. I want nothing to do with Celebrity Inc. Just recently I was served the subpoena.

Q. Now when you applied, did you sign the application itself? The license application for the Doll House?

A. I will have to ask Mr. Crow. I don't remember.

Mr. Carelli: I am going to object to the testimony of someone else. If he doesn't recall he doesn't recall.

Mr. Gellner: You have personal knowledge that Celebrity Inc. has used other persons in the same way as they have used you?

A. Yes sir.

Q. Could you describe that?

A. Through personal knowledge I would say I was used as a front.

Q. Do you know of any other individuals?

A. Yes sir.

Q. How are these individuals?

A. As I recall there was John Mayfield.

Mr. Carelli: I am going to object. He is stating conclusions, and not facts upon which the personal knowledge is based.

Mr. Gellner: You say that you have personal knowledge?

A. Yes sir I do.

ACTORS WORKSHOP  
Continued

Q. Did you ever talk to Mr. Mayfield?

A. Yes sir I did.

Q. What did he ever indicate to you?

A. He was an officer in one of the corporations for  
Celebrity Inc. I have seen articles on the corporation  
with Mr. John Mayfield's name on it.

Mr. Carelli: Hearsay, double hearsay.

Mr. Gellner: Articles in the corporation of what?  
What particular corporation?

Mr. Carelli: The best evidence is the document. I am  
going to object. It is hearsay testimony as to what documents....

Mayor Brirae: I think Mr. Sloan has already indicated  
that hearsay testimony before this administrative board  
is perfectly in order. So your constant objecting to  
it being hearsay evidence counselor, is not being heard  
in this chambers, it will be heard in some other chambers.

Mr. Carelli: I have to protect the record Mayor. I am  
sure you realize that.

Mayor Briare: Do you argue the fact that our City Attorney  
has said that hearsay evidence is proper before this Commission?

Mr. Carelli: I object to that opinion. I don't think that is  
the statement of the law. I think that is his opinion of the  
law.

Mr. Gellner: I will go on with the questions. What is your  
personal knowledge that Mr. Mayfield was used as a front man?  
On what is it based? What were the facts and circumstances?

A. I seen his signature on legal papers, and documentation.

Q. Are you familiar with his signature?

A. Yes sir.

Q. And also what?

A. And conversation with Mr. Mayfield, specifically stating  
that this is what he was doing.

Q. Did he say who put him up to it?

A. Yes sir.

Q. Who?

A. Baxter Boulet, and Terry Gordon.

Q. Do you know of any other persons who were used as  
"front men"?

A. Yes sir.

ACTORS WORKSHOP  
Continued

Q. Who?

A. Phyllis Sanfillipo.

Q. How was she used?

A. I think she was used as a corporate officer.

Mr. Carelli: I am going to object to what he thinks. If he knows, he knows.

Mr. McGregor: I saw documentation as her being a corporate officer in one of the....

Mr. Carelli: I am going to object.

Mr. Gellner: How do you know that she did not function as a corporate officer of that corporation?

Mr. Gregory: From what I was told.

Mr. Carelli: Hearsay, objection.

Commissioner Christensen: I believe that was brought out in the hearing we had, was it not?

Mayor Briare: Yes, on the other matter with Boulet? Is that what you are saying Commissioner?

Commissioner Christensen: Yes I am asking the attorney. Didn't we pretty much establish that at the hearing we held where she indicated under oath, that she didn't run the business, that somebody else did. She just stood there.

Mr. Sloan: During the course of the most recent show cause hearing we had on Sultan's Palace, there was testimony by a woman who Mr. Boulet represented to be the person in charge, but in fact she knew very little of the business other than what she was told.

Commissioner Christensen: Wasn't that her name? Wasn't that the same woman?

Mr. Sloan: The purpose of the record as it relates to Mr. Carelli, I think the Commission should be aware that the statement that are hearsay, while they are admissible, still you have to view them in the light of what weight should be given to those statements. The fact that the person who made those statements is not present, we don't have a lot of factual background, then it obviously goes to the weight which you should accord to those statements. But they are admissible, but you have to weigh in your minds how much credence, if any, should be given to those.

Mr. Gellner: I have one more question. What is your opinion?

Mr. Carelli: I am going to object to opinions.

ACTORS WORKSHOP  
Continued

Mr. Gellner: Mr. McGregor what is your opinion as to the truth, or veracity, or as to the reputation of Baxter Boulet?

Mr. Carelli: I will stipulate that he is a bad guy.

Commissioner Leavitt: How bad a bad guy?

Mayor Briare: It is unanimous. Would any one in the audience like to vote on it?

Mr. Gellner: I have no further questions of Mr. McGregor.

Mayor Briare: Do you have any questions Mr. Carelli?

Mr. Carelli: Yes. Mr. McGregor do you know Mr. Leake?

Mr. McGregor: No sir I do not.

Mr. Carelli: Did you ever see Mr. Leake in the presence of Mr. Boulet?

Mr. McGregor: No sir I have not.

Mr. Carelli: Mr. Boulet ever mention Mr. Leake's name to you?

Mr. McGregor: No sir he did not.

Mr. Carelli: Who was his attorney that prepared the papers for him?

Mr. McGregor: Peter Koppe.

Mr. Carelli: Mr. Koppe ever mention Mr. Leake's name?

Mr. McGregor: No sir he did not.

Mr. Carelli: You are saying you were a straw man is that correct?

Mr. McGregor: Yes sir.

Mr. Carelli: Did you apply for the license that you signed?

Mr. McGregor: Yes sir I did.

Mr. Carelli: Was it approved or denied?

Mr. McGregor: It was questioned, denied, and I requested that it be denied.

Mr. Carelli: Did you then appeal it to the Commission, and prepare to undergo the rigors of cross examination in an open hearing?

Mr. McGregor: No sir I did not. I requested for denial.

Mr. Carelli: That is because you really weren't concerned with the matter were you? You were a straw man as you testified to, isn't that correct?

ACTORS WORKSHOP  
Continued

Mr. McGregor: You are being a little presumptuous there sir.

Mr. Carelli: You were a front man?

Mr. McGregor: Correct sir.

Mr. Carelli: And because you had no financial involvement you didn't want to become associated with any type of hearing, or such on the matter?

Mr. McGregor: That is correct.

Mr. Carelli: Nothing further of Mr. McGregor.

Mayor Briare: Do the Commissioners have any questions? (No response). Is it required that Mr. McGregor remain, or is he through?

Mr. Gellner: We are through with him your Honor.

Mayor Briare: Thank you Mr. McGregor you are dismissed. I believe Mr. Carelli, that we are not going to be able to conclude this this morning. So we will continue it to a time following our afternoon agenda this afternoon.

Mr. Carelli: May I have a time certain?

Mayor Briare: Well it will be approximately 3:00 P.M., or there abouts.

Mr. Carelli: Can we ask that if it occurs before 3:00 P.M. that someone call my office?

Mayor Briare: We won't proceed without you, but you be here at 3:00 with your client. Are the witnesses present that you are going to have to have this afternoon?

Mr. Gellner: No, that is all. We subpoenaed Mr. Boulet who is not here, and we also attempted to subpoena Mr. Fulmer who is the landlord currently at 2309 Las Vegas Boulevard South. There is also Mr. Leak's employer, however, we were unable to serve him after looking for him for about 5 days. He won't be here.

Mayor Briare: I am trying to determine if there is anyone in the audience that you have here now, that you want to have back here at 3:00?

Mr. Gellner: No.

Mayor Briare: O.K.

Commissioner Lurie: Maybe we ought to send the Bailiff out. The Bailiff will find Mr. Boulet to attend the meeting, so we can get some questions answered. He is under subpoena, he is ignoring the document.

ACTORS WORKSHOP  
Continued

Mr. Caretelli: I will join in that motion Commissioner Lurie, because I would like him to testify that he has no association with Mr. Leake.

Mayor Brirae: O.K., we will be in recess until 2:00.

(Commission Meeting recessed at 12:15 P.M.)

(Commission Meeting reconvened at 2:00 P.M.)

PUBLIC HEARING - 2:00 P.M.

BILL No. 78-11 - AMENDING TITLE XI OF THE CITY CODE BY ADDING A NEW CHAPTER PROHIBITING THE ESTABLISHMENT OF "SEXUALLY-ORIENTED BUSINESSES" IN CERTAIN AREAS OF THE CITY OF LAS VEGAS

Mayor Briare: Ladies and gentlemen, there have been several Public Hearings scheduled for this afternoon, one of which is shown on the Agenda as Item "C" - Bill No. 78-11 to prevent the blighting and deterioration of neighborhoods and certain business districts by limiting the locations of sexually-oriented facilities. I would like to ask if there is anyone in the audience at this time who is here to speak on this proposed ordinance at this Public Hearing.

The reason I want to ask is because our City Attorney has a couple of things he needs to complete and if there is something to be discussed about this proposed ordinance, we would hear you right now. However, we would then delay our ultimate action on the Bill until later on this afternoon.

Since you are here at the appointed hour, we would be delighted to hear whatever comments you have on this ordinance.

Question: Any action on this then will be postponed until later?

Mayor Briare: That is correct, but this is the time set for our Public Hearing and this is the time to speak on the subject if you would like to.

Question: May I speak now?

Mayor Briare: Yes - please state your name and we will be happy to hear from you.

I am Dr. Harold Boyer. My office is located on property formerly at the corner of Eastern and Charleston 2404 E. Charleston. This may be closing the barn gate after the horse is gone as I have just recently sold my property, but I have had ideas about the zoning for this type of thing for quite some time and have written letters and have attempted to have my taxes reduced because of the proximity to an area of this type, to the extent that I was unable to rent available space - first quality space - for a period of at least two years. Secondly, in that profession I have had unfavorable comments - perhaps not serious - but comments made about the location of my office near a pornographic area. I have had patients over the years come in and say - why did I have to have my property deteriorated by the proximity to this area. Those times when I did not use this as my office my parking spaces have been utilized by cars I felt had been going into this area.

For the last three years my associate and I have felt obligated to escort our nursing personnel out to the back of the office to their cars as early as 5:30 in the evening - particularly in the winter time because during the time this property has been there I have observed individuals who would be considered to be a little dubious. I have had three break-ins in my office, and I feel this has been largely contributory to the deterioration of my property.

I have strong personal feelings about this. I feel it has been detrimental to the residential area which is immediately behind my office. In the immediate area it is now taken over almost completely by these sinners. I know of two

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(cont'd)

individuals who have moved out because their clients, or customers, did not want to come there. So, generally, I am strongly opposed to this use because I think it contributes to the pollution - it's the same whether it's air pollution - it is pollution of our country and I think they should be in the areas of the dump yards and sewerage disposal plants. That's where I think they belong and I might add that is the observation of many I have talked to over the years.

Mayor Briare: Thank you very much Doctor. You are echoing some sentiments that have been expressed certainly for a number of years and, unfortunately, the City prior to this proposed ordinance - hopefully, this ordinance will be of great help - as you have indicated, it is something that already is in existence. I wish we had had this ordinance three or four or five years ago.

You have indicated that in your opinion it has had an adverse effect on the value of your property, as well as an adverse effect on the safety and well being of your patients and employees. It is very helpful to have that type of information from a person of your stature.

Dr. Boyer: Thank you.

(2nd Speaker) Mayor, I am Bill Baker and I am the Executive Director of a group of concerned community citizens here called Christians Coalition. This is a group of concerned people who live in our community of Las Vegas and they have asked me to address the City Council today on this ordinance - this proposed ordinance.

We are concerned about all aspects of our society here, including ~~all~~ the moral legislation and any proposed ordinances which oppress it.

I am here because it is a Public Hearing. I appreciate the opportunity to have some input and dialogue with you on this particular proposed ordinance.

Our first concern is the establishment of this so-called "adult sex-oriented businesses" within even a remote proximity of Schools. I have noticed the wording and I would like to get down to the exact wording a little bit later - as it has come to me from those within City Hall, of 1000 feet - not within 1000 feet of schools, or park, or churches.

This ordinance, which attempts regulation of location according to legalistic space and footage rather than a realistic evaluation of in-sight of such location, is not acceptable to this group. The suggested limitation of 1000 feet borders on the realm of thirty, actually - you could almost walk, or spit, that far, and to say not within 1000 feet of schools, is a bit absurd.

Our concern, as parents, as citizens, is the easy access this would afford to a naive and perhaps guible customers. We are not only concerned about the location of such businesses, we are equally concerned with the political representation, or legislation, which would create such an ordinance, not on the basis of moral concern or the well being of children in our community, but rather on the business ethics and the rights of businesses to exist, such as this.

As parents and taxpayers and community citizens, we are concerned when more

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(cont'd)

consideration is given to the rights of these people and these types of so-called sex-oriented businesses than the good and welfare of our children.

We are appreciative of the opportunity to express this concern and I assure you that our fears are not based upon fraudulent sexual hang-ups, or extremism of any kind. We are simply concerned with the present and future of our community and the moral fiber which must be enhanced if this society is going to survive. Today's young people, we believe, are tomorrow's world just as in Las Vegas, the same situation.

I am in favor of preventing these sex shops from being located, not only near schools and parks, but in the community as a whole, as the Doctor who preceded me here - the damaging effects of such establishments.

I am just quoting Deputy City Attorney Sitter, as quoted in the SUN - the intent of this ordinance is to prevent blighting and deterioration of the City's business districts. And he also continued to say it has been proven there is a certain amount of shying away away by the public to any area where these businesses are located.

May I suggest that if it is know that such businesses traditionally insure blight and deterioration of the City area, and in areas where they have been located across the country, and if people really do shy away from such areas, why encourage, or implement, any such negative business to open in the first place? Especially within proximation to schools, churches and parks? Now, I believe our City has more than enough sex-oriented businesses (and I keep using that phrase - it is not mine, originally - it's that of Deputy City Attorney Sitter) it is evident in the parts of the world that I travel that you can come to Vegas and get any kind, or attend, of sex deviation you wish - whatever your pleasure might be - from prostitution or porno movies. That is already here - Downtown and on the Strip, and every day I read in the newspapers and in the media - they are full of reports of theft - ripoffs - robberies and even homicides - in these so-called "adult enterprises".

Now if (and I say "if") we must legally allow these businesses to flourish in the first place, then I would urge that we make it not any easier or desirable for more, and others, to follow entrain. Other cities have their porno areas outside the City Limits. They have said - we don't want them in our City and they put them outside their city and what's happened is to allow them to exist door-to-door - on top of one another - if they so wish. Those that wish still have constitutional rights to visit these places - whatever they refer to them as - and in this manner the majority rights, both adults, young people and families in our community are upheld. I'm talking about the rights of those - the right to work and raise children, without a negative, debilitating disease of pornography taking a part and parcel of our community structure.

So, members of the Council, we expect you to think not only in behalf of businesses such as these, but also on behalf of concerned persons and their families. Thank you.

Mayor Briare: Thank you -

Commissioner Lurie: That was a good speech - I don't know where you've been for maybe the last five years; but I would like to send a copy of that to

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cont'd)

the District Courts and to the Supreme Court so that they understand your concerns, and what we have been going through for the past five years because this Commission (I've been on here for five years) has never issued a License to a massage parlor or escort service, or any other adult-oriented business. It has all been done by the Courts. So, if you don't mind, I'd like to send a copy to these people who have been making the judgments on where these businesses could be located.

City Attorney, Mike Sloan: I would like to comment: To me it is almost incomprehensible that someone could be as concerned as this man obviously is, and so completely misread what the intent of our office is . . . First of all, the ordinance clearly prohibits, for the first time, the possibility of the establishment of these types of businesses in residential areas - out in the C-1 area, which is now permissible.

The requirement of the 1000 feet of churches, schools, parks, playgrounds, is in addition restricting them to particular areas. The way the City of Las Vegas is zoned, obviously, is that we have certain thin layers of commercialism which back up against residential - against schools - against playgrounds. We have some churches that are located in commercial areas.

The whole intent of this ordinance was to prohibit the further encroachment of these types of businesses into our community. Now, I know that everyone would feel as you do - they would like to totally exclude these kinds of businesses from the City of Las Vegas. If I could figure out a way to legally do that, I would be delighted to do it, but it is just not possible and if you can tell me of a city where they have upheld a challenge to the United States Supreme Court, or any competent Court, excluding them completely from the city and zoning them outside the city, I would welcome seeing that case and taking a look at it, but I am familiar with what has happened in city after city across these United States. We have analyzed this - we have looked at the situation to create a compound, or a combat zone, and it just becomes an outlaw district.

Our whole purpose here is to try to enact a regulation which will minimize the encouraging of these sex-oriented businesses into our City. I don't want this to be interpreted that this is something we are doing on their behalf. I think you completely misread the interpretation. We are trying to regulate it. Perhaps if I came up with an ordinance that said that we're going to outlaw all these businesses . . . the City of Las Vegas, over the years, has tried to do things like that but it always would up in the courts. So the fact that Commissioner Lurie would like to send your remarks along, if you would like to make those remarks to the District Court - the Court is not going to be impressed -

Mr. Baker: I'm not here to impress the Court and I'm not here to impress you - I am here representing a coalition of citizens. . . .

Mr. Sloan: I understand that - we're trying to improve a situation . . .

Mr. Baker: Yes - you are on a positive bend and you are doing what you can from the point of view from where you're from -

Mr. Sloan: Would you prefer to have no ordinance or this ordinance?

Mr. Baker: We would prefer to have a little more teeth in it - you talk

BILL No. 78-11 about 1000 feet - that's what we want to address our remarks to - isn't  
(cont'd) that the old liquor permit - where they can't -

Mr. Sloan: There is a particular case out of Detroit which upheld certain requirements - and you have to take these requirements in toto - we have taken a look at the map of the City of Las Vegas showing where these things would be allowed and where they would not be allowed. We came up with a couple of different versions. In the first one - the one we wanted the most - there were about only two places in the whole City where they could have these businesses. The Supreme Court made it very clear, in the Detroit case, that if you overly restrict it, under the First Amendment, the ordinance would fall. Many of the other ordinances we looked at from areas throughout the country, contained less than the 1000 feet requirement - I think, 500 feet. I would like to put in a 10,000 feet requirement. We have questionnaires here that we passed out in the community - the realtors and to the business people - most of them said - keep these guys out of town. I too agree with that, but it's not legal. It is not going to be upheld so it is silly to go through the exercise to put in 10,000 feet because when they go to court . . .

Mr. Baker: Well, our concern is not infringing on the rights of these businesses, Our concern is the rights of our young people, and our schools and a depth of 1000 feet is absolutely absurd.

Mr. Sloan: You will have to concede that most schools are in residential areas. They could not be located there. If, for example, you had a school, and I don't know how close the John S. Parks School to the location on East Charleston - but you may have a school - we had the old Fifth Street School on 5th Street and that's in a commercial district. This 1000 foot requirement becomes relevant because you have a school in a commercial area. If you put in a 10,000 foot requirement, because of the strip zoning, you might have some problems. I'm flexible as to the footage - the only catch is, the more you increase it the greater the likelihood is that we will go to court and lose.

Mr. Baker: What about the self determination of the cities, and the right of that community to determine that which is against - again, that goes back to the Supreme Court ruling, I believe - of a city with a self-determinative right right to interpret what is bad and what is good for the community. What I'm saying is that you have phrased in this proposal - the ordinance says the conditions and the offspring are blight and deterioration. It is very hard to get a positive out of a negative statement like that.

Mr. Sloan: that's the whole purpose of our ordinance - that a concentration of these businesses - as documented by the Doctor's statements - by the Press ads you have - by the Sociologist we have and the material we have from Los Angeles and other cities, that a concentration of these businesses is going to deteriorate and blight that area. You have that on one hand. You have on the other hand the fact that the United States Supreme Court has recognized that book stores and theatres, no matter what they are showing up to a certain level are first amendment activities and that you cannot act to restrain their activities. In fact, the court has gone so far as to say if you catch the same guy showing the pornographic movie five times and you convict him five times, you still cannot revoke his license to show those movies. I was trying to accommodate the honest desire of this

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Commission to accomodate the obvious desire of this Commission to put as many restrictions as we possibly can on these sexually oriented businesses, and to do it in a legal manner. It doesn't do any good to pass something if the court is going to throw it out.

Mr. Baker: We would just like to see some attention if possible given to a little more teeth in that particular ordinance. Thank you.

Mayor Briare: Thank you very much Mr. Baker. Is there anyone else who wishes to be heard on this particular ordinance at this time? Mr. Sloan did you want the public hearing continued, or since there is no one else in the audience that wishes to be heard, should we close it, and wait for your further....

Mr. Sloan: The only thing I wanted it continued for is that a lot of people are interested obviously, and for certain things for the record we need to do, and I just as soon continue it.

Anonymous Speaker: Can someone speak anonymously?

Mayor Briare: What are you going to say? Mr. Sloan he doesn't want to give his name. I don't know of any rule that says you have to give your name. We usually like to have it for the record, but if you don't want to give your name, and if you are in good order, then go ahead.

Anonymous Speaker: There is a couple of things I just want to say about this Bill. There is a lot to the Bill, but I just think that you are going to create a monopoly for the existing businesses by preventing businesses to go close to each other in one respect. As far as the Charleston development is concerned, that is very close to the County line, so I don't see the point. There could be a Bill, but this is not the one. I know that they tried to figure out the best Bill, but if you create a Bill, like stores where they are, other than the Charleston area, then you will create a monopoly for the consumer. Also what about businesses that have the significant portion of its stock, most of the businesses here have a lot of the glossy page Playboy type magazines and so forth. As they get more provocative through the years, are you going to go in there and tell them that they are violating a zoning law. In addition to that, that's a business, it doesn't say adult books, that is a business that is two fold. It has the popular magazines as well, like Popular Mechanics, and so forth. What about the movie theatres that have "G" pictures, and "GP" pictures, and then all of a sudden they have a picture that comes out of Hollywood, high production, and it is an "X" picture. That violates the description in these laws. I just saw a picture "The Betsy", and I think that would violate this law. So what are you going to do? You are not going to enforce that. The enforcement is going to be against

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some new operator. In addition to that, if you are not giving out licenses in the last five years, and you pass this Bill, which I think pretty much what is going to happen. If somebody comes in and applies for a license are you going to give them a license? Even if he is somewhere on a commercial street somewhere in the boon docks. Are you going to give him a license when you pass this Bill? You are not going to give him a license anyway apparently. It is just an exercise in futility anyway.

