

# MINUTES

## City of Las Vegas

BOARD OF COMMISSIONERS

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

DATE: June 7, 1978

TIME: 9:45 A.M.

INVOCATION: Rev. R. H. Stukas, Chaplain  
Southern Nevada Memorial Hospital - H.O.P.E.

PLEDGE OF ALLEGIANCE:

BOARD OF CITY COMMISSIONERS

	PRESENT	ABSENT	EXCUSED
MAYOR BILL BRIARE	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
CITY ATTORNEY			
MIKE SLOAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Commissioner Woofter arrived approx. 3:30 P.M. for afternoon session commencing at 2:00 P.M.

APPROVED BY REFERENCE August 16, 1978

ATTEST:

*Edmund J. Case*

Page 1

CITY CLERK

*William V. Briare*

MAYOR

CITY COMMISSION - REGULAR MEETING - MINUTES - PAGE 1

MINUTES

June 7, 1978

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 7th day of June, 1978 was called to order by his Honor, Mayor William H. Briare, at the hour of 9:45 A.M.

AGENDA POSTED June 2, 1978 (See Page 2 of these Minutes Affidavit)

AGENDA MAILED June 2, 1978 (See Page 3 of these Minutes Affidavit)

STAFF  
ATTENDANCE

	PRESENT	ABSENT	EXCUSED
City Manager RUSSELL W. DORN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deputy City Manager (Supportive Services) RONALD C. JACK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deputy City Manager (Community Services) DONALD J. SAYLOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City Clerk EDWINA M. COLE, C.M.C.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director, Dept. of Bus Activity ILA M. BRITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director, Dept. of Comm Planning HAROLD P. FOSTER, Acting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director, Dept. of Rec & Leisure Activities RICHARD L. CAMPBELL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director, Dept. of Fin Mgt MARVIN A. LEAVITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director, Dept. of Fire Services SAM COOPER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Director, Dept of Funds, Coordination & Projects RICHARD B. BLUE, Acting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director, Dept of Muni Services J. C. CATHCART	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director, Dept of Personnel & Employee Relations J. ROBERT McPHERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director, Dept. of Public Services WILLIAM PURVIS, P.E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AFFIDAVIT OF POSTING

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

RECEIVED

JUN 13 9 52 AM '78

CITY CLERK

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

ss. CARL D. PETERSON  
(Notary Public for the State of Nevada)

CARL D. PETERSON, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 1st day of June, 1978, at the hour of 8:10 A. 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 June 7, 1978, 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

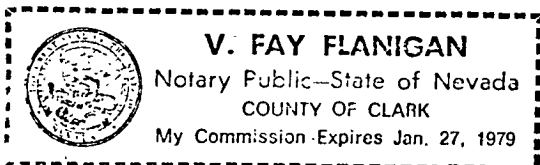
Public Services-Quality Control  
(Department or Division)

Subscribed and sworn to before me this

1 day of June, 1978

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

My Commission expires:



IAS  
MAY  
IMP

**AFFIDAVIT OF MAILING**

(Mailing required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA )  
                          ) ss.  
COUNTY OF CLARK )

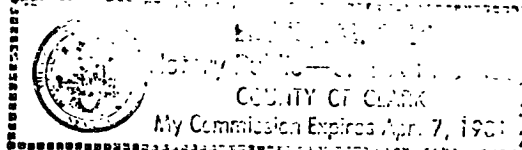
DORIS M. KARSNOK, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 31st day of May, 1978, a copy of an Agenda (NOTICE), the attached of which is a true and correct copy, of a Regular Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 7th day of June, 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 1st day of June, 1978

*Edmund M. Owen*  
Notary Public in and for said County and State



RECEIVED

AFFIDAVIT OF POSTING  
(Posting required under the provisions of NRS CHAPTER 241)

July 1 9 50 AM '78

CITY CLERK

STATE OF NEVADA )  
                          ) ss.  
COUNTY OF CLARK )

CARL D. PETERSON, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the

1st day of June, 1978, at the hour of 8:10 A.M.

there was posted a copy of ADDENDUM No. 1, the attached of which is a true and correct copy, to the Agenda of a REGULAR MEETING of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA to be held at 9:45 A.M. on

the 7th day of June, 1978, at the following locations:

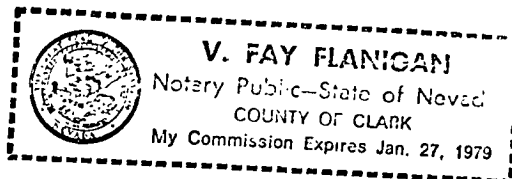
1. On the Public Bulletin Board in the United States Post Office  
301 E. Stewart Avenue
2. On the Public Bulletin Board in the Federal Building  
300 Las Vegas Blvd., South
3. On the Public Bulletin Board in the Clark County Court House  
200 E. Carson Avenue
4. On the Public Bulletin Board at the Plaza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

Carl D. Peterson  
(name)

Public Services-Quality Control  
(department or division)

Subscribed and sworn to before  
me this 1 day of June, 1978

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



AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

RECEIVED

JUN 2 9 54 AM '78

CITY CLERK

STATE OF NEVADA )  
COUNTY OF CLARK ) ss.

CARL D. PETERSON

\_\_\_\_\_, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 2nd day of June, 1978, at the hour of 8:20 A.M. there was posted a copy of Addendum No. 2, the attached of which is a true and correct copy to the Agenda (Notice) and Addendum No. 1 of a Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, to be held on the 7th day of June, 1978, at the following locations:

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

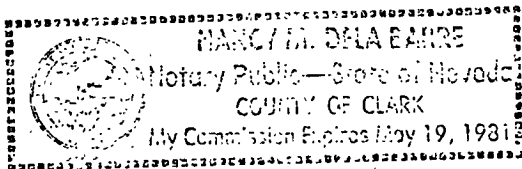
Carl D. Peterson  
(Name)

PUBLIC SERVICES - Quality Control Division  
(Department or Division)

Subscribed and sworn to before

me this 2nd day of June, 1978

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




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 1st day of June, 1978, a copy of ADDENDUM No. 2 to the AGENDA (NOTICE) of a Regular Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 7th day of June, 1978, of which the attached is a true and correct copy, 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).

  
(An employee in the Office of the City Clerk)

SUBSCRIBED AND SWORN TO before me  
this 2nd day of June, 1978.

  
Notary Public in and for said County and State

JUN 2 9 51 AM '78

AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

CITY CLERK

STATE OF NEVADA )  
                          ) ss.  
COUNTY OF CLARK )

CARL D. PETERSON, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the

2nd day of June, 1978, at the hour of 8:20 A.M.

there was posted a copy of ADDENDUM No. 3, the attached of which is a true and correct copy, to the Agenda (Notice) and Addendum No. 1 and Addendum No. 2, of a Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, to be held on the 7th day of June, 1978, at the following locations:

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

Carl D. Peterson  
(name)

Subscribed and sworn to before  
me this 2nd day of June, 1978

PUBLIC SERVICES - Quality Control Div.  
(department or division)

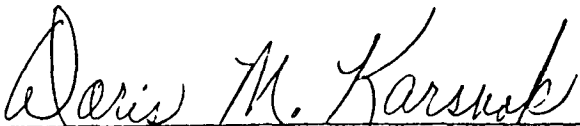
Nancy M. DeLaBarre  
Notary Public in and for said County  
and State  
Notary Public - State of Nevada  
COUNTY OF CLARK  
My Commission Expires May 19, 1981

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 2nd day of June, 1978, a copy of ADDENDUM No. 3 to the AGENDA (NOTICE) of a Regular Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 7th day of June, 1978, of which the attached is a true and correct copy, 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).

  
\_\_\_\_\_  
(An employee in the Office of the City Clerk)

SUBSCRIBED AND SWORN TO before me  
this 2nd day of June, 1978.

  
\_\_\_\_\_  
Notary Public in and for said County and State

# AGENDA

## City of Las Vegas

June 7, 1978

BOARD OF CITY COMMISSIONERS

Page 1

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

I. 9:45 A.M.

A. COMMUNITY RELATIONS

The Youth Affairs Division of the Las Vegas Recreation & Leisure Activities Dept. has instituted a yearly participation program whereby a student can accumulate points by getting involved in YOUTH AFFAIRS ACTIVITIES. Each June those students who have accumulated 100 POINTS, or more, may be recognized for their outstanding achievement at a regularly scheduled City Commission meeting during the Community Relations segment. This year, seven (7) Students have become eligible and can attend the JUNE 7, 1978 Meeting with their parents and friends.

Zel Lowman, Chairman, and Dorothy Eisenberg, Vice Chairman of the ADULT COUNCIL ON YOUTH AFFAIRS presented Certificates and Pins to the following students in recognition of their outstanding achievements in Youth Affairs Activities:

- Dino Morino  
Gorman High School
- David Morino  
Gorman High School
- Bill Schrierbrock  
Eldorado High School
- Twila West  
Eldorado High School
- Don Miller  
Bonanza High School
- Dana Baird  
Clark High School
- Linda Olson  
Clark High School
- Marc Kline  
Valley High School

B. SPECIAL EVENTS

II. A. INVOCATION

Rev. R. H. Stukas, Chaplain  
Southern Nevada Memorial Hospital H.O.P.E.

Mayor Pro Tem Lurie recognized the presence of Third Grade Students from the CRESTWOOD SCHOOL, with special appreciation for a sum of money for a tree to be planted at the new Library site

B. PLEDGE OF ALLEGIANCE

INVOCATION &  
PLEDGE OF  
ALLEGIANCE

Commissioner Lurie: May I have your attention. I would like to call the June 7, 1978 meeting to order. If you'd all rise, we have the invocation this morning by Reverend R.H. Stukas, Chaplain, Southern Nevada Memorial Hospital H.O.P.E., and remain standing for the Pledge of Allegiance.

Rev. R.H. Stukas: Father, we thank you for the privilege we have coming before you this morning on behalf of our city. We thank you, Lord, for our city. We thank you for those in charge. We pray that Thou be with us today, encourage our hearts together. Help us to look forward to something better in our city from day to day, with an especial thought to the Commissioners of the City and the decisions that they have to make. We pray that You give them special insight, help them to lay aside personal things and think about the future of our city. Whatever is best for us, that's what we want, Lord. We want your will to be done. We ask it in Jesus' name. Amen.

PLEDGE OF ALLEGIANCE.

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MAYOR BRIARE  
EXCUSED.

Commissioner Lurie: I'd like the record to show that the Mayor is out of town and should be excused. His father passed away, and we wish him our sympathy in this time.

COMMUNITY  
RELATIONS -  
YOUTH AFFAIRS  
CENTURY MARK  
Recognition  
Awards

The first item that we have on the agenda is the Community Relations. The brief history of the Youth Affairs Century Mark. The Century Mark program was initiated by the City of Las Vegas Youth Affairs Office in the fall of 1977. It was identified as a much needed void in the high school recognition and awards program. While the schools primarily allowed their students who were successful in sports, scholarship and attendance, the Century Mark will recognize students active in leadership and community involvement. By participating in Youth Affairs Program during the school year, beginning in June and running through May 30, students can compete on an individual, low risk basis and attempt to compile 100 or more points. The points are awarded as follows: Community Improvement Projects--Sharing Community Improvement Projects - Participation, Field Trips, Monthly Meetings - Sharing, Monthly Meetings - Participation, TV and Radio Appearances - Sharing, TV and Radio Appearances - Participation, and Miscellaneous activities. These all add up to ten each and Miscellaneous.

In June of each year an awards ceremony will be held in a regular scheduled Las Vegas City Commission Meeting. We have with us today the Chairman and Vice Chairman of the Youth Affairs Adult Advisory Board, Zel Lowman and Dorothy Eisenberg. I'd like them to come forward and make the presentations at this time.

Mr. Lowman: Thank you, Mr. Mayor Pro-Tem and members of the Commission. We appreciate being able to represent you on this Advisory Board. In the day of depersonalization of all Americans, I think it's more important than ever that we make our young leadership of the community realize that they, too, are people and we recognize them as people and give them an opportunity to receive some official recognition for their activities in community leadership.

YOUTH AFFAIRS  
Recognition Awards

Mr. Lowman: We're thankful for the members of your staff, Dick Campbell and Dean Schank and their associates, who keep this program going week after week, day after day. For the young people who are being recognized here this morning are only a handful of the many hundreds of youth in our community who have taken the time not only to give their service, but also to come to the meetings and to do the planning and the execution to make the service worthwhile on the part of other youth in the community. There are five different high schools represented and seven youths. I have the commendations, and Mrs. Eisenberg has the pins. With your permission, we will call them forward at this point.

Dino Marino, who will also receive the pin and commendation for his brother, David, who is not able to attend today. Then we have Bill Schierbrock. Bill. Twila West. Don Miller. Dana Baird. Linda Olson. (Applause.)

Commissioner Lurie: Thank you, Zel, and congratulations to all the students. (Applause.)

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DONATION TO CITY  
BY CRESTWOOD SCHOOL  
THIRD GRADE CLASS

Commissioner Lurie: One other announcement that I have. We have with us the Third Grade class from the Crestwood School, Mrs. Gaylor's class. And they represent not only the Crestwood School, but an organization called "How Green It Grows", and the students there raised money by starting a little business selling plants. They donated a \$30.25 check to the City of Las Vegas for a tree to be planted at the West Charleston Library that will open in the fall. We thank you very much for the check.

Commissioner Christensen: I might add that this is one stockholder's report that I can really understand.

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DEPARTMENT OF BUSINESS ACTIVITY  
ILA M. BRITT, DIRECTOR

See Pages 12 Through 17 - Annotated Agenda.

THE GETAWAY

Mr. Bill Waltermire: Mr. Chairman, members of the Commission. My name is Bill Waltermire, 6564 Laredo. I am the seller of the Getaway Bar, and I'd like the record to show that I'm going to be retained as a 1% owner of G&L, Inc. I did not want to hold up the approval this morning, but the proper papers are being filed immediately.

Commissioner Lurie: Well, all we have before us is Dennis Gordon and Richard Lightner. So you'll be on the next application on the next agenda. Are there comments from the Business Activity Department? This is kind of unusual.

Mrs. Britt: Mr. Waltermire is former owner and seller as he commented. He would have to reapply to have the 1%.

# AGENDA

## City of Las Vegas

June 7, 1978

BOARD OF CITY COMMISSIONERS

Page 2

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department A

III. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

\*CONSENT AGENDA

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.

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

Family Child Care Homes

1. HELENA BITTER  
7221 Alta Drive  
  
3 children, days only
2. NANCY DAHL  
6333 Hobart  
  
3 children, days only
3. VIRGINIA STILES  
2216 Juana Vista  
  
6 children, days only
4. LINDA VETKOETTER  
7013 Oakland Circle  
  
5 children, days only
5. REBA WEHRMAN  
2505 Canosa  
  
6 children - days only (1 protest)

Items 1 thru 5  
Approved  
as recommended  
C - unanimous

Director  
authorized  
to proceed

**REPORT***City of Las Vegas*June 7, 1978  
Page 3

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)\*B. GAMING -- Additional

## 1. GEMINI, INC.

Lady Luck Casino  
206 North 3rd Street  
4 slots

## 2. DOMMERMUTH ENTERPRISES, INC.

Orbit Inn Casino  
707 E. Fremont Street  
1 Craps Table; 1 Roulette;  
3 Twenty-One; 1 Poker;  
36 slots

## 3. SUNDANCE WEST CORPORATION

Sundance West Casino  
32 East Fremont Street  
3 Twenty-One

## 4. FOXY'S JACKPOT CITY, INC.

Foxy's Firehouse Casino  
2423 Las Vegas Blvd South  
8 slots

## 5. MILLS NOVELTY CO.

Roaring Twenty's  
530 South Highland  
1 slot

## 6. BALLY DISTRIBUTING CO.

Jolly Trolley Casino  
2440 Las Vegas Blvd South  
2 slotsItems 1 thru 6  
Approved  
as requested  
C - unanimousDirector  
authorized  
to proceed

# AGENDA

## City of Las Vegas

June 7, 1978

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 4

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
 (cont'd)

\*C. RETAIL TOBACCO -- Additional

1. S. SMITH VENDING

Cockatoo Club  
 1601 N. Rancho

2. SKY TOP VENDING, INC.

Expressway Exxon  
 101 N. Jones Blvd

3. W W VENDING CO.

Chicago Bar-B-Que  
 814 West Bonanza

Larry's Lariat Club  
 3535 N. Rancho

Moulin Rouge Hotel  
 900 West Bonanza

Items 1, 2 and 3  
 Approved  
 as requested  
 Christensen -  
 unanimous

Director  
 authorized  
 to proceed

D. LIQUOR & RETAIL TOBACCO --  
Approval of Franchise Managers

1. 7-ELEVEN STORE # 20107  
 3201 North Rancho  
 Beverage Off-Sale

Southland Corporation

Managers: Dennis R. Hauze  
 Carol Jean Hauze

Approved  
 as presented  
 Woofter - unanimous

Same as above

# AGENDA

## City of Las Vegas

June 7, 1978

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

Page 5

ITEM Commission Action Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
 (cont'd)

E. LIQUOR & RETAIL TOBACCO -- New

1. \*BIG 8 MARKET  
 900 West Owens Blvd  
 Beverage Off-Sale

Irwin Martin Brown, 100%

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

2. \*CIRCLE K STORE # 1302  
 NW corner Lamb/Bonanza  
 Beverage Off-Sale

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

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

Items 1 and 2  
 Approved  
 subject to  
 conditions  
 Woofter - unanimous

Director  
 authorized  
 to proceed

F. LIQUOR, GAMING, & RETAIL TOBACCO --  
Change from sole proprietorship to  
a limited partnership

1. GOLDEN GOOSE CASINO  
 20 East Fremont  
 Tavern License  
 Unrestricted Gaming

From: Herbert Pastor, 100%

Items 1 and 2  
 Approved  
 as presented  
 Woofter - unanimous

Same as above

cont'd . . .



# AGENDA

## City of Las Vegas

June 7, 1978

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

Page 7

ITEM	Commission Action	Department Action
<p>III. <u>DEPARTMENT OF BUSINESS ACTIVITY</u>                      (cont'd)</p>		
<p>G. <u>GAMING -- New</u></p> <p>1. THE GETAWAY                      1111 South Decatur Blvd                      Gaming: 11 Operator Slots</p> <p>G &amp; L, Inc. --                      Dennis P. Gordon, Pres/Dir,                      97.2%                      Richard C. Lightner, Secy/                      Treas/Dir, 2.8%</p>	<p>Approved                      as presented                      Woofter - unanimous</p>	<p>Director                      authorized                      to proceed</p>
<p>H. <u>PRIVATE DETECTIVE LICENSE -- New</u></p> <p>1. QUICK GUARD SECURITY                      401 South Third, Suite 311</p> <p>Merritt Russell Quick, 100%</p>	<p>Approved                      Woofter - unanimous</p>	<p>Same as above</p>
<p>I. <u>PRIVATE DETECTIVE LICENSE -- Change                      of Location/Change of Corporate                      Structure</u></p> <p>1. COLT PROTECTIVE SECURITY, INC.                      From: 2700 State Street</p> <p>Anthony R. DeSio, Pres,                      51%                      Arthur Cesare, VP, 49%</p> <p>To: 2770 South Maryland Pkwy</p> <p>Anthony R. DeSio, Pres,                      sole ofcr/ 100%</p>	<p>Approved                      as requested                      Woofter - unanimous</p>	<p>ame as above</p>

THE GETAWAY  
(CONT.)

Commissioner Lurie: We're approving 100% right now to Dennis Gordon and Richard Lightner.

Mrs. Britt: Yes, sir. And they were previously approved for the liquor license. I believe at the last meeting.

Commissioner Lurie: Okay. There is a motion for approval. Are there any comments? Cast your votes. Motion is approved.

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

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See Pages 19 Through 21 - Annotated Agenda  
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RECOMMENDATION  
FOR SHOW CAUSE  
HEARING -  
KITTY'S NURSERY

Commissioner Lurie: Item 0 is a recommendation for a Show Cause Hearing by the Child Welfare Board on a group child care home license, Kitty's Nursery, 808 Monticello. The licensee is Nora Clark. We have information in our books, back-up material and order to show cause. What's the pleasure of the Board?

Commissioner Woofter: All we need here is just an approval of the recommendation by the Child Welfare Board to have a Show Cause Hearing.

Commissioner Lurie: Is the respondent here? Mrs. Clark, would you like to comment before the Commission takes any action on whether or not we want to have a show cause? Do you have a list of the charges?

Ms. Clark: Yes I do.

Commissioner Lurie: Would you state your name and address.

Ms. Clark: Nora Clark, Kitty's Nursery. We didn't get much time to speak at the other meeting. I was going to get a lawyer, but at the time I couldn't afford it. I only got this letter yesterday afternoon at 3:30, so I didn't get time to get a lawyer this morning. But the things are not true on this.

Commissioner Christensen: Your Honor. I think that there are ample things here for us to have a hearing and give this lady her day in court and explain this. So, I would move to follow the recommendation, and that sets up a hearing date so this can all come out at that time, and we won't cloud the record with previous . . . .

Commissioner Lurie: Does the Commission want to hear this, or should we revert to our Ordinance and refer to a Hearing Officer?

Commissioner Leavitt: Is this a proper case to go to a Hearing officer, Mr. Sloan?

# AGENDA

## City of Las Vegas

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BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM Commission Action Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

J. LOCKSMITH LICENSE -- New

1. \*DAY & NIGHT LOCKSMITH  
427-B Las Vegas Blvd South

Suleman Hamad Atshe, 100%

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

Approved  
subject to  
conditions  
Woofter - unanimous

Director  
authorized  
to proceed

K. RETAIL TOBACCO -- New

1. KOMOL KITCHEN  
110 North 4th Street

Vivat Eakarkkarat, 100%

2. ECONOMY-GO-LO # 1876  
901 N. Rancho Road

Gulf Oil Corp. --  
Local Manager: Allen G. McGee

3. SAVE RITE PHARMACY  
1553 N. Decatur Blvd

CMS, Inc. --  
Arthur Clayton, Pres  
Paul M. Meyer, Treas

Items 1, 2 and 3  
Approved  
Woofter - unanimous

Same as above

L. RETAIL TOBACCO VENDOR -- New

1. SOUTHWEST ENTERPRISES, INC.  
4127 W. Charleston Blvd

William Waltermire, Pres  
Robert W. Keck, V.P.  
George Mullally, Secy  
Fred G. Keck, Treas

Location: The Getaway  
1111 S. Decatur

Approved  
Woofter - unanimous

Same as above

# AGENDA

## City of Las Vegas

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

M. LIQUOR -- Request for Extension of Inactive Status

1. THE LIFT  
3045 Valley View  
Package Liquor/Beer Bar

Kelly's Liquors, Inc. --  
Bill Pappas, Pres  
Earl Wilson, V.P.  
Melvin Wolzinger, Secy

(Approved 10/12/77. Extension for 12/11/77 thru 2/8/78 approved 11/30/77; extension for 2/9/78 thru 4/9/78 approved 2/1/78; extension for 4/10/78 thru 6/8/78 approved 4/5/78. Request for extension of inactive status for 60-day period: 6/9/78 thru 8/7/78.)

2. HOAGIE'S NEW YORKER, INC.  
1553 North Eastern  
Service Bar

Hoagie's New Yorker, Inc. --  
Roger Petorella, Pres,  
sole officer

(Approved 2/15/78. Extension for 4/16/78 thru 6/14/78 approved 4/5/78. Request for extension of inactive status for 60-day period: 6/15/78 thru 8/13/78.)

Approved  
as requested  
Woofter - unanimous

Director  
authorized  
to proceed

# AGENDA

## City of Las Vegas

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BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE  
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ITEM	Commission Action	Department Action
<p>III. <u>DEPARTMENT OF BUSINESS ACTIVITY</u>                      (cont'd)</p>		
<p>N. <u>SPECIAL EVENT LIQUOR LICENSE</u></p> <p>1. WILLIAM H. NELLIS VFW POST 9774</p> <p>Location: 1704 Maryland Pkwy</p> <p>Date: June 17th, 1978</p> <p>Responsible Licensee:                      Florian Steve Ratajczak</p> <p>2. WENDLIN REIGER</p> <p>Location: 1500 Foremaster Ln.</p> <p>Date: July 4th, 1978</p> <p>Responsible Licensee:                      Wendlin Reiger</p>	<p>Approved                      as requested                      Woofter - unanimous</p>	<p>Director                      authorized                      to proceed</p>
<p>O. <u>RECOMMENDATION FOR SHOW CAUSE HEARING</u></p> <p>Recommendation of the Child Welfare Board for a show cause hearing on group child care home license:</p> <p>Kitty's Nursery                      808 Monticello</p> <p>Licensee: Nora Clark</p>	<p>Motion approved to proceed with Show Cause Hearing - said Show Cause Hearing to be referred to Hearing Officer Leavitt - unanimous</p>	<p>Director and Hearing Officer authorized to proceed</p>

# AGENDA

## City of Las Vegas

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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>No formal action but Commission approved concept for possible inclusion in Bond Issue</p>	<p>C/M to proceed</p>
<p>A. NATATORIUM PROPOSAL - SWIMMING POOL COMPLEX</p>	<p>Permission granted to initiate Street Name Change Procedure - referred to Planning Commission</p>	<p>Dept. of Community Planning &amp; Development to proceed</p>
<p>B. REQUEST PERMISSION TO INITIATE ACTION TO RENAME A PORTION OF CASINO CENTER BOULEVARD NORTH (BONANZA TO WASHINGTON) TO "VETERANS MEMORIAL DRIVE". Request is made by Marvin H. Taylor, Cmdr. Las Vegas Post #8.</p>	<p>Approved Agreement as recommended by City Attorney Leavitt - unanimous</p>	<p>Mayor &amp; Clerk authorized to sign</p>
<p>C. DISCUSSION AND ACTION CONCERNING FUNDING FOR ARCHITECTURAL SERVICES -- NEW DETENTION FACILITY</p>	<p>**</p>	<p>Clerk to notify</p>
<p>D. REALLOCATION OF 1977-78 REVENUE SHARING DOLLARS</p>	<p>*Appointed Commissioner Myron E. Leavitt</p>	<p>6/12/78 Agenda</p>
<p>E. Appointment of Las Vegas Metropolitan Police Commissioner for a 2-year Term commencing May 17, 1978 thru May 17, 1980</p>	<p>Abeyance to 9:00 A.M. June 12, 1978 (Recessed Meeting)</p>	<p>Same as above</p>
<p>F. Discussion and possible action re REGIONAL ENVIRONMENTAL BOARD FOR WASTE-WATER PLANNING</p>	<p>Same as above</p>	<p>Staff authorized to proceed</p>
<p>G. Discussion and possible action re REGIONAL ENVIRONMENTAL BOARD FOR WASTEWATER MANAGEMENT IMPLEMENTATION</p>	<p>Approved recommendation of C/M for \$30,000 to be allocated from Rev. Sharing Funds for rehab. of Doolittle Pool Woofter - unanimous</p>	<p>Staff authorized to proceed</p>
<p>(ITEM E - added by ADDENDUM No. 2 ITEMS F &amp; G - added by ADDENDUM No. 3)</p>	<p>**</p>	
<p>*Motion by Mayor Pro Tem Lurie - Commissioner Leavitt abstained</p>		

RECOMMENDATION  
FOR SHOW CAUSE  
HEARING -  
KITTY'S NURSERY  
(CONT)

Mr. Sloan: Yes. This would be within the Ordinance, and you referred the prior child care matter to the Hearing Officer.

Commissioner Leavitt: Then I would move that this matter be referred to Mr. Charlie Waterman, our Hearing Officer.

Commissioner Lurie: Well, just make an amendment to Commissioner Christensen's motion.

Commissioner Christensen: Yes, we'll go ahead and amend it that way.

Commissioner Lurie: Okay. There's a motion that we proceed with the Order to Show Cause, and that it be referred to the Hearing Officer to set a date, at which time you can present your case to them, and then they'll bring back a recommendation to us.

Ms. Clark: Thank you very much.

Commissioner Lurie: Would you cast your votes on the motion? The motion is approved.

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

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ADMINISTRATIVE AGENDA

RUSSELL W. DORN, CITY MANAGER

NATATORIUM  
PROPOSAL -  
SWIMMING POOL  
COMPLEX

Commissioner Lurie: We will proceed to the Administrative Agenda. Mr. Dorn, do you want me to take the first item?

Mr. Dorn: Your Honor. It was your suggestion. I'd love you to take the first item.

Commissioner Lurie: Okay. The first item under the Administrative Agenda is an item that I asked to be brought before the City Commission that has to do with an olympic size, indoor swimming pool. Mr. Saylor comes up with these fancy names, Natatorium. What it's going to be, and what I'm proposing for the Commission to approve is this facility to be considered under the bonding if we go to the voters and ask for money to build this swimming pool, we would like this included in whatever monies the Commission would like to ask for bonding capabilities.

This proposal calls for an indoor swimming pool that will consist of an olympic-size pool that will have grandstands, service areas, office section, locker rooms and will benefit the entire community. The City of Las Vegas does not have an indoor swimming pool. We are looking for a site to build additional pool facility, and I feel that this facility would be adequate to handle all the needs of the community to provide

SWIMMING POOL  
COMPLEX (CONT)

the swimming clubs a place to practice so that they can compete in swimming programs throughout the United States, and we can also invite tournaments to come to Las Vegas to participate. The cost of this facility has been broken down into a couple of different categories. The total is about \$2.5 Million, depending on construction costs at this particular date. It could go a little higher by the time we get approval to go ahead and start construction.

It would also consist of parking, handball courts, racquetball courts, tennis, outdoor lighted and also site improvements - berms, walkways, landscape, roadways, curb and gutter. Mr. Saylor probably could explain a few of the more finer details that I might have left out. I would like the Commission to ask any questions they might have on this facility.

It's information as one of the items I would like the Commission to consider when we ask for bonding, to be considered at that time.

Mr. Saylor: The proposed facility, in our estimation, would be first class. Several construction features that make it so (1) would be a base spring modular, which means there would be no site restrictions within the interior of the complete olympic facility, including the various 3-meter boards, etc. A movable floor, or a portion of it where the floor could be actually raised to provide a facility for handicapped people.

This is another view (referring to diagram) of the interior. There would be facilities for outdoor viewing. Underneath, there would be locker room facilities. Under both the bleacher areas, there would be work-out rooms, training rooms and things of that nature, office space. A very multi-purpose, many-faceted building that we've needed in the area for quite some time.

Commissioner Lurie: Thank you. Commissioner Woofter had a question that he asked me about the location of the pool, and I told him that it'd be in the western section of the City.

Commissioner Woofter: And I told him, look at all that land we have at Freedom Park, Nature Park, you know, down in that district that I . . .

