

# MINUTES

## City of Las Vegas

BOARD OF COMMISSIONERS

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

DATE: June 21, 1978

TIME: 9:45 A.M.

INVOCATION: REV. JOEL RIVERS VEGAS VALLEY CHRISTIAN CHURCH

PLEDGE OF ALLEGIANCE:

BOARD OF CITY COMMISSIONERS

	PRESENT	ABSENT	EXCUSED
MAYOR BILL BRIARE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. PAUL J. CHRISTENSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. RON LURIE MAYOR PRO-TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. MYRON E. LEAVITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> At approx. 2:30 P.M.
COMM. ROY WOOFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Commissioner Leavitt excused from balance of meeting

CITY ATTORNEY

MIKE SLOAN

APPROVED BY REFERENCE August 16, 1978

ATTEST:

*Edwina M. Cole*      *William H. Briare*

M I N U T E S

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 21st day of June, 1978, was called to order by His Honor, Mayor William H. Briare, at the hour of 9:45 A.M.

STAFF  
ATTENDANCE

City Manager	Russell W. Dorn
Deputy City Manager (Supportive Services)	Ronald C. Jack
Deputy City Manager (Community Services)	Donald J. Saylor
Dir., Office of Budget & Management Services	John M. Bramble
Dir., Intergovernmental Relations	Charles Zobel
City Attorney	Mike Sloan
Deputy City Attorney	Janson F. Stewart
Dir., Business Activity	Ila M. Britt
Dir., Financial Management	Marvin A. Leavitt
Acting Dir., Funds Coordination	Richard B. Blue
Dir., Personnel & Employee Relations	J. Robt. McPherson
Dir., Public Services	Wm. J. Purvis
Dir., Municipal Services	J. C. Cathcart
Dir., Recreation & Leisure Activities	Richard Campbell
City Clerk	Edwina M. Cole

AGENDA POSTED June 9, 1978 - See Page 3 of these Minutes

AGENDA MAILED June 9, 1978 - See Page 4 of these Minutes

ADDENDUM No. 1 POSTED June 16, 1978 - See Page 5 of these Minutes

ADDENDUM No. 1 MAILED June 15, 1978 - See Page 6 of these Minutes

ADDENDUM No. 2 POSTED June 16, 1978 - See Page 7 of these Minutes

ADDENDUM No. 2 MAILED June 16, 1978 - See Page 8 of these Minutes

AFFIDAVIT OF POSTING

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

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

CARL D. PETERSON, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 15th day of JUNE, 1978, at the hour of 8:15 A. M. there were posted copies of an AGENDA (NOTICE), the attached of which is a true and correct copy of a Meeting of the Board of City Commissioners to be held at the hour of 9:45 A. M. on June 21, 1978, in the Commission Chambers, City Hall, 400 E. Stedart Ave., Las Vegas, Nevada; on Public Bulletin Boards at the following locations:

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

Carl D. Peterson

PUBLIC SERVICES - Quality Control Division
(Department or Division)

Subscribed and sworn to before me this

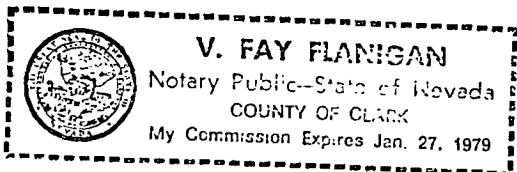
15th day of June, 1978

V. Fay Flanigan

Notary Public in and for said County and State

My Commission expires:

RECEIVED
JUN 15 2 01 PM '78
CITY CLERK





RECEIVED

JUN 19 1 05 PM '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 16th day of June, 1978, at the hour of 8:05 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 21st 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 16th day of June, 1978

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

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA )  
 )  
COUNTY OF CLARK ) ss.

DORIS M. KARSNOK, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says: That on the 15th day of June, 1978, a copy of ADDENDUM No. 1 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 21st 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).

*Doris M. Karsnok*  
(An employee in the Office of the City Clerk)

SUBSCRIBED AND SWORN TO before me  
this 15th day of June, 1978.

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

FILED  
JUN 19 1978  
CITY CLERK

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

STATE OF NEVADA )  
                          ) ss.  
COUNTY OF CLARK )

Mr. J. Gardner an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 16 day of June, 1978, at the hour of 9:00 AM

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 21st 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.

[Signature]  
(Name)

County Planning & Dev.  
(department or division)

Subscribed and sworn to before me this 16<sup>th</sup> day of June, 1978

[Signature]  
Notary Public in and for said County and State



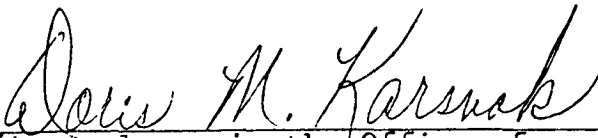
Notary Public-State of Nevada  
CLARK COUNTY  
Eva M. Flores

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 16th 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 21st 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 16th day of June, 1978.

  
Notary Public in and for said County and State

Mayor Briare: Good morning, Ladies and Gentlemen. This is the Regular Meeting of the Las Vegas City Commission. If you will please all rise. We are delighted this morning to have Rev. Joel Rivers of the Vegas Valley Christian Church to offer an Invocation. Then please remain standing for the Pledge of Allegiance.

INVOCATION

Rev. Joel Rivers: Our Heavenly Father, we thank you for this day - a beautiful day in our City. We Thank You, Father, today for Freedom, realizing that around the world there are nations that do not have the precious freedom that we as individuals enjoy here. We Thank You, Father, for these who lead us. We Pray that You will give them Wisdom as they deliberate about these important matters before them. Bless our Nation; our President and each of our leaders. We ask this in Thy Name. Amen.

PLEDGE OF ALLEGIANCE (in unison)

ALLIANCE FOR  
VOLUNTEERISM  
AWARD

Accepted by  
Mayor Briare

Mayor Briare: At this time, on behalf of the United States Conference of Mayors, of which the Mayor of Las Vegas and the Mayor of Henderson attended a meeting in Atlanta, Georgia, I would like to present to the City of Las Vegas an award that Las Vegas was given by the ALLIANCE FOR VOLUNTEERISM, at the first plenary session in Atlanta. And it reads - "The First Annual Mayors Awards in Association with the United States Conference of Mayors, awards to the City of Las Vegas, Nevada, this recognition of outstanding leadership in the development and support of Citizen Volunteerism."

So, as Mayor of Las Vegas, on behalf of the City Commissioners and myself, we accept this Award but, primarily, of course, we accept it because of the wonderful volunteers that we have in the Las Vegas Community, who always seem to support worthy causes, and who always seem to be first when it comes time to perform a service to their fellowmen. So, to the members of this Commission, I am delighted to accept this Award and we are very grateful and we shall acknowledge to the Alliance for Volunteerism, our appreciation for receiving this very nice award.

The first item on the Agenda today is the Department of Business Activity.

See Pages 10 thru 23 of these Minutes - Annotated Agenda

ADMINISTRATIVE AGENDA - RUSSELL W. DORN, CITY MANAGER

VOLUNTEER  
FIREFIGHTERS

Agreement  
Renewed

RENEW AGREEMENT WITH VOLUNTEER FIREFIGHTERS

Mr. Dorn: Mayor, before I start my agenda session this morning, I would like to read this: "The Agenda for this Regular Meeting of the Board of City Commissioners, Las Vegas, Nevada, has been posted and mailed as provided for in NRS, Chapter 241 and Affidavits are on file in the office of the City Clerk."

Mayor and City Commissioners, on this morning's agenda I have fifteen (15) items, at much length. I would ask your permission to summarize my recommendations. If you have any detailed questions or the public has any detailed questions, I would be glad to answer them.

Z-49-78  
(cont'd)

recommendation for R-3. You can present it back before the Planning Commission and then they can give us their recommendation.

Commissioner Christensen: This will not require a waiting period if it goes back in this fashion, is that right?

Mr. Foster: I can be back before you on July 19th.

Mayor Briare: Commissioner Lurie, I would appreciate it if you would just refer it back to the Planning Commission and let Staff tell the Planning Commission the comments that were made here. I don't like to refer it back saying that we would approve an R-3.

Final  
Motion

Commissioner Lurie: That we would consider R-3 - I would move to refer the matter back to the Planning Commission.

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

Commissioner Leavitt excused

Z-50-78

ZONE CHANGE Z-50-78 - R. F. ROBBINS

Mayor Briare: Is Mr. Robbins present, or his representative?

Response: Mayor, my name is Paul Anderson. I am representing Mr. Robbins at the hearing here. I live at 2928 East Cala Grande here in Las Vegas.

At the Planning Commission presentation there was some concern relative to the development of Searles Avenue. I just want to make a point of record here. This street was dedicated some time ago, prior to Mr. Robbin's purchase of the property and before you Gentlemen were, possibly, seated. I'm not certain as to that, of course, but the fact is that Searles Avenue had already been dedicated and the merits for the proposed zoning on the land parcel which is in question, should not be confused, or comingled, with any concern relative to what took place some time ago.

We have talked with a few of the area residents and they have no major objections to the project and may have been misinformed. They thought that the street was not yet dedicated and that the street dedication was a part of this application. That is not true.

We have a copy of the Assessor's Plat Map in the event any of you would like to see that. Would you like me to bring that forward?

Mayor Briare: Are you saying that the street is mapped, but not built yet?

Mr. Anderson: That is correct, Sir. Part of the conditions would be the development of the subject site. You Commissioners are certainly aware that a four density on this land would result in the vacant land under question being developed to 160 units. The land across the street from the property, to the north, is zoned R-4. R-3 would allow 80 units on the subject parcel. Our discussions with lenders, etc. would indicate that a density of 104 units appears to be the most economically feasible package for development and for financing. We are not asking for the maximum density. The units are attractively designed . . . this entire area will

Z-50-78  
(cont'd)

be enclosed by a concrete fence, which will tend to produce a self-contained community acceptable to the existing neighborhood. It is a natural and necessary development for the subject site. We have a vacant land parcel - being the subject site - which lies between an elementary school, a lovely church and a well-maintained single family residential neighborhood and an R-4 zone vacant land parcel which crosses that into an additional vacant lot and then into a rather unattractive commercial area.

The apartment building will be an aid to the total residential value and an asset to both existing and commercial values in the area. The subject land parcel does not lend itself to be economically developed as single family or as duplexes. Commercial or industrial, of course, is not acceptable. The economical development necessitates multi-family. The fact of economical development must be considered by you Commissioners.

The vacant land parcel really has no value to the neighborhood, to the City or to the area or, obviously, to the developer. R-4 zoning is necessary for possible development or the land will continue to be a non-profitable asset to anyone. New activity in the area is under way. This improvement will enhance everyone. It will remove a vacant lot - it will maintain existing neighborhood values and provide an attractive development to the community at this particular location. We are open for any questions if you Gentlemen wish to go into any particulars.

Commissioner Christensen: Why did the Planning Commission deny it?

Mr. Foster: They just felt that the R-4 was not compatible with the R-1 development to the south - there's an elementary school to the east. A year ago, I believe, the request for R-3 was denied by both the Planning Commission and this Commission.

Response: Your Honor, I would like to be heard in opposition, if I may?

Mayor Briare: Mr. Anderson, are you through with your presentation?

Mr. Anderson: Yes, Your Honor, unless you have some more questions. We have some photographs of the area that depict what is in there, but I think most of you Gentlemen are quite familiar with the area. We also have some renderings and similar items, should that be necessary Sir.

Mayor Briare: Then I will ask if there is anyone in the audience that wishes to protest this application?

Response: I am John O'Reilly of the Law Firm of Keefer, Clark & O'Reilly. I have appeared before at hearings that were just referred to. In response to Commissioner Christensen's, the reason I think the Planning Commission denied it, as indicated by Staff, is that it is simply incompatible with the neighborhood. That is not a determination that was made just a few weeks ago by the Planning Commission, but rather one they made several months ago and one that was confirmed by this particular Body, not only in regard to this one particular piece of property, but also in regard to the property just to the north of it, referred to by Mr. Anderson. He has referred to the brown strip of R-4 (easel map). That strip was not placed there by this Body. It was inherited from the City of North Las Vegas. It was land, as I understand it, that came in from No. Las Vegas relating to a trade-off of Rancho High School many years ago. So, it is not something you decided, but rather something you were stuck

# AGENDA

## City of Las Vegas

June 21, 1978

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)

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

See Page 3

See Page 3

5. CASINO SERVICES

Jolly Trolley  
2440 Las Vegas Blvd South  
4 slots

6. MILLS NOVELTY CO.

Shifty's Lounge  
3805 W. Sahara  
1 slot

Red Rock Inn  
5600 West Charleston Blvd  
1 slot

\*C. RETAIL TOBACCO -- Additional

Approved  
Lurie - unanimous

Director  
authorized  
to proceed

1. ODYSSEY VENDING CO.

The Boomerang  
2109 E. Fremont

\*D. FIREWORKS PERMITS  
(Subject to the provisions of the  
Building and Fire codes)

Items 1 thru 38  
Approved  
Lurie - unanimous

Same as above

1. BETA SIGMA PHI, ALPHA DELTA  
CHAPTER  
2385 North Decatur

2. BETA SIGMA PHI, KAPPA CHAPTER  
101 North Jones Blvd

3. BETA SIGMA PHI, XI NU CHAPTER  
NW corner Decatur/Nebraska

**AGENDA***City of Las Vegas*

June 21, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

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III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)\*D. FIREWORKS PERMITS -- Cont'd

See Page 4

See Page 4

4. BETA SIGMA PHI, XI LAMBDA  
CHAPTER  
NW corner Cheyenne/Tonopah Hwy
5. BONANZA HIGH SCHOOL, CHORAL  
MUSIC DEPARTMENT  
6400 W. Charleston Blvd
6. BONANZA HIGH SCHOOL, YOUTH  
SOCCER  
1000 Torrey Pines
7. BOY SCOUTS OF AMERICA,  
TROOP # 78  
SW corner Alta/Decatur
8. BOY SCOUTS OF AMERICA,  
TROOP # 83  
NW corner Bonanza/Eastern
9. BOY SCOUTS OF AMERICA,  
CUB PACK # 83  
NW corner Bonanza/Eastern
10. BOY SCOUTS OF AMERICA,  
CUB PACK # 135  
4501 W. Charleston
11. BOY SCOUTS OF AMERICA,  
TROOP # 219  
3317 W. Charleston Blvd
12. BOY SCOUTS OF AMERICA,  
TROOP 290  
1717 South Decatur
13. BOY SCOUTS OF AMERICA,  
TROOP 295  
Jones & Charleston

# AGENDA

## City of Las Vegas

June 21, 1978

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

\*D. FIREWORKS PERMITS -- Cont'd

See Page 4

See Page 4

14. BOY SCOUTS OF AMERICA,  
EXPLORER POST # 375  
1501 Las Vegas Blvd North
15. BOY SCOUTS OF AMERICA,  
CUB PACK # 585  
6950 W. Charleston Blvd
16. CALVARY LUTHERAN CHURCH  
800 North Bruce Street
17. CLARK HIGH SCHOOL, CHORAL  
DEPARTMENT  
3630 West Sahara
18. FRATERNAL ORDER OF EAGLES  
1601 E. Washington
19. FRIENDS OF PRESBYTERIAN YOUTH  
1022 Rancho Road
20. GERMAN-AMERICAN CLUB  
3800 West Sahara
21. INTERNATIONAL ORDER OF JOB'S  
DAUGHTERS, BETHEL # 1  
5117 West Charleston
22. KAPPA ALPHA PSI FRATERNITY  
1034 West Owens
23. LAS VEGAS OPTIMIST CLUB  
1809 East Charleston
24. LOYAL ORDER OF MOOSE, LAS VEGAS  
LODGE # 1763  
232 North Jones
25. MARRIAGE FULFILLMENT, INC.  
6043 West Charleston

**AGENDA***City of Las Vegas*

June 21, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

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Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)\*D. FIREWORKS PERMITS -- Cont'd