Commissioner Christensen: I think you missed part of it. When he said that we haven't issued a license within the last five years, he means that we haven't issued a license except by court order.

Anonymous Speaker: Yes, but you cannot legitimize something here, and then at the same time say you are not going to give out the license anyway.

Commissioner Christensen: We haven't illegitimized anything. The Supreme Court has made these things legitimate. We would like to have them illegitimate, but we can't.

Anonymous Speaker: O.K. then we all go along with the Supreme Court. But you are trying to make this a law like it is the legal law. Do you know what I mean. A law of the City in this respect, and at the same time not give out the licenses which is what the courts have all rendered. Which means expense of somebody going into business.

Commissioner Christensen: If this were enacted into law, and someone came in for a license for one of these types of businesses, in a particular area that was allowed under this ordinance, then we couldn't deny that license.

Anonymous Speaker: So you are saying that if this was enacted, that somebody could come in for a license you would issue one?

Commissioner Christensen: If they fit the criteria. We would have to give them a license if they fit our criteria.

Mr. Sloan: This is a zoning ordinance. What you have done in the past five years in denying people licenses is under the business license application. As I recall the Talk of the Town decision, the Supreme Court of this State, and the District Court, almost every time the City has passed an ordinance trying to make it more difficult to get a business license to engage in those businesses, they have frustrated your efforts. They have said that you have to treat them essentially as you treat other businesses. Now we may not like that, but that is what we have been told by the courts. We are not saying by this zoning ordinance that you have to give them a license. I think that might be a requirement of law, as laid down by the Supreme Court of our State, and the United States Supreme Court, but....

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Commissioner Christensen: Then to reinterpret that, we would probably have to give them a license unless we could find legitimate reason to deny the license, such as falsification of an application and so forth.

Mr. Sloan: But whether or not you enact this ordinance, that is the requirement of the law today.

Commissioner Christensen: That is a requirement either way right.

Anonymous Speaker: What would you do about businesses that have a multi-use. Originally book stores were in the back room sort of speak to separate the adults from the children and so forth, and they had the popular magazines in the front row. Now what would happen to a business like that? There happened to have been one in the County at one time, but he is not there anymore. Mainly in the City you have just the adult stores. In addition as I said, we create a monopoly. The ones that should be in favor of this ordinance should be the ones who are existing in business now, because it creates a monopoly. They will have no competition. I want you to know that the prices here in Las Vegas are three, and four times the prices like in Citys like in Philadelphia and New York.

Commissioner Lurie: Well it should be. I would like to move all the stores back there.

Anonymous Speaker: Obviously you are creating a monopoly for the existing stores.

Mayor Briare: Thank you very much. Now is there any one else? (No response). Then we will continue the public hearing to such time as Mr. Sloan has the additional documentation that you want. The next public hearing is for a....

Commissioner Leavitt: These affidavits that have been presented today, are they supposed to be submitted as part of this public hearing?

Mr. Sloan: That is basically why we are continuing the hearing, just to put all that material into the record. It would take 10 or 15 minutes just to complete our record, and I didn't want to impose on these people.

Commissioner Leavitt: Well are you putting it in the record now, or are you giving it to us for review?

Mr. Sloan: We will give it to you now. and then we will introduce it into the record when the Mayor resumes the hearing after we take care of this other business.

VAC-22-77  
MERLIN S. MURPHY  
ET AL  
Approved  
subject to  
conditions

Mayor Briare: This is a vacation for that portion of the public right of way shown as Mesquite and other rights of way on the original Plat of Fairview Tract, located approximately 243 ft south of the existing Mesquite St, between 10th and 11th Street. The applicant is Merlin S. Murphy. Is anyone here representing the applicant?

Mr. Belcher: I am representing Mr. Murphy and the adjacent property owner. The TIE Club is just south of the property. The TIE Club is a quasi-public use. It is a club for recovered alcoholics. It has been there for many years. They need to expand, and the only way they can expand is to get more parking. The only way they can get more parking is to add more land. Since I originally requested a use permit, not realizing it would make a cloud on it, as far as the vacation is necessary. We requested that last August, and the variance prior to that. The variance was put off because of the possible vacation. That was all put off because of the location of the freeway. So today I am just here to answer your questions. I hate to hold up clients like this. We would like to get the show on the road. We do not need to build on this property. We can build on the present TIE Club property. It is a matter of legal parking. That would be more than adequate property for parking. If a little goes for the freeway, then it isn't going to hurt a darn thing. Getting the show on the road, and getting these old shacks down, and getting a nice new club up. I am here to answer all your questions.

Commissioner Lurie: Well the question that arose at our last meeting was, if we approve the vacation, and the freeway comes through, and then we have to turn around and buy the property back that we already own now, that we could dedicate to the State for the freeway. The question was suppose to have been resolved and brought back before this board at this meeting.

Mr. Saylor: We had a meeting with the representatives of the City Attorneys office, and the conclusion was that the City really did not have a dependable, or meaningful title. As I explained before. All this is is to clear the title. We do not have a title that will allow us to utilize the property for public purposes, and/or for the freeway. That was the conclusion of the attorneys office. It still leaves the question of allowing them to enhance the value of the property if it might be needed for the freeway interchange. We have a letter from the State, and it will not be needed for the freeway, but it is conceivable that a portion of the parking area would be needed for the interchange. I believe Mr. Sloan is prepared to give you an opinion on that in terms of not putting that in as a condition. That only leaves one other question. At the end of the meeting last time Mr. Smith brought up the fact that there is an alley that dead ends there at the present time. Mr. Belcher has agreed to continue that alley West to 10th street. To allow circulation for garbage vehicles, and other people using the alley.

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Mr. Sloan: Mr. Belcher you wouldn't have no objection if there was a condition put on the vacation, that it be used only for parking for a period of time. Mr. Saylor and I had discussed earlier that perhaps we wouldn't have to do this, but if you have no objection. Mr. Saylor do you have any problem with doing it that way? As long as he doesn't care we then could vacate it. The problem is, that while this thing was originally platted, Mr. Murphy has been paying taxes on the property since 1941, and it has never been used as a right of way. If he went to court we would have a very difficult time of upholding the City's position as to its claim for that property. I think Mr. Saylor agrees with us on that. If we could protect the public interest by having a condition imposed that they would not build on that portion. What would be a reasonable time frame Mr. Saylor?

Mr. Saylor: I hope that we will be able to get this to the Highway Department over the next few months, however, we may have to go all the way to Washington. Six months, or a year.

Mr. Sloan: We could do it for six months, and at the end of six months if we haven't got it resolved, then they still would have to come in for some other kind of action before they could build. It would be our recommendation that you vacate it, with the condition that they would have to use the property for parking for at least six months. Any subsequent use obviously would require a variance or permit. At that time we could determine whether or not we want to allow building, or a variance, or whatever else you might require. Just so we can show something to the highway people.

Mr. John Belcher: That is quite acceptable. With that I will, as soon as possible, come in for a use permit for the TIE Club property, which is to the right of that triangle. A use permit for a new building. Hopefully under the understanding that the use permit will be granted. The parking for that building will be a portion, or all of this triangle. Whatever is left over. I want to get the show on the road.

Mayor Briare: Did you say that Mr. Murphy has been paying taxes on this all along?

Mr. Belcher: Yes sir.

Mayor Briare: This is a continuation of a public hearing that we had on March 1st. Is there anyone in the audience that wishes to be heard on this matter?

W. B. Smith: I was here last time. My objection was closing that street. You see it goes all the way to 13th street. (Referring to the map). You left out a street that goes over

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Continued

to Maryland Parkway. To make it more feasible to landlock that street there. It is a dedicated street. The girl last week said that they were going to sell the property when they got the permit. Now just to make it more pliable and useable to sell property, you are closing the street, and and the effect is bad business. I think that street should be left open.

Commissioner Christensen: Which street is going to be closed?

Mr. Smith: 10th, or 11th, but that line continues all the way to 13th street.

Commissioner Christensen: Is there a street there?

Mr. Saylor: Yes and no. You can drive through there.

Commissioner Christensen: But the City has never dedicated a street there, or paved the street or anything have they?

Mr. Saylor: No, this is part of the property that Murphy has been paying taxes on all these years. But you can drive through there, and the public has been driving through there.

Commissioner Christensen: They have been driving through there for a number of years.

Mr. Smith: That is a dedicated street now from 11th, to 12th, and from 12th to 13th it is paved and curbed. Now to make this more feasible with the other two streets there, that should be paved and curbed. Which hasn't been done. My point is, when they draw something like this. they don't put the line that is available over to Maryland Parkway and 13th. Which is there. It is access from 10th to 13th by way of this street that he wants to block off. For the benefit of all the people here, and the City of Las Vegas that park over there is going to be blocked out. and there is four commercial lots in there.

Mr. Saylor: The freeway right of way line does not involve this street.

Commissioner Christensen: How far away is it?  
As I recall from looking at it last night. it has got to be about a block south of there. Is that about right?

Mr. Saylor: No. it is to the North. It would be about on the Mesquite Street alignment.

Commissioner Christensen: If that freeway is an elevated freeway, which is planned through there, doesn't the access and everything underneath that freeway almost guarantee the traffic that he is talking about? The roads that are underneath the freeway.

Mr. Saylor: Right. There will be; I can't say that you will have the complete freedom you now have, but there will be movement availability there. Three street he is talking about.

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Continued

is going East. That is dedicated, and is an improved right of way. But this piece is not. and we don't have a title to it. The only action here is to clear their title.

Commissioner Christensen: Right, and if we were to use that street, and ask somebody to pave it, and curb it and so forth. we would have to go back to them and buy that property. Because we don't in fact own the property now. That is what you are telling me?

Mr. Saylor: Right.

Mr. Smith: Over in that block that the road doesn't continue through. there is a semi-arch there that the City claims ownership of. They have had a cactus garden there, and people come by and steal the cactus out of it. It is curbed and guttered. It is just about a third of a circle. That is City property, and that is another thing that is delegated to the action of this board, is that little circle there. That is why that street should be left all the way through there. Either that, or cut that little City part of that circle, and widen that entrance on 11th to 12th, and 13th. That borders on the housing tract up there by the way on the South.

Mayor Briare: Thank you. Is there anyone else?  
(No response). Are there any questions of the Commissioners?  
(No response). This public hearing is closed. What is the pleasure of the Commission on VAC-22-77?

Commissioner Lurie: I would like to move that we follow the recommendations of the City Attorney. The conditions should be imposed, along with the conditions that are already set out by the Planning Department.

Commissioner Christensen: Does that include the continuation of the West bound for the alley access?

Commissioner Lurie: Yes.

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

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

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APPEAL FILED BY  
HOMESITE  
BAPTIST CHURCH  
Approved

Mr. Saylor: We met with the applicant, and the representative of the Beautification Committee. We worked out a compromise acceptable to all parties. The original request was to have the sign some 24' high. The compromise is to reduce it to 13', with the condition that in the event that sometime that if this reader board would be more suitable elsewhere on the property, it could be moved. That would be to the advantage of the City, because if the reader board is moved it would then provide additional mobility to the sign. We have a comment here from the Beautification Committee saying that they do agree to this compromise. I believe a representative of the church is here, and also takes the same position.

Mayor Briare: Anyone in the audience wish to be heard on this application? (No response). Then the public hearing will be closed.

Commissioner Woofter: I make a motion to approve the compromise that was agree to by all parties concerned, in that they be allowed a sign of 13' high.

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

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

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RE-HEARING  
AND REVIEW  
OF THE  
VARIANCE  
APPLICATION  
OF  
PHYLLIS J.  
MCGUIRE  
V-3-78  
Denied

Mayor Briare: The next is a rehearing and review of the variance application of Phyllis J. McGuire.

Mr. Saylor: This involves a lot which fronts on Rancho Circle, however, it does have a rear yard that backs up on to Alta. The variance request was made to allow an 8 foot high wall along Alta. The Master Plan of the City does, and has for many years set forth that Alta Drive is to be an 80 foot right of way, a secondary major street. We have been obtaining the additional right of way necessary in this section of Alta. Most of it is built to 80. As staff recommendation, the Board of Zoning Adjustment, on their granting of the variance, we are of the position that the applicant dedicate the 10 feet for the additional right of way needed. The Board of Zoning Adjustment did not include that in their conditions. This Board has the right of review, which they have exercised. There were no protests to the variance application when it was heard by the BZA. The only point, and issue at this point in time is the matter of the dedication.

Mr. Morton Galane: Honorable Mayor, and members of the Board of City Commission my name is Morton Galane, and I am attorney for Ms Phyllis McGuire. We have served a copy of our written presentation on the City Attorney. We believe it forcefully sets forth an unbroken line of legal authorities to the following exceptions. Where there is no appreciable, reasonable relationship between the condition imposed, and the proposed use of the land, any attempt to impose such a condition is clearly unconstitutional. We are dealing here with an application for permission to construct a concrete wall, two feet higher than the maximum provided for by ordinance. There is no conceivable, or argueable relationship between a wall two feet higher, than that provided for by ordinance, and the demand for a dedication of 10 feet of land. I can understand the situation where one is seeking by variance. For example the construction of a gasoline station. This construction might bring about an increase of traffic. That the increase of traffic might necessitate the widening of the street, and that the widening of the street might justify the requirement, or condition that the property owner dedicate an additional amount of land to enable the City to construct the widened highway, or the widened street. This is the use of governmental conditions clearly for the purpose of bargaining. It cannot stand up under the law, and we feel that it is unnecessary to repeat in detail the contents of this written presentation. We also call upon your concepts. The position is so obvious, that we feel the matter is one, for recommendation by the City Attorney. We recognize that the City Attorney of Las Vegas is the official legal counselor for the Board of City Commissioners. That it would be presumptuous of me as a private advocate, representing a private property owner, to attempt to usurp his role. We urge you to accept whatever is the proper legal opinion, and we sincerely believe that that legal opinion will ultimately support the position we advocate today.

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Continued

Mayor Briare: Thank you Mr. Galane. Mr. Saylor what specific matter do we have before us here?

Mr. Saylor: Whether or not to approve the variance requested, and/or, whether or not to; if you approve it, to impose a condition of the 10 foot dedication of right of way.

Mr. Morton Galane: What protestants appeared before the Board of Zoning Adjustment? This is Rancho Circle, in which the residents are very alert to their rights. They do not hesitate....

Commissioner Christensen: I have got to question that. This is Alta Drive, which is not Rancho Circle. It is Rancho Circles back yard. There is a difference.

Mr. Morton Galane: Mr. Christensen, I might point out that the application is not just for the wall on Alta Drive. It is a wall that will also go along the private property, the rear property which Ms. McGuire acquired recently.

Commissioner Christensen: I am aware of that, but you stated this is Rancho Circle, and those people are wise to what is going on. This is the outside of Rancho Circle, and not all is wise to what is going on at Alta Drive.

Mr. Morton Galane: The application, for the record, is absolutely clear. It is not only the wall along Alta Drive, but the wall around the Housell's side of the property. I might also add, although there is no record perhaps, well I believe there may have been a record to reflect that. Certainly Mr. Saylor could confirm, that that evening residents of Rancho Circle were present. Mrs. Housell was there, Mrs. Loud was there, Mrs. Waterchek was there. All listened, no one protested. So they were very alert to what their rights were.

Commissioner Christensen: But they don't live on Alta Drive. That is what I am getting at. They live in Rancho Circle. This is the back fence, the other side of the property.

Mr. Morton Galane: Commissioner Christensen I am in no way questioning your observation. I think the essential point is....

Commissioner Christensen: I just want to keep it correct. That this wall isn't on Rancho Circle, that part of it is on Alta Drive.

Mr. Morton Galane: I think you are absolutely correct. I think there is no need to even continue on that particular point. I am in total agreement with you sir. I think the critical question is a legal question, and candidly a Constitutional question, and therefore a most serious one before the City Commissioners.

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Commissioner Lurie: How about if we look at it this way. How far out does that wall come to the property on Alta Drive?

Mr. Morton Galane: We have; it is our option, and we will place the wall, needless to say. Mr. Alexander who is the contractor who handles Ms. McGuire's construction exclusively has indicated to me, that we will construct the wall along Alta Drive 20 feet back. So that there can be no question in the future. The point....

Commissioner Christensen: Twenty feet back of what, the property line?

Mr. Morton Galane: The curb line.

Commissioner Christensen: How far back from the curb line is the property line?

Mr. Alexander: Ten.

Commissioner Christensen: So you are going to be 10 feet back from the property line.

Mr. Saylor: Right, which will be the future right of way of Alta Drive.

Commissioner Christensen: Which half of Alta Drive was widened, you would make it so that the wall would....

Commissioner Lurie: The wall wouldn't have to be at the curb line?

Mr. Saylor: No, at the property line.

Mr. Morton Galane: A proper set back. Ten feet behind the property line.

Commissioner Lurie: The wall wouldn't have to be torn down and rebuilt because it is 10 feet back.

Mr. Morton Galane: No.

Commissioner Lurie: No, I know that now, but if the wall was built, and then the right of way was needed, then the wall would have to be taken down and moved back. You are setting the wall back in anticipation that the right of way will be needed some time. But you don't want to dedicate it.

Mr. Morton Galane: I speak for Ms. McGuire.

Commissioner Lurie: In the spirit of cooperation.

Commissioner Christensen: Well she doesn't want to dedicate it, she wants to sell it.

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Continued

Commissioner Lurie: She wants to sell it, O.K.

Mr. Morton Galane: I speak for a property owner who has very substantial constitutional rights. We still live in a Democratic society where we have provisions for eminent domain written into the Constitution of the State of Nevada, and I believe the Constitution of the United States. That is a legitimate position, and that is my function, to represent her interests.

Commissioner Christensen: Well I think to put this in to perspective, and this is the thing that is confusing me, that is why I appreciated the Mayors question, just what is before us. I get the impression from Mr. Galane, that the only thing that is before us, is whether or not they have to dedicate right of way. What I think is before us, is whether or not we allow an 8 foot wall where a 6 foot wall is allowed.

Mr. Morton Galane: May I point this out sir? I believe these factors strongly militate in favor of the variance. This is directly in response to your question. The first point is, that it has been before the Board of Zoning Adjustments. There should be some weight given to that. Secondly....

Commissioner Christensen: We do have an ordinance that you are aware of that anything that goes before the BZA, that is protested by either party, or it is requested by the Board of the City Commission to be heard automatically comes here.

Mr. Morton Galane: I am not questioning that.

Commissioner Christensen: O.K. fine.

Mr. Morton Galane: The second point to be considered, is that there were not protests. That is always a factor to be taken in to consideration. The third point is very important. These are the points we advocated before the BZA. Alta Drive presents a security problem. There are children constantly climbing over the wall. There is constant problems of prowling on Ms. McGuire's property. She has been compelled to employ security guards to protect her property, and the wall is not just a capricious desire to satisfy some eccentric aspiration of someone. It is predicated upon a security need. We explained that to the BZA, and that was a justifiable basis for the grant of the variance.

Commissioner Christensen: Why does she have a security problem? The others don't.

Mr. Morton Galane: For some reason there is a constant problem situation.

Mr. Alexander: There is a security problem with everybody in there. I live on Rancho Circle, and we all have security problems. Even though we have a guard at the gate.

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Continued

Commissioner Christensen: Well I live within just three blocks from there, and I don't have a security problem.

Mr. Alexander: Well I can name off all the houses that have been burglarized.

Mayor Briare: Well this matter is before us in these two areas, and I think we are defining them Commissioner. Should the fence be allowed first of all. I wish we could determine that. Should this Commission sustain the Board of Zoning Adjustment with respect to the height of the fence, and then number two is certainly a legal problem as Mr. Galane has very carefully pointed out. I wonder if this is stating the matter that is before us. Because one of course hinges on the other. Should the 8 feet be allowed, or should it not be allowed. Is that Mr. Sloan in your....

Mr. Sloan: I think that is clearly up to you, and that is outside the legal field. That is the question of the variance. The question that Mr. Galane puts to you, is whether or not as a condition of granting that variance, under certain circumstances which are spelled out in the Code, that you can require the granting of the right of what, which is unrelated basically to the request to go from 6 to 8 feet. If you are going to ask for a legal opinion, then obviously we are going to request that you hold this in abeyance. One is always hesitant to follow Mr. Galane in any circumstance because he is such an outstanding attorney, but his presentation has been made available to us, and it is very detailed, and very good, and I need an opportunity to research, and verify those statements which I know to be accurate, but to see what the other areas of law available to the City might be. If for example if the Commission wanted to go ahead and grant the variance without the conditions you would be free to do so, but if you were to try to grant the variance, and impose the conditions it would be my recommendation that you hold this matter, because of the substantial Constitutional questions which Mr. Galane has brought to our attention.

Commissioner Christensen: I would like to pursue it just a little further. If in fact you build an 8 foot high block wall, then how high is that going to be on the outside?  
On the Alta side.

Mr. Morton Galane: Could I sir, with your permission defer that to Mr. Alexander.

Mr. Alexander: One of the conditions imposed by the Board of Zoning Adjustments was that it would be above the existing grade 8 feet.

Commissioner Christensen: The existing grade in or out?

Mr. Alexander: It is the same both ways. The grade inside and out is the same. We said we would stick to the existing grade.

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Commissioner Christensen: You don't plan on doing the same thing you did inside, by going 10 feet, and putting 2 feet of dirt inside, so it is 8 feet inside, and 10 feet outside?

Mr. Alexander: We did not do that.

Morton Galane: Well I think we owe a more complete explanation to Commissioner Christensen, because the question was sincerely raised before the BZA.

Commissioner Christensen: That question has been sincerely raised in Rancho Circle by several homes, where this is how they get around the 6 foot height. They build it 6 foot inside, and it ends up 8 or 10 outside.

Morton Galane: You are absolutely correct. The question has been raised, and I believe it deserves a much more complete response.

Mr. Alexander: It has been resolved by the City Building Department now very definitely on this question. There was a bit of variance on it before. People took advantage of that, according to the highest terrain. But the City has straightened that all out in Rancho Circle. They gave Juanita Daily an 8 foot fence, gave her a variance on it. According to the highest part of the ground out back. She is now applying for 10 feet. We are absolutely level in the back of that property we are discussing, and they imposed that restriction, that it would be 8 feet above that existing ground. That is the way it will be. There will be no raised portions for plants or anything. It will be 8 feet on the inside, and the outside.