Commissioner Lurie: Well, we're talking about having to eventually close the pool at Lorenzi, and hopefully, that the next one that we build would be this facility to replace the pool that we're going to close at Lorenzi and will be located in between Commissioner Christensen's and Commissioner Lurie's districts in the western section of the city.

Commissioner Woofter: I think it ought to be between Commissioner Woofter and Commissioner Leavitt's district.

SWIMMING POOL  
COMPLEX (CONT)

Mr. Saylor: We have the site plan just to show how it could lay on the ground. Parking, the handicapped parking also. The various outside court facilities. The gallery with both view inside and outside landscaping. However, there are no identifying marks on here as to where it will be or anything else.

Commissioner Lurie: I wanted you to see this and let you know the staff has done a considerable amount of work on it so that we are prepared to ask the voters' support in a bond election to build this new facility for the residents of the City.

Mr. Dorn: Your Honor.

Commissioner Lurie: Mr. Dorn.

Mr. Dorn: This is our first proposal in the capital improvement program as director by Mayor Briare in the last City Commission. Myself and my staff will be meeting with the other Commissioners for any projects that they would like included in this capital improvement project. So, I just wanted to bring that to the Commissioners' attention.

Commissioner Leavitt: Well, I know that the Fire Department is interested in moving Station #1, and they're talking about putting that on the ballot as a possible bond issue. I'd like to see that proposal. Let's wait to talk about it then when we have money.

Mr. Dorn: We are presently reviewing all the proposals by the departments, and then will submit a list to the Commissioners for their approval.

Commissioner Lurie: This item was basically for informational items, and if you have particular projects you're interested in then, Mr. Dorn, you will meet with all the Commissioners and get those.

Did you have a comment, ma'am?

Ms. Frances Silby: I am Frances Silby. I hope you've all read my letter about the request for a heated pool.

Commissioner Lurie: Oh, yes. We did read your letter.

Ms. Silby: We are here today. We thought that this Natatorium would be in relation to the one that we would like to see put in Dula Center.

Commissioner Lurie: No, it's not going to be located in Dula Center.

Ms. Silby: This is the one opposite Nature Park, right?

Commissioner Lurie: No, this is the one located in the Western part of the City, possibly at Fountain Park on Decatur Boulevard. If you can meet with the City Manager after the meeting, he can explain to you what the plans are for Dula in answer to your letter.

Ms. Silby: I can get a response from Richard Campbell.

Mr. Dorn: That's our Director of Recreation. We are studying the proposal right now. We've had some contractors come in and give us a bid price on the cost of heating that pool and is it feasible because, as you know, the pool is old. We are also looking at trying to get a grant on a solar energy package where it would be less cost to the taxpayers and be a very modern thing. So we're looking at this right now. We haven't got the final figures, but we are addressing that problem.

Ms. Silby: I have several seniors here who are prepared to speak on this very subject. A little lady that's pushing 90 years in August, and a lady that has asked me to speak for her because she couldn't make it. She has the flu. Unfortunately, she is an automobile accident victim and on crutches and full of arthritis, and she must have a heated pool to get her exercise. She can't go into a cold pool. Because being on crutches and not being able to exercise, she is badly overweight and her heart is being smothered with fat. And this heated pool is the thing.

Commissioner Lurie: We are looking into a heated--to try and some way heat that pool. We just last year made the pool available to the Seniors so that they have the pool completely by themselves so that the kids aren't running through there and disturbing their swim.

Ms. Silby: Yes, but it's cold.

Commissioner Lurie: I know that. I figured that would be a new problem as soon as we opened the pool up. We're working on the problem with getting some type of solar energy heating unit. At the Senior Citizens Advisory Board we discussed the jacuzzi. We have a lot of plans for the Senior Citizens Center, Dula Center and the pool area, but it's a long-range plan, maybe two years.

Ms. Silby: Two years! We'll all be dead by then.

Commissioner Lurie: No, no. A lot of people saw that Center built.

Ms. Silby: We'll be stricken down with arthritis. We won't even be able to get on the bus to get down there. May I request an early conference?

Mr. Dorn: We should have those costs on the mechanical heating plus the solar package. Our engineering department is reviewing it right now. But I'll have Director, Dick Campbell give you a call, Frances, and he'll meet with you on the costs. In about two weeks.

Ms. Sibly: Thank you very much.

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REQUEST TO RENAME  
PORTION OF CASINO  
CENTER TO  
VETERANS MEMORIAL  
DRIVE

Commissioner Lurie: The next item we have is item D. Request permission to initiate action to rename a portion of Casino Center Boulevard, north of Bonanza to Washington, to Veterans Memorial Drive. Request is made by Marvin H. Taylor, Commander, Las Vegas Post #8.

Mr. Dorn: Your Honor. That's a request by Commissioner Woofter.

Commissioner Lurie: By Commissioner Woofter. Commissioner?

Commissioner Woofter: Thank you, Mayor Pro-Tem. I met with Commander Taylor as well as other representatives of both American Legion and the VFW in regards to the proposed request, and it certainly is unanimous as far as the members of both Posts and several other veterans to consider such, since the area we're speaking of and we're all familiar with runs just from Bonanza towards the American Legion Post. Most of that land, the parking area, is owned by Legion Post. Off to the side, not completely adjacent, the VFW Post downtown sets over on Las Vegas Boulevard, North, but fairly close to the area in question. I would hope that the members of the Commission would consider my request to get the ball moving in that direction and as a result, I would make a motion to initiate the procedure referring this to the Planning Commission for a recommendation if at all possible.

Commissioner Lurie: Then we do have a motion. Comment from Commissioner Christensen?

Commissioner Christensen: Some years ago they changed Fifth Street to Las Vegas Boulevard, North and Las Vegas Boulevard, South, and it's impossible to write down. I don't consider this to be the same kind of a problem but because you can't put that on the dotted line, address blank or letter unless you've got a full-sized envelope, everybody puts L.V.B.N. and L.V.B.S. We've got to be very careful of this name because this is not going to be written down as Veterans Memorial Drive. It's going to be VMD or VD, or something like that.

Commissioner Woofter: I appreciate that, Commissioner. I think there are only two property owners if I'm not mistaken between us. The City and the American Legion Post.

Commissioner Lurie: This will then be sent to the Planning Commission? The motion is, then, to send it to the Planning Commission with approval by the City Commission on the request. Would you cast your votes on the motion? Motion is approved.

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

DISCUSSION AND  
ACTION RE: FUNDING  
FOR ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

Commissioner Lurie: Item C. Discussion and action concerning funding for architectural services for the new detention facility. And this was asked for by Commissioner Leavitt.

Commissioner Leavitt: Mr. Mayor Pro-Tem, I understand that our City Attorney has prepared a new local agreement to be presented to the County and the City. As you recall at the Police Commission Meeting I requested that a local agreement be prepared. There's only one problem, where do we get the money?

Mr. Dorn: Commissioner Leavitt, before we discuss that, may I discuss the fiscal implications in that. As requested by Mayor Briare at the last meeting, Marvin Leavitt will give you a summary as far as the attitude of the bond council for the construction of the facility. With regard to the request for \$175,000 to pay half the architectural fees for the new County jail, I must recommend that you not approve this payment at this time. This is a multi-phase concern, both fiscal, legal and public safety. My recommendation is based on fiscal reality. The \$175,000 requested by Metropolitan Police Commission is not appropriated in the budget for the Fiscal Year of 1978-79, which you adopted in April. But before we go further, I'd like Marvin to talk about the consequences as related by the bond council.

This money is not available in the 1978-79 budget, but if you choose to and want action on this and direct the City Manager this money according to the resolution that Mike Sloan will talk after Mr. Marvin Leavitt, can be paid in somewhat of a long term, July 30, 1979. So presently, that money is not appropriated in the '78-79 budget, and the way we could obtain these funds would be having to cut from City services.

Commissioner Leavitt: We're going to argument the budget today, though, aren't we?

Mr. Dorn: That's last year's budget.

Commissioner Leavitt: Yes, but what I'm saying, what you had in last year's budget, you had no anticipated increased revenue, about \$4 Million.

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

Mr. Dorn: But it's been offset by \$2.8 Million in expenditures, Commissioner, and we need an opening fund balance.

Commissioner Leavitt: But you've got a net there of 1.2. Well, actually, it's 1.5.

Mr. Dorn: That is correct.

Commissioner Leavitt: Which is going to be about \$200,000 more than you had anticipated the ending balance.

Mr. Dorn: That's true, but we have to also worry about revenues. We can't overanticipate revenues, and right now we have to be looking at a full year's cycle.

Commissioner Leavitt: Well, if you're going to have \$200,000 more than you anticipated as an ending balance, how come you can't find \$175,000?

Mr. Dorn: I'm saying that there's a possibility we can't find that. It's not appropriated right now. The use of that, my recommendation is . . . .

Commissioner Leavitt: I understand we have to follow legal procedure to augment the budget later on. I'm not saying necessarily that we should approve this point. Certainly we have to take a legal procedure to find the money before we can approve it. But before us today is just the interlocal agreement that Mike Sloan has prepared along with the District Attorney's Office along with our consideration.

Mr. Dorn: That \$200,000 added is according to State regulations where we have to have 4%, between 4 and 8%. My recommendation would be not to use the money in that balance because we're looking from July 1 to next July 1 and as we all know, there's a lot of costs that come up during the year that we don't anticipate. But it is possible, Commissioner Leavitt, as you are asking the question, to get this money, hopefully if revenues come up to anticipation or higher levels, there might be a possibility of getting the \$175,000. But at this stage, it's not appropriated.

Commissioner Leavitt: Before we get into the money thing, I think we have a legal problem. Of course, one of the things that this interlocal agreement provides is that should the statute be "unconstitutional" and the City be reimbursed. Is that correct, Mr. Sloan?

Mr. Sloan: Commissioner, if I may just explain this. The first draft of this cooperative agreement was prepared by Mr. Bartley from the County. In the provision as to the payment of money, he set forth that the City would have until July 30, 1979 to come up with its share of \$175,000. I think the County thereby recognized that we may not have the money immediately at hand, and wanted to give at least a year.

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY  
(CONT)

But his draft did not in any way provide a contingency should the City be correct in successfully vindicating its position in court that the Metropolitan Police Commission act is unconstitutional.

Commissioner Leavitt: It also doesn't require the City to put up \$175,000 until July 30, 1979.

Mr. Sloan: That's correct. That is Mr. Bartley's proposal, and as I say, I think it was very fair from their point.

Commissioner Leavitt: The County's putting all the money up front.

Mr. Sloan: Exactly. And that they did because they accepted our representation that we presently did not have the money, and so they said we will fund it for at least a year. But his proposed agreement did not make any mention of the possibility of us winning in a lawsuit. So I proposed the other draft, and I can't say that Mr. Bartley has agreed to it or the County has agreed to it. It's just the language that my office felt that you would want to consider based on our concern that obviously, if we're going to win a lawsuit and if the City of Las Vegas is improperly or unconstitutionally being required at the present to participate in the jail, there should be some provision that we would not be required to come up with this money on July 30, 1979 if a court were to rule next month that the act is unconstitutional. So that's where this alternate language that I have provided came from. I do not know if the County will accept this or if Mr. Bartley will accept this, but I think that it's incumbent upon us to put that kind of provision in there.

Basically all it does is say that we're going to pay the money. We recognize that there's a need for a jail, and we will pay the money unless a court of competent jurisdiction says the City of Las Vegas cannot be required to pay the money because the act is unconstitutional. I think that it's a reasonable and fair approach on behalf of the City.

Commissioner Leavitt: If the court should declare that the statute is not unconstitutional, it is your opinion that we owe the money?

Mr. Sloan: Correct.

Mr. Dorn: Commissioner Leavitt. Going along with City Attorney Sloan, if the Commissioners decide to follow this course of action, if we can wait until the payment date of July 30, 1979, this money can be found in the upcoming budget for next year. If the County will agree to the payment date of July 30, 1979, we can put it in next year's budget.

Commissioner Lurie: That's right. We have to approve this agreement, and then they have to approve it. If they don't agree with it, they'll send it back.

FUNDING - ARCHITECT.  
SERVICES - NEW  
DETENTION FACILITY

Commissioner Leavitt: Because the agreement says "on or before July 30, 1979 the City will pay the County \$175,000".

Mr. Dorn: I'm asking for July 30, 1979 as a target date to pay that money. That's what I'm saying.

Commissioner Christensen: Which is the same thing Mr. Sloan's agreement says.

Mr. Dorn: Mr. Sloan had put that in. That's our position, both Mr. Sloan and myself. That's our recommendation.

Commissioner Lurie: Commissioner Christensen?

Commissioner Christensen: I think the record should be clear, and we should be consistent. We're talking about \$175,000 from the City and \$175,000 from the County. The City is in the County, which means that actually it's \$87,500 from the County and \$262,500 from the City because we're going to be paying half of the County's share, too. That's a default I see with the law, and it's, of course, one of the things we're appealing in court. The County has an obligation to provide jail services throughout the State of Nevada, that's in the constitution. Clark County is the only county that they've seen fit to make the City pay twice, once as County residents and once again as City residents. So I repeat, the City's share then becomes \$262,500, and the County's \$87,500. And that's only for architectural site selection studies. That doesn't build one brick of the jail.

Commissioner Leavitt: I would just like to make this comment. First of all, this agreement provides, and I understand Mr. Sloan's opinion at the present time is under the current law that now exists, the City is obligated to pay one half of this cost. If the law is held unconstitutional, then of course, we will not be obligated to pay that money. I would point out one more thing too, that prior to July 30, 1979 the Legislature will meet, and any inequities that may exist, we will have an opportunity to present them to the Legislature and request them to correct them. So in view of those three things and in view of the fact that the agreement has been presented, I would move that we adopt the cooperative agreement and authorize the Mayor to sign on behalf of the City.

Commissioner Lurie: You've heard the motion. Is there any further comment on the motion?

Mr. Dorn: Commissioners. Before you vote would you like to hear from Mr. Marvin Leavitt on the bond council, or is that not necessary?

Commissioner Lurie: Okay. I'm sorry. You mentioned you wanted him to make his comments. Mr. Leavitt.

FUNDING - ARCHITECT.  
SERVICES - NEW  
DETENTION FACILITY  
(CONT)

Mr. Leavitt: I don't know whether it's necessary on this single action taken this morning. But I think the opinion of the bond council is going to be necessary very quickly if we're going to try to go to election in the fall to make decisions not only as to whether we want to go to bond election but also to determine the amounts that we might want to go for. Two possible alternatives available to us to fund the portion of the jail would be either to go to a bond election and issue or to try to get short term finance. We can get short term finance which has to be repaid in no more than five years for maybe an initial phase or a very small phase, but I don't think we could possibly repay in the time limit required short term financing that would be sufficient to cover funding for the entire cost of the jail, at least the cost that I've heard discussed since we started talking about this jail.

The \$3½ Million we talked about would be reaching, probably, our limit and still able to fund our normal functions on short term financing so that by Monday, July 3, we need to notify the general obligation bond commission if we intend to propose a bond issue that will be actually bonded on November 11. We need to notify them also at that time as to the amount that we would want to fund if we were going to go that route. I might note that if we were to get approval issue bonds in the November election, there would be a considerable lag after that time before we could get legal opinions ready before we could actually go through the sale of the bonds. And then we would not have a principal payment due on those bonds for at least one year after that sale date. We should probably have an interest payment just six months after that date. So regardless of whether you wanted to finance this architectural fee by proceeds of a bond issue later on or out of our own funds or however, in July, payment of bond issue would not be very clearly due until next fiscal year. I don't see any possible way that we could, regardless of how fast we rushed into it, we could possibly get a payment due in this '78-79 Fiscal Year.

So whatever you're doing, you're looking at least into the next Fiscal Year before you either have a payment on the bonds or a payment on the architect fees, if you decide to fund it that way.

Commissioner Leavitt: With short term financing, you'd get the money quicker.

Mr. Leavitt: Short term financing will get the money quicker.

Commissioner Leavitt: Of course, we've tried short term financing twice, and that takes unanimous approval of the Commission. We've never been able to obtain that at this point.

Commissioner Lurie: One of the reasons is we don't know how much money we're going to be asking for in the short term financing. Possibly by approving this request, it will give the architect, and Mr. Cambero, you may correct me if I'm

DETENTION FACILITY  
(CONTINUED)

wrong. We'll pick out a site and also give a preliminary set of plans for the first phase of the construction so that we know how much money we're going to be asking for and how much the City's share is and how much the County's share is. Maybe, Mr. Cambero, you can answer that for me, okay. Give your name for the records.

Mr. Arturo Cambero: My name is Arturo Cambero. I'm from Cambero and Cambero Architects. In this first phase that we're talking about is needed because we'd only study the sites from the County and the City. We also have to make the program study of requirement of the jail facility, and based on that, we will also recommend to the Metro Police the size for that jail. On top of that we cannot do also the preliminary design, the cost estimate, of all sites, so that we can make a decision at the time how you feel you want to go. As so your economy and budgeting and bond issue or whatever, in accordance with that, we'll all work together.

Commissioner Lurie: Actually, this is the first step in preparing the information. So even if you go out to the voters and ask in a bond election, here's the preliminary, here's the site, this is how much money it's going to take for the first phase, and this is what we're asking for.

Mr. Cambero: Yes. The jail facility will be designed until the year 2000. It will take the programming and the studies. So in that time, we will have everything done. So you can adjust yourself to that.

Commissioner Leavitt: I was just going to say in view of what our Finance Director has indicated to us, I don't see how we can do anything but short term financing because we can't go to the bond commission in July and tell them how much money we want, because we don't know. We won't know until the architect comes up with the estimates.

Mr. Leavitt: That's right. Now, I personally would not recommend that you try and go to a bond issue until you at least have a reasonable idea of what the thing would cost. It would be the same thing as getting financing on a home before you have any idea of what the home's going to cost. You might come up short. And I think it would be a mistake to try to float a bond issue until you at least have an idea of what the costs are going to be.

Now, a possibility. You get short term financing on a short term basis and refinance that in a bond issue. That would be possible.

Commissioner Leavitt: So you could get the money on short term financing and if you can get the bond issue on, go from there and retire the short term financing.

Commissioner Lurie: I think the soonest a bond issue could be prepared would be for the Spring election.

DETENTION FACILITY  
(CONTINUED)

Commissioner Leavitt: What you're talking about in the way of a July deadline would be a November election.

Mr. Leavitt: Right. Or the City election.

Commissioner Lurie: The City election next May.

Commissioner Leavitt: I would like to call for a question on the motion. However, I would like that motion to be clear that the agreement I'm talking about and we're approving is the one with the latest amendment as prepared by our City Attorney.

Commissioner Lurie: Will there be any further comments on the motion? Comments on the agreement? Cast your votes. The motion is approved.

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

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REALLOCATION OF  
'77-78 REVENUE  
SHARING DOLLARS

Commissioner Lurie: Item D is the reallocation of 1977-78 revenue sharing dollars.

Mr. Dorn: Commissioners. The City has been notified by the contractor on Doolittle Pool that the underground drainage system must be replaced in order to render the swimming pool totally usable at a reasonable cost to the taxpayers. It is my recommendation that you allocate additional \$30,000 from the '77-78 Federal Revenue Sharing dollars to cover the cost of the contract to repair the pool drainage system, \$22 Thousand, and \$8 Thousand for the cost of engineering design and inspection. The original contract was with Tango Pools, which was for \$81,120 with a scheduled completion date of June 19. This contract modification at Doolittle Pool may require a two-week extension of the contract. However, this pool will be operational before July 1. Dick Campbell has inspected the work and notified me yesterday that the work is proceeding on schedule.

Commissioner Lurie: Commissioner Woofter.

Commissioner Woofter: I move to approve the additional \$30 Thousand to complete the work at Doolittle.

Commissioner Lurie: There is a motion. Comments on the motion? Cast your votes. Motion is approved.

Motion approved by the following votes:  
Commissioners Christensen, Leavitt,  
Lurie and Woofter voting aye.  
Noes - none.

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APPOINTMENT OF  
METRO POLICE  
COMMISSIONER

Commissioner Lurie: Item E is the appointment of Las Vegas Metropolitan Police Commissioner for a two-year term, commencing May 17, 1978 to May 17, 1980. I'd like this item held until the June 21 meeting.

Commissioner Leavitt: Mayor Pro-Tem, it just occurred to me that maybe we ought to ask Mike Sloan about this because I didn't realize that the term had ended on May 17. It's my term. It's a term that I served, but I didn't realize that the term had actually ended on May 17. It may create some problems with the voting, and I'd like to get Mr. Sloan's opinion. Maybe we can just hold it until later in the meeting.

Commissioner Lurie: Why don't we just reappoint you?

Mr. Dorn: Commissioner Leavitt, the other practical problem is that I believe two of the County Commissioners' terms have expired, and that will lower the number for a quorum on the Metropolitan Police.

Commissioner Leavitt: I understand that yesterday they made their reappointments.

Mr. Sloan: Commissioners, I'd like to have an opportunity just to look at the NRS Chapter relating to the Metropolitan Police Commission. So if we could hold this for a little later in the day, I'll . . .

Commissioner Christensen: I'd like to raise another question.

Commissioner Lurie: Commissioner Christensen?

Commissioner Christensen: It's just been pointed out to me that even though this is an addendum to our agenda, it's not on the agenda that's given to the public. Can this create a problem?

Mr. Dorn: It's on the addendum, Commissioner Christensen. Proper notification was met by this. It was posted.

Commissioner Christensen: Have we got addendums for the public that's here that's got the agendas? (negative answer indicated) But it was posted? All of the items that are on the addendum were posted and mailed? (positive answer indicated)

Commissioner Lurie: What you're asking for is do we have two sets of agendas?

Commissioner Christensen: Well, no. Somebody just showed me an agenda and said, 'Hey, where is this item on the agenda-- it isn't on there'. That's why I asked the question.

Mr. Dorn: It's a good point. We'll correct that. Addendums should be provided here for the public. The ones that are mailed out contain those. But for the people here, we will give those supplemental materials.

APPOINTMENT OF  
METRO POLICE  
COMMISSIONER  
(CONTINUED)

Commissioner Lurie: Just so that there's no misunderstanding at this time, the Chair will at this time reappoint Commissioner Leavitt to the Metropolitan Police Commission for a two-year term until such time as he might want to resign. Would you cast your votes on the recommendation? Let the record show that Commissioner Leavitt abstained from voting.

Motion carried by the following vote:  
Commissioners Christensen, Lurie and  
Woofter voting aye.  
Noes - none  
Abstain - Commissioner Leavitt

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INTERLOCAL  
AGREEMENT -  
FORMATION OF  
MANAGEMENT  
IMPLEMENTING  
AGENCY AND  
PLANNING BOARD  
Request For  
Special Meeting

Commissioner Lurie: Item F is discussion of possible action, Regional Environmental Board for Wastewater Planning. Mr. Dorn?

Mr. Dorn: Commissioner, F and G are related.

Commissioner Lurie: We might as well take F and G together.

Mr. Dorn: Before the Mayor and City Commissioners if you recall, is an interlocal agreement for the creation of the cities along with the County for a Regional Environmental Planning Board and Management Impelementing Board. Our City Attorneys have been working on this proposal and meeting with other cities. We have a meeting with the four cities and the County this Thursday afternoon to discuss this interlocal agreement. I would like permission to recess this meeting for the possibility of having a special meeting on Monday, June 12, at 10 a.m. to vote and bring back to you from this meeting on Thursday for your discussion to see if you want to take action on this interlocal agreement before June 13. Any time that's available on Monday. Why I say Monday is, as you know, the Governor signs off on the 208 Plan on June 13. The concept was to try to agree with the cities and counties for this interlocal agreement to form a Management Implementing Agency and a Planning Board, and June 13 is the day the Governor signs off, so it's the intent of having this done before the Governor signs the 208 Plan.

(Discussion among Commissioners as to satisfactory meeting time)

Mr. Dorn: May I also say if we schedule this, it would be tentatively scheduled and posted, but it might have to be cancelled because if the cities and the County do not agree with the concept--or recess it.

Commissioner Lurie: Post it for 9:00 Monday morning.

INTERLOCAL AGREEMENT  
(CONTINUED)

Mr. Sloan: Commissioner, are we going to have a recess of this meeting and continue this item, or are we going to have a special meeting? If you're going to recess this meeting, the proper thing to do would be to continue Items F and G until later in the day, and the last item of today's meeting would be to recess the meeting until 9:00 Monday morning, at which time it take up all unfinished business. Under that circumstance, you would not have to post again.

Mr. Dorn: That was a course of action that we would prefer.

Commissioner Lurie: We'll save that for the end of the agenda, then. Remind me on that.

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DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN LEAVITT, CPA, DIRECTOR

See Page 38 - Annotated Agenda

AUGMENTATION OF  
FY 1977-78 BUDGET

Commissioner Lurie: Item C is the augmentation of Fiscal Year 1977-78 Budget for the City of Las Vegas.

Commissioner Woofter: Move to approve.

Commissioner Lurie: Are there any comments?

Commissioner Leavitt: I have a question. Regarding the decrease in cigarette tax which is on Exhibit A, first page, I noticed that the revenue to the City during the past Fiscal Year on cigarette tax has decreased \$135,218. Now is this got to do with the increase in sales at the Indian Reservation? Is this what you would anticipate the reason for this? Is there any explanation for it, in order words? I mean, that's what I think happened and I want to know if you agree with me.

Mr. Leavitt: I think it has a relationship. What we're talking about in this decrease is a decrease in what we actually anticipated we'd receive and what the State estimated we'd receive 18 months ago. So part of that problem relates to an estimate. If you follow the cigarette taxes over a number of years, cigarette taxes have been a very low growth tax. Almost all of our taxes have been growing at various increase rates, but cigarette tax has almost shown no growth over the last several years.

Commissioner Leavitt: In other words, the sales tax, the liquor tax and all the other tax has gone up, and the cigarette tax has just about stayed the same. It hasn't increased proportionately.

# AGENDA

## City of Las Vegas

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

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June 7, 1978  
 Department Action

ITEM

Commission Action

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. F1278 to F1283, D510547, E114527, E511421 to E511423, E511427 to E511449, E511451, E511459 to E511475, E511478, E511482 to E511505, F511507, E511511 to E511824, inclusive.

In the amount of \$5,267,131.47

\*B. PAYROLL WARRANTS

Nos. 109898 to 111321, inclusive.

For Pay Period Ending 5/13/78

In the amount of \$471,048.43

C. AUGMENTATION OF FY 1977-78 BUDGET FOR THE CITY OF LAS VEGAS

(Procedure approved by City Commission at a regular meeting held 5/3/78. Published one (1) time in L.V. R-J on 5/26/78)

Approved as presented  
 Woofter - unanimous

Director authorized to issue

Approved as presented  
 Woofter - unanimous

Same as above

Approved as presented and Adopted Resolution

Mayor & Clerk authorized to sign

AUGMENTATION OF  
FY -77-78 BUDGET

Mr. Leavitt: That's right. Now, an amount this small, when we're talking about the State trying to estimate a tax 18 months in advance of the end of the Fiscal Year, this much money is almost impossible to--just to plain estimate. So it could very well just be an estimation error, see that \$135,000 over \$4 Million is a very small percentage.

Commissioner Leavitt: Is that all that's affecting it. Do you think that was a cause of the Indian Reservation selling their cigarettes tax free?

Mr. Leavitt: I'm sure that enters into it. Whether it's a major factor, I just don't know.

Commissioner Lurie: I'd like to throw something in here. I would like to think that it's because of the public awareness programs that are put out by the Nevada Lung Association that cigarettes are harmful to your health, because I'm on the board.

Commissioner Leavitt: I have one question regarding the County tax -- that's a sales tax, is that correct? How come the revenue was 1.1 million more than we anticipated? Is this a figure that was given to us by the State?

Mr. Leavitt: That's right.

Commissioner Leavitt: We based our budget on that and as a result of that we're going to have more money than you thought we were going to have, is that right?

Mr. Leavitt: That's right. You might recall when we talked to you about a year ago when we were doing this budget, we indicated at that time that we thought their estimate was low and that we probably could get them to revise the estimates. And at that time we could augment the budget for additional expenditure, and I think that has held true and that is exactly what has happened.

Commissioner Leavitt: Well, seeing as I didn't see these around negotiation time and that's why I was wondering if this was, all of a sudden we find this additional revenue when it comes time for negotiation.

Commissioner Lurie: It happens every year.

Mr. Dorn: Well, Commissioner, I think you have to also point out a trend that when you looked 18 months in past history you had a great unemployment problem. We had great inflation and money was tight. Money has kind of loosened up. There's more tourism coming into the State and there other fiscal impacts on this tax. This is a very hard tax. The sales tax is very difficult to project for an 18-month period because it relies on the volume of business, how much money is in the economy and a lot of other factors.

AUGMENTATION OF  
FY 77-78 BUDGET

Commissioner Leavitt: Now the State liquor tax is down 90 thousand. Is that based on population figures? Is that the reason it's down? It dropped 90 thousand less than was anticipated. Is that because of the redistribution of the population figures?

Mr. Bramble: If I'm not mistaken, Mr. Leavitt, is that about the same reason that the State estimates that for us, and they just made a bad estimate?

Mr. Leavitt: Yes. The State estimates that tax. That tax is based on actual liquor sales and not on license fee per individual sellers. It's based on liquor sales, and there's just an estimate problem. That's all that would relate to. That tax is distributed as these others, based to cities, in this particular county, based on relative population. That has not changed in the last year and won't until the '80 census is complete, so the only difference that could possibly be is they overestimated liquor sales.

Commissioner Leavitt: Well one thing I'm getting out of this is our revenue is exceeding the original estimates by 4.1 million, and I'm trying to figure out what the reason for all this. I can see that you got a different figure on the County/City Relief tax of a million one, but how come we missed another three million on estimates. Was that because we estimated conservatively and low?

Mr. Leavitt: As you go through that, a number of these items as you follow it relate to several programs that have since materialized that we have not known anything about at the time the budget was prepared. One thing is the anti-recession grant that was in the process of being approved at that time. I believe you see money in there for the public works, Title II grant, these type things. I won't deny but we are conservative in our estimations, but if you follow through most of these increases do not relate specifically to the ones we estimate but to the ones that are either Federal grants or the ones that the State estimates.

Commissioner Leavitt: I think this is a very good argument of why you should estimate the budget very conservatively because of what can happen here.

Mr. Dorn: I concur with your observation, Commissioner, 100 per cent. And this new budget '79 is done that way. As it relates, as Mr. Leavitt pointed out, you have \$1.1 Million coming in from outside grants, Convention Authority and other revenues. But the other part of the picture of the revenue of the budget is on user's fees and licenses and fines and privilege taxes. And when you have user and population, it's better to be conservative in your estimate of revenues so you don't underestimate your anticipated revenues and have a deficit in your budget operations. It's always been have a little money in the bank, and I agree with your position.