See Page 4

See Page 4

26. NEVADA COMMUNITY ASSISTANCE  
PATROL  
2909 W. Washington
27. NEVADA STATE YOUTH VOLLEYBALL  
ASSOCIATION  
840 North Decatur Blvd  
840 Rancho Road  
2220 West Charleston
28. RAINBOW GIRLS, DAYLITE  
ASSEMBLY # 22  
3830 West Sahara
29. RAINBOW GIRLS, NELLIS  
ASSEMBLY # 25  
821 North Rancho Road
30. RANCHO HIGH SCHOOL, BOOSTERS  
CLUB  
2850 East Charleston
31. LEWIS E. ROWE P.T.A.  
1560 North Eastern
32. ST. FRANCIS DE SALES CHURCH  
1111 Michael Way
33. ST. OMAR PRIORY ORDER OF  
DE MOLAY  
421 South Decatur
34. ST. THOMAS - ST. LUKE'S  
EPISCOPAL CHURCH  
832 North Eastern
35. SIGMA NU FRATERNITY  
320 North Eastern
36. SOUTHERN NEVADA MINOR HOCKEY  
ASSOCIATION  
1501 North Decatur Blvd

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
 (cont'd)

\*D. FIREWORKS PERMITS -- Cont'd

See Page 4

See Page 4

- 37. SOUTHERN NEVADA GYMNASTICS  
 ASSN., BOOSTER CLUB  
 4013 West Sahara
- 38. NUBIAN KEFENTSE KULTURAL  
 KOMMUNITY, INC.  
 1830 No. Highland Drive

E. LIQUOR -- New

Items 1 and 2  
 Approved  
 subject to  
 conditions  
 Lurie

Director  
 authorized  
 to proceed

- 1. \*VITO'S PIZZA & SPAGHETTI HOUSE  
 235 North Eastern  
 Restaurant Beverage  
  
 Perrino Foods, Inc. --  
 Vito R. Pileggi, Pres, Treas,  
 95%  
 Nancy Ellen Pileggi, V.P.,  
 Secy, 5%

Commissioner  
 Leavitt  
 Abstained on  
 Item 1

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

- 2. \*DELI DEPOT  
 1128 South Decatur  
 Restaurant Beverage  
  
 Cohen's Corner Deli Restaurant,  
 Inc. --  
 Michael M. Cohen, President,  
 Director  
 Freda Cohen, Secy, Treas,  
 Director

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

# AGENDA

## City of Las Vegas

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BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

F. LIQUOR -- Change of Ownership

1. \*SUNDOWNER TAVERN  
1418 Fremont Street  
Tavern License

From: Barbara Prandecka, 100%

To: Robert James Kofol, 100%

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

2. \*HOME BAR SUPPLY  
2023 E. Charleston Blvd  
Keg Beer - Home Delivery

From: Kenzie Constantine, 100%

To: Kenneth John Tansey, Sr.,  
100%

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

G. LIQUOR -- Reclassification/  
GAMING -- New

1. THE LIFT  
3045 Valley View  
From: Package Liquor/Beer Bar  
To: General Liquor  
Gaming: 15 slots

Kelly's Liquors, Inc. --  
Bill A. Pappas, Pres, Dir, 50%  
Earl Wilson, V.P., Dir, 25%  
Melvin Wolzinger, Secy, Dir, 25%

Items 1 and 2  
Approved subject  
to conditions  
Lurie - unanimous  
Commissioner  
Leavitt  
abstained on  
Item 1

Director  
authorized  
to proceed

Approved  
Lurie - unanimous

Same as above

**AGENDA***City of Las Vegas*

June 21, 1978

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)H. LIQUOR & RETAIL TOBACCO -- Change of Corporate Officers/DirectorsApproved  
Lurie - unanimousDirector  
authorized  
to proceed1. STOP N GO MARKETS  
Beverage Off-SaleLocations: 3939 Coran Lane  
1201 Stewart Street  
471 Decatur Blvd  
1220 Atlantic Avenue  
1401 W. Lake Mead Blvd  
2520 Arville  
2929 W. Sahara  
732 North Eastern  
3001 Valley View(Attorney  
John F. O'Reilly  
appearing for  
Licensee)National Convenience Stores,  
Inc., parent company of Stop  
'N Go Markets of Nevada, Inc. --From: F. J. Dyke, Jr., Pres,  
100% stockholder  
R. L. Davison, V.P.  
William K. Wilde, Secy  
James L. Britton, III,  
Asst Treasurer  
James de Hart, Asst Secy  
W. F. Kartoizian, Asst Secy/  
Legal Attorney  
Roger Gates, Resident Mgr/  
Director  
Linda Gates, DirectorTo: Verne Hile Van Horn, Pres/Dir  
Boyd B. Bradfield, VP/Dir  
Keith E. Eastin, VP/Secy  
Stephen Ian Gelsey, VP/  
Treas/Asst Secy/Dir  
Robert P. Morris, Asst Treas/  
Asst Secy  
Marie Stewart, Asst Secy  
Jon Athey, Dir/District Mgr

# AGENDA

## City of Las Vegas

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

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III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

I. LIQUOR -- Additional

1. SUNDANCE WEST CASINO  
32 E. Fremont  
Tavern License

Sundance West Corporation --  
Allan D. Sachs, sole ofcr/  
director/stockholder

Approved  
Lurie - unanimous

Director  
authorized  
to proceed

J. LIQUOR, GAMING & RETAIL TOBACCO --  
New

1. \*HOLIDAY INTERNATIONAL CASINO  
300 North Main  
Unrestricted Gaming  
2 Tavern/2 Service Bar Licenses

S A R Enterprises, Inc. --  
Major A. Riddle, Pres/Treas/  
100% stockholder  
Jo Anne Melland, Secy

Approved  
subject to  
conditions  
Lurie - unanimous

Same as above

Approval of Landlord --  
Walter-Las Vegas Associates,  
a Partnership --  
L & M Walter Company, a  
partnership, 85%:

Louis Walter, 50%  
Manuel Walter, 25%  
Lance J. Walter, 25%  
Frederick M. Nicholas, 15%

(Attorney  
Herb Jones  
appearing for  
Licensee)

\*Subject to the provisions of the  
Planning, Building, & Fire codes,  
Health Department regulations,  
State Gaming Commission approval,  
and final police investigation

# AGENDA

## City of Las Vegas

June 21, 1978

Page 12

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 396-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

K. GAMING -- Approval of Parent Corporation

1. DENNY'S RESTAURANTS

1826 Las Vegas Blvd South  
5 Business-Owned Slots

2201 West Sahara  
4 Business Owned Slots

Denny's Inc., parent company  
of Harold Butler Enterprises  
# 497, Inc. --

Verne H. Winchell, Chmn of  
the Board/President/Chief  
Exec Officer

A. Ross Winans, Sr. V.P./  
Director

Vern O. Curtis, V.P./Treas/  
Director

Ross E. Roeder, V.P./Director

Roger K. Mercier, V.P./Secy/  
General Counsel

John Henry Barnes, Jr., V.P.

William C. White, District  
Manager

Approved  
Lurie - unanimous

Director  
authorized  
to proceed

L. RETAIL TOBACCO -- New

1. RICH BAEZ CHEVRON SERVICE  
301 Las Vegas Blvd South

Richard J. Baez, 100%

Items 1, 2 and 3  
Approved  
Woofter - unanimous

Same as above

# AGENDA

## City of Las Vegas

June 21, 1978

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 13

PHONE 386-6011

ITEM Commission Action Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
 (cont'd)

L. RETAIL TOBACCO -- New (cont'd)

See Page 12

See Page 12

2. CHINESE ORIENTAL MARKET & GIFT SHOP  
 1801 E. Charleston Blvd  
  
 Sun Chain International, Inc.--  
 Sunee Samartmanakid  
 Chainarong Samartmanakid

3. SOCIAL CIRCLE BAR  
 235 North Eastern

L.R.P. Corporation --  
 Larry R. Payne, Pres, sole officer & stockholder

M. AMBULANCE LICENSE -- Request for Increase

Approved  
 Christensen - unanimous

1. MERCY AMBULANCE SERVICES  
 3121 So. Maryland Pkwy -Suite #114

Mercy, Incorporated --  
 Burrell Cohen, Pres  
 Thomas Bell, Vice President

Robert Forbuss, General Mgr

Request to increase from eight (8) ambulances to nine (9) ambulances

Director authorized to proceed

# AGENDA

## City of Las Vegas

June 21, 1978

BOARD OF CITY COMMISSIONERS

Page 14

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

N. LIQUOR -- Request for Extension of Inactive Status

1. CLOONEY'S TAVERN  
113 Casino Center Blvd South  
Tavern License

Clooney's, Inc. --  
Robert M. Tuttle, Pres, 100%

(Closed 1/3/78. Extension for period 3/4/78 thru 5/2/78 approved 3/1/78; extension for period 5/3/78 thru 7/1/78 approved 4/19/78. Request for extension of inactive status for period 7/2/78 thru 8/30/78.)

Approved  
as requested  
Lurie - unanimous

Director  
authorized  
to proceed

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

O. LIQUOR, GAMING, & RETAIL TOBACCO --  
New

1. \*RENDEZVOUS HOTEL & CASINO  
400 East Ogden  
Tavern License  
Unrestricted Gaming

Big Nickel, Inc., and Stearns  
Properties, a joint venture--

Big Nickel, Inc. --  
Philip F. Waterman, Pres,  
Director, General Manager  
Edward M. Jackson, Secy,  
Treas, Director  
Brian L. Hall, Asst. Secy-  
Treas, Director  
John M. Barry, Vice President,  
Director  
Robert W. Watts, Vice President,  
Director

Stearns Properties --  
Philip Stearns

\*Subject to the provisions of the  
Planning, Building, & Fire codes,  
Health Department regulations,  
State Gaming Commission approval,  
and final police investigation

Approved subject  
to conditions  
Lurie - unanimous

(Attorney  
Dennis L. Kennedy  
appearing for  
Licensee)

Director  
authorized  
to proceed

VOLUNTEER  
FIREFIGHTERS  
Agreement  
Renewed

RENEW AGREEMENT WITH VOLUNTEER FIREFIGHTERS

Mr. Dorn: The first item is my recommendation that you renew the Agreement with the Volunteer Firefighters.

Commissioner Lurie: I would move that we approve the renewal of the Agreement with the Volunteer Firefighters.

Mayor Briare: Are there any comments or questions on this motion?

(No response)

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

NUTRITION  
CENTER  
Approved

Mr. Dorn: The City of Las Vegas has received the services of the Meals-on-Wheels Program, which will allow the City to provide 100 meals for Senior Citizens beginning July 1, 1978. Our recommendation is to use Dula Center. It has been inspected and all of the agencies involved in this Project have agreed to this location. Meals will be served from 11:00 A.M. to 2:00 P.M., six (6) days a week and we feel this will be a valuable service to the Senior Citizens in the community.

Mayor Briare: There were some questions and comments in the past about whether there would be a nutrition center or, as some people referred to it Meals-on-Wheels, at the Senior Citizen Center. The recommendation of the City Manager and the group that has been working on this, is that it not be at the Senior Citizens Center, but that it be over at Dula Center. So, for the sake of you two representatives here, I guess if this motion passes, that is going to make you feel a little more comfortable with it.

Commissioner Lurie: I have only one comment, Mayor, that this Nutrition Program Project aims to provide meals for low and moderate income Senior Citizens in the area. 100 meals a day will be served to persons over sixty (60) years of age, between eleven and two in the afternoon. The Program will be operated out of Dula Center, next to the Senior Citizen Center on Bonanza, and the Program will be operated by the Nevada Catholic Welfare with the City of Las Vegas as the third party contract on the Project. I think it is a much needed Project and I believe we will have the support of the needed agencies in seeing that this Project is continued.

Commissioner Woofter: My one question, Mr. Dorn - insofar as the location is concerned at Dula Center - does that interfere with the recreational program that is in effect there at the present time?

Mr. Dorn: No, Commissioner, we are presently looking at two rooms in Dula Center and in coordination with Dick Campbell, we're going to try to coordinate the recreation and the meals-on-wheels program at the same time. Right now, this is on a trial basis. If it does interfere, we will come back with another report to the Commission.

Mayor Briare: Are there any other comments?

(No response)

Commissioner Lurie: I move for adoption of the Nutrition Center.

Mayor Briare: The motion is to adopt the recommendation of the City Manager. Are there any comments on the motion?

(No response)

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

SENIOR CITIZEN  
PROJECT - FIRE  
DEPARTMENT  
Approved

REQUEST OF FIRE DEPARTMENT SENIOR CITIZENS PROJECT

Mr. Dorn: Mayor and City Commissioners, the City of Las Vegas is happy to announce that it was approached by the National Fire Prevention and the National Council on Aging, to conduct an Awareness Program, using Senior Citizens. At present there would be five (5) starting and, hopefully, in a short while, ten (10) senior citizens performing house inspections for senior citizen residents in fire evacuation and fire planning and prevention. They would work on an hourly basis, limited to twenty-eight (28) hours per week. We feel it is an outstanding Program. We have estimated the fiscal impact would be approximately \$3,500.00, which is already appropriated in the Fire Budget.

Mayor Briare: Are there any comments by the Commissioners?

(No response)

Commissioner Lurie: I move we adopt the recommendation submitted by the City Manager.

Mayor Briare: Are there any comments or questions on the motion?

(No response)

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

SURPLUS  
CITY R-O-W  
Approved

REQUEST OF WILLIAM TEAL TO ACQUIRE SURPLUS RIGHT-OF-WAY AT ARNOLD AND ALTA

Mr. Dorn: The next item is a request by William Teal to acquire surplus right-of-way at Arnold and Alta. Mr. Teal has asked the City to permit him to purchase a parcel of ground 100 ft. in depth by nineteen ft. at an open-ended alley and approximately fifteen ft. at the other end of the parcel. The property was left over from an acquired right-of-way. The City appraisal for this property is \$1,160.00. Mr. Teal has made an offer to the City of \$350.00.

It would be my recommendation that you authorize the City Manager to negotiate the sale of this property to the abutting property owner at the appraised value of \$1,160.

Mayor Briare: Is Mr. Teal the abutting property owner?

Mr. Dorn: Yes.

Commissioner Christensen: Where did the property come from originally?

Mr. Dorn: From acquisition of right-of-way -

Commissioner Christensen: I know, but was it originally acquired from Mr. Teal - did we purchase the right-of-way from him?

Mr. Purvis: Not from Mr. Teal - no.

Commissioner Christensen: How much did we pay for the property?

Mr. Purvis: I'm not sure, but it was not nearly that much -

Commissioner Christensen: The reason I'm asking the question - there's quite a difference here between \$1,660.00 and \$350.00 and if the property is absolutely useless to anybody else, and we can't use it, and we bought it from that original piece of property, and that's what is left over, even if the owner has changed, we should take a look at that to consider what would be a proper price.

Mr. Purvis: We bought it from the abutting lot . . .

Commissioner Christensen: The same piece of property, even though the owner has changed -

Mr. Purvis: It was a different lot and we have used part of it and this has been left over from that lot.

Commissioner Christensen: I see - OK. That was my only question.

Mayor Briare: Are there any other comments or questions?

(No response)

Mayor Briare: What is the pleasure of the Commission?

Motion

Commissioner Lurie: I would move that the City Manager be requested to negotiate on the sale of this property.

Mayor Briare: Are there any comments on the motion?

Commissioner Christensen: Commissioner Lurie's motion is to authorize the City Manager to negotiate the sale of this property at that price. If that is your motion, Commissioner Lurie, I would like to amend it to have the City Manager negotiate the sale of the property.

Commissioner Lurie: The motion was to have the City Manager negotiate the sale of the property. I didn't specify the amount.

Commissioner Christensen: OK - that gives him the latitude to work it out.

Commissioner Leavitt: I have a question on that, to the City Attorney. Since we have an appraisal on that which sets the figure at \$1,160.00, can we go ahead and sell it for less? It is my understanding that once you have a City property appraised at a certain price, it has to be sold for that price, within 10%, or something like that.

Mr. Saylor: This has been an in-house appraisal - not a formal appraisal.

Commissioner Leavitt: OK - alright.

Mayor Briare: Are there any other comments?

(No response)

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

CODE  
ENFORCEMENT  
PROGRAM

Abeyance

CODE ENFORCEMENT AND NEIGHBORHOOD PRESERVATION PROGRAM (Adopted by City Commission 12/21/77 - Subject to review at end of 6 months)

Mr. Dorn: The next item relates to the Code Enforcement and Neighborhood Preservation Program and I would like to ask the Commission's approval to hold this item in abeyance to July 5, 1978. We have just completed the Report, which we would like to submit to the Mayor and City Commissioners in ample time for the Commission to review and make comments.

Mayor Briare: Is there anyone in the audience that appeared today expecting that this matter of Code Enforcement and Neighborhood Preservation would be discussed today?

