

# MINUTES

## City of Las Vegas

BOARD OF COMMISSIONERS

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

DATE: May 3, 1978

TIME: 9:45 A.M.

INVOCATION: Rev. Lee Tohni, Calvary Lutheran Church

### PLEDGE OF ALLEGIANCE:

#### BOARD OF CITY COMMISSIONERS

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

#### CITY ATTORNEY

MIKE SLOAN    Present 2:00 thru 4:00 P.M.  
 Dept. City Attorney, Jim Sitter present for balance of Meeting  
 APPROVED BY REFERENCE September 6, 1978

ATTEST:

*Edmund M. Owen* CITY CLERK *William H. Briare* MAYOR

**AGENDA***City of Las Vegas*

May 3, 1978

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 1

PHONE 386-6011

ITEM

Commission Action

Department /

I. 9:45 A.M.A. COMMUNITY RELATIONSB. SPECIAL EVENTS

Under the co-sponsorship of the L.V. Jazz Society and the Cultural Affairs Branch of the Dept. of Recreation and Leisure Activities, at 12:00 Noon in the outdoor Plaza of the City Hall, Mayor Briare read a Proclamation declaring the month of May as "JAZZ MONTH"

II. A. INVOCATION:

Rev. Lee Toni  
Calvary Lutheran Church

B. PLEDGE OF ALLEGIANCE

AFFIDAVIT OF POSTING

(Posting required under the provisions of Nevada Revised Statute 241)

State of Nevada )  
County of Clark ) ss.  
City of Las Vegas )

CARL D. PETERSON, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 27th day of APRIL, 1978, at the hour of 2:30 P.M. there were posted copies of an AGENDA (NOTICE), the attached of which is a true and correct copy of a Regular Meeting of the Board of City Commissioners to be held at the hour of 9:45 A. M. on May 3, 1978, in the Commission Chambers, City Hall, 400 E. Stedart Ave., Las Vegas, Nevada; on Public Bulletin Boards at the following locations:

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

Carl D. Peterson

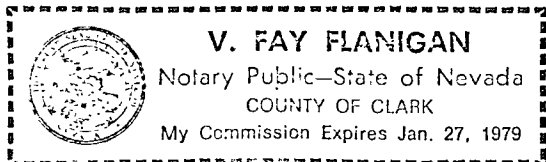
PUBLIC SERVICES/QUALITY CONTROL DIVISION  
(Department or Division)

Subscribed and sworn to before me this

28th day of April, 1978

V. Fay Flanagan  
Notary Public in and for said County and State

My Commission expires:



REC'D  
MAY 28 11 11 AM '78  
CITY CLERK

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS CHAPTER 241)

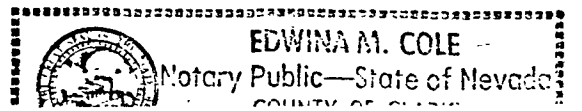
STATE OF NEVADA )  
                          ) ss.  
COUNTY OF CLARK )

DORIS M. KARSNOK, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 27th day of April, 1978, a copy of an Agenda (NOTICE), the attached of which is a true and correct copy, of a Regular Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 3rd day of May, 1978, was deposited in the United States Mail, postage prepaid, first class mail, to each person and/or organization whose name appears in the Agenda Register maintained in the Office of the City Clerk as having requested, in writing, a copy of said Agenda (NOTICE).

*Doris M. Karsnok*  
(name - an employee in the Office of the City Clerk)

Subscribed and sworn to before me  
this 27th day of April, 1978

*Edwina M. Cole*  
Notary Public in and for said County and State



INVOCATION &  
PLEDGE OF  
ALLEGIANCE

Mayor Briare: Good morning, Ladies and Gentlemen, this is the Regular Meeting of the Las Vegas City Commission. If you will please all stand we are delighted to have with us this morning the Rev. Lee Thoni of the Calvary Lutheran Church to offer the Invocation for us. Then please remain standing and we will have the Pledge of Allegiance.

Rev. Lee Thoni: Let us Pray. The morning has broken clear and blue and beautiful. We are at another beginning, Lord, and it is good to hear the word "beginning". It speaks of newness - it speaks of freshness - it speaks of new possibilities and new opportunities. It is a new and clean sheet upon which we can write the history of this day. As we begin this day with all its newness and possibilities, we Pray for Your guidance as we rub shoulders with other people in the progress of this day. We Pray for forgiveness as we turn the newness of the day into oldness, due to our own mistakes and our own needs. We Pray for Strength as we come up against problems and frustrations that are almost beyond our endurance at times. We Pray for Wisdom as we are called upon to handle matters that call for our collective decisions. We ask that we come to the newness of this day with anticipation and expectation. We stand in awe at the Wonder and the Beauty of Your Creation. We call upon You, Lord, to be with us in the midst of this day. We Pray for guidance in the disposition of the matters that must be considered in this meeting and, above all, keep us mindful of the fact that all of our strength and power comes from You, the Creator and the basis of all that is. Bless each of us here today with Your Honored Glory in the Name of Christ. Amen.

PLEDGE OF ALLEGIANCE

Mayor Briare: Thank you very much, Rev. Thoni, for coming before us today and delivering such a fine Invocation.

Mayor Briare: The first item on this morning's agenda, Ladies and Gentlemen, is that of the Department of Business Activity.

See Pages 6 thru 15 of these Minutes - Annotated Agenda

ADMINISTRATIVE AGENDA - RUSSELL W. DORN, CITY MANAGER

Resolution  
Adopted

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, STATING APPRECIATION AND SUPPORT FOR FEDERALLY-FUNDED PROGRAMS AIDING CITIES

Mayor Briare: Mr. Dorn, would you please proceed with the Administrative Agenda?

Russell W. Dorn: The first item is a Resolution for adoption by the Board of City Commissioners stating its appreciation for Federally-funded Programs aiding cities and I would like to refer that to Commissioner Lurie for further comment.

Commissioner Lurie: Mayor, I requested that this item be placed on the agenda. After my trip to Washington, D. C. in accepting Revenue Sharing for CETA and other government subsidies to other local governments, I felt it was the right time that the City of Las Vegas sort of take the lead with all the other cities in the United States, to pass a Resolution supporting the Federal Government subsidy to the local governments so that we are able to provide the citizens with added services. I think that a lot of times we take a lot of

# AGENDA

## City of Las Vegas

May 3, 1978

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

Page 2

ITEM	Commission Action	Department Action
<p>III. <u>DEPARTMENT OF BUSINESS ACTIVITY</u></p>		
<p><u>ILA M. BRITT, DIRECTOR</u></p>		
<p><u>*CONSENT AGENDA</u></p>		
<p>All matters listed under Items A, B, and C, are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.</p>		
<p>A. <u>CHILD CARE FACILITY APPLICATIONS</u>                  (Approved by the Solicitations Review Board)</p>		
<p><u>Family Child Care Homes</u></p>		
<p>1. JANET ANDREWS                  709 Watkins                   4 children, days only</p>	<p>Items 1 thru 6                  Approved                  as recommended                  Lurie - unanimous</p>	<p>Director                  authorized                  to proceed</p>
<p>2. DOLORES SIMPSON                  1313 Fay Blvd                   6 children days/1 nights                   1 - Protest</p>		
<p>3. BARBARA FORGEY                  413 Meadow Valley Drive                   4 children, days only</p>		
<p>4. MARCIA BROWN                  4504 Amherst                   3 children, days only</p>		

**AGENDA***City of Las Vegas*

May 3, 1978

BOARD OF CITY COMMISSIONERS

Page 3

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

See Page 2

See Page 2

5. SANDRA KAY JONES  
413 Oil Lantern  
  
6 children, days only

6. SHIRLEY RUSHING  
2010 Palomino  
  
6 children days/5 nights plus  
3 before and after school

\*B. GAMING -- Additional

Items 1 thru 8  
Approved  
as submitted  
Lurie - unanimous

Director  
authorized  
to proceed

1. CALIFORNIA HOTEL & CASINO  
  
California Hotel & Casino  
12 Ogden Street  
4 "21" tables; 1 roulette

Commissioner  
Leavitt abstained  
on Item 1

2. FREMONT HOTEL, INC.  
  
Fremont Hotel & Casino  
200 E. Fremont  
3 Poker Tables

3. MINI PRICE MOTOR INN CASINO, INC.  
  
Bingo Palace Casino  
2540 South Rancho Road  
1 Crap Game; 1 Keno Game

**AGENDA***City of Las Vegas*

May 3, 1978

BOARD OF CITY COMMISSIONERS

Page 4

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)\*B. GAMING -- Additional  
(cont'd)

See Page 3

See Page 3

## 4. MONEY TREE, INC.

Money Tree Casino  
2466 Las Vegas Blvd South  
1 "21" table

## 5. B. W. CORPORATION

7-11 Bar  
711 Ogden  
3 slots

## 6. ALSTATE COIN MACHINE CO.

Safeway Store # 335  
701 Tonopah Highway  
2 slots

Safeway Store # 349  
4750 Vegas Drive  
1 slot

## 7. BALLY DISTRIBUTING CO.

Foxy's Firehouse  
2423 Las Vegas Blvd South  
2 slots

Ernie's Bar  
1901 North Rancho Drive  
1 slot

# AGENDA

## City of Las Vegas

May 3, 1978

BOARD OF CITY COMMISSIONERS

Page 5

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
<p><u>III. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>*B. <u>GAMING -- Additional</u> (cont'd)</p>	See Page 3	See Page 3
<p>8. UNITED COIN MACHINE CO.</p> <p>City Liquor 416 Las Vegas Blvd North 1 slot</p> <p>Circle K Store # 1248 1550 North Lamb 3 slots</p> <p>Trophy Room 1440 Las Vegas Blvd North 5 slots</p> <p>Golden Nugget 129 Fremont Street 4 slots</p> <p>Cornet Store 400 Fremont 4 slots</p>		
<p>*C. <u>RETAIL TOBACCO -- Additional</u></p>	Approved Lurie - unanimous	Director authorized to proceed
<p>1. WARNES VENDING</p> <p>Bud's Lounge 2207 Las Vegas Blvd South</p>		
<p>D. <u>LIQUOR -- Additional</u></p>	Approved Lurie - unanimous	Director authorized to proceed
<p>1. ORBIT INN CASINO 707 Fremont Street Package Liquor License</p>		
<p>cont'd . . .</p>		

**AGENDA***City of Las Vegas*

May 3, 1978

Page 6

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)D. LIQUOR --- Additional (cont'd)

See Page 5

See Page 5

1. ORBIT INN CASINO (cont'd)

Dommermuth Enterprises, Inc. --  
 Bernhard Dommermuth, Director,  
 Pres/Treas, 66-2/3%  
 John Blied, Director, Secy,  
 16-2/3%  
 James Scott, Director, V.P.,  
 16-2/3%

E. LIQUOR -- Change of Ownership

Approved  
 subject to  
 conditions  
 Lurie - unanimous

Director  
 authorized  
 to proceed

1. \*THE GETAWAY  
1111 South Decatur Blvd  
General Liquor License

From: C & S, Inc. --  
 William Waltermire,  
 Pres, Secy - 50%  
 Heidi Waltermire, VP,  
 Treas, 50%

To: G & L, Inc. --  
 Dennis P. Gordon, Pres,  
 Director, 97.2%  
 Richard C. Lightner,  
 Secy, Treas, Dir,  
 2.8%

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

**AGENDA***City of Las Vegas*

May 3, 1978

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 7

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)F. LIQUOR -- Change of Corporate Officers

1. EVE'S LOUNGE  
1415 E. Charleston  
Tavern License

Mon-Nee, Inc. --

From: Carl J. Anderson, Pres,  
50%  
Wanda J. Wells, Secy-Treas,  
50%

To: Shirley Ann Galardi,  
Pres, Secy - 100%

2. THE WATERHOLE  
2472-2474 Industrial Road  
Tavern License

The Power Company, Inc. --

From: M. J. Schiff, Pres,  
Secy, Treas, 50%  
Albert Carrison, 50%

To: Rainier G. W. Gund,  
Pres, Director - 50%  
M. J. Schiff, Secy,  
Treas, Director - 50%

Items 1 and 2  
Approved  
as requested  
Lurie - unanimous

Director  
authorized  
to proceed

G. LIQUOR -- Change of Corporate  
Structure/Change of Corporate Officers

1. NEVADA BEVERAGE CO.  
3940 W. Tropicana  
Wholesale Beverage License

From: De Luca Importing Co. --  
John J. De Luca  
R. J. McElhone  
Robert Keyser  
C. R. Clark

Approved  
as requested  
Lurie - unanimous

Same as above

cont'd. . .

**AGENDA***City of Las Vegas*

May 3, 1978

Page 8

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

See Page 7

See Page 7

G. LIQUOR -- Change of Corporate  
Structure/Change of Corporate Officers  
(cont'd)

1. NEVADA BEVERAGE CO. (cont'd)

To: Nevada Beverage Co., Inc. --  
Charles R. "Pat" Clark,  
Pres, 100%  
Jerold LaMarr Bennett,  
Exec V.P.  
Michael D. Rikard, VP  
John T. Wasserburger,  
Secy-Treas

H. LIQUOR, GAMING & RETAIL TOBACCO --  
Change of Ownership

Approved  
subject to  
conditions  
Lurie - unanimous

Director  
authorized  
to proceed

1. PINK PANTHER  
601 Maryland Parkway  
Tavern License  
Gaming: 5 slots

From: Sam Sina, 100%

To: Pink Panther, Inc. --  
Geraldine M. Lepore,  
Pres/Dir/sole stock-  
holder

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

**AGENDA***City of Las Vegas*

May 3, 1978

BOARD OF CITY COMMISSIONERS

Page 9

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)I. GAMING -- Approval of Manager

1. LE ROY'S HORSE & SPORTS PLACE  
114 South First Street  
Race/Sports Book

Manager: Nunzio A. Maniaci

Approved  
as submitted  
Lurie - unanimous

Director  
authorized  
to proceed

J. RETAIL TOBACCO -- New

1. FLIGHT 1401 RESTAURANT  
1401 L V Blvd North

Chris Williams, 100%

Approved  
Lurie - unanimous

Same as above

K. RETAIL TOBACCO VENDOR -- New

1. LINDLEY SERVICE CO.  
471 Ridgeway, Henderson

W. C. Lindley, 100%

Approved  
Lurie - unanimous

Same as above

L. PRIVATE DETECTIVE LICENSE -- Change  
from Sole Proprietorship to a  
Corporation

Approved  
Lurie - unanimous

Same as above

1. WESTERN SECURITY CONSULTANT'S  
401 South 3rd Street, Suite 417

From: Russell W. Jones, 100%

To: Western Security  
Consultant's, Inc. --  
Ronald Slay, Pres  
Russell W. Jones, VP,  
100% stockholder  
Janet G. Slay, Secy/Treas

**AGENDA***City of Las Vegas*

May 3, 1978

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 10

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)M. SPECIAL EVENT LIQUOR LICENSE

1. ST. ANNE'S PARENTS CLUB & SCHOOL  
Location: 1813 South Maryland

Date: May 7th, 1978

Responsible Licensee:  
James Gotcher

2. LE ROY'S HORSE & SPORTS PLACE  
Location: 114 South 1st Street

\*Date: May 6th, 1978

Responsible Licensee:  
Le Roy Merillat

\*Kentucky Derby Day

N. LIQUOR -- Request for Extension of Inactive Status

1. 7-ELEVEN FOOD STORE # 20107  
NW corner Cheyenne/Tonopah  
Beverage Off-Sale

Southland Corporation --  
John P. Thompson, Chmn of  
Board, Chief Exec Officer  
Herbert E. Hartfelder, Pres  
et al

Richard Evans, Dist Manager

(Approved 9/7/77. Extension for period 11/6/77 thru 1/4/78 apprvd 11/2/77; extension for period 1/5/78 thru 3/5/78 apprvd 1/4/78; extension for period 3/6/78 thru 5/4/78 apprvd 3/1/78. Request for extension of inactive status for period 5/5/78 thru 7/3/78.)

Items 1 and 2

Approved

Lurie - unanimous

Director  
authorized  
to proceedApproved  
as requested  
Lurie - unanimous

Same as above

**AGENDA***City of Las Vegas*

May 3, 1978

Page 11

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Actio

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)Abeyance Item -- Tabled 4/19/78O. LIQUOR -- Change of Business Name

1. From: Beef &amp; Brew

To: POPEYE'S  
3889 W. Charleston Blvd  
Supper Club LicenseBeef & Brew, Inc. --  
James A. Perkins,  
100%Approved  
as requested  
Leavitt - unanimous(Richard Koch, Esq.  
Counsel for  
applicant present)Director  
authorized  
to proceed

APPRECIATION  
RESOLUTION  
(cont'd)

- credit for a lot of the expenditures made for a number of capital improvements in our City, but without the support and help of our Delegation in Washington we would be unable to do these things. Therefore I felt that this Resolution was in order and requested Staff to prepare it using as background what we have used this money for. I would like the Commission to support this Resolution - all to sign it and send it off to Washington with a list of the items we have been able to provide to our residents. This is an important Resolution at an important time of the year because Congress is in the process of approving the reacting of Revenue Sharing and CETA relative to Federal subsidies through local governments, and I feel that they deserve recognition and our support, and I would move that we adopt this Resolution.

Motion

Mayor Briare: Commissioner Lurie, I am looking at this Resolution and I subscribe to everything you say. I'm just wondering if there isn't a paragraph that you might want to make a little stronger, because it is my understanding there are efforts being made to put more Federal "strings" on the CETA Program - unless you feel different, because I know that you are deeply involved in this.

Maybe there might be a sentence in there that we encourage them - just as in Revenue Sharing - to leave the "strings" in Washington and allow the local government to handle the matters as they have in the past. Are you aware of anything that would sustain my concern?

Commissioner Lurie: I agree that sometimes there are some "strings" attached to the monies that are allotted to us, and that could be put in the final draft of the Resolution. I would accept that.

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

See Pages 17 and 18 of these Minutes - Resolution

MERCY  
AMBULANCE  
CONTRACT

Mr. Dorn: The next item, Your Honor, is consideration of the Mercy Ambulance Contract as requested by Commissioner Woofter. The Metropolitan Police Commission approved the Mercy Ambulance, Inc. request to increase their contract to cover the cost of "dry runs" initiated by the Fire Department and Police Department. The motion passed by the Metropolitan Police Commission was to reimburse Mercy for 65% of the "dry run" costs. This increase in the contract requires an additional \$64,287.50 to be appropriated by the City to the Metropolitan Police Department's budget.

The Office of Budget Management has been directed to conduct another review of the 1968/79 Budget, but to date the funds do not appear to be available unless another program is cut from the budget.

It would be my recommendation that you deny this request for an increase in the City's contribution to the Metropolitan Police budget due to the severe budgetary constraints that presently exist in our 1978/79 budget.

Mayor Briare: Is there anyone in the audience who wishes to be heard on this? Mr. Bell?

Thomas G. Bell, Attorney: I would like to be heard at the appropriate time, Your Honor.

Mayor Briare: OK - would you like to hear comments from the Commissioners first?

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RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE  
CITY OF LAS VEGAS, NEVADA, STATING APPRECIATION  
AND SUPPORT FOR FEDERALLY FUNDED PROGRAMS AIDING  
CITIES

WHEREAS, it is anticipated that the demands for additional  
municipal services have severely impacted cities' budgets; and

WHEREAS, inflationary factors have made it difficult for  
cities to provide expanded municipal services while meeting the escalating  
costs of current services; and

WHEREAS, Congress has developed programs to provide signi-  
ficant direct Federal assistance to the Nation's cities; and

WHEREAS, Congress has authorized and appropriated funds to  
enable cities to participate in programs designed to assist cities with  
current operating programs and to expand services to meet the demands made  
upon cities by the residents; and

WHEREAS, Congress has enacted such programs as Comprehensive  
Educational Training Assistance, General Revenue Sharing, Local Public  
Works Programs, Rounds I and II, Land and Water Conservation funds,  
Community Development Block Grant Program, Countercyclical Assistance  
and other meritorious and significant programs; and

WHEREAS, the City of Las Vegas recognizes the assistance of  
the Nation's Congressional Delegation in providing these important programs:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners  
of the City of Las Vegas:

1. That the City of Las Vegas hereby acknowledges and  
expresses appreciation for the active support and interest by Nevada's  
Congressional Delegation; i.e., the Honorable Howard W. Cannon, U. S.  
Senator; the Honorable Paul Laxalt, U. S. Senator; and the Honorable James  
Santini, U. S. Congressman.
2. That the City of Las Vegas wishes to publicly express  
its acknowledgement to Congress for this vitally needed Federal  
assistance to the America's cities.
3. That the City of Las Vegas commends Congress for its

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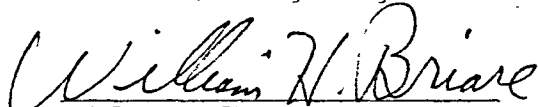
attention to the vital needs of the Nation's cities.

4. That the City of Las Vegas pledges its support in working with Congress and Nevada's Congressional Delegation in improving the quality of life for the citizens of the Nation's cities.

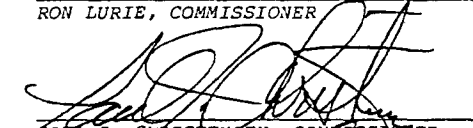
5. That the City of Las Vegas requests that Congress maintain their past recognition of cities to make local judgments in matters which will insure program effectiveness and provide the necessary discretion by local governments in using these funds.

6. That the City of Las Vegas expresses appreciation for the \$33,205,783 of CETA funds and \$7,952,684 of General Revenue Sharing funds that have been allocated to the City of Las Vegas.

PASSED, APPROVED AND ADOPTED this 3rd day of May 1978.

  
WILLIAM H. BRIARE, MAYOR

  
RON LURIE, COMMISSIONER

  
PAUL J. CHRISTENSEN, COMMISSIONER

  
MYRON LEAVITT, COMMISSIONER

  
ROY WOOPETER, COMMISSIONER

ATTEST:

  
Edwin M. Cole, City Clerk

(SEAL)

MERCY  
AMBULANCE  
CONTRACT  
(cont'd)

Mr. Bell: I would just as soon proceed now.

Mayor Briare: Very well - go right ahead, Mr. Bell.

Mr. Bell: Honorable Mayor and members of the City Commission, for the record my name is Thomas G. Bell and I the attorney for Mercy, Inc. and I am also an owner of Mercy, Inc.

I would like to ask at the outset here, respectfully, if anyone on this Commission has anything against me personally, or against the Company that I represent, that would put them in a position where they could not act objectively in the situation - right here in a Public Meeting in front of everyone, if there is, I would like that person, if there is one, to speak up and say so. There is at least one Commissioner who has never voted for anything I have asked for -

Mayor Briare: To allow them to answer your question: Is there anyone who has anything against Mr. Bell personally, or against the Company to such a degree they don't feel like they could vote fairly?

(No response)

Mayor Briare: Mr. Bell, there is no response to the question so the answer is negative.

Mr. Bell: Honorable Mayor, I think it might be appropriate for me to explain as briefly as I can, the situation. Mercy is a private Company - a Nevada corporation. It operates in the City of Las Vegas pursuant to a Certificate of Public Need & Necessity. It operates in the County of Clark pursuant to a Franchise granted by that governmental entity. Additionally, the Company has a contract with the Las Vegas Metropolitan Police Commission to perform the emergency ambulances services in the community - both the City of Las Vegas and the County of Clark. In that contract there are rules and regulations we must abide by; there are rates that we must live with. There is no escalation clause in that contract and Mercy is the only private company that I know of in the whole world that cannot compensate for cost increases. There is no escalation clause - our rates are fixed.

At the time that contract was entered into, no one in any governmental agency contemplated or invisioned the magnitude of the "dry run" calls in the emergency arena. Mr. Mayor, you have been sitting on the Metropolitan Police Commission - let me make it crystal clear in your mind precisely what a "dry run" call is.

Mayor Briare: If it will save you any time, Mr. Bell, I am very familiar with what a "dry run" call is -

Mr. Bell: It is an uncollectible - I want to be sure you understand that it is not what we call an uncollectible.

Mayor Briare: I understand that. Give me some credit, Tom, I understand a little bit of your problem.

Mr. Bell: I didn't know how much back-up - I went before the Metropolitan Police Commission extensively on this, but not before this Board.

Mayor Briare: My experience with ambulances, Mr. Bell, goes back a lot further than yours, having been on the County Commission for eight years prior to you

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becoming involved with Mercy Ambulance, under former ambulances, where we used to have arguments periodically as to whether there should be only one ambulance company, or whether there should be two, three or more ambulance companies. So I am familiar with it, Tom.

Mr. Bell: Mayor, I am always very cautious - I was in the Appellate Court one time and I tried to explain to the appellate judge the elements of a contract. The Chief Justice said, Mr. Bell, you can assume we know the elements of a basic contract and I told him that was the mistake I had made in the Lower Court, and that's why I'm here.

Mayor Briare: Very well, let's stipulate that I know what a "dry run" is as it pertains to the ambulance business.

Mr. Bell: In any event, the record is crystal clear - that record being established by your people - your auditors - your Staff people - that Mercy runs in excess of 500 "dry run" calls per month. Now, how are these "dry runs" triggered? We don't do them voluntarily. Either a Las Vegas Metropolitan Police officer, or a Fireman, summons us. We set up - we burn gasoline - pay labor, costs - pay overtime - and we run our vehicle down the street with a red light and a siren which makes for a higher insurance premium - and there is no way we can collect one nickle for that call. That is just not fair! It is just absolutely and totally completely unfair!

We're doing for this community something that perhaps everyone doesn't appreciate and I would at least like to have this opportunity to explain it to you. We feel we are a credible company. We feel we have the most modern equipment. We feel we have the most highly trained professionals in the emergency ambulance business. Keep in mind we have extensive optional equipment on our vehicles that we are not required to have, but it is advantageous to this community to have it because it saves lives. We have highly trained paramedics that we are not required to have, and we don't charge extra for those paramedics. Let me cite you some examples: In Los Angeles, San Diego and San Jose - all throughout California and all throughout the Western States, any ambulance company that has paramedics, charges in excess of \$100.00 for that paramedic call. Our rates we are charging in this community is one of the lowest in the entire United States. We are \$10.00 under the average. We are doing a good job in a cost effective way for this community. Talk about "cost effectiveness" - all we are asking for here to run a 24-hour emergency ambulance service, with nineteen modern vehicles, is approximately \$220,000.00.

I will submit to you that if anyone has done his homework you will find that any progressive city in the United States - you will find out that if a city or a government performed the service we are performing, their budget would be in excess of a Million and a Half Dollars. We do it in a cost effective way, and I submit to you, gentlemen, that you are in a position of public trust insofar as public funds are concerned - we are doing it cost effectively and I think far superior to a Fire Department or anyone else. You have to go for cost effectiveness. And that is what we are suggesting here - that you have to keep us viable and keep us out of the bankruptcy courts in order to have a cost effective emergency ambulance service. If our people were inferior in quality - if our equipment was inferior in quality, you would vote for more superior equipment and more superior personnel. That's not the case here. You all know that our paramedics are all trained side-by-side with the Fire Department paramedics. They are of the same station - they are of the same quality. Our equipment is the most modern. It bears the inspection of Metro every day and provides a service in a cost effective way.