AUGMENTATION OF  
FY 77-78 BUDGET  
(CONTINUED)

Commissioner Leavitt: At the end of this Fiscal Year, we're going to have about a million five on hand is that correct? I remember when I first became Commissioner, it was considerably lower than that.

Commissioner Lurie: That's low.

Mr. Bramble: That's just a little below the prescribed State requirement for 4 per cent.

Commissioner Lurie: We're, by law, we're required four percent of our budget, and that's \$42 Million, so we're looking at about sixteen eight that we should have.

Commissioner Leavitt: Well, that's considerably better than when I first came on the Board, I can say that.

Commissioner Lurie: That's right. We have very good fiscal responsibility here in the City.

Mr. Bramble: Can I make just one comment? The purpose for the augmentation is primarily to provide us with an opportunity to (1) obviously reflect additional revenues that we receive, but also to cover expenditures that are over and above what we anticipated at the beginning of the year. As you'll note, the utility costs have increased approximately 10 - 15%, which has had a tremendous impact on our budget. The building boom, although it provides revenues, has also increased our costs in providing the service to the public. And so these are the types of things that have required us to augment our budget, and it's primarily a housekeeping function and not necessarily, as you indicated, additional revenues for labor negotiations. These are funds that have been committed and are not to be considered excess funds.

Commissioner Lurie: Okay. There's a motion on the floor to approve the augmentation and adopt the resolution. Cast your votes on the motion to adopt the resolution and the augmentation. Motion is approved.

Motion carried by the following votes:  
Commissioners Christensen, Leavitt,  
Lurie and Woofter voting aye.  
Noes - none.

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PERSONNEL AND EMPLOYEE RELATIONS

J. ROBERT McPHERSON, DIRECTOR

See Page 42 - 43 Annotated Agenda  
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# AGENDA

## City of Las Vegas

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

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 6/7/78

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) Financial Management Junior Office Assistant (fill budgeted vacancy)	\$622	To operate microfilming equipment and to perform light clerical duties.
(2) Municipal Court Office Assistant (fill budgeted vacancy)	721	To provide clerical support to Municipal Court.
(3) Recreation & Leisure Activities/Parks Maintenance Laborer Four positions (fill budgeted vacancies)	758	To perform general park maintenance on all parks and median islands.
(4) Personnel & Employee Relations Office Assistant Two positions (fill budgeted vacancies)	721	Responsible for providing clerical support to the department including front office and statistical and monthly reports.

Items 1 thru 9  
 Approved  
 as presented  
 Woofter - unanimous

Director  
 authorized  
 to proceed

**AGENDA***City of Las Vegas*

June 7, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

## IV. (c) DEPARTMENT OF PERSONNEL &amp; EMPLOYEE RELATIONS

A. CITY FUNDED - FULL TIME cont

See Page 13

See Page 13

(5)

PS/Animal Control Kennel Attendant (fill budgeted vacancy)	\$721	Responsible for cleaning and disinfecting cage areas and feeding and general care of animals.
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(6)

Community Planning & Development Architectural Design Associate (fill budgeted vacancy)	1241	Responsible for preparing the preliminary designs for the Grant Application Programs.
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(7)

Municipal Court Junior Office Assistant (provide needed services)	622	To be assigned to operate SCOPE and work in the warrant infor- mation center.
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NOTE: Not to be filled until 7/1/78

(8)

Municipal Court Senior Office Assistant (provide needed services)	796	To be responsible for all general supervision and direction of the swing shift personnel.
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NOTE: Not to be filled until 7/1/78

(9)

City Attorney Deputy City Attorney (fill budgeted vacancy)	1747	To be responsible for handling criminal litigation in Municipal Court on a day-to-day basis.
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DEPARTMENT OF FUNDS COORDINATION

RICHARD B. BLUE, ACTING DIRECTOR

Commissioner Lurie: Department of Funds Coordination.  
Richard Blue.

REVISIONS TO  
RECOMMENDATIONS  
FOR 4TH YEAR  
BLOCK GRANT  
PROGRAMS

Mr. Blue: Mayor Pro-Tem. Members of the Board of Commissioners, I have before you two items for your consideration and approval today. The one dealing with revisions to the recommendations for the fourth year community development block grant program.

This request is based on the fact that we have been notified by the Department of Housing and Urban Renewal formerly that two Block Grant Programs previously recommended have been disallowed, and they are the Senior Taxi Service and the Voluntary Action Center. Also, Sheltered Enterprises of Nevada did not receive the required funding from Title 20 for us to continue recommendation of their funding. And also, the staff recommendation for the purchase and repair of the building located at Bridger near Maryland Parkway. It's been indicated that the local church would like first chance at that building. The staff recommends that the public should go ahead with this.

We have \$100,000 that we would like to reprogram for Block Grant. How this indicated a preference on this part that this money not be placed into a contingency fund, that it be programmed to specific line items. These line items are before you. One, we would like to increase our housing inspection and counselling by approximately \$30 Thousand. This would enable us to carry out the rehabilitation program and to the Neighborhood Strategy Area III, which is located east of City Hall, bordered by Bonanza Avenue. . . . .

Commissioner Christensen: Excuse me, Mr. Blue. Would you move over to the mike a little? There are some people in the audience who are not hearing you well.

Mr. Blue: This area is bordered by Bonanza Avenue on the north and Stewart on the south, Las Vegas Boulevard on the west and Eastern Avenue on the east. This activity is noted as a physical development activity and also will support a day care center, which is what we consider a very vital project in the Block Grant Program.

The other activity we would like to recommend that money be placed into the general category of commercial and economic development to enable us to provide either the local development corporation or the community development corporation that funds for leveraging purposes that funds the economic liability of the depressed areas of this city.

The other portion of the money, \$16 Thousand, we would like to be used to augment the previously anticipated Block Grant America, one million, nine hundred and twenty thousand dollars. I was indicated that our actual entitlement this year would be one million, nine hundred and four. So \$16 Thousand will be needed to augment our application in order that the previously approved projects will not have to suffer

REVISIONS TO  
RECOMMENDATIONS  
FOR 4TH YEAR  
BLOCK GRANT  
PROGRAMS  
(CONTINUED)

any budgetary restraints.

Commissioner Lurie: Do the Commissioners have any comments or questions?

Commissioner Christensen: I'll move for approval of items A and B.

Commissioner Lurie: There is a motion to approve Items A and B. It's a very good presentation, Mr. Blue. Cast your votes. Motion is approved.

Motion carried by the following votes:  
Commissioners Christensen, Leavitt,  
Lurie and Woofter voting aye.  
Noes - none.

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DEPARTMENT OF MUNICIPAL SERVICES

J.C. CATHCART, DIRECTOR

See Pages 47 and 48 - Annotated Agenda

AWARD OF BIDS

Commissioner Lurie: Item B, Award of Bids.

Mr. Dorn: Your Honor. There's two items we'd like to address and give recommendations. If you'd like to take them in order, or if you'd like me to tell you which items they are.

Commissioner Lurie: Which items are they? Because I have a question of Number 18.

Mr. Dorn: Number 4, Bid 78.34, the Annual Oil and Air Filter Contract. We're recommending that you hold that in abeyance because we're evaluating that, and we feel that the unit price is a little too high for an annual contract, and we feel that we might be able to do a little better.

The next item is #18, Bid 78.92 on Carpeting for Various Areas in City Hall. I would like to reject these bids and permission to go out and readvertise. We feel we might be able to make a savings of \$4,000.

Commissioner Lurie: I agree with that. That was going to be my recommendation. I have one other question on item 12, Bid 78.45 on the Annual Type I Asphaltic Concrete. It says recommend contract be awarded to all bidders, with contract selection to be determined by Public Services based on direct mileage plant site to job site. Two of those bidders are considerably higher than the third one. Why would we want to approve all three and make that determination when we could take the low bid now and not have to worry about the sites?

# AGENDA

## City of Las Vegas

June 7, 1978

BOARD OF CITY COMMISSIONERS  
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ITEM

Commission Action

Department Action

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

A. REVISIONS TO RECOMMENDATIONS FOR  
FOURTH YEAR COMMUNITY DEVELOPMENT  
BLOCK GRANT

Approved  
as presented  
Christensen -  
unanimous

Director  
authorized  
to proceed

B. RESOLUTION OF THE BOARD OF CITY  
COMMISSIONERS OF THE CITY OF LAS  
VEGAS, NEVADA, TO ESTABLISH A  
RESIDENTIAL REHABILITATION FINANCING  
REVIEW AND ADVISORY BOARD

Adopted  
Resolution as  
presented  
Christensen -  
unanimous

Same as above

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

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AWARD OF BIDS  
(CONTINUED)

Mr. Dorn: Your Honor. Mr. Purvis will answer that question.

Mr. Purvis: We've always done this in the past, the reason being that with this 15-cent, I think it is, ten-mile haul, if we have one on the far east side, the initial price looks higher, but it can be considerably lower if we have to deliver somewhere on the far east side. And this has been a standing method of doing it, and it has worked out very well.

Commissioner Lurie: Has it sort of averaged out to what we estimated?

Mr. Purvis: Yes, they wind up pretty close to what we've estimated.

Commissioner Lurie: Okay. I have one other question on the item above that, on the Luminaire Contract. It's \$12,392 higher than what we estimated. Why is that?

Mr. Purvis: The cost of luminaires has just gone up, is the problem, Commissioner.

Commissioner Christensen: Going up faster than what we estimated they were going up.

Mr. Purvis: Exactly. I think one jumped from like \$60 to \$90 this year. It's really the mercury vapor lamps. As the high pressure sodium is coming in, their prices have remained fairly constant. But those with mercury vapor, as use goes down, their unit price is increasing tremendously. So we've got to get rid of our mercury vapor lamps as quick as possible.

Commissioner Lurie: Okay. Then on item #4, we're going to hold that item in abeyance for further evaluation. Item 18 we're going to recommend that both bids be rejected, and we readvertise.

Commissioner Christensen: Do you want to take that in two motions?

Commissioner Lurie: If you'd like. You can make the motion.

Commissioner Christensen: Okay. I move for approval of all the bids on Item B with the exception of 4 and 18.

Commissioner Lurie: Cast your votes on the motion if there are no further comments. Motion is approved.

Motion carried by the following votes:  
Commissioners Christensen, Leavitt,  
Lurie and Woofter voting aye.  
Noes - none.

AWARD OF BIDS  
(CONTINUED)

Commissioner Christensen: Okay. I move we hold bid number 4 . . .

Commissioner Lurie: And readvertise on item 18.

Commissioner Christensen: Well, maybe we ought to make it three motions to be legal.

Commissioner Christensen: Okay. Item four. Cast your votes on the motion on B-4 to hold that item.

Motion carried by the following votes:  
Commissioners Christensen, Leavitt,  
Lurie and Woofter voting aye.  
Noes - none.

Commissioner Christensen: On item 18, I move we reject all bids and readvertise.

Commissioner Leavitt: Can I get clarification on this? Why are we rejecting all the bids, because it's too high?

Mr. Dorn: It's too high. We feel that if we readvertise, we might get a cheaper price, and it might save \$4,000. That's a chance we have to take, but we feel that it's \$4,000 over what we should be paying.

Commissioner Leavitt: But didn't the specifications call for a certain type carpet?

Mr. Dorn: It does.

Commissioner Leavitt: Well, there's not that much difference between the two bids that I see.

Commissioner Lurie: One bid came in where there was a mistake where he overbid 500 yards of carpet that would have increased the bid \$4,000 so they want to readvertise.

Mr. Dorn: Commissioner Leavitt, Mr. Cathcart will explain that in detail for you.

Mr. Cathcart: On the carpet bids, we estimated a set amount of approximately 11,050 square yards that needs to be done. We also furnished all bidders with a diagram of the layout, and it was their responsibility to do the take-off and the measurements and so forth. We had one bidder come in within the 10% over of what we estimated. Another bidder came in at approximately 1700 square yards. He came in after the bid, and he had made a gross error in his take off. The people were called out of town that did the take off. Looking at his bid, which made him higher in total square yardage, he was lower on the unit square yard price. In all fairness to all bidders, since there was a discrepancy and misunderstanding, it might be better to reject all bids and readvertise, and I do feel that we will have a savings.

AWARD OF BIDS  
(CONTINUED)

Commissioner Lurie: You might as well know, it's for the City Attorney's office. Cast your votes on the motion. The motion is approved.

Motion carried by the following votes:  
Commissioners Christensen, Leavitt,  
Lurie and Woofter voting aye.  
Noes - none.

See Page 52 -- Annotated Agenda

DEPARTMENT OF PUBLIC SERVICES

WILLIAM J. PURVIS, P.E., DIRECTOR

APPROVAL OF  
SUBDIVISION PLATS

Commissioner Lurie: Department of Public Services, Item A, Approval of Subdivision Plats, 1 through 6.

Commissioner Woofter: Move to approve.

Mr. Purvis: One comment. On item #1, I request it be held until after, during Community Planning this afternoon, because the preliminary has not been approved, and they will ask for approval at that time. That's Item 1, 50-E-3.

Commissioner Lurie: Okay. Item 1 will be held until this afternoon. There is a motion to approve items 2 through 6. Comments on the motion? Cast your votes. The motion is approved.

Motion carried by the following votes:  
Commissioners Christensen, Leavitt,  
Lurie and Woofter voting aye.  
Noes - none.

See Pages 54 Through 58 - Annotated Agenda

PHASE II -  
E. CHARLESTON

Mr. Purvis: We would like to withdraw Item 18 until we commit it through Regional Streets and Highways to see if Mr. Brechler is going to participate in the financing of the bicycle paths.

Commissioner Lurie: Okay. There is a motion, then to approve Right of Way items 1 through 17, and item 18 will be withdrawn. Cast your votes on the motion. The motion is approved.

Motion carried by the following votes:  
Commissioners Christensen, Leavitt,  
Lurie and Woofter voting aye.  
Noes - none.

# AGENDA

## City of Las Vegas

June 7, 1978

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE  
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ITEM Commission Action Department Action

IV. (f) DEPARTMENT OF MUNICIPAL SERVICES, CONTD.

\*B. AWARD OF BIDS, CONTD.

See Page 17

See Page 17

10. Bid #78.43 - Annual Type II Base Material Contract, Fiscal Year July 1, 1978, Through June 30, 1979 (Public Services - Quality Control)

11. Bid #78.44 - Annual Luminaire Contract, Fiscal Year July 1, 1978, Through June 30, 1979 (Public Services - Electrical Division)

12. Bid #78.45 - Annual Type I Asphaltic Concrete Contract, Fiscal Year July 1, 1978, Through June 30, 1979 (Public Services - Quality Control)

13. Bid #78.47 - Annual Tree Removal Contract, Fiscal Year July 1, 1978, Through June 30, 1979 (Public Services - Quality Control)

14. Bid #78.60 - Cultural Services Complex - Phase II - Local Public Works Project - Federally Funded Round II (Public Services)

15. Bid #FH78.66 - Construction of Seven (7) Traffic Signal Intersections - Funded by Federal Highway Administration - S.O.S. Program (Public Services)

16. Bid #78.87 - Traffic Signal Replacement Parts (Public Services - Traffic Division)

17. Bid #78.88 - 10,000 Feet I.M.S.A. Cable Replacement (Public Services - Traffic Division)

18. Bid #78.92 - Carpet for Various Areas City Hall (Public Services - Maintenance Division)

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ITEM

Commission Action

Department Action

IV. (f) DEPARTMENT OF MUNICIPAL SERVICES, CONTD.

C. PURCHASE ORDER APPROVAL

1. Request Purchase Order approval to Econolite Corp., Anaheim, California, in the amount of \$2,997.68, for replacement traffic signal parts. Sole Source. (Public Services - Traffic Division)

Approved  
as presented  
Christensen -  
unanimous

Director  
authorized  
to proceed

# AGENDA

## City of Las Vegas

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ITEM

Commission Action

Department Action

IV (g). DEPARTMENT OF PUBLIC SERVICES

WILLIAM J. PURVIS, P.E., DIRECTOR

\*CONSENT AGENDA

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

\*A. APPROVAL OF SUBDIVISION PLATS

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

1. Charleston Heights Unit 50-E-3. (P.U.D. Becker and Sons, E. A. Becker, Agent)
2. Amended Plat of the Amended Plat of Charleston Heights 51-A-1. (Becker and Sons)
3. Kingswood Estates Unit No. 5. (Chism Homes, Inc., H. A. Chism, President)
4. Sierra De Oro Subdivision. (Western Homes, Inc., John Robarts, President)
5. Storybook Village. (Tri-State Development Company, c/o John E. S. Buchanan)
6. Watkins Park. (H. S. Service Corporation, Robert Banks, President)

Items 1 thru 6  
 Approved  
 as recommended  
 Woofter - unanimous

(Item 1 approved following approval of Tentative Map - Page 39 of this Agenda)

Director authorized to proceed

# AGENDA

## City of Las Vegas

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BOARD OF CITY COMMISSIONERS  
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ITEM Commission Action Department Action

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

\*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 Quality Control, Fire, Electrical, and Sanitation Departments. It is recommended that the improvements be accepted for these subdivisions.

1. Charleston Rainbow Unit No. 15-C.  
(Sproul Homes of Nevada, R. B. Cline, President)
2. Charleston-Rainbow Unit No. 15-D.  
(Sproul Homes of Nevada)

Approved  
as recommended  
Lurie - unanimous

Director  
authorized  
to proceed

\*C. RELEASE OF BOND

It is recommended that the performance bond posted for improvements at the following site be released. Work required has been waived.

1. Location: 2301-2305 E. Stewart  
Use: Offsites  
Builder: Norman Mott  
Surety: American Fidelity  
Amount: \$1200.00  
Bond No.: 04-414 -1243460

Approved  
as recommended  
Woofter - unanimous

Same as above

\*D. RIGHT OF WAY ITEMS

1. Grant Deed  
From: Brendan Bowyer and  
Stella Bowyer, husband  
and wife as joint tenants  
To: City of Las Vegas  
For: Portion NW-1/4, Sec. 35,  
T19S, R60E  
Dedication. Rebecca Rd.  
(5/17/78) (G-35)

Items 1 thru 17  
Approved  
as presented  
Woofter - unanimous

Same as above

**AGENDA***City of Las Vegas*

June 7, 1978

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BOARD OF CITY COMMISSIONERS

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ITEM

Commission Action

Department Action

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

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

See Page 21

See Page 21

## 2. Grant Deed

From: United Plumbing and Heating, Inc., a Nevada Corporation  
 To: City of Las Vegas  
 For: Portion NE-1/4, Sec. 30, T20S, R62E  
 Lamb Blvd. Dedication Building Permit (4/6/78) (N-30)

## 3. Grant Deed

From: Roger P. Flaherty and Joan M. Flaherty, husband and wife as joint tenants  
 To: City of Las Vegas  
 For: Portion SW-1/4, Sec. 24, T19S, R60E  
 Turkey Lane. Dedication Building Permit (5/16/78) (G-24-7)

## 4. Grant Deed

From: Florence O. Sterling, Trustee of the Florence O. Sterling Trust  
 To: City of Las Vegas  
 For: Portion of Government Lot 44, Sec. 36, T20S, R60E  
 Alpine St. Dedication (5/12/78) (L-36)

## 5. Grant Deed

From: Roy W. Fullmer and Sharon E. Fullmer, husband and wife as joint tenants  
 To: City of Las Vegas  
 For: Portion Block 7, Amended Metropolitan Addition Dedication. Bldg. Permit Radius Burnham/Exley (5/15/78) (R-2)

# AGENDA

## City of Las Vegas

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ITEM

Commission Action

Department Action

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

\*D. RIGHT OF WAY ITEMS (Continued)

See Page 21

See Page 21

7. Grant Deed

From: Lake Mead Properties,  
a Nevada Corporation, as  
to a 1/2 interest; and  
H. & G.G. Properties  
Co., a partnership, as  
to 1/2 interest  
To: City of Las Vegas  
For: Portion NE-1/4, Sec. 36,  
T20S, R60E  
Michael Way. Dedication  
Building Permit  
(5/12/78) (L-36)

8. Grant Deed

From: Charleston Heights Church  
of the Nazarene, a Nev-  
ada Nonprofit Corp.  
To: City of Las Vegas  
For: Portion SE-1/4, Sec. 26,  
T20S, R60E  
Washington Ave.  
Dedication. Bldg. Permit  
(5/12/78) (M-26)

9. Grant Deed

From: Margaret S. Goodwin  
To: City of Las Vegas  
For: Portion NE-1/4, Sec. 2,  
T20S, R60E  
Sweikert Lane  
Dedication  
(5/7/78) (L-2-2)

10. Quitclaim Deed

From: City of Las Vegas  
To: A. M. Investment Company  
For: Portion NE-1/4, Sec. 34,  
T20S, R60E  
Abandon sewer easement  
Conditions completed.

# AGENDA

## City of Las Vegas

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BOARD OF CITY COMMISSIONERS  
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ITEM

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Department Action

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

\*D. RIGHT OF WAY ITEMS (Continued)

See Page 21

See Page 21

11. Quitclaim Deed

From: Nevada Power Company, a Nevada Corporation formerly Southern Nevada Power Company  
To: City of Las Vegas  
For: Portion SE-1/4, Sec. 27, T20S, R61E Casino Center  
Recorded as Instrument No. 844501 in Official Record Book 885 in the office of the Clark County Recorder on May 10, 1978

12. Declaration of Utilization of Bureau of Land Management Right of Way for use by the City of Las Vegas

For: Portion of Government Lot 17, Sec. 36, T20S, R60E  
S.I.D. 425, Sewer, Cory Place

13. Declaration of Utilization of Bureau of Land Management Right of Way for use by the City of Las Vegas

For: Portion of Government Lot 21, Sec. 36, T20S, R60E  
S.I.D. 425, Sewer, Cory Place

14. Declaration of Utilization of Bureau of Land Management Right of Way for use by the City of Las Vegas

For: Portion of Government Lot 28, Sec. 36, T20S, R60E  
S.I.D. 425, Sewer, Cory Place

CONSTRUCTION  
AGREEMENT WITH  
NASA

Commissioner Lurie: Reports and possible action.  
Item one, go ahead.

Mr. Purvis: Item 1 is a contract with NASA. It's the fulfillment on the solar energy system at the recreational center. They are putting up approximately \$400,000 worth of equipment. They are also giving us \$220,000 to install this. They are also giving us \$14,300 to complete the designing of that portion. The contract, or the agreement has been reviewed by the Attorney's office. They see no problem with the contract, or the agreement.

Commissioner Lurie: Commissioners, do you have any comments or questions on this agreement? (none indicated) I move for the adoption of the agreement. Cast your votes on the motion if there's no further comments. The motion is approved.

Motion carried by the following votes:  
Commissioners Christensen, Leavitt,  
Lurie and Woofter voting aye.  
Noes - none.

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SIPHON PLANS  
REQUEST TO PROCEED

Commissioner Lurie: Item 2.

Mr. Purvis: Item 2 has to do with the siphon down across the wash, just east of Winterwood. You gentlemen have got a copy of the report by Mr. Wallace that \$480,000 is the total cost. This will be financed out of 731 sewer funds. Engineering has reviewed it. They see no problem with their proposal, and we would request that we would be allowed to proceed with the final design so we can go out to bid in about October.

Commissioner Lurie: Commissioner Christensen.

Commissioner Christensen: Is this one of those items that will have to be approved by the 208 Agency before we can go ahead?

Mr. Purvis: I think we're probably still clear, Commissioner, but if we were six months down the line you would probably be right. But no, this does not have to be approved by them as I understand at this point. Mr. Wallace is in the audience if anybody has any questions to ask him.

Commissioner Lurie: I have no questions. Your recommendation is to proceed?

Mr. Purvis: Our recommendation is to proceed as soon as possible so that we can get the drainage channel built around our sanitation treatment.

Commissioner Woofter: Move to approve.

SIPHON PLANS  
REQUEST TO PROCEED  
(CONTINUED)

Commissioner Lurie: There is a motion for approval. If there are no further comments, cast your votes.

Commissioner Christensen: I'd like to ask another question. We had a meeting this morning, and it did raise a few questions. Here's an example. There were some questions raised about a third level of government. These things are under the 208 Plan, if it's adopted. And as it's proposed, and the County is the 208 Agency, we have in fact been creating a third level of government because we have to approve it and then the County has to approve it, is that not so?

Mr. Purvis: I haven't read the law that close, Commissioner. But I would be suspicious that any expenditure is certainly, they are going to have some affect on our expenditures.

Commissioner Christensen: I mean, I appreciate the plan, and I'm in favor of adopting the plan it's just another one of these situations that we have, and I think we have to increase Public Awareness, and this is an example that crops up so soon after this meeting and these discussions on this, and it makes me wonder, you talk about third level of government. Here it is third level of government because now instead of one government approving it, we have to have two governments approving it, so you've created a third level without creating a third level, in essence.

Mr. Purvis: I cannot deny it in any way, Commissioner. This would also get into further problems with flood control because this is being lowered so we can construct, or so the County can construct the flood control channel.

Commissioner Christensen: I understand that, and I understand the need for lowering it, and I'm completely in agreement with that. I understand all those things. But it's something that just cropped up in my mind as I sit here mulling over this situation why I say to myself, Hmm, we talk about a third level of government and here it is. Because now two governments have to approve this. And the way to simplify that would then be to only have one government approve it, and the way to do that is then to wipe out the City and let the County approve everything. And in essence, that's what we're doing through the back door with the 208 Plan. That's my worry.

I appreciate that I'm not directing my remarks to the right person. I'm putting them out primarily for everybody to look at because here's a situation that we find ourselves confronted with and this is the bottom line. This is what we're talking about.

Mr. Purvis: I would also point out that when this flood control channel is built, you will have to have the approval of all the agencies along the way, too, which is going to take more time.

SIPHON PLANS  
REQUEST TO PROCEED  
(CONTINUED)

Commissioner Lurie: If there are no further comments, cast your votes on the motion to approve the request. Motion is approved.

Motion approved by the following votes:  
Commissioners Christensen, Leavitt,  
Lurie and Woofter voting aye.  
Noes - none.

-----  
Commissioner Lurie: Item 3 is request of William Busse to hook into the City sewer system from outside the City.

See Page 62 - Annotated Agenda  
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CITY ATTORNEY

MIKE SLOAN, CITY ATTORNEY

See Pages 63 Through 75 - Annotated Agenda  
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VACANCIES -  
BOARDS AND  
COMMISSIONS  
  
PLANNING COMMISSION

Commissioner Lurie: Vacancies on Boards and Commission. Item A, Dr. Robert Parker has turned in his resignation because he's going to be going on a mission. I'd like to recommend that the City send a letter to Dr. Parker thanking him for his volunteering services and serving on the Board. Commissioner Christensen?

Commissioner Christensen: I, too, would like to commend Dr. Parker for the work that he's done. He was a person that I appointed to that Board and that I recommended for appointment to that Board, and I think that he's done a good job, and I would move that I would like to recommend a replacement for Dr. Parker from the same area. Mr. Fred Kennedy, 1205 Cahlin Drive, to serve that remaining term.

Commissioner Lurie: Okay, we've heard that request. If the Commissioners have any comments. Fred Kennedy will be appointed to fill the unexpired term of Dr. Parker. If there's no comments from the Commission, then so be it.

BOARD OF ZONING  
ADJUSTMENTS

Also, item B is the Board of Zoning Adjustments that Dr. Parker is leaving. The Planning Commission recommended Joe Swessel to fill this vacancy.

Commissioner Christensen: You understand that the BZA replacement that they're talking is not necessarily the addition of a person. It's the representative from the Planning Commission on the Board of Zoning Adjustments. So we're just pulling somebody else who's already on the Planning Commission.

Commissioner Lurie: We'll take action on that. Will the Commission vote on accepting the recommendation of the Planning Commission for Mr. Swessel to fill this vacancy? Cast your votes on that, please. It is approved.



# AGENDA

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ITEM

Commission Action

Department Action

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

E. REPORTS/ACTION

- |  |  |                                       |
|--|--|---------------------------------------|
| <p>1. Request to approve construction agreement with NASA on Recreational Building.</p>  | <p>Approved Agreement as recommended Lurie - unanimous</p> | <p>Director authorized to proceed</p> |
| <p>2. Request to direct G. C. Wallace to proceed with siphon plans.</p>  | <p>Approved as recommended Woofter - unanimous</p>         | <p>Same as above</p>                  |
| <p>3. Request of William Busse to hook into city sewer system from outside city limits at following locations:<br/>5300 Smoke Ranch Rd., 2430 Apricot, and 2440 Apricot.</p> | <p>Approved as recommended Woofter - unanimous</p>         | <p>Same as above</p>                  |

# AGENDA

## City of Las Vegas

7:30 -  
7:45 -  
8:00 -

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE  
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June 7, 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 by designating certain areas as handi-capped zones.	Adopted Resolution as presented Lurie - unanimous	Staff authorized to proceed
B. Claim for refund, Southern Nevada Memorial Hospital	Abeyance	6/21/78 Agenda
C. Agreement between Los Angeles & Salt Lake Railroad Company, Union Pacific Railroad Company, City of Las Vegas, Nevada, and the State of Nevada, Department of Public Highways.	Approved Lurie - unanimous	C/A to proceed
D. SID 420 - Resolution and Notice of Public Hearing. (Jones Blvd on the East, beginning northerly of the centerline of Charleston Blvd. and southerly of the centerline of Evergreen Ave. from the centerline of Vegas Drive to the centerline of Smoke Ranch Road) - RESOLUTION MAKING A PROVISIONAL ORDER TO CREATE DISTRICT (Step 5-A)	Adopted Resolution Lurie - unanimous	Clerk to proceed

Bill No. 79-35

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 10 OF TITLE VI OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING A NEW SECTION 3 WHICH WOULD MAKE IT UNLAWFUL FOR ANY PERSON TO OPERATE OR MAINTAIN ANY DEVICE WHICH AUTOMATICALLY DIALS TELEPHONE NUMBERS AND PLAYS A PRE-RECORDED MESSAGE TO REPORT A BURGLARY, ROBBERY OR OTHER EMERGENCY CONDITION WITHOUT THE PRIOR WRITTEN CONSENT OF THE PERSON OR PUBLIC AGENCY WHICH HAS BEEN ASSIGNED SUCH NUMBER BY THE TELEPHONE COMPANY, TO PROVIDE OTHER MATTERS PROPERLY RELATING THERETO; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

Sponsor:  
Commissioner Lurie

Intent of Bill. To amend Chapter 10 of Title VI of the Municipal Code by adding a new section which would prohibit the use of telephone attachments and other devices which automatically dials telephone numbers and plays a pre-recorded message to report a burglary, robbery, or other emergency condition without the prior written consent of the person or public agency which has been assigned such number.