(No response)

Mayor Briare: Then, if there are no objections by the Commissioners, we will hold this item to July 5, 1978.

USE OF  
COMMISSION  
CHAMBERS

Charges  
Approved

Mr. Dorn: The next item relates to rental charges for the use of the Commission Chambers. I have submitted a report for your consideration with regard to adopting a policy for establishing a User Charge for the use of the Chambers by outside organizations, groups and governmental entities. It is felt at this time that it is appropriate to consider establishing a hourly rate to be charged organizations, groups or governmental entities because of the increase in the use of the facility, the escalating maintenance costs, personnel, some incidence of abuse in the Chambers and the need to up-grade the Sound System.

As set forth in the memo sent to the Mayor and City Commissioners, my recommendation for the first hour of use would be \$ 45.00, and for the second and subsequent hours at the rate of \$17.35 per hour.

I am recommending for your consideration that the Board adopt a policy of charging for the use of the Commission Chambers; that this policy will apply to all organizations, groups and governmental entities, and the City Manager's office be authorized to administer such a policy.

Mayor Briare: Are there any comments or questions?

Commissioner Lurie: Mayor, I asked for this to be brought back on the agenda at the last meeting, because I felt I wanted to sort of take a look at the use of the Chambers - the organizations using it and the problems we're having, and the costs to the City of Las Vegas in making our Chambers available, so I asked that this be brought back and that we establish a policy. I believe that such a policy is needed because of the high cost of

COMMISSION  
CHAMBERS  
(cont'd)

operating the Chambers when the City is not using them. So I would like to move that we adopt the recommendation from the City Manager.

Mayor Briare: Are there any comments or questions on the motion?

(No response)

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

SCHOOL  
FLASHER  
CROSSING  
SIGNS

DONATION - SOUTHERN NEVADA INDEPENDENT INSURANCE AGENTS - DONATION OF \$5,000.00 FOR THE INSTALLATION OF SCHOOL FLASHER CROSSING SIGNS LOCATED AT:

Donation  
Accepted

1. RANCHO DRIVE AND RIVERSIDE DRIVE
2. 17TH STREET AND CHARLESTON BOULEVARD
3. BRUCE STREET AND SEARLES AVENUE

Mr. Dorn: In connection with this item, with pleasure, I would like to recognize the Independent Insurance Agents for their donation of \$5,000. If we do this in-house, we could install these School Flashers. If we take the \$5,000.00 and use outside labor, we can install only at two locations. My recommendation is to use in-house labor and install these signals at all three locations.

Mayor Briare: Mr. Kaercher, would you like to come forward? I don't see in the audience anyone else that might be here to make the presentation. I will tell you what, Mr. Kaercher, the Southern Nevada Insurance Agents Association has been long recognized for the community services they have rendered from time to time, and I don't recall recently your particular endeavors, but I can assure you that we certainly appreciate this one.

Mr. William F. Kaercher: On behalf of the Association, I would like to present this to you. (Check in the amount of \$5,000.00 handed to Mayor Briare).

Mayor Briare: Are there any comments by the Commissioners:

(Each Commissioner expressed appreciation for the donation)

Mayor Briare: Thank you, and I will now turn this check over to the Director of Financial Management (Marvin A. Leavitt).

Mayor Briare: Will the City Clerk please put together a Certificate of Appreciation so that the Mayor and City Commissioners can extend, in writing, their appreciation of the Southern Nevada Independent Insurance Agents gesture and more particularly, I suppose, those who live in the areas that are to be protected by these Flasher Signals.

FIREWORKS  
SALES PERMITS  
Abeyance

REQUEST AUTHORIZATION FOR CITY MANAGER TO APPROVE FIREWORKS SALES PERMITS SUBMITTED TOO LATE TO APPEAR ON THIS AGENDA. THOSE APPROVED BY THE CITY MANAGER WILL BE PUT ON THE NEXT AGENDA FOR RATIFICATION

Mr. Dorn: These Permits are issued due to the July Fourth Celebration.

Commissioner Lurie: I move for approval of the request.

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

REQUESTS FOR USE OF LAS VEGAS SPEEDROME Approved

REQUEST FROM SPORTS CAR CLUB OF AMERICA FOR USE OF LAS VEGAS SPEEDROME ON OCTOBER 27-29, 1978

AND

REQUEST FROM TRANSPORTATION TOWN FOR USE OF THE LAS VEGAS SPEEDROME FOR JULY 22, AUGUST 19, SEPTEMBER 23, 1978

Mr. Dorn: These have no conflicting schedules for use of the Speedrome.

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

Motion

Commissioner Lurie: I move for approval of both of these requests.

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

Commissioner Lurie: Also, Mayor, I would like to request that the City Manager give us a report of the activity out at the Speedrome and the problems they may see through the dates we have approved for its use.

Mr. Dorn: Commissioner Lurie, we're working on that right now. We had planned to present this to the Commission and come up with a recommended policy.

MINUTES Approved

MINUTES - REGULAR MEETING - MAY 17, 1978

Mayor Briare: May I have a motion to adopt by reference the Minutes of the May 17, 1978 meeting?

Motion

Commissioner Woofter: I so move.

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

SR. CITIZEN HEALTH CLINIC Approved

Mr. Dorn: This Resolution serves to amend a Resolution adopted by the City Commission on February 15, 1978, amending the amount from \$50,000 to \$60,000. In cooperation with the Clark County Health District, satellite clinics would provide needed medical consultation services to Seniors residing in Block Grant designated priority areas, that lack transportation. It is also in cooperation with the Economic Opportunity Board.

It is my recommendation that the Board act favorably on this Resolution as it is presented before you today to provide for these health centers for our Senior Citizens.

Commissioner Leavitt: Mayor, I would just like to point out, as

SR. CITIZENS  
HEALTH CLINIC  
(cont'd)

Chairman of the Clark County Health District, that this is a program we are working on together with the City to provide the medical services for the Seniors who may have some kind of a transportation problem in getting to the Health District, and is just another example of where we are trying to bring the services to the people. We have also set up satellite health clinics up in North Las Vegas and are planning one for Henderson. With the Federal money available here, we would be able to do this . . . to bring the services to the Senior Citizens and maybe, eventually, we can have that changed to an area where all of these services to the Senior Citizens can be obtained in one spot.

Motion I would like to move for adoption of the Resolution.

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

SR. CITIZENS  
LAW PROJECT  
Approved

APPLICATION FOR FUNDS FOR SENIOR CITIZENS LAW PROJECT

Mr. Dorn: Your Honor, this a Resolution for an application for a \$75,000 grant under Title III of the Older Americans Act for a Law Project to provide needed legal counseling to our Senior Citizens at no charge to our Seniors. It is my recommendation that you vote favorably on this Resolution.

Motion Commissioner Woofter: I move to approve.

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

ART IN PUBLIC  
PLACES PROGRAM  
Approved

Mr. Dorn: The next item is requesting authorization to submit an application to the National Endowment for the Arts Funds for an Art in Public Places Program. It would be a grant of \$30,000.00 and it would be for the aesthetic enhancement of the Westside area in coordination with the Community Development Block Grant. It is my recommendation that you act favorably on this application for these monies.

Motion Commissioner Woofter: I move to approve.

Commissioner Leavitt: I have just one question on this, and that is - do we have approval of the sculpture? Who is going to have control of what is going to be put in, in other words?

Mr. Dorn: Commissioner, this is merely the application at which point we have a lot of competition throughout the Nation. We would like to request possibly through the Arts Commission, or whatever would be the desire of the City Commission, that they be on a panel of local artists as to what type of sculpture and where they would like it located - what type of enhancement they would like.

Commissioner Leavitt: What I'm getting at is that it would be the final decision of this Board as to what goes up and where it goes - similar to a situation we already have where they want to paint a mural on a public building they must come before us for approval of the design. You would have the same situation in this case?

Mr. Dorn: Yes because some \$15,000.00 will be funded by City dollars through the Community Development Block Grant.

ART IN  
PUBLIC PLACES  
PROGRAM  
(cont'd)

Commissioner Leavitt: I just wanted to be sure of the control . . .

Mayor Briare: I might insert a little word of caution along that line, because there are a number of ways this goes, but the opposite holds true also, Commissioner - and I don't know whether it particularly applies to this one or not, but maybe you might want to kind of keep this in the back of your mind - that inasmuch as the National Endowment of The Arts will be called upon to also contribute some money, they take the same viewpoint and they would like to have it a totally independent panel. Correct me if I'm wrong, but this is something I learned a couple of years ago, that when you get some Federal funding on it, you really don't get total discretions. You might look into that a little bit.

Mr. Dorn: Your Honor, you are correct in that and they encourage a local citizens committee, but we have been very successful, as you know, with our Community Development Citizens Participation Committee in pointing out to us the needs of the planning grant area. We have also been successful in the Commission's support . . . so I think we can work this out.

Mayor Briare: Just so long as the impression is not given that, without exception, this Commission would have sole decision-making powers along this line.

Commissioner Leavitt: What I'm getting at is - I'm not an art critic, or anything like that, but nevertheless what goes in a Public Park or a public place I think ought to have some kind of review by an elected Board - that's all I'm saying.

Mr. Dorn: Commissioner Leavitt, before we formally submit this application we will review it with you . . .

Commissioner Christensen: As long as it calls for partial funding, we have control through that anyway -

Commissioner Lurie: I have a question. When you talk about City funding - I'm concerned about City funding for a project like this when we are looking towards budget restraints insofar as . . .

Commissioner Christensen: Block Grant funding is very limited - we can't use that in our . . .

Commissioner Lurie: I understand that. I want to make sure that it is Block Grant funding and not money out of General Funds.

Mr. Dorn: It is not money from the General Fund. It is money from the Community Development Block Grant funds -

Commissioner Lurie: Well, you mentioned City funds - the Government always makes money available for certain type projects that I sometimes disagree with - I just want to make sure we are not spending General Fund money for this project.

Mr. Dorn: I am sure, Commissioner Lurie, that it is Block Grant money - \$15,000.00 of Block Grant money.

Commissioner Lurie: OK -

ART IN  
PUBLIC PLACES  
(cont'd)

Mayor Briare: Incidentally, Commissioner, in a very short while, at the appropriate time, I am going to give this Commission a relatively short report on the United States Conference of Mayors, and I am going to direct a comment or two along the line you just spoke of. I am expecting there might be some startling comments that I am going to relate to you that were made back there that might have a great deal to do with the future of the Las Vegas community.

Commissioner Christensen: You had better be careful, Mayor, unless that has been posted for three days and is on the Agenda -

Mayor Briare: I'm just going to report on what has already taken place - even if it is under "Citizen Participation".

The motion is to approve the request for an application for funds for Art in Public Places Program. Are there any further comments?

(No response)

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

Mayor Briare: Do you have anything further, Mr. Dorn?

Mr. Dorn: Yes - there are two addendums to the Administrative Agenda:

REQUEST FOR REVIEW OF WATER QUALITY STANDARDS BY THE NEVADA ENVIRONMENTAL COMMISSION

and

BILLS SUBMITTED BY CLARK COUNTY FOR THE ADVANCED WASTEWATER TREATMENT PLANT

Mayor Briare: Yes - the first item is a request for review of water quality standards by the Nevada Environmental Commission, and the other one, which was properly posted and mailed, but too late to appear on the printed agenda is on bills submitted by Clark County for AWT Plant.

WATER  
QUALITY  
STANDARDS

Mr. Dorn: Your Honor, on the first item, I would like to turn that over to Commissioner Christensen, at his request, and Commissioner Lurie.

Commissioner Christensen: This item came about because of a Nevada Environmental Commission meeting on June 13th, when we were in attendance, and they were asked by one of their members to review the Water Quality Standards for the Las Vegas Wash and the Las Vegas Bay. The reason for this Resolution was because the County got up and asked them to review the Water Quality Standards; North Las Vegas got up and asked them to review the Water Quality Standards, a Commissioner from Henderson asked them to review the Water Quality Standards. I stood up and said, I, too, request a review of the Water Quality Standards. I was challenged as to whether or not I had the backing of my Commission, or whether I was speaking for myself. I said to the Chairman - that's a pretty good idea - maybe we should ask everyone even those representing citizens groups who are saying we should review the water quality standards, at which time I was gavelled down and told it wasn't any of my business.

WATER  
QUALITY  
STANDARDS  
(cont'd)

The purpose of this Resolution is because we asked for it - I said, I believe I can get my Commission's support to review our Water Quality Standards.

The thing that kind of bothers me is that of all the people who were there, I was the only one that was suspect. All the others were taken at face value when one Commissioner spoke for the City. I said it would be no problem - we would get a Resolution, so I would urge you to adopt this Resolution, which simply says that you back me as the Commission in asking the Nevada Environmental Commission to review the Water Quality Standards of Las Vegas Bay and Las Vegas Wash - a thing we've been requesting for three months.

Motion

So, I would move for adoption.

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

Mayor Briare: The Resolution has been adopted.

Commissioner Christensen: I assume this will be forwarded immediately to the State Environmental Commission's Chairman?

Mr. Dorn: Yes, Mr. Commissioner.

See Page 34 of these Minutes - Resolution

RESOLUTION

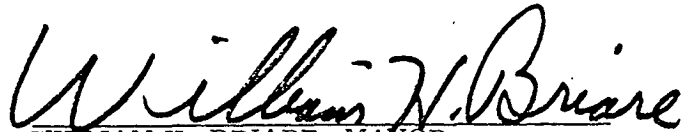
WHEREAS, Commissioner Paul J. Christensen appeared before the Nevada Environmental Commission on June 13, 1978, and requested that said Body review water quality standards set by the State of Nevada for Las Vegas Wash and Las Vegas Bay; and

WHEREAS, some members of the Nevada Environmental Commission expressed a desire to have a formal Resolution by the Board of City Commissioners of the City of Las Vegas, Nevada, requesting such a review.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Las Vegas, Nevada, that said Board does hereby request and petition the Nevada Environmental Commission that it review and re-evaluate the water quality standards of Las Vegas Bay and Las Vegas Wash and, where appropriate, amend said standards.

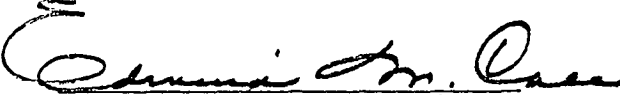
DATED this 21st day of June, 1978.

APPROVED:



WILLIAM H. BRIARE, MAYOR

ATTEST:

  
Edwina M. Cole, City Clerk

ADVANCED  
WASTEWATER  
TREATMENT  
PLANT

BILLS SUBMITTED BY CLARK COUNTY FOR AWT PLANT

Mr. Dorn: As you know, we have been billed by the Clark County Commission for certain debt service charges on the Advanced Wastewater Treatment Plant. It totals approximately \$133,000.00. I asked the City Attorney for an Opinion and you have in your books a copy of this Opinion from the City Attorney's office indicating that until the construction of the Plant is legally stopped, or the laws and regulations to support AWT are declared illegal, that payment should be made. However, payment should be made under protest, reserving the right to challenge the Plant itself and the laws and regulations claiming to support this. At present, as you are well aware, the proposed ordinance passes on the fees on the basis of a number of equivalent residential units of each establishment.

The City Manager's recommendation is that system is unfair to our businesses, our restaurants and hotels and our homeowners. A method of payment that might be more equitable is the amount of water that is being used - through a water meter. It is my recommendation that the City should approach the County again to ask for a change in the method of billing.

Before you vote on this, I would like to turn this over to Jan Stewart (Chief Deputy City Attorney) for any comments he might have.

Jan Stewart: I have nothing unless you have any questions with reference to the Opinion.

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

Commissioner Lurie: Mayor, I have a comment I'd like to make. We are being recommended to pay this charge by the City Manager, in protest. I don't know who is going to make the motion to pay this, and accept the Opinion, but my vote on this is going to be a "no" vote and that's the way I am going to show that I'm protesting the charge that the County wants us to collect for an AWT Plant that is not on line as yet - that is going to cost the taxpayers thousands of dollars a day to operate - \$25,000.00 a day to operate - that is not needed.