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You don't know this, but we have received compliments from the American Heart Assn, we have received letters from surgeons in California complimenting this City, and us, for the quality of service we render.

The reason for this request to this Board is that we must remain viable in order to continue to do this. If we can't collect - if we have to eat in excess of 500 "dry run" calls a month, we cannot remain viable and we're going to have to eliminate certain optional services we now render. We may have to eliminate some of our paramedics. We may have to eliminate some of the optional equipment on our vehicles. We just recently, as a public service, completed a 3-day course in the Broadway Mall teaching the citizens of this community CPR. As a result of that, our desk is loaded with letters requesting that we do the same for other entities, one of which is McCarran International Airport asking us to come out and teach an identical course. The School District has asked us to do this. We do these things without charge.

Sometimes I come up here - and I hate to use this word - evil person. I'm not an evil person. I've lived in this community a long time. I am a responsible person and I think I run a responsible company. I'm asking for something that is fair and just and if I don't get something that is fair and just, I can't stay in business. Mr. Lurie mentioned to me at one meeting that I wouldn't go into bankruptcy - that I'm too responsible a citizen to let the company go into bankruptcy - I might let my family go but not the company. How would I do that? If Mr. Lurie wants to do it, let him do it! If you want to run "dry runs" in this community, let the Fire department run them! We can do it for you and we can render the service in a cost effective way, but we must remain viable. And our request here, incidentally Mr. Mayor, the cost per "dry run" was not established by us - it was established by your auditors. Keep this in mind.

Mayor Briare: Who is our Auditor on this?

Mr. Dorn: Marvin Leavitt.

Mr. Bell: In the cost there is not one penny for me. Not one penny for stockholders. No salaries - no anything - it's a raw-bone cost - trimmed down to the raw bone - you come down to \$28.40 (I believe is the amount) and what we have requested really, quite frankly, we should be allowed the full amount of \$28.40. It's our cost - it's right out of our pocket. We're only asking for a percentage . . . we are asking you to fund us to the extent of 65% of our raw-bone cost. No profit - no salaries - nothing, in that raw-bone cost.

Now, I submit to you that if private enterprise cannot function in cooperation with government, we are all in trouble. Quite frankly, I believe in the private enterprise system. I believe you gentlemen in cooperation with private enterprise can save tax dollars by the Millions. We save tax dollars. We do it efficiently. We do it in a cost effective way and that is true throughout the State of California. Just last week San Diego is abandoning the Fire Department and giving the emergency ambulance service to private enterprise because of the quality of the service and the cost effectiveness involved. We can't stay in business and not have a cost effective business. Let the City try and run 5000 or 6000 "dry runs" throughout the year. The cost would be massive. We, at least, can digest a part of that because we have some other business that we can collect something from. If the City does it, it's all outgo and no income. Our rates are regulated. We live with those rates. We are under the average in the Western States. Our rates should be higher - we have a 24-hour service here. We have people on overtime. In other communities their people are asleep at midnight or maybe one or two in the morning when the

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ambulance is quiet. Here we are busy.

I'm not going to prolong this any longer, Mr. Mayor - I just want to say simply - I've gone through this a number of times - unless someone has something against me personally, or the Company - our request is fair. We think, under the circumstances, probably fairer than it would be in any other community, and we will hope that you will favorably consider it. We think we have a good Company - we think you can make an independent check of our service - check with any emergency room in this community - check with the Health Department - check with any doctor you know - they'll tell you. They know the quality of our people. They know the quality of our equipment. This is an essential service. This is a life-saving service. If we have to cut out certain optional things, we might be jeopardizing someone's life and we don't want to do that, but we are not required to have this equipment.

I submit to you - don't you think it is better to have a private Company - to man our vehicles with paramedics than with just ordinary drivers. Suppose somebody has a heart attack? A qualified person is there to save his life! We are not required by your ordinance or County ordinance to have paramedics and we don't charge extra for them. The community gets the benefit of those people with high training. We must remain viable. This request is something we consider essential to maintain that viability. Thank you.

Mayor Briare: Thank you, Mr. Bell. Are there any comments from the Commission?

Commissioner Woofter: Your Honor, before we get into the discussion - maybe at the outset I should have brought it to your attention - the reason I brought this in and requested that it be placed on the agenda - I am a little confused on the procedure here in regard to the Police Commission ratification. The reason being that I noticed that the County Commission acted on a ratification situation as far as the action taken by the Police Commission.

My question is: Why do we have the Police Commission if any action that is taken by the Police Commission has to go back to both Boards? So, my question here today is mainly directed to the City Attorney's office. Do we have to take action on this when the Police Commission has already acted on it and given approval where we have had representation and the County had representation? This being the case, I have to agree with Commissioner Christensen - why in the devil do we have a Police Commission if every action taken by that Police Commission has to come back to us to act on. I think it is just wasted effort, and at this point in time I would like a clarification from the City Attorney if there is a need by this Board to act on the ratification of the Police Commission action.

Deputy City Attorney, Jim Sitter: Your Honor, I'm sitting in for the City Attorney right now, but I don't know the policy insofar as to what has happened in the past on budgeting. Since the budgeting is done by the Police Commission, just off-hand I would think this would be in the form of just a ratification.

Commissioner Lurie: Let me just help you out a little bit - this is over and above our already committed budget we are submitting to the Police Department. This is an increase over what we have already committed ourselves to. That's why it is back and forth.

Mr. Sitter: OK, I would recommend that you hold it in abeyance until the

MERCY  
AMBULANCE  
CONTRACT  
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City Attorney gets here.

Commissioner Christensen: What it all boils down to is that the Police Department doesn't feel that they can impact their budget with this increase, so the only way this increase can be funded is if they go back to the entities for more money. That's the only reason it is back here, Commissioner Woofter. What is happening is that the Police Commission, by a 4-3 vote, asked the entities to increase the Police budget by this amount. That's the reason it is back here - do you wish to increase the City's contribution to the Police Department for the next fiscal year? That's the only reason it is back here. If this passed the Police Commission and I believe the vote was that it has to come back to the entities. If that weren't the case, it would have to come out of the operating fund of the Police Department and it wouldn't come back to this Board. But I don't believe the motion was made that way - I believe the motion did indicate that it would have to be ratified by the Boards or the increase wouldn't be granted.

Commissioner Woofter: If that's the case, then I understand it.

Commissioner Lurie: If the Police Commission approved the increase then the money would have to come out of the existing Police budget.

Mayor Briare: If my memory serves me - it was four from the County in favor and three from the City opposed?

Commissioner Christensen: Three from the County in favor and three from the City opposed and the Sheriff broke the tie.

Mayor Briare: I see. Tom, have you been over to the County?

Mr. Bell: Yes, and the County has approved their share of the augmentation.

Mayor Briare: What was the recommendation that they approved?

Response: It was the 65%.

Commissioner Christensen: Your Honor, I have some things I would like to bring up for discussion. Tom (Bell) I think you've made some statements here that I have to challenge just a little bit and I'm going to ask you some questions to clarify them. You said that you don't have an escalation clause. That, in fact, is true, but you also said you were suffering under the same rates as the original. Haven't the rates for Mercy been adjusted since the beginning of the contract?

Mr. Bell: No - I didn't say that. At the beginning of the contract, the rate was \$35.00, which was \$20.00 under the average in the Western States. We could not even begin to survive, so we asked for an increase. We wanted to ask for a \$20.00 increase but felt we would be thrown out of the building, so we asked for \$10.00 and then another increase of \$10.00, which brings our rate to \$55.00.

Commissioner Christensen: Then there has been a \$20.00 increase over the period of time -

Mr. Bell: Yes - let me make this clear - we are \$10.00 - currently, at our

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\$55.00 rate we are \$10.00 under the average in the Western States and we are at least 20 to 25% under . . .

Commissioner Christensen: I know what the average is . . . the impression you are trying to give this Commission is that your contract hasn't been changed, and you also made the statement there is no "dry run" compensation - I believe there is -

Mr. Bell: No, we've never had any "dry run" compensation.

Commissioner Christensen: We approved a "dry run" compensation at the Police Commission. That wasn't enough so you came back for more. Isn't that true?

Mr. Bell: Yes - you rescinded that action.

Commissioner Christensen: We rescinded that action based on the fact that you hoped to get more -

Mr. Bell: Let me explain it the way it is.

Commissioner Christensen: Isn't that the way you understood it Commissioner Leavitt - Commissioner Lurie?

Mr. Bell: No, that is not the way it is.

Commissioner Christensen: It was my understanding as a member of the Police Commission, if we do this, what we have to do is to rescind the previous action and then institute new action as the proper way to do it, and that's what we did.

Mr. Bell: Let me explain it to you: There was a letter of recommendation that came from the Las Vegas Metropolitan Police Commission to recommend a form of reimbursement some time before the expiration of the contract. Then it was recommended that our flat fee be only increased \$2500.00 from the \$8000.00. It did not address itself to "dry runs".

Commissioner Christensen: That was the reason for it -

Mr. Bell: You might as well take it back - it can't even cover it - 500 "dry run" calls . . .

Commissioner Christensen: You see, you said there was no compensation for "dry runs" . . . it was felt it was not enough by you.

Mr. Bell: I will let the record speak to that. Whatever the record of the Police Commission is, it is my understanding that basically they avoided the issue of "dry runs" - they felt that an additional \$2500.00 a month was additional compensation for the already flat fee. Now whether they categorize that to cover a portion of the "dry runs", I don't know.

Commissioner Christensen: OK - then you also said there is no extra charge for paramedic calls. How do you base your rates for your various ambulances? Don't you have an increased rate for those ambulances that carry paramedics on them?

Mr. Bell: We do not. We're not authorized and we don't charge it. We don't

MERCY  
AMBULANCE  
CONTRACT  
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have an approved rate. We haven't asked for one, so we don't charge.

Commissioner Christensen: Doesn't your rate structure have a lot of things in it that would cover that? Doesn't your rate structure provide for "x" number of dollars for the ride plus so many dollars for the red light, plus so many dollars for an extra attendant, plus so many dollars for bandages, and so many dollars for IV's, etc.?

Mr. Bell: There is a standard formula throughout the United States that we follow - the same as California - your base rate plus ancillary charges. The paramedic is not a part of the ancillary charges. They are in California, but not here.

Commissioner Christensen: That's what I wanted to know. I didn't know whether it was included in those charges or not. You mentioned overtime because of the fact that this is a 24-hour town, there is overtime -

Mr. Bell: Yes -

Commissioner Christensen: Why do you have overtime - why don't you run three separate shifts?

Mr. Bell: Because of the United States Labor Department. At night time they are not awake - they are sleeping and the way our wages are structured, to meet the criteria of the Fair Labor (whatever it is) - the minimum wage law - if we wake them up and they get into the vehicle and get to the curb, we have to pay them overtime. That's the way we have to do it.

Commissioner Christensen: You don't have to do it that way if you have them already on duty, do you?

Mr. Bell: They are sleeping. They are entitled to . . .

Commissioner Christensen: There are a lot of people who sleep while on duty, but you see, you are working shifts - 24 hours a day - you have a day shift, a graveyard shift and a swing shift -

Mr. Bell: Not these people. These fellows just don't work one day - they work a 24-hour and 36-hour stay and part of that time they are sleeping and in order for us to meet the minimum wage law, if we have to wake them up and dispatch them on a call, we have to pay them overtime after certain hours. Otherwise we would be in violation of the United States laws.

Commissioner Christensen: OK - I have another comment - it's not a question. You keep referring to - I don't want you to think I'm picking on you, or anything, Tom, because I'm not, but you refer to private business - being compensated for "dry runs" - how can you survive, etc. I would point out that in private business in the retail field, for instance, with which I am somewhat familiar, if a person comes in to the store to buy something and takes an hour of your salesman's time and then decides he is not going to buy it, he has incurred a "dry run" expense.

And then you also find that not only do I have a "dry run" expense, but I also have competition and it's up to me to work it out the best I can to meet those. To me, there is not much difference in "dry runs". We all have "dry runs". An attorney has a "dry run" - maybe some attorney will charge the minute a client hits the door but there are a lot of cases that are discussed with an

MERCY  
AMBULANCE  
CONTRACT  
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attorney and he finally decides to take it to some other attorney. He has spent his time so he has had a "dry run".

Mr. Bell: He didn't spend out of pocket money for that "dry run". We do. We burn the gasoline . . .

Commissioner Christensen: The guy wears his carpet out - he took the expense of the salary of an employee to wait on him - I have to pay the insurance costs because he's in the store - he might be a shoplifter - I have to pay the alarm people - the whole bit. It's all there.

Mr. Bell: I don't think that's a good analogy. I'm saying this - you people dispatch our ambulance; we burn the gasoline; we pay the costs; we pay the wear and tear on the vehicle and we get no compensation for it. That's the only thing I'm saying - our insurance rates are high -

Commissioner Christensen: I can't even buy it -

Mr. Bell: I don't think there is a good analogy between your situation and my situation.

Commissioner Christensen: I have no further comment at this time.

Commissioner Leavitt: I think what has happened here with the Mercy contract is that they don't have any competition. I am aware of the problem and I certainly don't want the City to have to go into the ambulance business. I have indicated before that I don't want that to happen and if they should receive some kind of compensation for their "dry runs" . . . but 65% is simply too high. I don't think the City taxpayers should be forced to pay for 65% of that "dry run". My position hasn't changed any on that.

Mr. Bell: May I ask what you consider to be a fair figure?

Commissioner Leavitt: In my opinion, we could split the cost, but I certainly don't think we should be struck with having to pay 65% of that cost. You have a problem. I recognize there is some justification for you to be compensated for those "dry runs" but I don't think you should be compensated to the amount of 65%. It's too high. I would be willing to consider a split with you. That was my position in front of the Metropolitan Police Commission and it still is.

Mr. Bell: Whatever is fair and let's get it resolved.

Commissioner Lurie: I think for the record, as long as Mr. Bell's question was probably directed toward me because I'm the one who really has not supported his cause to receive all these increases. I want you to know it is nothing personal. So, for this record, if I didn't make it clear at the Police Commission meeting - I think you are a fine gentleman - you are a good attorney - I think you got into a poor contract when you purchased the Company of Mercy Ambulance, and I don't think it is the obligation of the taxpayers of the City of Las Vegas to retire those debts you acquired when you purchased the Company. I think the operation of Mercy Ambulance is an excellent operation. I think - since I have been on this Commission - we've had a chance to review the operation on the information you have given us, the Company has improved its operation 100, or maybe 150%. Your collections have improved - the quality of service has improved - your rates, by some members of the Board, have been increased as to the amount of money

MERCY  
AMBULANCE  
CONTRACT  
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you can charge for runs. I don't agree with the "dry run" cost but I would be willing to renegotiate it at the time the contract comes due. This is changing the contract in the middle of the stream.

Mr. Bell: How are we going to survive?

Commissioner Lurie: I think you are going to survive -

Mr. Bell: Because I'm a responsible citizen -

Commissioner Lurie: I think you are a responsible citizen. I think you are going to survive and, again, I haven't supported this cost of "dry runs" because I think by the Metropolitan Police Department subsidizing Mercy Ambulance at \$8,096.00 a month, plus the \$2,500.00 that was approved, it is quite a compensation for a privately-owned Company to provide services to the community. That is over and above what the contract calls for. The \$2,500.00 was an increase and you didn't think it was enough so you want us to change it to "dry runs". I might be willing to negotiate that at the time the contract is due in 1980, but I don't think that our people ought to pay for these "dry run" calls. I don't buy the fact that just because they turn the motor on, that is a "dry run" call and we have to pay 65% of that.

I think a lot of your argument is - to me, I don't buy all your arguments, but I don't want you to take it personally. I just don't think we should pay taxpayers' dollars to subsidize your Company because of a debt service you have that you acquired when you purchased the Company.

Mr. Bell: That's not true. That is simply not true. The debt service we are talking about is the money that I had to personally borrow because of the unreasonably low rate at which "dry runs" were incurred.

Commissioner Lurie: At the time you purchased the Company you weren't even talking about "dry runs".

Mr. Bell: You can check the records as to where the money went - because we couldn't generate enough revenue, because of the "dry runs" and the unreasonably low rates - we had to borrow to subsidize the Mercy Ambulance operation - that that's where those dollars came from.

Commissioner Lurie: I thought the granted increase in the base rates was for that. The \$20.00 - the cost for the siren - the cost for after eleven o'clock at night -

Mr. Bell: Apparently you are not familiar with the magnitude of this service in this community.

Commissioner Lurie: I am familiar with it.

Mr. Bell: I don't think you are, the way you're talking, I don't think you are familiar with it - what our responsibilities are and how we have to run endlessly up and down the street and care for people, and save lives on a 24-hour basis, with modern equipment and trained personnel. That is an awesome responsibility -

Commissioner Lurie: We have that responsibility too - we make more runs

MERCY  
AMBULANCE  
CONTRACT  
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from our Fire Department . . .

Mr. Bell: Have you ever evaluated what it would cost you as a governmental entity to run the emergency calls of Police as to what private enterprise can do it for?

Commissioner Lurie: I have all those figures.

Mr. Bell: You know darn well it would run more than a Million Dollars - as compared to giving us a little increase to the tune of a couple of Hundred Thousand, it would cost you a Million and a Half. Is that cost effectiveness in government? I don't think it is!

Mayor Briare: Mr. Bell, let's talk about the matter at hand -

Mr. Bell: Mr. Mayor, I apologize for raising my voice -

Mayor Briare: That's alright, Mr. Bell, we all do it at some time. This, hopefully, is being looked upon in an unemotional manner.

Mr. Bell: It is very emotional to me.

Mayor Briare: I can understand that because it is a cost in your pocket, or out of your pocket depending upon which way the pendulum swings here. As far as cost effectiveness in government is concerned, you are not alone when you think that private enterprise can do it better than government. I think that is pretty well known amongst everyone. It is rather an unfortunate circumstance but there's a whole philosophy of economics that we can't get into right now. I would like to ask you kind of a morbid question, Tom - if you define - and I've tried to convince you that I am totally familiar with what a "dry run" is - and you have 500 of them a month - my morbid question is - how many good runs do you have? How many paying runs do you have?

Mr. Bell: Well, let me explain this: The "dry runs" amount to approximately 40% of the runs. In other words, if you are a citizen of this community and you see our red light and hear our sirens, approximately one out of every two times that is a "dry run" - 40%. Now, on the other side of the coin, I think you can follow that question further. Of the 60% in the emergency arena that we are able to render an invoice for, we have an immediate 35% loss there in the uncollectible arena.

Commissioner Leavitt: Mr. Mayor, I would like to make a motion.

Mayor Briare: Could you give me just one minute, Commissioner? So you have about 750 paying runs. Is that the logical conclusion that you are offering? You have 1250 runs - 500 of them are bad - are "dry runs" and 750 are paying runs.

Mr. Bell: No, there are a certain amount of uncollectibles in that 750 -

Mayor Briare: You bill for 750?

Mr. Bell: That's right.

Mayor Briare: I'm not trying to solve the whole problem of Mercy Ambulance here, I assure you, Tom, but I'm trying to satisfy my mind whether in good conscience I can participate in a vote should there be a motion made to do this

MERCY  
AMBULANCE  
CONTRACT  
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And, on the other hand, in fairness to the private enterprise system, I want to, in good conscience, vote in the event we should go ahead and say "yes". So I am asking these questions. You have 750 invoices that go out per month and if you increase them \$10.00 in order to bring Mercy up to the average in the Western States, you would be coming up with \$7,500.00 a month?

Mr. Bell, Remember that you have a 30% drop-off there that are uncollectible.

Mayor Briare: We're not talking about uncollectibles right now - we are talking about "dry runs" as opposed to paying runs, or invoiced runs.

Commissioner Christensen: You also have to consider in that, Mayor, what they invoice for because of the ancillary charges - when they carry somebody it would generally generate more expense than the run that carries no one. Is that correct, Mr. Bell?

Mr. Bell: Sure.

Commissioner Leavitt: I have a question to ask of Mr. Bell: Your contract with us has how many more years to run?

Mr. Bell: Two (2) years. December 31, 1980.

Commissioner Leavitt: Mr. Mayor, I would point out that the precedent has been set during the term of this agreement to reimburse Mercy for "dry runs" cost and it has been done at various times over the term of the contract. There are two more years under the contract and at that time I think we are going to have to re-examine the whole situation. It may be at that time that the City of Las Vegas and its Fire Department may have to get into the ambulance business. I don't know, but that decision will be made when that contract expires. Mr. Bell has made the statement that it would cost us more to get into the ambulance business than what private enterprise can do it for. But since the precedent has been set, I would make a motion at this time that we reimburse Mercy Ambulance for its "dry run" cost up to 50% as opposed to the 65%.

Motion

Commissioner Christensen: Is that correctly stated, Commissioner Leavitt, or are you making the motion that we augment the Police budget enough money to pay Mercy?

Commissioner Leavitt: If it means augmenting the Police budget up to an amount of 50% of the "dry run" costs on the formula that has been established by the financial people who made that recommendation to Metro - that figure amounts to - should it be 50% as opposed to 65%.

Commissioner Christensen: I have a comment I would like to make: I agree with Commissioner Leavitt. I don't want to see the City in the ambulance business because I agree with Mr. Bell, and all the others who have stated that the City cannot operate the ambulance service as cheap as private enterprise. I firmly believe in private enterprise and would like to see as many of those services in private enterprise as we can possibly get.

I question some of the allegations, and so forth, but it is based strictly on trying to do the best job for the taxpayers, and I think the taxpayers can best be represented - can get the most and best for their money - if it is

MERCY AMBULANCE  
CONTRACT  
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done by private enterprise. I'm a firm believer in that. So I would support this motion simply because I feel we should make some compensation. I think the 65% figure is too high - if the other figures had been . . . if the County hadn't jumped out and forced the other motion as quick as they did at the Police Commission meeting, I think it probably would have passed through the Police Commission without too much difficulty.

Commissioner Woofter: Mr. Mayor, I would like to comment on Commissioner Leavitt's motion. I want to state for the record I am going to vote in favor of Commissioner Leavitt's motion because I feel that that motion right now, as indicated by Commissioner Christensen, will pass. My motion would have been to approve the 65%. Commissioner Lurie has indicated, and maybe my personal emotions get involved, and shouldn't in this case because Mr. Bell has been a close personal friend of mine for many, many years, and when he comes to me and he lays it out like it is, I have no question but that that is the way it is. He definitely has problems. He admitted at the outset and that's when I was going to chastise him - at the outset - that the contract was a bad contract as Commissioner Leavitt has brought out. Many of these things would have probably been rectified, as Commissioner Lurie has said, hopefully, will be rectified at the ending of this contract. There is no question that I have to take exception to my friend and City Manager, ( Russell Dorn, who says he recommends against an increase; saying it would cause a constraint on our 1978/79 Budget. Possibly I don't think Russ looked ahead like what all of us so far have commented on. It is a question of maybe contraining our Budget - the immediate Budget - but looking ahead,

there is no question in my mind after reviewing the area of other municipalities in the United States and what comments have been made by the Commissioners, if we would have to take this service over, it would cost us One Million Five Hundred Thousand as against the \$60,000.00 that we're facing right now. And another factor that hasn't been brought out - as Commissioner Christensen brought out - the Sheriff voted for this and I know what his reasoning is. He does not want a Police Officer at the scene of an accident to be placed in the position of whether or not to call Mercy Ambulance, because that is a situation that comes about in the "dry runs". I don't want to see that situation where it is ever up to him to determine whether or not an ambulance is needed because we can all understand the dire consequences that could result from letting a Police Officer act on that basis. All of our colleagues on the side of the County have voted 7-6 to endorse this 65%, and I certainly feel the comments made, other than certain questions the Commissioners had - there is no question in my mind that this is a fair and reasonable request - even though being an Attorney you say - you live with the contract - you entered into it - this is a situation that is different and there is no question in my mind if we don't vote for Commissioner Leavitt's motion, we are going to see a good citizen of our community facing bankruptcy as far as Mercy Ambulance is concerned. But only on the basis that I feel this motion is going to be approved, I am voting for it, because if it wasn't, I would certainly make a motion for the 65% figure.

Mayor Briare: Thank you, Commissioner Woofter. Mr. Bell, you've got your three votes. Even though we know going in with the vote what it is, it would seem to me that if your contract expired in a number of years and if this whole subsidy is not granted right now that you won't be in business in two years, I would feel very badly about that, because you've had a lot of accolades from this side of the table here about what a fine Company yours is and what a fine man you are, and I certainly don't take exception to that. Maybe the thing to do would be to renegotiate the contract right today. In

MERCY  
AMBULANCE  
CONTRACT  
(cont'd)

other words, by mutual agreement, alter the contract so that instead of expiring in two and a half years, it expires in 30 days and then re-negotiate with you and make it so that the people who are using the Ambulances are paying, as opposed to this subsidy.

Notwithstanding your poor Accounts Receivables from time to time, like many businesses have, yours is more so because of the nature of your business - notwithstanding that, you could pick up about \$90,000.00 a year if you had 100% collectibles, which we know is impossible, just by raising your rates to the standard rates in the Western States. But apparently a lot of people, including your Company and including the governmental entities, don't want you to raise the rates. I don't either. I like to see the users of the Ambulance pay for it than to have a burden on the whole tax rate, because I think you could raise an amount of money by raising your rates which would exceed the amount of money this motion here is going to pass is going to give you. But I think there is also a decision we should make, Mr. City Manager and members of the Commission, and that is - should we re-evaluate whether the City should be in the paramedic business. We have always known you can't have ambulances running into each other in places and maybe that's the same old problem, except that having two private enterprise ambulance companies that are arguing over themselves - Commissioner Woofter, you brought this to my mind when you mentioned about having a Police Officer out at the scene of a serious accident wondering whether he should call the ambulance or not and then - and then the other decision, I thought I was kind of jumping the gun a little bit, Commissioner Woofter, because I thought what you were going to say is that the Police Officer is out there at the scene of a terrible accident and he's playing the part of a referee as to which one of the three ambulances that are sitting there is going to be asked to take the call. That's not a very healthy thing for our community. But if the paramedics, which seems to have a great reception amongst the people of Las Vegas, and it certainly seems to have had a lot of support from this Commission, should go on and continue and be the good thing we think it is, maybe we ought to make a decision - we should start thinking about it right now whether or not the City is getting into the ambulance business through that back door, but supporting the Paramedics.

In any event, gentlemen, unless there are other remarks to be made, we have a motion before us to approve a 50% - are there any dollars in that motion, Commissioner, or is it just 50%?

Commissioner Leavitt: I don't know the Dollar figure . . .