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title VI, Chapter 10, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended by adding a new Section 3 to read as follows:

6-10-3

Devices Which Automatically Dial Telephone Numbers And Play Pre-Recorded Messages Unlawful:

(A) It shall be unlawful for any person to maintain, operate, connect or allow to be maintained, operated or connected any telephone device, telephone attachment, or other device which automatically dials a telephone number and then reproduces any pre-recorded message to report a burglary, or robbery, or any message which by its nature would dictate the immediate or timely response of a public agency without the prior written consent of the person or public agency which has been assigned such number by the telephone company.

(B) In determining whether to grant consent to use such devices to call a telephone number assigned to a department of the City of Las Vegas, the City shall consider whether the person is handicapped or for some other reason unable to normally use a telephone to report a burglary, robbery or other emergency condition.

(C) Any person, other than a public agency, who consents to the use of their telephone for receiving a pre-recorded message shall present themselves, or a representative, employee, or agent to the place where the message originated within fifteen (15) minutes after they have reported the message to a public agency.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Commissioners of the City of Las Vegas declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1980 Edition, in conflict herewith are hereby repealed.

SECTION 4: Any person, firm, corporation or association violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the City jail for not more than six (6) months or any combination of such fine and imprisonment.

PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 1978.

APPROVED

\_\_\_\_\_  
WILLIAM H. BRIARE, MAYOR

ATTEST:

\_\_\_\_\_  
Edwina M. Cole, City Clerk

BILL NO. 78-37

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND TITLE II OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING A NEW CHAPTER TO SAID TITLE II, DESIGNATED AS CHAPTER 12, WHICH SHALL ESTABLISH A CITY-COUNTY ARTS ADVISORY COMMISSION; TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Intent of Bill: To  
create a City-County  
Arts Commission.

WHEREAS, the City of Las Vegas, a municipal corporation of the State of Nevada, and Clark County, a political subdivision of the State of Nevada, have determined through the Board of City Commissioners and the Board of County Commissioners that the arts are an essential element to an improved quality of life for the citizens of Las Vegas and Clark County; and

WHEREAS, the Board of Commissioners of the City of Las Vegas and Clark County have determined that an advisory commission should be established to quantitatively and qualitatively augment artistic benefits to the public; and

WHEREAS, the establishment of a City-County Arts Commission will promote the public welfare and encourage public interest in the development of all the arts (for the purpose of this ordinance the arts shall be defined to include, but shall not be limited to: visual arts, including crafts, painting, printmaking and sculpture; the performance arts, including theater, dance, music, mime, musicals, chamber music, opera, symphonic music, electronic music and improvisational pieces; the media arts, including photography, video, radio, television and film; the literary arts, including poetry, prose, fiction, non-fiction, playwrighting, screen writing and linguistic pieces; environmental mixed-media pieces, historic preservation; and all multi-disciplinary art pieces) and

WHEREAS, the goals and objectives to be achieved by a City-County Arts Commission will be furthered by a joint City-County effort;

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

SECTION 1: Title II of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to add a new chapter and read as follows:

2-12-1: COMMISSION CREATED: There is hereby created a City-County Arts Commission which shall be known as the Las Vegas Metropolitan Arts Commission and hereafter referred to as the "Arts Commission". The purpose of the Art Commission shall be to serve as an advisory body to the City of Las Vegas and Clark County Boards of Commissioners on matters pertaining to the arts.

2-12-2 APPOINTMENTS: The Arts Commission shall consist of fifteen (15) members to be appointed by the Mayor and the Board of Commissioners of the City of Las Vegas and the Board of County Commissioners of Clark County. No member of the Arts Commission shall hold elected public office. The mandate to Arts Commission members is to consider the total cultural well-being of the community. The appointing bodies shall name to the Arts Commission persons with diverse interests in, and knowledge about, the various artistic disciplines. As individuals, members of the Arts Commission shall not serve as an advocate for a single arts discipline, or for a particular arts organization. The Arts Commission as a whole shall serve as an advocacy body for all the arts disciplines. Members of the Arts Commission who serve as a board member or officer of an arts organization shall abstain from discussion and voting on that organization's applications to the Arts Commission for funding. The makeup of the Arts Commission shall include at least three (3) but not more than five (5) arts professionals and three (3) but not more than five (5) practicing artists. (For the purpose of this ordinance arts professionals shall be defined as those persons who are

employed full-time in the profession of art; administra-  
tion; practicing artists shall be defined as those persons  
whose major profession is the practice of an artistic dis-  
cipline.)

2-12-3: MEMBERSHIP: The appointments to the Arts Commission shall  
be as follows:

- a. Seven (7) members shall be appointed by the Mayor and  
Board of Commissioners of the City of Las Vegas.
- b. Seven (7) members shall be appointed by the Board of  
County Commissioners of Clark County.
- c. One (1) member shall be appointed by the appointed  
members of the Arts Commission.

In addition to the fifteen appointed members, the Director  
of Parks and Recreation of Clark County, and the Director  
of Recreation and Leisure Activities of the City of Las  
Vegas, or their respective authorized representatives  
shall serve as ex-officio and non-voting members of the  
Arts Commission.

2-12-4: TERM: The term of each appointed member of the Commission  
shall be three (3) years or until his successor takes office  
except that the initial terms of the members taking office  
shall be as follows:

- a. Two (2) members appointed by the City and two (2)  
members appointed by the County shall each serve  
for a period of two (2) years.
- b. Three (3) members appointed by the City and three  
(3) members appointed by the County shall serve  
for a term of three (3) years.
- c. Two (2) members appointed by the City and two (2)  
members appointed by the County shall each serve  
for a term of four (4) years.
- d. That member appointed by the Arts Commission shall  
serve for a term of four (4) years.

Any member may discontinue membership by resignation and may be removed by the appointing authority when cause is shown. Members may be removed after public hearing by majority vote of the appointing authority for inefficiency, neglect of duty or malfeasance in office. If any position becomes vacant, the authority responsible for filling such position shall appoint a member to serve the balance of the unexpired term. No member, who has served at least two years, shall be eligible for reappointment until two (2) years after the last date that member served on the Arts Commission.

- 2-12-5: ATTENDANCE: Any member having unexcused absences from three consecutive meetings of the Art Commission shall be removed from office by the appointing authority.
- 2-12-6: PROCEDURES: The Arts Commission shall adopt operational rules and procedures for the conduct of its duties which shall be ratified by the City and the County Commissions. Said rules and procedures shall provide for annual election of officers, provisions for the conduct of regular and special meetings, and provisions for the appointment of subcommittees. A two-thirds (2/3) majority of the total Arts Commission membership shall be required to adopt or amend operational rules and procedures.
- 2-12-7: OPERATIONAL BUDGET: The Arts Commission shall recommend annually an operational budget which shall be submitted to the Board of City and County Commissioners for approval. Said budget shall consist of costs necessary for the conduct of the administrative operation of the Arts Commission, including staffing assistance as provided in  
2-11-9 of this chapter.
- 2-12-8: JOINT PARTICIPATION: The City and the County shall jointly share in the administrative costs for the Arts Commission. The City shall serve as fiscal agent.

2-12-9: STAFFING ASSISTANCE: The City shall provide professional arts administrative staff assistance for the Arts Commission. The County shall provide necessary clerical and staff resource assistance.

2-12-10 POWERS AND DUTIES: The purpose of the Arts Commission shall be to serve as an advisory body to the City and the County Boards of Commissioners as follows:

1. Make recommendations on a master plan for the growth and development of the arts in the City and in the County with annual updating.
2. Advise on all matters concerning the arts including suggested legislation and the allocation of funds in support of the arts.
3. Propose methods to encourage private initiative in the fields of art.
4. Develop plans and proposals for submission to the City and the County Commissions in order to encourage the City and the County Commissions to seek state, federal, and private funds for support of the arts.
5. Recommend to the City and the County Commissions on the regrating of funds from the Metropolitan Arts Fund for artistic programs and projects.
6. Encourage the highest possible standards in the development and presentation of artistic programs.
7. Encourage an awareness of the value of the arts to the quality of life in the community, local government and the general public.
8. Serve as liaison between the arts community, the general public and the City and the County Commissions on matters concerning the arts.
9. Strengthen, support and collaborate with new and existing cultural organizations, projects and programs

10. Consult with, support and advise arts organizations, individuals, local colleges, universities, libraries and the Clark County School District on the coordination and development of the arts in the community and the arts in education.
11. Review and recommend on all works of art and their proposed locations, to be purchased by, given to, or commissioned by the City and County, with the exception of works of art given to or purchased by museums; and to recommend on the removal, relocation, upkeep, conservation and alteration of existing works of art in the possession of the City and the County. (Works of art as used in this ordinance shall include all paintings, murals, sculpture, inscriptions, stained glass, statues, bas reliefs, monuments, fountains, arches, artistic embellishments or other structures intended for artistic comment or commemoration.)
12. Engage in other activities or projects relative to the arts as may be authorized by the City and the County Commissions.

2-12-11: METROPOLITAN ARTS FUND:

1. A special account shall be established for the purpose of receiving private, local, state and federal funds obtained by the City and the County for artistic purposes consistent with the function of the Arts Commission. Said fund shall be known as the Metropolitan Arts Fund. All funds received by the City and the County for the Arts Commission and all funds appropriated by the City and the County to the Arts Commission shall be deposited in the Metropolitan Arts Fund with the exception of the Arts Commission operational funds and budgetary appropriations for artistic services made by the City and the County to their governmental

departments. All funds deposited in the Metropolitan Arts Fund shall be used exclusively for the purpose or function for which they are appropriated, specified or donated. In the event that funds deposited in the Metropolitan Arts Fund are unspecified, the Arts Commission shall advise the City and the County Commission on the use of these funds for purposes consistent with the function of the Arts Commission.

2. In addition to Arts Commission operational funds, the Arts Commission shall recommend to the City and the County on annual appropriations to the Metropolitan Arts Fund. The City and the County may make annual appropriations to the Metropolitan Arts Fund for purposes consistent with the function of the Arts Commission.
3. If in the joint opinion of the City and the County Commissions, the Arts Commission through function, purpose or action should be determined to be detrimental to the public welfare of the community, the City and the County Commissions may effect the dissolution of the Arts Commission by a two-thirds (2/3) majority vote of both the City and the County Commissions. In the event of dissolution of the Commission, all funds remaining in the Metropolitan Arts Fund shall be divided equally by the City and the County and designated for artistic purposes. Any restricted gifts or donations remaining in the Metropolitan Arts Fund at the time of dissolution shall be used for the purposes specified, or returned to the donor.
4. In the event of withdrawal of either the City or the County from the Arts Commission, the Arts Commission shall continue its functions and purposes as provided in this ordinance, to serve the remaining entity with necessary adjustments in representation and jurisdiction served. All funds provided by the

withdrawing entity up to the time of withdrawal shall remain in the Metropolitan Arts Fund and shall be used for the purposes designated or for purposes consistent with the function of the Metropolitan Arts Commission.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Commissioners of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: All ordinances or parts of ordinances, section subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, 1960 Edition in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_  
1978.

APPROVED:

BY: \_\_\_\_\_  
WILLIAM H. BRIARE, MAYOR

ATTEST:

EDWINA M. COLE, CITY CLERK

ORDINANCE NO.

AN ORDINANCE TO AMEND TITLE V, CHAPTER 18, SECTION 2 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY DELETING THEREFROM SUBSECTION (I) AND ADDING A NEW SUBSECTION (I) THEREOF WHICH SHALL PROVIDE FOR A NEW DEFINITION FOR THE TERM "CLUB"; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Sponsored By:  
Commissioner Ron Lurie

Intent of Bill: To amend Title V, Chapter 18, Section 2, Subsection (I) of the Municipal Code of the City of Las Vegas, Nevada, to provide for a new definition for the term "club".

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title V, Chapter 18, Section 2, Subsection (I) of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

5-18-2: DEFINITIONS: Whenever used in this Chapter, the following words shall have the meaning described in this Section, unless the context clearly indicates a different meaning:

(I) Club: [The word "club" means an association of persons, whether incorporated or unincorporated, for the promotion of some common object, owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests; provided that such club maintains a local membership of five hundred (500) persons, or more, and has maintained such membership not less than six (6) months prior to the granting of any liquor license, or shall be chartered under, or a duly recognized affiliate of, a national service association or organization, and provided further, that the word "club" does not include associations organized or operating for any commercial or business purpose, the object of which is money profit.]

Club means an association of persons whether incorporated or unincorporated, for the promotion of some common object, owning, hiring or leasing a building or space in a building of such extent or character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests.

ACTION TAKEN

*1st Reading*  
*Refer*  
*City Commission*  
6-7-78

provided that such club shall be chartered under, or a duly recognized affiliate of, a national service association or organization, or such club shall have at least 100 members and shall own, lease or maintain a bona fide regular, standard golf course consisting of at least nine holes, or a bona fide regular tennis club or racquetball club consisting of at least six standard tennis courts or racquetball courts, either of which shall have a clubhouse, locker rooms and attendant facilities.

Only bona fide members and their guests shall be permitted service in such club.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Commissioners of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 1978.

APPROVED:

By \_\_\_\_\_  
WILLIAM H. BRIARE, MAYOR

ATTEST:

\_\_\_\_\_  
Edwina M. Cole, City Clerk



# AGENDA

## City of Las Vegas

June 7, 1978

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

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ITEM

Commission Action

Department Action

VII. VACANCIES - BOARDS & COMMISSIONS

A. PLANNING COMMISSION

Dr. Robert Parker (resigned)

Term expires 8/22/81

B. BOARD OF ZONING ADJUSTMENT

Replacement for Dr. Robert H. Parker  
 (resigned)

Planning Commission has recommended Mr.  
 Joseph Swessel to fill this vacancy

Appointed  
 Fred Kennedy  
 1205 Cahlan Dr.

Clerk to  
 notify

Approved  
 Joseph Swessel  
 as recommended

Staff  
 authorized  
 to proceed

# AGENDA

## City of Las Vegas

June 7, 1978

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BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

VIII. REPORTS FROM RECOMMENDING COMMITTEES

A. BILL No. 78-31 - to establish a definition for the term "grocery store" in connection with the licensing of establishments for the sale of alcoholic beverages

Committee: Commissioners Lurie and Christensen

1st Publication R-J 5/20/78

2nd Reading and Adopted  
Lurie - unanimous

Clerk to proceed with final publication

B. BILL No. 78-32 - regulations concerning off-premise signs into conformance with State requirements concerning Billboards along Freeways

Committee: Commissioners Leavitt and Woofter

1st Publication R-J 5/20/78

2nd Reading and Adopted  
Lurie - unanimous

Same as above

C. BILL No. 78 33 - to enlarge time period within which Board of Commissioners shall conduct Public Hearings on an appeal from a Board of Zoning Adjustment decision and to reduce number of days prior notice must be given before such Public Hearing is held.

Committee: Commissioner Christensen and Mayor Briare

1st Publication R-J 5/20/78

2nd Reading and Adopted  
Christensen - unanimous

Same as above

IX. REPORTS FROM STUDY COMMITTEES

N  
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Motion carried by the following votes:  
Commissioners Christensen, Leavitt,  
Lurie and Woofter voting aye.  
Noes - none.

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RECOMMENDING COMMITTEES

See Page 79 - Annotated Agenda

BILL NO. 78-32  
CONCERNING  
BILLBOARDS  
ALONG FREEWAYS

Commissioner Lurie: Item B, Bill #78-32. Commissioner Leavitt.

Commissioner Leavitt: This is, of course, an ordinance to bring the City regulations concerning off-premise signs in conformance with State requirements concerning billboards along Freeways. I just told Commissioner Woofter, one of the problems is this may give you a little bit of fits when it comes to political signs, when you're running for office. I've already received one notification of violation of one of my signs. But, in any event, the purpose of it is to have it comply with the State requirements. I would move that it be read and adopted.

See Page 79 - Annotated Agenda.  
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Commissioner Lurie: That should take care of all of the business this morning. We will be in recess until 2:00 P.M. at which time we'll go to Public Hearings.

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

(Commission Meeting reconvened at 2:03 P.M.)

PUBLIC HEARINGS

Commissioner Lurie: I'd like to call the meeting back to order. Please excuse Commissioner Woofter. He should be back as soon as the court trial is completed.

ANNEXATION A-2-78

The first item we have is scheduled for 2:00 P.M., Public Hearings. Item A is Annexation A-2-78. The Public Hearing is now open.

Mr. Foster: This is the time for the Public Hearing, and you are to hear any protests from the property owners within the annexation area at this time. Also, there is a 15-day waiting period after this hearing for any future protests before you can adopt the ordinance annexing the area.

Commissioner Lurie: Is there anyone in the audience that would like to speak in opposition to this annexation? Let the record show that there was no one here. Do the Commissioners have any comments? We will close the Public Hearing.

ANNEXATION A-3-78

Commissioner Lurie: Item B, Annexation A-3-78. The annexation area is generally located at the southwest corner of Westcliff Drive and Buffalo Drive. The petitioner is Sproul Homes of Nevada. Public Hearing is now open. Is there anyone in the audience to protest this application? Let the record reflect that there was no one here in opposition to this annexation. Same procedure as Item A.

Mr. Foster: That's correct.

APPEAL FILED BY  
RICHARD DeCOSTA  
BATTING CAGES  
ON W. CHARLESTON  
BETWEEN VISTA  
AND HINSON

Commissioner Lurie: We'll go to Item C, an appeal filed by Richard DeCosta in the action taken by the Board of Zoning Adjustment denying the application of the First National Bank of Nevada for a variance to allow the construction of Baseball Batting Practice cages on property located on West Charleston Boulevard between Vista and Hinson. The Public Hearing is now open.

Mr. Foster: On the screen to your right you will see the subject property. It's on the east side of Vista just several hundred feet south of West Charleston Boulevard. We see there's commercial zoning and development on the south side of Charleston. There is a service station immediately north of this property. The plot in front of you indicates where the batting cages are proposed for construction. They will have parking along the west and south portions of the property. This is just alongside the left side of the map.

The facility will consist of poles with netting attached to it. There will be some lighting on it. I believe the same facilities that existed on the north side of Bonanza east of the Boulevard are proposed to be moved to this particular location. We've an inquiry from the residents to the south about rest room facilities. We checked this. Building code does require a rest room facility. There could be an arrangement made where, if for instance with the service station, they have an agreement to use their facilities, that would meet the code. If not, they would either have to have rest room facilities on the property; they would have to.

The Board of Zoning Adjustment recommended denial because of the active recreational use on this facility and also, I believe, from the aesthetic standpoint because there is already development to the south in the area shaded green. I was just handed a petition of protests consisting of 22 names.

Commissioner Leavitt: I understand that these conditions that we have here, the six foot block wall constructed on the south property line and the lighting be directed from the residential area shall not exceed two-foot candles at the property line, shall not be used after 9 p.m. Where do these conditions come from. Were they from the Planning Commission?

APPEAL FILED BY  
RICHARD DeCOSTA

Mr. Foster: The Staff proposes these conditions if the application is approved.

Commissioner Leavitt: Is this to take care of the protests in the area, in other words, that these conditions are drawn up?

Mr. Foster: These will be standard conditions as well as similar types of conditions on commercial dwellings adjacent to residential areas.

Commissioner Leavitt: So this is what your Department's come up as opposed to what the Planning Commission came up with. What I'm getting at, I wonder if the protesters know these conditions have been suggested or if the applicant knows these conditions have been suggested.

Mr. Foster: I believe they may have been brought out at the Board of Zoning Adjustment if the application was approved. I believe it was the staff's presentation.

Commissioner Lurie: Is there anyone who wishes to speak in protest to this application? Do you have a spokesman who would like to speak in opposition.

Mr. Scott: Commissioner Lurie, I'd like to make a statement before they protest. I'm Mark Scott of the firm of Beckley Singleton. We represent the First National Bank of Nevada. And I would like to apologize to the City for failure to have somebody here at the Planning Commission Meeting. For whatever reason, no one did appear.

Due to the fact of the action taken by that Commission. In view of the fact that there are protests here and that there are certain recommendations made by the staff of which we were unaware before now. It is my suggestion that we be allowed to continue this for perhaps two weeks so that we can get together with the protestants and talk to them and get together with the staff and talk to them and see what type of arrangement can be made. We feel that it is a facility that would be worthwhile to the City. It's my understanding that no such facilities exist at this time. The people intend to lease this property from the First National Bank have boys involved in the Little League Program. They feel very much a need for this type of thing. I do feel that such a facility would be beneficial to the community. I think that if we could sit down with these people and with the staff and talk about it, why perhaps we could resolve all these difficulties before we appear before this Commission. And I ask for a continuance on that basis. Thank you.

APPEAL FILED BY  
RICHARD DeCOSTA

Commissioner Leavitt: I understand that they did not appear before the Board of Zoning Adjustment. Did you make your appearance before the Board of Zoning Adjustment?

Mr. Scott: No one appeared on behalf of the bank and neither Mr. McCarlton nor Mr. DeCosta was aware of the fact that it was here. I think, going over the minutes, which is the only documentation I have available to me, it was determined that it was on rezoning and there were protestants there. Since no one appeared on behalf of the applicant, why the application was denied.

Commissioner Leavitt: So you didn't have a chance to meet with the protestors or talk to them between.

Mr. Scott: We have not.

Commissioner Lurie: Well, the people that are here to protest, I think, ought to be given an opportunity to speak today.

Mr. Scott: Yes, I just wanted to make my statement before they protested.

Commissioner Lurie: Okay.

Mr. Vaughn: My name is Robert Vaughn. I live at 1312 Vista Drive, which is about 350 feet from the location. The conditions that were just mentioned, frankly, for myself, and I think most of the people on the street would not change our mind any at all.

Commissioner Leavitt: Did you know about these conditions?

Mr. Vaughn: I didn't know about--I assumed that they would have some of these conditions.

Commissioner Leavitt: I didn't realize it until just prior to the meeting when I was given my agenda that the conditions that should the application be granted, it would require six-foot block wall on the south property line, and also the lighting should be directed from the residential area, and I assume that to mean away from the residential area. It shall not exceed two-foot candles from the property line and the facility wouldn't be used after 9 p.m. Now, I don't know what all the protests are, but I assume that those conditions are put in there to take care of some of the protests that were registered because of late hours, kids up hitting the ball, making noise after 9 o'clock, that sort of thing. And the lighting. I assume that's what the protests were.

APPEAL FILED BY  
RICHARD DeCOSTA

Mr. Vaughn: My biggest complaint is that I have seen this operation at Bonanza, I've seen it up on Charleston. There may be a need for it, but I don't know where all the Little Leaguers were when these businesses folded and went out of business. My main protest is it's an eyesore no matter how. If you could completely enclose it with a nice building, maybe it would be all right, but I do believe it's an eyesore in any condition. We have a quiet street on Vista Drive. I don't know, as you can see, it goes for a block there and takes a jog and goes one more block and dead ends. And the kids on their motor bikes and that while they're waiting or when they get through. I know what it's going to do to the street, and I am very upset. This was one of my primary complaints. Plus the fact, like I say, that it is a real eyesore.

There are too many areas I think it could be located. In fact, Mike Kinds, I understand, is going to put some at Lindell and West Charleston, which is quite close to this, but it's out of the real densely populated area. Also, I talked to the people who own the Skateboard at Flamingo and Decatur, or just off Decatur on Flamingo. They will have their batting cages operational within thirty days, they say. So that's two that are going on the west side of town, and I don't feel that we need the third one, and particularly in this area. I know in talking to some of the businessmen, in fact I believe Mr. Keck is here today who has a business adjoining this. They're much opposed to it. They don't want it even if it was on West Charleston like it states. It has no access to Charleston. It's all off of Vista Drive, and the homes directly across the street from it there are all in the \$100,000 class, and I just personally don't feel that it's something that would fit in the area.

I realize this has got to go commercial, and were it a store or something of that nature, I wouldn't be here complaining. I see nothing wrong with that, but I do feel that there's a lot in that area, either industrial or out in the country where the others are proposed that would be much better for this. Thank you.

Commissioner Lurie: Thank you. Would you like to state your name for the record? Try not to cover the same thing as Mr. Vaughn covered.

Mr. Arnold: My name is John Arnold. I live at 1254 Vista, just about directly across the street from the proposed batting cage. Basically, my opposition to this is the same as Mr. Vaughn's. The traffic, the congregation of children, and the noise is what we don't like. There are proposed batting cage areas in the mill now, and we just don't feel like this is for that street.

APPEAL FILED BY  
RICHARD DeCOSTA

Commissioner Lurie: Thank you. Is there anyone else who would like to speak in opposition to the application?

Mr. Keckt: My name is Robert Keckt, and I own the property adjacent to this. The first thing I'd like to clear up is that there is no entrance from Charleston to the project. You must make a left or a right turn on Vista and come down. The only way you could get through from Charleston would be to go through my property, and at no time have I ever given them permission to do so. I represent the business people in the area, and basically we are opposed because most of us have pretty clean and nice business operations, and we feel that it will be a real eyesore in the community. It's a residential area back there. The businesses in the area mainly use the back of their places for parking, strictly. There's no buildings back there or anything else, and I know I wouldn't want to look out my back door or look out my front door and have to see this standing across the street from me.

Mr. Barlow: My name is Doug Barlow. I live at 1214 Vista Drive, and I, too, am opposed to the batting cage for basically the same reasons that my neighbors have stated.

Commissioner Lurie: Thank you. Is there anyone else who would like to speak?

Commissioner Leavitt: So far what I've been hearing is "eyesore" and "traffic hazard". Did you have any other objection other than that? In other words, all I've heard so far is the fact that there's traffic, motor bikes, it's an eyesore, and there's better places for it. Did you want to add anything to that?

Mr. Barlow: That's basically the same reasons I had. That's been a real quiet neighborhood. It's kind of a rural neighborhood in there. We don't have any sidewalks or gutters, streets, you know, that type of thing, and we just hate to see a lot of traffic up and down that street and the problems that arise from that.

Commissioner Lurie: Thank you, Doug. I think there's some other problems, Commissioner, that the staff brought up about the facilities. About restroom, plumbing, electrical and things like that. They're all going to have to be put in over there.

Commissioner Leavitt: That's what they've indicated with planning, but I just wondered what the people have. . .

APPEAL FILED BY  
RICHARD DeCOSTA

Commissioner Lurie: Well, they probably have the same concern. They just haven't brought them up. Is there anyone else who would like to speak in opposition before we close the public hearing?

Mr. Vaughn: One more thing along that line. We have no sewer along Vista Drive. Now, I don't know whether a business would be able to go in and put the septic tank and leech line in. If not, we have been told we cannot bring the sewer off of Charleston. They will have to come up Hinson Drive, which is a block east of there, and come around along to Vista due to the fall. So this might be something the applicant would keep in mind. It might be a considerable expense to drag that sewer. Unless, I don't know what the building code is. Maybe they would let them go in with just the septic tank. But there is no sewer at this time there on Vista.

Commissioner Lurie: Thank you, Bob. If there's no further comments from anyone concerning this application, we'll close the Public Hearing, and for the record we'll put in the protests that we have. How many were there?

Mr. Foster: Twenty-two.

Commissioner Lurie: Twenty-two names will go into the record. We have a request by the bank to ask for an extension of time. If the Commission wants to do that, we can act on that. Otherwise, we'll vote on the appeal.

Mr. Scott: Yes, Commissioners. I have been listening to the protests made, and I can see that some of those protests are probably valid. I think perhaps if we sit down and consult on it, though, that some of these things might be worked out. I'm certain that Mr. McCarthy and Mr. DeCosta don't want to have an eyesore there. They do have with them, if anyone would like to see that, some renditions of what they contemplate it will look like. There will be some problems, and we discussed that on the way over here, about keeping the area quiet. They're concerned about that. Mr. DeCosta lives near that area himself. There's no intent on their part to depreciate the property. They've recognized, as the spokesmen here have recognized, that it going to go commercial in a matter of time, and they feel that this would be a worthwhile, commercial enterprise. They're willing to invest their money.

APPEAL FILED BY  
RICHARD DeCOSTA

I would like to see the matter really adjudicated on its merits rather than by default, and that's why I asked that we have two weeks to consider this matter. Thank you.

Commissioner Christensen: Did you say that you've got something that shows what it's supposed to look like, and so forth?

Mr. Scott: Yes, we do. Would you like to see that picture?

Commissioner Christensen: Yes, I sure would.

Commissioner Leavitt: I'd like to ask Mr. Vaughn, I believe he's one of the spokesman, to please come up here for a minute. One of the reasons I was asking before for specific complaints because if something is an eyesore, maybe you can correct it. What I'm getting at, do you think there's any way that these differences can be reconciled between the homeowners and the people who are planning to put the batting cages up? Do you think a continuance would allow you time to talk to them or anything. Would there be any beneficial value?

Mr. Vaughn: Frankly, I see the drawing here, which is very much of what I'd seen--the netting and the pole. And I really can't see--They show a six-foot block wall and the little building. Now they started building on there. They moved the shack on it and started to fix it up.

Mr. DeCosta: That little venture cost us \$1,000. However, this additional block wall and lights was never discussed at all. So believe me, this sounds like a conspiracy to me. We never at any time had heard about a block wall construction.

Commissioner Lurie: Well, the staff sometimes, when something is appealed to the City Commission, to protect our particular interest here, they add a lot of the conditions that they feel we would want to protect the property owners.

Mr. DeCosta: Perhaps if they had advised us, we might have even withdrawn. If you make it too strong, like putting sewer lines.

APPEAL FILED BY  
RICHARD DeCOSTA

Commissioner Leavitt: That condition is a suggested condition, and we don't have to adopt it. We can. It's a recommendation by our staff. But what I'm getting at, do you think it would do any good to continue it to allow your group to talk with him? If you think you could work something out, fine. But if you don't, well, that's something else.

Mr. DeCosta: The area surrounding it is commercial. Directly across the street, west of it, is the Carpeteria in an area zoned C-1 right now. That is due west.

Commissioner Lurie: Like the gentleman said before, he doesn't mind, and he probably knows in the back of his mind that's going to go C-1 if somebody was going to put a nice building there. But when you have telephone poles sticking up with this netting on it, it distracts from the area. I think these people have a legitimate complaint not wanting their property facing this.

Mr. DeCosta: I believe that prejudice comes from the view of what the other one looked like. We would have it changed so that we have new fencing, new netting, everything is looking different.

Commissioner Christensen: I kind of agree with you about the block wall. I'm having a hard time seeing what good a six-foot block wall does to hide a twenty-foot fence. I keep seeing these block walls crop up as supposedly a panacea for a line of demarcation between everything, but a six-foot block wall is a spit in the ocean around a batting cage because that's twenty or thirty feet high. I mean, what's a six-foot block wall going to hide? Nothing. That, as far as I'm concerned is zip. I agree with you, you shouldn't have a block wall. But I would have to question in my own mind how you're going to beautify a huge cage. That's what you're talking about. A cage forty feet high. How are you going to beautify that?