We talk about tax reform and we talk about the abuse that the City Commission has taken - the criticism that the City Commission has taken - in trying to stop this AWT Plant. I'm protesting that the County is forcing us to pay these charges and not supporting us in taking this to the Federal Court to stop the construction of this Plant, because it's been shown, and the facts are true, that this Plant is not needed. That AWT Plant - not even on line now - the problem that was first recognized for the need of the AWT, is vanishing by itself, and the water is being treated for free, and I don't think it's right that we have to pass on to the taxpayers of Las Vegas, a charge for treating water that is being treated for free at this time. And I protest it, and I think we should have the cooperation of the County in this - we should have the cooperation of the State in stopping the construction of this AWT Plant, and I think as soon as we all get together on this, the better off we're going to be.

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(cont'd)

(Commissioner Lurie (continuing): Some of the things that both of me are - in talking to some of the County Commissioners, they think that AWT Plant is going to increase the capacity that is being treated, and they still don't understand that. And I think . . . I don't know how to explain it any clearer that the AWT is not going to increase the growth of Southern Nevada, because it is not going to increase the capacity - that in order for Southern Nevada to grow and accept the increase in population, we have to look toward the Secondary Treatment which our Plants, at the present time, are at capacity, and in order to encourage growth in Southern Nevada and bring industry here, we are going to have to have additional Secondary Treatment, which we don't have at the present time. AWT is not the answer and AWT is an unfair tax burden on the public and the people we represent, and I cannot allow this to be passed on to the people that I represent, and I am voting "no" on collecting this money.

Mayor Briare: Commissioner, I would like to comment on that - that I couldn't subscribe more, or concur more, with your comment relative to the fact that the AWT Plant will not contribute anything to the growth of the Las Vegas area. As a matter of fact, it might very much curtail the growth of the Las Vegas area because there won't be any money for any Secondary Treatment Plants. It is going to all be absorbed by this other.

I might also comment for the benefit of those watching the procedures of this particular meeting, that in the event that no motion is made, then it is automatically held over until some future agenda at some time when the Commission wishes to make some definitive motion - either to amend, or to reject, or to approve, or whatever they might want to do. So, Commissioner, it is not necessary that some Commissioner make a motion at this time. It might also give some opportunity for some more development along these lines, which I am going to comment on very briefly, when this part is over, and that would pertain to the United States Conference of Mayors, so I wouldn't be violating any posting of notice of what is to be said, because I think we still have a freedom of speech notwithstanding any procedures that we are obliged to handle - I am going to report to the Commission some of the things that were discussed and something that we have, perhaps, in the works that the Commissioners would be interested in. Commissioner Woofter.

Commissioner Woofter: Yes, Mayor. My question is, naturally, on the legal aspects of this. Mr. Stewart, in regards to the fact that you quote certain Statutes - even though I agree with Commissioner Lurie in regards to the Plant, and the no need for such - I'm still concerned . . . you have laid out certain Statutes which prescribe, by law, the authority to collect from the City this amount, and my concern is - if we go against your Opinion, are we, as individuals, possibly liable for such action if we do not follow your Opinion in regards to paying this amount - under protest?

Jan Stewart: You raise the possibility, if there are extra penalties imposed - there may be a possibility that these extra penalties could come at you as an individual. I cannot give you an Opinion on that without doing some research, Commissioner. It is a possibility, but I am not prepared to give an Opinion on that at this meeting.

Commissioner Woofter: Is there any problem then, at this time, to table

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Commission Woofter (continuing): this until you can come back to the Commission with an Opinion in that regard?

Jan Stewart: No, I don't think so - tabling it - for that purpose I don't think there would be a problem -

Commissioner Woofter: On that basis then, Mr. Mayor, I would make a request to table this until the next meeting so that the City Attorney's office can consider this issue before we consider making any motion whatsoever, if or if not required by law.

Mayor Briare: If there is no motion one way or the other, I think I'll just rule that it will be tabled until the next meeting.

Commissioner Christensen: You have to wait a minute until we have a chance to make a motion, don't you?

Mayor Briare: I wanted to make that comment before the Commissioner made a motion to table - that it would be tabled by the Chair's ruling - and also the Commission is aware of an effort being made by the Mayors of each city to gain entree into Mr. Paul De Falco's office in San Francisco for the purpose of our laying on his desk some very, very serious discussions that have been had in the past couple of months, the latest of which, of course, was in the Governor's Office in Carson City, but we feel - not only do we feel so totally convinced that the cities' position is the correct position, that any kind of action we would take on this today would very confutably, seriously affect our stature when we're the Regional Administrator's Office in San Francisco.

So, if there is no motion at this time, it will be . . . Commissioner Leavitt -

Commissioner Leavitt: Mr. Stewart, I have a question - from what I see here on the agenda item is that, supposedly, there is \$2,098.01 in penalties. What is that? Maybe Mr. Dorn can answer that. Is the County sending us a penalty for being late in payment, or something?

Jan Stewart: That's correct.

Commissioner Leavitt: Where do they get that authority to charge us for a penalty for late payment?

Jan Stewart: The State Law provides for the allowance of a penalty up to 10%. In the Ordinance adopted by the County which imposes this obligation they have provided in that Ordinance a penalty of 10% per annum - for bills that are overdue.

Commissioner Leavitt: I'd like to look at that because I have a real serious question as to whether, legally, they can charge us a penalty - no one governmental entity can charge another governmental entity a penalty for being late in a payment. You're talking about out of one pocket into another. It doesn't make much sense to me and I certainly think that ought to be looked into from a legal standpoint.

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(cont'd)

Commissioner Christensen: There is another point here that I think should be raised. The EPA has proposed new regulations concerning Wastewater Treatment facilities, and I there's another fiscal impact here that I don't think people are aware of. Under this new set of regulations, even though this Plant is Federally-funded to a very high percentage, the exemptions of hotels, motels, restaurants that have been in effect in the past for having to pay for this Plant, instead of the Federal Government . . . let me back up . . . in the past, because of the industrial wastes they forced the industries to rebate to the Federal Government the amount of Federal funds applicable to that industry for building Wastewater Treatment Plants. They exempted the hotel/motel industry and restaurants. The new regulations lift that exemption. The net result will be that this is a Federally-funded Plant to a great degree, but only for the homeowners. Anybody in business is going to have to rebate to the Federal Government that share for Federal funding, so there is no Federal funding for our Hotel/Motel/Restaurant industry in this community on this AWT Plant. They are not only going to be hit for their share of operating and maintenance costs - they are going to have to pay for building the Plant too.

Mayor Briare: Commissioner, there are reams and reams of new material and new ideas that are being presented on this subject that obviously and I was so delighted to hear on my recent trip to Atlanta to this United States Conference of Mayors that I mentioned a little earlier, to know that we are not alone. Really and truly I felt for a while that the City of Las Vegas, North Las Vegas, Henderson and Boulder City, were the only people in the whole United States of America that seemed to question the Environmental Protection Authority. It is inconceivable, at times - but I'll tell you, the mood of the Nation is changing, and I sure got a pretty good feeling for the mood of the Nation by sitting and talking to mayors of cities throughout the United States. And while I comment along these lines that are very much related to exactly what we are talking about now, I would like to comment to the Commissioners, as a Report on what took place in Atlanta - some of the comments that were made relative to Proposition 13. And I'm going to quote several of them and I'm going to indicate a couple that probably reflect the feelings of this Commission.

"We, too, are upset and we're not going to take it any more. Mayors, Councilmen and Commissioners have been working for local tax reform for a long, long time. We have begged our State Legislatures to give home rule on taxes to our cities." And the one that strikes very close at home is that we have begged our State Legislature to redistribute entertainment tax to the county of origin. And one mayor of one of the largest cities - I wish it had been me, because I subscribe to what he said: "We're going to quit begging. You know, cities are not second-class entities in this Country. It so happens that most of the support to the entire Nation comes from those people who are living in the cities. I think the posture all over the United States is going to be one that we are no longer going to be begging for these things. We're going to assert our rights and, if we have to lead a taxpayers' revolt to Carson City or any other Capitol - just as the voters in California started a pretty good thing - then maybe that's the way we should interpret it. Maybe that's the way we should go.

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(cont'd)

(Mayor Briare - continuing): My office is going to be submitting to this Commission some suggestions for a Tax Reform Plan, and I would hope that it could be presented to the Commission at an early date - even before our next regular meeting, which would mean I would have to call a Special City Commission Meeting for the purpose. I might go to some rather far lengths relative to Tax Reform, but it is coming - it has started with a Big Bang in California - it is going to go all over the United States. It is not going to start and end with local government and state government - it is going to go into the Federal Government.

We might consider the possibility of appointing a TASK Force in the Las Vegas community that would consider, and report, on the various alternatives facing City government in the event the voters of Nevada should do something similar to the Proposition 13 question in California. A committee, or it could even be this Commission, if we could just spend a good amount of time together here in these Chambers discussing what steps we might take that could gain legislative relief for local governments - and I'm talking about the problems of jails - of courts - of AWT Plants - air pollution problems that we're faced with - where the people are just fed up to their noses, and even higher, on the costs and demands that are being made upon them on a local basis. I am hopeful that we might even organize forces to lend assistance to any Legislator or anyone else, that . . . including - especially Candidates for Lt. Governor - that would support the idea to eliminate food and drugs from Sales Tax. We know this is a Legislative matter - it is something we cannot do as a City, but I do think that what we can do, through a continuing program from the day I call this Special Meeting until November's election - and even further, if need be - to get the Legislative help that we need to get some of these State laws changed to the point where we can be effective insofar as the taxpayers are concerned in the financing of their government.

We know that we have to give Fire and Police protection. Those are basic services that we have to give, but I think that what maybe some people don't realize, is the amount of money, for example, that the City collects on ad valorem taxes, and that was the big thrust of taxes of the Tax Reform in California. The amount of money that we collect is not even sufficient to pay one half of what the City is obligated to pay for Police protection and Fire protection. It doesn't even pay for one half of that! That's the one thing that we, of course, have to maintain for the citizens that we represent, and I think we have waited a long time to have a Tax Reform. To give you an idea, if we were to have a 10% Reform only, it would knock about \$4,100,000.00 off the Budget and if we were to do it, for example, under the utility franchise tax - this is something that the taxpayers would feel every month - we have some nice people that came here on behalf of the Sr. Citizens' problem - we have a way they would know immediately - every month they would know they are getting a tax reform benefit by not having to pay that Utility Franchise Tax. If they didn't have to pay Sales Tax on Food and Drugs, they would know it every time they went to a grocery store and, of course, I am going to repeat - I am not making any suggestions that this Commission can do all of the impossible things. Of course we can't, but we can sure promote them and we can act on behalf of the people we represent by moving forward along these lines. And even though this is a Report that I am making to the Commissioners of events that took place and things that are going on in our minds, you will hear a lot more of it when I submit a Report

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(Mayor Briare - continuing): to you, and if it seems appropriate, call a Special Meeting. But I would invite the Commissioners to comment on these things right now, and see if you support such an idea that I am suggesting.

Commissioner Christensen: Your Honor, I think it's very important that maybe we make our position very clear on this Advanced Wastewater Treatment Plant, because it seems to be somewhat clouded all the time. We have, in the past, called for a joint effort to save the taxpayers of this whole Valley from a horrendous bill, that is not needed, and I think we should, once again, reaffirm our position that we welcome the support from the County Government which is, in fact, although not meant to be that way, one of the largest municipal governments in the State of Nevada. We have asked for, and welcomed, their support in joining with the cities to save the taxpayers millions of dollars, not only in the City of Las Vegas, but in the unincorporated areas of Clark County as well as the other incorporated cities. I think we should make that clear - that we are still ready, willing and able - in fact, very desirous - to have the County's support - support from the County Commissioners, which has four members living within the City of Las Vegas - support us in fighting Big Brother Government making us build a Plant that is going to cost us Millions and Millions of Dollars . . . and I think that point needs to be driven home whenever you can - that we're still willing to cooperate. In fact, would love the opportunity to get that cooperation from the County in fighting this problem for the benefit of all the citizens of this Valley.

Mayor Briare: I agree with you, Commissioner, and I commented when all of us were up at the meeting at the University at a special hearing on this matter, that I would much rather see a group of responsible people admit that technology has changed to the point where we might waste \$9,000,000.00, but I'd rather waste \$9,000,000.00 today than waste \$100,000,000.00 in the next twenty-five years.

Commissioner Christensen: Well, I've said it before, and I'll say it again, if we never had a change in technology, we wouldn't be hearing about this problem because Columbus would have sailed off the edge of the earth. So I think it is very important that we make this known, and I think if we could just get the cooperation and assistance of our friends in the County, I don't think the Federal Government could beat this Valley if it was united.

Mayor Briare: There is no way they could. Commissioner Lurie.

Commissioner Lurie: I agree with what Commissioner Christensen says. My other main objective is that this cost the City taxpayers would have to pay - around \$60,000.00 in order to collect this money from our residents in order to pay the added charge - my feeling is that if the County won't cooperate - and I believe they are very embarrassed over this AWT Plant - if they don't want to join in with the City, then I would think that if the County has to pay for this, and the State has to pay for it, since they are the ones who obligated us to pay for this, then I say - let them collect it. Let them put their name on the bills being sent out to the taxpayers, and tell them what this charge is for and why it is needed - not the Mayor and City Commission and the Councilmen from the other cities. I don't think

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(Commissioner Lurie - continuing): it is fair that we have to collect something that we don't believe in and it's been shown to us now that it is not needed.

(cont'd)

Commissioner Leavitt: I just wanted to point one thing out, Mayor. You mentioned the Taxpayers Revolt, which is obvious to all of us - but there is also a form of a tax, as called for in the AWT, in the increase in sewer rates, as Commissioner Lurie just mentioned. The figures I have seen indicate it is going to take \$8,000,000.00 a year to operate the AWT Plant, and that is just for operation. Everybody's sewer rate is going to double and I certainly think with that kind of thing in mind - it's a hidden taxation, in a sense - because somebody will have to pay for it and the way it's going to be paid is by increase in sewer rates. As I have indicated, every homeowner's sewer rate is going to double - business, maybe more. So it's a real serious problem here - the experts have told us it is questionable as to whether it will do the job and, of course, the big complaint I have, is that the Plant, or the AWT, is certainly not going to do anything for the odor out there. You are still going to have that odor.

There are a lot of problems that have to be addressed - a lot of problems they are going to have to look at. There is no guarantee, also that you're going to have any Federal funding to finish this Project, once it starts. I certainly think that the City should do everything it possibly can with the Environmental Protection Agency and in cooperation with the County, to make sure that this is absolutely necessary, and that there are no other alternatives. I think we have to explore all the alternatives we can before we proceed with this matter.

You talk about your tax rate - as has already been indicated - the City of Las Vegas receives only \$9,000,000.00 a year from ad valorem, and our Metro is 14.5 Million, as you have indicated. In addition to that, we're looking at another 2.5 Million Dollars to start the construction of the Jail Facility so, certainly, the ad valorem tax the City gets does not anywhere near pay for Police protection, let alone Police and Fire.

Of course, there is also the problem you have in the construction of the Jail where the City taxpayer pays the ad valorem tax to the County - the County receives a share of that City ad valorem tax to be used for County-wide services, such as the building of a Jail - those in the City have to turn around and pay again out of their ad valorem share for the construction of a City Jail, whereas the residents of North Las Vegas, Henderson and Boulder City get that form of double taxation. And what, in effect, it does - the ad valorem going into the General Fund of the city, could be used for other services - the ad valorem that does come in has to be used for the construction of a Jail or some facility that should be community-wide.

So these are all problems that we're looking at. As you have indicated, a Tax Revolt concerning the ad valorem tax in California is going to spread. There is no question about that, but these are some of the serious problems that we have to look at. I agree with your observation that perhaps a Task Force should be developed of maybe personnel in the City departments, so we can look at possible ways to cut our budgets and get along without the ad valorem tax or, at least, the possibility of a reduction.

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(cont'd)

(Commissioner Leavitt - contining ): I anticipate that the next session of the Legislature is going to reduce the ad valorem tax burden on all of the people in the State of Nevada. I'm sure they got the message just as the people in the State of California got the message. The big problem, of course, is education. Education takes a big bite out of that ad valorem tax. They're going to have to find some kind of alternative means for financing the educational needs of this State, too. So, there are a lot of problems - certainly it is not something we can resolve this morning but there are problems that we should look into.