John Bramble: Your Honor, it would be approximately \$51,000.00 - \$52,000.00.

Commissioner Lurie: Your Honor, everyone has had a chance to say - to make a fine presentation - did a good lobbying job and sold all of you a Bill of Goods and what we're doing, we're taking money from our Budget that could go for, say, additional Police Officers on the streets - could go for improving our Fire Services, but now we're going to subsidize private enterprise. I am surprised at this Commission in going against our own financial management personnel who say this is not needed at this time - that we are going to go ahead and augment our Budget for an increase in this cost.

Give our Fire Department some credit. They are the first ones on the scene in any major type of an emergency situation and they stabilize a person - they ready them for transport and Mercy then can transport these people to

MERCY  
AMBULANCE  
CONTRACT  
(cont'd)

whichever hospital they elect to go to. I just think it's wrong that we have to subsidize the Company and I proved it at the Police Commission meeting where the Officers took out \$55,000.00 in salaries this year from our own people and the County's people who audited the books for Mercy Ambulance and now we're subsidizing them for making a larger profit just to retire their debts. I think that's wrong and I will not support taxpayers' dollars to this effort.

Commissioner Christensen: I have just a couple of quick comments. No. 1, I don't remember if you were on the Board yet, but at the time we spent Revenue Sharing money for our first Paramedic unit for the Fire Department, I voted against it because I made the exact comment you did - we are putting the City in the ambulance business. I objected to that so I voted against it.

No. 2 - I would like to point out, maybe with a little tongue in cheek, that we worry about where this money is coming from. If the County would pay for the use of the facilities, that's where the money could come from.

Mayor Briare: Do you mean these Chambers?

Commissioner Christensen: That would be one place -

John Branble: Could I get a clarification of the motion?

Mayor Briare: The motion is pay 50% of the "dry run" subsidy.

Commissioner Leavitt: What was before us was a request for 65%, or \$64,000.00. Now I want to reduce it to 50% . . .

Mr. Bramble: Are you requesting us to make an augmentation or are you requesting us to make up a proposal for augmentation?

Commissioner Leavitt: To make the augmentation at that figure -

Mr. Bramble: Excuse me, as a point of order, by NRS we have to make a proposal for augmentation for the 1978/79 Budget. Then we would do it during the budget year.

Commissioner Leavitt: Do whatever is necessary that is legal -

Mayor Briare: If you are ready for the question, please cast your votes.

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

Mayor Briare: The motion is approved.

At the hour of 11:15 A.M. Mayor Briare declared a 5-minute recess.

Meeting reconvened at the hour of 11:20 A.M.

USE OF  
SPEEDROME  
Approved

REQUEST FOR USE OF THE SPEEDROME BY SILVER BIRD HOTEL & CASINO (NORMAN T. JOHNSON) FOR "SILVERBIRD/SCORE RACE OF CHAMPIONS" OFF ROAD RACE - JUNE 13 THROUGH JUNE 26, 1978

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Mayor Briare: (11:20 A.M.) The meeting will now come back to order. Mr. Dorn, I don't see Judge Goldman in the audience, or is there someone here representing him?

Mr. Dorn: Mayor, Judge Goldman requested a time certain, if possible, to appear before the Commission at 11:30 A.M.

Mayor Briare: Very well, we will proceed and come back to this item at the appropriate time. The next item then would be the request of the Speedrome.

Mr. Norman Johnson: I am Norman Johnson, Director of Public Relations for the Silverbird Hotel.

Commissioner Lurie: I have had an opportunity to review all of the information presented to us on this request. I think this is a great promotion and a great event for the City, and I would move that we follow the recommendation of the City Manager to set aside the dates of June 12th thru the 25th for the use of the Speedrome by the Silverbird for the Race of Champions.

Mayor Briare: Are there any comments on the motion?

Commissioner Leavitt: That is subject to approval by all of the other approvals they need. For example, I know they have to go before the Air Pollution Committee.

Mr. Johnson: We are prepared to meet all of the requirements.

Mayor Briare: I notice, gentlemen, that in looking over the material - I think this is going to be one of the finest automotive events - probably close to "The Mint 400" - it's a different type of thing - but it is going to be a Pro Celebrity Event and I want you to know there are five celebrities sitting up here - also some Hot Rod drivers.

Mr. Melvin: At this point in time, American Motors has commitments from eight very famous personalities . . . beginning with Robert Drake, Robert Conrad, Paul Williams, Ernest Borgnine, Redd Foxx - there are eight of them.

Mr. Melvin: American Motors is putting \$250,000.00 into this Race . . . for your information a similar race in Riverside draws close to 45,000. We felt the race would have been good at premises, but I think it will be equally good, or better, out at the Speedrome. We will have better control of it.

Mayor Briare: Thank you very much. The motion is to approve this request.

Mr. Dorn: Your Honor, before the Commission votes on this, that you authorize myself and the City Attorney to prepare a lease and work out the necessary responsibilities?

Mayor Briare: That always goes with it, Mr. Dorn. If there are no further

SPEEDROME  
(cont'd)

comments or questions, please cast your votes.

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

H.R. 11733

Mayor Briare: As soon as Judge Goldman comes in, will you let me know Mr. Dorn?

Mr. Dorn: Yes, Your Honor.

Mayor Briare: The next item is the

REVIEW AND CONSIDERATION OF SUPPORT BY CITY COMMISSION OF H. R. 11733, A BILL IN CONGRESS DEALING WITH FEDERAL FUNDING FOR TRANSPORTATION CENTERS FOR CITIES.

Mr. Dorn: This is a Bill which would provide funding for transportation centers within cities. I believe it would be of potential benefit to the City of Las Vegas if some type of Program along this line were funded through Federal Legislation. I would like to recommend that the City go on record as supporting this legislation and that our Congressional Delegation be apprised of our support.

Mayor Briare: Are there any objections to that?

Motion

Commissioner Lurie: I would move for approval to support H. R. 11733.

Mayor Briare: Please cast your votes.

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

BOR  
FUNDS  
Resolution  
Adopted

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA AUTHORIZING THE FILING OF APPLICATIONS FOR 1979 LAND AND WATER CONSERVATION FUNDS

Mr. Dorn: The Nevada State Park System is now accepting applications for the 1978-79 funding cycle of the Bureau of Outdoor Recreation. We have three (3) applications we would like to submit that we feel are eligible for funding. That would be the development of Fountain Park, Phase II; Baskin Park and the development of the Senior Citizen Passive Recreation Area at Lorenzi Park. The City's match on all projects would be \$848,433. The Department of Financial Management has verified that sufficient funds exist in the City's Convention Authority allocation to provide the required match, should all three applications be approved by BOR. Therefore, it is my recommendation that the applications be submitted for these three (3) Projects.

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

Motion

Commissioner Lurie: I move we follow the recommendation of the City Manager.

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

See Pages 35, 36 and 37 of these Minutes - Resolution

1 A RESOLUTION OF THE BOARD OF COMMISSIONERS  
2 OF THE CITY OF LAS VEGAS, NEVADA, AUTHORIZING  
3 THE FILING OF APPLICATIONS FOR 1979 LAND AND  
4 WATER CONSERVATION FUNDS

5 WHEREAS, the City of Las Vegas, Nevada, has been notified that  
6 applications for 1979 Federal Land and Water Conservation Funds are now  
7 being accepted by the Nevada State Park System; and

8 WHEREAS, the City of Las Vegas, Nevada, is eligible to apply  
9 for grants under the Land and Water Conservation Fund Act of 1968, 78  
10 Statute 897, 1964; and

11 WHEREAS, the City of Las Vegas, Nevada, desires to make  
12 application to the Nevada State Park System for financial assistance under  
13 said federal program; and

14 WHEREAS, the Nevada State Park System has been assigned the  
15 responsibility for the administration of said program within the State of  
16 Nevada including the establishment of appropriate and necessary administrative  
17 guidelines and procedures governing the applications submitted by local  
18 agencies for funds under said program; and

19 WHEREAS, the statutory provisions and adopted administrative  
20 guidelines and procedures established by the Nevada State Park System require  
21 that the applicant must certify by resolution of the applicant's governing  
22 body that the filing of the application has been authorized by said body; and

23 WHEREAS, said statutes also require that the applicant must  
24 certify by resolution that all understandings and assurances contained in the  
25 application forms have been agreed to by the applicant's governing body; and

26 WHEREAS, the Federal Act and adopted administrative guidelines  
27 and procedures require that the applicant must certify by resolution the  
28 approval of the proposed projects, the applications, and the availability  
29 of local matching funds prior to the submission of said applications to the  
30 Nevada State Park System; and

31 WHEREAS, the proposed projects contained within the City  
32 limits of the City of Las Vegas are consistent with the Nevada State  
33 Comprehensive Outdoor Recreation Plan and other prerequisites and require-

1 ments of the Land and Water Conservation Fund Act; and

2 WHEREAS, the proposed projects are consistent with City,  
3 County and Regional plans.

4 NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners  
5 of the City of Las Vegas:

6 1. That the Office of Budgeting and Management Analysis is  
7 hereby authorized and directed to prepare and submit grant applications to  
8 the Nevada State Park System for financial assistance under the Land and  
9 Water Conservation Fund Act, 78 Statute 897, 1964, for the development of  
10 the following projects:

11	A. Fountain Park: Phase II	-	\$891,194
12	B. Bob Baskin Park	-	\$684,032
13	C. Senior Citizens Area, Lorenzi Park	-	\$121,640

14  
15 2. That fifty percent (50%) of the cost of these proposed  
16 projects be requested from the Nevada State Park System under said Program  
17 as follows:

18	A. \$445,597
19	B. \$342,016
20	C. \$ 60,820

21 3. That the City of Las Vegas, Nevada does hereby certify that  
22 it can finance 100 percent (100%) of its share of the projects.

23 4. That the City of Las Vegas agrees to the assurances and  
24 understandings contained in the application.

25 5. That Rhea J. Korsh is hereby authorized and directed to  
26 file such applications, to provide such information and furnish such  
27 documentation as may be required by the Bureau of Outdoor Recreation and to  
28 act as the authorized representative of the applicant in the development of  
29 the proposed projects.

30 6. That the Mayor is hereby authorized to execute such  
31 assurances, contracts, or other documents as may be necessary for the grants  
32 applied for, and the City Clerk is hereby authorized to attest the same.

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PASSED, ADOPTED AND APPROVED THIS THIRD DAY OF MAY, 1978.

  
WILLIAM H. BRIARE, MAYOR

ATTEST:

  
EDWINA M. COLE, CITY CLERK

Mayor Briare: While we are on this particular type of application, Mr. Saylor, the City of Las Vegas owns several hundred acres way up in the western part of the City, I believe . . .

ANGEL'S  
PARK Mr. Saylor: Angel's Park -

Discussion Mayor Briare: I don't know how that name happened to come about -

Mr. Saylor: I don't either.

Mayor Briare: Well, for lack of a better designation at the moment, have there ever been any plans put together on that? Or drawings?

Mr. Saylor: No. It is one of those projects that is quite a ways away from utilities, etc. There are no firm development plans whatsoever. However, at any time . . .

Mayor Briare: I wish that, Mr. Dorn, I would like to make a request that some preliminary discussions begin on the future use for that particular location for a regional type park.

Mr. Dorn: I will see that something gets started on that, Your Honor.

Mayor Briare: I made the comment yesterday, gentlemen, and I think it's certainly true - this afternoon around 4:30 there is going to be a meeting of the Nevada Development Authority and they are going to be talking to some of the representatives of some of these very large companies that are moving some operations into this particular area - the J.C. Penney Company in particular - some of them are already here out in the Henderson area - I was making the comment yesterday to some of the people about the impact this will have on the community. You take a firm like J.C. Penney that is going to hire 2500 employees, conceivably that could project into an economic and population impact - I'm not just talking about the people servicing it - instead of 2500 it projects into close to 5000 people. There are several of these things taking place - yesterday's newspapers talked about the Trans America Video Corp. that is perhaps going to hire 500 people. So I think that even though we . . . that particular area out there, Mr. Saylor, I believe is in the County, or . . .

Mr. Saylor: It is in the County at this point in time, Mayor. However, the private land owner in between that and the City has started annexation proceedings. However, under the State Law it becomes an extremely burdensome chore because of certain rules and regulations that will cause us to go through about five annexations before we can get it in.

Mayor Briare: The main thing, I think, is to think about it from the standpoint of planning over the next couple of years. The City of Las Vegas should really demonstrate some leadership in planned based on things we know are going to happen.

BASKIN  
PARK

Commissioner Leavitt: Your Honor, before we leave this general subject, I would like to point out on Baskin Park - I happened to drive by there the other day - and I noticed that development in this area is very rapid.

BASKIN  
PARK  
(cont'd)

The housing developments we have approved have already started some sales and it is surrounded already at this point. In the event this is not approved, I would like to have it put on as a priority item at least for some work to be done there - to be cleared and prepared for the park site because, as I have indicated, if you drive by there you can see what area has been cleared and is developing very rapidly right now.

Mayor Briare: Thank you, Commissioner.

Judge Goldman is with us now - Your Honor. We've been waiting for you but we understand that you were scheduled at 11:30. What time does that clock say?

Judge Goldman: 11:30.

Mayor Briare: I want you to make judicial note, Judge, of how we schedule things in these Chambers. When we say 11:30 A.M., by Golly, we mean 11:30!

Commissioner Lurie: I just have one thing to say, Mayor, about how this item got on the agenda. I requested it be placed on the agenda because there seemed to be some confusion about the City's position insofar as agreeing with the concept of this Hall of Justice. There has been some correspondence between County Commissioner, Mrs. Dondero and the City Manager. The City Manager sent a letter back saying that we weren't interested because there were some other conditions contained in Commissioner Dondero's letter that obligated us to costs of the architect's fees, planning and also the bonding. My position still hasn't changed as far as the concept is concerned. I believe that at some time the criminal justice system - that a Hall of Justice should become a reality and that all of these agencies be located in one building. That is why I asked that it be on the agenda and that is why Judge Goldman is here to make comments on this matter.

Judge Goldman: For the record, I am Paul Goldman. I am Chief Judge of the 8th District Court in and for the County of Clark, State of Nevada. I appreciate this Commission giving me this time. Frankly, my only information on this subject comes from a report by Richard Bunker that the County budget is projecting about a cost of \$18,000,000.00 for a so-called Hall of Justice.

Frankly, my principal concern - and we are all equally well aware, I am sure - is the County Jail. Nonetheless I am interested in the Hall of Justice. He reported the County had projected an \$18,000,000.00 cost which would satisfy, according to Mr. Bunker, the needs of the Courts to the Year 2000, or some twenty-two years away. That included a figure of some twenty District Court Judges. I feel that figure is low, but I won't comment on that. All of the Justice Courts would be included in that structure, but there was some uncertainty as to whether or not the Municipal Courts of the City would likewise be included in that structure, the City Commissioner, or, at least, one of the Commissioners, having reported at one time that perhaps they would be and perhaps they would not.

Mr. Bunker had asked me to communicate further with the City with regard to this matter, to see what the City's position would be and to state my own position in regard to the desirability, or undesirability, of having the Municipal Courts located in the same building as the Justice Courts and District Courts.

I understand the Municipal Court Judges are in favor of having their Courts in close proximity to the other Courts - including the Districts and the J.P.'s.

HALL OF  
JUSTICE  
(cont'd)

I would anticipate that one of two things are going to happen which is probably going to necessitate that and make that much more desirable than it appears at the present time. No. 1, if we get the consolidation, or annexation, or whatever word we want to use besides "aggravation" - getting these two entities together and have them all unified in a form of government, obviously the jurisdictional boundaries of these Courts become closer and closer together and will probably have the same jurisdiction at some time in the future based on that, if for no other reason.

Another problem in my mind is that Nevada is one of the few remaining states which may change the Justice of the Peace system. Most of the states have gone to what they call a County Court System where the lower courts, so-called, are Courts of District Courts become involved in appellate matters, not trying cases as we do at the present time. If, in fact, the Municipal Courts and the Justice Courts do become County Courts, or in terms of consolidation, it seems to me that we should anticipate that and plan ahead somewhat to have them located in the same basic structure. I'm sure it is a common phenomena today to have litigants appearing in this building when they should be involved in the Justice Court, and have people in the Justice Court who are for the Municipal Courts, and I think we can look somewhat realistically down the line for the future and see if there is going to be a need to have these Courts in the same building, or in very close proximity to one another. So, on behalf of the Judges, this is unanimous. We are recommending that the City seriously consider including these Municipal Courts in the Hall of Justice and so advising the appropriate authorities so that the planning can be undertaken for that purpose.

Commissioner Woofter: Well, first of all, I certainly agree with Judge Goldman's comments for the need of such, so I support the concept. I just have one question, Judge: Has there been any location, or possible locations, pin-pointed for this Hall of Justice?

Judge Goldman: There has been. As I say, this is extremely tentative - I believe the planning necessarily has to be - I believe they are talking about tearing down the old Justice Court behind the present Court House and a building back there, and building a sort of high-rise type of structure that would house the Judges of all the Courts and the Municipal Courts, if we can include them in the planning, and certain County functions which are traditionally associated with the Court House - the County Recorder - the County Treasurer and offices of that nature. There would also be expansion room for additional Judges courts, or lower courts - I would use that phrase, if I may.

Commissioner Woofter: I was just concerned that there might be one area that is dear to my heart, might be considered at Cashman Field.

Judge Goldman: I don't know if they would find that location feasible. . . .

Commissioner Leavitt: When I was on the County Commission in 1973 this was one of the proposals that I suggested as Chairman of the County Commission, and we set aside \$1,500,000 at that time for a Hall of Justice at the location you mentioned. The thing that bothers me - that was five short years ago and that price has doubled. If we were talking at that time in terms of \$1,500,000 to build a proper building for the Hall of Justice - now you indicate the figure is \$18,000,000. At the same time we

HALL OF  
JUSTICE  
(cont'd)

bought all the land adjacent to the Court House with the idea of using that for parking or transferring some of the other offices in the Court House. . .

Judge Goldman: I understand, first of all, that a substantial sum of money - I, frankly, don't know what it is - has been allocated to Cambeiro & Cambeiro, Architects, to come up with some sort projection. It is very difficult since we don't know how much money is going to be available to build the building . . . my guess would be that it would be \$18,000,000 but the average citizen reading the newspapers it would appear to reach \$24,000,000 by the time it is built.

Commissioner Leavitt: With inflation I'm sure the increase in cost is to be expected. What about the Municipal Courts - I agree with the concept that the Municipal Courts should be in the same building - but are we going to get involved with you people as to who pays the rent - who takes care of the janitorial services - does the City pay the 10% - all that kind of thing?

Judge Goldman: I am very sensitive to that issue, Commissioner. Let me say this in response to that: There is a considerable on the State to make Court employees - that would include our immediate staffs, of course, and perhaps Court Clerk personnel - become State employees . . . that would be a part of a comprehensive budget State-wide. I believe the State is also prepared to some of the costs to the extent there are State Officers who use this apce when available - the Supreme Court is going to have some space in this Hall of Justice to use when they come down and used by other Judges when they are not here. They are going to pick up the tab on that portion of it.

Commissioner Leavitt: We are not necessarily talking about dollars and cents - we are talking about Courts - but let's look at it this way: Right now we have a certain budget for our Municipal Courts. We receive a certain revenue and, of course, we are responsible for that budget - and when the Hall of Justice is built and we put the Municipal Courts in there, is it going to have an impact on our budget? Are we going to be faced with additional costs for that Municipal Court system?

Judge Goldman: If we go to a broader concept . . . I would anticipate that is something that is going to have to be worked out by the parties -

Commissioner Leavitt: As Commissioner Christensen has pointed out, the County uses this facility for their meetings and there is no charge for it and I don't know if we are going to receive the same kind of treatment from the County, or will they expect us to pay for a percentage of it in the way of maintenance costs - bond retirement costs - and all that sort of thing. I think all those things have to be worked out but the concept I am in favor of - there's no question about it. I believe that is where the Municipal Courts belong - half the time people go to Justice Court when they should be in Municipal Court and half the time, vice versa, but I do just mention to you there may be some problem regarding finances, etc.

Judge Goldman: I think that is a serious problem - there's no question about that and I think that in the future the City and the County are going to be accounting each other as necessity dictates. That is a serious problem and one we are going to face. Today I would appreciate knowing

HALL OF  
JUSTICE  
(cont'd)

if the City would be willing to commit itself in terms of general policy, let's say, rather than committing itself to any fiscal responsibility, in having the Municipal Courts placed in the Hall of Justice concept.

Commissioner Christensen: Do we need a motion to that effect? I think we have to look at the big picture here that I think a lot of us are missing. We keep talking about consolidation, or annexation, and all of these things - we talk about the fight between the City and County Governments, and it is always taken on the plane that both of these Governments exist here and are like this - fighting - and I think we've got to look at the structure of the Government according to the Constitution of the State of Nevada, which puts the County here - the City a part of it - the County is not supposed to be a Municipal Government. If, in fact, the County was not in the Municipal Government then you would, in fact, not have the people trooping to Municipal Court that should be going to Justice Court and you would, in fact, not have near the load on the Justice Court because they wouldn't be handling Municipal Traffic Tickets. So I think you have to look at that whole big picture. Now, what we have here is a situation like Commissioner Leavitt mentioned - I don't think there is anybody on this Commission who is against doing anything that streamlines the system that costs the taxpayers less money and gets people to justice faster - but we always have to wonder - at what expense.

I am going to quote a former County Commissioner, Aaron Williams, at a Consolidation meeting that was held in the County Commission chambers before it was a court room. Somebody asked him what the Black Community's feeling was on this particular item. He said: Our problem is that we know we are going to get it - we just want to know what direction it's coming from so we can get braced. Now, you as a Judge, know that when you sentence a person in your Court, you take into consideration his past record. This is the problem we have. We have been saddled with half the cost of the Jail, which is a County function under the State Constitution - we have been saddled with more than double Police costs on a move that was supposed to have saved the taxpayers money - we not only have poorer Police service but we have more than double the cost. I sweat on thinking about moving the Court rooms together for fear we will have the same situation and it will cost us three times as much and have less Traffic cases heard.

Judge Goldman: Let me say this: I can sympathize with both sets of Commissions - that the State is not picking up its share of the tab - it is not doing what it should to resolve these problems. I'm not speaking on behalf of the other Judges - just for myself. Maybe we should face the facts and get a unified form of government. That might be the answer. I don't know. I'm here to say that I would like to have an indication from the City so that we can instruct the Architects to plan, at least generally speaking, to place the Municipal Courts in the Hall of Justice.

Commissioner Christensen: Well, of course, I sat on the Committee for a short time they were discussing this and one of my comments, along with Commissioner Lurie, to that Committee was, and it still is, that I, personally, would not be averse to utilizing space in that building, but I have to question very carefully what the cost is going to be, because our past experience has been that we would have to pay for four Court Rooms and get two. And that scares me, especially when we pay for four Court Rooms, get two and have to give our other two up to the County for some other use and we end up with a City Hall which the taxpayers of the City of Las Vegas out of their revenues, are retiring the bonds and we have less than 50% occupancy of it. That scares me when we have that kind of a situation.

HALL OF  
JUSTICE  
(cont'd)

Commissioner Lurie: I would just like to bring up one comment - and I think Commissioner Leavitt made a motion - or is ready to make a motion - is that building being planned with a space - additional space - so that if the City goes along with the concept we can negotiate for the cost of whatever space we feel we will need to place our Municipal Courts in that building. I believe we are talking about thirteen floors?

Judge Goldman: With my luck, I will probably on Floor 13.

Mayor Briare: Before Commissioner Leavitt makes his motion, Judge, I have to get a lick in here. I was just delighted when you started broaching the subject about the fact that maybe the employees of the Courts should be State employees, and your fellow Judges are State employees - is that not so?

Judge Goldman: That's correct.

Mayor Briare: I think that is a wonderful situation. I think that the entire Judicial System, perhaps with the exception of a small version of a Municipal Court, should be State employees and I think, further, that the State employees and the State should run all the prisons and all the Jails. If a jail is for the purpose of holding a convicted, but appealing, felon certainly some special kind of consideration should be given to those who are only accused and have not yet had their day in court, but those who are on appeal I think should be State obligations.

Judge, I am here to say to you and I couldn't be any more convinced at this particular point and yet the County Commissioners - all 7 of them - and if the members of the City Commission - all 5 of them - were to make a real concerted effort to convince the State Legislature that what I have just said should, in fact, be so, that they could convince enough Legislators here in Clark County to get it on. And if the Candidates and the Incumbents of Clark County - only Clark County - I'm not asking for Nye County support, or Lincoln County support - but the County Commission of only Clark County - because if we could handle this situation we would have such an easing of the tax burden - they wouldn't have to talk about going up to the Legislature and giving away the State Treasury.

Judge Goldman: That's quite right. When I appeared before this Commission the last time I told the Commission that there are enough Legislators from Clark County they could effectively control those things . . . I quite agree that the County Commission and the City Commission, and I think every citizen in this community, should get to their own Legislators and make sure that Clark County gets its fair share.

Motion

Commissioner Leavitt: I would move that we support the concept of the Municipal Courts being included in the new Hall of Justice, conditioned upon the right to negotiate the cost to the City for the use of space in the Hall of Justice.

Mayor Briare: Are there any comments on the motion?

City Manager, Russell Dorn: I appreciate Judge Goldman's comments, but I have to have a clarification, if I may, on that motion. We had submitted our gross needs for the Municipal Courts and the City Attorney's Criminal Division, at 12,357 sq. ft. My question to Commissioner Leavitt is: Do we enter into a rental agreement or lease . . .

HALL OF  
JUSTICE  
(cont'd)

Commissioner Leavitt: That's where we negotiate. That will have to come back to us. All we're doing this time is approving the concept that the Municipal Courts be included in the plans for the new Hall of Justice.  
- At a later time, conditioned upon the right to reserve the right to negotiate the costs to the City for the use of space in that Hall

Mr. Dorn: Just the space - not the cost of it?

Commissioner Leavitt: That's right. I don't want to get involved at this time as to the cost of the space in the Hall of Justice -

Mr. Dorn: Because in your book you have a data sheet showing that we estimated the cost, just for the record, showing it could go possibly to \$120,000 to \$94,000 . . .

See Page 45 of these Minutes - Data Sheet

Mayor Briare: That will be subject to negotiation - we are talking only about the concept now.

Commissioner Leavitt: I don't like to, at this time, say what we'll vote as to a Lease - I have to have a document in front of us. So all I'm saying at this point is that we support the concept. Sometime later on we will negotiate for the use of space in that Hall.

Commissioner Christensen: Which also means that if the terms are not satisfactory, we will not use the space.

Commissioner Lurie: I don't want the County to delay in proceeding with the design and construction of the Criminal Justice Hall.

Commissioner Leavitt: It's like Commissioner Christensen has said - we want to get braced!

- Mayor Briare: If you all feel sufficient y braced, push your vote button.