Mr. DeCosta: Well, you're right. Aesthetically, they don't look as well as somebody wants.

Commissioner Christensen: Yes, and nobody can make them, you know...

Mr. DeCosta: But not everything in that neighborhood is as pretty as it should be, too. And I don't think that we should add to that, but it's not really taking away that much. Truthfully, if anyone would tour the back of that shopping center...

APPEAL FILED BY  
RICHARD DeCOSTA

Commissioner Lurie: I was there. I was there yesterday, and I was there this morning again, looking at it. And I'm concerned about it. My kid plays baseball now, and I'd love to take him to a batting area where he can practice his hitting, but I don't think this is a proper area that I'd want to take him to because of the fact that it just doesn't fit in with the aesthetics of that neighborhood. You know, I think if you're going to build something like this, you can make it on Decatur by the skating rink out there, if you'd want to put it out there where the go-carts are out in an industrial area where you...

Mr. DeCosta: We're limited, financially, to where we could go. Mr. Hinson was very generous in...

Commissioner Lurie: I know it. I understand that. You know, I support the Little League and the kids having a place to bat, but I don't support this particular location.

Mr. DeCosta: Were they aware of the fact that the lease we proposed with Mr. Hinson was a three-year lease? I don't think that ever came up in the subject. So it's not only asking for a zoning change, it's asking for a variance, is that right?

Commissioner Lurie: That's correct.

Mr. Vaughn: I believe the variance is because this isn't allowed, even in a C-1 zone, is it?

Mr. Saylor: That's right, it would not be permitted in a C-1 zone.

Mr. Vaughn: Because I say, I realize that this eventually is going to have--no one's going to build a house right behind the service station. It's going to have to go C-1. It's going to have to be squared up there, actually, with Conrad's. Conrad's has extended the C-1 back. That line, I can see that C-1 is going to have to go through, and I wouldn't be here protesting another store or something else, a business there. But I just don't think...

Commissioner Christensen: You're talking about an enclosed type business. Isn't that basically what you're talking about, a normal business that's enclosed in a building?

APPEAL FILED BY  
RICHARD DeCOSTA

Mr. DeCosta: Frankly, if I were going to build a new building, I might even be lucky to build it beyond the existing shops. I mean, this is sort of a contradiction.

Commissioner Leavitt: All right. What I was trying to determine, I think Mr. Vaughn just answered. Was there any way that there can be a meeting between the protestors and the applicant to work this out. You've already indicated that you didn't think so. All it would do is stir up more people and have them protest. You'd have more people down here the next time. But, evidently the objection is to the batting cages per se and not to the commercial zoning. This particular use of the property.

Commissioner Lurie: Any other comments? What's the wishes of the Board?

Commissioner Christensen: Well, I...let's see, what's the proper way to make the motion? I move for the denial of the appeal.

Commissioner Lurie: We have a motion for denial fo the appeal. Any further comments?

Commissioner Leavitt: Which is also denial of the application.

Commissioner Lurie: Cast your votes on the motion. The motion is approved. The appeal is denied.

Motion carried by the following  
vote: Commissioners Christensen,  
Leavitt, Lurie and Woofter voting  
aye.  
Noes - None.

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COMMUNITY PLANNING AND DEVELOPMENT  
Harold P. Foster, Acting Director

Z-38-78  
ZONE CHANGE  
TOM ELARDI

Commissioner Lurie: We'll go to page number 32, Community Planning and Development. Item A is a Zone Change, Z-38-78, Tom Elardi.

Mr. Foster: This is a request for several parcels of land generally located east of Decatur, south of Oakey Boulevard. You can see on the screen to your right the subject property. There is an R-1 subdivision, the Fair Acres subdivision, to the east. There is the Vegas Village shopping center. That's the pink shaded area to the north and west of this particular property. You had two rezoning requests before you

# AGENDA

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

ITEM	Commission Action	Department Action
<p>X. <u>2:00 P.M. - PUBLIC HEARINGS</u></p>		
<p>A. <u>ANNEXATION A-2-78</u></p> <p>The annexation area is generally located on the South side of O'Bannon Drive, west of Jones Blvd. Petitioner: United Mortgage Co., et al</p>	<p>No formal action at this Step                      No Protests</p>	<p>Staff to proceed</p>
<p>B. <u>ANNEXATION A-3-78</u></p> <p>The annexation area is generally located at the SW corner of Westcliff Drive and Buffalo Drive. Petitioner: Sproul Homes of Nevada</p>	<p>Same as above</p>	<p>Same as above</p>
<p>C. <u>APPEAL FILED BY RICHARD DECOSTA - V-30-78</u> to action of the Board of Zoning Adjustment in DENYING the application of the FIRST NATIONAL BANK OF NEVADA for a VARIANCE to allow the construction of Baseball Batting Practice Cages on property located on W. Charleston Blvd. between Vista and Hinson, in Zoning Dist. R-E.</p>	<p>Denied                      Appeal (upholding recommendation of BZA)                      Christensen - unanimous</p> <p>Commissioner Woofter did not vote - temporarily absent</p>	<p>Clerk to notify</p>

# AGENDA

## City of Las Vegas

June 7, 1978

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
HAROLD P. FOSTER, ACTING DIRECTOR

The items listed below, where appropriate, have been reviewed by the various City departments including sanitary sewer, storm drainage, Traffic Engineering, Public Services, Fire and Building, and their comments and/or recommendations and requirements incorporated into the action.

All zoning items shall conform to the following general conditions: (1) Conformance to the plot plan; (2) Satisfaction of City Code requirements and design standards of all City departments.

All subdivision items shall conform to the following general conditions: (A) Tentative Maps - (1) Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved. (2) Street names to be provided in accord with the City's Street Name Policy. (3) Subject to all conditions of City departments and State Subdivision Statutes. (B) Final Maps - Conformance with the tentative map.

All Vacations shall conform to the following general conditions: (1) Satisfaction of the requirements of the various utility companies. (2) Conformance to code requirements and design standards of all City departments. (3) Vacation shall not be recorded until all of the above conditions have been met.

All Variances and/or Use Permits shall conform to the following general conditions: (1) Conformance to the plot plan; (2) Satisfaction of City Code requirements and design standards of all City departments.

Z-38-78  
ZONE CHANGE  
TOM ELARDI

last year on the easterly piece of this property extending from Oakey to the south line of the property. This request is for several types of zoning classifications. On the map in front of you they are proposing an RPD development, two rows along the easterly portion, right up to the R-1 development to the east. They're proposing R-3 zoning on the central portion of the property, and commercial on the westerly portion at Decatur. Vegas Village is in this area.

Commissioner Leavitt: Can we get the two maps to look alike. I'm trying to get them together. Get your map like his. Okay, now we got it.

Commissioner Lurie: On the R-PD6, are those single stories backing up to Fair Acres?

Mr. Foster: They are one-story units. They are proposing thirty on each side of this here, a total of sixty units in that particular area. Also, they are requesting C-1 on the southwest corner, or C-2 on the southwest portion for a new car agency.

At the public hearing the applicant agreed to several changes. One is the east tier of the lot be reduced to an R-PD6, which would decrease the number of units to approximately six. And they also agreed to amending the application to C-1 on this southerly portion, which would eliminate the new car agency and would just be used for limited commercial use.

With those changes, the Planning Commission recommended approval along with the other conditions that are listed on the agenda. There were approximately 175 protests on the application. About 37 persons appeared at the meeting.

Commissioner Christensen: Tell me about this new car agency.

Mr. Close: I think the new car agency...My name is Mel Close, Commissioner. I'm representing the applicant. I believe that the zone change at the front to reflect a C-1 rather than a C-2 in this area right down here probably has eliminated the car agency going in. So that is not, at the present time, on the plan.

Commissioner Christensen: Okay, the reason I asked the question is we had a rather recent zoning issue on a new car agency. The new car agency was actually in litigation and all kinds of things, and that's why I wondered if the same situation, just on a different piece of property, if we still were talking about an agency that was in litigation.

Z-38-78  
TOM ELARDI  
CONTINUED

Mr. Close: The zoning we request now, it would not be suitable for a car agency. We would have to come back before the Commission to have that once again handled.

Commissioner Christensen: Fine. I just wanted to clear up if it was the same one or not.

Mr. Close: Originally, Commissioners, this entire piece of property was a part of a larger portion, and the part that we now request to be zoned was really bought as a buffer zone against other property.

Some time ago, you had before you a petition by Mr. Elardi to construct 176 apartments in this area right here. That was turned down by the Commission. That was designed to be two-story apartments, and of course one of the problems was that these two-story apartments overlooked into a neighbor's yard, and that was felt to be very undesirable. Mr. Elardi went back and redrafted a plan which you first saw on the board, and went before the Planning Commission. His plan was approved, but there were several changes that were made during the Planning Commission Meeting. One of those changes, and the most significant change, in my opinion, is the change in this area right here. This is the Fair Acres property on this side. And changing this area right here from R-PD8 request to R-PD6 request.

Commissioner Christensen: Which means..

Mr. Close: Which means that in this area there would be twenty-four lots where otherwise there could have been some thirty lots, so we reduced by six.

Commissioner Christensen: Are they one story?

Mr. Close: These are one-story, single-family residents. They are not apartments; they are not rentals. They go from 1300 to 1700 square feet, and they will sell between sixty to seventy thousand dollars apiece. These are single-family dwellings.

Commissioner Christensen: It's like R-1 would be, but there wouldn't be as big a yard to maintain.. That's what you're saying.

Commissioner Lurie: And they're attached.

Commissioner Leavitt: On both sides of the street.

Z-38-78  
TOM ELARDI  
CONTINUED

Mr. Close: On both sides of the street except..

Commissioner Lurie: Attached.

Mr. Close: Those on this side, of course, is more dense than the ones we made adjacent to the homeowners. And we feel this is ideal because you have a less dense area next to the homeowners; the next area of development is a more dense area of R-PD6; the next area is a more dense area of apartments; the next area is commercial and goes on to Decatur.

Commissioner Lurie: So what you're doing is just going R-PD6, R-PD8, R-3, and then C-1.

Mr. Close: That's correct. And we feel it's just ideal land use for that area. The blank spot up here is Vegas Village, and this is an entire commercial development, and to anticipate in this area single-family, R-1 development really isn't very practical because people aren't going to want to be next to the Vegas Village for homes.

We plan on protecting the Fair Acres people by developing very nice, expensive, single-family, single-story developments. And we feel that we really could not design a more ideal area for the entire area, including the homeowners and that.

I was out there driving around myself, and looking from the backyard of the Fair Acres, you can see the Vegas Village sign and building and things like this. And what will happen, of course, as time goes on the shrubbery will be growing up and things like that, and it'll be a nice background for those people who back up to the R-PD6, and I think it would be more desirable than looking at Vegas Village.

Now, this area behind the white there and going toward the Fair Acres property is right now zoned C-1 because that was zoned at the same time as Vegas Village. In fact, at one time the whole thing was C-1. But right now the only part that remains is that part immediately to the rear of Vegas Village, which is C-1. Theoretically, although not very practically, you could develop a commercial development there right now. And certainly, that would not be compatible with the neighborhood in our opinion. The most compatible thing that we could think of was to go to a fairly modest density R-PD6 to a more heavy density R-PD8 and then the apartments and then commercial.

Now the road that is on the top of the diagram over there is Oakey. It's a four-lane highway, and we feel that people who go out from that highway will not significantly affect the traffic in the

Z-38-78  
TOM ELARDI  
CONTINUED

area. There is a street on the lower part which will be put in called O'Bannion. O'Bannion will have a cul de sac which will end right here at the present time. So O'Bannion will not be a through street at the time but will end. It will not go on to affect the Fair Acres property. At a time in the future, undoubtedly, O'Bannion is going to be extended. But our information is that O'Bannion at that time is going to take a jog and go off at an angle away from those homeowners. So there's going to be no real traffic increase for these people. Fair Acres is a very nice subdivision. It has a wall along Oakey. It has an entrance on Oakey, and the wall continues on. Really, it's quite insulated from the heavy traffic there is at Oakey. So we feel that the traffic which may result coming out of this particular road is going to go onto Oakey, possibly, but it's going to be insulated once again from Fair Acres because of the wall that completely surrounds that particular subdivision. So as far as O'Bannion is concerned at the present time, the only way, more likely way to go for the apartments, surely, would be out onto Decatur, and the traffic would be dispersed through that very heavily travelled thoroughfare. But if they did choose to go on the street that divides these two R-PD complexes, once again it goes onto Oakey, a four-lane street, and once again does not significantly affect the traffic and should not affect Fair Acres because of the wall that surrounds that particular subdivision.

Of course, we will have a wall on the back of these R-PD6 units which will be significant and there are some houses up that don't have walls behind them now. But those walls will be constructed, and they will, once again, act as some barrier between the two divisions.

But we feel that these are nice houses, they are not apartments. They are single family. The size is compatible to the neighborhood. The price, we feel is such that will bring in a very qualified home buyer, and it will be certainly an asset to the entire area. Well designed and well placed.

Commissioner Lurie: How much of the R-3, how many acres are you not anticipating there by removing it from Decatur and going C-2. How many acres is converted to C-2? Or, C-1, excuse me.

Z-38-78  
TOM ELARDI  
CONTINUED

Mr. Close: There will be approximately ten acres.

Commissioner Lurie: Ten acres in C-1, but most of that up along Decatur was R-3.

Mr. Close: That's correct. Well, not most of it. I think, possibly 3½ acres or something.

Commissioner Lurie: And how many acres are R-3 there?

Mr. Close: Approximately four acres, 4.2, 4.6 acres.

Commissioner Lurie: Okay, anything else. Do you want time to rebut?

Commissioner Leavitt: Just one question. Do you plan to develop this all at once, or are you planning to develop the homes first and the apartments and the commercial last?

Mr. Close: It would be developed in stages. The residential first, the apartments second, and the commercial third.

Commissioner Lurie: You would start with the R-PD6 and 8 first if it was approved.

Mr. Close: Yes.

Commissioner Lurie: Okay. Anyone in the audience who would like to speak in opposition to the application? Why don't you just have a seat here because I know we have a few people. Are you the spokesman for the whole group?

Mrs. Davis: Just one.

Commissioner Lurie: Just one? Okay, try not to continue with saying the same thing.

Ms. Davis: My name is Ruby Davis, and I live at 1700 Tranquility Drive. The night of the Planning Commission meeting I was in the hospital. Somehow I failed to get another sheet of signatures of protestors, so I have a sheet I'd like to present with thirty more names. Also, I have ten letters that I was asked to give. There were some more, but we weren't able to pick them up.

Commissioner Christensen: What is the nature of the protest in the letters and on the petition? We're obviously not going to have time to read all those right now. We'd have to recess the meeting for an hour. Can you give us a synopsis of what's in there?

Z-38-78  
TOM ELARDI  
CONTINUED

Ms. Davis: The neighbors are still opposed to any rezoning change that would allow apartments or condominiums. It was expressed at the last Commission Meeting regarding this rezone change that the neighbors were not against any C-1, commercial, and of course there is that portion that was just mentioned that is now zoned C-1 that is right in back of the block wall between the block wall and Vegas Village, and they are not opposed to that. I'll go ahead and let someone else talk.

Commissioner Leavitt: There are no condominiums or apartments that back up to Fair Acres in this particular plan.

Ms. Davis: Yes, right up against us.

Mr. Foster: These are under a planned development, a zero lot line will extend to, it looks like the north lot line, but apparently the entire parcel was sold in fee simple, just as the single family home was sold when Fair Acres was developed.

Commissioner Leavitt: It was just a single-family home. It's not a condominium or rental. The person's going to purchase that house for the purpose of living there. Of course, they can always rent it, you can't stop that. These people who are developing it are not doing it for the purpose of rental. They are doing it for the purpose of sale, am I correct? You're going to sell that lot and that house.

Mr. Close: That's correct. From what I understand.

Commissioner Leavitt: Okay. That's why I can't understand why you said condominiums or apartments. They're not condominiums or apartments. They're homes.

Ms. Davis: All right. I'd like to ask a question. Then why wasn't the rezoning change asked for residence. You see, the fear of the people is if it goes R-PD, then they can always change their minds and put in condominiums or apartments.

Commissioner Leavitt: Oh, that means plan development. Residential plan development. Explain to her what that means.

Commissioner Lurie: Anything that they're going to do, they would have to come back before this Board. If it was approved R-PD6, they could not build apartments there without bringing back that application to this Board to change the zoning.

Z-38-78  
TOM ELARDI  
CONTINUED

Commissioner Christensen: Well, I think Mr. Foster can clear it up. The problem here, I think that we have is what a common meaning of what an R-PD is, what a rental is, and so forth. Mr. Foster will explain to us what the differences are. For instance, what the difference is between this and an R-1 zoning and what the difference is between this and condominiums, where they have to have home owners, common grounds that they have to keep up and all those things. I think that will probably clear up the questions. That's what I think it is, question definitions.

Mr. Foster: The R-PD district, which is a residential plan development district, allows a multitude of types of uses. It can have within it condominiums, town houses, or the zero outline development similar to what's proposed here. So it can differ substantially. However, you cannot change the uses without coming back to this Commission.

Now, on an R-1, single-family, of course, this sets forth minimum lot sizes, setbacks and so forth. Then you would have to meet those requirements. In this particular zoning district, we want to allow maximum flexibility, and therefore, each lot size, building coverage, set backs and so forth are at the discretion of the Commission.

Commissioner Leavitt: One of the things that bothers me is because what these letters of protest, like one of them says she's against two-story apartments in her backyard. Well, there are no two-story apartments. Another one says that they're against condominiums, and there are no condominiums. This letter says that she's opposed to any "multiple dwellings built behind my home". They are not talking about multiple dwellings. It raises the question, do these people really realize what they're protesting? Because, what they're saying here is multi-family dwellings. We're not talking about that. We're talking about one-family dwellings that are going to be purchased as a home, it's a home, directly on that wall behind Fair Acres. And that's why I can't understand.

You know, we've had this before us about three times. This one is the best plan I've seen so far for development of that property. And I'm just wondering if the people, when they say they protest, that they really, actually realize what they're protesting and what this development is. Because, obviously, from these letters they don't.

Z-38-78  
TOM ELARDI  
CONTINUED

Ms. Davis: Well, the people that I've talked to, of course, I don't know about the letters.

Commissioner Leavitt: Well, here's another one. It says, "I'm definitely against them building a condominium". Here's another one that says "building condominiums behind my neighborhood". So, it makes you wonder. The developer's not going to build condominiums in the neighborhood. I don't understand what the...

Ms. Davis: I think they have this great fear of if it's changed to where condominiums or apartments could be built.

Commissioner Lurie: You're going to have apartments, regardless, because most of that land now is already zoned R-3. They're reducing the density by going to R-PD6 and R-PD8, and they're reducing the density by changing the front property from R-3 to C-1.

Ms. Davis: All right. I don't want to repeat anything.

Commissioner Lurie: Okay, we have other people. We'll be happy to hear from them.

Commissioner Christensen: Well, I'd like to ask one question for clarification. Did I understand you correctly when you said you don't to change at all, you'd rather have it commercial?

Ms. Davis: Yes.

Commissioner Christensen: Are you saying, then, that you'd rather have commercial than even R-1?

Ms. Davis: That's not for R-1, though.

Commissioner Christensen: I know, but you stated you don't want to see any zone change in the area; you'd rather have it commercial. Now, are you saying that you don't want to have any zone change or that you don't want this zone change?

Ms. Davis: Oh, let's see, R-1 is for homes, residence, isn't that right?

Commissioner Christensen: This is for residences, too. R-1 is for residences with that have to have so wide and so many side yard setback, etc., etc. That's R-1.

Ms. Davis: Then that would be it. The R-1 or the C-1.

Z-38-78  
TOM ELARDI  
CONTINUED

Commissioner Leavitt: The only difference between R-1 and this is the size of the lot. It is my understanding. Is that right?

Mr. Foster: Yes.

Commissioner Leavitt: It's just the size of the lot. The same thing as R-1, one house to a lot.

Commissioner Lurie: It's the setback. You have less yard. Okay. Thank you.

Mr. Anderson: My name is John Anderson. I live at 1904 Aquarius. I'd like to congratulate the builder. I think he's done a fine job of redoing this whole thing as compared to what it was, and I was the fellow that his attorney always referred to as "the guy that would rather have the oil refinery" in the back of me. Well, fine. Well, we've got that squared away. Your attorney, I wouldn't borrow any money off of him, but never mind. That's neither here nor there.

Okay, we've got two problems as far as I'm concerned. I'm backed right up against this property, got 70 feet across the back. Now we have a flood control problem there. And this is one thing I hope we can get squared away. They built a big ditch around..well, not a ditch. They drilled in land across the back.

Commissioner Christensen: Well, you have to understand that that has to pass. It has to be properly designed for drainage and flood control. Our Public Works Department will insist on that. That has to be taken care of.

Mr. Anderson: Okay. Because I've had in the front of my house, not in the back. In my driveway alone I've had 2½ inches of mud in the front of my place. I only have a cyclone fence. I do not have a block wall fence.

Commissioner Christensen: That has to be taken care of under the code.

Mr. Anderson: Actually, it runs down from Grand Central, where that street is, jumps over Decatur, comes down through that field, and they build this barricade-like, and it runs out into Oakey. Well, this is fine. But you can't take it all and so it comes over the top of this embankment, and I'm the recipient of it.

Z-38-78  
TOM ELARDI  
CONTINUED

Commissioner Christensen: Well, they have to submit an approved drainage plan for that. That's required by the code. That's not even something we can waive.

Commissioner Leavitt: Aren't they required to put a block wall on there, anyway?

Commissioner Lurie: Well, Mr. Close said that they were going to put a block wall up there, anyway.

Mr. Anderson: Okay, that's fine. Because it's got me worried. I mean it was just about ready to come in my back door. All right. Now, the elevations, now at the back of my house, now. We've got this dirt barricade up, and then it levels back out again. Now, what are we going to do about the elevations? Are you going to fill, or are you going to leave it the same and then put your street, dig your street, down so that it'll run through there?

Mr. Close: This is a question that has to go through engineering. We can't honestly give you an answer at this point. Because engineering's going to have to take care of not only getting rid of the water problem, that comes from the dip that's in Decatur between Oakey and Sahara.

Mr. Anderson: Okay, we all got to live with that.

Mr. Close: As soon as they determine what the problem is, I can give you a better answer at that time.

Commissioner Christensen: But that won't be your decision. Engineering is going to tell you where to put that street and take care of your water problem.

Commissioner Leavitt: But I think what your concerned is that your side of the wall is higher up, and it's going to leak in your backyard.

Mr. Anderson: Yeah. If he fills, in other words, if he fills, let's say this barricade...

Commissioner Christensen: I doubt, seriously, if they would have him fill. Because if he filled, you would end up with a double step there because you'd go up like this to his place and then back down to yours, which would create more of a problem, I imagine. Looking at the property, which I've done several times, I would have to guess that it's going to be pretty close to the...

Z-38-78  
TOM ELARDI  
CONTINUED

Commissioner Lurie: I don't know, now, because you look at Vegas Village. They're up pretty high. Now, are you going to have to fill it to that level?

Mr. Close: Now, this is an answer that I can't honestly give you at this point until engineering gets done with this.

Commissioner Lurie: I can see your point now. He's going to have to look at a block wall that's going to be eight feet high. On one side it's going to be six, on the other side it's going to be a lot taller, because if you raise the dirt on one side.

Mr. Anderson: Right. My rooftop is practically the same elevation as the back of Vegas Village parking lot there in the back. So when you put those houses up against Vegas Village parking lot, then you got about an eight-foot wall in there, too.

Mr. Close: Okay. The answer, I cannot...the levels will change. To the degree it will change, I can't give you an honest answer.

Commissioner Christensen: There's one point that really has to be made here along this line. I can appreciate both sides of this, but, if this R-PD6 was two-story and you ended up filling a lot, you would have the effect of a three-story. If you end up filling a lot, and it's one-story, you may get the effect of 1½ stories. Understand that if you put R-1, regular homes back there, there's nothing in the codes which precludes it from a two-story home. A person could build a whole row of R-1, two-story homes back there.

Mr. Anderson: That's true.

Commissioner Christensen: So, it's kind of a go either way deal.

Mr. Anderson: Where the back of my property is, we've got this five-foot...

Commissioner Christensen: Sure. You've got a retaining wall, and for all practical purposes, you should have.

Mr. Anderson: Yes. Actually, all it is is a water carrier. It comes down off across Decatur.

Commissioner Christensen: You'd have to step that property down all the way down. Or else by the time you got to the east end of the Fair Acres subdivision you'd have to have those houses on stilts. In order to keep the roof lines level because you have to continually step down as you come down the side of the hill.

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Mr. Anderson: I understand that, but what I wanted to know was the flood control part. If he's going to, the back row of houses that will face, will but up to the back of mine, they would be at my level for a couple feet, which is fine. But, if not. If he stopped them way up and a street we got the same old problem, and they're just going to go through his houses, and then it's going to step down to mine, and then it follows El Parque, which I live right there on the corner.

Commissioner Christensen: There's a block wall all the way along to Oakey. There has to be.

Mr. Anderson: But this went through before.

Commissioner Christensen: It went through a block wall before?

Mr. Anderson: No, I don't have one.

Commissioner Christensen: Well, you will when you're through.

Commissioner Leavitt: He's going to build one.

Mr. Close: What his problem was is the fact that there was a tremendous water flood problem in the area.

Commissioner Christensen: I'm aware of that. It actually should help that problem because it'll create more diversion before it gets to Fair Acres. Any kind of construction there should alleviate that flood problem. In fact, he will be required to by Engineering. He can't answer your questions because Engineering is going to tell him where to put that street to solve our water problem.

Mr. Close: Inasmuch as this gentleman backs up to the R-PD6 over there, not only will we have the street that goes down between those as a barrier between his place and the former flood problem, it will also have another house in there, and so there are going to be a wall backed up to his place, plus a house, plus a street. And certainly, that ought to take from the flood problem.

Commissioner Christensen: As a matter of fact, you're going to have two walls, aren't you, and two curbs. Between the R-PD and the apartments?

Mr. Close: Yes. There will be another wall.

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Commissioner Lurie: Sure, there is. There has to be. To the west. Right there.

Mr. Close: There will be a wall right along here, which will be between the apartments and the R-PD. There will be another wall between the R-PD and the Fair Acres.

Commissioner Christensen: A curb and a street. All those items. See, you're going to have flood protection over and above what you have now.

Commissioner Leavitt: It's going to have to be a hell of a storm to get to your house to go through all that.

Mr. Anderson: Okay. Thank you very much.

Commissioner Lurie: Thank you Mr. Anderson.

Mr. Parker: Ladies and gentlemen. My name is Frank Parker. I live at 4516 Hillcrest. So far e've listened now to R-PD6, R-PD8, R-PD5 and everything else, but it's nothing more than a great, big, fat sham. They can come back and change that to R-3 anytime they please, and you know that. Now, this has been going on...

Commissioner Leavitt: Wait a minute. Wait a minute. They can't come back and change that to R-3 without coming before us.

Mr. Parker: I mean that. I mean they can come back and say, "look, it's not feasible to build the R-PD6, why can't we have R-3 and go back to the original 176 apartments. Oh, no, no, no. They will have to come before the Commission, but they will do it. Now, right across the street Mr. Tiberti made this motion the other night, his son was involved in property right across the street on Oakey. And it was turned down for R-PD5 because they are like homes connected together. They opened it up for apartments. He was turned down, also, at that time. So I really think Mr. Tiberti put the whole, damn think in for nepotism. I don't know. His son can come in on a piece of property across the street, once R-PD6, 5, or anything else that was in there.

Now, let me read something just a couple times here. This has been going on for an awful long time. These are the minutes of the meeting. Now,

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Mr. Dodd Smith lived at 44 El Parque, and he states, "we had 43 people sign the protest. I'm here just about by myself..." I'll skip down, just a minute.

Commissioner Lurie: Mr. Parker, we read those minutes from the Planning Commission. We get all the minutes of all the meetings, and I sure have read them, and I don't think you have to go through and read everybody's testimony on this application. If you want to make some points.

Commissioner Leavitt: Let him go ahead.

Commissioner Lurie: Do you want to hear it? Well, Commissioner Leavitt would like to hear it.

Commissioner Leavitt: I'd like to hear what he's got to say.

Mr. Parker: Okay. Let's skip down here a paragraph here. This was two years ago under Z-24-65. The same piece of property had come up for the same thing. This was signed by Mayor Gragson at that time.

Commissioner Christensen: It was up for the same thing?

Mr. Parker: The same thing. I got the minutes. You can have them when I get done. "We know it's going to be commercial, but not 1400 feet in our back yard. And why should we ruin some good R-1 land?" And I'll read the last page, page 9.

Mayor Gragson "I would say this. If we do rule this property commercial, I will commit myself to never approve anything but R-1 on the back". And that was dated August 2, 1967.

Commissioner Christensen: What was the date? August, 1967?

Mr. Parker: August 2, 1967. Now, we'll go back to July 25, 1967. The real responsibility of the Board of the City Commission said they wouldn't vote for anything but R-1 up to the wall. That was when Mr. Johnson tried to buy the property. He couldn't buy the property at that time. Chairman Tiberti, he was Chairman of the Board at that time, eleven years ago. He's been on the damn thing too long; he ought to get off it. Mr. Tiberti states, "It was certainly a very noble approach of that particular type", and this has been signed by Don Saylor.

Okay, now let's go back to what we have here. This is when it was turned down the second time when requested to be zoned for unit apartments, which is what the R-PD6 would be on that particular piece of property there.

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I personally think, and I think it's a darn good idea, leave the property the way it is, C-1 all the way across here. Is Oakey up here?

Commissioner Christensen: Yes.

Mr. Parker: Okay. I live over here.

Commissioner Christensen: No you don't, either. That's vacant. You live down there somewhere.

Mr. Parker: All the rest of this property is being R-PD6 and R-PD8 on this side. It was supposed to be changed R-PD6, but Mr. Tiberti, he had it changed to R-PD6. I see you still got it as R-PD8.

Commissioner Lurie: You do. You have R-PD6 backing up to the Fair Acres.

Mr. Parker: Mr. Tiberti was supposed to make a motion to change all this to R-PD6, not R-PD6 and R-PD8. Now R-PD6 is a very simple matter to come back in and say, it is not feasible to build the R-PD6 homes. Then they will come back and ask for a rezoning and get these apartments.

Commissioner Leavitt: Do you remember the question I asked him about what part he was going to develop first?