Mayor Briare: I think it's important that we do have a form for a dialog amongst ourselves at a properly called meeting, that has been posted, so that if anybody wants be in attendance, of course, they may do so. But I think it is very important that, since we don't have the opportunity, we discuss these things amongst ourselves -

Commissioner Christensen: We can't do that - it's illegal -

Mayor Briare: I know - we can't - but we can at a regularly posted meeting. And I think this, Commissioners, that the people - and I use myself as an example - I make a monthly payment on my house and it includes so much for principal, so much for interest, so much for taxes and so much for insurance, and if a Legislator gives a little relief on the ad valorem taxes - I never get to see it - I never get to hold it in my pocket for a few minutes, because then it goes to pay for the increase in the insurance, which you know is going to keep going up. There is never anything the taxpayer can do about lowering the insurance - and so I don't get to see that money. I would like to have the citizens of Las Vegas, and that includes all of us, I would like to be able to see something. As I mentioned to these folks here - I would like to see something every month - I would like to see something where I can actually hold the money in my hand for a few minutes before it goes somewhere else. I am not discounting - don't misunderstand me - I am not discounting the advantages of reducing the ad valorem tax, but every little bit helps.

I am convinced of this, Commissioners, that it takes a lot of courage to be able to be the leader in a Tax Reform measure. I will tell you something that this fellow Jarvis said - who, all of a sudden has become a folk hero in the United States - that when he was out leading this effort - the Tax Reform in California - it seemed that everybody was opposed to him. Now, by the miraculous event of an election in California, now everybody is in favor of it - even his most out-spoken critics, and the reason they were is because they could determine after an election day, that the masses of people were heading in one direction, and a lot of California politicians were looking around. They didn't know where the people they were leading were going. And then after election night, all of a sudden they saw where they were going, so now they are trying to beat a path out to lead them. And that's the situation that is going on all over the country, and I would like to suggest that the City of Las Vegas, and the Las Vegas City Commission, will be the leaders - they are going to be out front leading efforts along these lines, because I think we have the capability and the mentality and the integrity right here to do it. We are going to need an awful lot of help from an awful lot of people and will need the support from a lot of people, but I'm convinced that we'll get it if we do it right and we aggressively pursue this - that we just don't do it for the next twenty days because it's a popular issue -

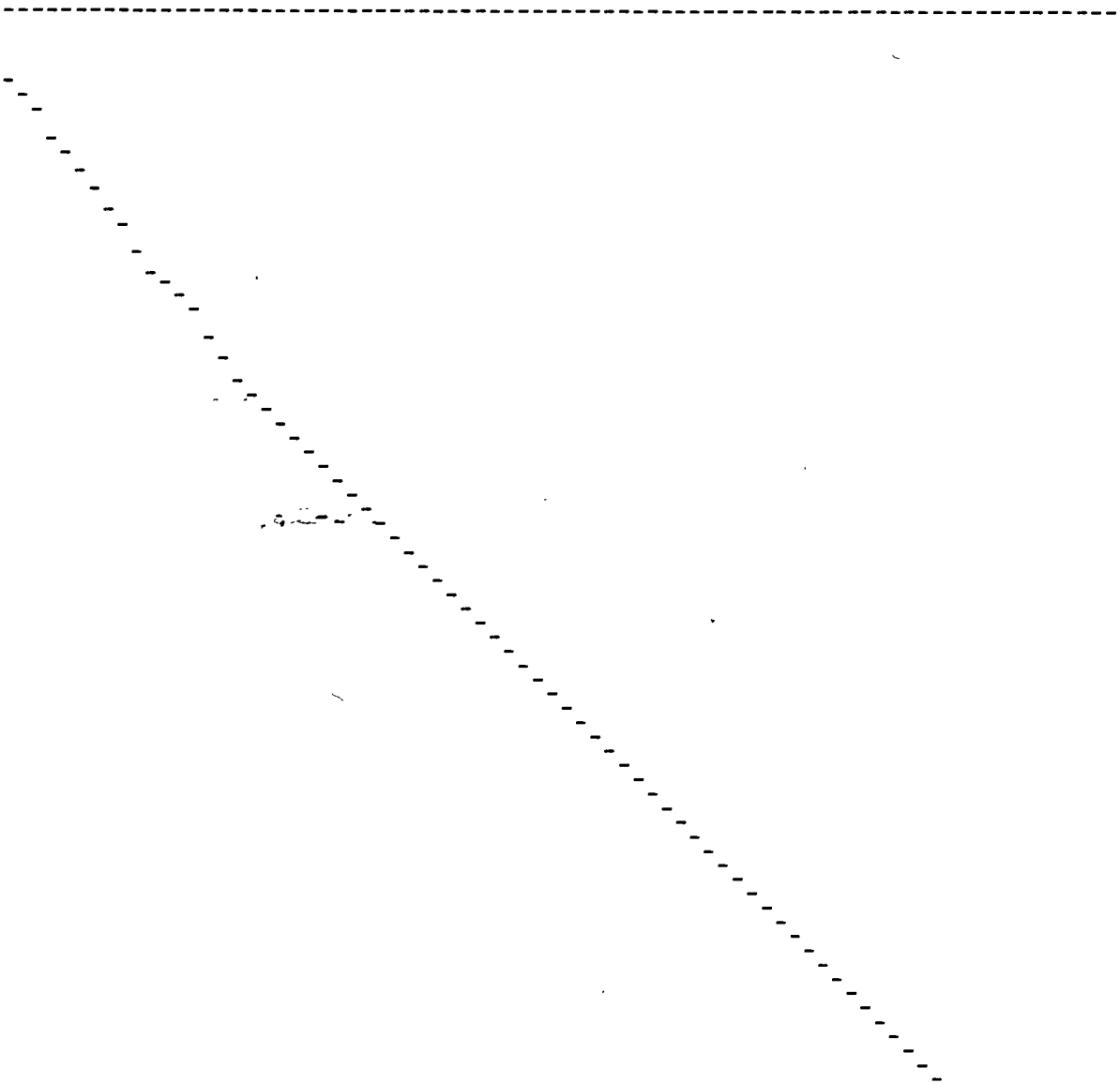
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PLANT  
(cont'd)

(Mayor Briare - continuing): that we pursue it all the way up - as I said earlier - all the way up to November and, if necessary, beyond. Are there any further comments on this . . .

(Loud applause from audience)

Mayor Briare: Thank you very much - I wish there were more of you. I think we all appreciate, even though we're not talking to a large audience, I think that perhaps because of our lucking-out this morning in having some very responsible people from the news media here, that perhaps the message of the Las Vegas City Commission and the City of Las Vegas, will be put forth to all of Clark County and, hopefully, candidates for the Legislature and people who are in Carson City, and I'm not forgetting the EPA in San Francisco.

I don't believe there are any motions on the floor, Unless somebody would like to make a motion, we will just hold it and it will automatically come up on the next agenda. There being no motion then, this item is held until the next meeting - the next regular meeting.



Mayor Briare: Mr. Dorn, do you have anything else on your agenda for this morning?

Mr. Dorn: Your Honor, I have the item on Addendum No. 2, which is discussion on a Court Decision on Senate Bill 503, but that is not to take place until 2:00 P.M.. However, before we finish with this Administrative Agenda, I have a request from Mr. Keilman to be permitted to address you, please.

Mr. Keilman: Honorable Mayor and City Commissioners, I wish to thank you on behalf of the Senior Citizens of Las Vegas, and the whole community, for giving us that new Center over there. What you people have done is magnificent. We needed that building - Dula Center - I'm not talking about the new one. I want to thank that man there (Mr. Saylor) - I know he worked on it. Well, all of you had to vote on it because I saw the votes up there. I think Mrs. Perrotti wants to say a word, too. She is one of our fine members and also a member of the AARP - a lot of them are.

Mrs. Perrotti: I am glad to have this opportunity and wouldn't miss it for anything - I want to thank you all for changing the plans to take the Meals-on-Wheels to Dula Center. Having the meals, and the number to be served at the Sr. Citizen Center, never would have worked out. Never. I have been in places where these meals have been served and I know the things that happen - not because anybody wants them to happen - but just in the course of events. I think you have made a wise decision and I thank you very much.

Mayor Briare: Thank you very much, Kathryn. The next item will be the Department of Financial Management.

See Page 45 of these Minutes - Annotated Agenda

See Pages 46 thru 57 of these Minutes - Annotated Agenda

Department of Personnel & Employee Relations

Department of Municipal Services

Department of Public Services

REPORTS:

ABE FOX  
PROPERTY  
CLEAN-UP

Commissioner Lurie: This seems to be a problem - he has cleaned it up twice and there is still a continual abuse of the area by the dumping of trash on his property. Is it properly posted?

Mr. Purvis: It is properly posted. It's just too handy for dumping - that's the problem. It is a valuable piece of property located there at the corner of Sahara . . . it gets back to the enforcement of an Ordinance we already have on the books and one I sure wish we had some absolute method of enforcing that Ordinance.

Commissioner Lurie: I guess my question is that he has voluntarily twice cleaned it up at his expense and now, this third time, we have different areas that we can go - requiring him to do it - charging him the \$10,000 if we do it and liening the property -

# AGENDA

## City of Las Vegas

June 21, 1978

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

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June 21, 1978

ITEM

Commission Action

Department 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. A508014, E511754, F114528, F511827 to F511830, F511832 to F511834, F511838 to F511909, F511911, F511913, F511917 to F511964, F511969 to F512139, inclusive.

In the amount of \$ 3,388,988.20

\*B. PAYROLL WARRANTS

Nos. 111322 to 112769, inclusive.

For Pay Period Ending 5/27/78

In the amount of \$473,980.20

Items A and B  
 Approved  
 as presented  
 Lurie

(Commissioners  
 Christensen and  
 Leavitt did not  
 vote - temporarily  
 absent)

Director  
 authorized  
 to proceed

**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

6/21/78

ITEM

Commission Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL &  
EMPLOYEE RELATIONS

BOB MCPHERSON, AEP, DIRECTOR

AUTHORIZATION TO FILL POSITIONSA. CITY FUNDED - FULL TIME

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
(1) City Attorney Research Analyst I (fill budgeted vacancy)	\$1066	Interviews citizens for complaints & performs legal research in the Criminal Division
(2) Financial Management Data Services Officer (fill budgeted vacancy)	1758	Responsible for citywide data processing operations.
(3) Financial Management Financial Analyst (provide needed services) NOTE: Not to be filled until 7/1/78	1373	Responsible for assuring the accuracy of accounting records of a variety of Federal grants and the preparation of financial reports pertaining to these grants.

Items 1 thru 5  
Approved  
as recommended  
Lurie - unanimous(Commissioners  
Christensen and  
Leavitt did not  
vote - temporarily  
absent)Director  
authorized  
to proceed

**AGENDA***City of Las Vegas*

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BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL &  
EMPLOYEE RELATIONS

A. CITY FUNDED - FULL TIME cont.

(4)

Recreation and  
Leisure Activities  
Maintenance Laborer  
(fill budgeted  
vacancy)

758

Functions as a  
member of inter-  
ment crew and  
assists with  
other maintenance  
activities in  
Woodlawn Cemetery.

(5)

PS/Building  
and Safety  
Office Assistant  
(fill budgeted  
vacancy)

721

Receives and  
processes  
complaints in  
conjunction with  
the Division's  
City cleanup  
project.

See Page 19

See Page 19

# 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

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

N  
o  
n  
e

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

N  
o  
n  
e

# AGENDA

## City of Las Vegas

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM Commission Action Department Action

IV (f) DEPARTMENT OF MUNICIPAL SERVICES  
J. C. CATHCART, DIRECTOR

\*CONSENT AGENDA

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

PURCHASING AND CONTRACTS DIVISION

\*A. PERMISSION TO RECEIVE BIDS

1. Inventory Stock Replenishment, Traffic Signal Lamps (Public Services - Traffic Division)
2. Replacement Signal Heads and Back Plates (Public Services - Traffic Division)
3. Mobile Data System ( Fire Services - Alarm Division)
4. Air Compression and Purification System (Fire Services)
5. Truck, 1-1/2 Ton Crew Cab with Specialized Emergency Lighting Equipment (Fire Services)

Items 1 thru 5  
 Approved  
 as presented  
 Lurie - unanimous

(Commissioners Christensen and Leavitt did not vote - temporarily absent)

Director authorized to proceed

\*B. AWARD OF BIDS

1. Bid #78.38-Annual Pest Control Contract, Fiscal Year July 1, 1978, through June 30, 1979 (Various Departments)
2. Bid #78.39-Annual Office Supply Contract, Fiscal Year July 1, 1978, through June 30, 1979 (Municipal Services - Purchasing and Contracts)
3. Bid #78.46-Annual Kerosene, Solvent and Toluene Contract, Fiscal Year July 1, 1978, through June 30, 1979 (Vehicle Services)
4. Bid #78.48-Annual Tire and Tube Contract, Fiscal Year July 1, 1978, through June 30, 1979 (Municipal Services - Vehicle Services)

Items 1 thru 8  
 Approved  
 as recommended  
 Lurie - unanimous

(Commissioner Christensen did not vote - temporarily absent)

Same as above

ITEM

Commission Action

Department Action

IV (f) DEPARTMENT OF MUNICIPAL SERVICES, CONTD.

\*B. AWARD OF BIDS, CONTD.

5. Bid #78.51-Annual Contract for Sweeping of Municipal Auto Ramps, Fiscal Year July 1, 1978, through June 30, 1979 (Business Activity)
6. Bid #78.95-Portable Lighting System (Recreation and Leisure Activities)
7. Bid #78.96-Three (3) Trucks (Fire Services)
8. Bid #78.99-Carpeting Various Areas City Hall (Public Services - Maintenance Division)

See Page 22

See Page 22

\*C. CONTRACT EXTENSION

Request permission to extend for one (1) year Contract #CLV-1462, Bid #77.62, Annual Water Treatment of Air Conditioning Towers, for the period July 1, 1978, through June 30, 1979, per Special Conditions of subject contract and at no additional or increased cost.

Approved  
as requested  
Lurie - unanimous

Director  
authorized  
to proceed

(Commissioner  
Christensen did not  
vote - temporarily  
absent)

\*D. CONTRACT MODIFICATION

Bid #77.123 - Additions to City Hall Parking Garage - Base Bid Only - Federal Funded, Local Public Works Capital Development and Investment Program, Round II (Public Services).

Approved  
as presented  
Lurie - unanimous

Same as  
above

Recommend approval of Contract Modification #5 to Sletten Construction Co., Las Vegas, Nevada, in the amount of \$25,200.19. Also recommend a seventy-two (72) day - no cost - time extension. This work is necessary due to engineering design changes in the shear-walls. The architect is the recommending agency.

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ITEM

Commission Action

Department Action

IV (f) DEPARTMENT OF MUNICIPAL SERVICES, CONTD.

\*E. PURCHASE ORDER APPROVAL

Request Purchase Order Approval to Motorola Communications and Engineering, Las Vegas, Nevada, in the amount of \$2,694.00 for two (2) portable radios with chargers. Department of Fire Services has requested a "No Substitute" Sole Source (Fire Services)

Approved  
as presented  
Lurie - unanimous

Director  
authorized  
to proceed

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, D, E, and G 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. Homestead Estates Unit No. 3. (Charles L. Ruthe, an Individual)
2. Independent Square, a Planned Unit Development. (Becker and Sons)
3. Woodland Hills No. 4. (Crestmont Corporation, Harold Shydler, President)
4. Alwill Plaza No. 1. (Robert L. Harper, an Individual)
5. Rancho Bonita Estates Unit No. 2. (Villa Bonita Oeste, Floyd M. Wright, President)
6. Rancho Sereno Unit 2. (Villa Bonita Oeste, Floyd M. Wright, President)
7. Charleston Heights 53-C. (Becker and Sons, Ernest A. Becker, Agent)

Items 1 thru 7  
Approved as  
presented  
Lurie - unanimous

Commissioner  
Leavitt  
abstained on  
Item 1

Director  
authorized  
to proceed.

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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 Public Works, Fire, Electrical, and Sanitation Departments. It is recommended that the improvements be accepted for these subdivisions.