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

See Page 46 of these Minutes - Annotated Agenda

Mayor Briare: The motion is approved, Judge, you always grace our Chambers. Thank you very much.'

Judge Goldman: If we can be of assistance in getting some liaison with you by the Architects, we will be most happy to do so.

Commissioner Christensen: I was going to make one comment - I decided not to, but now I've decided to make it: I just hate to be dragged kicking and screaming into something else . . .

Mayor Briare: Ladies and Gentlemen, the City Commission has business to do in the Plaza at exactly 12:00 o'clock Noon - there's a Noon Day Concert - it is the occasion of the Proclamation for Jazz Month on the Plaza - May is Jazz Month, so for all you Jazz enthusiasts, stay around and we'll be back at 2:00 o'clock when we will take care of the Public Hearings and then go back to the other business. (11:45 A.M.)

	PRESENT FOOTAGE	ADDITIONAL FOOTAGE	TOTAL FOOTAGE	TOTAL SQ. FOOTAGE	FOOTAGE COST	
					VALLEY BANK	FIRST NATIONAL BANK
<b>MUNICIPAL COURT - CLERICAL</b>						
a) Criminal Division Staff	870 sq. ft.	-	870 sq. ft.		83¢ sq. ft.	64¢ sq. ft.
b) Records (Storeroom)	280 sq. ft.	315 sq. ft.	595 sq. ft.	3,366	\$2,794/month	\$2,154/month
c) Lounge Area	330 sq. ft.	-	330 sq. ft.	sq.		
d) Traffic Division Staff	1,391 sq. ft.	-	1,391 sq. ft.	ft.	\$33,525/year	\$25,850/year
e) Dept. Head Office	180 sq. ft.	-	180 sq. ft.			
<b>SUB TOTAL</b>	<b>3,051 sq. ft.</b>	<b>315 sq. ft.</b>	<b>3,366 sq. ft.</b>	<b>3,366 sq. ft.</b>	<b>--</b>	<b>--</b>
<b>MUNICIPAL COURT - JUDGE</b>						
a) Judges Chambers	738 sq. ft.	-	738 sq. ft.		83¢ sq. ft.	64¢ sq. ft.
b) Court Rooms	3,829 sq. ft.	-	3,829 sq. ft.	5,803	\$4,816/month	\$3,714/month
c) Reception Area	238 sq. ft.	-	238 sq. ft.	sq.		
d) Judges Conference/ Library Room	490 sq. ft.	-	490 sq. ft.	ft.	\$57,598/year	\$44,567/year
e) Prisoner Retention Room	148 sq. ft.	-	148 sq. ft.			
f) Baliff Staff	360 sq. ft.	-	360 sq. ft.			
<b>SUB TOTAL</b>	<b>5,803 sq. ft.</b>	<b>-</b>	<b>5,803 sq. ft.</b>	<b>5,803 sq. ft.</b>	<b>--</b>	<b>--</b>
<b>CITY ATTORNEY - CRIMINAL DIVISION</b>						
	2,665 sq. ft.	500 sq. ft. (Public Defender)	3,168 sq. ft.		75¢ sq. ft.	64¢ sq. ft.
		20 sq. ft. (Conference Area)	20 sq. ft.	3,188	\$2,391/month	\$2,040/month
				sq.	\$28,692/year	\$24,484/year
				ft.		
<b>SUB TOTAL</b>	<b>2,665 sq. ft.</b>	<b>520 sq. ft.</b>	<b>3,188 sq. ft.</b>	<b>3,188 sq. ft.</b>	<b>--</b>	<b>--</b>
<b>TOTAL</b>			<b>12,357 sq. ft.</b>	<b>12,357 sq. ft.</b>	<b>\$120,015/year</b>	<b>\$94,901/year</b>

**NOTE:**

**VALLEY BANK** - CONTACT: Keith Bassett, 385-5926

Valley Banks' prices could fluxuate downward once more details are provided to them. Their price range is from 75¢ to 83¢ per sq. ft. This price includes maintenance, utilities and needed refurbishing.

**FIRST NATIONAL BANK** - CONTACT: Joe Nolan, 384-1426

First National lacks the large parcels of space Valley contains but did say they could accomodate our need after consolidating some existing operations to other spaces. Their 64¢ per sq. ft. also covers maintenance, utilities and refurbishing.

# AGENDA

## City of Las Vegas

May 3, 1978  
Page 12

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

ITEM	Commission Action	Department Action
<p>IV (a) ADMINISTRATIVE AGENDA - RUSSELL W. DORN, CITY MANAGER</p>		
<p>A. A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA STATING APPRECIATION AND SUPPORT FOR FEDERALLY FUNDED PROGRAMS AIDING CITIES</p>	<p>Adopted (as amended) Lurie - unanimous</p>	<p>C/M to proceed</p>
<p>B. CONSIDERATION OF MERCY AMBULANCE CONTRACT</p>	<p>*Approved Leavitt Mayor Briare &amp; Commissioner Lurie voted "no"</p>	<p>Staff authorized to proceed</p>
<p>C. REVIEW OF HALL OF JUSTICE PROPOSAL TIME CERTAIN: 11:30 A.M.</p>	<p>Following presentation by Judge Goldman, Approved as to concept Leavitt - unanimous</p>	<p>Staff to proceed</p>
<p>D. REQUEST FOR USE OF THE SPEEDROME BY SILVER BIRD HOTEL &amp; CASINO (NORMAN T. JOHNSON) FOR "SILVERBIRD/SCORE RACE OF CHAMPIONS" OFF-ROAD RACE - JUNE 13 THROUGH JUNE 25.</p>	<p>Approved as Requested subject to appropri- ate Use Agreement Lurie - unanimous</p>	<p>C/A to prepare Agreement</p>
<p>E. REVIEW AND CONSIDERATION OF SUPPORT BY CITY COMMISSION OF H.R. 11733, A BILL IN CONGRESS DEALING WITH FEDERAL FUNDING FOR TRANSPORTATION CENTERS FOR CITIES</p>	<p>Approved as recommended Lurie - unanimous</p>	<p>C/M to proceed</p>
<p>OFFICE OF BUDGET AND MANAGEMENT</p>		
<p>F. A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA AUTHORIZING THE FILING OF APPLICATIONS FOR 1979 LAND AND WATER CONSERVATION FUNDS</p>	<p>Adopted as presented Lurie - unanimous</p>	<p>Staff authorized to proceed</p>
<p>*Approved request to reimburse Mercy Ambulance for 50% of their "dry-run" costs, at an increase to the City of approx. \$52,000.00.</p>		
<p>G. MINUTES - REGULAR MEETING OF JANUARY 19, 1978</p>	<p>Approved by Reference Lurie - unanimous</p>	<p>Mayor &amp; Clerk authorized to sign</p>

Meeting reconvened at the hour of 2:00 P.M., with City Commissioners and Staff present as were present at the 9:45 P.M. portion of this Regular Meeting.

Mayor Briare: The City Commission is now back in session and the first item on the Agenda is on Page 31 - PUBLIC HEARINGS.

S.I.D.  
No. 425

SPECIAL IMPROVEMENT DISTRICT No. 425 - DISTRICT KNOWN AS "SMALL TRACT AREA".

Jim Gist, Department of Public Services: This is the Provisional Order Hearing for Special Improvement District No. 425 for the proposed installation of sewers, in the "Small Tract Area" - Section 36 - which is essentially that area north of Charleston Blvd, between Brush Street and Jones Blvd. This area - a potential valuable property area - has been stagnant for many years. Some of the owners have been unable to develop because there are no utilities. The installation of this sewer will accomplish a dual purpose. First, the sewer in the vicinity of Monticello and Evergreen - in this area (easel map), is presently overloaded and we must divert some of that sewage down onto Charleston Blvd. As part of this Project, we propose to install a 12-inch line on Monticello and Evergreen, east to Jones; south on Jones to Cory Place; east on Cory Place to Upland and south to Charleston.

The City has quite a share of the responsibility of this particular portion (easel Map). Consequently, we proposed that the City pay for the oversizing of this line from eight (8) to twelve (12) inches, in the amount of approximately \$120,000.00. This is in the budget, incidentally.

The second portion of this line extends from just east of Upland; east on Cory Place over to Brush Street and south on Brush to Charleston Blvd.

This sewer, as you will notice, does not completely cover the area, primarily because of the lack of adequate right-of-way and the fact that the City is not in a position to dictate to the property owners just how they will develop their property. We think that it will open up the area for development and that all of the properties will benefit to some extent.

The assessments are being made on an area basis of a 7-1 ratio - that is, those properties within one half a lot of the original Government on the sewer line, are being assessed at approximately \$6,100.00 per acre. Those properties not having immediate access to the sewer - within the assessable area - are being assessed at approximately 1/7th of the base rate, or approximately \$870.00 per acre.

This ratio was derived from an estimate of the cost to sewer the entire area. Since many stub-outs and connections - and this type of thing that will benefit the white area (easel map) are included in this Project - it has increased the cost of this particular section approximately 1/7th. Consequently, the areas in white are designated to pick up 1/7th of the total cost. This is the reason we came out with this 7 to 1 ratio. We think the area in white will benefit substantially.

There are 73 property owners in the area and the total assessment is estimated at \$207,000.00.

The Water District is presently working on an Improvement District to install water in primarily this area (easel map) - coming down to Cory

S.I.D.  
No. 425  
(cont'd)

and east on Cory and will substantially cover the major part of this Project also. They will be under construction about the same time we will for their Water Assessment.

All of the property owners were invited to a meeting held last Wednesday evening to review the Plans, to discuss the Project, the Estimated Cost, the method of payment, etc., and to answer any questions they might have. There were twelve (12) persons at this meeting. So far, I have one written protest. It's on that "L"-shape parcel (easel map) that fronts both on Upland and Charleston. It is rather a large parcel. He contends that he has sewer on Charleston and consequently doesn't need it on Upland. I stated that since it is in this area that is substantially undeveloped, it could easily develop into two parcels and consequently I am charging them for the area fronting on Upland, and we are not in agreement on this particular issue.

Since this is a Public Hearing, perhaps someone in the audience would like to be heard. Thank you.

Mayor Briare: Is there anyone in the audience who would like to be heard on the matter of this Special Improvement District No. 425?

Richard J. Olsen: I am the Pastor of the Upland Bible Church at 920 Upland and I'm here representing the members of the Upland Bible Church - many of them do not live in the immediate area, but would be asked to supply the finances. They attend the Church but do not live there. I am here to protest it because we have built a brand new Church and we are still paying for septic tanks that we haven't even used and now, again, we will be paying for a sewer which we wouldn't need. It would be an additional financial burden which we of the Church do not need.

Mayor Briare: Is there anyone else in the audience who wants to be heard on the matter of this Special Improvement District?

(No response)

Mayor Briare: Apparently there being none, we will close the Public Hearing and ask for comments, or questions, by the Commissioners.

Commissioner Christensen: I have one question: You indicated that you had a meeting to discuss this S.I.D. No. 425 last Wednesday - a week ago - is that correct?

Mr. Gist: Yes, Sir.

Commissioner Christensen: And how long prior to that did Notices go out to these people?

Mr. Gist: About three (3) weeks.

Commissioner Christensen: Then it is actually about four (4) weeks since they were notified -

Commissioner Christensen: Yes, that's correct.

Mayor Briare: So, other than the Pastor of the Upland Bible Church - Pastor



-16-78  
Appeal  
Approved

APPEAL FILED BY E. T. LEGG & CO. ON THE APPLICATION OF DEAN BREEZE - V-17-78  
to the action of the Board of Zoning Adjustment in DENYING the application of DEAN BREEZE for a VARIANCE to allow an off-premise advertising sign to a maximum height of 47.5 ft. where a maximum height of 40 ft. is allowed, on property located at 424 Las Vegas Blvd., North, in Zoning District C-2 (General Commercial).

Mayor Briare: Is there anyone present who wishes to speak in this matter?

Response: Yes Sir. My name is Van Ostrand. I am with the E. T. Legg & Co. 5030 Paradise Road, Las Vegas, Nevada. We are working with Mr. Breeze on this property. We were originally denied by the Planning Commission, but I don't think they had addressed themselves to what we are asking for. Let me make it very sure that the sign is permitted and is allowed and we could go out and get a permit for the existence of the sign. Everything is in compliance with the City ordinance, except for the sign here (easel map), we could - the sign could be placed here and the exit from the Freeway would come here (easel map) - this visibility line which puts the corner of the building into the left facing of the side - we have asked for this additional 7-1/2 feet so that the sign would be just over that corner of the building. Again, I want to reiterate that the sign is allowed there at 40 ft. We are asking for the additional 7-1/2 ft. to get over the visibility line of the corner of the building. If we cannot acquire that, the sign, by permit, without any variance, would be permitted and we would have to bring it forward on the property and very close to the street. We feel that the granting of our request would be advantageous to the City and for our visibility.

Mayor Briare: You wouldn't run into any Federal problems as the result of your being in the immediate proximity to the Freeway?

Mr. Van Ostrand: No Sir - what would happen if and when the Freeway were to go through they would contact us and buy out all rights to the sign as well as Mr. Breeze's property.

Mayor Briare: Who would buy them out?

Mr. Van Ostrand: The State would buy the sign and the property, or give us the privilege of relocating the sign -

Mayor Briare: How imminent is this Freeway here?

Mr. Van Ostrand: Mr. Breeze had heard no communications from anyone regarding it.

Commissioner Christensen: How far away is the Freeway, Mr. Saylor?

Mr. Saylor: The latest word we have is that they have funds for the emergency acquisition of right-of-way and they will start that this year.

Commissioner Christensen: And this particular piece of property is in the right-of-way area.

Mr. Saylor: That's right -

16-78  
cont'd)

Commissioner Christensen: Then what you're saying is that if the additional 7-1/2 ft. was allowed, it would only be until they took the sign down -

Mr. Van Ostrand: Yes Sir -

Mayor Briare: My question is - why should we aid and abet a Sign Company to create a situation that would also be costing the State and everybody - the taxpayers money to come right in and take it - why make it easy for you?

Mr. Van Ostrand: But, Mr. Mayor, you are addressing yourself to the question of the presence, or existence, of the sign - and we can do that at the 40 ft.

Mayor Briare: Maybe you would be willing to make a concession to the State Highway Department for as long as it takes - if it takes a year - two years - five years - you might be willing to make a concession to them in exchange for going up another 7-1/2 ft. That 7-1/2 ft., obviously, is important to you - why wouldn't you be willing to take the sign down at your own expense at the time the State Highway needs it.

Mr. Van Ostrand: I would have to take that back to the big kids back at the store -

Commissioner Christensen: If I understand what you're saying - if you leave the sign where it is, it needs to be 7-1/2 ft. higher - it is less expensive to move it up 7-1/2 ft. than it is to move it closer to the front of the lot -

Mr. Van Ostrand: No, in fact, it's more expensive here (easel map). Back here would cost us more money but we felt it would be more advantageous to the property owner - to the tenant and for Las Vegas Blvd.

Commissioner Christensen: What you are saying then that raising the sign at its present location where it can be seen and keep everybody happy would be preferable to moving it out to the street where the Beautification Committee and everybody else is going to complain -

Mr. Van Ostrand: Yes - that is the reason for this request.

Mayor Briare: This is a Public Hearing. Is there anyone in the audience that wishes to be heard on this matter? Senator, I was going to introduce you. Is that going to be a sign for you for Governor?

Senator Jack Schofield: Yes Sir -

Mayor Briare: You've got problems with the County - now the City. In fact, you're just having an awful time. What is that sign going to say, Jack?

Senator Jack Schofield: It is going to say JACK SCHOFIELD, DEMOCRAT FOR GOVERNOR - I certainly would appreciate your consideration, Mr. Mayor and Honorable Commissioners. I would be using it throughout the campaign - it is such a beautiful strategic location, it would be very nice.

Mayor Briare: Could you convince the E. T. Legg Co. that the negotiations should be made with the State Highway Department to make the ultimate

-16-78  
(cont'd)

acquisition of that property a little bit more easy on the State?

Senator Schofield: I am sure that the E. T. Legg Co. can work something out on this -

Commissioner Leavitt: Suppose we would want to hold this matter until we get it in writing?

Commissioner Lurie: Impose a condition that we get that letter from the Legg Company.

Mr. Saylor: You can do it that way if you like. Approve it subject to them filing with us such a statement.

Mr. Van Ostrand: I believe in all honesty if I went back to them with this condition, that their decision would be to move it forward on the property . . . I cannot give you that assurance at this time.

Mayor Briare: Then we'll know, whatever kind of a letter is coming forward to the - I guess it would be to the Building Department, when it comes time for the Building Permit.

Senator Schofield: I have a suggestion to make. So that it doesn't make a hardship on the Company or cost them extra money, how about having for your consideration them removing that subject to another location when it needs to be moved out of that location, so they will still have an opportunity to have a sign there?

Mayor Briare: You see what our problem is, Jack -

Senator Schofield: I'm sure something can be worked out - we don't want to negotiate it here, but I think that something can be worked out.

Commissioner Christensen: Maybe we ought to look at this in the proper context. As I understand it, we're talking about whether or not they will improve that property to a degree that it is going to make it a little more expensive to the State, and the taxpayers, to buy it. Is that not what we're talking about?

Mayor Briare: That's what we want to avoid.

Commissioner Christensen: If that's what you want to avoid - if you want to put a condition on it - in order to put the proper condition on it, would be to put the condition that if they sold the property to the State at the time the State buys it, less the extra cost of moving the sign, because that's the only expense they are incurring.

Dean Breeze: If they come forward with the sign the expense to the Highway Department is going to be exactly the same.

Mr. Van Ostrand: I think we are addressing ourselves to the wrong question.

Commissioner Christensen: It's a question of whether you'd rather have the sign at the front of the lot or whether you would like to have it raised. It's got to be one or the other.

V-16-78  
(cont'd)

Mr. Van Ostrand: It would be less expensive by leaving it lower - it would add to the expense of the sign by bringing it forward on the property. The rear of the property is where we have it . . . whether we put it to the front or the rear of the property, any negotiations with the State will remain the same.

Mayor Briare: Mr. Breeze owns the property - have you negotiated with the State at all?

Mr. Breeze: No -

Mayor Briare: Are you an owner of record on that property?

Mr. Breeze: Yes -

Mayor Briare: Your partners - have they negotiated anything with the State?

Mr. Breeze: No - the partner of mine lives in Sacramento. I manage the property.

Mayor Briare: Does anyone else wish to be heard on this matter?

(No response)

Mayor Briare: What is the pleasure of the Commission?

Commissioner Christensen: Due to the fact that you're talking about whether it's going to be more aesthetic where it is 7-1/2 ft. higher, or be better on the front of the lot, which you can do, our choice is whether we would like to have it where it is 7-1/2 ft. higher or whether we would like to have it right up against the street. Probably a third choice would be to not have a billboard there at all, but that's not our choice.

Motion

Consequently I would move that we grant the Variance, because I think it would be better seven feet higher on the back of the lot than it would be forty feet high at the front.

Mayor Briare: Are there any comments on the motion?

(No response)

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

V-21-78  
Appeal  
Approved

APPEAL FILED BY JOHN BALASON - V-21-78  
to the action of the Board of Zoning Adjustment in DENYING his request for a VARIANCE to allow a Utility Room addition to the west side property line where a 5 ft. 6 in. is required, on property located at 3708 San Joaquin Ave., in Zoning District R-1 (Single Family Res.)

Mayor Briare: Are you John Balason?

Response: Yes -

Mayor Briare: Would you like to add anything to this presentation?

-21-78  
(cont'd)

Mr. Balason: This is very important to me - here are my notes at the original request for the Variance, which was denied. Following that I realized I forgot to mention several important points and if this were to be denied because of that . . .

Mayor Briare: That is perfectly alright - you go right ahead.

Mr. Balason: I left that Hearing in a state of shock - the only single factor against this that I could see was the one arbitrary fact that it is against the Code, and if this was the final factor concerned I'm sure we would not even have these meetings. I would like to ask if there were any written objections.

Mayor Briare: Were there any written objections, Mr. Saylor? Were there any persons at the meeting to protest? Is this young lady here to protest?

Mr. Balason: She is my wife.

Mr. Saylor: There were no written or oral protests.

Mayor Briare: Is there anyone in the audience present today to speak in opposition to this request?

(No response)

Mayor Briare: Obviously we will have no protests at this time either. Are there any questions by the Commissioners?

Commissioner Lurie: I have a question of Mr. Saylor: The gentleman brings up about the main item that was brought up was that it was against Code. Is the Code that where you can't build within so many feet of the side or rear property line? Is that what it is?

Mr. Saylor: Yes, that's right -

Commissioner Lurie: How many feet are there between the house and the side yard?

Mr. Saylor: On this piece of property there should be a 5 ft. setback between the side of the house and the property line and he is asking for permission to build right to the property line.

Mayor Briare: Is this on a corner? Is that on a street - or is that just a neighbor there?

Mr. Saylor: No - this is the property in question and there is a house here and here (easel map).

Mayor Briare: Has your neighbor said anything to you about it, Mr. Balason?

Mr. Balason: There should be a letter from my next door neighbor immediately adjoining the area in question, the owner of the property, and he took the time to expressly denote that he had no objection to that structure there, with two provisions. (1) that the existing block wall be raised 4 ft. as a fire block and the other being that any rain run-off would be on my property.

Mayor Briare: Well, the rain water is no problem, but the raising of the wall

V-21-78  
(cont'd)

could be. How high is that wall now?

Mr. Balason: 6 ft.

Mayor Briare: You've got a big problem there - you would have to go through the process of getting a Variance for it.

Mr. Saylor: Let me explain it this way, Mayor - as to the wall, yes, he would have to have a Variance to go up 8 ft. However, the fact that the wall is the utility building . . .

Commissioner Christensen: In other words, that wall would become a fire wall.

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

(No response)

Mayor Briare: What is the pleasure of the Commission?

Commissioner Woofter: I move to approve the appeal with the necessary conditions.

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

Motion

STREET  
NAME  
CHANGE  
Withdrawn

To consider the change of name of the following described street:

From: Cobb Lane  
To: LDS Lane

Mr. Saylor: The petition to have that street name changed has been withdrawn.

Mayor Briare: Is there anyone present who wanted to be heard on that particular item?

(No response)

Mayor Briare: Then the item is hereby withdrawn.

FEDERAL  
REVENUE  
SHARING  
Approved

FEDERAL REVENUE SHARING FUNDS (Abeyance from 4/19/78 Meeting).

Mayor Briare: Is there anyone here for the purpose of speaking on the matter of the Federal Revenue Sharing Fund Hearing? We're going to be a little bit delayed on this, but I wonder, Counselor, since we scheduled this Public Hearing for two o'clock and although no one has indicated there are here for that particular purpose (although I know there is someone here) should we go ahead and open the Public Hearing and then recess it for a later time - until we can get to it?

City Attorney, Mike Sloan: That would be a proper procedure, Your Honor.

Mayor Briare: That being the case, we will open the Public Hearing on the matter of Federal Revenue Sharing Funds and at the same time request your consideration because we have some more information that is to come in. We will proceed with the regular agenda and get some of these other matters cleared out of the way. (Public Hearing recessed at the hour of 2:45 P.M.)

EASE OF CITY-  
WNED  
ROPERY  
Abeyance

REQUEST OF ALEX HURTADO - LEASE CITY PROPERTY (Abeyance Item)

Request to lease City property at the northwest corner of Rancho Road and the Las Vegas Expressway.

Mr. Saylor: This is an item on the City Attorney's agenda for a legal opinion.

-27-78  
Denied

ZONE CHANGE Z-27-78 - GEORGE B. KLINE

Mayor Briare: The next item is the application of George B. Kline for a Zone Change at the northwest corner of Washington Avenue and Highland Drive.

Mr. Saylor: This involves a request for zoning from R-E to Commercial for property at Highland and Washington. However, it does have access on the interior streets of Sharon and . . . and all of you will recognize as being part of the Bonanza Village Subdivision.

This is a Plot Plan (easel map) of the proposed Commercial Development which is not in consonance with the Bonanza Village development and the Planning Commission has recommended denial. There were approximately 130 protests.

Mayor Briare: Is Mr. Kline present? Or his representative? Is the applicant present?

(No response)

Mayor Briare: Is there anyone in the audience who is here to protest this?

Margaret Hollenbeck: I live at 1940 Mills Circle, and we have what we call the Bonanza Home Owners Association and I am here to speak for all of the protestors because many of them can't come because they are working. However, our objection to it is the increased traffic that might occur. We feel there might be more refuse left to blow around the Village. We also feel that we have adequate shopping. We have department stores there - we have fast food stores - we have grocery shopping and it is not too far from where the Meadows Mall is opening and fast food places, we feel, many times might bring on the situation of more robberies which often occur at those places. That is our opposition to those places.

Commissioner Leavitt: Is the applicant present?

Mayor Briare: No - no one responded when I asked if the applicant was present.

Motion

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

Mayor Briare: The recommendation of the Planning Commission is to deny this application.

Mrs. Hollenbeck: Thank you.

Mayor Briare: Are there any comments on the motion?

(No response)

**AGENDA***City of Las Vegas*

May 3, 1978

Page 32

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT

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. ABEYANCE ITEM - REQUEST OF ALEX HURTADO - LEASE CITY PROPERTY

Request to lease City property at the northwest corner of Rancho Road and the Las Vegas Expressway.

Abeyance

5/17/78 Agenda

B. ZONE CHANGE - Z-27-78 - GEORGE B. KLINE

Property generally located at the northwest corner of Washington Avenue and Highland Drive.

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

Denied as recommended by Planning Commission  
Leavitt - unanimous

Clerk to notify

Planning Commission unanimously recommends DENIAL because they did not feel this request would be compatible with the established uses in the neighborhood.

PROTESTS: Approx. 130

If this application is approved; however, these are the recommended conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Dedication of a 20' radius corner at Washington and Highland within 60 days after approval of the zoning.
3. Construction of curb, gutter, sidewalk and street lighting on Ophir and Washington Avenue frontages as required by the Department of Public Services.

# AGENDA

## City of Las Vegas

May 3, 1978  
Page 33

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM Commission Action Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

4. Construction of sidewalk and street lighting on Highland frontage as required by the Department of Public Services.
5. 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.
6. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Conformance to the plot plan to reflect the above conditions.
9. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

See Page 32

See Page 32

C. ZONE CHANGE - Z-26-78 - CHARLES L. RUTHE

Property generally located on the northeast corner of Bradley Road and Gowan Road.  
From: C-2 (General Commercial)  
To: R-E (Residence Estates)  
Proposed Use: Single Family Residences.

Planning Commission unanimously recommends APPROVAL subject to the following condition:

1. Dedication of 80' for right-of-way on Gowan Road between Rancho Road and Bradley within 60 days after approval of the zoning.

Approved as recommended by Planning Commission  
Lurie - unanimous

Clerk to notify Director authorized to proceed

PROTESTS: 0

**AGENDA***City of Las Vegas*

May 3, 1978

Page 34

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUEDD. TENTATIVE MAP (REVIEW) - HOMESTEAD ESTATES

Property generally located on the northeast corner of Bradley Road and Gowan Road.