Mr. Parker: Yes, he said he was going to build the R-PD6 first. Am I right? Okay, say he can develop that first as the R-PD6, then, of course, the apartments behind. But, again, you've got the same thing for opening the whole neighborhood for apartments. And Commissioner Lurie at one meeting made the same remark. We have enough apartments. We don't need anymore. Across the street on Oakey, Tiberti will come back with more apartments. And that's exactly what's happening. There's some kind of a wrong here. Eleven years they've been trying to get apartments in there. Why can't we leave it a C-1 or R-1? They put it on C-2 and we know darn well they can build apartments on C-2. Thank you.

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Commissioner Lurie: Do you have anything else, Mr. Parker?

Mr. Parker: I have a lot more, but I don't think there's time.

Commissioner Lurie: Well, we got time. We want to hear it all today.

Mr. Parker: Then, do you want me to read the rest of this stuff?

Commissioner Lurie: No.

Mr. Parker: We also have...these are the minutes of the last meeting. I don't have a complete copy. It says "unofficial minutes, not approved by the Planning Commission".

Commissioner Christensen: Do you understand why it says that?

Mr. Parker: Not really.

Commissioner Christensen: What it means is the person who prepares the minutes for the Planning Commission, after having transcribed their notes, have to have them approved formally by the Planning Commission before they're official. Chances are there will be no changes in those minutes. It's just a matter of seven guys saying, "I vote for the minutes to be approved as presented".

Mr. Parker: Okay, that's fine, but they left some of it out. Because Mr. Brown stood right there and said, "I don't give a damn what the people think." Let me apologize to the people.

Commissioner Christensen: Do you know Mr. Parker?

Mr. Parker: Yes, I do. He's my dad. That's all.

Ms. Dodds: Good afternoon, gentlemen. My name is Michelle Dodds. I live at 4404 Galaxy. I would like to thank you for your patience and your attention and your time that you have given us. Because we are home owners. We are people that live in the City, and we want to see the best thing for our City, to see it grow, to see the best things happen in the right way. We're also concerned about where we live.

The area on Galaxy where we live is one block away from the desert area. It's not one of the areas at hand. It's further on down. We believe it's also zoned for R-1. To correct a statement that was made earlier, there is not a block wall that goes all the way around the Fair Acres Estates. We do not have a block wall at that end where we would be facing.

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Once apartments are in, they spread like rabbits. That was a statement that was made from last Zoning Commission. And you gentlemen promised us when we were last here that, in fact, Commissioner Christensen, you said you would not vote favorably if they came back and asked for R-1 but that you asked Mr. Elardi to come back with a plan for commercial, which is what we've asked for. And today he's coming back with apartments. I would like to ask you to please stick with what we want, stick with what we said. Help us to keep apartments out and keep our neighborhood the way we would like to see it. Thank you.

Commissioner Lurie: There is one thing, though. The property is already zoned R-3. He can go ahead and build apartments right now on the front part of that acreage, and it's zoned R-3 all the way over to the part that fronts on Sahara. All that is zoned R-3.

Ms. Dodds: But that is away from our property. All that green out of the R-1 is the part that's right next to our property, and this time you changed that. Also, I don't know that much about R-PD6 and how much room, but it is said that 1600 square feet was approximately the maximum, but a home could be built in that property limit. Our home is at least 150 square feet larger than that, and there's no way we could sell for even \$55,000 and I don't know how anyone could buy a lot that small for \$75,000.

Commissioner Christensen: Wait, how big is it?

Ms. Dodds: It's approximately 1750 square feet.

Commissioner Christensen: And you can't sell it for \$55,000?

Ms. Dodds: No, the appraisal was \$53,000.

Commissioner Christensen: Well, there's something run down in the neighborhood, then, because my son just purchased a house for \$55,000 that's 1200 square feet, and I don't think it's in near that kind of neighborhood. And it's the only house he could find in this town.

Commissioner Leavitt: I want to tell you something, my daughter's getting married this week, and they're looking for a home. And they can't find anything around \$40,000.

Commissioner Christensen: If you've got that low of an appraisal on yours, you better hope it was the assessor who appraised it.

Commissioner Lurie: Thank you.

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Ms. Pascoe: My name is Barbara Pascoe. I live at 1900 Aquarius Drive. The word, condominium, came from the idea that you could put three of their houses in back of one of our homes. My property is . .

Commissioner Leavitt: Let's see if that's true.

Ms. Pascoe: It is true.

Commissioner Leavitt: Is that true? That three of those homes will go into one of the back lots of the other ones? What size are the lots?

Mr. Foster: About 65 feet wide. The lots proposed here are forty.

Ms. Pascoe: My lot is 130 feet across the back.

Mr. Foster: Okay. She is on the knuckle. It's an odd-shaped lot.

Commissioner Leavitt: How wide is your lot?

Ms. Pascoe: One hundred and thirty feet.

Mr. Foster: But it's not the typical.

Commissioner Leavitt: Your lot is 130 feet wide? Oh, you have a pie-shaped lot. I see. I was going to say, that's awful big. What's the average size of lot back there, though?

Mr. Foster: About 65 feet. The applicant has just indicated that with the change in density, the average lot will be 51 feet along the R-PD6 area.

Commissioner Christensen: Excuse me just a second. I want to interrupt here for just a second and get some background things started here. Mr. Foster, can you tell me what the date was when we heard this last? Maybe Mr. Elardi can remember? Can you remember when we met the last time?

Commissioner Lurie: It had to be six months.

Mr. Foster: It's four months on the first denial, eight on the second denial. This is the second denial.

Commissioner Christensen: But that's for the same zone change.

Commissioner Leavitt: I'd like to hear what the lady has to say.

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Mr. Foster: It's a much larger parcel that we're considering. It's not the same parcel under the two previous applications.

Commissioner Lurie: We have to hold the comments from the audience. You'll have to come up and state your name for the record. Otherwise, these people up here taking minutes can't get the comments into the record. Ms. Pascoe, do you want to continue?

Ms. Pascoe: Yes, please. He spoke about the streets not being congested. Well, that is very incorrect. Right now I have children that walk that street, and it is congested. Sometimes you have to sit there at Brookwood, I believe is the name of the street going into our neighborhood, for long periods of time before you can get out, especially during the rush hour. And putting a stop light where those new homes are going in doesn't sound like a reasonable thing to me, not right a block away from the main street of Decatur. The density is the main thing that the people are . . .

Commissioner Lurie: You're talking about the traffic going out to Oakey?

Ms. Pascoe: Right. The density is the main problem with every protestant, I believe.

Commissioner Lurie: Thank you. Is there anyone else who would like to speak in opposition? Okay, we'll note for the records there is no one else, and that all of the letters and petitions will be entered into the record. Mr. Close, Mr. Elardi, do you have any other comments you want to make before we take action on the application?

Mr. Close: I'd like to state that the previous application we made is for apartments, and they're only along where the R-PD8 and R-PD6 units are now. That has been changed now from apartments to the single family dwelling, single story dwellings, and this is considerably different from what we had before. Of course, we could come back in with the time frame that we presently have.

I think the people are concerned. I think they have a right to be concerned about their property values and keeping up the neighborhood so that their property may retain their present value. We think we've done exactly what they request. I think many of the protestors from whom you've had letters, are mistaken as to what our intention was. We do not intend to build apartments back along the Fair Acres subdivision, nor condominiums. We are going to sell these houses. We are not going to come back in and request modification. If we did, we'd be back before you people again, and notices would go out to everybody in the Fair Acres area, and certainly we

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would be at a disadvantage to come back then and try to modify that which we requested. I think that the land use that we have designed for this particular area is appropriate. I think it is a good buffer between the Fair Acres to the R-PD6, which is a modestly dense development with nice, expensive homes. We have R-PD8 which is a little more dense but not significantly so, and then we have the apartments, and then we have the commercial. Certainly, Decatur is a commercial area, and I can understand why people would not want to have apartments in their area, but as you can see on the map over there, there are many, many areas zoned in that approximate area for apartments. We don't think that their homes are going to be downgraded whatsoever by the imposition of these few apartments in that area, especially with the buffer zone that we put in to divide the commercial and the apartments and the Fair Acres subdivision. So, we would respectfully request your approval.

Commissioner Lurie: Do the Commissioners have any comments?

Commissioner Christensen: I have. I would like to request, Your Honor, that we do either one of two things here. Either we have a two-minute recess, or we go on to what's next and come back to this in a few minutes. I've requested a copy of the minutes of the meeting we had on the date that this was heard before, and there were some references made to what we said at that time. I'm not doubting them, I just want to see the context, and so forth. I'd like to look at those for a couple of minutes. So, if you want to declare a short recess...I have no doubt. I'm not questioning anybody or anything. I'd just like to re-refresh my mind. Thank you.

Commissioner Lurie: Okay. We'll take a five-minute recess.

Meeting Recessed From 3:15  
to 3:25 P.M.

Commissioner Lurie: We'll call the meeting back to order. Do the Commissioners have any comments to make on this application, and what action do you want to take?

Commissioner Leavitt: Well, at this time, I'm going to move that we approve the application subject to the conditions set forth. This is the best design in this area that I've seen since it's come in.

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I've always understood that there's supposed to be a buffer zone between residential and commercial, and the way this has been developed and this program is being presented to us, I think it meets those requirements. It's good zoning. For that reason, I move we approve the application subject to the conditions.

Commissioner Lurie: I'd like to just make a comment to maybe justify my position because I hardly supported the applications in the past. After reviewing and hearing the comments today, I'm changing my position because I think that this is one of the finest compromises to try to protect an area by coming with lesser density backing up to already existing R-1 development and allowing them only to be single story. Now that I can see the laid out development plan, I can't see a better plan for that particular piece of ground.

It reminds me back when we had the same situation on the land on Valley View between Valley View and Rancho and fronts on Sahara--Spanish Oaks. Similar type of protest, similar type of situation until finally they came in with an overall plan that satisfied the Commission, satisfied our zoning problems. And I think that these people went a long way, and in a lot of things, out of their way, to try and satisfy a lot of protestants. I'm going to support this particular plan because I don't think the residents are going to see a better one.

Are there any other comments before we cast our votes? Cast your votes. Opposed. The application is approved.

Motion carried by the following  
vote: Commissioners Lurie, Leavitt,  
Christensen and Woofter voting aye.  
Noes: None.

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Commissioner Lurie: We'll go on to Item B. Zone Change Z-39-78.

Mr. Foster: This is by the Gangola Construction Corporation from R-E to R-3. You see on the screen to your right the subject property. It's on the east side of Clarkway on the west, and that's West Bonanza Road to the south. The green indicates R-E zoning. You see to the east there are two parcels of land that are zoned R-3 and are developed with apartments.

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This is the request for a ten-unit apartment complex on the property. You see the landscaping proposed and the off-street parking that will come off on Clarkway. The property only advances to Clarkway. The Planning Commission felt that this would be an intrusion into the residential area. It would have some impact on the density of this area that's basically developed with the R-E homes, and for that reason they recommended denial. There were eight protests to the application.

Commissioner Lurie: Is the applicant present?

Mr. Gangola: Yes, sir.

Commissioner Lurie: Would you like to make some comments?

Mr. Gangola: My name is Gus Gangola. I purchased this property here four years ago, and it had seven units, old units, a horse barn, corrals, about thirty years of old buildings on them. The apartments were so run down that I've been tearing them apart. The last time I was here I had quite a vicious attack on the equipment I had in there. You can't tear old buildings down with your hands. We usually use equipment to tear them down and trucks to haul them away. Also, I've torn down an old fence and put up a new, six-foot plank fence to upgrade the property. I've been upgrading this property ever since I bought it. I spent an awful lot of money on it. I figured that if I had seven units, I could build ten good units on this piece of property. All I've done is upgrade this piece of property all the time.

We have some complaints way on the bottom side of the lot, and I don't think some of them even got requests from the Planning Commission for this change. The people around me are all happy with what I've been doing. They'd like to see the property upgraded. I don't know what else you're going to put in there. Right across the street, across Bonanza, you have a U-Haul. I look out and, there's people complaining they've got to see different things, I've got to look at U-Haul. I've got to see all these other business things up the street. I have no complaints. People have to build something on a lot. The lot is 232 feet long. I'm not going to try and build a house on that piece of property. I don't know what you'd do with it except to build apartments on it. That's the way I look at it.

Commissioner Lurie: Do the Commissioners have any questions? Thank you.

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Commissioner Leavitt: What is the nature of the protest?

Commissioner Lurie: Well, we have someone in the audience, I believe. We'll hear from the protestants now.

Ms. Haag: My name is Mary Ann Haag. I live at 829 Clarkway Drive. I was one of the protestants, and he's right, I'm at the other end of the street, but I was sent a notice. The reasons I protest, and I sent a letter to the Commissioners with that number one, we have inadequate street improvements on our street. The street is unpaved, it's unlighted, it has no sidewalks. We don't have curbs. The only way it can be paved is if somebody gets a petition and petitions to have it paved. The City will not come out and pave it. I called them once and asked them about it, and they said that it's a Special Improvement District, and they will not pave the streets. So if you add that much more traffic to our street, as dilapidated as it is, and it is dilapidated, I just don't think that it would work.

Also, it's radically mixed zoning. I admit there's apartments down the way, and there's always vacancies there. There's always problems there. This is a quiet neighborhood. The people in it are very quiet people. We don't have any problems in our neighborhood.

I've lived in about four states. We picked this city because we liked it. We picked an area that was already established and developed because we wanted an area that would be quiet, and we wouldn't have to worry about apartment living and stuff. We've lived in apartments. We know what it's like. We didn't want it. That's why we picked this particular area. I have two children so I wanted a lot of ground. This is the only way I could get a lot of ground.

The applicant is in violation of zoning codes. I realize he is a little upset that I brought this up, but he does have a semi parked on his lot. He's got bulldozing equipment on his lot. I took pictures of it. I mean, this has been there for a year and a half. I just...

Commissioner Leavitt: You say it's been there for 1½ years?

Ms. Haag: I've been there 1½ years, and I know it's been there that long. I just felt that the gentleman is in violation of codes now and didn't have any more respect for that than to put his industrial

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equipment on industrial property. But he's building an apartment. He's not going to think anything of violating codes.

The shanties that were there, I'll admit, were in extremely poor condition. He has torn them down. There are still two in existence, one way in the back where he keeps tools and things. I appreciate the fact that he's torn them down. I'm going to upgrade my piece of property. We're putting in a \$20,000 addition on our piece. So, we've gotten engineers from out of town and everything, so I know that it's very costly to add onto a piece of property.

The legal descriptions, I felt, showed inadequate parking facilities. He has a minimum of 15. He's having ten units. With the other apartments I know there's approximately two cars for every single family unit, which leaves twenty cars. Our street is too small to begin with. If there's on-street parking, we're going to have a hard time getting down our street, not counting the inconvenience.

Also, he has a 27-foot high--my house is the highest house on the street. It's 17-foot high, and it's too high. Everybody else has a small, one-story house. Twenty-seven feet, a two-story building, is just too high for that particular area. At least, this is how we felt. Like I said, we moved in there because we wanted a non-congested, old, established, nice neighborhood where the kids could have a horse if they wanted. Just nice. And, we're just against it.

Commissioner Lurie: Thank you, Ma'am. Is there anyone else in the audience who objects to this application? Were you representing any other people, the other protestants? Was this all the people on the block? Mr. Foster?

Ms. Haag: I don't know what the other letters said. I brought some of them in myself and talked to several of the people. I know that most of those who I talked to were against it.

Commissioner Leavitt: It's my understanding that this property does not front on Bonanza, is that correct?

Ms. Haag: Right. It fronts on Bonanza but, from what I understand, he wants to put these apartments in the back, and the front section, he wants to put in a hardware store. So this is actually his initial step to make the front lot commercial.

Commissioner Leavitt: Well, does the applicant own the parcel between Bonanza and this parcel?

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Ms. Haag: Yes, he owns the whole parcel down to Bonanza.

Commissioner Lurie: What were some of the comments in the letters?

Mr. Foster: One of them indicated it's already a narrow street, might be a relative problem, additional traffic, etc.

Mr. Gangola: Well, in the first place, she said about the apartments. Well, I had seven units in there. I don't know what's the difference, three more on the zoned property. When I had the blueprints drawn up, I had the parking, I was down with the City inspector. The parking was approved by him. This is adequate parking.

About my equipment, this is true. I'm a bachelor, and I had a brother who was sick in Ohio. He was dying of cancer, and I went back there. I know of very few people who would do that, but I spent a year or so back there taking care of my brother. So that's my excuse for having this equipment on this property. It hasn't hurt anybody. I don't use it early in the morning. I have to look across every morning and every day I sit on the porch, and I have to see U-Haul. I don't complain about that.

Commissioner Leavitt: The people who rent your apartments will have to do the same thing.

Mr. Gangola: Well, what am I going to do with it? What would you do with this piece of property? Would you allow me to build duplexes on it? Three duplexes?

Commissioner Leavitt: Can I ask you why you kept the parcel out between Bonanza and this parcel? Are you going to use that later for commercial development?

Mr. Gangola: Well, all the other side of Bonanza is commercial. This is one piece of property I bought twenty years ago, and this other piece I had here, now I thought it would be logical. Wouldn't you think it would be logical to put seven units--let me put six units in that one. I'm going down less than that.

Commissioner Leavitt: You didn't answer my question. Why did you keep the parcel out between this parcel and Bonanza? Do you plan to later develop that as commercial?

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Mr. Gangola: I plan, later, to develop the whole piece of property.

Commissioner Leavitt: Well, the only thing I'm saying is, you own the whole thing. Why don't you come with a plan for the development of all of it a once?

Mr. Gangola: Well, I'd like to put in that one. How about C-2? Could I put in for C-2 all the way in there?

Commissioner Lurie: You'd have to come in with a new application if you did that. Go back before the Planning Commission.

Mr. Gangola: Well, look. I'm not from this part of the Country originally. I need some help. What do you want me to build along there? I'll build anything you want.

Commissioner Lurie: I think there's another lady here who would like to say something. Are you in favor or opposition?

Ms. Miller: I'm in favor of it.

Commissioner Lurie: Okay, would you state your name and your address for us, please?

Ms. Miller: I'm Jacquelyn Miller, and I reside at 1812 West Bonanza. I also own property at 1816, which adjoins the property that is in question. I have lived for seven years next to an R-3 zoning that has been immaculately kept up with better walls than I had. Mr. Gangola has put in an absolutely exquisite wall. I would not have had the money to put it in. It is wrought iron and stone. It has beautified my property. I feel that R-3 is on that side of the highway. We also have commercial and buildings and businesses being adequately run across the street that are being cared for and prospering.

Bonanza is not a country road. The side road is. But Bonanza itself is next to the freeway and is taking a tremendous amount of the freeway. I sleep there every night and it is wild. So if it is a four-lane, it will probably eventually progress to six-lane, you can figure that yourself. The traffic is heavy. It seems to me that R-3 and commercial is not out of line for that property. I have felt it coming a long time. I have live here over thirty years on that piece of property, except for going to school. I just feel it's something to be expected on that property.

Commissioner Lurie: Is Bonanza going to be expanded to six lanes?

Ms. Miller: I said eventually, it probably will. It is not hardly taking the four lanes now. We're having accidents and things like this because it is heavily

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CONTINUED

trafficked. But it is a four-lane with center divider, so it is not a country road, Bonanza.

Commissioner Lurie: Well, then, it's not going to go to six. It's not scheduled to go to six.

Ms. Miller: Well, if that ever happens, it is commercial to the south of us, and there are businesses. I don't feel, myself, that R-3 is out of line. I have had no problem with the R-3, and I live directly adjoining it. Thank you.

Mr. Winter: My name is Don Winter. I live at 749 Clarkway Drive. It's down the street a little ways from their proposal. I see no objection to it. I've talked to a lot of other people at that end of the street. We've got to face it sooner or later, commercial or professional buildings of some type are going to come into the area. I feel he was trying for a buffer zone. He was reasonable. I do see maybe one thing, maybe he should have asked for zoning on the both, from the street down, since he owns the property. A number of us do not have any objection to it.

As far as the complaint that was made about street conditions, this really doesn't have anything to do with it because the residents in that area, myself included, have turned down street improvements three times in the last fifteen years because they want to put in curb and gutter and streetlights. We want to keep it a rural area. We asked for just paving, and the City wouldn't do it. So we like it the way it is. We prefer a rough street rather than a curb and gutter. This really has no, I don't think, any implication against what he's asking for at this time.

I think he has adequate parking. If it isn't, I'm sure he would be willing to redo this because this is what he was told by the City Planning Department as required per unit. I think it ought to be approved or to give him the opportunity to rezone the whole thing from the street down and have it reconsidered. Thank you.

Commissioner Lurie: Is there anyone else who would like to speak on this application? What action would the Commission like to take?

Commissioner Christensen: I'd like to ask one or two questions here. This piece of property doesn't come out through Bonanza, but this gentleman owns this property clear out to Bonanza. We've talked about a street and a Special Assessment District. How many people are there across the street from your total piece of property all the way from Bonanza to the extreme north end of this proposed development?

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CONTINUED

Across the street, how many lots do you see there?

Mr. Foster: About ten. Between Washington and Bonanza.

Commissioner Christensen: If I understand correctly, if you wanted to put a Special Assessment District in, if you voted for it on this property, and one person on the other side voted for it, you'd have more than fifty percent. You could proceed with the assessment district and have streets and gutters and the whole shot, could you not?

Mr. Foster: I indicated ten. That's on the west side of Clarkway. There's about that many on the east side, so we have about twenty, fifteen to twenty property owners on both sides of Clarkway.

Commissioner Christensen: So if you went to the end of his property line, I'm not talking in terms of forcing the people on the other side if the street, I'm just saying that there's a good chance that particular complaint could be eliminated because you could conceivably have a fully improved street all the way back to the end of his property which would eliminate that angle of it.

When the lady called before and asked about that street, was there any follow through to find out if any of those people back in there would really like to improve that street. Did Mr. Gist ever make an informal query as to whether they would be interested in that, or do you know?

Mr. Saylor: I think, as the gentleman indicated, we tried to get the assessment district on. They didn't want it.

Commissioner Christensen: Oh, they did try and they couldn't get it on. Okay, I see.

Commissioner Leavitt: I have a question regarding the parcel immediately to the right, the brown area. What's the zoning on that parcel?

Mr. Foster: That's R-3, apartments.

Commissioner Leavitt: And the property further to the right. That's where the Bigelow Apartments are?

Commissioner Christensen: That's The Elms. What's on the black line north of that?

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CONTINUED

Mr. Foster: It's under resolution for R-3. Extension of Bigelow.

Commissioner Leavitt: Is that all R-3 back there? Resolution of intent?

Mr. Foster: That's correct.

Commissioner Christensen: When does that expire? Do you know off hand? It should be getting fairly close unless I'm mistaken.

Commissioner Lurie: It seems like an awful lot of density there with all that R-3 that's planned.

Commissioner Christensen: Every piece of it that you can see does have frontage on Bonanza Road.

Commissioner Leavitt: The way I read the agenda, it said the Planning Commission denied it "because the introduction of multi-family use would exceed the density recommended by the General Plan". But it looks like we've done that now already, haven't we? We've got a lot of multiple-family use in that area.

Mr. Saylor: I think what that comment is saying, Commissioner Leavitt, is the fact that the General Plan recommends certain densities for an area and with what has already been zoned, we've reached that point.

Commissioner Christensen: In other words, we recognize that all that's zoned. I wonder if we need anymore.

Mr. Gangola: Well, could I leave this go and ask for a C-2 for that. Would that be a logical thing to do?

Commissioner Lurie: You'd have to bring it back. You'd have to go back to the Planning Commission. Can we refer this back to the Planning Commission?

Mr. Saylor: You can, but he's going to have to come in with a new application. If that's what he's saying, then I would just suggest you refer this back.

Commissioner Christensen: What he actually wants us to do is tell him if we would approve the C-2 if he came back. I don't think we're in a position to do that.

Z-39-78  
CONTINUED

Mr. Gangola: I came down here for questions, and not to argue with anybody. I want to know what I can do with that property.

Commissioner Leavitt: I understand. The only problem I have is the piece between Bonanza and your parcel. I mean, if you were in here today with the whole thing, I'd be more inclined to grant it. I'm a little concerned with what's going to happen in the area between your parcel and Bonanza. If you were going to have an R-3 development all the way through there...But it's your property. You do what you want with it, subject to the laws, of course. I'd be more inclined to vote for something like that than I would for this parcel. If you're asking.

Commissioner Lurie: Should we refer it back to Planning?

Commissioner Christensen: It won't do any good.

Commissioner Leavitt: If it's denied, he has to wait, what is it, four months?

Commissioner Christensen: Not if he comes with a different application. If he comes back with a C-2 he doesn't have to wait four months, does he?

Mr. Saylor: Let me explain it this way. If you refer it back to Planning and then he comes in with an application for a commercial on the front part or R-3 on the front part, they can consider the whole thing as one. But if you deny this, he can't come in with an application on the whole piece without waiting four months.

Commissioner Leavitt: If we deny, you're going to have to wait four months before you can bring in another one.

Mr. Gangola: Just on the one piece here. The other piece, I can bring that in anytime.

Commissioner Leavitt: Add it to and amend your application. Like I say, I'd be more inclined to go R-3 for the whole thing rather than have commercial on the front. I'm going to move that we refer this back to the Planning Commission.

Commissioner Lurie: Comments? Cast your votes.  
Motion is carried.

Motion carried by the following  
vote: Commissioners Christensen,  
Leavitt and Lurie voting aye.  
Noes: None  
Absent: Commissioner Woofter

Z-33-78

Commissioner Lurie: Okay, we'll go to Item C now.

Mr. Foster: This is zone change Z-33-78, Nevada Escrow Service, Inc. This is for change from R-E to C-D. It's on the southeast corner of West Charleston Boulevard with Campbell Boulevard to the west. We see the C-D by the shaded area on both sides of West Charleston Boulevard. This is the plot land, in front of you, that is proposed at this time. Initially, when it came before the Planning Commission it was a two-fold complex. The property owners to the south and the R-E area protested it. The Planning Commission held the matter in abeyance so that the applicant could meet with the protestants. They have come back with a one-story development as proposed on this plan and also the condition that there be an 8-foot block wall adjacent to the R-E area.

With those conditions, the Planning Commission recommended approval. I think that the eight protests, which is indicated on the agenda, have somewhat resolved those protests.

Commissioner Lurie: Is there anyone in the audience to speak in opposition to this application? Let the record show that no one was in opposition.

Commissioner Leavitt: Move for approval.

Commissioner Lurie: There is a motion for approval. Comments on the motion?

Mr. Temple: I'm Larry Temple. I'm the developer of the property, and I would like to enter a grading plan for my engineer and property. There was some comment about how high it should be above the crown of the street. This particular plan shows it being below at some points, above at some points. I wondered if I could enter this.

Commissioner Lurie: Well, that would all be taken care of by the Public Works Department and Engineering.

Commissioner Leavitt: We're just concerned with the zoning at this point.

Mr. Temple: The Planning Commission, Commissioners, made a restriction on how high the building could be above the crown of the street.

Mr. Foster: This was set out on the conditions. I know there was some concern by the protestants on how high the finished grading would be. I think that's what he's addressing at this point.

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Commissioner Christensen: Your honor.

Commissioner Lurie: Commissioner Christensen.

Commissioner Christensen: I'd like to move to hold this for two weeks because I was under the impression up until this came out that on this one-story development, I've been looking at this for a couple of weeks, and I've talked to a lot of the protestors, and that wasn't their major protest, and so forth. I'd like to bounce this around just a tad, this one-story thing before we approve that.

Commissioner Leavitt: I have no objection.

Commissioner Lurie: Cast your votes on the motion to hold. Opposed. Motion is approved. This item will be held.

Motion carried by the following  
vote: Commissioners Christensen,  
Leavitt, Lurie and Woofter voting  
aye.  
Noes: None.

Mr. Temple: This is a one-story development.

Commissioner Christensen: We're learning that now, but it was a two-story development when I talked to the people in the neighborhood. I'd like to get the input back from them as to whether this does meet with their way because I'd like to know whether it does or not.

Commissioner Lurie: This item will be placed on the agenda for June 21.

Mr. Temple: We did hold them in abeyance, and it was a two-story complex. I met with the people and came back in and changed it to a one-story. I have my engineer here today, too.

Commissioner Lurie: Well, you just brought some other questions up about this grade and how high the buildings are going to be. So, I think Commissioner Christensen has a good comment there.

Commissioner Christensen: This is a question, now that's going to have to be resolved.

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# AGENDA

## City of Las Vegas

June 7, 1978

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

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ITEM	Commission Action	Department Action
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XI COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT  
 (CONTINUED)

A. ZONE CHANGE - Z-38-78 - TOM ELARDI

Property located on the south side of Oakey Boulevard, between Decatur Boulevard and Arville Street.

- From: R-1 (Single Family Residence)  
 R-3 (Limited Multiple Residence) and  
 C-1 (Limited Commercial)
- To: R-PD8 (Residential Planned Develop.)  
 R-3 (Limited Multiple Residence)  
 C-1 (Limited Commercial) and  
 C-2 (General Commercial)

Approved subject to conditions - as recommended by Planning Commission Lurie - unanimous

Clerk to notify  
 Director authorized to proceed

Commissioner Woofter did not vote - temporarily absent

Planning Commission recommends APPROVAL (4-yes, 2-no), subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. East tier of lots to be rezoned to R-PD6 instead of R-PD8; C-2 request shall be amended to C-1.
3. Fire equipment access and turning radius to be compatible to equipment responding to that area. Access to be provided to the rear of all RPD units as required by the Department of Fire Services.
4. Dedication of 60 ft. plus four radius corners are required for unnamed street as required by the Department of Public Services within sixty days after approval of the zoning.
5. Dedication of 30 ft. is required for O'Bannon plus radius corner at Decatur as required by the Department of Public Services within sixty days after approval of the zoning.
6. O'Bannon Street shall dead end at the intersection with the unnamed north/south street.
7. Construction of half-street improvements including street light as required by the Department of Public Services.

Z-43-78  
CHARLESTON TOWERS  
AND MR. DODD SMITH

Commissioner Lurie: Item D is a zone change. Charleston Towers and Mr. Dodd Smith.

Mr. Foster: Z-43-78 located southeast of West Charleston and Shadow Lane. It is adjacent to the Charleston Towers development to the east. There is a commercial pattern developing in this particular area. Southern Nevada Memorial Hospital is to the northwest. This is the plot land in front of you. It's for a two-story, Veterans Administration outpatient clinic. The building is the very shaded area. This would be Charleston Boulevard. Shadow Lane is to the left. There is a Wendy's Hamburger facility lot on this property but on the corner.

The development extends to Shadow Lane, but there will not be any access through this. There will be a six-foot block wall required. Also, continuing the Commission's policy of no access through Ellis Avenue, there is also a decorative block wall required on the very south portion of the property. There is one protestant. As you can see on the map on the agenda, he lives at this location in his residence. The Planning Commission recommended that there be an 8-foot block wall along the north and east sides of his particular property to afford him adequate protection. There are 314 off-street parking spaces on this particular site, all exiting to Charleston Boulevard. With the conditions mentioned, the Planning Commission recommended approval.