Mayor Briare: Mr. Galane there are a number of alternatives, and I am not a mind reader. I think that perhaps I am going to ask the Commission what action they would like to take. If there are no motions or anything, then it perhaps might be in response to Mr. Sloan's request, that if he is going to address himself to any Constitutional problem such as you raised here, then he is going to have to have a little time to do it.

Mr. Morton Galane: I do hope, and I am sure that it wouldn't be a factor, but I do hope that the policy, or the practice, or the desire of the staff doesn't become the motivation for deciding the merits of the variance. I think the members of the Board of City Commissioners know my feelings about that. The variance should be taken on its merits, and the Constitutional question.

Mayor Briare: But they are separate.

Mr. Morton Galane: They should not be intertwined.

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Continued

Mayor Briare: I agree with you. I think we have to hear about the 8 feet. The 8 feet first, and then whatever....

Mr. Morton Galane: Would you prefer that I be seated, so if there are any protestants they could speak?

Mayor Briare: Yes, thank you Mr. Galane. Is there anyone present in the audience that wishes to be heard in opposition to this?

Mrs. Neal Parker: I live on Alta directly opposite of where they are proposing this fence. We have done some great things to beautify the area. We feel that that would just be really ugly on the street. Four years ago when we built our fence we had to get a variance to make it from 5 feet to 6 feet. It had to be open, and we don't understand how something this ugly can be right across from our lovely home. My two neighbors are upset about it too, and they also will have to be donating, or selling their property to widen the streets. We really would appreciate not passing this. I would have opposed it before, but I just received my letter the day before yesterday.

Mayor Briare: Thank you Mrs. Parker.

Commissioner Christensen: Did you dedicate 10 feet?

Mrs. Parker: Oh, yes we did.

Commissioner Woofter: What is the difference between a 5, 6, or an 8 foot wall as far as ugliness? They have a right to go that high.

Mrs. Parker: Our fence is with beautiful wrought iron in between that you can see through it. We are under the impression that on the street side, you have to have an open fence like that, so that it would look nice. I think our fence is quite beautiful.

Mayor Briare: Thank you Mrs. Parker. Is there anyone else in the audience who wishes to speak in opposition to this? Mr. Alexander do you want to add something.

Mr. Alexander: Well we are dealing with her front yard, and Ms. McGuire's back yard. Which is the same situation that I have on South Rancho Drive. My front yard faces South Rancho Drive, and across the street is a back yard. I have 6 and 8 foot fences facing me on the other side of the street.

Commissioner Christensen: Well Rancho Drive is a whole lot wider street. That is part of the problem we are getting at. Alta may some day have to be that wide. It isn't now. Rancho Drive is a good, well Mr. Saylor what is it? It is almost twice the distance between those fences, than it would be for this one?

Mr. Saylor: I think so.

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Continued

Commissioner Christensen: Which makes a lot of difference.  
You are 30 feet away from that fence.

Mr. Alexander: Well we are only dealing with whether it is a front yard, or back yard. According to the Code she is only allowed two feet of solid fence, and another two feet of 50% open in the front yard. So that really has nothing to do with our back yard.

Commissioner Woofter: Well what would Mrs. McGuire be allowed to build in her back yard?

Mr. Saylor: Six foot.

Commissioner Woofter: So we are concerned with the two feet.

Mr. Saylor: Right, you are talking about a two foot differential. It is her back yard. Mrs. Parkers home fronts on Alta. We have different provisions for the front yard. They are a four foot maximum with two feet open.

Mayor Briare: Is there anything else? (No response). Mr. Sloan if the Commission; if it were to be the desire of this Commission to take action on the size of the block wall fence, then you probably still are going to need to address yourself to that legal problem that Mr. Galane has brought up.

Mr. Sloan: Well whether or not the Commission is going to want to impose a condition requiring the dedication. If you were to do as the Board of Zoning Adjustment had done, and turn down the staff recommendation, and go ahead and approve the variance, then there will be no need for me to engage in legal research, because you would be doing what the applicant asks. But if the motion were to approve it subject to the conditions that Mr. Saylor requested, then I would ask you to hold it in abeyance so I could do the research required by Mr. Galane's memo.

Mayor Briare: Would you suggest then that the procedure would be to close the public hearing, and ask the Commission what they want to do?

Mr. Sloan: Exactly.

Mayor Briare: Then depending on what, if any motion is made, we will be able to proceed from there. There be no one else who wishes to be heard then, this public hearing is closed, and I will ask the Commission what their pleasure is?

Commissioner Woofter: Mr. Mayor being a property owner myself, I sympathize to a great extent with Ms. McGuire's plight in regards to the fact of a request on the part of staff. Before we could consider any variance that she has to come through with right of way property. I am in the same situation with the County where the County is trying to force myself to do the same thing before they allow a certain variance to a piece of property that I feel is valuable in the County. Certainly maybe that

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makes me more sympathetic to Ms. McGuire's plight, but certainly that is the situation. I cannot see a condition of such to be considered before we consider whether or not an 8 foot block fence should be created. I sympathize with the neighbors, but as has been brought out by staff, Ms. McGuire has an absolute right to build a 6 foot fence. I certainly can't see the difference between a 6 foot fence, and an 8 foot fence as far as ugliness is concerned. Therefore I move to approve the action of the Board of Zoning Adjustment. Approve the variance from a 6 foot to an 8 foot, without any conditions attached.

Mayor Briare: Any questions by the Commissioners on a motion? (No response). Cast your vote on the motion. Motion fails.

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

Mayor Briare: The motion was to follow the recommendation of zoning. That having failed Mr. Sloan, then does that carry with it....

Mr. Sloan: Well I should probably go to the law library and get back to you the next meeting I guess.

Mayor Briare: O.K., then for the time being the motion is denied, and the variance is not allowed. Until such time as we hear further from Mr. Sloan.

Commissioner Christensen: What is the legal situation now.

Morton Galane: One of the points that the City Attorney brings, is that there could be a motion to approve the variance subject to the determination of whether the condition is legal. That is why I am asking what the legal situation is as well. The way the motion was framed, it was absolute approval without conditions.

Mayor Briare: That is correct.

Morton Galane: Then their could be an approval subject to the City Attorneys determination. That is the critical question.

Mr. Sloan: My understanding is, that the motion has failed, but that does not dispose the item on the agenda.

Commissioner Woofter: Well I imagine if I made another motion Mr. Galane, making it subject to conditions, but I am not going to make any such motion. Because I don't feel that it should be subject to us asking the applicant to give a right of way in consideration of our, and that was more or less my main point for making such a motion.

Morton Galane: I am saying that there is a third alternative, to wit, that the variance could be granted subject to conditions

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Continued

provided that the condition is a legal one. That is a very serious alternative.

Mayor Pro-Tem Lurie: Well the way I look at it is, if the Board has taken action. If Ms. McGuire wants to build a fence then she can build it by law the way the property is now. She can build it 10 feet back, and build a 6 foot wall. We didn't allow her to build an 8 foot fence. If she at some time wants to sell that right of way, if the City needs it for Alta to be widened, then we will have to negotiate. That is my interpretation of what just took place.

Mr. Sloan: Not my interpretation Commissioner. I think in order to make it clear, that the Commission should be in a position to make a motion to deny....

Commissioner Christensen: I'll tell you what I will do. I will move for the denial of the variance. Will that clarify it?

Mayor Briare: Well as far as a positive action is concerned yes. The action that Commissioner Woofter was asking for was that we follow the recommendations of the BZA without the staff requirement for a dedication. That motion failed. So now you have a motion?

Commissioner Christensen: Well there is no dedication right, or there is no nothing. So as far as I am concerned I will move for denial of the variance.

Mr. Sloan: I think though this motion is probably getting us into the same legal question only just through the back door. The way I read is, is what the Commission is saying is, that it is a good pro-quo. If you don't want to give us the right of way, then we are not going to give you the variance.

Commissioner Christensen: On the contrary. That is not the purpose of my motion at all.

Mr. Galane: Before you proceed Commissioner I might point out that we were explicitly told that if we gave the; I have no hesitancy to have all the affidavits filed. We were explicitly told that if we gave the 10 feet that it is our variance. There isn't a court in the State that wouldn't recognize that undisputed. Mr. Saylor had discussions with Mr. Alexander. We were told that that was the condition. If we gave the 10 feet that it is our variance. That is undisputed.

Commissioner Christensen: But he does not have that power.

Mr. Galane: Well Mr. Alexander negotiated with him.

Mr. Saylor: First of all I didn't make the statement.

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Continued

Commissioner Leavitt: Mr. Galane let me tell you this. I am not going to vote for the variance even if you do give 10 feet.

Mayor Briare: That is my position.

Commissioner Christensen: That is mine too.

Commissioner Leavitt: I don't think the variance should be allowed if you gave the 10 feet. I don't think the 10 feet has anything to do with it. The question is should you be allowed to increase the height of the wall from 6 to 8 feet. That is all I am worried about. Commissioners Christensen motion that we deny the variance, I am going to vote for it. Regardless of whether you give the 10 feet or not.

Mr. Galane: What I am troubled by, and you should give serious consideration, is that it cannot be denied that the staff would not even have brought this to the attention of the Commission had the 10 feet been dedicated. They can't deny that. They said that. That the reason it is on the calendar, is that Ms. McGuire isn't willing to give away the 10 feet.

Commissioner Christensen: The reason this was brought to us, and the comments that were made, the ones that I heard, were because of the recent law suits, flack, and trouble we have had with the high walls in Rancho Circle, then we better look at this. Because this is a home in Rancho Circle. I didn't even know that there was a 10 foot dedication required when I first saw this. That was not even in my knoweldge.

Mr. Galane: But staff made it very clear, that it was brought up solely because of this.

Commissioner Christensen: Well they may have made it clear to you, but they didn't make it clear to me, and I don't recall that being mentioned when it was brought up to us.

Mr. Galane: Commissioner Christensen it is not what took place in a meeting. It is what the property owner was told that is the key point. If a property owner is told by staff that if that owner will dedicate the 10 feet, then the problem is solved.

Commissioner Christensen: Except that staff does not have that privilege, and you know that as well as I do.

Mr. Galane: Well staff can tell the public what is required.

Mayor Briare: Well Mr. Galane I don't know what staff said, or what they didn't say. Sometimes it is safe I should think, for a staff member who has been here a good number of years, to give an opinion as to what may or may not happen as a result of something happening in the BZA. But as Commissioner

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Continued

Christensen has pointed out, that this is the Board, when it comes before us on our calendar, that this is the Board that makes the decisions.

Mr. Galane: Well that doesn't solve the problem.

Mayor Briare: I don't think it is a problem of this Commission here. It is somebody on a staff level, is making representations, or being understood or being misunderstood.

Mr. Galane: Well nothing was misunderstood Mayor. It is not a question of representation. The question is what the property owner understands to be. The condition for allowing the benefit given by the BZA to remain of record finally. If the property owner is apprised, or the representative of the property owner is apprised explicitly that it is the dedication policy that is the problem. Then I cannot conceive what took place internally in the back of some room as controlling. I think that the Board is faced with a serious....

Commissioner Christensen: In the back room of what? You are making an allegation there that I don't really like to well.

Mr. Galane: Let me explain it. The statement was made, that when the matter was brought to the attention of the Commissioners, that the Commissioners were only told that their concern with acceptably high walls in the Rancho Circle area. I am saying that that is immaterial.

Commissioner Christensen: I am talking about the back room allegation you made.

Mr. Galane: I am saying, that what the property owner is advised publicly as the condition for obtaining the variance.

Commissioner Christensen: You haven't answered my question about the back room allegations you made. You made certain allegations about a back room. Was that allegation to mean that our department told us in the quietness of a back room what they were going to have this variance for? Is that the allegations you were making?

Mr. Galane: That isn't the allegation that I made. The allegation that I made is when the property owners were publicly told, that the condition....

Commissioner Christensen: Well you made reference to a back room indication. Where was the back room indication given?

Mr. Galane: When the public....

Commissioner Christensen: What is no public?

Mr. Galane: What is significant is what the property owner is told. If the property owner is told that the property owner will receive the BZA variance, as long as the property owner accedes to the demand

V-3-78  
Continued

for a dedication, then that is what it....

Commissioner Christensen: You still haven't answered my question.

Mr. Galane: I have in my way. That is what is legally controlling. Not in what is deliberated before something is put on the calendar.

Commissioner Christensen: O.K. that is exactly what I am talking about. The deliberation to put this on the agenda took place in a public City Commission Meeting right here in this chamber. There was no back room meeting.

Mr. Galane: Where does the property owner come in.

Commissioner Christensen: I don't know where the property owner comes in. It was a public meeting with an agenda, properly posted three days in advance, etc. etc.

Mr. Galane: What is legally significant is that the property owner was informed that Ms. McGuire could have the benefit of the BZA variance on the condition that there be the dedication. That is unconstitutional. How can the Board of City Commissioners....

Commissioner Christensen: I have a motion before us, and I think we should vote on it.

Mayor Briare: We have to resolve this one way or another. I don't think we are going to be able to resolve it by debating it any longer right here Mr. Galane. There was a motion before us to deny this request. I just want to ask Mr. Saylor however, that in the letter dated January 27th to Ms. McGuire, on the bottom of the first page it says, "This action by the Board of Zoning Adjustment on January 26th is final, unless an appeal in writing is filed with the City Clerk within 11 days, or there was a review action filed by the City Commission within 14 days." Has that requirement been met?

Mr. Saylor: Yes, you are under the review action.

Commissioner Woolfer: There was a review requested by us? Is that correct?

Mayor Briare: That is what Mr. Saylor is saying. As Ms. McGuire was notified as such on January 27th, or she was shown was the exceptions might be to the approval of the BZA. Do you have that letter Mr. Galane?

Mr. Galane: I don't know.

Mayor Briare: Are there any further comments? (No response).  
Cast your votes.

Commissioner Woolfer: I am abstaining on the basis of the legal situation. I am still confused. I think Mr. Galane has brought

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Continued

some good points out. I am sure Mr. Sloan our own City Attorney would certainly like some time to review this before we proceed any further. On that basis I am abstaining.

Mayor Briare: Thank you Commissioner. The motion is approved, and the application is denied, or the zoning request is denied. The zoning adjustment request is denied.

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

APPEAL  
FILED BY  
UNITED  
OUTDOOR  
ADVERTISING  
COMPANY ON  
THE  
APPLICATION  
OF JACK K.  
LEAVITT  
V-109-77  
Appeal  
Denied

Mayor Briare: The next item is an appeal filed by United Outdoor Advertising Company on the application of Jack Leavitt.

Commissioner Leavitt: Jack Leavitt is my brother, and I am going to abstain from any other participation in this hearing.

Mayor Briare: Is Mr. Leavitt present?

Mike Thomlin: I represent United Outdoor Advertising. We are allowed to go on this parcel based on the present City ordinance to a maximum height of 40'. We are simply asking for an increased height, in order to get above any existing signs in the area, which range between 25, and 35' in height. We simply want to go above any of that, so as not to obstruct any existing signs.

Mayor Briare: Is there anyone in the audience that wishes to be heard on this appeal? (No response). What is the pleasure of the Commission? The recommendation of the BZA was to deny.

Mr. Saylor: The record should show that I have communication from the Beautification Committee that they recommend that this variance be denied also.

Mayor Briare: What is the pleasure of the Commission?

Commissioner Christensen: Is this a free standing board type thing?

Mr. Saylor: Yes, it would extend from the building out toward the right of way. It would be about 55'.

Commissioner Christensen: Isn't there one just up the street from there? How high is that? Isn't there one up farther?

Mr. Thomlin: Oh, about 2,000 feet, something like that. I would estimate it at about 45, or 50' on one, and 40' on the other. We are going to build the sign based on existing codes.

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Continued

Commissioner Lurie: If you build it under the existing code, and it is 40', how many signs do you block out?

Mr. Thomlin: Well actually I do get an approach on it, but we feel that by going higher, that it will allow for more exposure for all concerned.

Commissioner Woofter: This is the same situation we had with the Homesite Church, where they wanted to go a little higher to avoid the signs in the area.

Mayor Briare: What is the pleasure of the Commission?

Commissioner Lurie: The sign that is located in the next block, how high is that?

Mr. Thomlin: I would estimate about 45' to 50'. They County standard ordinance allows 50' just right across the street. We just simply want to go a little bit higher.

Commissioner Lurie: I make a motion that we follow the recommendation of the Board of Zoning Adjustment and deny it.

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

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

REQUEST FOR  
REVIEW  
FOR VARIANCE  
APPLICATION  
OF LAMAR  
WILSON  
V-110-77  
Approved  
appeal for  
denial  
of this  
Variance

Mayor Briare: Next is V-110-77.

Lamar Wilson: We are talking about 88 lots, R-E lots on 55 acres of land. We have a designated area for recreation within the compound. The lots will be selling for around \$15,000.00 The lots will be sold. This is not a mobile home park. We had a survey made by Civic Living In systems, who are manufacturers of mobile homes. They highly recommended this area. They also recommend that we limit the size of the mobile homes to a minimum of double wide, which we intend to follow. These types of mobile homes will be in the neighborhood of \$20,000.00 to \$30,000.00 in price. We are looking at a \$40,000.00, or \$45,000.00 investment. It is not going to be a shabby development. We will have paved street, water systems, underground power, and with this quality of development I think the surrounding property owners would be well pleased with it. I feel that it will appreciate their property as well. At the BZA meeting there were no protests. Surprisingly enough the closest neighbor was here and spoke in favor of it.

Commissioner Christensen: Where are you going to get your water for this?

V-110-77  
Continued

Mr. Wilson: We are going to drill a well.

Commissioner Christensen: Then you will have a private water system?

Mr. Wilson: Yes. We will have a home owners association, and they will own the water system. We will have fire hydrants. The same type system that the City provides.

Commissioner Christensen: How about the other utilities. Are you going to have gas out there?

Mr. Wilson: No, not at this time.

Commissioner Christensen: When you talk about a mobile home park, or a mobile home period, are we really talking, when you are talking double wides, are you talking about a mobile home, or a prefabricated home? If a person was to put a mobile home that met the standards of the City building code, and put it on a concrete foundation and so forth, would he not in fact have a home, and not have to have a variance or anything else, as long as it is in the right zoning?

Mr. Saylor: That is right.

Commissioner Christensen: How close do mobile homes come to that?

Mr. Saylor: Some come quite close, others do not. I am not up to date on the new construction of mobile homes. It is my understanding that some of the companies put out a product that are very comparable to what you would call a house, which is permitted.

Mr. Wilson: That is another one of the requirement that will be in our covenants and restrictions. It will be that the mobile homes have a perimeter block wall foundation.

Commissioner Christensen: Will this foundation meet the City codes, for a foundation of a house?

Mr. Wilson: I am not that familiar with the Code, but there will be a footing, and concrete block.

Commissioner Christensen: Well you can't build a foundation for a house out of concrete blocks, and concrete I don't believe. If you put the footing in the ground in concrete, and then you put the stem wall out of the block and so forth, I think that does meet the Code. If you meet those City Codes, what do you need a variance for?

Mr. Saylor: I don't believe the mobile homes would meet the Code requirements for a house.

Mayor Briare: Is there anyone else who wishes to be heard on this?

V-110-77  
Continued

Virginia Cat: I live at 4713 Lazanda. My husband and I own 80 acres a quarter of a mile from where this mobile home park is to be constructed. I came to the meeting to tell you that we have no objections to this development. As he said, when it came before the Board of Zoning Adjustment there weren't any questions about it. Yet I noticed that an appeal came, and I am anxious to know who brought the appeal, and why it was brought.

Commissioner Lurie: I brought it. Because the property owners that live in the area, who missed the deadline to file an appeal requested that they be given an opportunity to hear it before this Board. I felt that they were deserving of that right, and that is why it is before us now.

Commissioner Christensen: There is one problem with this area. You don't find too many people within 300 feet within a sparsely populated area.

Mrs. Cat: Well this is out there by Thule Springs, and I really think the development would be an asset to our area. Mr. Wilson has promised to meet certain requirements, in that it will be a nicely constructed area. We have no objections to it.

Commissioner Christensen: Is there a way that you can tie down those promises in concrete?

Mr. Saylor: Everything that he has said that he will do, then we can make it a condition of the approval, if you approve it.

Mayor Briare: Anyone else to speak?

Marilyn Thompson: I live at 8512 Log Cabin Way.

Joy Rustin: 8600 Rustin Road.

Marilyn Thompson: We have here a petition. There is approximately 30 houses in the area, we have 27 names. I will read the petition to you. This review by the Board of City Commissioners of the Variance Application of Lamar Wilson, V-110-77, the following are the reasons why we, the undersigned think this variance should be revoked. 1. The present growth rate in this area in the last five years has been approximately four houses per year. That is high. The influx of 88 family dwellings at the present rate of growth would take over 20 years to accomplish. 2. The area is not adequately developed to support half acre lots. There is no City water or sewer, and this type of development could seriously hinder the water table. 3. The so-called access road consists of Durango, which is a minimum road with run-offs and holes. D Brent is partially paved and of minimum width, and Iron Mountain which is a dirt road, and not even cut through to the property in question. There is no sidewalks, street lights, or any kind of improvement. If this variance is allowed to stand it will set a precedence for both half acre Lots, and mobile homes. Neither of which will enhance the value of existing homes.

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Continued

Which are built on no less than one and a quarter acres. The BZA itself has denied mobile homes on one quarter acres in this area. How can this type of development be justified. It is not compatible, but in fact is contradictory to the area and the BZA's former action.

Mrs. Rustin: Since the zoning was not in fact changed, then under the present zoning this 55 acres, the 88 half acre estates could not only house 88 families, but it could also house 264 horses, and 264 dogs. This would be a total of 528 animals on this 55 acre parcel.

Mr. Saylor: This property is zoned R-E. Under the present zoning, without any variance, you can have half acre lots.

Mrs. Thompson: You can have a well and a septic tank on a half acre?

Commissioner Christensen: I think you can have a septic tank on a half an acre, you can't have a well, but if you have one well which services the whole area, and there are several of those in this valley. We don't zone according to water. That is up to the Water Board, the Water District, the State Engineer and so forth. This appeal hasn't got anything to do with his applying for a well permit and getting it. There is not point in telling us that the subdivision should be denied, because there is no water. That is part of building the subdivision. It was suggested in your petition that it should be denied because there is no water there.