Owner/Subdivider: Charles L. Ruthe, et al

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Approval of the zoning Z-26-78.
2. Condition #2 on the original approval of this tentative to be amended to exclude only that portion of the plat from the centerline of Bradley west to Tonopah Highway.
3. All other conditions of approval on the original tentative shall be applicable.

Approved as recommended by Planning Commission  
Lurie - unanimous

Clerk to Notify  
Staff to proceed

E. WAIVER - HOMESTEAD ESTATES UNITS 2 AND 3

Request for a waiver of off-site improvements on interior streets for Homestead Estates Unit #2 and a portion of Unit #3 including Gilmore and Thom Boulevard and to allow a lot reduction on two lots from 100' to 99.6'.

Planning Commission recommends APPROVAL (5-yes, 1-no) subject to the following conditions:

1. A waiver of sidewalks on interior streets and Thom and Gilmore which are exterior.
2. Denial of the request to waive the L-type curb on certain streets.
3. Approved the lot reduction request from 100' to 99.6' on Lot 38, Block 3, and Lot 57, Block 2.

Approved as recommended by Planning Commission EXCEPT that Condition #2 be amended to indicate that City & Project Engineers come to an equitable procedure re the installation of roll-type curbs  
Christensen - unanimous

Clerk to notify  
Staff to proceed

F. ZONE CHANGE - Z-29-78 - GEORGE L. BROWN, TRUSTEE

Property located on the south side of Bonanza Road, between Wardelle Street and 30th Street.

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

Clerk to notify  
Director authorized to proceed

# AGENDA

## City of Las Vegas

May 3, 1978

Page 35

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

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

See Page 34

See Page 34

Proposed Use: Four-plex apartment develop-  
ment and convenience market  
with self-service gas pumps.

Planning Commission unanimously recommends  
APPROVAL subject to the following conditions:

1. Submission and approval of a detailed plot plan for the R-3 and C-1 development.
2. Dedication of 30' of right-of-way on Wardelle Street within 60 days after approval of the zoning.
3. Construction of street paving, curb and gutter, and sidewalk on Bonanza and Wardelle Street frontages as required by the Department of Public Services.
4. Construction of street lighting on Bonanza Road frontage as required by the Department of Public Services.
5. 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.
6. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

PROTESTS: 0

**AGENDA***City of Las Vegas*

May 3, 1978

Page 36

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

G. TENTATIVE MAP - BONANZA HEIGHTS

Property located on the south side of Bonanza Road, between Wardelle Street and 30th Street. R-E zone (proposed R-3 and C-1).  
Owner: George L. Brown  
Subdivider: Creative Builders  
5.45 acres - 18 lots.

Planning Commission recommends APPROVAL (5-yes, 1-no) subject to the following conditions:

1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
2. Approval of the zoning Z-29-78.
3. There shall be no vehicular access to Bonanza Road from the abutting residential lots.
4. 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.
5. Street names to be provided in accord with the City's Street Name Policy.
6. Subject to all conditions of City departments and State Subdivision Statutes.

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

Clerk to notify

Director authorized to proceed

# AGENDA

## City of Las Vegas

May 3, 1978

Page 37

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM Commission Action Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

H. ZONE CHANGE - Z-28-78 - TOM & DELPHINE ANDREW

Property located at 1509 and 1513 South Eastern Avenue.

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. 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

I. ZONE CHANGE - Z-31-73 - HARRY GORDON

Property located at the southwest corner of Decatur Boulevard and Meadows Lane.

From: R-1 (Single Family Residence)

To: C-2 (General Commercial)

Proposed Use: Shopping Center.

Approved as recommended by Planning Commission Lurie - unanimous

Clerk to notify Director authorized to proceed

Approved as recommended by Planning Commission Lurie - unanimous

Clerk to notify Director authorized to proceed

**AGENDA***City of Las Vegas*

May 3, 1978

Page 38

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

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 40' of right-of-way for Michael Way within 60 days after approval of the zoning.
3. Construction of half-street improvements on Meadows Lane including street lighting as required by the Department of Public Services.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and permanent 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. Conformance to the plot plan to reflect the above conditions.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

PROTESTS: 0

J. ZONE CHANGE - Z-34-78 - E. A. BECKER, JR.

Property generally located at the northwest corner of Torrey Pines Drive and Vegas Drive, approx. 500' north of Vegas Drive and 500' west of Torrey Pines Drive.

See Page 37

See Page 37

Approved as  
recommended by  
Planning  
Commission  
Lurie - unanimous

Clerk to notify  
Director  
authorized  
to proceed

# AGENDA

## City of Las Vegas

May 3, 1978  
Page 39

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

ITEM	Commission Action	Department Action
<p>XI COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT CONTINUED</p>		
<p>From: N-U (Non-Urban) (Under ROI to R-3) To: R-PD 21 (Residential Planned Development)</p>	See Page 38	See Page 38
<p>K. <u>TENTATIVE MAP - SIERRA DE ORO</u></p> <p>Property generally located on the south side of Oakey Boulevard at Calle De Oro, R-1 zone. Owner: John &amp; Ann Robarts Subdivider: Western Homes, Inc. 7.53 acres - 28 lots</p> <p>Planning Commission unanimously recommends APPROVAL subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.</li> <li>2. Street names to be provided in accord with the City's Street Name Policy.</li> <li>3. Subject to all conditions of City departments and State Subdivision Statutes.</li> </ol>	<p>Approved as recommended by Planning Commission Woofter - unanimous</p> <p>Commissioner Christensen did not vote - temporarily absent</p>	<p>Clerk to notify Director authorized to proceed</p>
<p>L. <u>ANNEXATION PETITION - A-4-78 - CLARK M. RALSTON, ET AL</u></p> <p>Property located at the southwest corner of Craig Road and Lorenzi Boulevard containing approximately 32 acres of land.</p> <p>Planning Commission recommends APPROVAL (5-yes, 1-no).</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p> <p>Commissioner Christensen did not vote - temporarily absent</p>	Same as above

# AGENDA

## City of Las Vegas

May 3, 1978  
Page 40

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM Commission Action Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

M. PLOT PLAN REVIEW - Z-88-64 - COLWELL RAY  
HORNACEK OKINAKA, INC.

Property located at the southwest corner of West Sahara Avenue and Las Verdes Street to allow the construction of a "Der Wienerschnitzel", C-1 zone.

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 permanent 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.

Approved as recommended by Planning Commission  
Lurie - unanimous

Commissioner Christensen did not vote - temporarily absent

Clerk to notify Director authorized to proceed

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

Property located at 3300 West Sahara Avenue, ROI to C-1.

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.

Approved as recommended by Planning Commission  
Lurie - unanimous *ak*

Commissioner Christensen did not vote - temporarily absent

Same as above

# AGENDA

## City of Las Vegas

May 3, 1978

Page 41

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
 CONTINUED

0. PLOT PLAN REVIEW - Z-55-72 - LAWYERS TITLE OF  
 LAS VEGAS

Property located on the south side of West Sahara Avenue between Rye and Richfield Boulevard to allow the construction of an "Arby's Restaurant", ROI to C-1.

Planning Commission unanimously recommends  
APPROVAL subject to the following conditions:

1. The 6' high block wall on the south to be retained.
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. Construction of concrete sidewalk and driveways on West Sahara Avenue frontage as required by the Department of Public Services.
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.

Approved as recommended by   
 Planning Commission  
 Lurie

Commissioner Christensen did not vote - temporarily absent

Clerk to notify  
 Director authorized to proceed

**AGENDA***City of Las Vegas*

May 3, 1978

BOARD OF CITY COMMISSIONERS

Page 42

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

P. PLOT PLAN REVIEW - Z-66-64 - ROBBY'S INC.

Property located at the northwest corner of Mojave Road and Builders Street to allow an automobile repair and servicing building, ROI to "M".

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 permanent 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.

Q. EXTENSION OF TIME - Z-18-77 - MRS. A. J. HABERLY

Property located at 1211 S. Eastern Avenue, ROI to P-R.

Planning Commission unanimously recommends  
~~APPROVAL~~ subject to the following conditions:

1. Extension of time granted for a one-year time period.

Approved as <sup>ok</sup> recommended by  
Planning  
Commission  
Woofter - unanimous

Commissioner  
Christensen  
did not vote -  
temporarily absent

Clerk to notify  
Director  
authorized  
to proceed

Approved as  
recommended by  
Planning  
Commission  
Woofter - unanimous

Same as above

# AGENDA

## City of Las Vegas

May 3, 1978  
Page 43

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

ITEM	Commission Action	Department Action
<p>XI <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT CONTINUED</u></p>		
<p>2. All requirements imposed by ordinances adopted subsequent to the initial approval of this application shall be adhered to.</p> <p>3. Subject to all conditions imposed on the original approval of Z-18-77.</p>	See Page 42	See Page 42
<p>R. <u>CV-1-78 - CITY OF LAS VEGAS</u></p> <p>C-V use review to allow a sheriff sub-station at the southeast corner of St. Louis Avenue and Atlantic, C-V zone.</p>	<p>Approved as recommended Leavitt - unanimous</p>	<p>Director authorized to proceed</p> <p>Clerk to notify</p>
<p>S. <u>REVIEW OF CONDITION - Z-157-77 - S. MARTIN AKEYSON, JR.</u></p> <p>Property generally located on the northwest corner of Vegas Drive and Torrey Pines Drive from N-U to R-1, R-3 and C-1, to review condition #1 regarding Resolution of Intent.</p>	<p>Approved as recommended Christensen - unanimous</p>	Same as above
<p>T. <u>Request permission to initiate annexation procedures for Lone Mountain Fire Station property and authorization for the Mayor to sign the petition.</u></p>	<p>Approved as requested Woofter - unanimous</p>	Staff to proceed
<p>U. <u>NEVADA PUBLIC RADIO CORPORATION</u></p> <p>Request to utilize City property between Bonanza and Washington Avenue, west of Mojave for an alternate satellite antenna site.</p>	<p>Approved as requested Woofter - unanimous</p> <p><i>Conditions are staff approval of location</i></p>	<p>Clerk to notify</p> <p>Staff to proceed</p>

# AGENDA

## City of Las Vegas

May 3, 1978

BOARD OF CITY COMMISSIONERS

Page 44

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM Commission Action Department Action


XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
CONTINUED

V. REQUEST OF VFW POST 10057 - 1200 NORTH "D"  
STREET

To use Jefferson Recreation Building as a  
post facility.

Referred to  
Study Committee  
Commissioner  
Woofter, Chairman

W. SET DATE FOR PUBLIC HEARING ON ALL APPEALS  
FILED FROM THE BOARD OF ZONING ADJUSTMENT  
MEETING HELD APRIL 27, 1978.

Set Public Hearing on  Clerk to  
V-30-78 for 2:00 P.M. proceed  
June 7, 1978

X. REPORT - A-2-78 - UNITED MORTGAGE CO.

Property generally located on the south side of  
O'Bannon, west of Jones.

Report accepted - to be placed on  
file in the Office of the City Clerk

ADDITIONAL ITEM:

Dept. of Community Planning & Development, at  
the request of Commissioner Lurie, to initiate  
steps to annex the area of City-owned property  
known as "Angels Park" in an orderly manner in  
preparation for development that would be of  
economic benefit to the City of Las Vegas

Staff  
to proceed

Z-27-78  
(cont'd)

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

Z-26-78  
Approved

See Page 58 of these Minutes - Annotated Agenda

HOMESTEAD  
ESTATES  
Tentative  
Map (Review)  
Approved

See Page 59 of these Minutes - Annotated Agenda

HOMESTEAD  
ESTATES  
UNITS 2 & 3  
Approved  
subject  
to  
conditions

WAIVER - HOMESTEAD ESTATES UNITS 2 AND 3

Request for a waiver of off-site improvements on interior streets for Homestead Estates Unit 2 and a portion of Unit 3, including Gilmore and Thom Blvd., and to allow a lot reduction on two (2) lots from 100 ft. to 99.6 ft.

Mr. Saylor: This is a request for a waiver of certain of the Subdivision improvements in this Subdivision. The Planning Commission has approved a waiver of the requirement for sidewalks on the interior streets, together with Thom and Gilmore, which are exterior, but not major streets. They recommended that the request to waive the L-type curb and gutter be denied and they recommended approval of the lot reduction request.

I understand, however, that Mr. Ruthe would like to discuss with you the denial of the request to waive the L-type curb on certain interior streets.

Charles L. Ruthe: The reason I want to speak to you about the L-type curb - we're talking about only on the inside now. We put it in in one - we have roll curb there (easel map) so if we don't get it for 2 and 3 we're going to have two different types of curb. That's number one - but our major problem is - we are selling these lots to individuals who intend to build their own houses. That may be now or it may be a year or two. If we go to the L-type curbs, as they recommended that means we must put in the driveways now and on a half-acre it's hard to know where those driveways - where they may eventually want those. If we put them on one end, they could want them on the other. If we put them in the center, they might want them on the end. So what it means, in our opinion, is that it will create an additional cost to those people who buy these lots - when they buy these lots and build their homes - to come back and re-do the curbs that we put in and re-cut new ones. So, what we would like is . . .

Mayor Briare: To be consistent with roll-type curbs -

Mr. Ruthe: That's right - on the inside. We'll go to the L-type on the outside, as we have done.

Commissioner Christensen: What is the objection to the roll-type curbs?

HOMESTEAD  
ESTATES  
UNITS 2 & 3  
(cont'd)

Robert Weber, P.E., Dept. of Public Services: Basically, the L-shape curb is the standard in the Clark County area, as you all well know and that's where we start as far as standards for curb designs in the Valley. Now, number one, they carry much more storm water - Mr. Ruthe's proposal carries something like 10% - maybe 20% - of the storm water of what the Code Design standard would carry. No. 2, the access of traffic on to our City streets. The roll curb design has some advantages, but it also allows traffic to come on to that street at any time along the route and it does not control the driveways, which has been a problem according to our Traffic Engineer. Streetsweeping is another problem. I know we are talking about one subdivision in this case, but it does require a vacuum-type streetsweeper - we have that type in mind looking toward the future so we can be procuring vacuum-type sweepers but I think, realistically, it is going to be some years ahead before they are adequately stocked so that we can handle - so that we will have the staff and equipment to sweep these kinds of streets. And, last but not least, I would refer back to the Town Hall Meetings where there were a number of people who pointed out where the roll-type curbs are not controlling the water.

NOTE: Mr. Weber had more to say on this subject, but due to an extremely poor tape, it is not possible to present here a verbatim transcription.

Mr. Ruthe: I'm not an Engineer, but I think if you are talking about water in that Subdivision, I think those curbs will adequately handle what we'll have . . . we have the L-type curb all around the outside.

Commissioner Christensen: Maybe we should leave the curbs off entirely - take that much off the property and let the home-owner build the curbs . . . I can understand the problem there . . .

Mr. Ruthe: I don't object to that - I just know if that would help the situation - I really don't. Commissioner - I . . . obviously, it would reduce my cost - I would try to pass that cost on, but I'm not so sure that when those individuals - it could be "spotty" when those people build homes - I don't know if that would create a problem for the City.

Commissioner Christensen: You talk about access to the street to those lots - an L-type curb is not that high that you wouldn't have people using the access wherever they wanted to use it - I can understand the problems and I think we should work something out on it -

Mr. Weber: In regards to the traffic access, when people are going over the curb, they are coming off at a slow speed in most cases. There are exceptions to that rule, but it is controlled speed at a couple of miles an hour -

Mr. Ruthe: I don't want to take up too much time up here, but I think we have the roll-type curbs all over this community - in the City and County - I can site many of them in the County with roll curbs that look nice and are well maintained - I really don't think it creates a problem - it's an additional cost to the people buying lots. That's what it really boils down to. I think it has been indicated that the City is not in a position to be out there sweeping streets right now, and I don't really believe that the water is a problem out there in this particular area - in this particular subdivision - so I think we are really talking about the cost factor that the home owner is going to have to come back and cover up our

HOMESTEAD  
ESTATES  
Nos. 2 & 3  
(cont'd)

curb and re-do another one. I think that's what it boils down to.

NOTE: Here, again, Mr. Weber's remarks - because of a faulty microphone - were not sufficiently clear on tape to be transcribed.

Mayor Briare: You're not telling me, are you, that there is no way that you can engineer this thing so that it can be handled without going to L-type curbs?

Mr. Weber: There are some ways that have been discussed - I talked with Bill Purvis about this briefly before he went on vacation - we got into a lengthy discussion on it - we have not been presented with a method which will adequately meet the conditions that we are concerned about, and which have been considered by the - prior to adopting Standards in the Clark County areas - the Public Works Standards.

Mayor Briare: Are you telling me that all roll-type curbs are ineffective as far as moving water is concerned? Is that what you are telling me?

Mr. Weber: No, I'm not. The one that he proposed in Unit No. 1 has insufficient height, so they won't be able to carry the water. There are adjustments from an Engineering standpoint to where that condition could be taken care of - you can make it 8/10 inches high.

Mayor Briare: I would like to approve this for the Roll-type - I can understand the type of Subdivision you're talking about, but I certainly would not want to approve something that our Engineering Staff feels we could not handle problems that might come up in the future and, Mr. Ruthe, you don't want any problems in the future. Surely your Engineers and our Engineers can get together and develop such a design that will solve the problems.

Mr. Ruthe: I agree with you, Mayor - the Engineer has indicates that our present curbs are in - we are about through with Unit No. 1 - that they are not adequate - this is the first time I've heard it -

Commissioner Christensen: What is the maximum amount for a driveway opening on an R-E lot?

Mr. Weber: On an R-E, I believe it's 28 ft.

NOTE: At this time there is further comment by Mr. Weber and Commissioner Christensen - not sufficiently clear on tape to transcribe accurately.

Mr. Weber: It could be approved subject to their Engineers and our Engineers getting together and come up with an agreement on this issue - we can resolve it. We have not resolved it to date, but we haven't met on the particular ramifications.

Mr. Ruthe: We have no objection, Mayor, to raising that roll-type curb a little bit, if that's what it means. We want to have the same thing in Units 2 and 3 that we have in Unit 1, and if that means, to satisfy City Engineering, to raise that, we can do it -

HOMESTEAD  
ESTATES  
UNITS 2 & 3  
(cont'd)

Mayor Briare: Is that satisfactory to the Commission? What is the pleasure of the Board?

Commissioner Christensen: I move for approval subject to the Engineers getting together and working out the bad aspects of the roll-type curb.

Motion

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

Z-29-78

ZONE CHANGE Z-29-78 - GEORGE L. BROWN, TRUSTEE

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

(No response)

Mayor Briare: What is the pleasure of the Board?

See Page 59 of these Minutes - Annotated Agenda

BONANZA  
HEIGHTS  
Tentative  
Map  
Approved

TENTATIVE MAP - BONANZA HEIGHTS

See Page 61 of these Minutes - Annotated Agenda

Z-28-78  
Approved

ZONE CHANGE Z-28-78 - TOM AND DELPHINE ANDREW

See Page 62 of these Minutes - Annotated Agenda

Z-31-78  
Approved

ZONE CHANGE Z-31-78 - HARRY GORDON

Mayor Briare: Is the applicant present?

(Response in the affirmative)

See Page 62 of these Minutes - Annotated Agenda

Z-34-78  
Approved

ZONE CHANGE Z-34-78 - E. A. BECKER, JR.

Ernest Becker, Sr.: At the Planning Commission meeting they read a list of items which would affect the zoning they approved the last time and I objected, basically, to several of them. They said we could work them out. I just wanted to be sure that the City Commission here understood there were several items on which there has to be an interpretation. One of them was for commercial property and I just wanted to make it a note here in case we may be back in front of you on this thing - we can't quite solve this problem - we realize . . .

Commissioner Lurie: This is a reduction from R-3 to R-PD-21 here - we're not discussing Commercial -

Mr. Becker: What I'm saying is that they listed some 15 or 20 items if the zoning was approved

-34-78  
(cont'd)

Mr. Saylor: Excuse me - I know what he is talking about - we started a process at the Planning Commission meeting listing what are considered to be normal conditions attached to any zoning, so that they are not repeated for each item. These are such things as "Conformance to the Plot Plan", the "Screening of Mechanical Equipment", "Submittal of a Landscaping Plan", etc.

Commissioner Lurie: What particular ones do you object to, because those are all standard?

Commissioner Christensen: Aren't those conditions all covered by ordinance anyway?

Mr. Saylor: No, Commissioner, not all of them, but they are pretty much standard . . .

Mr. Becker: We're already had the condition where we had to screen the air conditioner that was on the roof on major boulevards. Now I think it says this shall apply as to any thoroughfare and we find it difficult sometimes with our designs, that we have to do that. Sometimes it might be on an interior street. There are one or two items in there that pertain to commercial property, and I just wanted to be sure that wouldn't be a condition on my residential property. I just wanted to mention it here that there was some of these that I want to talk to Staff about to be sure we agree - I don't want to take too much time here.

Commissioner Lurie: I'm glad you brought it up, though, because on every one of these items that come before us these conditions should be listed here so we could just go through each one of them, because the Planning Commission may approve an item subject to conditions, and when it comes before us subject to those conditions, we have to know what those conditions are.

Mr. Saylor: That's right, Commissioner Lurie. I think what happened here - you will notice that on the items up to this one the conditions were all listed, but what I think happened here is that the conditions came up at a meeting of the Planning Commission when it was too late to get any provisions on the agenda. We put the item on the City Commission agenda, but the Planning Commission had not had its hearing yet.

Commissioner Christensen: It would save us a lot of time and space and paper if you would just list those conditions not already covered by codes and ordinances.

MR. Saylor: I think that would be a very good idea - just list those special, but not the normal, conditions.

Commissioner Christensen: Then we can narrow it down to those conditions that are peculiar to that particular piece of property . . . this is something that I've thought of often because we keep having all these conditions, and I get confused as to which ones are required by code or ordinance, and which ones were imposed on the particular piece of property. I think we should differentiate between the two.

Z-34-78  
(cont'd)

Mayor Briare: We have a motion to approve. What you are saying, Mr. Becker, is that we might see you again on this if any problems arise -

Mr. Becker: I'm sure it can be worked out -

Mayor Briare: Mr. Becker, that's why we're here to be of assistance to citizens when they have any problems whatsoever. If you have any problems, come back before us. In the meantime, we're trying to get your application approved.

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

SIERRA  
DE ORO  
TENTATIVE  
MAP

TENTATIVE MAP - SIERRA DE ORO

See Page 64 of these Minutes - Annotated Agenda

Approved

A-4-78  
Approved

ANNEXATION PETITION - A-4-78 - CLARK M. RALSTON ET AL

Property located at the SW corner of Craig Road and Lorenzi Blvd., containing approximately 32 acres of land.

See Page 64 of these Minutes - Annotated Agenda

Z-88-64  
Approved

PLOT PLAN REVIEW - Z-88-64 - COLWELL RAY HORNACEK OKINAKA, INC.

See Page 65 of these Minutes - Annotated Agenda

Z-66-73  
Approved

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

See Page 65 of these Minutes - Annotated Agenda

Z-55-72  
Approved

PLOT PLAN REVIEW - Z-55-72 - LAWYERS TITLE OF LAS VEGAS

See Page 66 of these Minutes - Annotated Agenda

Z-66-64  
Approved

PLOT PLAN REVIEW - Z-66-64 - ROBBY'S, INC.

See Page 67 of these Minutes - Annotated Agenda

Z-18-77  
Approved

EXTENSION OF TIME - Z-18-77 - MRS. A. J. HABERLY

See Page 67 of these Minutes - Annotated Agenda

CV-1-78  
Approved

CITY OF LAS VEGAS - CV-1-78

See Page 68 of these Minutes - Annotated Agenda

Z-157-77  
Approved

REVIEW OF CONDITION - Z-157-77 - S. MARTIN AKEYSON, JR.

See Page 68 of these Minutes - Annotated Agenda



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

WARRANTS  
Approved

See Page 78 of these Minutes - Annotated Agenda

NOTICE -  
BUDGET  
AUGMENTATION  
Approved

PERMISSION TO PUBLISH NOTICE OF INTENTION TO ACT ON BUDGET AUGMENTATION ON JUNE 7, 1978

City Manager, Russell Dorn: This request of the Commission to publish Notice under the NRS for the action on the Budget Augmentation, to be voted on June 7, 1978, I would like to turn over to Marvin Leavitt for a detailed explanation.

Director, Dept. of Financial Management, Marvin A. Leavitt: This is an augmentation of the 1977/78 Budget. It is one that we do each year at about this time each year to incorporate all of those changes in funding level approvals that have been made by the City Commission during the year.

The action today is approval to publish the intention on which you will act on June 7th. This is not the official action today - just the approval for the publishing of the Notice.

Mayor Briare: Are there any comment?

(No response)

Commissioner Lurie: I would so move as recommended.

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

POSSIBLE BOND  
ISSUE (JAIL)  
Tabled

REVIEW OF SCHEDULE re POSSIBLE BOND ISSUE FOR CONSTRUCTION OF JAIL

City Attorney, Mike Sloan: Your Honor, I would hope that we defer that for a few minutes until we get to my portion of the agenda. I would also request that we take my portion of the agenda out of order. I have a four o'clock meeting over at the Municipal Court and I would like to be able to conclude my portion of the agenda prior to four o'clock.

Mayor Briare: If this meets the approval of the Commission, we will hold this item and go to that portion of the Agenda under Item V, City Attorney. (Page 25 of the Commission Agenda)

RESOLUTION -  
TRAFFIC  
Adopted

RESOLUTION BY THE TRAFFIC & PARKING COMMISSION AND TRAFFIC ENGINEER TO AMEND TITLE X OF THE CITY CODE

See Page 79 of these Minutes - Annotated Agenda

See Page 80 of these Minutes - Resolution

LEASE OF  
CITY PROPERTY  
Abeyance

REQUEST OF ALEX HURTADO TO LEASE CITY PROPERTY - CITY ATTORNEY OPINION

Mr. Sloan: Your Honor, we would ask that this matter be held until your next meeting. The problem here is as it relates to the question of the

**AGENDA***City of Las Vegas*

May 3, 1978

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 13

PHONE 386-6011

ITEM

Commission Action

Department Ac

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. D1267 to D1276, C509873, D510280, D510619 to D510640, D510643 to D510644, D510653 to D510672, D510674, D510678 to D510930, D510932, inclusive.

In the amount of \$ 2,979,459.01

\*B. PAYROLL WARRANTS

Nos. 107098 to 108480, inclusive.