1. Kingswood Estates Unit No. 1. (Chism Homes, Inc., H. A. Chism, President)
2. Kingswood Estates Unit No. 2. (Chism Homes, Inc., H. A. Chism, President)
3. McNeil Manor No. 3. ( B.J.A. Development Corp. of Nevada, Al Brende, Secretary)

Items 1, 2 and 3  
Approved  
Lurie - unanimous

Clerk to proceed

\*C. RELEASE OF BOND

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

1. Location: 2900 ~~ET~~ Camino  
Use: Apartments (offsites)  
Builder: A. B. Spanos  
Surety: Industrial Indemnity  
Amount: \$33,000.00  
Bond No.: YS 733-6378

Approved  
Woofter - unanimous

Same as above

# AGENDA

## City of Las Vegas

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ITEM

Commission Action

Department Action

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

\*D. RELEASE OF CONSTRUCTION CONTRACTS

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

1. Bid No.: 77.144  
 Contractor: Desert Construction Co.  
 For: Washington Ave. - "D" St. to "H" St.

Notice of Completion: May 23, 1978  
 Release Date: June 27, 1978

2. Bid No.: F77.99  
 Contractor: Longley Construction Co.  
 For: Washington Ave. Sewer Relocation between Las Vegas Blvd. and Bruce St., Bid Group II

Notice of Completion: May 23, 1978  
 Release Date: June 27, 1978

Items 1 and 2  
 Approved  
 Lurie - unanimous

Clerk to proceed

\*E. RIGHT OF WAY ITEMS

1. Grant Deed  
 From: Hosea Coleman and Gertrude Coleman, husband and wife as joint tenants  
 To: City of Las Vegas  
 For: Portion Lot 106C in Vegas Heights Tract Unit No. 4 Radius Corner. Lexington & Bartlett. Dedication (M-21) (6/7/78)

Items 1 thru 9  
 Approved  
 Lurie - unanimous

P/S to proceed

**AGENDA***City of Las Vegas*

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ITEM

Commission Action

Department Action

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

See Page 27

See Page 27

\*E. RIGHT OF WAY ITEMS (Continued)

2. Grant Deed  
From: Dalton Properties, Inc.,  
a Nevada Corporation  
To: City of Las Vegas  
For: Portion Government Lot  
16, Sec. 36, T20S,  
R60E  
Jones Blvd.  
Dedication. Bldg. Permit  
(6/7/78) (L-36)
3. Grant Deed  
From: Nevada Escrow Service,  
Inc., Trustee  
To: City of Las Vegas  
For: Portion NW-1/4, Sec.  
32, T20S, R62E  
Diamond Head  
Dedication Rezone  
(6/5/78) (N-32)  
Recorded as Instrument  
No. 857316 in Official  
Record Book 898 in the  
office of the Recorder,  
Clark County, Nevada on  
June 7, 1978
4. Grant Deed  
From: James N. Lewis  
To: City of Las Vegas  
For: Portion NE-1/4, Sec.  
32, T20S, R62E  
Marion  
Dedication Bldg. Permit  
(4/21/78) (N-32)
5. Right of Way Grant  
From: Becker Development Co.,  
a Partnership  
To: City of Las Vegas  
For: Portion NE-1/4, Sec.  
23, T20S, R60E  
Sewer easement Charles-  
ton Heights 51-H

## City of Las Vegas

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Commission Action

Department Action

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

See Page 27

See Page 27

\*E. RIGHT OF WAY ITEMS (Continued)

6. Right of Way Grant

From: Becker Development Co.,  
a Partnership  
To: City of Las Vegas  
For: Portion NE-1/4, Sec.  
13, T20S, R60E  
Sewer easement Charles-  
ton Heights 54-C

7. Grant Deed

From: Joseph Paul Addi, a  
married man  
To: City of Las Vegas  
For: Portion NE-1/4, Sec. 5,  
T19S, R60E  
Log Cabin, Four Views,  
and Ruston  
Dedication  
(5/24/78) G-5-6)

8. Right of Way Grant

From: City of Las Vegas  
To: Nevada Power Co., and  
Central Telephone Co.  
For: Portion Government Lot  
5, Sec. 36, T20S, R60E  
Underground easement,  
Brush Library

9. Permission to appraise, purchase and  
condemn Phase II, East Charleston Blvd.  
R.S. & H.C.

F. REPORTS/ACTION

1. Discussion by City Commission on  
policy, Abe Fox property clean-up.

Abeyance  
(No formal motion)

7/5/78 Agenda

2. Agreement with State of Nevada on  
construction of traffic signal and high-  
way lighting at intersection of Sahara  
Avenue and 6th Street.

Items 2 and 3  
Approved as  
presented  
Lurie - unanimous

Mayor and  
Clerk to sign -  
P/S to  
proceed

3. Agreement with State of Nevada on  
construction of traffic signal and high-  
way lighting at intersection of Rancho  
Drive and Ernest May Lane.

# AGENDA

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ITEM

Commission Action

Department Action

ITEM	Commission Action	Department Action
IV (g). DEPARTMENT OF PUBLIC SERVICES (Continued)		
F. REPORTS/ACTION (Continued)		
4. Agreement with Ed Ferris Automotive for property access from existing alley.	Item 4 withdrawn (at request of Director)	
*G. TRAFFIC AND PARKING ITEMS		
1. Request of Kirk Anderson, ALCA Engineering, 2765 S. Highland for common driveways of various widths from 24' to 34' in the Kingscrest Development. Traffic and Parking Commission recommends approval.	Approved as recommended Lurie - unanimous	P/S to proceed
<del>2. Request of principal of Vegas Verdes Elementary School for one hour time limited parking zone on El Parque, beginning 251' west of Las Verdes Street. Traffic and Parking Commission recommends denial.</del>	<del>Approved 1-hr. time limited parking space for four (4) vehicles along the North side of Vegas Verdes Elem. School Lurie - unanimous</del>	<del>Same as above</del>

ABE FOX  
PROPERTY  
(cont'd)

Mr. Purvis: It gets into this last Clean-up Campaign we've had, Commissioner, where we have given him thirty (30) days notice - we've cleaned it up - or we will clean it up and charge you, and in this case the charge is going to be up close to \$10,000.00. The man has cleaned it up before, at our direction, twice . . .

Commissioner Christensen: What's on the property?

Mr. Purvis: The only other thing we could do is to have him fence it, I guess, to keep people out.

Commissioner Christensen: What is on the property? When you talk about cleaning it up - what's on it?

Mr. Purvis: Trash, rubbish - just everything that people dump there. These people in the area there see it, but are not quite quick enough to get who it is -

Commissioner Lurie: If we could get some names - from old letters, or something like that - we could ship it back to the people who dumped it -

Mr. Purvis: We have tried this and have taken it in to the courts and the court says - sorry, if you didn't see them dump it, that's your problem.

Commissioner Christensen: It's kind of unfair to make the man clean up the property when he's not the guy who is doing the dumping on there.

Mr. Purvis: The only other choice he has is to fence the property completely to keep people out of it. That's his only other "out" that I can see.

Commissioner Christensen: Have you talked to him about fencing it?

Mr. Purvis: Yes - but it's expensive -

~~Commissioner Christensen: Well, \$10,000.00 is expensive too. - You can string a barbwire fence for less than \$10,000.00~~

Mr. Purvis: We can't allow that - he would have to go to a chainlink fence or something like that. I think perhaps a barbwire fence would probably be a good idea, but it won't meet the Code.

Commissioner Woofter: A related problem is that burned down half of a house over in the Westside area, that I've been after -

Mr. Purvis: We still have the problem of getting on the piece of property - right of entry.

Commissioner Woofter: This has been going on since I've been on this Commission.

Mr. Purvis: Yes, I know this.

Commissioner Woofter: What can we do? Does it just continue on like this with the hope that sometime this out-of-State owner will take the time to level it out, or can we get the City Attorney's office to give us

ABE FOX  
PROPERTY  
(cont'd)

some guidance enacting, maybe, a stronger ordinance so that we can take a bulldozer in there and level it out?

Mr. Purvis: I would ask the City Attorney, Jan Stewart, to answer that, if he would, please.

Jan Stewart: I think if it can be determined to be a hazard to the health and safety to the neighbors, and the children, who are in that area - I don't know if it's fenced or not - but if this can be determined to be such a serious hazard, I think there are procedures in the Code to remove the structure and place a lien on the property.

Commissioner Woofter: Then I would request at this time that the City Attorney's office proceed along those lines because it is not fenced - it is half burned down and it is a place where children are in the neighborhood and playing in it. It is hazardous, so I would request the City Attorney's office to initiate action - to proceed immediately insofar as clearing this area up.

Mr. Purvis: This is the piece of property out on west "J" Street?

~~Commissioner Woofter: Yes -~~

Commissioner Christensen: What about Abe Fox's property? Would that be the same situation?

Mr. Purvis: The only thing I would recommend at this time is that we go ahead and clean it up and send him the bill and see what happens.

Mayor Briare: I was just going to comment, Commissioner, before you asked that question - that Mr. Purvis concludes his memo to us by saying that at this point in time we are asking for direction as to which way the Commission feels would be the proper approach and, Mr. Purvis, I think you ought to tell us what the proper approach would be. You can work out something, I think. There has to be a solution to this, especially in view of what Commissioner Woofter just brought up - in the one instance it has been there - it has an out-of-State owner who, obviously, is not going to cooperate because for years we have made an effort to have his cooperation. ~~he is not~~ going to cooperate . . .

Commissioner Christensen: But you have two different situations here. What you've got - just to take Mr. Fox and citing him - and I don't even know the man - if you look at it from his standpoint - if I was in his position, I would say - look, I've cleaned the property up twice - I pay taxes and I'm supposed to get some Police protection. I have the property posted and everything else - why are you allowing people to dump on it? And he's got a darned good question. If he has cleaned it up at his expense twice, and then we clean it up and put a \$10,000.00 lien against the property, that is really unfair to the property owner. It is something I think where he would have - I'm not an attorney - and we've got three of them sitting here - but I think he would have a pretty good shot at us in recovery.

Mr. Purvis: That is our feeling Commissioner. That's why we are here asking for some guidance at this point in time. We are getting calls on a continuing basis, of course, from the neighbors -

ABE FOX  
PROPERTY  
(cont'd)

Commissioner Christensen: Sure, you get complaints from the neighbors, but five will get you ten that half of them are responsible for the dumping - you know, it's an easy place to dump the lawn sweepings and everything else. I've lived next door to vacant lots - I know how it goes. I've used them. I would be very hesitant to direct you to clean up his property and lien him for it - I think we would open ourselves to some liability.

Mayor Briare: I think we ought to have Mr. Purvis sit down with the City Attorney's office within the next couple of weeks and review that particular situation because here is a situation - as has already been pointed out - that can create a big problem. It just goes to show you that there are always two sides to a question.

Mr. Dorn: If I may make a comment on this question. At the request of Commissioner Woofter we have been exhausting our legal remedies with this out-of-town landlord and we want to sit down with the City Attorney and we are at the stage now where we put more teeth in this ordinance . . . because this situation is in violation of the public health, welfare and safety. We are already at this stage. We have been very patient and ~~have exhausted all the administrative and legal remedies.~~ I think within the next two weeks or so, we can come back with a recommendation and address that problem. If the landlord takes us to court, I think we have a good contention and we will discuss it with the City Attorney how we could defend that.

Commissioner Christensen: On that particular one, I think we have to wait for any action because it is not on the agenda. The only one that is on the agenda is the Abe Fox property.

Mr. Dorn: Also, I would like to comment that our Summer Program as it was started on the Westside will continue throughout the City. We are identifying spots in the City for our Youth Program and General Clean-up.

TRAFFIC AND PARKING ITEMS

2. REQUEST OF PRINCIPAL OF VEGAS VERDES ELEMENTARY SCHOOL FOR 1-HOUR TIME LIMITED PARKING ZONE ON EL PARQUE, BEGINNING 251 FT. WEST OF LAS VERDES STREET. Traffic & Parking Commission recommends DENIAL

VEGAS VERDES  
ELEM. SCHOOL  
1-hour  
Parking

Commissioner Lurie: I would like to speak on Item No. 2. I went over there and reviewed that - I've been to that School a number of times, and what they are asking for is some time zone along the north side of the School so that people can come in and go to the office without being ticketed. Right now it's a "no parking" along there. What they are actually requesting is a couple of areas there - maybe where three (3) cars could pull in for say 10 minutes so they can go in and talk to the Principal, or talk to someone in the office, and I would recommend that we approve a certain footage there. Not the whole distance, but maybe space for three (3) or four(4) cars.

Mayor Briare: Parking space for three vehicles?

Commissioner Lurie: That is what I would recommend - four vehicles.

Commissioner Christensen: Just what are they asking for here?



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ITEM Commission Action Department Action

V. MIKE SLOAN - CITY ATTORNEY

A. Claim for refund, Southern Nevada Memorial Hospital

Withdrawn (at request of City Attorney)

B. Resolution by the Traffic and Parking Commission and the Traffic Engineer to amend Title X of the City Code by designating certain areas as limited time parking

Adopted Resolution as presented Lurie - unanimous

Mayor and Clerk to sign

C. Cooperative Agreement between the Clark County Sanitation District No. 1 and the City of Las Vegas to provide sewer service to the area known as the Conso I West Subdivision.

Approved Agreement Lurie - unanimous

Same as above

D. Resolution to annex to the City of Las Vegas certain real property as described in Annexation A-4-78 (SW corner of Craig Rd. & Lorenzi Blvd.)

Adopted Resolution (Public Hearing set for Aug. 2, 1978, 2:00 P.M.) Lurie - unanimous

Clerk to proceed  
 8/2/78 Agenda

E. Resolution - SID 423, property located at Charleston Square, Tract 1, and Charleston Square, Tract 2, except those parcels adjoining Charleston Blvd.

Adopted Resolution (Directing Eng. to prepare Plans & Specs. Approved Christensen - unanimous

P/S to proceed

**AGENDA***City of Las Vegas*

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission Action

Department Action

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

A. Bill No. 78-22 amending Title V, Chapter 1, Section 10, by repealing the "double fee" penalty and replacing it with a more fair and realistic penalty.

1st Reading and Referred  
Commissioners  
Christensen &  
Leavitt

Clerk to  
proceed with  
1st publication

7/5/78 Agenda

B. Bill No. 78-39 To correct the legal description contained in Bill No. 77-44, Ordinance No. 1894. (Annexation A-1-77)  
(NW of the intersection of Cheyenne Ave. and Lorenzi Blvd.)

1st Reading and Referred  
Commissioners  
Leavitt and  
Woofter

Same as  
above

C. Bill No. 78-40 Satisfies the requirements of the Nevada Revised Statutes for annexation (Annexation A-2-78).  
(South side of O'Bannon Dr., West of Jones Blvd.)

Same as above

Same as  
above

D. Bill No. 78-41 Satisfies the requirements of the Nevada Revised Statutes for annexation (Annexation A-3-78)  
(SW corner of Westcliff Dr. and Buffalo Drive)

Same as above

Same as  
above

E. Bill No. 78-42 To amend Compensation Plan of the City of Las Vegas effective June 1977

1st Reading and Referred  
Commissioners  
Christensen and  
Lurie

Same as  
above

F. Bill No. 78-37 - To amend Title II of the new Municipal Code by adding a new Chapter designated as Chapter 12, which shall establish a CITY-COUNTY ARTS ADVISORY COMMISSION (Referred to Study Committee 6/7/78)  
Committee: Commissioners Lurie & Leavitt

1st Reading and Referred  
Commissioners  
Lurie and  
Leavitt

Same as  
above

# AGENDA

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ITEM

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VII. VACANCIES - BOARDS & COMMISSIONS

A. L.V. METROPOLITAN BEAUTIFICATION  
COMMITTEE - 3-year term

James MacKinnon - Term expired 5/3/78

(Appointed 2/15/78 to replace  
Michael Scher who resigned 11/14/77)

Abeyance

7/5/78

B. TRAFFIC & PARKING COMMISSION  
4-year term

Emmett J. Sullivan - Term expires  
8/3/78

Reappointed  
Emmett J. Sullivan

Clerk  
to notify

C. PLANNING COMMISSION - 4-year term

J. A. Tiberti - Term expires 8/19/78

Abeyance

7/5/78 Agenda

D. PARK & RECREATION ADVISORY  
Commission - 3-year term

1. Donald J. Romeo - Term expires  
9/7/78

2. Joe M. Cordova - Term expires  
9/7/78

Reappointed  
Dr. D. J. Domeo  
Joe M. Cordova

Clerk  
to notify

## City of Las Vegas

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ITEM Commission Action Department Action

VIII. REPORTS FROM RECOMMENDING COMMITTEES

A. BILL No. 78-35 - To amend Chap. 10 of Title VI 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  
Committee: Commissioners Christensen and Lurie

2nd Reading and Adopted  
Christensen - unanimous

Clerk to proceed with 2nd publication

1st Publication - R-J 6/10/78

B. BILL No. 78-38 - To provide new definition for term "Club"  
Committee: Commissioners Woofter and Leavitt

2nd Reading and Adopted  
Woofter - unanimous

Same as above

1st Publication - R-J 6/10/78

At the hour of 11:50 A.M. this meeting was RECESSED until 2:00 P.M.