Mrs. Thompson: One of the reasons we felt it was not a good idea was because of the table.

Commissioner Christensen: The height of the water table is not before us.

Mrs. Rustin: I hope the Commission does consider the water when they go doing things.

Mrs. Thompson: I don't want to dwell on the water. You are the one that brought it up.

Mrs. Rustin: Two years ago you based a variance on whether somebody could get a well or not.

Mrs. Thompson: In the minutes of the BZA meeting it says they believe it is compatible. How can you make; I don't understand.

Mrs. Rustin: According to those minutes it hadn't been considered, and it was approved.

Mayor Briare: We don't have the minutes of the meeting. This is a whole new application before us now. Do you have a question of Mr. Wilson?

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Continued

Mrs. Rustin: I would like to say that according to the minutes, Mr. Wilson lead them to believe that there were two good access roads. I am aware of those roads. One is a dirt road which is absolutely impassable. I would like to know who is going to improve these roads to accomodate this traffic? Are the roads going to be assessed to the people that already live there? Where dirt roads have been fine for them, but I think when you have 88 families going up and down these roads. This dirt road, the other one is partially paved. We will be looking at a problem with air pollution.

Mayor Briare: How do we get an application that raises so many questions?

Mr. Saylor: I think there is a great deal of distortion here, on what the request is before you. The request before you is for a variance to be allowed to have mobile homes as opposed to built on-site homes. We are not talking about the subdivision, or the matter of water, or roads, or anything else. That comes in at the time the subdivision does. The condition of approval on this is that he has to get an approved subdivision.

Mayor Briare: I am trying to suggest that the only thing that is before us here, is that should Mr. Wilson be allowed to put trailers, or mobile homes on these half acre lots, period.

Mrs. Rustin: We are just trying to point out why we don't think he should be allowed to do this.

Mayor Briare: Well you are bringing up all these other questions. Should he build homes on there, or should he be allowed to put a mobile home on it.

Mrs. Rustin: Well there is not one home built on a half acre. There is nothing out there built on a half acre. We are just trying to tell you how people feel. What is going through their mind as they are thinking about this going in, and the problems it represents to them. I don't think any well application has been filed, or anything like that. I felt that it was misleading when he told the Board that there were good access roads there. There are not. I don't think there is anybody in the area that is for it.

Mayor Briare: Now anyone else speaking is going to have to confine their remarks to that which is before us. The property is zoned R-E, which allows half acre lots. The question before is that should Mr. Wilson be allowed to put a mobile home on each one of those lots, or should he not be allowed to put a mobile home. We know he is allowed to build a home on it. We are going to keep our remarks to that particular question.

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Continued

David Bond: I live at 8415 Iron Mountain Road. I drove down the entire mountain yesterday. You can get down it with a pickup, or a motorcycle if you slow down. You can do about 5 miles an hour down that road. If you were doing 25 you would wreck your car. The access road is not what you would call adequate really on Iron Mountain. I placed some literature on noise. You will find a folder in front of each one of you. I realize the fact that they are allowed to put houses on a half acre. This is after right of ways. If you have a public, or community water system. Without that you have to use, if you are putting a well, and a septic tank on that, then the minimum according to the health department is one acre. A septic tank, and a well cannot set on anything less than one acre.

Commissioner Christensen: I can understand that, a septic tank and a well, however if you don't have a well on the property, then you can have a septic tank on a half acre.

Mayor Briare: Yes, he is talking about having a water company.

Mr. Bond: Right, this is true. Most of the area is divided into two and a half acre parcels. Part of it has been divided into acre and a quarter lots, which allows one house for every acre and a quarter.

Mayor Briare: lets talk about this one that is a half acre.

Mr. Bond: As far as your mobile homes meeting the present property standards as far as insulation. I don't believe any of them have R-11 walls, or 18 ceilings in them, but I may be wrong there.

Commissioner Lurie: Well it has to meet whatever the state requirements are for mobile homes. Just like in a mobile home park now.

Mr. Bond: Right, but what I am saying is, present permanent dwellings are required a minimum of R-11 in the walls, and R-19 in the ceilings. Awhile ago you were comparing mobile homes with fixed homes. If you look on this information on noise, if you will look on the back sheet.

Mayor Briare: Now Mr. Bond we have a lot of business we have to take care of at this meeting. In order to do it we have to stick to certain procedures. The procedure is to speak specifically on the matter that is before us. This is a very interesting brochure, and I am going to read it, but we are still talking about allowing, or not allowing mobile homes to be built. Are you saying that mobile homes will create a bigger noise environment than other kinds of homes.

Mr. Bond: Only the amount of vaporage, which I guess doesn't really matter.

V-110-77 Mayor Briare: You keep talking about the acreage, and I thought  
Continued we clarified. The acreage is not to be discussed here.

Mr. Bond: Well the area is presently being developed at about 25% increase a year, which is about one "d" increase per year in the noise level. This 88 homes, compared to the 44 homes would be an increase of about 4 to 1, which would be a 60 "d" increase as far as the noise is concerned.

Commissioner Christensen: Are you suggesting then that we shouldn't allow that to develop out there any faster than four homes per year?

Mr. Bond: Twenty five percent a year. Maybe I am an idealist. Maybe I believe; without a variance it will be a very quiet residential area, but with variances, and when they had the motocross out there you couldn't hear yourself think.

Ken Hanlan: What I think Mr. Bond is trying to get across. I live at 8465 West Maggie. Which is probably 1,000 feet from where this development is to be. I think what everybody here is trying to get across is that we are all out there building a permanent structure, we are all out there trying to provide a home in a permanent manner. Even though I know these mobile homes are permanent, the idea is that these are affixed to a concrete base. They are not mobile in any sense. We are all trying to develop this area to some certain standard, and I think that this mobile home park, however nicely it can be developed, it is not in standing with everybody out there, and how they feel about it. I think if you vote against this mobile home park, that the constituency out in that whole area are going to be in favor of you, and what you are talking about.

Commissioner Woofter: How can you say that when you see so many in favor of it up there on that map?

Mr. Hanlan: Not the people that actually live out there. Maybe the 80 acre people. I am talking about the actual people that are out there working.

Commissioner Woofter: I am talking about the ones that were notified.

Mr. Hanlan: I wasn't notified at all myself. I got this meeting through word of mouth, and I only live 1,000 feet away. I live in the County, and I assume that that is the reason. I am upset at that, and I think there should be some change. The general people that are out there, and that are living there are the people that you have heard here. We want to build permanent residences, and not mobile home parks.

Commissioner Lurie: I don't see any conditions here with this variance. Was there any conditions of time. Says six months, or a year, as far as applying for septic tanks, or submitting a plot plan?

V-110-77  
Continued

Mr. Saylor: The only condition I would recommend, is that if this is approved; at the time the subdivision is approved is the time we get into the matter of access, well, and all this type of thing.

Mr. Macelme: I would like to address you as perhaps the only mobile home owner in that area. I live in the County, and I moved a home from Charleston out there. I would stipulate first of all that the home itself was an existing residence down in the City that I moved out to the County. The requirements for that kind of mobile home are significantly more stringent than they are for the type of mobile home he is talking about. Secondly I made extensive inquire with County Planning, and their subdivisions which are right across the street on two sides, are talking in terms of acre and a quarter lots. This is the kind of development that I think the people in that area are willing to accept as an orderly development of that area. We moved out of congestion of town to get the fresh air, to get away from the traffic, and I think that mobile homes by their very nature, the idea of mobile homes is to not only concentrate more people in a smaller area, but to not develop the land around it as extensively as it should be. That is what I feel that the intention of the people that have moved out there, that that is what we are trying to do.

Louis Miller: I live at 8577 Iron Mountain Road. Some of the statements which have been made have appealed to me, and some of them have made me wonder whether or not it was profitable for me to move out of the City. Move out to where I could raise horses, and raise my kids. I don't quite understand why an ordinance would say, when you move out to a place, that you have to build a well, you have to provide your own septic tanks. Then in a couple of years turn around and tell you that we are going to put a mobile home area in the area where you are living. When at first they told us that this would be a permanent fixed based type home, and that we would have to comply with all the codes. I don't condone the mobile home type of atmosphere in that area, but the reason I am here today is because we were not notified. No one sent us any correspondence at all as to what was going on. The only reason I knew is that someone called me on the telephone and asked me if I knew something was going on at City Hall this afternoon at 2:00. That is why I am here.

Mr. Lamar Wilson: I strongly resent the ladies stating that I misled the BZA Board. In no way did I mislead them. I never told them that there were two good access roads. I did tell them that there is Brent Lane which is only 600 feet from our property, and we would pave that Lane from there on into the project. The other comment I said was that we were negotiating with BLM for the right of way on Iron Mountain Road. Whether they grant it to us or not I don't know.

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Continued

Mayor Briare: This public hearing will be closed. Mr. Saylor if Mr. Wilson comes before the BZA as he did, and asks for a variance to allow mobile homes instead of fully constructed homes, does he have to submit subdivision plans, or streets and road plans?

Mr. Saylor: No, not in terms of that. That was to establish in terms of whether or not he could do that. I again suggest that if you do approve this, that you make it subject to approval of the tentative map for the subdivision. Which will take into consideration all of those situations. He will have to at that time submit adequate subdivision designs. He did not want to do that prior to knowing whether or not he could put the mobile homes up.

Mayor Briare: What is the pleasure of the Board.

Commissioner Christensen: The whole question, and the only question that is before us at this point is whether or not we want to allow mobile homes on half acre lots, instead of permanent homes. That is the thing that I think we have got to address. Now we have been the victims the last few weeks have been accused of being biased, and remiss in our duties to not challenge every untrue remark that is ever made in here. I have many times said that we hope that we are intelligent enough to see through some of the smoke to see where the fire is. I would have to say that I am in agreement that this area needs permanent dwellings. I would have no fight with mobile home development up there on half acre lots, provided they met all the code standards of a permanent dwelling. If they meet the code then it becomes a permanent home, and I don't think anybody would fight that. I would therefore move that we sustain the appeal, and deny the use, or deny the variance.

Mayor Briare: Questions on the motion? (No response).

Mr. Wilson you said that you would require certain caliber of mobile homes to go in there. I am not so sure that anybody can set themselves up as being a judge and determine whether this mobile home will be allowed because it is painted purple, and this one will not be allowed because it is painted blue. I don't know if you can do that, but I do say this. There are mobile homes that are very beautiful, and it certainly makes for a comfortable way of living, so I have no objections of mobile homes. It just seems to me however, that this is not properly before us. You should have gone to the Planning Commission with your whole tentative plans and everything, and then went for the Mobile home type of development.

Mr. Wilson: This type of request did not require going before the Planning Commission.

Mayor Briare: I don't want to give the impression that I am going to consistently vote yes in favor of mobile homes being put on half acre pieces of ground. In this instance I may.

V-110-77  
Continued

Commissioner Lurie: I believe that we are going to look towards more mobile home parks. I think we have had variances before where people have built their homes, and we have allowed them to have mobile homes on the property during construction. I think the concept is one that we are going to be looking at more and more in the next 5 or 10 years. I would expect to see more applications coming in for more adult parks, as well as family parks. I have to agree. I think there is a lot that has to be reviewed before this application should come back to us. As far as the sewer, septic tanks, water, roads, and questions that really haven't been answered to my satisfaction.

Mayor Briare: The motion is to reverse the Board of Zoning Adjustment. Cast your votes. Motion is approved.

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

VAC-24-77  
LLOYD  
KATZ  
Approved  
subject to  
conditions

Mayor Briare: Next is a petition of vacation for Lloyd Katz. This is a public hearing for this vacation. Is there anyone here to object to this request? (No response).

Commissioner Leavitt: Move we follow the recommendation.

Mayor Briare: Comments? The public hearing is closed. Motion is to allow the vacation. Cast your votes. Motion is approved.

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

X. 2:00 P.M. - PUBLIC HEARINGS

A. VACATION - VAC-22-77 - MERLIN S. MURPHY, ETAL

Petition of Vacation for that portion of public right-of-way shown as Mesquite St. and other rights-of-way on the original Plat of Fairview Tract, located approx. 243 ft. south of the existing Mesquite St. between 10th and 11th Streets, subject to the following conditions:

1. Dedication to be made for the west half of 11th Street.
2. Satisfaction of the requirements of various utility companies.
3. Conformance to Code requirements and Design Standards of all City depts.
4. Vacation shall not be recorded until all of the above conditions have been met.

(Continued from Public Hearing held 3/1/78)

B. APPEAL FILED BY HOMESITE BAPTIST CHURCH - V-111-77

to action of the Board of Zoning Adjustment in DENYING their request for a VARIANCE to allow a sign 24 ft. high where a maximum height of 6 ft. is permitted, and containing 55 sq. ft. where only 15 sq. ft. is permitted, on property located at 2413 E. Cedar Ave., in Zoning District R-1.

(Continued from Public Hearing held 3/1/78)

C. RE-HEARING AND REVIEW OF THE VARIANCE APPLICATION OF PHYLLIS J. McGUIRE - V-3-78

and the action of the Board of Zoning Adjustment in APPROVING this VARIANCE to allow an 8 ft. concrete block fence on the rear and side property lines where a maximum height of 6 ft. is allowed, on property located at 200 Rancho Circle, in Zoning District R-A.

D. APPEAL FILED BY UNITED OUTDOOR ADVERTISING COMPANY ON THE APPLICATION OF JACK K. LEAVITT - V-109-77

to action of the Board of Zoning Adjustment in DENYING their request (under the name of

Approved subject to conditions with an additional condition that the alley be extended west to 10th Street

Clerk to notify  
Director authorized to proceed

Approved the compromise agreed to by all interested persons.  
Woofter - unanimous

Clerk to notify  
Director authorized to proceed

Denied Variance  
C - unanimous

Clerk to notify

Denied appeal  
Lurie - unanimous

Clerk to notify

(Commissioner Leavitt temporarily absent during discussion and vote)

# AGENDA

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Commission Action

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X. 2:00 P.M. - PUBLIC HEARINGS (cont'd)

Jack K. Leavitt) to allow an off-premise sign to a maximum height of 55 ft. where a maximum height of 40 ft. is permitted, on property located at 536 E. Sahara Ave., in Zoning District C-1.

See Page 36

See Page 36

E. REQUEST FOR REVIEW BY THE BOARD OF CITY COMMISSIONERS OF THE VARIANCE APPLICATION OF LAMAR WILSON - V-110-77

and the action of the Board of Zoning Adjustment in APPROVING this VARIANCE to allow Mobile Homes where permanent dwellings are required, on property generally located on the SW corner of El Capitan Way and Iron Mountain Road, in Zoning District R-E

Approved  
appeal for denial  
of this Variance  
C  
Mayor Briare  
voted "no"

Clerk to  
noticy

F. PETITION OF VACATION - VAC-24-77 - LLOYD KATZ

Petition to vacate the south 4-1/2 ft. of Edgewood Ave. along the north line of Lot 1, Block 2, Westwood Park Tract No. 2 Resub-division (also known as 1273 Park Circle), subject to the following conditions:

Approved  
subject to  
conditions  
Leavitt - unanimous

Clerk to notify

Director  
authorized  
to proceed

1. Satisfaction of the requirements of various utility companies.
2. Conformance to Code requirements and Design Standards of all City depts.
3. Vacation shall not be recorded until all of the above conditions have been met.

G. BILL No. 78-11 - AMENDING TITLE XI OF THE CITY CODE, BY ADDING A NEW CHAPTER PROHIBITING THE ESTABLISHMENT OF "SEXUALLY-ORIENTED BUSINESSES" IN CERTAIN AREAS OF THE CITY OF LAS VEGAS

Public Hearing  
continued

4/5/78 Agenda  
2:00 P.M.

-----  
COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT

DON J. SAYLOR, AIP, DIRECTOR

See Pages 141 thru 142 of these minutes - annotated agenda

Z-6-78  
GENEVIEVE  
POIRIER  
Approved as  
Recommended  
by  
Planning  
Commission

Mr. Saylor: This is in keeping with the policy of allowing P-R zoning along Maryland Parkway. The particular lot in question is North of St. Louis. The Planning Commission recommends approval. There were no protests.

Commissioner Lurie: Move we follow the recommendation 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,  
and Mayor Briare voting aye; noes, none.  
Commissioner Christensen temporarily absent.

ZONE CHANGE  
Z-7-78  
MICHAEL  
A. PLOOF  
Approved as  
Recommended  
by  
Planning  
Commission

Mr. Saylor: This is to allow P-R Zoning on Eastern Avenue. We have allowed the same type of development one block to the South. There is commercial across the street. The Planning Commission recommends approval. There were no protests.

Commissioner Woofter: Move to approve.

Commissioner Lurie: These lots face in to Ogden?

Mr. Saylor: Right, the parking would be in the backyard however, and the parking access would be from Eastern Avenue.

Commissioner Lurie: I think this is setting a bad precedence on allowing P-R on those corner lots facing into the street.

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

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

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Commission Action

Department Action

XI 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. ZONE CHANGE - Z-6-78 - GENEVIEVE POIRIER

Property located at 1916 South Maryland Parkway.

From: R-1 (Single Family Residence)

To: P-R (Professional Offices & Parking)

Proposed Use: Office

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Construction of a block wall on the west property line.
3. The driveway opening on the south portion of the property to be closed.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Conformance to the plot plan as amended to reflect the above conditions.

Approved as recommended by Planning Commission Lurie - unanimous  
(Commissioner Christensen did not vote - temporarily absent)

Clerk to notify Director authorized to proceed

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Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

Item "A" continued . . .

- 8. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

PROTESTS: 0

B. ZONE CHANGE - Z-7-78 - MICHAEL A. PLOOF

Property located at 2416 Ogden Avenue, on the southwest corner of Eastern Avenue and Ogden.  
 From: R-2 (Two-family residence)  
 To: P-R (Professional Offices & Parking)  
 Proposed Use: Office

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

- 1. Resolution of Intent to be restricted to a twelve (12) month time limit.
- 2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
- 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. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City Departments.

PROTESTS: 0

Approved as recommended by Planning Commission Woofter

Commissioner Lurie voted "no"

Commissioner Christensen did not vote - temporarily absent

Clerk to notify

Director authorized to proceed

ZONE CHANGE  
Z-8-78  
BENJAMIN  
& ROSE  
JAFFEY

See Pages 147 thru 149 of these minutes - Annotated Agenda

Mr. Saylor: This is to allow P-R zoning on Santa Clara. If you will look at the screen you will notice that it is not on St. Louis, it is South of St. Louis. There is P-R zoning along St. Louis. This is the plot plan of the proposed development. The Planning Commission has recommended denial of the application because they thought it would not be desirable to start that P-R pattern into the interior of the R-1 area. There were three protests.

Mr. Jaffey: This is my wife.

Mrs. Jaffey: We live at 3930 Swenson, in Las Vegas, Nevada. Our property is the second piece of property from the corner of St. Louis and Santa Clara. On the corner is Bond Realty. All of that street is P-R zoned. I am a realtor, and I feel that the highest and best use of my property, which is only 1000 square foot would be for office use. That is what I would like to use it for. I also have letters from my property owners surrounding me. (handing them to the City Clerk).

Mayor Briare: Is there anyone in opposition? (No response).

Mrs. Jaffey: I spoke to a reverend directly in back of my property, and he said he had protested this, because he thought that the people that would come to my office would go around the block and park in front of his house. I thought that would be very unlikely.

Mr. Saylor: On St. Louis we have allowed the P-R zoning. This goes into the interior.

Mrs. Jaffey: We are only the second piece of property from the corner.

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

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

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

(Mayor Briare was excused from remainder of meeting at 4:05 P.M.)

ZONE CHANGE  
Z-9-78  
SOUTHERN NEVADA  
MEMORIAL  
HOSPITAL  
Approved  
as  
Recommended  
by  
Planning  
Commission

Mayor Pro-Tem Lurie: This is Zone Change Z-9-78.

Mr. Saylor: This is in keeping with the expansion program of Southern Nevada Memorial. Parking facilities is the proposed use of this property. They will remove the building on that. The Planning Commission recommends approval, there were no protests.

Z-9-78  
Continued

Mayor Pro-Tem Lurie: Is there anyone here to protest this?  
(No response).

Commissioner Woofter: I will make a motion to approve.

Mayor Pro-Tem Lurie: Comments?

Mayor Pro-Tem Christensen: What is the situation on the parking there? We have had a lot of complaints from the people on Pahor that they are furnishing the hospital parking now. What are we doing to alleviate that situation?

Mayor Pro-Tem Lurie: I did go by there because I have had the same calls, and people are taking advantage of those peoples front yards.

Hospital Spokesman: One of the purposes is to pave this lot. We have already got the bid specifications. The bid openings will be in within 5 days. We have the N.I.C. property oiled, but we have to let it dry out.

Mayor Pro-Tem Lurie: We have a motion. Cast your votes. Motion is approved.

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

ZONE CHANGE  
Z-10-78  
CHARLES TARR  
TRUSTEE  
Approved  
as  
Recommended  
by  
Planning  
Commission

Mr. Saylor: This involves the Southeast corner of Bridger and 11th. I think most of you remember the old FBI building. It was done under R-4 zoning, and it was restricted for that use, but since there Mr. Tarr has obtained permission to use it for his own use. He is now asking for P-R zoning so he can fully utilize it for professional offices. The Planning Commission recommends approval. There were no protests.

Mayor Pro-Tem Lurie: Is there anyone in the audience to protest this application? (No response).

Commissioner Leavitt: Move we follow the recommendations

Mayor Pro-Tem Lurie: Cast your votes. Motion is approved.

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

ZONE CHANGE  
Z-11-78  
RONALD M.  
FIORE  
Approved  
subject to  
Conditions

Mr. Saylor: Fiore is the property owner, however, if the zoning is approved the property will be acquired and developed by Mr. Shaw. The property is located between 28th and 30th. The property is in that general area going to an R-3 pattern. The general plan sets forth this type of development. (Referring to the plot plan) The green is still that which is zoned R-E. We have been approving R-3 zoning. This is a request for R-4 zoning. I would like to point out that they don't plan to develop it to the full extent of the R-4 however. Under R-3 they could have 118 units, under R-4 twice that many, or 236. They are asking for 156. Of the 156, 108 will be one bedroom units, and the others two bedroom units. You will notice that there is a tremendous amount of asphalt. (Referring to the rendering) These are the buildings. The Planning Commission recommends denial of the application. It is not in keeping with the character of the area. It is not in keeping with the R-3 zoning pattern. We were prepared to recommend approval of the R-3. There has never been any question on R-3 zoning in this area. That is the pattern that the Commission set forth some time ago.