For Pay Period Ending 4/15/78

In the amount of \$ 469,328.91

C. PERMISSION TO PUBLISH NOTICE OF INTENTION TO ACT ON BUDGET AUGMENTATION ON JUNE 7, 1978

D. REVIEW OF SCHEDULE re POSSIBLE BOND ISSUE FOR CONSTRUCTION OF JAIL

Items A and B  
Approved as  
presented  
Lurie - unanimous

Director  
authorized  
to issue

Approved  
as requested  
Lurie - unanimous

Director  
to proceed

Tabled

# AGENDA

# City of Las Vegas

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

Page 25  
 May 3, 1978

ITEM	Commission Action	Department Acti
V. MIKE SLOAN - CITY ATTORNEY		
A. Resolution by the Traffic and Parking Commission and the Traffic Engineer to amend Title X of the City Code.	Adopted Resolution as presented Woofter - unanimous	Mayor and Clerk authorize to sign
B. Request of Alex Hurtado to lease City property - City Attorney Opinion	Abeysance	5/17/78 Agenda
C. Legal Opinion of the constitutionality of the Metropolitan Police Commission Act	Directed City Attny to initiate question as a part of the Inmates' Lawsuit pending in the U.S. District Court	C/A to proceed
D. Resolution setting the public hearing date for the purpose of annexing 41 acres of land generally located at the southwest corner of Westcliff Drive and Buffalo Drive. A-3-78	Christensen - Mayor Briare and Commissioner Leavitt  Resolution adopted Lurie - unanimous	voted "no"  Staff to proceed
E. Ratification of Collective Bargaining Agreement between City of Las Vegas and the Las Vegas Police Protective Association - Bailiff Unit	Ratified as submitted Lurie - unanimous	Staff to proceed

R E S O L U T I O N

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

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

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

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

Schedule 14-1, Page 5, be amended to include the following as a designated through street:

Rainbow Boulevard - from Charleston Boulevard to City limits

Schedule 17-VI, Page 28 and 30, be amended to include the following as a parking time limited zone:

1st Street - from Coolidge Avenue twenty feet (20') north - west side

Highland Drive - in front of 2114 South Highland Drive - west side

Schedule 18-1, Page 34, be amended to include the following as a passenger loading zone:

Shadow Lane - in front of 1001 Shadow Lane extending a distance of fifty feet (50')

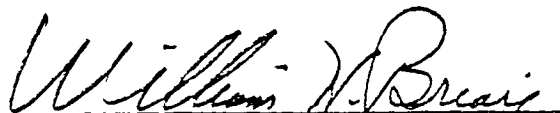
Schedule 18-V, Page 41, be amended to include the following as a commercial loading zone:

Fremont Street - north side - in front of 410 E. Fremont between Las Vegas Boulevard South and 4th Street - from 6:00 A.M. to 12:00 noon, seven days a week

PASSED, ADOPTED AND APPROVED this 3rd day of May, 1978.

ATTEST:

  
Edwina M. Cole City Clerk

  
WILLIAM H. BRIARE, MAYOR

LEASE  
(cont'd)

property tax implications of a lease whereby the City would require Mr. Hurtado to pay more than a nominal amount of money. If we lease it for a profit there is a property tax implication. We have been doing some research on it and because of some intervening problems I have just not been able to resolve that.

Mayor Briare: Would you let Mr. Hurtado know when you are ready?

Mr. Sloan: That is correct, Your Honor.

Mayor Briare: Is there any objection to hold this by the Commission?

(No response)

Mayor Briare: We will then just take it off the agenda and Mr. Sloan will bring it back on our agenda at the proper time.

METRO  
POLICE  
COMM  
Legal  
Opinion

LEGAL OPINION OF THE CONSTITUTIONALITY OF THE METROPOLITAN POLICE COMMISSION ACT

---

At lunch time we showed to the Commissioners a copy of our written opinion.

Mayor Briare: I would like to have one, Mr. Sloan.

Mr. Sloan: Pardon me, Your Honor.

Mayor Briare: I noticed you distributed it to the Commissioners but you left out the Mayor -

Mr. Sloan: The opinion, basically, is in response to the request by Commissioners Christensen and Lurie, and breaks down into three parts, the first of which involves the issue of double taxation, which we had previously answered and which had been answered by the Attorney General in concurrence with our earlier opinion that while the double taxation resulting is unfair, it is not necessarily unconstitutional.

The second issue we addressed in light of the recent decision of the Nevada Supreme Court as it related to the Fire merger was the equal protection requirement of the 14th Amendment, or the so-called one-man-one-vote requirement. Based on the Supreme Court's decision on the Fire merger case, we have concluded that the Metropolitan Police Department Act is not unconstitutional in violation of the equal protection requirement. It is our opinion that any time prior to the 1977 amendment, it is our judgment that Act could have been successfully challenged because of the removal of The City Commissioners from serving on the Board. Unfortunately this was not the case and that's crying over spilled milk.

The third area which we dealt with was the question of whether or not the Statutes violate the Nevada Constitution's prohibition against local or special laws regulating County business. In this area we have expressed grave concern as to whether or not this Act does not, in fact, violate the Nevada Constitution. While the Act purports to be a general and uniform law, it is our reading of the Act that the classification portion which makes it applicable to Clark County is written in such a manner that the population classification closed on July 1, 1973 and the only County it could apply to in 1973 was Clark County. It is technical violation of the State constitution.

METRO  
(cont'd)

Unfortunately this opinion is five years too late as a matter of practical judgment because this issue was not raised when the bill was enacted. We are now in the position where the Act has stood for five (5) years - we've had five years of a merged Police Department . . . and any Court that would be called upon to resolve this issue is going to have to ponder very carefully the potential chaotic conditions that could result from a judicially imposed division of the Metropolitan Police Department and, faced with that practical difficulty, the Court might well conclude that it had no alternative but to uphold the Statute.

Nevertheless, it is my thought you want to pursue this and it is my best judgment that there is a very serious question as to the constitutionality of the Act - that the appropriate vehicle to challenge it would be to raise the question in the present issue pending in the Federal Court relating to the condition of the Jail. As you are aware, each of you the defendants are named in their official capacities, as members of the City Commission and of the Metropolitan Police Commission. The Counsel for the Court has indicated that your inclusion in the law suit is for the purposes of requiring those parties who are ultimately responsible for the funding of the Jail to be brought before the Court.

If my office is correct that there is, in fact, a violation of the State Constitution in the Act that created the Metropolitan Police Commission, we feel that it would necessarily follow that the Act which required the Metropolitan Police Commission to fund the Jail, must also follow. Therefore we would recommend in order to pursue this that the Federal law suit would be the appropriate area. This would allow us to raise the question which would save money to the taxpayers of Las Vegas by making it not necessary to finance the funding of the Jail while still not breaking away the Police Department.

In my own personal judgment it would be a disservice to the people of Las Vegas, and to the people of Clark County, for us to pursue a frontal plan on the Metropolitan Police Department in the State Court, because I think that would jeopardize the continued ability of the Metropolitan Police Department to function.

Obviously if this Commission were to instruct me to file such a law suit, I would file it and I would pursue it, but I don't know if that would be the best thing to do. I would be happy to answer any questions.

Mayor Briare: Are there any questions by the Commission?

Commissioner Christensen: I have one problem: I agree when we are talking about a real problem in breaking up the Police Department based on a technicality, but I was always under the impression that the Law is the Law and many time we get taken to task over technicalities - I can think of many times in this United States when in order to maintain the constitutionality of an Act, it has been done at a tremendous expense to a lot of people. I would hope that these expenses could be avoided. I don't share your belief that it would be a horrendous expense if the Police Department were ultimately be split again. I point to the fact that it costs us a little more than double what we used to pay for Police protection. That worries me. It's a questionable thing as to whether it would be more expensive or less expensive, and I certainly don't know the answer. I don't think anybody knows the answer, but I've always been under the impression that the Law is the Law. I know the

METRO  
(cont'd)

County Commissioners have had to run at large instead of from Districts at great expense, because of the technicality in the Law. I know that Districts, just two weeks ago created by the County Commission were thrown out on a technicality without addressing some of the main issues that were raised, and I think we have a lot of things that are done on technicalities and I think that perhaps you are correct in the way you think this should be addressed. I will have to defer to your opinion because you are the Attorney for the City and are supposed to give us those legal opinions.

However, the opinion falls on whether or not we would be wise to pursue it in Court because what it says, as I read it is that even though it is illegal, it is still better than what we would be forced into to maintain the legality of it. That kind of a thing scares me, because if that's the case there are a lot of things that should have been declared legal because it would have been expedient.

Mr. Sloan: Commissioner - it's a little confusing but I think I understand what you are saying. Only a Court can declare an Act unconstitutional. I am present to you legal advice as to whether or not the statute is constitutional. I say there are significant problems, in my judgment, as to the constitutionality of the Act. Every presumption as to its constitutionality would have to be granted by a Court, and I think when they face the practical situation, a Court may well reach a different conclusion than I did. If you think the people of the City of Las Vegas can be better served by returning the Police Department to the City of Las Vegas, then I have indicated to you that there is a much more difficulty to be faced in Court. It is a policy decision and if you and two other Commissioners direct me to carry this thing to District Court, I will be happy to do so and will do so with all my ability. I am just giving you my personal opinion as to the governmental impact.

Commissioner Christensen: I guess my problem is from the frustration I feel - feeling that this is unconstitutional and going in and being konked out of the box feeling it was unconstitutional when we were kicked off in having any representation on the Police Commission . . . we came off second best in the Legislature and I hate getting konked out the third time, especially when the opinion we have now says we should have sued the first time. That is what bothers me. I don't know how many times I want to take the brunt of it . . . we have tried and tried and tried to make this work - it is still an onerous burden - we went to the Legislature to get it changed the last time. They changed it. It is our own fault that we didn't understand what they were changing it to with this Jail. We thought we came off from the Legislature righting a wrong that was being done at that time for soaking the City for Police protection at the Airport - by soaking the City for caring for Federal prisoners, and all these things, but actually what we got in return for that was a bigger expense. We'd have been better off if we hadn't gone to the Legislature the last time and I'm just wondering if this isn't the time we should solve the matter - take our chances in Court.

Mr. Sloan: Any prior opinion rendered by the City Attorney's office - whether it was requested on this - I am not aware that any legal opinion was requested before.

Commissioner Christensen: This is true - it was discussed on a one-to-one basis - I was talked out of it - now it scares me.

Commissioner Lurie: What is the fastest course of action: Challenging this constitutionality question in the Federal Court or filing in the District Court?

METRO  
(cont'd)

Mr. Sloan: I think that would depend on what result you want to get. If you want to try to prevent the citizens of the City of Las Vegas having to pay taxes to support a new Jail without the Legislature giving us the funding, possibly the quickest way would be in the Federal Court suit . . . I think that gives us a ready vehicle to get this alleged constitutional defect reviewed by the Courts. If you feel, however, that you want to have a frontal attack, then I would have to say you would have to take that to the District Court. It would be my contention that unless we press for an expeditious hearing, the law suit would not get to the Supreme Court until after the Legislature meets in January . . .

Commissioner Christense; How about raising two separate suits - how about raising the Jail law suit and then taking it to District Court?

Mr. Sloan: If we were to win in the Jail suit then, obviously that would bolster our chances in going to the District Court.

Commissioner Christensen: That's what I mean.

Mr. Sloan: That would make sense to me, Commissioner.

Motion

Commissioner Chistensen: I would move that we do that very thing then.

Commissioner Leavitt: I read your opinion to the effect that there is a good serious constitutional question?

Mr. Sloan: That's right.

Commissioner Leavitt: Now you've brought that to our attention - that there is a serious constitutional question regarding the Act that created the Metropolitan Police Department. What is the consequence if this Board does not act, having been now informed of the possible unconstitutionality of the Act?

Mr. Sloan: Commissioner, I am going to say that it remains constitutional until the Court says otherwise. You can talk to an attorney ten days in a week and get an opinion - he can say you can do this and you can do that but the only way to know is to go to Court. I don't think there is any burden on you necessarily to take action. I think, realistically, Commissioner Christensen's proposal is realistic and prudent.

Commissioner Leavitt: Is it possible - one of the reasons you stated here it may not be the right thing to do because of the chaos it would cause, etc., but is it possible that the Court could take some kind of judicial restraint and make a decision perhaps that it is unconstitutional but not order anything into effect because of the consequence of such a decision and wait until the Fiscal Year begins or until the Legislature meets?

Mr. Sloan: I think the de facto status if there is, in fact, a de facto status, would cease.

Commissioner Leavitt: Is it possible in the filing of a suit that you could ask that this be done? If they would issue a judicial restraint until such time as the Legislature has an opportunity to meet, should the Court find it unconstitutional, and also until the Fiscal Year begins so that it does not create a problem with our budget.

METRO  
(cont'd)

Mr. Sloan: There is that possibility - once the court made the adjudication that the Act was unconstitutional - I'm not certain they can say - now that we find the Act unconstitutional we are going to allow your unconstitutional condition to continue. I think once they have made a determination on the unconstitutionality - as in the case of the County Commission seats - what the Supreme Court said was that the de facto status would end on the merger and at that time we'd better create a new District Plan for the election because the de facto status of the County Commissioners was going to terminate . . . I don't know if the Court can take the position that because we might have so many problems we're just going to ignore it. I don't think they can do that -

Commissioner Leavitt: On the apportionment issue in the Legislature, I handled that - in that case that is exactly what the Federal Court did. They said the reapportionment by the Nevada Legislature was, in fact, unconstitutional - they would not do anything - come up with any plan - until such time as a Special Session of the Legislature could be called. In view of the fact - but in view of the fact that the Legislature will be meeting in January of 1979, at that point this problem could be addressed by the Legislature.

Mr. Sloan: If the Legislature was not in session at the time the Court made that determination. as a practical matter the Legislature would not be taking any action . . . the Police Department would be making arrests and booking people daily after the determination that the Act was unconstitutional. The de facto status that was attached to the Nevada Legislature when it was in session I think is a somewhat different situation.

Commissioner Leavitt: As a practical matter, we can't at this point - in the middle of a fiscal year - I don't see how we can in the middle of a fiscal year have this declared unconstitutional because of the problems it would create on the budget and the problems created when all of a sudden the City of Las Vegas having to come up with its own Police Department. It would be worse . . .

Commissioner Christensen: I remember one thing when the Police Department was put together they took the Police Department of the City of Las Vegas and put it with the Police Department of the County. When they take it apart they could do the same thing - we should take the same number of patrol cars back as we put in. I don't see that is that great a problem, but I think in order to alleviate that problem - the thing that is pressing us most about the Police Department right now is this horrendous Jail funding situation where we are going to be impacted not only for double for Police protection, but possibly Ten or Twenty Million Dollars for a Jail too . . . consequently that is the purpose of my motion to put that to the Federal Court first and see what happens from then on.

Mayor Briare: Did you make a motion?

Commissioner Christensen: Yes, I made a motion.

Commissioner Leavitt: In other words, the motion would be to put it in the Federal Court first -

Commissioner Christensen: My motion was to pursue the course of action that we go into the Federal Court first before we go to District Court.

METRO  
(cont'd)

Commissioner Leavitt: I would also point out that - and I do agree with what you've said, Commissioner - we enjoin the Sheriff's office, I would point out I know there were meetings for over a year on a weekly basis in order to have an orderly transition and in order to effect the merger - prior to the time they went back to the Legislature, they met for more than a year on a weekly basis.

Commissioner Christensen: That is very true, Commissioner, and then they met with the Legislature for weeks and then they ironed out a Bill that was legal and then the County Commission made them change it so the Bill didn't come out the way it was agreed upon . . . and that's what is wrong with the Police Department today.

Commissioner Leavitt: Those meetings on a weekly basis had a lot to do with things other than Legislation - it took that long so you can't pull it apart that quick. I guess that's what I'm saying.

Commissioner Christensen: Well, I'm not advocating that we saddle the people of this community with a financial, or any other kind, of a burden with a big battle with the Police Department. That isn't what bothers me. What bothers me is the fact that we're funding more than our share - more than constitutionally required, normally - more than constitutionally required in any other County of this State, and I think that is what this opinion alludes to - the special legislation for the County of Clark which has a direct impact on the citizens of the City of Las Vegas, which is what I object to. I am elected to protect those people and give them the best for their money and I don't think I'm doing it if I let this lay any longer.

Commissioner Leavitt: The motion is merely to raise this in the Federal case at this time - is that the motion?

Mayor Briare: I am going to ask if Commissioner Christensen would word his motion quite slowly because I think it's important that we even reduce it to writing so we can look at it. I would like to confine the debate on the motion to something we all have an understanding of. So, Commissioner Christensen, would you restate your motion in such a way that we could all look right down on our desk and know what it is?

Motion  
Restated

Commissioner Christensen: I'm not sure I know how. Let's try it this way: I move that we direct the City Attorney and his Staff to proceed to raise the constitutionality of the Metropolitan Police as an issue in the Jail suit, and if it appears to be successful there, then to pursue it in the District Court - otherwise let it drop.

Commissioner Leavitt: That last part - "then pursue it in District Court" is what I am objecting to. I think - I have no objection to raising it in the Federal case, but I think you have to wait until a determination is made in that Federal Court before we then make a determination whether we want to go to District Court.

Motion  
Amended

Commissioner Christensen: OK, I'll amend it to say that.

Commissioner Lurie: Why? Why do we have to do that?

Commissioner Leavitt: Well, I don't want to vote today on the anticipation

METRO  
(cont'd)

of what a Judge may do. I would rather let the Judge make the decision in the Federal Court and then make a determination at that time whether we want to proceed any further..

- Commissioner Christensen: If we don't win in Federal Court we don't have a chance in District Court is what Commissioner Leavitt is saying -

Mayor Briare: Yes - and then where do you go? Your suggestion then, is in two parts: No. 1 is that we pursue it in Federal Court?

Commissioner Christensen: Yes - I like the way the City Attorney recommends. Isn't that what you recommend, Mr. Sloan? If we want to do it, that would be the best way to go?

Mr. Sloan: That's correct, Commissioner.

Commissioner Christensen: OK, then what I'm saying is that if I can get two other votes besides mine, we'll follow the procedure the City Attorney recommends.

Mayor Briare: I would like to ask a question on the motion and perhaps some of the consequences of following that procedure. I certainly understand the intent and I have very mixed emotions. I am totally in favor of relieving the taxpayers of the City of Las Vegas from the horrendous financial obligation of 50% of the Jail in addition to the amount of tax they pay on the general over-all County tax rate, but I'm not in favor of disrupting the Metropolitan Police Department. It is such an unfortunate situation that one seems to be tied into the other. I am afraid of the unknown, like I suppose many people are, but I would wonder - would it be of any worth at all, Mr. Sloan, to consider the possibility of placing on the ballot in November the question - Should the City Finance its Mandated Share of the Cost of as much perhaps as a Twenty Million Dollar County Jail Facility by means of a General Obligation Bond Issue? It would seem kind of contradictory to pursue that until we had some answer to the pursuit of Commissioner Christensen's motion here, if it should be approved.

Commissioner Christensen: Mayor, we touched on one thing, but I don't think emphasized it enough - this is the thing that is paramount in my mind - I think we would be derelict in our duty if we didn't do all we could to prevent it. The taxpayers of the City of Las Vegas are already going to fund this Jail, as County taxpayers. The question is that the taxpayers in the City of Las Vegas have to pay twice as much as anybody else. There's the question.

Mayor Briare: Commissioner, I don't think that the people of Las Vegas - at least, I hope this might be their feeling - they are not objecting to the Metropolitan Police Department as it is constituted . . .

Commissioner Christensen: There are a bunch of them that do -

Mayor Briare: But I think they do object to having to spend these tremendous amounts of money, which would be double - not quite double, but close to being double taxation, whether the ruling says so or not - for the cost of the Jail, and they both go together. It's sort of like having your cake and eating it too.

Commissioner Christensen: It all went together after the last session of

METRO  
(cont'd)

the Legislature -

Mayor Briare: That's right.

Commissioner Christensen: It didn't need to go together.

Mayor Briare: I think, Commissioner, that Judge Foley - and I sure don't try to conjecture on what a decision of the Federal Judge might be - I think he is going to say at one time prior to November - the 1st of November - in one way, either as the result of a trial or as the result of a compromise agreement, he is going to address the Mayor and the City Commissioners to go out in front for 50% of a very large sum of money. I think that is what he is going to say - that it is either going to come down as a mandate or as a Finding in his Court. Am I correct so far, Mr. Sloan?

Mr. Sloan: Your Honor, the problem - the Court might say that though there are certain steps taken at the Jail, no more prisoners can be placed in that Jail. He may not tell you to spend money - he may indirectly compel some of us to spend money because he is going to say, if he finds all the violations alleged are true, that unless those conditions are improved you cannot house prisoners in there. There are certain minimal requirements which have to be met - those are going to cost "x" amount of money - you cannot place anyone in Jail until those conditions are met.

To respond to your first suggestion as it relates to the Bond Issue. The Staff worked on this up until late last night - they have been in Carson City on Friday on it - we have not had a chance to discuss it with Bond Counsel. My obvious first conclusion would be that without Bond Counsel it would be a waste of time to discuss today the proceeding with a Bond Election. It is perhaps possible - and here I would have to defer to Bond Counsel - that if there could be a question placed in such manner that if the Act was found unconstitutional, to give the City authority to issue Bonds at some subsequent time, perhaps that could be done. I don't know. I'm not saying it can.

The other thing we should consider - if we approach the Jail lawsuit, is that I would hope the City would be willing to enter into any kind of agreement that would be appropriate with the County that would allow us to go ahead with whatever activity is necessary to put the new Jail on its way to construction - an agreement whereby if we should prevail in Court, the County would agree to reimburse us any money we have advanced from the City, or should we lose, then we have advanced the money the Law requires. . . I would hate to have this opinion I have given in response to a request, somehow hold up the process of giving us a new Jail, which I think all of us acknowledge, is needed. I think some kind of cooperative agreement between the County and the City as to the funding is feasible and would allow us to go ahead with the construction, or the initial phase of construction, or the final phase, while still litigating whatever legal rights we have in the Court.

Mayor Briare: Do you think as a practical matter, Mr. Sloan, that the County would ever agree to such a thing?

Mr. Sloan: I can't see why they wouldn't.

Mayor Briare: That they would give money back?

METRO  
(cont'd)

Mr. Sloan: I'm saying - if we give to them under the understanding that we would win they would give it back . . . either that or we don't give you any money . . . I'm just saying I would hope the City would be willing to go along with that with the County.

Commissioner Christensen: The problem we would have with that is the very fact that this is special legislation for this County - it indicates that this is the only County in the State of Nevada that the City has to come up with the money. There has been no funding change hands on this. The County would have been obligated for that Jail had the last session of the Legislature not met. Out of their current revenues, of which they seem to have plenty - because they just got the big property tax increase in the County. I can't see that there's any change there with the construction of the Jail. If the County has to fund it, the Jail is going to be built - if we have to fund it, the Jail is going to be built. The Judge has already told us that, by letter, so it isn't a case of whether the Jail is held up or not - it's simply a case of who is being stuck twice.

Mr. Sloan: The present mandate says that half the cost of the Jail is presumed to be constitutional until the Court says otherwise. It may be some time before the Federal Court rules on this issue if, in fact, the Federal Court rules on it or not. I say we are obligated . . .

Commissioner Christensen: If we are obligated there is no need for an Agreement -

Mr. Sloan: I say, we are obligated but thus far have not concluded on how we're going to come up with the money. I think it is conceivable that we might have to come up with the money for six months, or a year - we are obligated but it's kind of like the Down Town Sports facility - there is some question as to whether they are supposed to build it or not supposed to build it, but it is not being built. I think it is really not essential that we address it today.

Mayor Briare: Mr. Sloan, relative to not addressing it today, I don't wish to express any optimism on your suggestion that a Cooperative Agreement could be entered into with the County whereby they would give back money if we were to be successful in a challenge as to the constitutionality of this thing. I don't feel there is any possibility of that at all, but I would like - if any of the Commissioners share those feelings or not they can adjust themselves to it - but I wonder if another alternative could be used . . . I don't know if the situation were turned around if I would agree to such a thing if I were in their place. I had the opportunity to talk on the telephone with Bart Jacka (I believe it was yesterday) and he made a suggestion that occurred to me it was a shame hadn't occurred to me, and that would be to take a positive approach with the County Commissioners and ask them if they would join with the City Commission in adopting a Resolution - in fact, maybe even a Resolution that would contain a proposed draft of a Bill - to be presented to the next session of the Legislature that would provide for the State assuming all of the responsibility for felony inmates, whether they are convicted or unconvicted awaiting trial, along the same tone I mentioned to Judge Goldman this morning, and Judge Goldman, I think (if you interpret his reaction the same as I did) felt that would be a very Kosher thought perhaps. But we don't know, and the County Commissioners are not here in this room so we can visit with them. It seems it is very difficult to communicate with them that way.

METRO  
(cont'd)

I would find it extremely difficult to support a motion that we have before us right now because I think the consequences that would resolve would be more than I could cope with at this time - and I'm not saying that the County Commission and the City Commission if they should adopt a Resolution unanimously, hopefully, by both Boards - I'm not saying that is going to make it State law, because I happen to know where the State laws are made. I also have a feeling that this, having the extreme effect this will have on the community of Southern Nevada, that maybe the Legislators, both candidates and incumbents, might be willing to come forth and let the public know if they support such a type of proposal.

Commissioner Christensen: I'm having a hard time following your thinking, particularly in my mind, Mayor, you were one of those that objected the most being named in the Jail law suit, and objected the most to the short term financing to try to bail us out of that, and now you are telling me that possibly we have an "out" on it, you object to that because of the horrendous cost -

Mayor Briare: I didn't say cost - I said consequences. No, I am not retracting from my position relative to the people of the City of Las Vegas having to pay for a Jail. I don't think they should have to pay for a Jail especially under a short term financing, but I am also advised now that the possibility of getting long term financing, which would be the most sound and most economical, is a good solution because it might not even pass the test of Bond Counsel, because of flaws that are being discussed today.

No, Commissioner, if I am not being clear - I haven't changed my position one bit on it. What I would love to do is to shift this whole thing - not with the idea of passing the buck, but more with the idea of placing it where I honestly think it belongs, and that is in the hands of the State Legislature when the Courts under the operation of the State - and the prisons of course, are in the State, but the County is burdened with the responsibility of holding felons - they were convicted but they are under appeal - and holding felons that are accused felons . . .

Commissioner Christensen: You can only judge the future by the past - unless you have some kind of a crystal ball - and this isn't going to happen. That's the way the Police merger was put together - and it didn't come out that way in the final Bill because it got changed after all the agreements were made and an agreement with the County Commission to go to the Legislature isn't worth the paper it's written on - judging from the past.

Mayor Briare: Then, too, Commissioner, all of us were around at that time and we find ourselves in the position that we didn't know anything then. Now we have had the trial of experience.

Commissioner Christensen: The ones who changed the Bill are still there.

Mayor Briare: Are there any further comments?