PUBLIC HEARINGS - 2:00 P.M.

Mayor Briare: Ladies and Gentlemen, this is a continuation of the regular meeting of the Las Vegas City Commission. Commissioner Leavitt.

Z-43-78  
Approved  
subject to  
conditions

Commissioner Leavitt: Mayor, I requested this morning that the first item to be considered this afternoon would be Item "B" under the Department of Community Planning and Development. I have to catch a plane and I wanted to be present and vote on this matter. I will have to leave after that. We previously had a public hearing on this matter and it was continued to today for action because of the 2-2 vote. Commissioner Christensen and I voted against the project at that time because we didn't think it was properly designed for the lot.

I want to point out first of all that no one is opposed to the establishment in the City of Las Vegas of a Veterans Administration Outpatient Clinic. I pledged my support to obtain such a Clinic in Clark County several years ago, and that support is still there.

But we do have a problem. The location of the building on this particular piece of property would have an adverse effect upon the residence located on the southwest portion of the property. Now, granted it was only one person and one residence, Commissioner Christensen and I both felt that person should be entitled to some consideration, because there is no question but that this building is going to have an impact upon his home.

It is my understanding that since that time, the developer and the applicants have worked out an agreement whereby they will move this building 65 ft. to the north which will certainly lessen the impact upon the residence of the one protestant in that case.

Motion

As I've said before, no one is opposed to this particular project. We certainly know of the need for it here in Clark County, and since we've already had the public hearing and since it has already been agreed to correct the condition by moving the building 65 ft. north, at this time I would like to move that we approve the application with the added condition that the building be moved 65 ft. to the north and the other condition being that there be an 8 ft. block wall constructed along the property line adjacent to the dwelling unit located to the southwest of the applicants' property, and that that wall should be completed prior to the start of any construction, which has all been agreed upon according to my understanding; and also that a 6 ft. block wall be constructed along Shadow Lane and a 6 ft. decorative wall to be constructed on Ellis Ave, which have all been a part of the conditions for approval. I move for approval subject to those conditions.

Commissioner Lurie: I just wanted to say that I was pleased to see that a compromise was worked out insofar as moving the building forward - to move it up so that Mr. Buckley would not have that building situated directly behind his house. I think that was a fair compromise from the developer's standpoint. As you know, I support the V.A. Clinic. I have worked on many committees to have a V.A. Hospital located here in the City of Las Vegas, and I think the sooner we get started with this building, the better off we are all going to be.

V.A. CLINIC  
(cont'd)

Commissioner Woofter: I have just one comment. Naturally, I voted for it two weeks ago and I am also satisfied with the compromise. One good thing about it - I see a lot of my old friends in the audience that I didn't see two weeks ago, so maybe this is one way of renewing old acquaintances. However, I'm glad it is all worked out and I'm ready to vote.

Mayor Briare: Do any of the other Commissioners have any comments?

(No response)

Mr. Joe Buckley, 1125 Shadow Lane: If I wouldn't be out of order -

Mayor Briare: Not at all, Mr. Buckley, You come right on forward. You have a little tough opposition here when three out of the five members have already indicated they are going to favor the matter under the conditions as they have been laid out.

Mr. Buckley: I can appreciate that, Mayor, and, again, I appreciate the opportunity to be able to get up here and express my opinion on this particular subject.

I think it is a little bit misleading at this particular point if anyone implies that there is some sort of an agreement that has been reached as to any sort of a compromise because, in my opinion, there hasn't been any agreement, or compromise. The minutes of the last meeting, although not published yet, I'm sure will reflect that the Commissioners voted that two things be done during the intervening two weeks between then and this meeting.

It was agreed that during the intervening two weeks that the developer would get back with the City Planning Commission and look into the possibility of moving the building forward. But even more importantly, it was stressed at that meeting that the developer was to get with me so that we could sit down and see if we could work out some sort of a resolution which might include my property so that my home would not be isolated the way it is on the drawing. I wish everyone in the audience could see this drawing so you could appreciate what I'm saying.

Commissioner Christensen: Turn it around so they can see it - we've seen it.

Mr. Buckley: I waited approximately a week and a half to hear from the developer so we could enter into some meaningful discussion. The developer, or the real estate agent, did not call me. I made it a point to call them this past Monday, at which time I was informed they had no interest in my property.

I think it is abundantly clear as you look at this map that my property becomes totally isolated in the manner indicated on this particular drawing, and I wish any Veterans in the audience would take a look at this. This is Ellis (easel map) - this is Shadow Lane, and my house is on the corner. I submit there is no reason at all why the Veterans cannot include this parcel of property in the project. What they are, in essence, doing is building the project around my home. Just the moving of the building a certain number of feet forward on the line, does not obviously eliminate the view of the building from my backyard. So the

V.A. CLINIC  
(cont'd)

moving of the building is not the solution to the problem. The result is that I'm going to have an 8 ft. wall around my property, and even more importantly, the City Commission at its last meeting made it abundantly clear to Joe Buckley - and the Minutes will reflect this - that if this project goes through the way it is right now laid out, that if I, as a resident, at a later date applied to the City Commission, and the City Planning Commission, to have my property rezoned to Commercial, or for Professional Offices, that the City Commission will not approve such a request, because this is a neighborhood here (easel map). It is next to the Scotch "80" and they will not permit any ingress or egress to this property from a neighborhood.

So, Ladies and Gentlemen, I am landlocked.

Let me point out one other very important thing. I am a Veteran. I was in the Korean War - I served about three years in the Navy and five years in the Naval Reserve. I fought for the same rights any other Veteran has fought for. My father fought in the first World War and second World War, as his father did, and I think one of the rights we fought for was the right also to protect our own property. The unique situation we are faced with here is - I believe in this project. We have all fought for a Veterans Outpatient Clinic here in Las Vegas for years and we now have the opportunity to get it. The unique problem we have here is the designing it in a haphazard way around residential property. I don't think any one in this room will deny that if their house was in the same location, Veteran or not, you would have to sit and shake your head and wonder how in heaven's name could they design this project around a residence and at the same time say to you - it is always going to be a residence. We won't allow it to be rezoned to anything else. Is there anyone in this room that disagrees that is unfair? Why should I, and my family - we've lived there all these years - be made to suffer as the result of this haphazard rezoning?

Mayor Briare: Mr. Buckley, excuse me - are you addressing this Board on the zoning matter?

Mr. Buckley: Yes. I'm really trying to address everyone in the room because I know there are a number of Veterans here whom I recognize are in the audience today. They have been invited here. They have been made aware of the problem. Some of them do not know all of the facts in the case and I thought it was appropriate - if it is not out of order in the format of your meeting - to be sure they fully understand the nature of the problem.

Mayor Briare: I think though, Mr. Buckley, your remarks are best addressed to those who have the votes on this particular item and I'm sure the folks in the audience are going to be happy . . .

Commissioner Leavitt: May I interrupt for a moment? May I address this? That is one of the reasons I wanted to have the matter delayed for a couple of weeks, to see if these things could be worked out. We're talking about a zoning problem. We're not talking about whether or not there should be an Outpatient Clinic. Everybody agrees there should be -

Mr. Buckley: Agreed -

Commissioner Leavitt: You are correct in that there were two things we

V.A. CLINIC  
(cont'd)

asked to be worked out. One, that the building be moved further north and the black line on the map indicates where the building will be moved further to the north. The other thing is that we cannot force someone to buy your property -

Mr. Buckley: I understand you cannot force . . .

Commissioner Leavitt: If they don't want to buy your property, that's it. We gave you the opportunity to negotiate with them - to give them the opportunity to buy your property. It was my understanding - as was stated at the meeting the last time - that there isn't enough money to buy your property too, for this project.

I have also been informed - and you were all informed at the last meeting - that there could be possible jeopardy in the Federal funding for this Out-patient Clinic unless it proceeds on schedule. But I specifically asked at the last meeting that it be held two weeks because it was indicated there would be no jeopardy if it was held for two weeks. But now we are at the point where we have to make a decision. They have indicated to you they do not want to buy your property, so that condition didn't work out, but they did agree to move the building 65 ft. to the north. That condition did work out.

Mr. Buckley: Commissioner, you have fairly and accurately stated what transpired at the last meeting and I appreciate it - the opportunity to have this matter deferred for two weeks. Again, my claim is purely and simply is that the developer at no time took the time to even sit down and discuss the matter, even though the Commission had directed that there be some attempt to . . .

Commissioner Leavitt: Well, we can ask them to, but we can't force them to negotiate to buy your property.

Mr. Buckley: I understand. Again, my main point is, supposedly there are insufficient funds for the acquisition of an additional piece of land which makes good business sense to include in the Project. I am being asked, as a resident, as a Veteran, to, in essence, sustain a reduction in the value of my property because the Federal Government doesn't have enough money to provide the Veterans with the kind of facility in an area they need. I see no logic to that. I think it is grossly unfair and it places the Commission in a very embarrassing position as far as what one individual of Clark County is entitled to as well as what a Veteran is entitled to.

There are a number of other things, as you will recall - I won't burden anyone by bringing them all up again today. There should have been an Environmental Impact Study made on this particular property - it is required by the Federal Government before any project can go through. We listened to some inuendo at the last meeting that there was some sort of a Federal Impact Study that had been done, but there is no real evidence that the Report was done.

The matter, really, in my humble judgment - and I have no knowledge of your procedures or legal issues that face you gentlemen - so please excuse my ignorance in asking some of these questions - I think this is a matter, frankly, between the developer and the General Services Administration. They are developing a project in a rather strange

V.A. CLINIC  
(cont'd)

manner that is affecting my property, and there is a question in my mind as to whether this matter should even be before you until such time as the Environmental Impact Study and a lot of the other Governmental requirements, have been put in good shape and in good order to meet the Government's requirements. We have no idea that the Government will agree to moving this building 65 feet on the lot -

Commissioner Leavitt: My understanding is that they have agreed to it. As far as the requirements for the Federal Impact Statement, that's not a question before us. All we are considering is whether we should grant the zoning - that's all - whether we should go for the zone change.

Mr. Buckley: I understand what you are saying -

Mayor Briare: Do you have anything else, Mr. Buckley?

Mr. Buckley: Let me just double check through the notes I have made, if I may?

Mayor Briare: Certainly -

Mr. Buckley: I guess really, in summary, I would like to point out that not only as a Veteran, but as someone who is interested in the problems of the Veterans and the State of Nevada, working with several different agencies and trying to help, that I do want this project. I couldn't be any more sincere in telling you I believe in this project. I think it is good business for the Federal Government to conduct its business in a positive way and in a business-like manner. This property the Government some day may want. By then, Joe Buckley may be gone - I don't know - but just for the expansion of this particular project - they could have a little park in that area - I have over seventy-five trees on my property, and I just think the Veterans are being used as a pawn here to threat the possible revocation of Federal funds for this particular project merely over - they are steam-rolling this thing - and I think it is totally improper. I do not ask for a rejection vote on this project. I don't want a rejection. I don't want a "no" vote on this project today. I thought I made that clear at the last meeting. The only thing I'm looking for is a referral of this matter back to the City Planning Commission, or to the parties involved, to try to work out a resolution if that is at all possible. I urge your support in voting in that manner and I thank you for taking the time to listen to me. Thank you.

Mayor Briare: Thank you, Mr. Buckley.

Commissioner Christensen: Before we vote, I'd like to ask one quick question: I received a letter yesterday from the Jewish War Veterans of the United States, signed by a Mr. Sid Levy. Is he in the audience by any chance?

(No response)

Commissioner Christensen: Is there anybody in the audience representing that group?

(No response)

V.A. CLINIC  
(cont'd)

Commissioner Christensen: The reason I asked is that I wanted to call and discuss it with him because I think a lot of the Veterans here are the recipients of mis-information about the vote we had on this matter two weeks ago, and it is unfortunate that they are the recipients of mis-information. There was never a vote against this Veterans Clinic or against this Outpatient Clinic - it was simply a method to hold it for two weeks to try to work something out.

The interesting thing is that I got this quite nice letter from the Jewish War Veterans - on a letterhead and everything complete - but it all seems to be fictitious. The telephone number is for a real estate outfit and they are not listed in the phone book. I tried all day long yesterday to get ahold of them and I had hoped one of them would be here today so I could maybe find out their feelings today. I guess not.

Mayor Briare: The question has been called for on Commissioner Leavitt's motion to approve this zoning, subject to the conditions he has laid out.

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

At approximately 2:30 P.M., Commissioner Leavitt was excused from the balance of this regular meeting.

V-33-78  
Appeal  
Denied

Mayor Briare: We will now revert back to the Public Hearing items. The first Public Hearing scheduled today is on an appeal filed by Mark and Sandy Robinson to the action of the Board of Zoning Adjustment in denying their request to allow an existing accessory structure in the rear yard area where none are allowed, at 1404 South Maryland Parkway.

Is the appellant present, Mr. Foster?

Mr. Foster: I don't know.

Mayor Briare: Is there anyone in the audience present today to speak on the appeal filed by Mark and Sandy Robinson?

(No response.)

Commissioner Woofter: On that basis, Mr. Mayor, I would make the motion . . .

Mayor Briare: First let me announce that if there is no one present on this matter, this Public Hearing will be declared closed.

Motion

Commissioner Woofter: Mr. Mayor, I would make the motion to uphold the Board of Zoning action and deny the appeal filed by Mark and Sandy Robinson.

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

V-34-78

Mayor Briare: The next is an appeal filed by Mr. and Mrs. Louis Papp, Jr. on the application of Zao Tremblay Heape, to the action of the Board of Zoning Adjustment in approving a Variance to allow the construction of a single family dwelling with an 8 ft. 2-inch side yard setback, where 10 ft. is required, on property located on the east side of Kenny Way, 90 ft. south of Alta Drive, in Zoning District R-E.

Mayor Briare: Is Mr. or Mrs. Louis Papp present?

Response: Yes, Sir.

Mayor Briare: Are you Mr. Papp?

Response: Yes.

Mayor Briare: You might tell this Commission what the basis of your appeal is.

Mr. Papp: Your Honor and Gentlemen of the Commission, Ladies and Gentlemen. I did not appear at the original meeting because of the nature of my work. However, I did have a friend of mine try to present me with the facts. Before going any further, I have been in this position before where I've had to follow an act that cleared the room - but this is a little bit rough.

Anyway, my reason for filing the appeal, Mayor, is simply this: About ten years ago my wife and I bought this piece of property when there was only one existing home on it. We bought the property with the idea of having more or less of a rural situation. When I designed the home and practically built with these two hands, I was told I must follow all of the zoning restrictions, which I did. One was a 10 ft. setback. I had to dedicate 10 ft. for an alley, which I did - 40 ft. on Alta, which I complied with. I had to re-design the home so that it would fit into that long narrow piece of property, which I am very happy with, as is my family.

My neighbor, who has a house there, was faced with the same situation. He wanted to make his house larger to accommodate the size of his family - he was told by the Planning Commission that he had to adhere to the 10 ft. setback, as did all the other homes in that area. When Mr. Chapman incorporated and built 18 homes in that area, I came down to the meeting with him and he was told by the Commissioners at that particular time that they would not allow him to build smaller houses, closer together, and it cost him altogether about \$120,000.00 because he had to surrender about four lots.

The point I'm trying to make is - there are 21 homes in the area. There are two lots left. All of these homes adhered to the zoning requirements. All of them adhered to the 10 ft. setback. All of them dedicated property to the City as the City required. They have all followed all regulations. Now this property owner comes in - and there is nothing personal in this whatsoever - however, in the interest of saving your valuable time, let me quote a letter from Mr. Chapman which is what the Commissioners told him when he asked for a Variance, which was denied - the main reason the Commissioners turned it down on both applications - and that was for a reduction - that to grant us the small Variance we were requesting "would be contrary to existing

V-34-78  
(cont'd)

development and change the character and integrity of the area, and it would not be in keeping with good zoning practices to have a spot zone situation, which this is." It was stated that to put the houses closer to the street and closer together would disrupt the existing rural atmosphere and architectural integrity of the surrounding properties and it would not be fair for us for us to grant the Variances inasmuch as all of the surrounding development consisting of over 250 living units were in conformity with the zoning requirements.