Commissioner Lurie: Is anyone in the audience in opposition to the application? Is the protestant here? Mr. Buckley.

Mr. Buckley: Yes, sir. Ladies and gentlemen, my name is Joe Buckley, and I live at 1125 Shadow Lane. I think it's been adequately pointed out to you the location of our home. I'd rather use this diagram here, if I may.

This is the area where we have our home now, and as you know, the parking for the Veterans outpatient clinic facility will be here on the north and also on the west, which totally surrounds my property. This is a two-story building, as you know. It's not a residential structure. It's a contemporary, kind of a modern structure which has visibility into my yard, and obviously I have visibility back the other way. The City Planning Commission seems to feel that an 8-foot wall around my property gives me adequate protection, which I totally disagree with. You can see that this is higher area here. This is all commercial; this will be commercial; this will be the equivalent of commercial. I think this is probably one of the best examples I have seen of a form of spot zoning, at least spot zoning from where I sit, where a little real estate or a residential lot is left, for all intents and purposes, right in the middle of a commercial area.

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We have a home we're very proud of, I believe, and I don't want to be too redundant because I think I sent all of you a copy of most of my comments on this. We have a beautiful home here. We have one, two horses. Our home is over three thousand square feet, and we just feel that this is a very poor example, frankly, of zoning, rezoning this particular area for this particular project. Again, it surrounds our property. We feel it totally destroys the residential value of our property.

I don't know that much about environmental standards, but with a parking lot here, a parking lot here, and obviously traffic on the streets in front, I don't know whether or not there would be any environmental impact standards that relate to residential areas, but I would submit to you there is a question in my mind whether or not there would be some violation in this particular area when you consider this is a form of governmental project to start with. I think we have to keep in mind that it's the General Services Administration and the Veterans Administration that are involved in this particular project.

Let me also say as an aside, I believe Las Vegas needs a veterans' outpatient clinic. I am a veteran, and I think we need one in this area. I object, again, on the basis of the manner in which this project has been laid out around my residence, again as I say, destroying the value of my residence.

In summary, because as I say, I've already sent you all of my comments, I urge your support to either deny this petition or defer it back to the Planning Commission for them to do, if it's appropriate, a more professional job in trying to lay this thing out so it doesn't leave me just an island surrounded by commercial property, or any other alternatives that you gentlemen are more familiar with from a planning standpoint that I am not. I have written letters to the Veterans Administration. They've been forwarded to the General Services Administration, and as yet I have not heard back from them on this project.

If you have any questions of me, I'd be very glad to answer them.

Commissioner Lurie: Well, the only question that I have, and my concern is, if they were going to take the property next to you why you weren't contacted and made aware of the fact that this facility was being considered on this location. That was my question. We really can't get involved in trying to make an agreement with the developer or the real estate people to also work with you in taking your property, also. But I am concerned on why you weren't contacted and made aware of this situation.

Mr. Buckley: I am concerned, and at the City Planning Commission I spent a considerable amount of time pointing out that at no time was I contacted by the developer in any way, shape or form on this project. After making that comment at the City Planning Commission, the following day I received a telephone call from a real estate agent who is

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representing the developer in the area, and he asked me to come to his office, which I did do. I explained--he wanted to know what I was interested in price-wise for the property. I explained that to him. He saw absolutely nothing wrong with the price. He discussed several alternatives. I said these alternatives were feasible. He said he would be back in touch with me, and gentlemen, that was May 12, and he is in the audience today, and he hasn't called me back at all. He hasn't contacted me. So I considered it nothing more than a perfunctory meeting because of the nature of my complaint at the City Planning Commission.

So there's been no consideration one way or the other on the part of the developer.

Commissioner Lurie: Commissioner Leavitt.

Commissioner Leavitt: I have a question regarding the green area inside that wall. What does that mean? Are they going to have landscaping inside that wall? That's to hide the wall that we're ordering them to build, right?

Commissioner Christensen: The trouble is the wall is even decorative. So we're going to build a decorative wall and then hide it in landscaping. I often wonder about these walls.

Mr. Buckley: Let me mention one other thing, if I may, if it's appropriate. The way our home is situated on this lot, we are eight feet from this end of the--this area here. Our house comes right along here and then down this way. So our bedroom and bath areas are right up -- as I say eight feet from this particular section of the wall.

Commissioner Leavitt: The fact that it may be a two-story building, of course, I understand your concern, but if we left it a residential state, somebody could build a two-story house back there and look in your backyard. At least they have the parking and some greenery there that make a difference between where the building is and where your wall is.

Commissioner Lurie: Can I ask a question? Now the building next door--what was the setback of that building next door, that five-story building of Stewart Tile. Did it come back as far as this building?

Mr. Buckley: No, it's right up in here. We don't even see it from our backyard because of the trees that we have.

Commissioner Lurie: Well, what I'm saying is that maybe this building could be moved up so that the two story isn't directly in your backyard. Move it up to, say, the same depth from Charleston as the Stewart Tile Building, sort of keep them in line there, because all we're talking about now is just changing the parking around a little bit and moving the building up. Do you see what I mean? I'm looking for some compromises here.

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Mr. Buckley: I noticed like on the project you just talked about before this one, someone apparently got them to reduce again, the neighbors in the area, the project to a one-story. I understand your position on two stories. This could be made into a one story also, which would eliminate that particular problem. Again, to me the problem is the kind of zoning around a residential home. Now either that's good rezoning or it isn't. I think that's one of the major issues before us. And secondly, the affect that it has on my property.

Commissioner Christensen: Well, the question that I see here is similar to what Mr. Buckley stated. Do we, in fact, find ourselves, if we approve this zoning, changing significantly the residential character of his property, and that's a responsibility we have to look at. Because, in effect, you do that with zoning, and that's the very thing we worry about. We just went through that with apartments because it significantly changed the character of the surrounding uses. And what he's saying is yes, it does change the character of his property, and maybe it could change it from an aesthetic viewpoint or maybe changing it from a value viewpoint. You could conceivably be squeezing a person in his position to a point where it devalues his property to where they could afford to buy it for a whole lot less because it's no good for residence anymore. Those are the questions that I see that we're looking at here.

I'd like to hear from the applicant just exactly what's happening here and why, I understand they had to buy the place next to him. Did you get a lot better deal on that? Is that why you made it T-shaped instead of L-shaped, and all these things, you know. What happened? I'm curious.

Mr. Derlak: My name is Marcus Derlak. I'm from Columbia, South Carolina, and I'm a general partner in the ownership.

Commissioner Christensen: Are you aware that the member of Planning Commission that you appeared before when you came to the Planning Commission, Mr. Parker, is going to be in Columbia, South Carolina for two years starting in July?

Mr. Derlak: It sounds like he's been inducted into the Army.

Commissioner Christensen: No. It's interesting, though, that you're from the same place he's headed for, and he was on the Planning Commission that heard this previously. That's just a little aside.

Mr. Derlak: I'd be happy to answer any questions that you have.

Commissioner Christensen: Well, can you explain to me what your thinking was here? Mr. Buckley said that he was contacted and then dropped, and why the T-shape rather than an L-shape. Was the property cheaper, or did you consider taking the whole

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CONTINUED

thing and squaring it off, or what?

Commissioner Leavitt: Let me ask it to you this way. Why don't you buy this man's house? Because in effect, if you grant this, in effect it's going to ruin it for him as a resident.

Mr. Derlak: We wish we were in a position to purchase his property. However, the additional land is not required for purposes of the development that we have in mind.

Commissioner Leavitt: Well, I understand that, but if we grant this zoning, we're just going to ruin this man as far as a residence is concerned.

Mr. Derlak: Well, of course, I can't very well agree with you, Commissioner Leavitt.

Commissioner Leavitt: In effect, he can no longer use it as a home. He's going to have to move.

Mr. Derlak: I don't think that's correct. I think that there's several factors that have not been taken into consideration.

Commissioner Leavitt: Okay. You tell me the factors where he can still use it.

Mr. Derlak: Well, the major factor, sir, is the fact that the lease that we have with the Federal Government stipulates the hours of operation of the outpatient clinic facility. Those hours are 8:30 a.m. until 5:00, or perhaps it's 5:30, p.m. So it is not anticipated that the facility would be used during the late afternoon, and certainly not during the evening or nighttime hours, which I would think would lessen the impact that it would have on the use of the adjacent property as a residence. The property was originally selected by the government, that is the rectangular parcel which is 188 feet width and I think approximately 660 feet depth, 680. It was selected by the GSA due to its excellent proximity to the surrounding medical facilities. I think they number five, possibly six.

The additional property which now forms a T-shape became necessary in order to accommodate the required parking. The total number of spaces, I believe it's 214, serving the building substantially exceeds the requirement that you would consider normal for a two-story office building of this size, and I might add that it exceeds the zoning requirements of the City of Las Vegas quite a bit. The property on the corner, that would be the southeast corner of Charleston and Shadow Lane, is owned and now occupied by Wendy's Hamburger Restaurant, and in our consideration of whether to approach first the property which belongs to Mr. Dodd Smith or the property belonging to Mr. Buckley, we felt that if we could only afford one or the

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CONTINUED

other, probably the Dodd Smith parcel would be more appropriate inasmuch as it abuts a property which is being currently used for commercial purposes.

We would like very much to be able to afford purchasing Mr. Buckley's property.

Commissioner Christensen: Who are you buying the property from? The rectangular piece.

Mr. Derlak: The rectangular piece belongs Ron Sharp and some associates of his. The same people that own Charleston Towers. Mr. Dodd Smith owns the parcel that forms the T. And we are not, in truth, we are not purchasing Mr. Smith's property. It's a long-term ground lease which has the same effect as ownership.

Commissioner Lurie: Was there any reason why the building was set back where it was? Is it that it couldn't be moved up so it's the same depth as the Charleston Towers?

Mr. Derlak: The building has been moved forward on the site twenty feet since this was prepared, or I should say, we anticipate its being relocated for twenty feet due to considerations of a Nevada Power Company power line easement that crosses the property. The reason that it was not sited closer to Charleston Boulevard has to do with the fact that many of the veterans using the facility, visiting the facility are in wheelchairs and are physically handicapped, and GSA's central office in Washington dictated in the site planning that it would be a favorable factor to have a good bit of parking close to the street so that these veterans wouldn't have to drive around to the back of the building to enter the building. In essence, we've got....

Commissioner Lurie: So the front entrance of the building is in the front, not like on the west, the middle there of the building. It's in the front, north end of the building.

Mr. Derlak: The entrance is on the front. Originally we had planned for the main entrance to the building to be on the side, but it was felt that in the long run as difficult as it is for people to find the way around it...you know, the easier you can make it, the better off you are. So we've made the entrance very visible.

Commissioner Christensen: What plans do you have for future expansion of that facility? Because there's no question in my mind that if it's successful, they'll expand it because you've gone from a small section of Rose De Lima Hospital to an outpatient clinic here. The next step is bigger and more services and so forth. What plans do you have to expand that? Do you have space here to expand it?

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CONTINUED

Mr. Derlak: Not in my opinion. Well, first of all, I should say that the lease which we have with the government makes no provision for expansion of the facility. The facility, as it's currently designed, has built-in expansion capabilities. That is, it is being constructed somewhat larger than the present immediate demand would really justify.

Commissioner Christensen: Which in this community is about six months. No, I'm being serious. You know, it's common knowledge that around here the needs for expansion come much, much, much sooner than anybody anticipates because you can tell by looking around at the building how this community grows, and I personally feel that there's going to be a lot of pressure if it's successful, and I think it'll be successful, to make it bigger. Take care of more people.

Mr. Derlak: In my estimation, in order to expand the clinic, it would be necessary to increase the parking area.

Commissioner Christensen: Oh, now, there's the key. See, that's what worries me. Now what you do by building this way, is you've fixed it so that guy on the corner, when you get ready to expand the parking area, he's kind of in a squeeze there, and he may be in a squeeze sooner. That's what makes me think maybe it does actually change the character and the values, and so forth, of the surrounding property. That's what bothers me. The thing I'm getting at, it gives me a fear there. I don't have any more questions, Commissioner Lurie.

Mr. Derlak: Any other questions? I'd like to say one thing in response to the comment that you just made, again addressing our desire to purchase Mr. Buckley's property. If we could afford to, and the project were still economically feasible, we would do so immediately. It's not possible for us to anticipate the possibility that GSA might come to us in six months or in six years. At that time, we would have to negotiate an increased rental with the government which would reflect the then appraised value of Mr. Buckley's property. I'm not an expert appraiser, and I'm not qualified to comment on the affect that this project would or would not have on Mr. Buckley's property. However, I feel that the attention that we have given to the design of the building--it is located, as you can see, as far as possible from the adjacent residential use. Every consideration has been given possible to lessening the impact on Mr. Buckley's home. The block wall and the siting of the building, etc.

Also, I would like to, if you have just a couple more minutes, I would like for you gentlemen to take a look at a photograph that I brought with me of an artist's conception of what the building would look like. Thank you for your consideration.

Commissioner Lurie: Thank you.

Z-43-78  
CONTINUED

Mr. Rosenstein: I'm Len Rosenstein, Nevada Development and Realty Company, and my office is at 1701 West Charleston, which is the office building that was referred to. I would like to say that Mr. Buckley may have misinterpreted my call to him and his visit to my office, which was not then at that location. I have never represented the developer at all, but in fact did represent Mr. Dodd Smith whose particular residence would constitute part of the lease. So when the applicant appeared at the Planning Commission Meeting, and when Mr. Kassler, who is the agent in that building, indicated to me that Mr. Buckley had indicated that his residence would be for sale and that he was, possibly dissatisfied, I told Mr. Buckley that I represented Mr. Smith and that I would present his property.

Unfortunately, I think, Mr. Derlak explained why he just doesn't have any latitude with GSA. He can't really expand their project.

I have a little history in the area that I think I should mention. Some time ago, probably 2½ years, there was favorable zoning approved for a two-story nursing home. I was a part of that venture, which was ill-fated, unfortunately. Now Mr. Angler, Red Angler, had a lease on the front ground and Fred Kennedy was another joint venture. And it was approved and originally it was approved with the concept being that we would go back to Ellis and absorb both Mr. Smith's property and Mr. Buckley's property. It was because of that prior involvement that I had as a principal that when these gentlemen had some interest, I went back to Mr. Smith and asked him if his building would be available. So that came as a consequence of the direction of Mr. Derlak to obtain adjacent, nearby, or contiguous to provide the adequate parking for the veteran. So there is some history here of zoning that has to do with a medical use. I happen to be a pharmacist additionally, prior to my real estate involvement. Many years I have been involved in many such projects. I would say that this location was not designated by anyone that's in the real estate or had property for sale but was generated by a desire to serve the veteran.

As a consequence of location, and I have other land, personally I would have loved to have sold nearby, but it just simply wasn't acceptable, and it has to do, of course, with dissatisfaction with Henderson and the proximity to freeways, and more importantly, that medical complex which exists there, an acute care facility, NIC's rehabs, and it's an ideal location. If the problem exists here, it's got to exist across the street or next to someone else's residence. It just can't go away if we do want it as a community. That's our real problem.

Commissioner Christensen: Well, I think that you made a good point in that the nursing home was approved before, but it was approved contingent on taking the whole block. The only thing you're talking about here is you put an eight-foot block wall and two streets around a guy. You know, I look at that and say to myself, "Would I like to live there?" and the answer is No, I wouldn't.

Z-43-78  
CONTINUED

Mr. Rosenstein: Well, I should have given you a little better information, I'm sorry, Commissioner. Initially, it was all four lots. Subsequently, the actual approval was the front two lots where Wendy is now, and it didn't include either residences.

Commissioner Christensen: Yes, but still you're not on both sides of a guy like this. You see, you have to admit, as a real estate man, you have to admit that that residence is harder to sell surrounded by parking lot and eight-foot block than it would be if it was next door to some other residence or if it was across the back of something so that you had, you know, a little residential character there. It does change the character of it, that's what I'm getting at. Now whether it changes it for the good or bad depends on what...

Mr. Rosenstein: I think it has a heck of a potential for P.R., to be honest with you. I know the history of the building that I'm in now and it was a tough building to rent out but...

Commissioner Christensen: It's going to be a tough potential for P.R. because you're going to have P.R. coming off of Shadow Lane, and they haven't allowed that in the past. It all had to come off Charleston. There lies the problem because, you see, you landlock him for any commercial use because he doesn't have an access to Charleston now. So you almost restrict him to residential unless you open that street up and have a commercial drive on a residential street, which it's not really designed for. And therein lies the problem, and that's what the man is talking about. You got him landlocked. He can't use it as commercial. You got the whole area wide open when you start allowing commercial driveways on the side street like that. They all lack frontage on Charleston.

Mr. Rosenstein: This is a parking lot right here, right now. This is a parking lot contiguous to his parcel right now, down here. A black top parking lot. No, it's here. It is specifically here.

Commissioner Christensen: That's a street right there where you're pointing.

Mr. Rosenstein: Well. It's because Ellis doesn't show where it really is. Ellis is over here. See, this is the 214 parking spaces for this facility, which is Mr. Smith's parcel. There is parking. This doesn't show up really as it should because parking is absolutely contiguous to Mr. Buckley's parcel right now:

Commissioner Christensen: Yes, on one side. That's true. But it's got to go off on Charleston Boulevard.

Mr. Rosenstein: That's correct. There's a block wall separating it on the one side, and I think there has to be another one.

Z-43-78  
CONTINUED

Commissioner Christensen: The point still is this, that you take Mr. Buckley's property, and you make it so that he can't use it for commercial because he has no access to Charleston, and yet it is not really prime residential property anymore because he's surrounded. That's the point he's made, and I think it's a valid point. I think it's something that has to be looked at.

Mr. Rosenstein: Well, I fully understand it and do feel that Mr. Buckley has some concern.

Commissioner Christensen: See, it makes it so that the only people he can sell the property to are the people that are building the Veterans facility because they are the only ones who are going to have any use for it because they have to get access through their parking lot to it. Unless we open up Ellis Avenue and Shadow Lane as commercial streets.

Mr. Rosenstein: Which we had open, by the way, in our zoning, and that was in agreement with the neighborhood, and we would have had parking on Shadow Lane, and that's very definite. I have the plans showing that most specifically.

I do think, too, that with due deference to Mr. Buckley, there's a large community issue here, and I think that has to be addressed, too. And yet, I'm not supposing that even one individual be ignored. I'm just saying there is a very important consideration. Thank you.

Commissioner Lurie: Mr. Buckley. Have a closing comment?

Mr. Buckley: Yes, just a few brief comments. With regards to this gentleman's reference to the Red Angler project previously being resolved for a year for two story, I think if the Planning Commission will check their records, they'll find it was a one-story building. It was not two stories. I think if they check their records, they will find out as was indicated here a minute ago, there weren't any accesses to or from Ellis Lane or from Shadow Lane, except Shadow Lane way up here, and again, that was a completely different project.

Gentlemen, I just would appreciate your consideration in this matter and your support. Thank you.

Commissioner Lurie: I still have a question on moving that building up about to where the property line of Mr. Buckley's property is. It wasn't satisfactorily answered. Can that building be moved up if we approve the application, so that it's not part of it directly in his backyard?

Z-43-78  
CONTINUED

Mr. Derlak: We can move it up. The comments from the applicant is that the Veterans Administration wanted as much parking as possible. Right now, there's...

Commissioner Lurie: We're talking about that front part right by the front door there. You're moving one row of parking right there around to the back.

Mr. Derlak: That's correct. There's six rows of parking at the present time plus the one along the west line. It is conceivable it could be moved to eliminate one row directly in front, which would be about thirty or forty feet, something like that.

Commissioner Lurie: I don't see any problem with that, and I don't believe that parking lot is going to be full every day.

Mr. Derlak: Commissioner Lurie, part of the consideration in siting the building, of course, was to make a good bulk of the parking close to the entrance for people who are disabled. An additional consideration is that we've got a greater than required front yard on Charleston Boulevard, approximately 25 feet. I do not remember, I'm sorry, what the required setback is, but it's more like ten feet. And we plan to beautify that area. Now, I think that it would be safe for me to say that in the event the application for rezoning were approved by the Commission subject to the building's resited closer to Charleston Boulevard, that that condition would be accepted in good grace by the Government. I am certain that they are very sensitive to community needs in making this sort of decision.

One of the requirements Mr. Buckley mentioned earlier, an environmental impact study. All land acquisitions and lease acquisitions made by GSA are made subject to an environmental impact study, which I have not seen or am privy to, but I know it's been completed, and it was approved, for whatever that is worth. But I think the building could be moved closer to the street in increments of either approximately twenty feet, which we already anticipated doing..

Commissioner Lurie: Where would that put it there as far as the plan goes if you move it up twenty feet.

Mr. Derlak: Well, it would eliminate this row of parking to the rear.

Z-43-78  
CONTINUED

Commissioner Lurie: Does it bring it up to the property line where Mr. Buckley's property is?

Mr. Derlak: We have about five feet if I remember. This not being dimensioned, it's difficult to say. The next increment that you could move it closer to the street would be to eliminate this row to the center of this landscape, however, which would be an approximate forty-five additional feet.

Commissioner Lurie: As far as the individuals that will be using the building as far as the ones that need the front entrance to be more accessible because of wheelchairs, the parking can be signed specifically for those individuals, and the ones that can walk to the front can park in the rear. I mean, there's ways it can be done to satisfy my intent right now of trying to get this building up closer to Charleston. Bring it in line with the building that's already there.

Mr. Derlak: Yes, sir. That could be done. Ten percent of the total parking is designated for handicapped use, is wider, etc.

Commissioner Lurie: Commissioners, do you have any further questions or comments? Do you have another comment, Len?

Mr. Rosenstein: If I may. This is something I'd forgotten. Just earlier in the week we had the opportunity of speaking to Congressman Santini, and I have a letter from him. He does steer clear totally of zoning, but he indicates the need in this area as being dire. So I have that.

Commissioner Christensen: I don't think anybody disputes the need, and I don't think anybody disputes the particular zoning as far the placement of this thing. What I'm questioning is not the veterans, not the need of the facility, not the proximity of the hospital. I think those are all excellent points, and I can't think of a better location for it. The thing that bothers me is I can't see a project of this magnitude that there can't be some arrangement made when a man's willing to go for, move the house just by the property, a long-term lease, buy it and let him live there for ten more years, then take it, or all these things where a person's willing to negotiate almost anything to keep from having to be completely landlocked that

Z-43-78  
CONTINUED

you have to come and say no, no, no, and if we don't give the approval, we're going to have all the veterans mad at you, Congressman Santini, etc, etc.---I don't believe that. I don't believe that this plan is that inflexible. I've never seen anything the Government did yet that was that inflexible.

Commissioner Leavitt: Mayor Pro-Tem, I move that we hold this matter until our next regular meeting.

Commissioner Lurie: Motion to hold. Cast your votes on a motion to hold. Motion fails. Attorney give me an opinion.

Motion defeated by the following  
vote: Commissioners Leavitt and  
Christensen voting aye;  
Noes: Commissioners Lurie and Leavitt

Mr. Sloan: The motion to hold fails.

Commissioner Lurie: The motion to hold fails.

Commissioner Leavitt: What happens if another motion is a tie vote? It's automatically held, isn't it? If I made a motion to deny and it was tied, it would be held, or if there was a motion to approve and it was tie, it would be held, wouldn't it?

Mr. Sloan: Correct.

Commissioner Leavitt: There's more than one way to skin a cat. Make your motion.

Commissioner Lurie: I move for the approval of the application, subject to the building being moved up the distance that is satisfactory to the Planning Staff so that it's in line with the corner property of Mr. Buckley's property there.

Commissioner Leavitt: I'd like the record to show that I'm going to vote against this motion not that I'm against the project, but because I think it ought to be held for another two weeks to give the landlord, the protestant in this case, the chance to work something out.

Commissioner Christensen: I think my previous comments also bear on that.

Commissioner Lurie: Cast your votes on the motion. This item will be held until the meeting of the 21st.

Motion defeated by the following  
vote: Commissioners Lurie and  
Woofter voting aye;  
Noes: Commissioners Christensen and  
Leavitt.

Commissioner Lurie: We'll have a five-minute recess.

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Z-36-78

Commissioner Lurie: We'll call the meeting back to order. Item E. Zone change. Z-36-78, Sunrise Oaks.

Mr. Foster: This is a request from R-E to R-T. It is immediately west of an existing R-E zoned area. As you see on the screen, that's Lamb Boulevard to the east and Washington to the south. The developer wishes to expand the mobile home park that's being developed to the east into this area. This is the layout of the subject area. It's 7½ acres for 55 additional mobile home spaces. Planning Commission recommended approval subject to the zoning extending only to the drainage channel.

Commissioner Christensen: This is in addition to what zoning now?

Mr. Foster: To the R-T zoning to the east, which is for a mobile park which is being developed. This should extend the park.

Commissioner Christensen: This isn't to extend the one that's already developed?

Mr. Foster: Yes. Well, it's under construction. In that area that's in the dotted orange.

Commissioner Lurie: What about the drainage channel there now?

Mr. Foster: The zoning, as you can see, crosses the drainage channel, and leaves a small parcel to the south. We recommend it only to the north line of the drainage channel.

Commissioner Christensen: Is the developer aware of the new ordinance? Did we pass that ordinance having to do with street size and mobile home developments and on-street parking?

Commissioner Lurie: We did pass it.

Commissioner Christensen: It was passed at our last regular meeting.

Mr. Foster: The developer will have to conform to that.

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ITEM Commission Action Department Action

XI COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)

B. ZONE CHANGE - Z-39-78 - GANGOLA CONSTRUCTION COMPANY

Property located on the east side of Clarkway Drive, 200 feet north of Bonanza Road.

From: R-E (Residence Estates)  
To: R-3 (Limited Multiple Residence)  
Proposed Use: 10-Unit Apartment Building

Planning Commission unanimously recommends DENIAL because the introduction of multi-family use would exceed the density recommended by the General Plan.

If approved, however, following is the recommended condition of approval:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.

PROTESTS: 8

C. ZONE CHANGE - Z-33-78 - NEVADA ESCROW SERVICE, INC.

Property located at the southeast corner of West Charleston Boulevard and Campbell Drive.

From: R-E (Residence Estates)  
To: C-D (Designed Commercial)  
Proposed Use: Offices

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

1. An eight ft. block wall shall be constructed adjacent to the R-E lots.
2. Construct curb, gutter and sidewalk on Campbell frontage as required by the Department of Public Services.
3. Revise the parking plan to conform to the City of Las Vegas standards as required by the Department of Public Services.
4. Resolution of Intent to be restricted to a twelve (12) month time limit.

PROTESTS: 8

Referred back to Planning Commission  
Leavitt - unanimous  
  
Commissioner Woofter did not vote - temporarily absent

Clerk to notify  
  
Staff to proceed

Abeyance

6/21/78 Agenda

Z-36-78  
CONTINUED

Commissioner Lurie: Whatever the new ordinance is, they'll have to conform with it if it's approved here today. Were you aware of that?

Mr. Foster: No, I was not.

Commissioner Christensen: That's the one where Commissioner Woofter made the comment to make one change in the ordinance before we pass it to refer to mobile home parks rather than trailer parks. And that ordinance passed at that time.

Mr. Foster: And what's this new ordinance saying, then?

Commissioner Christensen: Well, basically what it says is that you've got to build your streets wide enough so that you can park on-street because in so many of these mobile home parks, if a visitor goes to see somebody in a trailer, they've got to park two blocks away sometimes. This is going to make a change in your plot plan. You ought to be aware of it. It's brand new.

Commissioner Lurie: Do you have anything you'd like to comment on before we take action? Whatever the change is, you'll just have to bring in a new plot plan showing the changes.

Commissioner Woofter: Move to approve subject to the conditions.

Commissioner Lurie: There's a motion for approval. Comments on the motion? Cast your votes. The motion is approved.

Motion approved by the following  
vote: Commissioners Christensen,  
Leavitt, Lurie and Woofter voting  
aye.  
Noes: None.

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Z-37-78

Commissioner Lurie: Item F. Zone change, Z-37-78.  
Mr. Foster: From R-2 to P-R on the north side of San Pedro just east, four lots east of Maryland Parkway across the street from the Parkway Plaza Shopping Center at Sahara and Maryland Parkway. This is the plot plan. There is a duplex on the property. They wish to convert it to an office. The Planning Commission recommended approval subject to the conditions.

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ITEM	Commission Action	Department Action
<p>XI COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</p>		
<p>D. ZONE CHANGE - Z-43-78 - CHARLESTON TOWERS AND MR. DODD SMITH</p>	<p>Abeyance  (1st motion to hold in Abeyance Leavitt 2-2 Vote  2nd Motion for Approval Lurie 2-2 Vote)</p>	<p>6/21/78 Agenda</p>
<p>Property located on the south side of Charleston Boulevard and the east side of Shadow Lane. From: R-E (Residence Estates) and P-R (Professional Offices &amp; Parking) To: P-R (Professional Offices &amp; Parking) C-1 (Limited Commercial) Proposed Use: V.A. Outpatient Clinic</p> <p>Planning Commission recommends APPROVAL (4-yes, 1-no, 1-abstention), subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Resolution of Intent to be restricted to a twelve (12) month time limit.</li> <li>2. An eight ft. block wall shall be constructed along the property line adjacent to the dwelling unit located southwest of applicant's property and shall be completed prior to start of construction. A six foot block wall to be constructed along Shadow Lane and a six foot decorative wall to be constructed on Ellis Avenue.</li> <li>3. Approved fire hydrants and water mains to be provided, fire flow compatible to construction and use of the building as required by the Department of Fire Services.</li> </ol>		
<p>PROTESTS: 1</p>		
<p>E. ZONE CHANGE - Z-36-78 - SUNRISE OAKS, LTD.</p>	<p>Approved subject to conditions - as recommended by Planning Commission Woofter - unanimous</p>	<p>Clerk to notify  Director authorized to proceed</p>
<p>Property generally located 660 feet north of Washington Avenue and 1,320 feet west of Lamb Boulevard. From: R-E (Residence Estates) To: R-T (Trailer Residence) Proposed Use: Trailer Park</p>		

Z-37-78  
CONTINUED

Commissioner Lurie: Is there anyone in the audience in opposition to the application? Are you in opposition to the application? You're the applicant. Okay. Show that the applicant was present. Comments from the Commission? I move for approval following the recommendation of the Planning Commission subject to the conditions. Comments? Cast your votes. Motion is approved.

Motion carried by the following  
vote: Commissioners Christensen,  
Leavitt, Lurie and Woofter voting  
aye.  
Noes: None.