Commissioner Lurie: I have a couple of comments because I am the one who asked for the opinion along with Commissioner Christensen because I felt that and I still feel this way - that as long as the City and the County have to serve together on that Police Commission we're not going to accomplish any goals or objectives that are going to satisfy either the City or the County. We are the only City in the State of Nevada that does not have a Police

METRO  
(cont'd)

Department and after reviewing this opinion and reviewing a lot of the minutes and comments that I guess Commissioner Christensen and I have made over the past four years, I believe the best route we should take is to challenge this law - as to the constitutionality of it - the fastest way possible. If that means tagging on to the Jail suit, then I think that's the route we have to take. I just feel that the cost of operating this Metropolitan Police Department is getting to a point - we don't have another department in the City that has gone up in the amount as the Metropolitan Police Department budget has gone up for the City. I think if we had had our own Police Department and put that kind of money into it, we would have had a lot better coverage for the City of Las Vegas. I think this is just being spread too thin and the residents of the City are paying for it.

So I think this opinion leaves us no choice but to challenge the constitutionality of this Act to support the motion at this time.

Mayor Briare: I want to ask Commissioner Woofter if he has any comments on this.

Commissioner Lurie: I have one other comment - I requested, and the members of the Board requested at the last meeting, that the fact that with building the new Jail and choosing the site and also what we are going to build - this item, I suppose, is to be brought back before us at our next Commission meeting to discuss the site. Once the site is chosen then we have to discuss what we're going to have built. I, personally, don't think we are any closer today than we were, say, a year ago and I think the longer we wait, the further apart we are going to be in solving this problem. Possibly, as the Mayor suggested, maybe going back up to the Legislature and trying to get their support and help in the funding of building this facility but really nobody knows where it is going to be or what we are going to have to have in it. That is another question we really haven't addressed -

Mayor Briare: Commissioner Woofter, would you like to make any comments?

Commissioner Woofter: The comment I have, Mayor, have been reiterated by other members of the Commission, especially Commissioner Christensen, in that Mr. Sloan has advised us there is a possibility of the Law being unconstitutional. We have all experienced the Consolidation situation, the Fire merger, and others, and I think it puts us under obligation to get a determination from the Courts whether or not it is constitutional.

On Commissioner Christensen's motion - I would vote for it but I have reservations whether Judge Foley would even consider entertaining any consideration of whether or not the Law is constitutional or not, and probably advise us to go to the District Courts, but I leave it to the rest of the Commission as to which way they wish to resolve the issue.

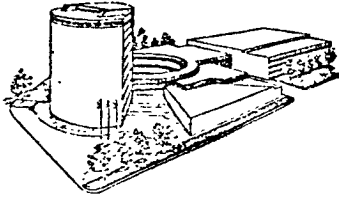
Commissioner Christensen: We are never really going to know until we ask, are we?

Commissioner Woofter: That's right, and I think we are under an obligation and we have to ask.

Commissioner Christensen: I think you are right.



City  
of  
Las Vegas



MIKE SLOAN  
CITY ATTORNEY

May 3, 1978

Commissioner Paul J. Christensen  
Commissioner Ron Lurie  
400 East Stewart  
Las Vegas, Nevada 89101

Gentlemen:

You have requested this office's opinion on the constitutionality of NRS Chapters 280 pertaining to Metropolitan Police Departments, as well as that portion of NRS Chapter 211 governing jails operated by such Metropolitan Police Departments.

Questions Presented

Essentially, your request involves three separate and distinct areas of inquiry.

- 1) Do the statutes in question result in an unconstitutional "double taxation" of the citizens of Las Vegas?
- 2) Do the statutes in question violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution in that they impermissively dilute the one-man one-vote concept?
- 3) Do the challenged statutes violate Article 4, Section 20 and 21 of the Nevada Constitution in that they are not general and uniform throughout the state but are local or special laws?

Commissioner Paul J. Christensen  
Commissioner Ron Lurie  
May 3, 1978  
Page 2

### Analysis

#### I

This office has previously provided the Board of Commissioners with a detailed response to the first question. In an opinion dated August 3, 1977, we concluded that while the "double taxation" imposed upon the residents of the City of Las Vegas might be unfair, it was not unconstitutional. The Attorney General of Nevada concurred in my finding in an opinion dated September 9, 1977.

#### II

The second question involves an analysis of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and the so-called one-man one-vote requirement. As you will undoubtedly recall, it is this particular requirement which played a major role in the demise of consolidation Clark County v. City of Las Vegas 92 Nev. 323, 550 P.2d 779 (1976) and which was cited by the Nevada Supreme Court in the recent decision declaring the Metropolitan Fire Department Act unconstitutional. Clark County v. City of Las Vegas, 94 Nev. Advance Opinion 21 (Feb. 15, 1978).

At the present time the Metropolitan Police Act provides that the county and the largest participating city are each entitled to three representatives on the Police Commission and that every other participating city is entitled to one representative. (NRS 280.130) The Sheriff of the county serves as chairman of the commission and votes in case of a tie vote. (NRS 280.130 and 280.150). In the case of Clark County, the only county presently subject to the act, this means that the City of Las Vegas has three representatives on the seven member Police Commission. It has been argued that this representation formula offers the prospect for a blatant dilution of the voting rights of city residents if, for example, each of the three county representatives on the Police Commission were selected from those districts which include the cities of North Las Vegas, Henderson and Boulder City, in which case, effective control of the police service for the City of Las

Commissioner Paul J. Christensen  
Commissioner Ron Lurie  
May 3, 1978  
Page 3

Vegas would be in the hands of elected officials chosen by voters who have their own city police forces. Prior to the Nevada Supreme Court's recent decision in the fire merger case, such an argument would have been persuasive. However, in that case the court stated:

"The 'one man, one vote' concept embraced by the equal protection clause (citations omitted) applied only to elected governing bodies. Members who are appointed to govern a political unit need not represent equal numbers of voters nor districts of substantially equal population. (Citations omitted)

"Whether a governing structure is appointed or elected depends upon whether an election automatically results in membership." (Citations omitted)

In the case of the Metropolitan Police Department, each participating entity selects its representatives from its governing body (NRS 280.130). Election as either a county or city commissioner does not result in automatic membership on the Police Commission. Only the Sheriff becomes a member as a result of his election and he is selected by all of the voters in the county. Therefore, we conclude that under the authority of Clark County v. City of Las Vegas, 94 Nev. Adv. Opinion 21 (Feb. 15, 1978), the challenged statutes do not violate the one-man one-vote concept of the United States Constitution.\*

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\*It should be noted that in 1975 the Legislature stated:

"That the best community interest can best be served by delegating ultimate police commission responsibilities to the board of county commissioners . . . the board of county commissioners shall serve, ex-officio, as the metropolitan police commission." Chapter 651, 1975 Statutes of Nevada. (These provisions have been deleted by the 1977 Legislature and are no longer part of the Nevada Revised Statutes).

These 1975 provisions were added obviously in conjunction with Chapter 648 which was the City/County Consolidation Act. However, when the Consolidation Act was declared unconstitutional by the Nevada Supreme Court, Chapter 651 above remained in the Nevada Revised Statutes. At any time prior to the date on which the City was restored to representation on the Police Commission, the act was subject to attack for violation of the Equal Protection Clause, for with the removal of automatic city membership on the Police Commission, the voting strength and representation of Las Vegas residents was markedly diluted.

Commissioner Paul J. Christensen  
Commissioner Ron Lurie  
May 3, 1978  
Page 4

### III

The final question to be addressed is whether the questioned statutes violate the state constitution's prohibition against local or special laws regulating county business. Clearly, legislation regulating the manner in which police services will be provided and paid for on a county wide base is "county business," particularly where it involves duties of county officials such as the Sheriff and members of the Board and Commissioners. The focus of this inquiry is thus addressed to whether NRS Chapter 280, which purports to be a law of general and uniform application throughout the state, is in fact, a local or special law applying only to Clark County.

The Supreme Court has stated:

"Laws establishing county governments or purporting to regulate internal affairs of such governments must be general in nature and must apply uniformly through the state to all counties similarly situated. Nothing less satisfies the mandate of Article IV, Sections 20 and 21 of the Nevada Constitution. *State v. Malone*, 68 Nev. 36, 231 P.2d 599 (1951); *McDonald v. Beemer*, 67 Nev. 419, 220 P.2d 217 (1950). In *McDonald v. Beemer*, this Court noted the evils which attend legislation directed at one locality:

"[Such legislation] is invariably referred to the local members and passed without scrutiny from the other representatives and without any feeling of responsibility on their part, thus often leading to improper combinations among the members and even to vicious legislation that would not be permitted were it to affect the whole state.' 67 Nev. at 426, 220 P.2d at 220."

The applicability clause of NRS Chapter 280 provides:

Commissioner Paul J. Christensen  
Commissioner Ron Lurie  
May 3, 1978  
Page 5

"Each county which has a population of 200,000 or more and the city which is the county seat of such county, shall comply with the provisions of this Chapter on July 1, 1973. Any other city in any such county may comply with provisions of this Chapter on or after July 1, 1973.

"Each county which has a population of less than 200,000 and any city or cities located in the county may comply with the provisions of this Chapter on or after July 1, 1973."

The classification of political subdivisions by population does not violate the restraint on special laws, if such classification is based upon differences relating to legislative purposes. Singleton v. Eureka County, 22 Nev. 91, 35 Pac. 833 (1894); Reid v. Woofter, 88 Nev. 382, 498 P.2d 361 (1972). It has consistently been held that a statute is not rendered an unconstitutional local or special law merely because it applied to only one or a few areas due to their population, for if there were others of the same population, they too would be included. Reid v. Woofter, supra; Fairbanks v. Pavlikowski, 83 Nev. 80, 423 P.2d 401 (1967); Viale v. Foley, 76 Nev. 149, 350 P.2d 721 (1960); State ex rel Copeland v. Woodbury, 17 Nev. 337, 30 Pac. 1006 (1883). Compare State v. Boyd, 19 Nev. 43, 5 Pac. 735 (1885). The fact that the merger of law enforcement agencies is mandatory in counties of 200,000 or more and only discretionary in counties of less than 200,000 manifests an apparent legislative philosophy that such merger is truly necessary in those larger counties and at least advantageous in those smaller counties.

However, the directive, embodied in NRS 280.100 and cited above, applies only to counties with a population of 200,000 or more on July 1, 1973. In other words, only Clark County - the only county with a population of 200,000 as of that date - must merge its law enforcement agencies while every other county in the State may merge their law enforcement agencies if they so desire.

In effect then, the Act is a double classification, encompassing not only counties with a population of 200,000 or

Commissioner Paul J. Christensen  
Commissioner Ron Lurie  
May 3, 1978  
Page 6

more, but also requiring that population as of July 1, 1973.  
In State v. Boyd, supra, the classification struck down by  
the Supreme Court was:

"...all counties in this state in which there  
were cast more than 1150 votes, and less than 1350  
votes, at the general election held in 1882, in this  
state." (Emphasis added).

Even upon the most cursory reading of State v. Boyd, one can  
see that the classification was closed forever by the words  
"general election of 1882." If a city did not fit the bill  
in 1882, it never would; hence an improper classification.  
In Koons v. Board of Commissioners of Atlantic City, 47 A.2d.  
559 (N.J. 1946), the Act in question was in response to a  
hurricane which caused severe damage to several resort communities  
along the Atlantic Ocean. It was to provide financial relief  
as a result of the hurricane, and included a classification  
as follows:

"...any city having a population in excess of  
50,000 inhabitants, which borders upon the Atlantic  
Ocean and is a seaside or summer resort, and in which  
an emergency is therein declared to exist."

The New Jersey Legislature then closed the classification by  
providing that the Act would expire on January 1, 1948. The  
New Jersey Supreme Court held at page 593:

"It was manifested in the legislative design  
to restrict the power to Atlantic City alone, for  
no other municipality could conceivably come within  
the classifications during the life of the Act."  
(Emphasis added).

In City of Scottsbluff v. Tieman, 175 N.W. 2d 74 (Neb., 1970),  
a statute classifying cities for legislative purposes in such  
a way that no other city could ever be added to the class was  
held to violate constitutional provisions forbidding special  
laws where general laws can be made applicable. The classifica-  
tion was as follows:

Commissioner Paul J. Christensen  
Commissioner Ron Lurie  
May 3, 1978  
Page 7

"In each city of the first class having more than 13,000 population located in a county having a population of more than 33,000 inhabitants according to the 1960 federal census...."

According to the 1960 Federal Census, only two of twenty-two first class cities in Nebraska met the population requirements set forth in the Bill. The class was thus permanently closed.

By analogy, the City of Scottsbluff is almost in point with the classification merging the law enforcement agencies of Clark County. In Scottsbluff, the classification was determined as of the 1960 census and no other census. Regarding the Metropolitan Police Department, the determination as to whether or not a county had a population of 200,000 or more was to be made on July 1, 1973, and at no other time. Hence only Clark County could come under the classification, and hence only Clark County had to comply with the provisions of the Act.

In Walker v. Pendarvis, 132 So. 2d 186 (Fla. 1961), the classification provision that was held to be unconstitutional was:

"That from and after passage of this act, it shall be lawful for each constable in all the counties in this state which now have a population of not less than 300,000 according to the last state or federal census, to employ, appoint..." 195  
(Emphasis added)

The lower court had held that the word "now" as used in the act was intended by the legislature to be construed not as a limitation upon other counties to grow into its provisions, but rather as a point of beginning in the matter of population. The Florida Supreme Court, in rejecting such argument, stated:

"The use of the word 'now' to modify the particular population bracket, can have no other reasonable meaning than to restrict application of the act to the counties having the stipulated population at the specific time of the enactment of the law.

Commissioner Paul J. Christensen  
Commissioner Ron Lurie  
May 3, 1978  
Page 8

"There is no rational basis under which the use of the word 'now', used in the context in which it was used...can be given such an ambulatory meaning as to mean any time at which a reader may read it. The 'now' of these acts can refer only to the date of enactment, and the acts become tied down to certain specific counties as surely as though the names of the counties were spelled out. Such acts are unconstitutional and void."195 (Emphasis added)

By analogy, the act creating the Metropolitan Police Department refers only to July 1, 1973 and is thus tied down to Clark County as surely as though Clark County was spelled out in the Act.

In Luhrs v. City of Phoenix, 83 P.2d 283 (Ariz. 1938), an act creating a police pension fund which was mandatory on cities with 200,000 inhabitants and permissive as to cities and towns of less population was upheld as constitutional. The court, however, noted that the act would not have been upheld were it not for the saving language:

"In cities in which this act is or shall hereafter become mandatory \* \* \* '...This provides for future growth of cities and automatically includes them in the pension fund class when they grow to the size of 200,000 inhabitants."

Unfortunately, the act creating the mandatory Metropolitan Police Department in Clark County has no such saving language.

Apart from the perhaps fatal classification above discussed, it should also be noted that Section 33 of the original Act, now NRS 280.310-3, provides as follows:

"The [Civil Service] Board shall prepare rules or regulations governing the system of civil service to be adopted by the police commission, but in the case of a county having a population of 200,000 or more which is required to comply with the provisions of this Chapter by July 1, 1973, the initial civil service rules shall

Commissioner Paul J. Christensen  
Commissioner Ron Lurie  
May 3, 1978  
Page 9

be those governing the police department of the largest city in the county, as such rules are modified and approved for such purpose by the law enforcement consolidation committee organized and operating pursuant to resolution of the special committee created by Chapter 613, Statutes of Nevada 1971, to study the problems of local government in Clark County. Such rules and regulations shall provide for..." (Emphasis added).

This provision, especially in light of the fact that it is still in existence five years after the original enactment seems to show a legislative intent or at least a legislative recognition of the fact that the mandatory applicability provision applies only to Clark County. If nothing else, this provision (NRS 280.310) may well manifest a legislative realization that the mandatory applicability provision was closed as of July 1, 1973 and only Clark County was covered as of that date.

For these reasons, I am reluctantly forced to conclude that there is a serious question as to whether or not the Metropolitan Police Department Act can pass constitutional muster. Obviously, only a court of law can declare a statute unconstitutional and must do so with the greatest of reluctance.

Should a court be required to balance the highly technical nature of the alleged constitutional violation against the potential chaos that would result from a judicially imposed division of the Metropolitan Police Department, a court could well conclude that it has very little alternative but to uphold the law.

For this reason, and because I do not believe it is in the best interests of the people of Clark County, including the residents of the City of Las Vegas, for the Metropolitan Police Department to be disrupted by litigation, I would urge the commission to consider raising any challenge to the

Commissioner Paul J. Christensen  
Commissioner Ron Lurie  
May 3, 1978  
Page 10

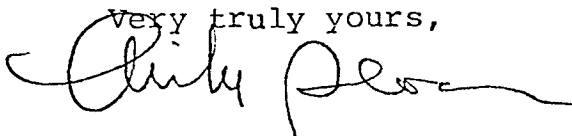
Metropolitan Police Act in the jail lawsuit presently pending in Federal Court. It is our belief that if the portion of NRS 280.100 which mandates that the Act applies to Clark County is unconstitutional as a violation of the State Constitution, it follows that the 1977 legislature which made the Metropolitan Police Commission (rather than the Clark County Board of Commissioners) responsible for the maintenance and operation and expenses of county jails must also fall.

Raising this challenge in Federal Court would then offer a possible method of testing the constitutionality of the Act as it relates to the cost of providing a new jail without forcing a court determination of the underlying question of whether the police department must be dissolved.

Conclusion

It is this office's opinion that NRS Chapter 280 does not violate the Equal Protection requirements of the United States Constitution; does not produce an unconstitutional double taxation of the residents of Las Vegas; but is subject to possible challenge as violating the State Constitution's prohibition against local or special law.

Very truly yours,



Mike Sloan,  
City Attorney

MS/pt  
Enclosures

# AGENDA

## City of Las Vegas

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

Page 25  
 May 3, 1978

ITEM	Commission Action	Department Action
V. MIKE SLOAN - CITY ATTORNEY		
A. Resolution by the Traffic and Parking Commission and the Traffic Engineer to amend Title X of the City Code.	Adopted Resolution as presented Woofter - unanimous	Mayor and Clerk authorized to sign
B. Request of Alex Hurtado to lease City property - City Attorney Opinion	Abeyance	5/17/78 Agenda
C. Legal Opinion of the constitutionality of the Metropolitan Police Commission Act	Directed City Attny to initiate question as a part of the Inmates' Lawsuit pending in the U.S. District Court Christensen - Mayor	C/A to proceed
D. Resolution setting the public hearing date for the purpose of annexing 41 acres of land generally located at the southwest corner of Westcliff Drive and Buffalo Drive. A-3-78	Commissioner Leavitt  Resolution adopted Lurie - unanimous	Briare and voted "no"  Staff to proceed
E. Ratification of Collective Bargaining Agreement between City of Las Vegas and the Las Vegas Police Protective Association - Bailiff Unit	Ratified as submitted Lurie - unanimous	Staff to proceed



# AGENDA

## City of Las Vegas

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

Page 14  
 5/3/78

ITEM

Commission Action

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) MS/Facilities Support Facilities Support Officer (fill budgeted vacancy)	\$1206	Responsible for the administration and operations of the Facilities Support Division.
(2) PS/Quality Control Office Assistant (fill budgeted vacancy)	721	To provide clerical support to the Quality Control Division.
(3) PS/Quality Control Assistant Engineering Technician Two positions (fill budgeted vacancy)	836	To provide survey support to the Quality Control Division.
(4) MS/Purchasing & Contracts Purchasing & Contracts Officer (fill budgeted vacancy)	1507	Responsible for the administration and operation of the Purchasing & Contracts Division.

Items 1 thru 4  
 Approved  
 as requested  
 Lurie - unanimous

Director authorized to proceed

# AGENDA

## City of Las Vegas

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

Page 15  
 May 3, 1978

ITEM

Commission Action

Department Action

IV (d). DEPARTMENT OF FUNDS COORDINATION  
 RICHARD BLUE, ACTING  
DIRECTOR

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IV (e). DEPARTMENT OF RECREATION & LEISURE  
ACTIVITIES - RICHARD CAMPBELL, DIRECTOR

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**AGENDA***City of Las Vegas*

May 3, 1978

Page 16

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

IV(f) DEPARTMENT OF MUNICIPAL SERVICESJ. 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 DIVISION\*A. PERMISSION TO RECEIVE BIDS

1. Three (3) Trucks and Four (4) Sedans (Fire Services)
2. Twelve (12) Month Contract For Printing Senior Citizens "Rocket" (Senior Citizens Center)

Items 1 and 2  
Approved  
as submitted  
Lurie - unanimous

Director  
authorized  
to proceed

\*B. AWARD OF BIDS

1. Bid #78.13 - Downtown Wheelchair Ramps (Public Services)
2. Bid #78.74 - Equipment to Service Three (3) Reserve Fire Engines (Fire Services)
3. Bid #78.75 - Twenty (20) Each Luminaires - Complete (Public Services - Traffic Division)
4. Bid #78.77 - Sprinkler Repair Parts (Recreation and Leisure - Parks Division)
5. Bid #78.78 - Ten (10) Each Conflict Monitors For Traffic Signal Controllers (Public Services - Traffic Division)
6. Bid #78.80 - Office Furniture (City Attorney)
7. Bid #78.84 - Controller - Intersection Meadows and Valley View (Public Services - Traffic Division)

Items 1 thru 9  
Approved  
as recommended  
Lurie - unanimous

Same as above

# AGENDA

## City of Las Vegas

May 3, 1978

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 17

PHONE 386-6011

ITEM	Commission Action	Department Ac
IV (E) <u>DEPARTMENT OF MUNICIPAL SERVICES, CONTD.</u>		
*B. <u>AWARD OF BIDS CONTD.</u>		
8. Bid #78.85 - Traffic Signal Equipment - Meadows and Valley View (Public Services - Traffic Division)	See Page 16	See Page 16
9. Bid #78.89 - Doolittle Park Swimming Pool Rehabilitation (Public Services)		
C. <u>REJECTION</u>		
1. Bid #78.7 - Upgrading Casino Center Boulevard and Fremont Street Intersection (Public Services)	Items 1 and 2 Approved as recommended Lurie - unanimous	Director authorized to proceed
2. Bid #78.61 - Sewer Plant - Shop Expansion (Public Services) Request permission to readvertise		

**AGENDA***City of Las Vegas*

May 3, 1978

Page 18

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

IV (g). DEPARTMENT OF PUBLIC SERVICESROBERT D. WEBER, P.E., ACTING DIRECTOR\*CONSENT AGENDA

All matters listed under Items A, B, C, D, and E 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.

Items A thru E  
Approved  
as recommended  
Lurie - unanimous

Director  
authorized  
to proceed

\*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. Spanish Oaks Unit No. 9. (Royal Crest, Inc., E. A. Collins, President)

2. Shenandoah Highlands No. 1. (Theodore Bossart and Eleanor Bossart, Individuals)

3. Northridge Unit No. 1A. (Property Systems or Nominee, a Corp., William Zeidlick, President)

\*B. RELEASE OF SUBDIVISION BOND

All offsite improvements 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 these subdivisions.

1. Monroe Manor. (Dalton Properties, Inc. Evan Williams)

2. Lewis Homes-Sahara Unit No. 2. (Lewis Homes of Nevada, Earl Monson, Agent)

3. Watkins Manor Unit No. 2. (Watkins Development Company, Bill Watkins)

# AGENDA

## City of Las Vegas

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

May 3, 1978  
Page 19

ITEM

Commission Action

Department Action

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

\*C. RELEASE OF BOND

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

1. Location: 830 S. Casino Center  
Use: Apartment Complex  
Builder: Bigelow Holding Co.  
Surety: Cash Deposit Agreement  
Amount: \$1500.00  
Bond No.: 33-77 (CLV) Clerk#4553-A
2. Location: 1401 E. Fremont  
Use: Apartment Complex  
Builder: Bigelow Holding Co.  
Surety: Cash Deposit Agreement  
Amount: \$2500.00  
Bond No.: 42-77 Clerk #45-75-A
3. Location: 820 S. 3rd Street  
Use: Apartment Complex  
Builder: Bigelow Holding Co.  
Surety: Cash Deposit Agreement  
Amount: \$300.00  
Bond No.: 43-77 Clerk #4576-A
4. Location: 110 S. Bruce  
Use: Apartment Complex  
Builder: Bigelow Holding Co.  
Surety: Cash Deposit Agreement  
Amount: \$600.00  
Bond No.: 28-77 Clerk #4524-A

See Page 18

See Page 18

**AGENDA***City of Las Vegas*

May 3, 1978

Page 20

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

IV (g). DEPARTMENT OF PUBLIC SERVICES (Continued)\*D. RELEASE OF CONSTRUCTION CONTRACT

See Page 18

See Page 18

The following contractor is requesting release of retention and bond following the expiration of the 35-day lien period. All work has been completed in accordance with contract plans and specifications. Subject to no liens filed in the 35-day period it is recommended that the contract bond and retention be released.