Robert Shaw: I would like to point out that we have done a very careful feasibility study of the area. We feel our plan is compatible. We have had no protests. We have a parking of two to one. If it is the objection of the staff that there is too much asphalt, then we will be glad to eliminate some parking, and put some more landscaping in. As far as compatibility with the area I have some photographs, and I am hopeful that that development will persuade the Commission to approve this. We have quite a respectable landscaping plan. I would also like to point out that we are not asking for a full R-4 use. We are only asking for 156 units, just a slight increase in the R-3 use. With a two to one parking ratio.

Mayor Pro-Tem Lurie: What are the sizes of the units? Under the R-3 they say that the units could be built larger. What is the size of yours, and what will they rent for?

Robert Shaw: Our one bedroom unit is roughly 550 square feet, which will rent in the neighborhood of \$190.00 per month furnished. Our two bedroom unit is roughly 700 square feet, and will run in the area of \$225.00 per month furnished. I would like to point out that if we do sacrifice more ground area, and we have to maintain it, then it will raise our costs and it will take it out of the economic range that we feel the area calls for.

Mayor Pro-Tem Lurie: Is there anyone in the audience to protest this application? (No response). Commissioners have any questions?

Commissioner Woofter: I am familiar with the area, and it does seem like it would be an asset to that area the way it is proposed and designed. Since there are no protests I would make the motion to approve the appeal and grant the application.

Z-11-78  
Continued

Mayor Pro-Tem Lurie: There is a motion to reverse the Planning Commissions denial. Comments? (No response). Cast your votes. Motion is approved.

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

ZONE CHANGE  
Z-12-78  
JOHN E. S.  
BUCHANAN  
Approved as  
Recommended  
by  
Planning  
Commission

Mr. Saylor: This is a request for change in zoning from R-1 to R-2. The property is located on Smoke Ranch Road. There is R-1 to the North and West. This is a relatively difficult piece of property to develop because of the shape and size. They have worked out what staff feels is a very acceptable arrangement. The Northern part would be R-1. there would be three R-2 lots on Smoke Ranch. At the Planning Commission meeting the property owner immediately abutting to this lot (Referring to the map), the property owner appeared and protested. However I think his protest was completely satisfied with the condition that the units would be one story high. The land sits substantially higher than his property, so that with these being restricted to one story there would be no invasion of the privacy of his back yard. The Planning Commission recommends approval with those conditions.

Mayor Pro-Tem Lurie: Is there anyone here to protest this application? (No response). Commissioners have any questions? (No response). I move that we follow the recommendation of the Planning Commission subject to conditons. Cast your votes.

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

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XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

C. ZONE CHANGE - Z-8-78 - BENJAMIN & ROSE JAFFEY

Property located at 2011 Santa Clara Drive.  
From: R-1 (Single Family Residence)  
To: P-R (Professional Offices & Parking)  
Proposed Use: Office

Planning Commission recommends DENIAL  
(6-yes, 1-no) because they did not feel the  
proposed office use would be compatible with  
the adjacent residential uses.

PROTESTS: 3

D. ZONE CHANGE - Z-9-78 - SOUTHERN NEVADA  
MEMORIAL HOSPITAL

Property located at 2001 Hastings Avenue.  
From: R-E (Residence Estates)  
To: C-V (Civic)  
Proposed Use: Parking Facilities.

Planning Commission unanimously recommends  
APPROVAL subject to the following conditions:

1. Parking facility to be paved within one-hundred twenty (120) days.
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 system 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. Conformance to the plot plan.
5. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

PROTESTS: 0

Denied as recommended by  
Planning Commission  
Lurie

Commissioners  
Leavitt and  
Woofter voted  
"no"

Approved as recommended by  
Planning Commission  
Woofter - unanimous

(Mayor Briare did not vote - at approx. 4:05 P.M. the Mayor was excused from the balance of the meeting - Mayor Pro Tem Lurie presiding)

Clerk to notify  
Director authorized to proceed

Clerk to notify  
Director authorized to proceed

# AGENDA

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Commission Action

Department Action

### XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

#### E. ZONE CHANGE - Z-10-78 - CHARLES TARR, TRUSTEE

Property located at 301 South 11th Street.  
From: R-4 (Apartment Residence)  
To: P-R (Professional Offices & Parking)  
Proposed Use: Offices

Planning Commission unanimously recommends  
APPROVAL subject to the following conditions:

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

PROTESTS: 0

#### F. ZONE CHANGE - Z-11-78 - RONALD M. FIORE

Property generally located on the south side of Cedar Avenue between 28th Street and 30th Street.

From: R-E (Residence Estates)  
To: R-4 (Apartment Residence)

Approved as recommended by Planning Commission  
Leavitt - unanimous

Clerk to notify Director authorized to proceed

Approved subject to conditions  
Woofter Commissioner Lurie voted "no"

Clerk to notify Director authorized to proceed

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### XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "F" continued . . .

Planning Commission recommends DENIAL (5-yes, 2-no) because they did not feel the proposed zoning would be compatible in this area.

PROTESTS: 0

See Page 41

See Page 41

### G. ZONE CHANGE - Z-12-78 - JOHN E. S. BUCHANAN

Property located at the northwest corner of Smoke Ranch Road and Maverick Street.

From: R-1 (Single Family Residence)

To: R-2 (Two-Family Residence)

Proposed Use: Duplex Units

Approved as recommended by Planning Commission  
Lurie - unanimous

Clerk to notify

Director authorized to proceed

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. The duplex units to be limited to one story in height.
2. Dedication of any necessary right-of-way within 60 days after approval of the zoning.
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 system 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. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

PROTESTS: 1

ZONE CHANGE  
Z-14-78

A.J. Thomas  
and  
LESTER  
& LARUTH  
HICKS

Approved  
as  
Recommended  
by Planning  
Commission

See Pages 153 thru 157 of these minutes - Annotated Agenda

Mr. Saylor: This is a request for a change in zoning from R-E to R-PD-6, which is slightly higher than the R-1 density by about one unit per acre. The property is located in the Eastern part of the City. The Planning Commission recommends approval.

Mayor Pro-Tem Lurie: Is there anyone here to protest? (No response).

Commissioner Leavitt: Move we follow the recommendations.

Mayor Pro-Tem Lurie: Cast your votes. Motion is approved.

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

REQUEST FOR  
138  
KV  
ELECTRICAL  
TRANSMISSION  
LINE  
NEVADA  
POWER COMPANY  
Approved  
as  
Recommended

Mr. Saylor: This is brought to you primarily as an information item. The ordinance specifies that the Planning Commission is the approving board, but I thought you would like to be aware of the proposal. That is the installation of the 138 KV line from the Shadow substation, which is my neighborhood to the San Francisco substation going South. The lines on this map indicate where there is an existing 69 KV. (Referring to the map). That would be changed to the 138. The Planning Commission recommends approval.

Mayor Pro-Tem Lurie: I move that we follow the recommendation of the Planning Commission. Cast your votes. Motion is approved.

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

PLOT PLAN  
REVIEW  
Z-5-66  
JAMES F. HAYES  
Approved as  
Recommended  
by Planning  
Commission

Mr. Saylor: This is a plot plan review requested by Mr. Hayes to an approved P-R on Charleston Boulevard at 4300 West Charleston. The request is to eliminate some landscaping. Mainly the landscaping at the street frontage. We have established a pattern pretty much in the area requiring some landscaping along Charleston. We feel that what little is there should remain.

Mr. Hayes: I have no objections to that.

Mayor Pro-Tem Lurie: Any protests? (No response). I would move that we follow the recommendation of the Planning Commission subject to conditions. Cast your votes. Motion is approved.

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

PLOT PLAN  
REVIEW  
Z-47-70  
JAMES D.  
KEETON  
Approved as  
Recommended  
by Planning  
Commission

Mr. Saylor: This is a plot plan review, and any changes in design much come before this board. It is a very minor change. The request is to allow a small patio. We feel that it does not interfere with any circulation patterns, or common areas. The Planning Commission recommends approval.

Mayor Pro-Tem Lurie: Any protests? (No response). Commissioners have any comments?

Commissioner Woofter; Move to approve.

Mayor Pro-Tem Lurie: Cast your votes. Motion is approved.

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

PLOT PLAN  
REVIEW  
Z-100-64  
BARRISTER  
BUILDING  
PARTNERSHIP  
Approved as  
Recommended  
by Planning  
Commission

Mr. Saylor: This is a request to allow a delicatessen on property located at 325 South 3rd Street. There is some landscaping in front. The Planning Commission recommends approval.

Commissioner Woofter: That is right next to the insurance building isn't it?

Mr. Saylor: Valley Bank is to the North of it.

Commissioner Leavitt: I move that we follow the recommendation.

Mayor Pro-Tem Lurie: Cast your votes. Motion is approved.

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

PLOT PLAN  
REVIEW  
Z-108-63  
FIRST WESTERN  
SAVINGS  
ASSOCIATION  
Approved as  
Recommended  
by Planning  
Commission

Mr. Saylor: This is in keeping with what we have done in the past. This would be the location of the permanent facility, (referring to the map), this would be the temporary. This is the plot plan. As you can see it is well endowed with landscaping and parking. This is the rendering of the building.

Mayor Pro-Tem Lurie: That is quite unusual.

Bank spokesman: The building is five stories in height. There are corporate offices on the top floor, and other financial functions on the floors coming down the main floor. The main floor is the lobby, and the banking functions of the bank. We are trying to create a cultural effect. In keeping with the rest of the shopping center development which will be going on to the West side. It has a tile roof, and primarily we are thinking about stucco. The actual structural system we are still investigating. This is a concept of what we are trying to develop. Each of these levels steps in as the building goes up. The landscaping is not only at the ground level, but it is throughout the building.

Z-108-63  
Continued

Mr. Saylor: Generally I think renderings will give you an impression of a building looking much more attractive than they actually will look when they are built, however I think the reverse is here. I think the building will appeal much more to you after you see it built.  
The Plot Plan itself I think speaks very well.

Mayor Pro-Tem Lurie: Well it is not in keeping with the designs of Spanish Oaks.

Commissioner Leavitt: Well that is Spanish style. I'll move for approval.

Mayor Pro-Tem Lurie: Commissioners have any further comments? (No response). We have a motion for approval subject to the conditions. Cast your votes. Motion is approved.

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

REVIEW  
OF  
condition  
Z-5-66  
TRI-STATE  
DEVELOPMENT  
Held in  
Abeyance

Mr. Saylor: This is a request to delete landscaping on West Charleston Boulevard again in connection with P-R zoning. We have been quite successful along there about getting at least some landscaping. It is a U-shaped drive way. We don't feel that it interferes with the driveway use. There is a light pole there.

Commissioner Woofter: Mr. Saylor this is the one I called you on. The applicant called me in regards to such, about eliminating this particular piece. I referred it over to your department to see if there was a need for the landscaped area. He said it was sort of a small congested area.

Mr. Saylor: That is true Commissioner. We don't feel that the material will effect the circulation.

Commissioner Woofter: Well I think it was all paved when I drove by there.

Mr. Saylor: Well it was there from the original approval, and it has been eliminated.

Commissioner Woofter: I would like to table this until the next meeting to see what the situation is.

Mayor Pro-Tem Lurie: If there are no comments then, this item will be referred to the next meeting.

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Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

H. ZONE CHANGE - Z-14-78 - A. J. THOMAS and  
LESTER & LaRUTH HICKS

Property located on the south side of Diamond Head Drive extending west from Page Street 660 feet.

From: R-E (Residence Estates)  
To: R-PD 6 (Residential Planned Development)

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Dedication of any necessary right-of-way within 60 days after approval of the zoning.
3. Conformance to the site plan.
4. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

PROTESTS: 0

I. REQUEST FOR 138 KV ELECTRICAL TRANSMISSION  
LINE - NEVADA POWER COMPANY

Route for 138 KV electrical transmission line between the Shadow substation and the Spencer Street substation.

Planning Commission recommends APPROVAL (6-yes, 1-abstention).

J. PLOT PLAN REVIEW - Z-5-66 - JAMES F. HAYES

Property located at 4300 W. Charleston Boulevard to allow offices, ROI to P-R.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

Approved as recommended by Planning Commission  
Leavitt - unanimous

Clerk to notify  
Director authorized to proceed

Approved as recommended by Planning Commission

Staff to proceed

Approved as recommended by Planning Commission  
Lurie - unanimous

Clerk to notify  
Director authorized to proceed

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### XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "J" continued . . .

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

### K. PLOT PLAN REVIEW - Z-47-70 - JAMES D. KEETON

Plot Plan Review to allow a patio on property located at 6600-A Bubbling Brook Drive, R-4 PUD zone.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Conformance to the plot plan.
2. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

See Page 43

See Page 43

Approved as recommended by Planning Commission Woofter - unanimous

Clerk to notify Director authorized to proceed

# AGENDA

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XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

L. PLOT PLAN REVIEW - Z-100-64 (104) -  
BARRISTER BUILDING PARTNERSHIP

Plot Plan Review to allow a delicatessen on property located at 325 South 3rd Street, ROI to C-2.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
2. Conformance to the plot plan.
3. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

Approved as recommended by Planning Commission

Clerk to notify Director authorized to proceed

M. PLOT PLAN REVIEW - Z-108-63 - FIRST WESTERN  
SAVINGS ASSOCIATION

Plot Plan Review to allow a bank corporate headquarters facility (and a temporary bank facility during construction) on property located on the north side of Sahara Avenue at Plaza Parkway, ROI to C-1.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. 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.
2. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.

Approved as recommended by Planning Commission - Christensen - unanimous

Clerk to notify Director authorized to proceed

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XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

Item "M" continued . . .

See Page 45

See Page 45

3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

4. Conformance to the plot plan.

5. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

N. REVIEW OF CONDITION - Z-5-66 - TRI-STATE  
DEVELOPMENT

Abeyance  
Woofter - unanimous

4/5/78 Agenda

Review of Condition to allow a change in the required landscaping on property located at 4704 West Charleston Boulevard, ROI to P-R.

Planning Commission unanimously recommends DENIAL.

O. PETITION OF ANNEXATION - A-2-78 - DAVID P.  
BOYER (UNITED MORTGAGE COMPANY, ET AL)

Approved  
Petition to Annex  
Woofter - unanimous

Staff to proceed

Petition of Annexation submitted for property generally located on the south side of O'Bannon Drive, west of Jones Boulevard containing approximately 10 acres of land.

Planning Commission unanimously recommends APPROVAL.

P. TENTATIVE MAP - DIAMOND HEAD

Approved as  
recommended by  
Planning  
Commission  
Lurie - unanimous

Clerk to notify  
Staff authorized  
to proceed

Property generally located on the south side of Bonanza Road, 660 ft. east of Page Street, R-E zone (proposed R-1).

Owner: William Kachele & Robt. Martin  
Subdivider: Van Buskirk Properties  
No. of Acres: 20 No. of Lots: 87

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

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### XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "P" continued . . .

See Page 46

See Page 46

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, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
2. There shall be no vehicular access to Bonanza Road and the Cedar Avenue Drainage Channel from the abutting lots.
3. 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.
4. The subdivider to pay for one-fourth of the cost of a bridge at the intersection of Marion Drive and the Cedar Avenue Drainage Channel, plus construct a 6 ft. high masonry wall on the north right-of-way line of the drainage channel, provide a gate adjacent to Marion Drive and a maintenance road along the north side of the channel as required by the Department of Public Services.
5. Provide a 20 ft. sewer easement to the City by separate agreement before recording of a final map. Said easement to extend from the south boundary of the plat southward to Stewart Avenue on the Marion Drive alignment.
6. Street names to be provided in accord with the City's Street Name Policy.
7. Subject to all conditions of City departments and State Subdivision Statutes.

See Pages 160 thru 161 of these minutes - Annotated Agenda

V-18-64  
TEMPORARY  
ASSISTANCE  
FOR WOMEN,  
INC.  
Approved

Mr. Saylor: This is in reference to a 1964 action, wherein a variance was approved to allow a building to be used for an old-age home. Which we would now refer to it as a senior citizens facility. At the time that was approved there was a petition of property owners in the area to the Commission stating they had no objection. When I was approached relative to changing this over to a facility as a temporary assistance for women I advised the applicant of the prior petition, and suggested that if she would approach those same people, and get their signature on a petition indicating they have no objection to the change, that the Commission might look favorably on it. She has done that. We understand that the property will house no more than 12 persons. It will be maintained by Temporary Assistance for Women Inc. We have no objections.

Mayor Pro-Tem Lurie: Anyone here to protest the application? (No response).

Commissioner Woofter: Move to approve.

Mayor Pro-Tem Lurie: Cast your votes on the motion.  
Motion is approved.

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

REQUEST BY  
FRED  
KENNEDY &  
MR. OSWALD  
Abeyance  
Referred  
to Study  
Committee  
Commissioners  
Christensen  
and Lurie

Mr. Saylor: We have a request from Mr. Kennedy, and Mr. Oswald to purchase the East end of Rotary Park. I think you are all acquainted with Rotary Park. At the time Mr. Kennedy approached me on this I advised him that I did not think that the City Commission was in a position to accept the proposal, however, he did want to proceed with it. The land was purchased by the Rotary Club and given to the City for further development of Rotary Park. I discussed this with Mr. Campbell, and he indicates a desire to proceed with that development as soon as financing is available.

Mayor Pro-Tem Lurie: Well was there any conditions when the land was sold? Will the money go back to the Rotary Club?

Mr. Saylor: No, actually it was kind of a good faith thing. They didn't insist on a condition that the City would develop it, but it was mutually understood.

Commissioner Leavitt: Maybe we ought to get a letter from the Rotary stating that they don't care if we sell it.

Mayor Pro-Tem Lurie: Well if it was sold, then the money could be used to develop another park, or equipment. We have a real estate committee, Commissioner Christensen and Lurie that will review this, and bring back a recommendation

REQUEST BY  
FRED  
KENNEDY AND  
MR. OSWALD  
Continued

to the Board at our next meeting. )

Mr. Gilbert Oswald: That particular piece of property is a drainage ditch. It would cost approximately \$1,000.00 just to cover the ditch. I don't think Rotary will ever bring that park out to the street. At the present time all the Hyde Park junior high school students trample through that jungle.

Mayor Pro-Tem Lurie: We are familiar with that area, but we do have a committee that looks into these offers, and then brings back a recommendation. So Mr. Saylor if you give us some additional information, then Commissioner Christensen and I can post a notice that we are going to meet to discuss the possible purchase of the property.

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Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

Q. C-D USE - V-5-78 - McLLOYD BARNEY

Board of Zoning Adjustment approval for a Variance to allow an existing building to be used for office purposes within 3' of the rear property line where 25' is required on property located at 3317 West Charleston Boulevard, R-1 zone (ROI to C-D).

Approved as recommended by Planning Commission Lurie - unanimous

Clerk to notify Director authorized to proceed

R. V-18-64 - TEMPORARY ASSISTANCE FOR WOMEN, INC.

Review to allow conversion of an old-age home to a women's shelter on property located at 720 South 9th Street, R-1 zone.

Approved Woofter - unanimous

Staff authorized to proceed

S. REQUEST BY FRED KENNEDY & MR. OSWALD

Request to allow expansion of the Village Shopping Center into the east end of Rotary Park (offer to purchase).

Abeyance - referred to Study Comm. - Commissioners Christensen & Lurie

4/5/78 Agenda

T. VACATION - VAC-1-78 - HENRY SOBEL

Request to vacate a 33 ft. patent reservation generally located east of Jones Boulevard, 140 ft. north of Del Rey Avenue extended.

Set Public Hearing for 2:00 P.M., April 5, 1978

4/5/78 Agenda

Planning Commission unanimously 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)

C/A to prepare Notice

U. REPRESENTATION OF PLANNING COMMISSION MEMBER ON BOARD OF ZONING ADJUSTMENT

Planning Commission recommends Dr. Parker as the Representative on BZA.

Abeyance

4/5/78 Agenda

# AGENDA

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XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

V. SET DATE FOR PUBLIC HEARING ON ANY APPEALS  
FILED FROM THE BOARD OF ZONING ADJUSTMENT  
MEETING HELD FEBRUARY 23, 1978.

V-7-78 RUDOLPH F. BEITNER

Set Public Hearing  
2:00 P.M.  
April 19, 1978

Clerk to proceed

ACTORS WORKSHOP  
Continued

Mayor Pro-Tem Lurie: We will continue then with the Appeal of a denial of a business license for the Actors Workshop. Lets take a 5 minute recess.

(Commission Meeting recessed at 4:45 P.M.)

(Commission Meeting reconvened at 5:00 P.M.)

Mayor Pro-Tem Lurie: We will call the meeting back to order. We will continue with the hearing with Mr. Carelli and Mr. Leake on the Actors Workshop. I believe when we stopped for lunch we were ready to have Mr. Leake sworn in and answer some questions by the Commission. Mrs. Cole could you swear in Mr. Leake?

(Mr. Walter Leake was sworn and testified substantially as follows)

Mr. Carelli: Mr. Leake do you recall having a meeting in the office of Mr. Howard Crow, Deputy Director of Business License for the City.

Mr. Leake: I do.

Mr. Carelli: Present during that meeting was yourself, myself, Mr. Sloan the City Attorney, Mrs. Britt and Mr. Crow, correct?

Mr. Leake: That is correct.

Mr. Carelli: During that meeting did you discuss the nature of the businesses?

Mr. Leake: We did.

Mr. Leake: Will you state for the Commissioners the nature of the businesses?

Mr. Leake: Basically the nature of the business is an actors workshop. For a profit on both sides. Naturally for the people that are using it, their experience and exposure, and mine for furnishing them a place for them to do it. Basically that is the business we talked about.

Mr. Carelli: During that discussion were you agreeable to voluntarily limit, or place certain restrictions on your operation in order to calm the fears of the Director of Licensing as to the nature of your business?

Mr. Leake: Yes I was.

Mr. Carelli: Did you agree that those restrictions, that you would agree to them as long as they were for a limited period of time of six months?

ACTORS WORKSHOP  
Continued

Mr. Leake: Well I wanted less than six months, but we did talk about six months as the time that would be acceptable.