Z-40-78

Commissioner Lurie: Item G, zone change, Z-40-78.

Mr. Foster: This is located west of Decatur, south of Evergreen. They would like to remove that facility which is at the north portion of the property, construct this addition, major addition, for an additional shopping center area. They will keep the Taco Bell and the existing laundry to the south. Planning Commission recommends approval.

Commissioner Lurie: Is the applicant present. Is anybody in the audience in opposition to the application?

Commissioner Leavitt: Move for approval.

Commissioner Lurie: There is a motion for approval. Comments. Cast your votes. Motion is approved.

Motion carried by the following  
vote: Commissioners Christensen,  
Leavitt, Lurie and Woofter voting  
aye.  
Noes: None.

Z-42-78

See Page 145 - Annotated Agenda.  
Terry Boyd present to represent applicant.

Z-44-78

See Page 145, Annotated Agenda.  
No opposition.  
Arlene Ames present to represent applicant.

51-F-1

See Page 148 - Annotated Agenda.

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XI COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)

See Page 35

See Page 35

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. South boundary of rezoning to be the Las Vegas Drainage Channel.
3. Amend plot plan to show a fire emergency access to Gateway at the northwest corner of the plat.

PROTESTS: 0

F. ZONE CHANGE - Z-37-78 - VIOLA H. JESSEN

Approved subject to conditions - as recommended by Planning Commission  
Lurie - unanimous

Clerk to notify

Property located at 1213-1215 San Pedro Street between Maryland Parkway and Maroney Avenue.  
From: R-2 (Two Family Residence)  
To: P-R (Professional Offices & Parking)  
Proposed Use: Office

Director authorized to proceed

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.

PROTESTS: 0

G. ZONE CHANGE - Z-40-78 - DONALD J. & PATRICIA A. DAVENPORT

Approved subject to conditions - as recommended by Planning Commission  
Leavitt - unanimous

Clerk to notify

Property located at 808, 814, and 818 South Decatur Boulevard.  
From: R-1 (Single Family Residence)  
C-1 (Limited Commercial) and  
C-2 (General Commercial)  
To: C-2 (General Commercial)  
Proposed Use: Shopping Center

Director authorized to proceed

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.

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XI COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)

2. Approved water mains and fire hydrants to be provided as required by the Department of Fire Services. Fire flow to be compatible to construction and use of the building.
3. Six foot block wall to be installed from the northwest point of the property south to the cul-de-sac.

PROTESTS: 0

See Page 36

See Page 36

H. ZONE CHANGE - Z-42-78 - BERTA M. WILHOIT AND TRUETT E. WEATHERBY

Property located at 400 S. Maryland Parkway on the southwest corner of Maryland Parkway and Lewis Avenue.

From: R-4 (Apartment Residence)  
To: P-R (Professional Offices & Parking)  
Proposed Use: Office Building

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. Provide approved fire hydrant at the alley as required by the Department of Fire Services.
3. Amend plot plan to provide a minimum of six parking spaces.

PROTESTS: 0

Approved subject to conditions - as recommended by Planning Commission  
Lurie - unanimous

Clerk to notify  
Director authorized to proceed

I. ZONE CHANGE - Z-44-78 - BECKER AND SONS

Property located on the south side of Smoke Ranch Road, 250 feet east of Maverick Street.

From: R-3 (Limited Multiple Residence)  
To: R-PD11 (Residential Planned Develop.)

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

Approved subject to conditions - as recommended by Planning Commission  
Lurie - unanimous

Clerk to notify  
Director authorized to proceed

Z-18-68

Commissioner Lurie: Item K.

Mr. Foster: This is a request for Robert Kelley for a plot land review as well as a use review. It's located on the north side of West Charleston Boulevard, several lots east of Campbell. It's in a C-D zone. This is the plot plan showing the existing building on the front portion of the property. They propose a building on the rear portion that will be used for a ballet dance studio. It has some landscaping along the front portion. There are about 30 off-street parking spaces on the side. The Planning Commission recognized that the Commission has approved a dance studio that was of smaller magnitude in this zone. They felt that this one was in keeping with the uses allowed the C-D. Recommended approval of the use as well as the plot plan as submitted.

Commissioner Lurie: Anyone in the audience in opposition to the application?

Commissioner Christensen: Point out to me where this is again.

Mr. Foster: It's about three blocks east of Campbell alongside of Charleston. That's Campbell to the west.

Commissioner Leavitt: Is that the Mayor's property?

Commissioner Lurie: Right in between where the Mayor's property was and the Campfire.

Commissioner Christensen: What are they going to put, a dance studio there?

Commissioner Leavitt: Ballet.

Commissioner Woofter: Move to approve.

Commissioner Leavitt: I'd just for the record like to say that my brother owns property in the area, but it's not going to affect my vote one way or the other.

Commissioner Lurie: Motion is to approve subject to the provisions. Comments on the motion? Cast your votes. The motion is approved.

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

Noes: None.

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Z-47-70

See Page 148, Annotated Agenda.  
Mr. Bill Strickland present to represent applicant.  
No opposition.

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ANNEXATION  
A-5-78

Commissioner Lurie: Item M, annexation.

Mr. Foster: Annexation petition that we received is adjacent to a parcel that you conducted a public hearing on. It was the first part of the meeting. This is a five-acre parcel. I believe it will continue Lewis Homes to continue the development that's before you to indicate which way you wish to proceed on the petition.

Commissioner Lurie: Would you like to state your name?

Mr. Dane: Nick Dane with Lewis Homes, 5240 South Polaris Avenue.

Commissioner Lurie: Does anyone have any comments or requests? The only comment I have is you're just piecing this thing together, just one parcel at a time. I remember when you came in and wanted the whole thing rezoned, and we turned it down. Now it's coming in just piece by piece until you have that whole area developed R-1 from Oakey clear to Sahara.

Commissioner Christensen: We're talking about an annexation, not a zoning?

Commissioner Lurie: Yes, we're talking about annexation. And a zoning. I'm saying on R-1 it's just something that I see a trend building up here. If the Planning Commission moved for approval, I would follow the recommendation of the Planning Commission. I make a motion that we follow that recommendation. Cast your votes on the motion. Item is approved.

Motion carried by the following  
vote: Commissioners Christensen,  
Leavitt, Lurie and Woofter voting  
aye.  
Noes: None.

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ITEMS N - S

See Pages 149 - 150, Annotated Agenda.

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ITEM Commission Action Department Action

XI COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)

See Page 37

See Page 37

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Approved water main and fire hydrant to be provided compatible to this development. Front and rear hose lays to be required, with access to hydrants near alley and at front of property.

PROTESTS: 0

J. TENTATIVE MAP - INDEPENDENT SQUARE OF CHARLESTON HEIGHTS - 51-F-1

Approved as recommended by Planning Commission Woofter - unanimous

Clerk to notify  
 Director authorized to proceed

Property generally located on the south side of Smoke Ranch Road at Maverick, R-3 zone, proposed R-PD11.

Owner: Becker and Sons  
 Subdivider: Independent Inc.  
 No. of Acres: 2.55 No. of Lots: 20

Planning Commission unanimously recommends APPROVAL, subject to the following condition:

1. Approval of zoning request Z-44-78.

K. REVIEW - Z-18-68 - ROBERT KELLEY

Approved as recommended by Planning Commission Woofter - unanimous

Clerk to notify  
 Director authorized to proceed

Request for a Development Plan Review to allow a dance studio and office on property located at 3016 West Charleston Boulevard in Zoning District C-D.

Planning Commission unanimously recommends APPROVAL.

L. PLOT PLAN REVIEW - Z-47-70 - HECTOR MACDONALD MORRISON

Approved as recommended by Planning Commission Lurie - unanimous

Clerk to notify  
 Director authorized to proceed

Request for a Plot Plan Review to allow minor additions (patio covers) in the Las Brisas Tract on property generally located on the north side of the Las Vegas Expressway 500 ft. east of Lorenzi Boulevard in Zoning District R-4 PUD.

Planning Commission unanimously recommends APPROVAL.

# AGENDA

## City of Las Vegas

June 7, 1978

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE  
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ITEM	Commission Action	Department Action
<p>XI <u>COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</u></p>		
<p>M. <u>ANNEXATION - A-5-78 - RONALD SIMONE</u></p> <p>Petition of Annexation to annex property generally located on the south side of O'Bannon Drive between Jones Boulevard and Torrey Pines Drive.</p> <p>Planning Commission unanimously recommends APPROVAL.</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Clerk to notify Staff to proceed</p>
<p>N. <u>TENTATIVE MAP - CHARLESTON ESTATES NO. 7 (REVISED)</u></p> <p>Property generally located on the south side of Washington Avenue, east of Decatur Blvd., R-E zone, (under ROI to R-PD 8).                      Owner/Subdivider: Becker and Sons                      No. of Acres: 21.7+ No. of Lots: 153</p> <p>Planning Commission recommends APPROVAL (5-yes, 1-no).</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Same as above Same as above</p>
<p>O. <u>TENTATIVE MAP - CHARLESTON HEIGHTS 50-E3</u></p> <p>Property generally located on the southwest corner of Smoke Ranch Road and Winwood Street, R-1 zone (under ROI to R-PD20).                      Owner/Subdivider: Becker Development Co.                      No. of Acres: 7.1025+ No. of Lots: 96</p> <p>Planning Commission recommends APPROVAL (5-yes, 1-no).</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous (also approval of Final Map - See Page 20 of this Agenda)</p>	<p>Same as above</p>
<p>P. <u>TENTATIVE MAP - CHARLESTON HEIGHTS 57</u></p> <p>Property generally located on the east side of Tenaya Way, north of Cheyenne Avenue, N-U zone, (under ROI to R-1 and R-PD18).                      Owner/Subdivider: Charleston Heights Development Co.                      No. of Acres: 52.7+ No. of Lots: 365</p> <p>Planning Commission recommends APPROVAL (5-yes, 1-no).</p>	<p>Approved as recommended by Planning Commission Woofter - unanimous</p>	<p>Same as above</p>

# AGENDA

## City of Las Vegas

June 7, 1978

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BOARD OF CITY COMMISSIONERS  
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PHONE 386-6011

ITEM	Commission Action	Department A
<p>XI <u>COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</u></p>		
<p>Q. <u>TENTATIVE MAP - CHARLESTON HEIGHTS 58</u></p> <p>Property generally located on the northwest corner of Vegas Drive and Torrey Pines Drive, N-U zone (under ROI to R-PD21 and R-1). Owner/Subdivider: Becker and Sons No. of Acres: 35.1+ No. of Lots: 307</p> <p>Planning Commission unanimously recommends APPROVAL, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>Developer to provide paved access from Vegas Drive along Spica Drive sufficient to handle traffic. Width of pavement to be determined through negotiations with the Public Services Department.</li> <li>No Final Map of the subdivision shall be accepted until proper access is provided.</li> </ol>	<p>Approved as recommended by Planning Commission Christensen - unanimous</p>	<p>Clerk to notify Staff to proceed</p>
<p>R. <u>VACATION - VAC-4-78 - LEWIS HOMES OF NEVADA</u></p> <p>Petition of Vacation to vacate a portion of the connecting right-of-way between Alaska Avenue and Tanya Avenue, extended, and adjacent to Michael Way proposed.</p> <p>Planning Commission unanimously recommends APPROVAL, subject to the following condition:</p> <ol style="list-style-type: none"> <li>That there be provided a separate and temporary roadway, on the Michael Way alignment connecting Tanya Avenue and Alaska Avenue, to be completed before the recording of VAC-4-78.</li> </ol>	<p>Set Public Hearing 2:00 P.M. July 5, 1978</p>	<p>Clerk to proceed 7/5/78 Age</p>
<p>PROTESTS: Approx. 115 (SET DATE FOR PUBLIC HEARING)</p>	<p>Set Public Hearings 2:00 P.M. July 5, 1978 on HC-2-78 - Baliotis V-42-78 - Herrin</p>	<p>Clerk to proceed 7/5/78 Age</p>
<p>S. SET DATE FOR PUBLIC HEARING ON ANY APPEALS FILED FROM THE BOARD OF ZONING ADJUSTMENT MEETING HELD MAY 25, 1978.</p>		

Commissioner Lurie: All right. We had one other item that we were going to discuss about continuing this meeting until Monday at 9 a.m. to discuss those Items E and F on your agenda. We'll recess this meeting. Is there anything else to come before this Commission? This meeting will be in recess.

Mr. Cox: Commissioner Lurie. Before you do, could you go back to Item R?

Mr. Saylor: Item R? That was set for July 19 at 3:00 P.M.

Mr. Cox: Yes, but I'd just like to make one request, Commissioners, that they drive by the intersection of Chasen and Saylor Way. Right now water is running down from lawns and things. That's a flooded intersection.

Commissioner Lurie: We'll have to have a report before we act on it.

Mr. Cox: I'm just saying if someone would, right now, this isn't even rainstorm season. It's a traffic hazard right now, and there's a blind turn coming down that hill, and there could be a head-on collision there. For the record, my name is Bruce Cox.

Commissioner Lurie: Thank you.

Mr. Dorn: Your honor and Commissioners. The recessing of this meeting until the 12th at 9:00 a.m., this meeting will occur with the City Managers and the County. We will bring this information back for your approval. If it does not meet your approval and the other cities' approval, I will discuss the possibility to cancel that meeting. I will call you on Friday and let you know if that meeting would be conducted.

Commissioner Christensen: If it's a recessed meeting, we'll have to reconvene it in order to adjourn it. Mr. Sloan, if we recess this meeting and then find out that we don't need to continue it, can we adjourn it without reconvening?

Mr. Sloan: Sure. Because if you don't show up, there won't be a meeting. I don't think there's a problem.

Commissioner Lurie: This meeting will be continued on 9 a.m. Monday morning, June 12.

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Meeting recessed at 5:00 P.M.

# AGENDA

## City of Las Vegas

June 7, 1978

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BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE  
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ITEM

Commission Action

Department Action

### XII. CITIZEN PARTICIPATION

NOTE: Items raised under this portion of the Agenda cannot be acted upon by the Commission until the Notice Provisions of the Open Meeting Law have been complied with. Therefore, action on such items will have to be considered at a later meeting.

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AT THE HOUR OF 5:00 P.M., THIS REGULAR MEETING  
RECESSED TO 9:00 A.M., MONDAY, JUNE 12, 1978 -  
COMMISSION CHAMBERS, CITY HALL

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DISCUSSION OF  
POSSIBLE ACTION  
FOR WASTEWATER  
PLANNING AND  
REGIONAL BOARD

Meeting Reconvened Monday, June 12, 1978 at 9:00 A.M.

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Mayor Briare: This will be the continuation  
of the June 7 Commission Meeting. Mr. Dorn.

Mr. Dorn: Your honor, before yourself and the  
City Commissioners today is Item F and G, discussion  
on the Environmental Board for Wastewater Planning,  
discussion and possible action for a Regional Environ-  
mental Board for Wastewater Management Implementation.  
As you are well aware, we've discussed this the past  
couple of weeks, and before you is a possible inter-  
local agreement for the formation of the other  
cities along with the County in being members of the  
Wastewater Planning Agency and Implementing Agency.  
I'd like to turn this over, before you vote today,  
to Jan Stewart for his comments on this agreement.

Mr. Stewart: There were two agreements. The first  
one is an agreement creating a regional and environ-  
mental board and advisory agencies for wastewater  
management planning. As you may recall, there's  
been some discussion of the agreements, and in  
meeting with the other cities they had some recom-  
mendations. I'd like to present those to you. I  
think North Las Vegas has already adopted or approved  
the agreement with the proposed amendments, and the  
other cities are, likewise, considering it.

In the original agreement on planning, it had a  
board that had a formula based on population. In  
discussion with the other cities, they were in favor  
of a Board that had one representative from Boulder  
City, one from Henderson, one from North Las Vegas,  
two from Las Vegas, and two from Clark County. So I  
have prepared an amendment to that agreement. It  
will provide that kind of makeup on the regional  
planning board. If I could read the proposed amend-  
ment to Paragraph Two, the agreement will be the  
same as before except Paragraph Two will be amended.  
The old paragraph will come out, and the new paragraph  
will be as follows:

"The voting members of the Board, who shall  
serve without compensation, and shall  
consist of one representative each from  
Boulder City, Henderson, and North Las  
Vegas, and two representatives each  
from Las Vegas and Clark County. The  
governing body of each political entity  
shall select its members on the Regional  
Environmental Board from members of its  
own body."

So that's the substance of the amendment. The  
agreement, if adopted, should be subject to the  
approval of the other entities.

DISCUSSION OF  
POSSIBLE ACTION  
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Mayor Briare: Questions from the Commissioners?

Commissioner Christensen: Yes, I'd like to ask one question. What are the procedures and time limitations, and so forth, for amendments on this agreement and for changes and so forth?

Mr. Stewart: If you wanted to amend the agreement?

Commissioner Christensen: In other words, what I'm getting at in a round-about way is the one that set up the Regional Planning Council required unanimous consent of all concerned for any changes whatsoever, and it's good for, like, twenty years. Now, what I want to know is, do we have a method that we can change the makeup of this Board, and when the City is enlarged and the County's roll is reduced because of the positive vote on 503, then does that still leave us on the same makeup, or does it change? What if another entity is created or something else comes up like what happened in the Water District and so forth? Is there any way to any changes, or is this an agreement that you lock into from now on?

Mr. Stewart: No, it's an agreement that, in effect, establishes the makeup of a board, and to amend it you'd have to have the consent of all signators to that agreement.

Mayor Briare: The consent of everyone?

Mr. Stewart: Of each of the other parties. Yes.

Mayor Briare: So it would have to be unanimous, not a majority.

Commissioner Christensen: In other words, if the County became what the Constitution meant the County to be, a very small government, and that entity furnishing housekeeping services for the State government, such as courts, etc., they would still carry a tremendous amount of weight. And there's nothing we can do about that without the County's sayso. Is that what you're telling me?

Mr. Stewart: The County would have two votes on the Board, that's true. And the County would have to approve the amendments.

Commissioner Christensen: Isn't that dangerous?

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Mayor Briare: I think, Mr. Stewart, I must be missing something because I think I understand what Commissioner Christensen is driving at. You say it requires a unanimous vote to get anything accomplished. To take any positive action would take unanimous vote.

Commissioner Christensen: Then we ought to change the makeup of the Board.

Mr. Stewart: No. All actions of the Board are by majority vote. So, in that sense, you'd have the same as this Board. What this is talking about is if you wanted to change the makeup of the Commission, then it would require...

Mayor Briare: Oh, I see. Okay.

Commissioner Christensen: In other words, the reason I'm bringing it up is because we've got a situation with the Regional Planning Council where it's been killed now because of the County's refusal to fund it. Part of the problem we had on that Regional Planning Council is we ended up with a double County vote by virtue of the fact that they were in the Water District, and the Water District was a member. Now, when this agreement was made, the Water District members were elected from districts in the community. That was a separate board. But the Legislature gave the Water District to the County and so the County picked up that vote. In order to get rid of that vote, you had to have the County's consent, and the County refuses to consent to get rid of any power. So there you sit.

That's why I was curious on how that handled. I think sometimes you have to put up with some of those things in order to get some of the other things properly done. But it bothers me just a little bit, an agreement that puts the County back in the driver's seat, that's what scares me.

Mayor Briare: That wouldn't be the case here, though, would it?

Commissioner Christensen: Yes. Because the County's got to agree.

Mayor Briare: That's true. If they don't agree. If all the cities agree, Mr. Stewart.

DISCUSSION OF  
POSSIBLE ACTION  
FOR WASTEWATER  
PLANNING AND  
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Commissioner Christensen: In other words what I'm saying is the cities have 90% of the population, and the County's got 10%, and the County's still got two votes. Unless the County agrees to give one up, and I won't pursue that.

Mayor Briare: Perhaps as an example you're anticipating the possibility of the electorate vote in Paradise and Winchester and the City of Las Vegas approving a measure on the ballot that is coming up that would create new City Limits.

Mr. Dorn: Your honor and Commissioners. Another difficulty with this interlocal agreement, as you're well aware, even if you vote in the affirmative this morning, this is contingent upon the other cities such as Henderson and Boulder City tonight passing it upon favorable acceptance by the County. So it doesn't bind you in any way until everybody's unanimous in agreeing with this.

Mayor Briare: And I think that if we were to have the consent of this Commission, the Boulder City Council, the North Las Vegas Council and the Henderson Council, that if you have anything less than two votes, or it doesn't have it there, I don't think the County Commission would even accept it. I would like to hope, and I don't want to be naive about it, but I would like to hope the County Commissioners, upon review of an agreement such as has been put before us, signed with unanimous vote of every City Council and Commission, that they, too, would agree to it.

I'm going to ask the question now. I think each of the Commissioners has had a copy of a discussion, I'm not sure if it was an official Attorney General's opinion, but it was a discussion from the Attorney General's office about this whole matter. We were approaching it on the basis that if the County Commission wanted to cooperate on this program whereby each city would have a representation on the planning and the implementation of the 208 Plan, that they could do it. If they wanted to, they could. Now if they didn't want to, they could use as an excuse the section of the law that provides that the County Commission shall be the planning agency. This is what the Governor pointed out at a meeting that the Mayors of each of cities attended in Carson City. He had no choice in the matter. This was a Legislative decision, and he is not empowered to change any Legislative act, which of course, we were aware of. When we talked to him about the possibility of an intergovernmental cooperative agreement, then the Governor rightly decided

DISCUSSION OF  
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PLANNING AND  
REGIONAL BOARD

that's going to be up to the County to decide whether they want to get into such an agreement.

So my question, Mr. Stewart, relative to the Attorney General's opinion, was that an opinion or a discussion on what was going on?

Mr. Stewart: The letter was, I believe, from one of the Deputy Attorney Generals to Mr. Gregory in response to questions of Mr. Gregory. It was not a formal Attorney General's opinion. It's not listed as a formal opinion. It's a letter opinion, and as you might expect, attorneys differ on his analysis on what was said in that opinion. One of the more significant things is there've been two arguments that have been made against the position of the County.

Number one Federal Law indicates that the local governments should be on the Board, and whether or not State law can then come in, and is it in conflict with Federal law, and does one prevail with the other. This was not discussed in this opinion. This was a very important point. The other important point that was not discussed in this opinion was the fact that the County Sewage and Waste Management Law, Chapter 244, specifically has a provision for the general exercise with those powers that are set forth in that law bound to local agreement and establishing a separate agency to carry forth the sharing of whatever powers are set forth in there. This provision was not discussed in that letter's opinion.

That's just a point that those two points were not discussed because those were the two legal points that had been made. I think it is important, and I think it's probably going to require, in view of the State law, that Clark County be a party to the agreement.

Mayor Briare: Well, I think that the cities would hopefully convince the County that not only should they do everything that they can do to make this an intergovernmental agency, but of course, that they, too, be represented on this intergovernmental agency. And I think if it were going to be stressed, and I asked City Clerk, Edwina Cole, to give me a transcript of a portion of the minutes of our meeting with each of the city entities when Commissioner Bob Broadbent was standing there before us, that I assumed to Mr. Broadbent that the County would probably not want to join in a suit to determine whether this was a legally constituted planning commission in the eyes of the Federal Government. Also would he be willing to be a part of an interlocal government agreement. His answer was to the effect that sure, but he'd want to look at the agreement, obviously.

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So I asked him the question, "Well, then the door's open for such an agreement", and his answer was in the affirmative, but, to repeat again, he had to look at the agreement. I think this, that I have a feeling that each of the incorporated cities will join with the City of Las Vegas in taking this just as far as it has to go in order to protect the rights that we feel the citizens of each of the incorporated cities have but are not being recognized by virtue of the State law as opposed to the Federal regulations. I think that maybe an expression of what we might do in the event that the County does not join with us should be made so that the County will understand that the cities are determined to proceed along these lines.

Commissioner Lurie?

Commissioner Lurie: Mayor, I have a comment or a question, and maybe Commissioner Christensen or Mr. Stewart can help me out with this. I agree that we should have this environmental board for wastewater planning and all the entities should be involved and should have a say in the policy-making decision as far as implementing such a plan. But I do not want, in any way, my vote to reflect that by trying to incorporate all the entities to form this Board that any way endorses the AWT plant.

What bothers me as far as establishing this board is that the County then could in some way say that we will continue with the planning process and you will work towards implementing the 208, which has to do with AWT. I can't support anything that has to do with AWT knowing now that AWT Plant is not needed and is going to cost the taxpayers millions of dollars to operate it. I can't support any type of agreement that's going to have anything to do with AWT. So maybe you could answer my question concerning the makeup of this Board. If it has anything to do with AWT, I can't support it.

Mr. Stewart: No, Commissioner Lurie. The approval of this agreement would, in no way, be an approval of the Advanced Wastewater Treatment Plant. As a matter of fact, if you were on a planning agency, you'd have a better opportunity to turn things around on the AWT Plant. That's why it's important. One of the reasons why in the past we have AWT is because we haven't been involved in the decisions to bring that about. This will allow you to then be involved.

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Commissioner Lurie: That's what I needed to know. I agree that we need this planning board made up of all the entities since we're all responsible to our constituents, and we should be able to be involved in the policy making of implementing good air quality and water quality planning.

Mr. Dorn: Commissioner Lurie. I think it must be brought to light also that the 208 Plan is very crucial. AWT is the heart, as we all know, of the 208 Plan. But, if we don't pass an interlocal agreement and join with the cities and be united to have us, along with the County, implement a 208 Plan for it, the County will be taking over regulatory powers that are City powers such as ordinances, regulations, where you build, what flood plan. That would dilute the power of city governments. I think it's very important that you, as Commissioners and Mayors, represent your constituents on this 208 Planning agency and the implementation of it.

Commissioner Lurie: Mayor, at this time, then, I would like to move that we adopt the agreement as presented and as amended this morning. That's just on Item F.

Mayor Briare: Commissioner, I'd just like to make one more comment on this, too, along with what Mr. Dorn has just indicated. I am really not so sure that I would like to use the word, "power". I think it's more important that it be representative because there's no elected official closer to the City of Las Vegas than the Mayor and City Commissioners. There's no one. And there's no one closer to the people of North Las Vegas than the Mayor and City Councilpersons. I want to use the word responsibility because if there's going to be a complaint as to how the money is spent, and we're talking, right off hand, about 53 Million Dollars for something that we know in our hearts that's not going to work, and that's where the difficult decisions come in. I prefer not to use that word, "power".

Mr. Dorn: That's an incorrect word. It is responsibilities and functions of the City Government.

Mayor Briare: That's sometimes the impression that's tried to be given in different areas, that we are seeking power. Baloney.

Commissioner Christensen: That's the way it's being used by the other side.

Mr. Dorn: You are correct, Mayor. It's not power; it's representation. That's why the four cities want representation because they are responsible to their own taxpayers.

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Mayor Briare: You bet. Okay, the motion by Commissioner Lurie is to adopt the proposed plan as amended. Further comments? Cast your votes. Motion is approved.

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

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WASTEWATER  
MANAGEMENT AND  
IMPLEMENTATION

Mayor Briare: Next?

Mr. Stewart: The next item, Mayor, has a similar amendment on the Regional Environmental Board for Wastewater Management Implementation. In reference to the makeup of the body, it also has another amendment to Paragraph Eleven, and I'll explain that just briefly.

In Public Law 92.500, it requires that whatever the implementing agency is, it must have a list of certain powers that are set forth in that act. The previous agreement listed most of those responsibilities that this agency should have, but there were a few that were omitted. Amendment to Paragraph Eleven adds those other responsibilities that were omitted. I'd like to read the new Paragraph Eleven, and also, Paragraph Two would be the same as the planning agency. The new Paragraph Eleven would read as follows, and this is a requirement of Federal Law:

"The Regional Environmental Board is empowered to provide the political, financial and managerial authority necessary to implement the area-wide waste treatment plan of the Clark County area as required by Section 208B of Public Law 92.500, to manage effectively waste treatment works and related facilities in the Clark County area in conformance with the plan developed in Section 208B of Public Law 92.500 to design, construct directly or by contract, new treatment works, and to operate and maintain any existing treatment works as required by the plan for Clark County and the Area developed pursuant to Section 208B, to accept and utilize grants from other sources for implementing the waste treatment plan, to raise revenues, including the assessment of waste treatment charges, to impose charges upon each participating community its proportionate share of cost, to refuse

WASTEWATER  
MANAGEMENT AND  
IMPLEMENTATION

to receive waste from any community which does not comply with the approved plan, and to accept for treatment, industrial waste".

That's the new Paragraph Eleven. I should point out that in the event both agreements are approved by all the entities, you wouldn't have two separate Boards. They would merge into a Planning and Implementation Board, which would be one board for regional environmental matters.

Mayor Briare: Including air pollution.

Mr. Stewart: Air pollution is not yet addressed in this agreement. I know that if there is to be a local agency, and if it's not ready to be designated, apparently at the end of this year, that could be done.

Mayor Briare: Well, again, to relate to the members of the Commission some of the things that were discussed at the meeting with the Governor, he was properly advised by the County, I'm sure, that even though this proposed one that we just took action does not include the cities, the Air Pollution Board would include the cities, even to the point that if any city voted negatively on any action that was proposed, that it would automatically kill the action. Every entity would have a veto power over anything that would take place on air pollution. So it seems logical that if we're going to have an environmentally attractive community, that we should have all local entities working together on this.

By what rationale, I ask myself, could you all work together so nicely to combat and correct air pollution, but on the other hand, when it came to all the other things that are included in the 208 Plan that we have a great deal of responsibility and financial obligations but no representation. It just seems that the County would be persuaded to joint with the cities and take all the steps necessary that we're all working together for all environmental problems. We also pointed out to the Governor that in Washoe County they seem to be working very nicely on an intergovernmental agreement for their 208 Plan, and the only 208 Plan, it is my understanding, is the one in Washoe County, to ones that are proposed for Clark County, and all the rest of the State becomes a third one. There didn't seem to be answer as to why does it work good for Washoe county on an intergovernmental basis, but it doesn't seem to be proper for Clark County. But be that as it may, those are things that are in existence now and without the cooperation of the County, which I think that we should urge them in every manner possible that they join with the cities and work together.

WASTEWATER  
MANAGEMENT AND  
IMPLEMENTATION

Commissioner Lurie: The same motion, Mayor. I make the motion that we approve the agreement subject to the amendment.

Mayor Briare: Comments? Questions? Cast your votes. Motion is approved.

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

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Mayor Briare: Was there anything else to come before this meeting?

Mr. Dorn: No, Mayor. I'd just like to thank you and the City Commissioners for your dedication in coming this morning to vote on this proposal, to act in a positive step to cooperate with the County and move 208 to the proper agencies.

Mayor Briare: Why is it that your City Manager's budget is only ten percent of the County Manager's budget? The City Commission Meeting is  
A D J O U R N E D.