1. Bid No.: 77.117.  
Contractor: Acme Electric Co.  
For: Torrey Pines between W. Charleston Blvd. & Casada Way, Bid Group II, Street Lighting Project 9E1

Notice of  
Completion: March 7, 1978  
Release  
Date: April 11, 1978

\*E. RIGHT OF WAY ITEMS

1. Grant Deed  
From: Gayle Moots and Antoinette M. Moots, husband and wife as joint tenants  
To: City of Las Vegas  
For: Portion of Government Lot 45, Sec. 36, T20S, R60E - Cory Place. Dedication (Small Tract Sewer, S.I.D. 425) 4/20/78
2. Grant Deed  
From: Linda Mae Buckley, an unmarried woman  
To: City of Las Vegas  
For: Portion NE-1/4, Sec. 5, T19S, R60E Log Cabin Way, Ruston Rd., Four Views St. Dedication 4/24/78

**AGENDA***City of Las Vegas*

May 3, 1978

Page 21

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 335-6011

ITEM

Commission Action

Department Action

IV (g). DEPARTMENT OF PUBLIC SERVICES (Continued)\*E. RIGHT OF WAY ITEMS (Continued)

See Page 18

See Page 18

## 3. Grant Deed

From: Roger V. Keeley and Lyndy  
M. Keeley, husband and  
wife as joint tenants  
To: City of Las Vegas  
For: Portion SW-1/4, Sec. 24,  
T19S, R60E  
Turkey Lane  
Dedication 4/21/78

## 4. Grant Deed

From: Anna Leeman, a widow  
To: City of Las Vegas  
For: Portion of Government Lot  
26, Sec. 36, T20S, R60E  
Cory Place Dedication  
(Small Tract Sewers, S.I.D.  
425) 4/4/78

## 5. Grant Deed

From: Bobby R. Hutchins and  
Joyce J. Hutchins, hus-  
band and wife as joint  
tenants  
To: City of Las Vegas  
For: Portion of NE-1/4, Sec. 5,  
T19S, R60E  
Four Views St. & Ruston  
Road Dedication  
4/18/78

## 6. Grant Deed

From: Edwin L. Hartwell and  
Rose M. Hartwell, husband  
and wife as joint tenants  
To: City of Las Vegas  
For: Portion of Government Lot  
39, Sec. 36, T20S, R60E  
Cory Place Dedication  
(Small Tract Sewers,  
S.I.D. 425) 4/13/78

**AGENDA***City of Las Vegas*

May 3, 1978

Page 22

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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

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

See Page 18

See Page 18

## 7. Grant Deed

From: Alan B. Curtis, a  
married man  
To: City of Las Vegas  
For: Portion of Government Lot  
44, Sec. 36, T20S, R60E  
Cory Place Dedication  
(Small Tract Sewer,  
S.I.D. 425) 4/10/78

## 8. Grant Deed

From: Bobby N. Brooks and  
Suzanne W. Brooks, husband  
and wife as joint tenants  
To: City of Las Vegas  
For: Portion of Lot 7, Block 7,  
Clark's Las Vegas Townsite  
Main St. Dedication  
4/11/78

## 9. Grant Deed

From: The Novello Family Limited  
Partnership, a limited  
partnership  
To: City of Las Vegas  
For: Portion of Lots 4, 5 and 6  
of Block 10 of Ladd Addi-  
tion to Las Vegas  
Fremont St. Dedication  
4/14/78

## 10. Grant Deed

From: John E. S. Buchanan, a  
married man  
To: City of Las Vegas  
For: Portion of SE-1/4, Sec. 14,  
T20S, R60E  
Maverick St.  
Dedication 4/12/78

**AGENDA***City of Las Vegas*

May 3, 1978

BOARD OF CITY COMMISSIONERS

Page 23

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

IV (g). DEPARTMENT OF PUBLIC SERVICES (Continued)\*E. RIGHT OF WAY ITEMS (Continued)

See Page 18

See Page 18

## 11. Grant Deed

From: Lester R. Hicks and  
LaRuth Hicks, husband and  
wife as joint tenants  
To: City of Las Vegas  
For: Portion NW-1/4, Sec. 32,  
T20S, R62E  
Diamond Head  
Dedication 4/12/78

## 12. Grant Deed

From: James A. Friedrich and  
Kathlyn R. Friedrich,  
husband and wife as joint  
tenants  
To: City of Las Vegas  
For: Portion Lot 48, Fisher's  
Fremont St.-Boulder Dam  
Highway First Subdivision  
Radius at Clifford and  
Euclid  
Dedication 4/12/78

## 13. Grant Deed

From: Murray Epstein and Helen  
Epstein, husband and wife  
as joint tenants  
To: City of Las Vegas  
For: Portion of Block 8,  
Clark's Las Vegas Townsite  
Main St.  
Dedication 4/13/78

## 14. Grant, Bargain, Sale Deed

From: Charles W. McCown and  
Connie M. McCown, husband  
and wife  
To: City of Las Vegas, a Muni-  
cipal Corporation  
For: Lot 23, Block 2, Bridle  
Path Estates  
Fire Sta. No. 9 12/20/77  
Recorded as Instrument No.  
829416 in Official Record  
Book 870 in the office of  
the Recorder, Clark County,  
Nevada on April 10, 1978

**AGENDA***City of Las Vegas*

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

May 3, 1978  
Page 24

ITEM

Commission Action

Department Action

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

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

See Page 18

See Page 18

## 15. Right of Way Grant

From: City of Las Vegas, Nevada,  
a Municipal Corporation

To: Nevada Power Company and  
Central Telephone Company

For: Portion of SE-1/4, Sec. 27,  
T20S, R61E  
Power and telephone ease-  
ment for Casino Center  
Blvd. construction

## 16. Right of Way Grant

From: City of Las Vegas, Nevada,  
a Municipal Corporation

To: Nevada Power Company

For: Portion of S-1/2, Sec. 25,  
T20S, R61E  
Power easement along  
Bonanza into City Yards

# AGENDA

## City of Las Vegas

May 3, 1978

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

Page 28

ITEM	Commission Action	Department Action
<p><u>VIII. REPORTS FROM RECOMMENDING COMMITTEES</u></p>		
<p>A. BILL No. 78-23 - TO PROVIDE PARKING FOR PERSONS DISPLAYING A SPECIAL HANDICAPPED PERMIT OR HANDICAPPED LICENSE PLATE ON THEIR VEHICLES</p>	<p>2nd Reading and Adopted                      Lurie - unanimous</p>	<p>Clerk to proceed with 2nd Publication</p>
<p>Committee: Commissioners Lurie and Leavitt</p>		
<p>1st Publication - Review-Journal 4/25/78</p>		
<p>B. BILL No. 78-24 - TO PROVIDE FOR THE WIDENING OF TRAILER PARK DRIVEWAYS AND FOR GUEST PARKING ON OR NEAR DRIVEWAYS ADJACENT TO OR ABUTTING TRAILER PARK SITES</p>	<p>2nd Reading and Adopted as Amended*                      Woofter - unanimous                      *"Trailer Park" to be changed throughout Ordinance to read "<u>MOBILE PARK</u>"</p>	<p>Same as above                      Ordinance to</p>
<p>Committee: Commissioners Woofter and Christensen</p>		
<p>1st Publication - Review Journal 4/25/78</p>		
<p>C. BILL No. 78-25 - TO REVISE THE LICENSING REGULATIONS PERTAINING TO PRIVATE DETECTIVES TO BRING SUCH REGULATIONS INTO GREATER CONFORMITY WITH STATE LAW AND TO MAKE IT UNLAWFUL FOR PRIVATE PATROLMEN TO USE UNAPPROVED BADGES, UNIFORMS AND VEHICLES</p>	<p>2nd Reading and Adopted                      Leavitt - unanimous</p>	<p>Clerk to proceed with 2nd Publication</p>
<p>Committee: Commissioners Leavitt and Christensen</p>		
<p>1st Publication - Review-Journal 4/25/78</p>		
<p>D. BILL No. 78-26 - TO REPEAL CHAP. 7 OF TITLE V OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, ENTITLED "PHOTOGRAPHY" AND TO PROVIDE OTHER MATTERS PROPERLY RELATING THERETO</p>	<p>Abeyance</p>	<p>5/17/78 Agenda</p>
<p>Committee: Commissioners Lurie and Leavitt</p>		
<p>1st Publication - Review-Journal 4/25/78</p>		
<p>E. BILL No. 78-27 - TO REPEAL CHAP. 5 OF TITLE V OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, ENTITLED "BARBER SHOPS" AND TO PROVIDE OTHER MATTERS PROPERLY RELATING THERETO</p>	<p>2nd Reading and Adopted                      Lurie - unanimous</p>	<p>Clerk to proceed with 2nd Publication</p>
<p>Committee: Commissioners Lurie and Woofter</p>		
<p>1st Publication - Review-Journal 4/25/78</p>		

# AGENDA

## City of Las Vegas

May 3, 1978

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 29

PHONE 386-6011

ITEM

Commission Action

Department Acti

VIII. REPORTS FROM RECOMMENDING COMMITTEES

F. BILL No. 78-28 - TO REVISE AND UP-DATE THE PROCEDURES RELATING TO THE COLLECTION OF ROOM TAXES AND GAMING TAXES REMITTED TO THE CONVENTION AUTHORITY AND TO PROVIDE FOR THE AUDIT OF ROOM TAX RECORDS AND FOR THE MAINTENANCE OF ADEQUATE ROOM RECORDS

Committee: Commissioners Christensen and Woofter

1st Publication - Review Journal 4/25/78

G. BILL No. 78-29 - AMENDING ORDINANCE No. 1917 TO REQUIRE PARKING FOR ALL APARTMENT DEVELOPMENTS ON A ONE (1) SPACE PER UNIT BASIS, EXCEPT IN THE DOWNTOWN AREA AND THE FULL LENGTH OF FREMONT STREET

Committee: Commissioners Leavitt and Lurie

1st Publication - Review-Journal 4/25/78

H. BILL No. 78-21 - TO REPEAL THE REQUIREMENT THAT AN APPLICANT FOR A LIQUOR LICENSE BE A CITIZEN OF THE UNITED STATES

Committee: Commissioners Woofter and Christensen

(Abeyance from 4/19/78 Meeting)

1st Publication - Review-Journal 4/11/78

Abeyance

2nd Reading and Adopted  
Leavitt

Mayor Briare and Commissioner Lurie voted "no"

2nd Reading and Adopted  
Woofter

Commissioners Leavitt and Christensen voted "no"

5/17/78 Agenda

Clerk to proceed with 2nd Publication

Same as above

FEDERAL  
REVENUE  
SHARING  
FUNDS

Mayor Briare: Are we ready on the Revenue Sharing matter?

Russell W. Dorn, City Manager: Yes, Your Honor. Before we begin, I would like to apologize to the general public for the delay in hearing this matter. Before you, Mayor and Commissioners, is a list of recommended projects for funding from Revenue Sharing. I would ask that you vote on each project.

See Page 119 of these Minutes - Public Notice re  
Federal Revenue Sharing Funds

Mayor Briare: There have been some people here who have been waiting rather patiently for quite some time. Since the recommendation of the City Manager is to take them one at a time, I wonder if I might impose upon the Commission to consider the additional Library funding first, rather than to take them in order. Mr. Hunsberger has been waiting all afternoon on this and he is present to respond to any comments or questions the Commission might have. I don't know what procedure you want to follow, Gentlemen, but if there is anyone else present who feels they would like to be heard . . .

Commissioner Lurie: I would like to ask a question on that item. I don't know what services are going to be discontinued in the City of Las Vegas if we don't approve the Clark County Library District funding in the amount of \$63,870.00. I am just taking my comments out of an article I read in the newspaper.

Mr. Charles Hunsberger: Your Honor, the Library Board has before a review of a service policy. It will have to adjust its budget to whatever funding to whatever financial response this City makes to its request and, of course, consider whether or not they have funds, they will consider what level of service to provide at the various locations. So it is a matter of knowing what we are going to have to work with and then adjusting an operating policy according to that.

Commissioner Lurie: What is the policy right now?

Mr. Hunsberger: We will not have anything until we know whether or not that \$63,000 is approved by the City. At that time - then we can consider whether or not to increase - or what level of increase - or what level of operating we will have to work with.

Mayor Briare: I think it was indicated once before, Commissioner . . . I think the Chairman of the Library Trustees indicated she wanted to get a reaction from the City as to how they might respond to the possibility of having to reduce services. She didn't indicate they would reduce any.

Commissioner Lurie: Well, I don't like to be threatened with a reduction in services in order to get some additional funding. I think the City has done considerably more than its share to the Library District as far as the new Library at Charleston Heights and the new Library in the Charleston Plaza Shopping Center, and I don't like somebody to say - we're not going to buy you new books for your libraries or furnish services from your libraries if you don't furnish the \$63,000. I don't think that's a fair statement to make by the Library Board.

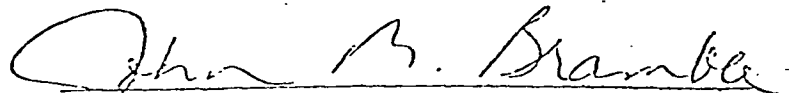
Mr. Hunsberger: The question that came up and as was reported - and we got our information also from the newspaper - which suggested that money was not to cross boundaries. If that is the policy under which we are to

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the BOARD OF CITY COMMISSIONERS of the CITY OF LAS VEGAS at their regular commission meeting of May 3, 1978, have allocated FEDERAL REVENUE SHARING FUNDS for Entitlement Periods #9 and #10 in the amount of \$1,575,000.00 to the following projects;

1. Charleston Heights Library	\$ 281,188.00
2. East Charleston Street Development-I	150,000.00
3. Motor Vehicle Equipment Replacements	88,812.00
4. Freedom Park Phases III, IV and V	137,000.00
5. Jones Blvd. Street Lighting	80,000.00
6. St. Louis Ave./Jaycee Park Street Improvements	65,000.00
7. Voluntary Action Center	20,000.00
8. Southern Nevada Economic Development Council	17,000.00
9. Commission Chambers Sound System	15,000.00
10. Senior Citizens Center Parking Lot Redesign	30,000.00
11. Revamping City Hall Elevators	40,000.00
12. Relocation of Fire Station #3	150,000.00
13. Clark County Library District Funding	63,870.00
14. Nevada Assoc. of Physically Handicapped	5,000.00
15. Nevada Catholic Welfare Senior Citizens Employment	20,000.00
16. Contingency Reserve	412,130.00
	<u>\$1,575,000.00</u>

Records and files are available for public inspection at the offices of Edwina M. Cole, City Clerk, and Marvin A. Leavitt, Director of Financial Management.



JOHN M. BRAMBLE

DIRECTOR OF BUDGETING AND MANAGEMENT

FEDERAL  
REVENUE  
SHARING  
FUNDS  
(cont'd)

operate Libraries, or if that is the policy consideration - that if the funds are not spent in the City libraries, then we've got to look at our total funding picture of which 70% comes from the Library District and 30% comes from the City. And if funds are not to cross boundaries, then we've got a new problem that we haven't considered before. Presently, all citizens of the community have access, equally, to our service levels and if the City is going to fund libraries at a lower rate than what the County is funding them, then they also have to consider that as one of the problems. Presently the County funds 12% higher by giving Motor Vehicle Tax and if the Motor Vehicle Tax amounted to \$63,000 does not come from the City, then we have to consider we have two levels of funding services, and this is one of the problems coming up before the Board.

Commissioner Christensen: Are you suggesting that we adopt that same policy on all matters between the City and the County, because there are a tremendous number of things that are funded more by the City than by the County, and if we want to get into that kind of a game, we'll sure do it. I'm sure Commissioner Lurie is apprehensive about this. I don't particularly like to yield to threats either and I think we were on record as supporting the funding for the Library. There was some question about whether or not we were responsible for the Motor Vehicle Tax or not, but I don't think that is the issue here and then it came out with the article in the newspaper about cutting Library services . . .

Mayor Briare: Mr. Hunsberger can't answer that question, Commissioner - it is rather an unfair question . . .

Commissioner Christensen: There were direct quotes from Mr. Hunsberger in the newspaper and if that's in error, maybe we should take the newspaper to task -

Mayor Briare: I'm not here to defend Mr. Hunsberger - he is standing right there and is more capable of doing that than I, but I really don't think that is an issue here. Because you don't like what appeared in the newspapers, I am confident that all of us on this Commission make comments that appear in the newspaper that other people don't like either, but that doesn't change government, and if the Commission feels that they have an obligation of some sort to support the Library in a manner that would be more equitable in the opinion of the Trustees by going to this length, fine. If not, so vote on it.

Commissioner Leavitt: I just wanted to say that I don't want to get into personalities here. What we're involved with here is whether or not we want to set aside \$63,870.00 for additional Library funding. That's it. Forget all about the charges and counter-charges. I am going to move that we approve this item because I think it's right.

Motion

Commissioner Lurie: Well, Commissioner Leavitt, I think it's right - I'm not questioning whether it's right or wrong . . . The Library Board said they were going to reduce services and I'd like to know where they are going to reduce them . . . that's all I'm asking about.

Commissioner Christensen: And I think that information would have some bearing on the vote too.

Mr. Hunsberger: We intend to spent more than this amount in improving

FEDERAL  
REVENUE  
SHARING  
FUNDS  
(cont'd)

Library services in the City.

Commissioner Lurie: That's all I wanted to hear - that's all. I don't need a lot of rhetoric with Commissioner Leavitt trying to say it's the right thing to do. I know it's the right thing to do. I use the Library - my kids use it - my wife uses it - I use it - everyone in my District uses it. I just want to see that they continue to use it and get good service. All I wanted to know is what are we going to get for the \$63,000.00 in additional money. Now that you've answered my question, I'll support the vote.

Mayor Briare: Are there any other comments?

(No response)

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

Mayor Briare: Ladies and Gentlemen, we have before us a number of recommendations from the City Manager's office. I guess really the thing to do would be go ahead and read them for the record. There may be some that will draw questions so I would like to get those out and maybe the rest of them we can take . . .

Commissioner Christensen: Do you anticipate any questions on any of the other recommendations?

Mayor Briare: I don't know.

Commissioner Christensen: Then why don't we ask -

Mayor Briare: I think there are some people in the audience, especially one couple, that might be a little disappointed because I don't see their names down here. Maybe just by title you might read them.

Russell W. Dorn, City Manager:

Item 1 - Charleston Heights Library \$ 281,188.00

Mayor Briare: Is there anyone in the audience here on this Revenue Sharing issue?

Response -

Mayor Briare: May I ask which one you are interested in?

Response: Nevada Emergency Teams -

Mayor Briare: Is there anyone else?

(No response)

Mayor Briare: As we go down - unfortunately, neither one of your items are on this, but we'll get back to you before any action is taken. So, Mr. Dorn, you can go ahead and read them on through.

FEDERAL  
REVENUE  
SHARING  
FUNDS  
(cont'd)

Mr. Dorn:

Item 2	Street development for E. Charleston, Phase I	\$ 150,000.00
3	Motor Vehicle Equipment Replacements	88,812.00
4	Freedom Park, Phases III, IV and V	137,000.00
5	Street Lights on Jones Blvd.	80,000.00
6	Street improvements - St. Louis Ave/Jaycee Park	65,000.00
7	Voluntary Action Center	20,000.00
8	So. Nev. Economic Development Council	17,000.00
9	Commission Chambers Sound System	15,000.00
10	Sr. Citizen Center Park Lot Redesign	30,000.00
11	Revamping City Hall Elevators	40,000.00
12	Relocation of Fire Station No. 3	150,000.00
13	Clark County Library District Funding (already voted on)	63,870.00
14	Nev. Assoc. of Physically Handicapped	5,000.00
15	Nev. Catholic Welfare Sr. Citizens Employment	20,000.00
16	Recommended Contingency Reserve	412,130.00

Mr. Dorn: At this time I would like to have Mr. Bramble make a statement for the record.

John Bramble, Director of Budgeting & Management: The purpose of the Staff recommendation for the Contingency Account proposed due to recent developments regarding current capital improvement projects. This is not to hold the funds in circumventing the citizens participation process, but to realistically meet the needs of the community and that is what we are trying to provide in this \$412,130.00 in a Contingency Account.

Mr. Dorn: Your Honor, the total of the projects I have read total \$1,575,000.00. I have to say this was a very difficult task for the Staff to choose from many worthwhile projects. We had over thirty (30) projects totaling \$4,388,032.00. I wish we had more money to go around so it was very difficult to make these recommendations.

Commissioner Lurie: I have a question: What is going to happen to the Elevators for the \$40,000.00? Wasn't that increased? I thought it was \$25,000.00.

Mr. Dorn: First we have to re-wire the control switch on the elevators so that instead of two going up, only one will go up in response to that button and also connect two of the elevators down to the Lower Level.

Mayor Briare: Are there any other questions before we ask for comments from the audience?

Claudette Hagerman: Regardless of what happens to Revenue Sharing Funds today, and also by the County because we were turned down by the County too, I would like to express on behalf of the Council a very deep, deep regard to both County and City Commissioners and the people that were involved, because what we have done, basically, is put together an Emergency Team package which will continue to function, with or without funding. It sets us back - it means we don't have a 24-hour-a-day monitoring - it means we don't have a control center - as a matter of fact from the pictures I have brought to show to you today was 1/8th of the vehicles now in operation. There are now some 87 vehicles and at the moment I believe there are nineteen (19) training members. Those vehicles

FEDERAL  
REVENUE  
SHARING  
FUNDS  
(cont'd)

will continue to be on the streets in Las Vegas and in the County. We would wish that you had given a little more consideration in in-kind services. The total budget we presented, of course, we did present the fact that a lot of those things could be handled right here in the City.

Mayor Briare: Did you have any further comments?

(Unidentified Speaker): I really don't have that much more to say. I came down to support her. I have been involved in this from its very inception on a weekly basis as far as up to two and three o'clock in the morning. I am an executive officer on both of these organizations. I have a broad and extensive background in administration, budgeting, and so forth, so I realize they had to be a great deal of difficulty in arriving at which of these Projects are going to be approved. I would say there has been a tremendous benefit received out of just the mere consideration of going into this - that all of these teams have got together - I think there is a tremendous force to be used by this City, and the citizens of this community, as far as their volunteer activities - their willingness to go out and work. It is just a matter of what can they do with what they have and we will do whatever we can.

Mayor Briare: Thank you very much. I don't know that this Commission has ever heard such congenial remarks made in the face of not being able to fit in with a very limited amount of money, and I don't want you to feel - and I would hope you would express this to your members - first of all, our appreciation for what they have done and we hope they will be able to continue, but also indicate to them that it was a very difficult decision to make, and wouldn't it be wonderful if we had all the resources we would like to have in order to take care of worthy projects. As was indicated, and I'm sure each Commissioner joins me here, it is extremely difficult to try to fit Five Million and some dollars into a Million and a half dollars of available funds. I think this Commission has indicated to you, personally, on an individual basis, that we want to support you in some way but, at the moment, we just couldn't include you. Thank you for coming here. This is only the first go-around - even though you are down, you are not out.

Ms. Hagerman: As long as the City of Las Vegas has roads to travel, we'll never be out.

Commissioner Lurie: I have requested that funds be set aside by the State through the State Highway Department, because this is a program that I support. I feel this will replace the void of these emergency telephones that I made a recommendation to the Commission about some six or eight months ago. This is an area that many states have gone to in that we have requested from the State additional monies to be set aside to match with the Department of Highway funds, Department of Transportation, in order to get some signing and some equipment, so we're not finished. I'll keep in touch with you on the matter of the State -

Response: Thank you very much for your concern on the project, but the Minor Hockey Association has Kenneth Roberts. We have up to this time commitments of \$98,000.00. We have lowered our sites considerably because we've located other possible funding. Based upon a performance of \$250,000.00, which leaves us at this point \$152,000.00 short of our goal, we will be able to perform, so at the present time we have dropped our sites from \$735,000.00 to our need of \$152,000.00 and we would be able to complete our project based on that.

FEDERAL  
REVENUE  
SHARING  
FUNDS  
(cont'd)

Mayor Briare: Did you have any success before the County?

Mr. Roberts: No Sir.

Mayor Briare: They weren't impressed with the fact that the City had made available to you properties that might be worth close to a Million Dollars?

Mr. Roberts: The comment that I got from a member of the Finance Staff for the County, was that their first need was the Jail and their second need is additional parking for County employees. All immediate money is going into those two areas before they consider any other project, and they also turned down their Parks & Recreation fund of something like a Million-Two request for some swimming pools and what not.

Mayor Briare: Well, you're on the road if you can create a reserve of some sort with the monies you have been able to raise. It might not be as accelerated as you would liked to have had it, but you're on the road and I know - at least, I know you, Ken, and some of the people you have with you - and you are not about to give up.

Mr. Roberts: Heavens No!

Mayor Briare: Maybe if only something could break loose some day - and you can sit in here all afternoon - when the County mentioned the Jail problem - you've sat here and listened to some problems too that we have relative to the Jail - and I guess I have to say again that everybody is looking for all that money that is supposed to be sitting up there in Carson City, and maybe if the City and the County would ever get some relief as the result of action taken by the Legislature, maybe some of these things that are very worthy projects can be handled. We appreciate your understanding, and we'll have to say the same thing we said to Ms. Hagerman and the gentleman from REACT, that you are down for the day, but not out.

Mr. Roberts: We sure appreciate everybody's concern and we're going to perform anyway.

Mayor Briare: Thank you. The Commission has before it the recommendation of the City Manager, and I'd like to ask the Commissioners if they have any comments on all of the items, other than the additional Library funding, which we have already approved in the amount of \$63,870.00.

Commissioner Woofter: Your Honor, I am ready to make a motion at this time, but prior to I want to call attention of my fellow Commissioners and His Honor, that second sheet which shows Revenue Sharing Projects for 1978-79 - I want to call your attention to the top Project there - that consideration be given to a Multi-purpose Ball Field at Cashman Field.

Motion

However, Mr. Mayor, for the time being I am satisfied with the City Manager's recommendations and make a motion to approve such at this time.

Mayor Briare:OK - could I ask for a little clarification relative to the Commission Chambers Sound System. It seems like today we've had more problems than we've had in a good number of meetings. If this motion is approved - and I'm certain it will be, Commissioner - I'd like to refer that particular item to a Committee, consisting of the Mayor and the City

FEDERAL  
REVENUE  
SHARING  
FUNDS  
(cont'd)

Manager, because between the two of us we're going to come up with a recommendation to the Commission to get this whole system resolved and, furthermore, we are going to get a contribution, if we can, from others who use these Chambers -

Commissioner Christensen: That's been going on for months -

Mayor Briare: That's why I want it to go to a Committee -

Commissioner Lurie: I will request that this item be placed back on the agenda for the next Commission meeting for proposed charges for the use of these Chambers -

Mayor Briare: OK - that is separate and aside from the comments that are being made now. And also, Commissioners, I am a little bit worried about this Southern Nevada Economic Development Council. I have no suggestions now because I know - I am very familiar with the history of that - I am familiar with the fact that we are asked for \$68,000.00, and they asked for a very large amount of money from North Las Vegas and were reduced to \$25,000.00, so I would like to know is if we can get a representative of the Southern Nevada Economic Development Council give us a list of - a bill of fare - as to what they are going to use this money for, because I am apprehensive that it might not be used specifically inside the City of Las Vegas. It may very well be way out in North Las Vegas for an economic development project, which is alright, but there is a project I am certain that the Southern Nevada Economic Development Council is interested in, and that is for the development of the area of "D" and Jackson Streets, which the City Commission has spent a lot of taxpayer money on relative to Code and relative to street improvements and relative to clean-up type operations, and it is the hope of some of the people who are on the Southern Nevada Economic Development Council, and I would hope it would be the hopes of this Commission, that the area at "D" and Jackson could conceivably become quite a tourist attraction area much like Bergen Street in New Orleans is. So my request there would be simply that we monitor the \$17,000.00 and don't release it until such time as we know exactly what it is to be spent for.

Mr. Dorn: Yes, Your Honor, we will do that.

Mayor Briare: I have no other comments if you are ready to cast your votes:

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

The motion is approved and that concludes the public hearing on the matter of Revenue Sharing Funds.

We have one further matter under Citizen Participation relative to a Variance applied for by Phyllis J. McGuire. Is there anyone in the audience who wishes to be heard on this matter?

(No response)

Are there any of the Commissioners, or Staff, that want to be heard on this item?

V-3-78  
(cont'd)

(No response)

Mayor Briare: Then under "Citizens Participation" I have one item I would like to cover, and that is to extend the Commission's welcome to Karen Galetz of the LAS VEGAS SUN, who will be covering the City Commission Meetings now . We understand that Bob Palm is off on another assignment for other and greater things. We know that Sue Bolick is in the hospital with pneumonia, but she has a very charming assistant.

Karen Galetz: Sue is out of the hospital.

Is there anything else to come before the Commission?

(No response)

At the hour of 5:15 P.M. Mayor Briare declared the meeting ADJOURNED.

APPROVED:

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WILLIAM H. BRIARE, MAYOR

ATTEST:

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EDWINA M. COLE, CMC  
CITY CLERK