Mr. Carelli: Then after six months if there were no problems, that those restrictions would be removed.

Mr. Leake: That was our request yes.

Mr. Carelli: That is still your position today? That you are willing to abide by those conditions having to do with advertising etc., as long as the restrictions are limited to six months?

Mr. Leake: Yes, that is correct.

Mr. Carelli: You have heard several statements made concerning your being a police officer. Did that discussion occur during the meeting with Mr. Crow on that date?

Mr. Leake: Well the best of my memory, when the question was raised was when we were raising to leave the room. I can't tell you verbatim, but as close as I can remember the question was something like, "How did you like being on force in Fresno?" My reply was short like "yes sir" or "fine" something of that nature.

Mr. Carelli: Were you ever employed by a police department?

Mr. Leake: Not employed, I was a reserve officer.

Mr. Carelli: You never received compensation?

Mr. Leake: No.

Mr. Carelli: You were a reserve officer is that correct?

Mr. Leake: That is correct.

Mr. Carelli: That means you supplied your own uniform, weapon, you didn't receive any expenses for participating? This was one of your civic duties that you engaged in while living in that area?

Mr. Leake: That is correct.

Mr. Carelli: Where was that, that you were a reserve policeman?

Mr. Leake: Curman, California, Fresno County.

Mr. Carelli: How long ago was that?

Mr. Leake: Approximately four years ago.

Mr. Carelli: How long were you a reserve police officer?

Mr. Leake: Actually with badge and authorization, approximately a year.

ACTORS WORKSHOP  
Continued

Mr. Carelli: In addition were you employed, or do any work on behalf of the State of Nevada in the last year?

Mr. Leake: Yes I was. I was a contract inspector for the mobile home division Department of Commerce.

Mr. Carelli: Now I believe during that discussion the question of Mr. Boulet was raised, is that not true?

Mr. Leake: Yes it was.

Mr. Carelli: Was the question brought up regarding your knowing Mr. Boulet's son?

Mr. Leake: Well the question was about several people, but Mr. Boulet's son was the only one I remember the name on.

Mr. Carelli: What was your response?

Mr. Leake: No I did not know them.

Mr. Carelli: What was your response to, did you know Mr. Boulet?

Mr. Leake: I knew of him at that time. The man that I am leasing the building from had a lease with him. I had a telephone conversation with him, and he was willing to release that lease so I could take it up. My landlord wouldn't lease it to two people.

Mr. Carelli: You also, I believe it is in evidence, a lease involving Celebrity Inc.

Mr. Leake: That is correct.

Mr. Carelli: Were you present when Mr. Boulet signed that lease?

Mr. Leake: I never saw Mr. Boulet.

Mr. Carelli: Was that lease presented to you already executed by Mr. Boulet?

Mr. Leake: It was, it was made out like 10 or 12 days prior to that. I agreed to the terms, and he had Mr. Boulet, or he had already signed it.

Mr. Carelli: Did you have any discussions with Mr. Boulet concerning the terms of the lease?

Mr. Leake: No, not at all.

ACTORS WORKSHOP  
Continued

Mr. Carelli: Did you negotiate that lease with Mr. Boulet?

Mr. Leake: No.

Mr. Carelli: Is Mr. Boulet associated in this business in any manner?

Mr. Leake: None whatsoever.

Mr. Carelli: Now I think Mrs. Britt objected to the size of the cubicles isn't that correct?

Mr. Leake: Yes she does.

Mr. Carelli: Didn't you inform her that you would be willing to change the size of the cubicles to meet whatever the objections of the City, as long as it wasn't going to be a drain on your pocket book?

Mr. Leake: I requested that if I could to leave the size there, until money came by that I could enlarge them. I have no desire to be in that restricted area.

Mr. Carelli: Then you further agreed that there would be no doors, or curtains as long as the performances were going on, so that there could be adequate supervision?

Mr. Leake: That is correct.

Mr. Carelli: You further advised her that you would either personally, or have supervisory personnel at all times while this was open?

Mr. Leake: Yes I did.

Mr. Carelli: She objected stating that she doesn't think you can perform that function because of your present employment. What is your present employment?

Mr. Leake: I manage a mobile home sales lot for Paradise Mobile Homes.

Mr. Carelli: Is that full time employment?

Mr. Leake: Well it is of that nature at the present time. The owner of the company is closing the operation down, so therefore my helping him, or my position with him will be terminated in a matter of a couple of weeks. After that I am free to do whatever I wish. I can now, I am not actually physically employed for him.

Mr. Carelli: Nothing further at this time.

Mayor Pro-Tem Lurie: Mr. Leake why did you pick this location for your business venture?

ACTORS WORKSHOP  
Continued

Mr. Leake: Basically because the man that owns the building is also my employer. It was convenient, it was a good location, and good exposure.

Mayor Pro-Tem Lurie: The type of business that you are applying for a license for, what experience do you have in acting, or to supervise activities that would go on?

Mr. Leake: Well I am not in acting sir, I think management doesn't have to be in the specific field that you are in. A manager is a good manager.

Mayor Pro-Tem Lurie: You just lease out, or rent out the cubicles so people can go in there and do their performing, either alone or with somebody. Then have spectators review their acting?

Mr. Leake: That was my intention yes sir.

Mayor Pro-Tem Lurie: How would you advertise?  
What would be some of the terminology that would be used in your ads to attract people to the business?

Mr. Carelli: One of the things that we agreed to in that meeting, was that the exterior signs of the business would be limited to phrases such as, "Actors Workshop, Theater of Performing Arts, Theater and Drama Workshop," or similar phrases. We would not advertise using any phrases that would create a meaning, or intent or connotation that something other than a theater, or drama workshop was taking place.

Commissioner Christensen: What about the other advertising?  
You said on the building. What about the other advertising?

Mr. Leake: I would try to keep it the same good taste sir. First of all, I think this is being predicated on someone else's business activities prior to me. Unfortunately I picked the wrong building. But I have an agreement with my landlord, which is my boss and friend, and I think the building could be put to a good use.

Commissioner Christensen: Well I don't think it is entirely based on the building. There is a lot of other things here. For instance you mentioned the fact that your job is going to be terminated, yet you have an application for a business in Lincoln County. Now to supervise both of those businesses doesn't that require a lot of commuting?

Mr. Leake: I imagine it does sir, but it doesn't require you staying there eight hours a day.

Commissioner Christensen: Not having any experience in the operation of a bar, or a brothel I can't question that. But a normal business that doesn't have the type of problems associated, and those two do, if you don't stay there eight hours a day and run that business you lose it.

ACTORS WORKSHOP  
Continued

Mr. Leake: You do if you can't find good management people or people that you can trust. I am assuming on my own behalf that I am not going to hire somebody that doesn't know. I am going to look for somebody that has expertise in the fields that I need management in. To place those people in that position, and my job would be to watch them, or be their as management as I can.

Commissioner Christensen: Well as a business man do you honestly believe that where you are renting a cubicle for actors, dancers, or whatever, to practice, audition, or whatever they are going to do in there. Do you think that kind of a business is going to support enough money to pay the lease, give you a profit, and pay a manager, as well as the utilities. I would have to question that.

Mr. Leake: I haven't the figures. I haven't anticipated first of all the delays, or the problems, so therefore that is expense number one that I hadn't anticipated.

Commissioner Christensen: Well you still have a certain nut to crack when you open a business like that.

Mr. Leake: I have a reasonable belief I can do it, otherwise I wouldn't start it sir.

Mr. Carelli: Commissioner one of the things we also agreed to was, to give the City notice of all names, addresses, etc., of all managerial personnel.

Mr. Sloan: Why do you keep referring to what we have agreed to? The posture of the situation was, that we sat there, and we talked about certain conditions that we wanted. Everybody said they apparently agreed to them. The next thing we know Mr. Leake informs us that, "I am not going to agree to any of this I want a business license now." He went to court, and now where in your complaint is any allegation of any agreement that you agreed....

Mr. Leake: Mr. Sloan I think the request at that same time, that you; how would you put it. Giving in on my side, and I requested the same thing on your side, and you flatly refused it.

Commissioner Christensen: Well no, but the point he is making is that there is no agreement. You keep referring to an agreement that doesn't exist.

Mr. Carelli: But this is what we have offered to do to calm the fears of the Director of Licensing, as long as the limiting factors were on a time basis. A normal business is not required to agree to those restricted covenants. We were willing to do so. An actors workshop is a normal business.

Commissioner Leavitt: Well how many are there in town?

Mr. Carelli: There is one in the County.

ACTORS WORKSHOP  
Continued

Commissioner Leavitt: But because of the reputation of this particular location, and because of the activities that have been carried on by Mr. Baxter Boulet, who is also the Leasor of the brothel in Lincoln County. That is why we have suspicions of what is going to go on in there.

If he is willing to agree to certain conditions in writing that is one thing, but don't try to say that this is like any other business because it isn't. Because of the circumstances surrounding the application. How many business owners have a brothel in Lincoln County?

Mr. Leake: I don't have one either.

Commissioner Leavitt: Well, how many are trying to get one in Lincoln County?

Mr. Leake: You can apply for a lot of things sir, but you don't always get everything you want.

Commissioner Leavitt: Well, but you are trying to apply for a brothel in Lincoln County, and naturally suspicions come. You are going to be recruiting customers out of the Actors Workshop to send to the brothel in Lincoln County. You have both applications pending, and that is what my concern is. Is this a legitimate business, or is going to be something to recruit customers for the brothel?

Mayor Pro-Tem Lurie: The last legitimate type of person that came before us with a legitimate request for a book store. Like a library with old books, and a reading room with transcripts. It turned out to be a reading parlor. Another rip-off. We are concerned with every type of application.

Mr. Sloan: Mr. McGregor who testified came in and got a license to run a photo studio, and now he told us that he did that as a front man for Baxter Boulet. He wanted to us that as a method of circumventing our licensing requirements, because he knew Baxter Boulet would not get a license from this Board.

Mr. Carelli: The leases involving Mr. Boulet I believe were executed four or five years ago. Last July the new owner took over, and since then Mr. Boulet's lease has been terminated.

Mayor Pro-Tem Lurie: Mr. Boulet does not own the Sultan's Palace Massage Parlor?

Mr. Carelli: His Lease for that location was terminated by the present landlord, who is Mr. Fulmer.

Mayor Pro-Tem Lurie: Who is your boss, and he gave you a lease. Is it the same building where the Sultan's Palace Massage Parlor was?

Mr. Leake: Yes sir, eventually I would like to spread to the building next to it.

ACTORS WORKSHOP  
Continued

Commissioner Christensen: If his lease was terminated by the landlord, how come he had to have a conversation with Mr. Boulet over the lease?

Mr. Leake: Besides being my friend I am also his manager for his business. They instructed me to call him to see if he would come down and sign a release so that I could take up a lease on that building.

Commissioner Christensen: It is just awful close. Awful close relationship.

Mr. Carelli: I don't see any relationship.

Mr. Sloan: Mr. Leake when you were at the meeting with Mrs. Britt, Mr. Crow and myself, and your counsel, and the conversation came up about, did you know Baxter Boulet, the recollection of Mrs. Britt, Mr. Crow and myself is that that is the way the statement was made. You recall some reference to his son. Did you indicate in there during that meeting when the name Baxter Boulet came up, that one you had entered into a lease with him in Lincoln County, or two that you had talked to him on the telephone about terminating his lease at Sultan's Palace? You did not volunteer that information did you?

Mr. Leake: At the time I talked to you I had not entered that lease even though it was dated. I filled out the papers and left it with his manager.

Mr. Sloan: Who is his manager, who did you leave it with?

Mr. Leake: Mr. Jim Gachoni, he operates the Kitten Creek Brothel up there.

Mr. Sloan: How did you become aware to get into a business relationship with Mr. Boulet?

Mr. Leake: Just scuttlebutt, searching out for business. I knew it was up there, in fact I am in the mobile home business. Those units up there were inspected by Mr. Johnson, who is a friend of mine, who is a state inspector up there. I was under the impression that they had more land, he was under that same impression when he talked to me. I went up there, researched and talked to the man. He said he would be willing to sublease a part of the land that he had at that time, which was 47, or 49 acres.

Mr. Sloan: You are talking about the lease that you signed though. If it has got a date on it, that date is in error? The date that is by your signature is in error?

Mr. Leake: No the date on my signature sir is correct, but it wasn't a negotiated instrument until the president, which is Baxter Boulet signed it. Which I picked up on my way for filing for the application. I think it was on the 5th, or 6th of February.

ACTORS WORKSHOP  
Continued

Mr. Sloan: It is clear that you perceived on the day that we had this meeting what our concerns were. Isn't that correct? You know what we are concerned about?

Mr. Leake: Well you were trying to ask me if I was involved with the man, and I told you no, that I didn't know him.

Mr. Sloan: You told me that you didn't know him?

Mr. Leake: That is right, I still didn't know him at that time. I have since talked to him some more, but I didn't know the man at that time other than talk to him on the phone. That is not making a knowledge of him.

Mr. Sloan: Do you think it is more that coincidence that there has been a prior application at the same location for the same kind of business, and that when that application was brought to Mrs. Britt we asked some questions, and a person by the name of Dailey, which is the same name of a person who was involved when we revoked the Sultan's Palace license last time. When we started pushing the issue with them, that they kind of faded away, and shortly thereafter you come in with an identical application. You don't think that would raise your curiosity? Where did you get the idea to open this kind of business?

Mr. Leake: I got the idea from Mr. Fullmer. We got to talking about the fact that he had applied for a license in there.

Mr. Sloan: Well Mr. Fullmer had applied for the license at that location....

Mr. Leake: No no, he said the man had applied for it, the man who had the Sultan's Palace lease.

Mr. Sloan: Do you recall when I asked you that question that you had got it by talking to some friends who work on the strip and the Jolley Trolley, and you never mentioned Mr. Fullmer's name?

Mr. Leake: May I finish what I am saying? The idea was raised by him and I felt it was a good idea. I went out and researched it with people that I knew that were in that trade. I asked them if this would be feasible, whether it sounded good to them, or they felt somebody would come down and participate. That is where it came from.

Mr. Sloan: Do you realize that the whole time we sat in the office you never mentioned Mr. Fullmer's name. That you said that it came to you through some friends.

Mr. Leake: Well a two second conversation is not something you bring up. First of all it wasn't in detail it was just a comment about an actors workshop for use of the cubicles which would make good use of the building.

ACTORS WORKSHOP  
CONTINUED

Mr. Sloan: You never met Baxter Boulet in your life?

Mr. Leake: Yes I have since then.

Mr. Sloan: Have you ever met Terry Gordon?

Mr. Leake: No I have not.

Mr. Sloan: Prior to the time that you were in Mrs. Britt's office under oath, you have never talked to Baxter Boulet?

Mr. Leake: I talked to him once on the telephone.

Mr. Sloan: What was the extent of that conversation?

Mr. Leake: To ask him if he would release the building to me.

Mr. Sloan: Did you ever discuss this project with him?

Mr. Leake: No.

Mr. Sloan: You never discussed it with anyone that you know to be associated with Mr. Boulet?

Mr. Leake: Not to my knowledge no sir.

Commissioner Christensen: Were you willing to sign a lease in Lincoln County based on the words of an agent, without knowing who was going to be the other signator to that lease?

Mr. Leake: I knew it was Celebrity Inc. I knew the people that held the property ownership.

Commissioner Christensen: You never knew who was going to sign that lease on behalf of Celebrity Inc.?

Mr. Leake: I entered into an agreement with the man who is the manager and operator of the brothel up there.

Mayor Pro-Tem Lurie: I have a question concerning previous employment. Did you operate what is known as Mobile Masters of Nevada?

Mr. Leake: That is correct.

Mayor Pro-Tem Lurie: What kind of a business was it?

Mr. Leake: That was a contracting agent for the State of Nevada for inspections.

Mayor Pro-Tem Lurie: Did you inspect your own installations of mobile homes?

Mr. Leake: No, what happened is, about March of 1976 I was contacted by Larry Johnson. At that time they were turning inspections of mobile home installations in the Clark County

ACTORS WORKSHOP  
Continued

area to a third party inspector. At that time the City and County did not wish to do it as an agent for the State. At that time I wasn't working for anybody. I was selling cars on my own.

Mayor Pro-Tem Lurie: Did you have a business license?

Mr. Leake: At that time I applied for a business license. I was advised by Carson City at a later date that a business license for that particular situation wasn't necessary.

Mayor Pro-Tem Lurie: So you didn't have a business license in the City or the County?

Mr. Leake: I applied for it, and carried one.

Mayor Pro-Tem Lurie: Yes for the County, but did you have one in the City?

Mr. Leake: I would have to look, I am not sure.

Mayor Pro-Tem Lurie: But you did installations in the City?

Mr. Leake: No I didn't do the work I just gave a visual inspection of the homes that were done by the people. As of June this last year it was turned in most part back to the County. The City still had not taken it over at that time. In fact at the present time they still have not.

Mayor Pro-Tem Lurie: The resume's that you submitted with your application, the people that you used as references attached to your application, do they know that you are applying for these types of businesses?

Mr. Leake: No, I didn't even ask them. They didn't ask me. I asked them just for a statement of how they felt about me.

Commissioner Woofter: Your letters of recommendations, and I have known you in the past too Mr. Leake. You are excellent I would say as far as your background and your character. Except maybe for a question on this police officer, and you seem to have resolved that to some degree, but still it comes down to a point. You say that you can't go back into the history of this building where you want to place this business, and you certainly should not be responsible for such, however, my concern yet is that even though you don't exert any responsibility for the past history of this building you still seem to want to continue the past history in that the other application, which we haven't spoken of besides the Lincoln County application. On February 2 of this year you also applied for an adult movie arcade in the same location that the actors workshop is going to be. Is that correct?

ACTORS WORKSHOP  
Continued

Mr. Leake: That is correct, the same building.

Commissioner Woofter: And certainly I am sure this has caused more concern on the part of the Commission that this operation would be certainly compatible to such. Number two it relates back to the situation that we have had so many times before. This certain group for some reason, Mr. Boulet and Mr. Gordon for some reason when they found they couldn't be accepted as far as their application, they seem to have gone out and tried to find certain members of the community that are of good standing, to be front men. That certainly still is a concern here before us today. I would certainly, if it wasn't for this other application, putting continuous use to this building as an adult film arcade, if it was just the Actors Workshop for that operation I would have other thoughts on this. Still it seems like you are leading into the same type of businesses that we have had before.

Mr. Leake: Sir as long as I am not stuck with restrictions and covenants for the full term of my business activity I have no objection to living with the agreements that we talked about. My attempt is this. I appreciate your feelings and your attitude, but I want to make it clear that it is not going to be run illegally. I am not going to use it as you have expressed, as a dumping off point, or picking up point for people up North. By doing that I would jeopardize that license up there, which is a privileged license. It would be sort of foolish to run that kind of an operation down here when it is legal there.

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

Mr. Carelli: I would like to reiterate that Mr. Boulet is not associated with this business in any way.

Mayor Pro-Tem Lurie: It would be my recommendation after hearing all the testimony that this item be held until our April 5th meeting, at which time we would have a chance to review the transcripts, and our notes, and we will have a decision on the application April 5th.

Commissioner Woofter: It seems to me that it boils back down to this written agreement that you refused to sign, after evidently there was sort of a meeting of the mind between our staff and yourselves. As far as submitting yourselves to certain conditions for a six month period of time. Let me ask you this? Would you at this time be agreeable to enter into this written agreement and subject yourself to these conditions set forth by our staff for a period of six months?

Mr. Leake: Yes I would, with my counsel's approval of what was written down, yes.

Commissioner Leavitt: Lets ask your counsel. Would you advise him to do this?

Mr. Carelli: Yes, I have only certain objections to them. Not only very simple objections where we would have to furnish

ACTORS WORKSHOP  
Continued

sign in sheets for the performers. I would prefer that we make them available, and if the City wanted them then we would furnish them to them. But to have to go and deliver them every day or so, these are procedural things that I objected to. I think they are perhaps a little too burdensome. But the concept of us keeping the records, having them available, that was acceptable.

Mr. Sloan: Commissioner you had indicated a desire to hold this over until the next meeting anyway, so you have a chance to review the evidence, the documents. Perhaps in that time Mr. Carelli and I could get together and review this agreement, and discuss what the problems are, and if we can come back with a recommendation fine, but if we can't then it will be up to the Board. If there is a degree of closeness there, or any room for agreement, then we could see what those problem areas are, and the Commission has already indicated a desire to hold it over until the next meeting.

Commissioner Christensen: I have one question. I can see the thinking of this six months time conditions and so forth. The previous owners, and the people that are suspected of being the ones behind this type of operation and so forth have spent several years trying to get this on. I don't think six months means anything to them. I think setting this up so they have to abide by these things for six months merely means, if what the suspicions and worries are of this board are true, then that only means that they have to wait six months before they start opening up their advertising in Panorama, and the whole nine yards again. Would you consider a stipulation, signed, and would it be legally enforceable that if in fact you started the type of advertising and so forth, and the type of business at the end of the six months period. That has been a problem with this type of business and so forth in the past. That you would voluntarily surrender your license without having to drag us through the Supreme Court. I guess what I am asking you to do is to sign away your rights to the courts, which I am sure you can't do. If you are in fact the straw man for these people then six months in nothing. That is where the worry comes with me.

Mr. Sloan: I think that is a good point. If you can live with the conditions for six months, then why can't you live with them for six years? My only thought is in trying to accomodate the express intention of the Mayor Pro-Tem to carry this over to next meeting, and the express concern of Mr. Woofter. We will try to work along that line.

Commissioner Christensen: Well I agree, but I am just throwing this out as another thought. I don't think you can come with an answer today. You see what I am driving at though? We have got a situation where we think this is going to take place, and if it is then six months means nothing. You could sit over there for six months and do nothing, and then at the end of six months say, "man you are clear, lets go."

ACTORS WORKSHOP  
Continued

Mr. Leake: I appreciate your feelings. Also at the same point I think, and correct me if I am wrong, that even if they make addendums to the license, that they are not enforceable. Even with an addendum added to the license it is my willingness to comply, and not a law. Am I correct?

Commissioner Christensen: That is what I am asking. Is there some way to make that enforceable? What I am referring to, is back to the reading room. They came in here with a very innocent application. Here was a gentleman who had very rare manuscripts that he was going to offer the public to look at. Well we didn't know they were early issues of Playboy. That they were going to read pornographic material to them, and they were going to read it to them topless, and all of these things, which we found out later. Once the license was granted it is next to impossible to ever pick it up. Then it is all the way to the Supreme Court to pick it up. That is what I want to prevent here. If you play the game straight that is one thing, but if you don't what recourse has the City got?

Mayor Pro-Tem Lurie: Mr. Attorney, then you will get a hold of Mr. Carelli, or you will get together with the Licensing Department with the conditions, and this item will be brought back before us for determination of the license on that April 5 meeting.

Mr. Carelli: On April 5th you will make a decision one way or the other?

Mayor Pro-Tem Lurie: One way or the other.

ITEM 5  
AWARD OF BIDS  
MUNICIPAL  
SVS  
Continued

Mr. Dorn: We now have to revert back to the Department of Municipal Services. A question that Mr. Woofter had regarding 107 dozen T-shirts. We called the low bidder versus Turf Equipment. Velva Sheen is a direct manufacturer, and delivery dates can be achieved. We need the shirts for the recreation demands and needs by mid-April. We called Turf Equipment, and he could deliver three to four weeks delivery, and the shirts designed with the pocket he couldn't meet that requirement which is 17 dozen. I concur with Commissioner Woofters concern and whenever possible we try to keep our business in State, or in the City.

Mayor Pro-Tem Lurie: I believe we discussed that at the last meeting, that 90% of the bids are right here in the City.

Commissioner Woofter: Then I will go ahead and make the motion to approve Item 5.

Mayor Pro-Tem Lurie: Cast your votes. Motion is approved.

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

REPORTS FROM RECOMMENDING COMMITTEES

See Page 177 of these minutes - Annotated Agenda

BILL NO. Commissioner Christensen: Lets move this out and vote on it.  
78-10  
2nd Reading A Bill entitled, "AN ORDINANCE TO AMEND TITLE VI, CHAPTER 1,  
and adopted SECTION 29 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS,  
Ord No. 1916 1960 EDITION, BY REPEALING SAID SECTION 29 IN ITS ENTIRETY."  
Read by City Attorney Mike Sloan.

Commissioner Christensen: Move for adoption.

Mayor Pro-Tem Lurie: Cast your votes on the motion.  
Motion is approved.

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

BILL NO. A Bill entitled, "AN ORDINANCE TO AMEND TITLE XI, CHAPTER  
78-8 1, SECTION 17.B, SUBSECTION (C) (1) OF THE MUNICIPAL CODE  
2nd Reading OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING  
and A NEW SUB-SUBSECTION (O) THERETO REGARDING THE ESTABLISHMENT  
adopted OF A CLOSING TIME AFTER WHICH NO BUSINESS UNDER C-D  
Ord No. 1915 ZONING MAY BE OPEN TO THE PUBLIC FOR BUSINESS; PROVIDING  
OTHER MATTERS PROPERLY RELATING THERETO; REPEALING ALL  
ORDINANCES OR PARTS OF ORDINANCES INCONFLICT HEREWITH;  
AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF."  
Read by City Attorney Mike Sloan.

Commissioner Leavitt: Move for adoption.

Mayor Pro-Tem Lurie: Cast your votes. Motion is approved.

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

# AGENDA

## City of Las Vegas

March 15, 1978

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 34

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - Pg 177 Commission Action

Department Action

VIII. REPORTS FROM RECOMMENDING COMMITTEES		
<p>A. BILL No. 78-10 - TO REPEAL OBSOLETE SECTIONS OF ORDINANCE DEALING WITH PROSTITUTION Committee: Commissioners Christensen and Lurie</p> <p>1st Publication - L.V. Review-Journal 3/7/78</p>	<p>2nd Reading and Adopted Christensen - unanimous</p>	<p>Clerk to proceed with 2nd Publication</p>
<p>B. BILL No. 78-13 - IN THE EVENT AN APPLICATION FOR A LIQUOR LICENSE IS A CORPORATION OR ASSOCIATION, EVERY MEMBER OR STOCKHOLDER OF SAID CORPORATION OR ASSOCIATION, AS WELL AS MANAGING AGENT THEREOF, MUST BE A CITIZEN OF THE UNITED STATES AND A PERSON OF GOOD MORAL CHARACTER Committee: Commissioners Christensen and Woofter</p> <p>1st Publication - L.V. Review-Journal 3/7/78</p>	<p>Abeyance (at request of Comm. Woofter)</p>	<p>4/5/78 Agenda</p>
<p>C. BILL No. 78-11 - TO PREVENT THE BLIGHTING AND DETERIORATION OF AREAS ADJACENT TO CERTAIN TYPES OF SEXUALLY-ORIENTED FACILITIES Committee: Full Board</p> <p>1st Publication - L.V. Review-Journal 3/7/78</p> <p>Public Hearing set for 2:00 P.M., 3/15/78</p>	<p>Abeyance</p>	<p>4/5/78 Agenda</p>
<p>D. BILL No. 78-8 - TO ESTABLISH A CLOSING TIME AFTER WHICH NO BUSINESS UNDER C-D ZONING MAY REMAIN OPEN TO THE PUBLIC FOR BUSINESS Committee: Commissioners Leavitt and Woofter</p> <p>1st Publication - L.V. Review-Journal 3/7/78</p>	<p>2nd Reading and Adopted Leavitt - unanimous</p>	<p>Clerk to proceed with 2nd Publication</p>
<p>E. BILL No. 78-15 - TO REQUIRE PARKING FOR ALL APARTMENT DEVELOPMENT ON A ONE (1) SPACE PER UNIT RATE IN ALL AREAS OF THE CITY, INCLUDING THE DOWNTOWN AREA Committee: Commissioners Lurie and Christensen</p> <p>1st Publication - L.V. Review-Journal 3/7/78</p>	<p>No action</p>	<p>4/5/78 Agenda</p>

BILL NO. 78-11  
Continued

Mayor Pro-Tem Lurie: We will now go to Bill 78-11, a continuation of the Public Hearing.

Mr. Sloan: For the benefit of the Commission I am going to make some remarks for the record in case we wind up in court on this matter. I have made available to members of the Commission, and would like to have entered into the record the results of four different questionnaires, which my office prepared and conducted. One which was distributed to brokers and realtors in the Las Vegas area. We received 46 answers, which overwhelmingly document the blighting and adverse effect to business, as attributed, or attested to by brokers and realtors of the concentration of sexually oriented businesses. The other questionnaires are similar in the result that we took from homeowners and residents of the area that are located near sexually oriented businesses. Businesses located near the East Charleston concentration and those over in Las Vegas Boulevard South, and a cross section survey of residents and areas not presently impacted by sexually oriented businesses. Each of these questionnaires fully supports the underlying concept of the dispersal ordinance. In addition to those four documents, I would like to have entered into the record three affidavits, two of which are familiar to the Commission, because they are similar to the ones that we used when we adopted the downtown moratorium. One is by officer William Powell who is a police officer with the narcotics division of the Metropolitan Police Department. Based on his expert testimony he concludes that there is a higher instance of crime where there is a concentration of sexually oriented businesses. The other is an affidavit from Don Saylor based on his experience and background of 25 years of Planning, as to the adverse and impact of the concentration of such businesses. In addition there is an affidavit by Don Carns, who is a sociologist with excellent credentials who gives a detailed explanation of the perception of the blighting which results in the concentration of these businesses, which is similar in nature to the affidavit which was used in the Detroit case which was upheld by the Supreme Court. In addition I would like to incorporate the documents which were used as evidence during the moratorium, because they are similar in nature to this. Our concern is that it is obvious no matter what we have tried to do there is a problem of perception on the part of the public. That was made clear by the comments of that one individual. I hope he doesn't speak for a great number of people. We are trying to do the best we can in our office to come up with an ordinance which is going to restrict these businesses. It may be that you would like to hold this until the next meeting after we hear the recommendation from the recommending committee. Hold this until April 5th so that you will have an opportunity to gather additional public input, and then take action on this matter. (Moratorium exhibits "A thru G" filed in separate folder with Commission Meeting of 1/4/78 reference Bill No. 77-63)

Mayor Pro-Tem Lurie: If the Commission agrees with that, then this item will be held for further study between now and April 5th, at which time we will take action on ordinance 78-11.

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STATE OF NEVADA )  
                  ) ss.  
COUNTY OF CLARK )

DONALD SAYLOR, being first duly sworn says and deposes that:

1. He is the Director of the Department of Community Planning and Development of the City of Las Vegas and has served in such capacity for the last 15 years;

2. He holds a Master's degree in planning from the University of Wisconsin, has had 25 years of professional planning experience, is a full member of the American Institute of Planners and has served numerous times as an expert witness in the area of planning in courts of the State of Nevada;

3. In his capacity as Planning Director of the City of Las Vegas, he has reviewed a proposed zoning ordinance dispersing sexually-oriented businesses so that no such business is allowed to exist within 1000 feet of churches, schools, parks or other similar businesses. The proposed ordinance has been endorsed by the Planning Commission of the City of Las Vegas. That prior to adopting such ordinance the City conducted an extensive survey of residences, businesses and real estate brokers and agents. Such surveys showed that the concentrations of sexually-oriented businesses did indeed bring about a deteriorating effect on the surrounding neighborhood and businesses;

4. The objective of the proposed new zoning ordinance is to maintain an environment that is conducive to the tourist industry, which in his judgment can best be accomplished by excluding businesses that are not conducive to that intent, such as adult bookstores, adult movie theaters, massage parlors, and other sexually-oriented businesses;

5. Based upon his training and experience, he believes that the existence of sexually-oriented businesses can have a decaying and blighting effect on the City of Las Vegas, as substantiated by the above-mentioned survey;

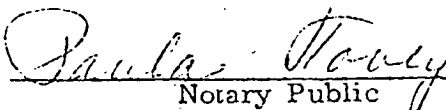
6. He is familiar with the study of the effects of the concentration of adult entertainment establishments in the City of Los Angeles prepared by

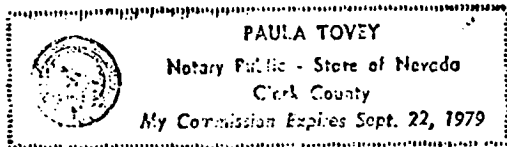
1 the Department of City Planning and based upon his education and experience,  
2 believes that many of the conclusions set forth in that report concerning the  
3 adverse impact of the concentration of such businesses in any given location  
4 are applicable to the City of Las Vegas as well as to the City of Los Angeles;

5 7. Based on his training and experience, the concept of a dispersal  
6 ordinance aimed at spreading out sexually-oriented businesses as well as con-  
7 fining them to commercial and industrial areas, is consistent with proper  
8 planning techniques and is in the best interest of the inhabitants of the City  
9 of Las Vegas.

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12 DONALD SAYLOR

13 SUBSCRIBED and SWORN to before me  
14 this 15<sup>th</sup> day of March, 1978.

15  
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17 Notary Public



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STATE OF NEVADA )  
                  ) ss.  
COUNTY OF CLARK )

WILLIAM POWELL, first being duly sworn says and  
deposes

1) That he is a detective with the Las Vegas  
Metropolitan Police Department assigned to the Vice and Narcotics  
Division and has served in that capacity for the last two and  
one-half years;

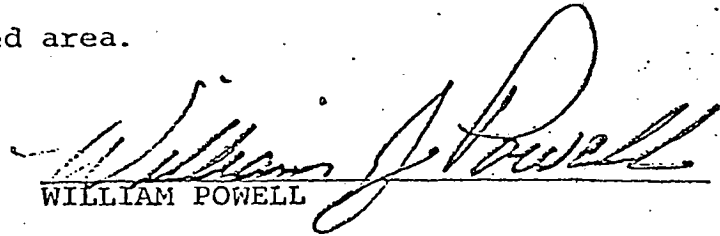
2) In his capacity as a detective with the Vice and  
Narcotics Division he has had occasions to observe the incidents  
of crime in areas within which adult oriented businesses such  
as massage parlors, bookstores and adult theatres have been  
located;

3) That he is familiar with the recent study of the  
effects of the concentration of adult entertainment establishments  
in the city of Los Angeles prepared by the Department of City  
Planning of the city of Los Angeles, including that portion of  
the report beginning on page 51 which sets forth information  
extracted from a report to the Planning Commission on "the impact  
of sex oriented businesses on the police problems of the city of  
Los Angeles" prepared by the Los Angeles City Police Department.

4) That based upon his experiences as a vice detective  
and the information set forth in the above-cited report, as  
well as his knowledge of criminal activities in other major


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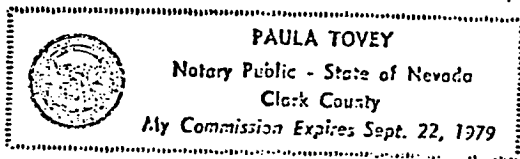
1 cities your affiant has concluded that the concentration of  
2 adult entertainment establishments such as adult bookstores  
3 and theatres, massage parlors, escort services, and other sex  
4 oriented businesses tends to incourage and promote the concentra-  
5 tion of criminal elements and results in increased criminal  
6 activity in the effected area.

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9 WILLIAM POWELL

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Subscribed and sworn to before me  
this 3rd day of January, 1978.

  
Notary Public in and for said  
County and State



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3 STATE OF NEVADA )  
4 ) ss.  
5 COUNTY OF CLARK )

6 DONALD E. CARNS, being first duly sworn deposes and says  
7 that

8 1) He is a Professor in the Department of Socioloty at  
9 the University of Nevada, Las Vegas and has taught in that depart-  
10 ment since 1973;

11 2) He holds a doctorate degree in Sociology from Indiana  
12 University, Bloomington, Indiana, and an M.A. and B.A. in  
13 Sociology from Southern Illinois University, Carbondale, Illinois;

14 3) He is the author of numerous books, including Cities  
15 in Change, Sociology: The Study of Human Interaction, and Sexual  
16 Deviance;

17 4) He has been involved in extensive research programs  
18 including from 1966 to 1968, Institute for Sex Research, Indiana  
19 University; and 1975 to the present, Research Facility and Survey  
20 Unit, College of Arts and Letters, University of Nevada, Las  
21 Vegas; all as is more fully set forth in the attached Vita;

22 5) In a free-choice society, characterized as the United  
23 States is, by private enterprise and open-housing choices, nothing  
24 affects urban change so profoundly as the collective and shared  
25 perceptions of the city's residents and business owners. Other  
26 factors also have a strong bearing on internal change in a city.  
27 Notable among these are shifting market conditions, changes in  
28 population demographics, legal factors, natural and man-made  
29 events, and the like. But all things being equal, when any given  
30 city with a steady growth rate is considered, the collective  
31 perceptions ("shared representations") of land use, neighborhood  
32 quality and change, and future patterns of neighborhood integrity

1 play by far the greatest role in the deterioration, stability,  
2 or improvement in a city's sub-areas.

3 6) For a number of years the invasion-succession process  
4 of land usage provided an ideal example of the foregoing in the  
5 area of small businesses. In the not-too-distant past the Times  
6 Square-Broadway section of New York City was symbolized by  
7 residents and visitors alike as the heart of New York and, in  
8 some respects, of the whole country. A series of events began  
9 to undermine the economic base of the area to the West of Times  
10 Square -- roughly between the Hudson River and Broadway. Where  
11 once great ocean liners departed from mid-town piers on the  
12 Hudson, now there stood useless piers, abandoned warehouses, and  
13 derelict people. The West Side highway was also allowed to decay  
14 and much of the area which bordered the River became storage lots  
15 and municipal dumping grounds, devoid of residents, businesses or  
16 anything remotely resembling a highly valued land use. And the  
17 blight spread eastward. What had once been the glittering  
18 theatrical district of New York -- 42nd to 48th Streets, west off  
19 Broadway -- became the tawdry theatre district. Seemingly over-  
20 night legitimate theatres shared blocks with numerous porno  
21 theatres, adult bookstores, massage parlors, topless discos,  
22 and the like. Businesses which had once been the mainstay  
23 supports of the theatre district -- restaurants, hotels, night-  
24 clubs -- went out of business or moved elsewhere. The street  
25 population shifted toward pimps, prostitutes, migrants, people  
26 on the make. Land values fluctuated but the quality of use  
27 deteriorated. Crime increased many times over. But perhaps  
28 most importantly, New Yorkers lost faith in Times Square and the  
29 Theatre District. The out-of-towners followed suit. Since  
30 sexually-oriented businesses and all they connote are not  
31 symbolically compatible with many other business and social

1 trend of decline is now inevitable. There exists an economic,  
2 physical, social, and ultimately symbolic decline in a complex  
3 system of land use. Once legitimate users of urban space perceive  
4 its decline and share this feeling with others, the cumulative  
5 effect tends to accelerate change in a negative direction and  
6 the neighborhood becomes irretrievable.

7           7) What is particularly poignant about the end product  
8 of this process is its finality. In recent years billions of  
9 Federal and private dollars, not to mention local political  
10 spending, have been ploughed into "saving our cities," a goal  
11 all too often translated to mean the downtown or central business  
12 districts of older cities which have experienced invasion-succession  
13 processes for many decades and which now stand like gutted hulks,  
14 resembling in form only the once vibrant, organically inter-  
15 related places they were in times past. Witness: Detroit,  
16 Cleveland, Gary, Baltimore, Philadelphia, Washington, Providence,  
17 Buffalo, St. Louis, and many other cities which grew to prominence  
18 and population before the wide-spread use of the internal com-  
19 bustion engine in transportation. Nor have many later predom-  
20 inantly Western cities fared better. Again witness Los Angeles'  
21 downtown periphery and San Francisco's rapidly deteriorating  
22 Union Square area. Pushed by irrational Federal policies which  
23 encouraged suburban sprawl and private transportation systems,  
24 the people, in a complex series of decisions, hesitantly at  
25 first, but ultimately with an agreed upon necessity, decide that  
26 a city's area has had it. The neighborhood or area is lost for-  
27 ever to any previous land use basis, and can only be retrieved,  
28 if at all, by significant expenditures of investment, massive  
29 public relations campaigns, innovative legislation, taxing  
30 districts, and the like. Such measures would never have been  
31 necessary if steps had been taken earlier in the change process.  
32 It would certainly be cheaper and more efficient to intervene

1 earlier before perceptions of the area provided the basis for a  
2 "self-fulfilling prophecy" to take hold and shift land uses away  
3 from an economic and social definition which one could consider  
4 viable for the city as a whole.

5 8) Proposals to limit the growth of such adult-oriented  
6 enterprises near schools, churches, and residential neighborhoods  
7 have been properly enacted pursuant to the zoning power of  
8 municipalities. Such proposals are based on the potential harm  
9 of such businesses to the institutions and neighborhoods in prox-  
10 imity as well as nearby residents and even the "clients" of such  
11 businesses. What we are arguing is a simple extension of the  
12 logic of such dispersal ordinances: that Las Vegas residents  
13 and visitors, in a clear majority, conceptualize the growing pro-  
14 liferation of adult-oriented businesses as a clear sign that the  
15 city area is on the decline, and that worse things will come,  
16 including higher crime rates. This perception, when it reaches  
17 the inflection point of shared awareness, will have an inevitable  
18 irreversible effect on the economic vitality of Las Vegas. Since  
19 this area and the tourist industry in general are vital to the  
20 economic well-being of all Las Vegas, it follows that as adult-  
21 oriented businesses proliferate in the downtown area without  
22 planning or direction, they will undermine neighborhoods even  
23 away from downtown, will eventually undermine the economic basis  
24 of the city, and ultimately will require the same local and  
25 Federal stop-gap actions that have been detailed earlier as  
26 ineffective and expensive.

27 9) To underscore this prediction we should consider  
28 various types of businesses which flourish in and around major  
29 job and money creating institutions such as hotels and casinos.  
30 We can anticipate four types:

31 A) Generative businesses which are au courant with the

1 increase the desirability of a particular land use of an area.  
2 In this category we should include smaller casinos, restaurants,  
3 legitimate service agencies such as car rentals, and a limited  
4 number of parking facilities.

5 B) Symbiotic businesses which do not, per se benefit  
6 the major definition of land use, but also do not unduly detract  
7 from it as long as too large a concentration does not result.  
8 In this category we should include bail bond agencies, limited  
9 numbers of adult-businesses if sub-zoned properly, lower income  
10 hotels, and the like. These establishments provide needed ser-  
11 vices or facilities and can, under the right circumstances,  
12 benefit the major economic institutions of the area.

13 C) Benign land use which includes, in moderation, those  
14 facilities which locate in the area for reasons having nothing to  
15 do with recreation and tourism: public and official facilities,  
16 banks, real estate and law offices lead this category.

17 D) Parasitic land use, i.e., businesses which feed off  
18 the major economic sector and its people-generating capacity,  
19 but which do not benefit the area or remain benign to it. Instead  
20 their very existence can prove deleterious to the economic health  
21 of the Downtown area, and to areas in close proximity to resi-  
22 dential neighborhoods by providing a basis for negative evalua-  
23 tions of those areas by locals and visitors in the fashion  
24 discussed previously. Adult oriented businesses, in high con-  
25 centration, are in this category.

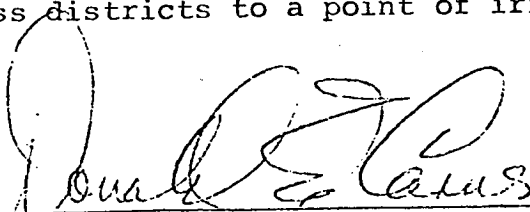
26 10) Based on the foregoing discussion, it is my firm  
27 belief that a dispersal ordinance would not only limit the con-  
28 centration of these adult-oriented businesses, but stop the

29 .....

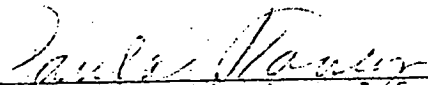
30 .....

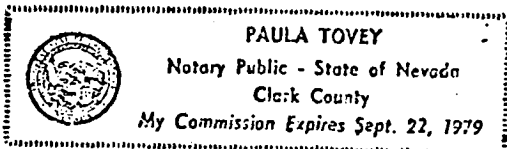
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1 invasion-succession process before it begins and before it guts  
2 the now prosperous business districts to a point of irretriev-  
3 ability.

4   
5 \_\_\_\_\_  
6 DONALD E. CARNS

7  
8 Subscribed and sworn to before  
9 me this 15th day of March, 1978.

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11 \_\_\_\_\_  
12 Notary Public in and for said  
13 County and State



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RESULTS

BROKERS AND REALTORS QUESTIONNAIRE

NUMBER DISTRIBUTED:  
NUMBER ANSWERED: 46

QUESTION:

NO. 1: What effect does the concentration of adult entertainment establishments have on the market value of business property (land, structures, fixtures, etc.) located in the vicinity of such establishments?

RESPONSE:

- A. INCREASE IN VALUE: 2
- B. DECREASE IN VALUE 40
- C. NO EFFECT 7

NO. 2: What effect does the concentration of adult entertainment establishments have on the rental value of business property located in the vicinity of such establishments?

- A. INCREASE IN VALUE: 3
- B. DECREASE IN VALUE: 37
- C. NO EFFECT 9

NO. 3: What effect does the concentration of adult entertainment establishments have on the rentability/saleability of business property located in the vicinity (length of time required to sell or rent property; rate of lessee/buyer turnover; types of businesses of prospective lessees/buyers; conditions of sale or lease, etc.)?

- A. INCREASE IN RENTABILITY/SALEABILITY: 3
- B. DECREASE IN RENTABILITY/SALEABILITY: 38
- C. NO EFFECT: 8

RESULTS:

REALTORS AND BROKERS:  
PAGE 2

NO. 4: What effect does the concentration of adult entertainment establishments have on the annual income of businesses located in the vicinity of such establishments?

A. INCREASED INCOME:	1		
B. DECREASED INCOME:	38		
C. NO EFFECT:	6	UNKNOWN:	2

NO. 5: Have any business owners or proprietors considered relocating or not expanding their businesses because of the nearby concentration of the adult entertainment establishments?

YES:	18
NO:	1
NOT KNOWN:	25

NO. 6: In recent years has the commercial vitality (sales, profits, etc.) of any area of the City of Las Vegas been affected in any way by the nearby concentration of adult entertainment establishments?

YES:	23	NO.:	3	NOT KNOWN:	14
------	----	------	---	------------	----

NO. 7: What effect does the concentration of adult entertainment establishments have on the market value of private residences located within the following distances from such establishments:

	INCREASE:	DECREASE:	NO EFFECT:	UKNOWN
LESS THAN 500 FEET:	0	31	5	1
500-1000 FEET:	0	29	5	1
MORE THAN 1000 FEET:	0	26	8	1

NO. 8: What effect does the concentration of adult entertainment establishments have on the rental value of residential income property located within the following distances from such establishments?

RESULTS:  
 REALTORS AND BROKERS  
 PAGE 3

	INCREASE	DECREASE	NO EFFECT	UNKNOWN
LESS THAN 500 FEET:	0	30	6	1
500-1000 FEET:	1	25	6	1
MORE THAN 1000 FEET:	1	24	11	1

NO. 9: What effect does the concentration of adult entertainment establishments have on the rentability/saleability of residential property located within the following distances from such establishments?

	INCREASE	DECREASE	NO EFFECT	UNKNOWN
LESS THAN 500 FEET:	0	29	5	1
500 - 1000 FEET:	0	26	5	1
MORE THAN 1000 FEET:	0	24	10	1

NO. 10: In regard to the question set forth above, please describe the effects which you believe the concentration of adult entertainment businesses have on each of the following?

	INC. VALUE:	DEC. VALUE:	NO EFFECT:	UNKNOWN
A. PROPERTY VALUES OF SURROUNDING AREA:				
1. COMMERCIAL PROPERTY	2	30	1	2
2. RESIDENTIAL PROPERTY	1		0	
B. RENTAL VALUES OF SURROUNDING AREA:				
1. COMMERCIAL PROPERTY:	2	27	1	2
2. RESIDENTIAL PROPERTY:	2	28	1	
	INCREASED:	DECREASED:	NO EFFECT:	
C. VACANCIES:	19	0	1	
D. RATE OF TENANT TURNOVER:	22	1	1	1
E. ANNUAL BUSINESS INCOME:	2	19	2	2

RESULTS:  
 REALTORS AND BROKERS  
 PAGE 4

	INCREASED:	DECREASED:	NO EFFECT:	UNKNOWN
F. COMPLAINTS	13	0	1	0
G. NEIGHBORHOOD APPEARANCE	IMPROVED: 0	DETERIORATED: 27	1	0
H. CRIME	21	0	0	6
I. LITTER	14	0	5	4

COMMENTS:

"These establishments do not lend any desirable aspects to residential property."

"If this type of business must go on put them 50 miles or more out of the City."

"Most of the reputable businesses on East Charleston, East of Eastern were forced to move out due to loss of customers."

Other comments included the undesirable characters hanging around such establishments; the deterioration of the surrounding area and several comments were made on businesses that had moved out due to the adult entertainment businesses locating nearby.

One broker did indicate that he thought the area was deteriorating anyway and another commented on the fact that it was difficult for adult entertainment businesses to find locations for their businesses since they were not allowed in many parts of the City.

RESULTS

\*HOME OWNERS AND RESIDENTS

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NUMBER DISTRIBUTED: 37  
NUMBER OF RESPONSES: 13

QUESTION:

- NO. 1: What overall effect do you feel that adult entertainment establishments have had on your neighborhood?
- |                     |   |                     |   |
|---------------------|---|---------------------|---|
| A. POSITIVE EFFECT: | 2 | B. NEGATIVE EFFECT: | 8 |
| C. NO EFFECT        | 1 | D. NOT KNOWN:       | 2 |
- NO. 2: What overall effect do you feel that adult entertainment establishments have had on the business condition (sales and profits) in your area?
- |                     |   |                     |   |
|---------------------|---|---------------------|---|
| A. POSITIVE EFFECT: | 2 | B. NEGATIVE EFFECT: | 8 |
| C. NO EFFECT:       | 1 | D. NOT KNOWN        | 2 |
- NO. 3: What overall effect do you feel that adult entertainment establishments have had on homes (value and appearance) in an area immediately adjacent (a 2-square block radius) to such establishments?
- |                     |   |                     |    |
|---------------------|---|---------------------|----|
| A. POSITIVE EFFECT: | 2 | B. NEGATIVE EFFECT: | 11 |
| C. NO EFFECT:       | 1 | D. NOT KNOWN        | 0  |
- NO. 4: What overall effect do you feel that adult entertainment establishments have had on homes (value and appearance) located within 500 feet (1 City Block) from such establishments?
- |                     |   |                     |   |
|---------------------|---|---------------------|---|
| A. POSITIVE EFFECT: | 2 | B. NEGATIVE EFFECT: | 8 |
| C. NO EFFECT:       | 1 | D. NOT KNOWN        | 2 |
- NO. 5: Do you believe the establishment of adult entertainment facilities in the vicinity of your residence has had any of the following effects?

\*Distributed to neighborhoods located near adult entertainment businesses.

RESULTS  
HOME OWNERS AND RESIDENTS  
PAGE 2

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A. NO EFFECT 1; B. LOWER RENTS 3; C. VACANT HOMES 1; D. TENANTS/  
RESIDENTS MOVING OUT 4; E. COMPLAINTS FROM TENANTS/RESIDENTS 2; F. LESS  
CRIME 0; G. MORE CRIME 9; H. IMPROVED NEIGHBORHOOD APPEARANCE 0;  
I. DETERIORATED NEIGHBORHOOD APPEARANCE 11; J. DECREASED PROPERTY VALUES 9;  
K. INCREASED PROPERTY VALUES 0; L. LOWER TAXES 0; M. HIGHER TAXES 1;  
N. MORE LITTER 7; O. OTHER (SPECIFY) 1. (Noise)

NO. 6: Have you seriously considered moving out of your home/residence due to adult entertainment establishments operating nearby?

YES: 9 NO: 6

NO. 7: Would you consider relocating elsewhere in your immediate neighborhood (within a 2-square block area)?

YES: 1 NO.: 13

NO. 8: If the answer to No. 7, above, is "No", is your decision influenced in any way by nearby (within a 2-square block area) concentrations of adult entertainment establishments?

COMMENTS: All the comments reflected that their answer "No" was influenced by the location of adult entertainment establishments in the nearby area.

NO. 9: What types of adult entertainment establishments are there in your neighborhood?

A. ADULT BOOKSTORES 13; B. MASSAGE PARLORS 11; C. PEEP SHOWS 8;  
D. BARS WITH X-RATED ENTERTAINMENT 3; E. NUDE OR TOPLESS DANCING 5;  
F. ADULT THEATRES 13; G. ADULT MOTELS 3; H. OTHER SEX SHOPS 6.

NO. 10: How far from your home/residence is the nearest adult entertainment establishment?

A. LESS THAN 500' (ONE CITY BLOCK) 4

B. 500' TO 1000' (1-2 CITY BLOCKS) 11

C. 1000' OR MORE (3 OR MORE CITY BLOCKS) 0

NO. 11: Have any of your normal living habits (going out at night, walking in the evenings, riding bicycles, etc) been limited or hindered in any way by the operation of nearby adult entertainment establishments?

YES: 11

NO: 2

COMMENTS:

1. Transient traffic - cars parked in alley so they won't be seen parked in front of the adult entertainment businesses;
2. Alarm systems and iron bars on and in the homes have increased.
3. Young kids hanging around the places and buying materials.
4. Afraid to walk in the area at any time of day or evening.
5. Relocation of businesses because of the adult entertainment establishments.
6. Tends to attract undesirable people.

RESULTS

\* BUSINESS OWNERS AND PROPRIETORS

NUMBER DISTRIBUTED: 30

NUMBER OF RESPONSES: 12

QUESTION:

NO. 1: What overall effect do you feel that adult entertainment establishments have had on a neighborhood?

- A. POSITIVE EFFECT: 1
- B. NEGATIVE EFFECT: 8
- C. NO EFFECT: 3

NO. 2: What overall effect do you feel that adult entertainment establishments have had on the business condition (sales, profits, etc.) in the area?

- A. POSITIVE EFFECT: 2
- B. NEGATIVE EFFECT: 6
- C. NO EFFECT: 4

NO. 3: What overall effect do you feel that adult entertainment establishments have had on homes (value and appearance) in the area immediately adjacent to adult entertainment businesses?

- A. POSITIVE EFFECT: 1
- B. NEGATIVE EFFECT: 9
- C. NO EFFECT: 2

NO. 4: What overall effect do you feel that adult entertainment establishments have had on homes (value and appearance) in the area located 500 feet or more from adult entertainment businesses?

\*This questionnaire was handed out to business owners and proprietors who have businesses (other than adult entertainment oriented) in such areas of the City (East Charleston & Eastern, Las Vegas Boulevard South and Sahara).

RESULTS:

BUSINESS OWNERS AND PROPRIETORS

PAGE 2

- A. POSITIVE EFFECT: 0  
B. NEGATIVE EFFECT: 9  
C. NO EFFECT 3

NO. 5: Do you believe the establishment of adult entertainment facilities in the vicinity of your business has had any of the following effects?

- A. NO EFFECT 2; B. LOWER RENTS 2; C. VACANT BUSINESSES 6; D. TENANTS MOVING OUT 6; E. COMPLAINTS FROM CUSTOMERS: 8; F. LESS CRIME 0; G. MORE CRIME 7 /  
H. IMPROVED NEIGHBORHOOD APPEARANCE 0; I. DETERIORATED NEIGHBORHOOD APPEARANCE 7 ;  
J. DECREASED PROPERTY VALUES 6; K. INCREASED PROPERTY VALUES 0; L. LOWER TAXES 0 ;  
M. HIGHER TAXES 1; N. DECREASED BUSINESS ACTIVITY 5; O. INCREASED BUSINESS ACTIVITY 1 ; P. MORE LITTER 6; Q. OTHER 2 .

NO. 6: Have you seriously considered moving your business elsewhere because of nearby concentrations of adult entertainment businesses?

YES: 6 NO: 6

NO. 7: Would you consider expanding in your current location?

YES: 4 NO: 8

NO. 8: If your answer to No. 7, above, is "no", is your decision influenced in any way by the nearby concentration of adult entertainment businesses?

COMMENTS:

1. "Entirely - my location was an excellent legitimate business location prior to being taken over by pornography - now I probably could not even sell it as an existing business because of the pornography."
2. "Yes - the adult block is one block away from medical-dental offices."

RESULTS:  
BUSINESS OWNERS AND PROPRIETORS  
PAGE 3

NO. 9: What types of adult entertainment establishments are there in your area? Please check appropriate boxes).

A. ADULT BOOKSTORES: 11; B. MASSAGE PARLORS 9; C. PEEP SHOWS 7; D. BARS WITH X-RATED ENTERTAINMENT 2; E. NUDE OR TOPLESS DANCING 4; F. ADULT THEATRES 9; G. ADULT MOTELS 1; H. OTHER SEX SHOPS 6.

NO. 10: How far from your business is the nearest adult entertainment establishment?

A. LESS THAN 500 FEET 12; B. 500 to 1000 FEET 0; C. 1000' OR MORE 0.

NO. 11: Have the hours of operation of your business been limited or hindered in any way due to a nearby concentration of adult entertainment establishments?

YES: 2 NO: 10

NO. 12: Have you had any difficulty renting office space in your building to other businesses (other than adult entertainment facilities) due to adult entertainment facilities operating nearby?

YES: 2 NO: 4

NO. 13: Have you had difficulty in keeping desirable tenants in your building due to the operation of adult entertainment establishments nearby?

YES: 1 NO: 3

NO. 14: Have you had difficulty in recruiting employees for your business due to the operation of adult entertainment establishments operating nearby?

YES: 2 NO: 8

NO. 15: Have you lost any patronage from your business due to adult entertainment establishments operating nearby?

YES: 5 NO: 6

COMMENTS:

1. Disgruntled customers; 2. Create unsavory neighborhood; 3. Disrupt our tourist image.
2. "I have office space which I have had difficulty in renting and other space which has not been rented and I feel this largely because of the location in the area of "pornographic center".

\*CROSS SECTION SURVEY RESULTS

\*DISTRIBUTED TO THREE DIFFERENT NEIGHBORHOODS IN THE CITY OF LAS VEGAS NOT LOCATED NEAR ADULT ENTERTAINMENT BUSINESSES.

\*\* EVEN THOUGH SOME OF THE RESPONSES IN THESE CATEGORIES WERE LISTED AS "POSITIVE", IT WAS CLEAR FROM THE ADDITIONAL COMMENTS MADE THAT THOSE PERSONS ANSWERING THE QUESTIONNAIRE, FELT THAT ADULT ENTERTAINMENT BUSINESSES HAD DETRIMENTAL EFFECTS ON THE BUSINESS CONDITION, HOME VALUE AND APPEARANCE AND ON NEIGHBORHOODS IN GENERAL. THEREFORE, THE RESPONSES WERE CLASSIFIED UNDER "NEGATIVE EFFECT".

NUMBER DISTRIBUTED: 70  
NUMBER RESPONDING: 29

QUESTIONS:

- NO. 1: What overall effect do you feel that adult entertainment establishments have on a neighborhood?
- A. POSITIVE EFFECT: 3
  - B. NEGATIVE EFFECT: 26\*\*
  - C. NO EFFECT: 1
  - D. NOT KNOWN 0
- NO. 2: What overall effect do you feel that adult entertainment establishments have on the business condition (sales and profits) in the City of Las Vegas?
- A. POSITIVE EFFECT: 5
  - B. NEGATIVE EFFECT: 21\*\*
  - C. NOT EFFECT: 1
  - D. NOT KNOWN 2
- NO. 3: What overall effect do you feel that adult entertainment establishments have on homes (value and appearance) in an area immediately adjacent to (a 2-sq. block radius) such establishments?

CROSS SECTION SURVEY RESULTS  
PAGE 2

- A. POSITIVE EFFECT: 3
- B. NEGATIVE EFFECT: 26\*\*
- C. NO EFFECT: 0
- D. NOT KNOWN 0

NO. 4: What overall effect do you feel that adult entertainment establishments have on homes (value and appearance) located within 500 feet ( 1 City Block) from such establishments?

- A. POSITIVE EFFECT: 3
- B. NEGATIVE EFFECT: 25\*\*
- C. NO EFFECT: 0
- D. NOT KNOWN 0

NO. 5: Do you believe that the establishment of adult entertainment facilities in the vicinity of residential neighborhoods has any of the following effects?

- A. NO EFFECT 0 ; B. LOWER RENTS 17 ; C. VACANT HOMES 19 ; D. TENANTS/RESIDENTS MOVING OUT 21 ; E. COMPLAINTS FROM TENANTS/RESIDENTS 15 ; F. LESS CRIME 0 ; G. MORE CRIME 21 ; H. IMPROVED NEIGHBORHOOD APPEARANCE 0 ; I. DETERIORATED NEIGHBORHOOD APPEARANCE 23 ; J. DECREASED PROPERTY VALUES 25 ; K. INCREASED PROPERTY VALUES 1 ; L. LOWER TAXES 6 ; M. HIGHER TAXES 3 ; N. MORE LITTER 20 ; O. OTHER (SPECIFY) 3 .

NO. 6: Would you seriously consider moving out of your home/residence if adult entertainment establishments were operating nearby?

- YES: 25
- NO.: 1

NO. 7: If adult entertainment establishments were operating in your neighborhood, would you consider relocating elsewhere in the immediate area (within a 2-square block area)?

CROSS SECTION SURVEY RESULTS

PAGE 3

YES: 3

NO: 23

NO. 8: If the answer to No. 7, above is "NO" would your decision have been influenced in any way by nearby (within a 2-square block area) concentrations of adult entertainment establishments?

COMMENTS:

All answers reflected that the decision to relocate (19 "No's") in the immediate area would be heavily influenced by the operation of adult entertainment businesses in the neighborhood.

NO. 9: Are you opposed to future locations of any of the following types of adult entertainment establishments in your neighborhood?

	<u>OPPOSED</u>	<u>NOT OPPOSED</u>	<u>INDIFFERENT</u>
A. ADULT BOOKSTORES	24	0	0
B. MASSAGE PARLORS	23	0	0
C. PEEP SHOWS	23	0	0
D. BARS WITH X-RATED ENTERTAINMENT	21	0	1
E. NUDE OR TOPLESS DANCING	21	0	3
F. ADULT THEATRES	21	0	1
G. ADULT MOTELS	22	0	2
H. OTHER SEX SHOPS	21	0	2

NO. 10: Do you feel that any of your normal living habits (going out at night, walking in the evenings, riding your bicycle, etc) would be limited or hindered in any way by the operation of adult entertainment establishments in your neighborhood?

YES: 26

NO: 1

COMMENTS:

"We feel it would reduce any neighborhood to a ghetto. It would bring in the worst element. We don't need degenerates. There is enough of that already in town."

"The element of this type of business never helped any business near it-they only degrade an area."

"Look at most any city. The adult oriented businesses are usually located in undesirable areas - I think that if adult businesses were to be concentrated, fringe areas would soon degenerate to an undesirable environment, (appearance, etc.)".

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REPORTS FROM STUDY COMMITTEES

BILL NO.  
78-14  
1st Reading  
and  
Referred

Commissioner Christensen: This Bill has created a lot of interest. If you will recall we drafted this ordinance and then set it aside waiting for the County to pass theirs, because they drag their feet a long time on it. This established the point of sale of merchandise at the point of delivery for purposes of licensing. As the result of the licensing that City businesses were undergoing, the double taxation by the County coming into the City, and auditing those businesses where the delivery is made outside of the City, and charging them a license fee, and the City also charging them that same license fee. This now puts the City in a posture to collect the license fee just like the County does, so we can go into the County and audit those businesses. This establishes the point of sale of being the point of delivery. However I would like to have this read and put it in a recommending committee so we can pass it at the next meeting, however, something came to my attention today that I think I will bring up, and the attorney can decide whether it should be incorporated in this, or whether it be an amendment to our ordinance or whatever. We have an ordinance Chapter II, Section 524 which indicates that a delinquency tax can be 10% plus interest. The interest is 1% per month. I believe it states specifically from the dates fees were due. We have had an instance of a customer complaining because he has undergone an audit by the City who found an error of approximately \$15.00 that occurred several years ago. Now that bill is \$120.00. He objects to a \$15.00 error being assessed at the rate of \$120 sum dollars I also object to that. That smacks of an IRS situation. I don't think the City needs to get into the same ball game as the Internal Revenue Service and harass our business people. I would have to question whether a \$15.00 error a few years ago which was unintentional requires a penalty. I would like that researched and either considered in this one, since this is the same type of thing that is based on a good sales license fee, and either have that included here, or a separate ordinance or whatever. To reflect a change that that penalty is assessed only after notification that it is delinquent. If neither the City knew that it was a \$15.00 error, and the licensee didn't know it was a \$15.00 error, then at the time that error is discussed, then that is the time to start assessing interest and so forth.

Mr. Sloan: If it was \$1500 what would you say?

Commissioner Christensen: Well if it was a \$1500 error, and you find that it is delinquent, then I think you have to charge him \$1500 plus the interest. But if it is a 3 year old \$1500 error I think it is pretty tough to make it a \$3000.00 error. It smacks of the IRS I don't like it. You are assuming that an error is because the guy is a crook and tried to escape the taxes. I think that is too much like the IRS. You are presuming guilt until he proves his innocence. I would rather see it done the other way around.



# AGENDA

## City of Las Vegas

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

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Department Action

### IX. REPORTS FROM STUDY COMMITTEES

- A. BILL NO. 78-14 - FOR LICENSE TAX PURPOSES, TO DEFINE "GROSS SALES" OF BUSINESSES NOT HAVING FIXED PLACES OF BUSINESS IN THE CITY OF LAS VEGAS, AS THOSE SALES OF GOODS DELIVERED BY THE SELLER, OR HIS AGENT, TO LOCATIONS WITH THE BOUNDARIES OF THE CITY OF LAS VEGAS

Committee: Commissioners Christensen & Lurie

(Referred to Study Committee 3/1/78 - moved out of Study Committee by Committee Chairman, Paul J. Christensen)

1st Reading and Referred -

Commissioners Christensen and Lurie - Recommending Committee

Clerk to proceed with 1st Publication

4/5/78 Agenda

There being no further business to come before the Board,  
at the hour of 5:45 P.M., Mayor Pro-Tem Lurie declared this  
Regular Meeting of the Board of City Commissioners  
A D J O U R N E D.