Gentlemen, my only reason for being here is to reiterate what was stated before and to ask you to disallow a party to come in - one out of all of those homes - to have a lesser setback. It just doesn't seem to be fair to me and it affects me and Mr. Bates, my neighbor, directly. We are the property owners involved.

Mayor Briare: Thank you very much, Mr. Papp.

Commissioner Lurie: There's one thing I want to say: I don't consider this as spot zoning. Your impression of spot zoning and mine, and this Board, I think, are completely opposite because we are talking about 1 foot 8 inches in an R-E Zone that this particular home, in my opinion, is going to enhance the neighborhood and increase the value of those properties surrounding it.

Mr. Papp: Commissioner Lurie, I am not an expert insofar as the terminology is concerned - it was referred to as spot zoning. I don't know.

Commissioner Lurie: If somebody wanted to build a 4-plex there, or a duplex or have it zoned for Professional - I think that is spot zoning.

Commissioner Christensen: They are talking about spot zoning - this is a Variance. This is for a change in variation in the plot plan, and so forth -

Mr. Papp: I was just quoting the letter from the Commission - so I don't know. What I'm saying is that it would be a variation from the present conditions, and I don't see the need for that. There's plenty of land there. She can do what I had to do.

Mayor Briare: Is Mr. and Mrs. Heape present?

Response: I am here representing Mrs. Heape.

Elrena Alvarez: I am representing Mrs. Heape. She sent a letter with me today to read - I have had copies made of it and I would like to pass them out or maybe you would like me to read it. Also here is a copy of the home which will cost close to \$50,000.00 to build and she just turned town a \$50,000.00 offer on the property.

Mrs. Heape asked me to appear in behalf of her to the effect that Mr. Papp's appeal be denied. This was approved before the Board of Zoning Adjustment and she received the letter on 5/1/78. I have a copy of the letter where it was approved and this relates to a matter of 1 ft. 10 inches on each side of the setback - the side yard setback. Would you like me to read the letter?

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(cont'd)

Mayor Briare: No. In essence, you might just capsule what it says. It simply said there was an argument between Mr. Papp and Mrs. Heape - apparently she thinks that Mr. Papp wanted her to share in the cost of the block wall and she didn't want to share in it so she thinks that is retaliation. It's one personal opinion against the other.

Ms. Alvarez: That's right.

Mayor Briare: We would like to hear comments on the 1 ft. 10-inches that is the sole substance of the application.

Ms. Alvarez: Well, I suppose she feels that as she has her architectural plans drawn up that, naturally, is going to be an asset to the neighborhood. It is not going to be anything that would encroach on somebody's else's property . . . I'm sure she would keep that area in good condition.

Commissioner Christensen: If the side yard setback is 10 ft. from the property line, it has to be 100 ft wide, isn't that correct?

Mr. Foster: Yes.

Commissioner Christensen: Apparently it is a 100 ft. wide lot. Are you familiar with the plans for the building?

Ms. Alvarez: Not really familiar - I wouldn't say so . . . what I have written here - the house will contain 2,656 sq. ft.. The figure she has written here 89 ft., 2-inches by 265 ft. That's the size of the lot. It is a little over a half an acre -

Commissioner Christensen: 89 ft.? It's a 90 ft. lot then.

Ms. Alvarez: 89.20 -

Commissioner Christensen: Then that would require a 9 ft. setback - it's 10% of the lot -

Mr. Foster: It used to be that way. Now it's a specific 10 ft. on each side.

Commissioner Christensen: They've changed that since I've built - I have a 100 ft. wide lot and at the time they told me it was 10% of the width of the lot - that would be the side yard setback for R-E Zoning but apparently they have changed that. I was not aware of that. Let me ask Mr. Foster another question that has to do with this: When did they change this? Are the other houses in there a flat 10 ft. or on a 10% of the width situation in that particular tract. That was part of that Dasco development in there -

Mr. Foster: It was changed in the 1960's.

Commissioner Christensen: Well then, Dasco built on the 10 ft. requirement. The lot across the street from that, on Campbell, around Kenny - that the houses would be facing east - then they could all be on a 9 ft. side yard requirement, because those are 90 ft. lots. Is that correct? I don't know if it shows it on this plat -

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(cont'd)

Mr. Foster:

The map I have does not show the lot width either, but the R-E Zone now requires a 10 ft. setback.

Commissioner Christensen: What I'm getting at is that you don't really change much in the character of the neighborhood, because I could walk across the street - and I would guess those homes were built prior to mine, and mine was built in 1957 when the setback was figured on the 10% - and those homes were built as a part of that subdivision and they would be on a 10% side setback, so you would have a 9 ft. setback side yard clearances on all those homes across the street. So you really don't change an area that much.

Mr. Papp: Those lots are almost three times as long as they are wide - my house is 110 ft. long . . .

Commissioner Christensen: But you live on a corner lot . . . it would appear that she is asking for a Variance of 1 foot and 10 inches and, really, you are looking at 8 inches from what is across the street.

Mayor Briare: Ms. Alvarez, who is the Architect on this house?

Response: Mr. Farnsworth -

Mayor Briare: Is there anyone else who wishes to be heard on this item?

(No response)

Ms. Alvarez: I thank you very much. I am sorry she couldn't be here today.

Mr. Papp: I would be very happy to see a home go in there rather than an empty lot. I don't like what I see there now, but I feel everybody should comply with what was set forth originally.

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

(No response)

Motion

Commissioner Lurie: Mayor, I move that the appeal be denied.

Mayor Briare: The Public Hearing is closed and the motion is to deny the appeal and allow the Variance. Are there any comments on the motion?

Commissioner Christensen: Mayor, I think that one of the things we need to look at here is the purpose of the Variance . . . as I look at this plan, and the reason I asked about it - one of the problems you have with side yard setbacks, and decreasing them, is that you put the activity in the neighbor's yard closer to where you are sleeping, or living, or something like that. It looks to me like on this plan you really insulate the neighbors better, because when you move that building closer to the side yard, any impact, as far as noise, etc., is going to be suffered by the person in the building, because the building itself would limit that noise into the neighbors because you actually, with this building, you are surrounding it - any patio activity or anything is going to be inside those walls so that actually with the Variance you create a buffer zone so it is more advantageous to the

V-34-78  
(cont'd)

neighbor than if they had a 10 ft. setback and had a driveway in that 10 ft. and used it to get in and out of the back yard day and night - or something like that.

Mayor Briare: Are there any other comments?

(No response)

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

Commissioner Leavitt excused

V-39-78  
Appeal  
Denied

Mayor Briare: The next item is a Public Hearing on an appeal filed by Diana L. Hurtado to the action of the Board of Zoning Adjustment in denying her request to allow two dwelling units where only one is permitted, on property generally located on Washburn Road, between Lisa Street and Royer Ranch Road.

Is Mrs. Hurtado present?

(No response)

Mayor Briare: Is a representative of Mrs. Hurtado here?

(No response)

Mayor Briare: This is a Public Hearing and the appeal filed was by the applicant whose application was denied. We have on record a list of people who have joined in objecting to that allowance of an additional structure. I will ask once again if there is anyone here to speak on behalf of the appeal.

(The only response was from a group of people to protest the granting of this appeal)

Mayor Briare: You are here to speak in opposition to the appeal - are there others? We also have a list containing a good number of names. Many times if an appellant is not interested enough to come to the meeting, or notifying - or have a representative here, it is an indication they have given up their effort.

Motion

Commissioner Lurie: I move that the appeal be denied.

Mayor Briare: Would you like to go on record noting your presence here?

Response: Yes -

Mayor Briare: By all means, do it.

Response: I am William Pete

Response: And I am Barbara Singleton

Commissioner Christensen: May I ask one question of our Planning Dept. I notice this is listed as being in an R-E Zone. How big is this piece

V-39-78  
(cont'd)

of property?

Mr. Foster: It's a little over an acre in size - about 46,000 sq. ft.

Commissioner Christensen: I thought it went to R-A when you got up that big.

Mr. Foster: In this particular area the minimum building site is R-E, but these are larger size lots -

Commissioner Christensen: If they split it into two lots they would not have to come in for a Variance. That's what I'm getting at - if you could meet the requirements as to street frontage, etc. they could actually build two houses on an acre -

Mr. Foster: This would be possible.

Mr. Pete: I am a licensed contractor for the installation of septic systems and Clark County District Health Department regulations requires that it takes almost a full acre to install a full septic system and a well, so there is no way you could break that property up into two half-acre lots.

Mayor Briare: Is there anything else?

(No response)

Mayor Briare: Commissioner Lurie has moved that the appeal be denied and the original zoning stand as is.

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

Commissioner Leavitt excused

V-33-78  
Further  
Discussion

Mayor Briare: Before we get off the Public Hearings, I'm going to re-open the first one. That was on an appeal where there was no one to speak for or against; and for a matter of clarification, this is on an appeal filed by Mark and Sandy Robinson to the action of the Board of Zoning Adjustment in denying their request to allow an existing accessory structure. Notwithstanding that particular existing accessory structure, which they decided they wanted to keep, then this was denied - I would like to enter into the record a letter signed by Crystal Paine, who is the next door neighbor to this appeal item, where she is requesting that a 6 ft. high masonry wall be installed. I'm not quite sure how we interpret the action we took, because the request was to allow another existing building. It is so difficult on these appeals, because when you vote "yes", the answer to the applicant is "no" and if you vote "no" the answer to the applicant is "yes" and it becomes difficult to state it clearly. So, Commissioner Woofter, would you re-state your motion so that we can determine more clearly for the record?

Motion  
Re-stated

Commissioner Woofter: My motion was to deny the appeal filed by Mark and Sandy Robinson and uphold the action of the Board of Zoning Adjustment in denying their request to allow an existing structure in their rear yard.

V-33-78  
(cont'd)

Mayor Briare: There was no one present for either side on this matter, so as a matter of clarification for the Commission itself, we will hold this in abeyance until later this afternoon and if we can get a little clarification on it, take a final action on it.

This concludes the Public Hearings.

The next matters to come before us are those in the Department of Community Planning & Development. Mr. Foster, would you proceed to present the applications before us today?

Z-33-78

ZONE CHANGE Z-33-78 - NEVADA ESCROW SERVICE, INC. (Abeyance Item)

Mr. Foster: This item was held in abeyance from the last meeting because the developer had changed the plans from a 2-story to a 1-story structure and some of the Commissioners wished to determine whether the surrounding property owners had been aware of the change.

Mayor Briare: It is my understanding now that everyone seems to be in agreement on this particular application now, just so long as the building is one story in height and that protection is effected by land fill to the privacy of adjoining yards. Is the applicant present?

Response: Yes (Steve Turner of Nevada Escrow Service, Inc.)

Mayor Briare: Is my understanding correct that you have now worked out a satisfactory arrangement?

Mr. Turner: Yes, the developer has contacted the adjacent land owners and I understand they worked out an amicable agreement and we solicit your support and recommendation of Staff.

Mayor Briare: Is there anyone present who wishes to be heard on this particular application?

Motion

Commissioner Lurie: Mayor, I would move for approval, subject to the conditions.

Mayor Briare: Do the conditions include the fence and that the elevation of the land would not be raised to a point to violate the line of sight from the building into the back yard of a neighbor?

Mr. Foster: There was no condition about the finish grading, but there was a condition on the block wall. You can impose a condition about the height of the finish grade. They are proposing, I believe, that it be 18 inches higher than the existing grade. Mr. Turner can explain.

Mr. Turner: Yes, that would be the mean height above the street - that street slopes - you can't restrict it to a foot and a half above the center line of the street at its lowest point. Otherwise, the property would be in a hole.

Mayor Briare: Was one of the people you talked to a Mr. John Fitzgerald?

Mr. Turner: The developer talked with Mr. Fitzgerald - yes.

Mayor Briare: Very well. Can you represent to us then that the elevation problem is such that it won't be too high?

Z-33-78  
(cont'd)

Mr. Turner: I can represent to you that I don't think he will find it offensive.

Mayor Briare: Is there anyone else who wants to be heard on this application?

(No response)

Mayor Briare: The motion was to approve the application, subject to the conditions, and those that were expressed to me was that it was to be one story and that the elevation of the finish grade to be not more than 18 inches higher than existing grade.

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

Commissioner Leavitt excused

Z-47-78  
Approved

ZONE CHANGE Z-47-78 - NEVADA SAVINGS & LOAN ASSOCIATION

Mr. Foster: This is a zone change request by Nevada Savings & Loan from R-E to R-1 and R-D. It is a very large parcel - actually, two parcels, one on the north side of Alexander west of Torrey Pines, which is proposed for R-1. The Jade Park Mobile Home development is immediately to the north of that, and the R-D, which is about a quarter acre size lots, is proposed south of Alexander and west of Torrey Pines.

On the map (easel map) you can see the two parcels laid out. You will remember that several years ago there was a request to expand the R & H Development south to Alexander. You approved the request to the west. You denied the portion to the south. It later came back as a subdivision and that presently is under construction. There is an existing 6 ft. block wall in that area on the screen that is being pointed out to you now.

The Planning Commission recommended denial. They felt that the R-E area should be preserved in close proximity to the area that is already developed, which is east of Torrey Pines, and north of Alexander, and that is pretty much the position that the protestants took when they appeared at the meeting. There were approximately 120 protests, some 20, or so, attending the meeting.

J. Downey, 4045 Spencer, representing the applicant, Nevada Savings & Loan: Commissioners, what we have tried to do is to give a logical transition between the Mobile Home Park and the R-E further to the south. The R-1 homes would abut the Mobile Home Park. They will be in a range from 1200 to 2300 sq. ft. homes in a price range from \$50,000 to \$90,000. We feel that the R-D, again, would be another logical transition because it is an 11,000 sq. ft. lot.

You can see on the map over here (easel map) there are approximately six homes on Torrey Pines which are R-E lots, which would be the most directly affected. We have agreed to the south of that to leave that as R-E - there are possible three more R-E lots adjacent to them.

We did have a recommendation for approval from the Staff. We have done all of the recommendations that Staff has made - part of that was the

Z-47-78  
(cont'd)

dedication of a 5-acre park, which we are willing to do, to take care of this total development. We are on three major streets - Gowan, Alexander and Torrey Pines - we will improve those streets which will, to us, provide a very good traffic flow within that area.

We feel it is a logical transition between the Trailer Estates and the R-E to the south. I think you will recall that approximately two years ago you put this area in the R-D, I believe, holding zone rather than to let the R-E stay forever. So, we feel that from the Trailer Park to the R-1 to the R-D is a logical transition and would be good planning.

Commissioner Lurie: I have a question on the transition. I think it is a good transition, but why couldn't you have planned the R-E along the borderline, say, of Lorenzi and along Alexander, to protect some of the other R-E development in there surrounding the R-D?

Mr. Downey: The only R-D development we had, Commissioner - the property to the east of the R-D is vacant property. The only R-E development you have is the small parcel I spoke of -

Commissioner Lurie: Right there at Torrey Pines -

Mr. Downey: Yes . . . to the south is all vacant property. What we've tried to do is to provide for the transition from R-1 to the R-D to the existing R-E to the south . . . it would be a transition to it.

Commissioner Christensen: Let me give you a little background, Commissioner Lurie, because this question came up and I researched it - part of the problem you have is with these large undeveloped areas in town - they always came into the City at R-E Zoning because that was the least dense zoning we had. We used it as a holding zone. If you will recall, about two years ago we adopted an ordinance to change that situation and any property that was annexed into the community that was undeveloped - 10 acres, or more - came in under a different Zoning Classification - which letter-designation I don't remember - but it was to be construed to be a "Holding Zone". We didn't know what the zoning was going to be as yet because it was too far out and too new . . . it was clearly spelled out that this was a Holding Zone, because too many times people had been tricked into believing that because they were way out in the boondocks as R-E, that it was going to remain R-E forever, and they could very well be next door to a shopping center in twenty years. So you don't know when an area is totally undeveloped just exactly what the zoning is going to be - until the area begins to develop and you see how it's going to go. That's the situation we've got here, I think, and that is what Mr. Downey is trying to point out is that is all undeveloped property around it, with the exception of the R-E and the Trailer Park.

Mr. Downey: Also, Commissioner, you will notice, and I don't know if you have a copy or not - the Regional Master Plan shows this area as proposed R-1 or three to six units per acre, so it would fall within that designation -

Commissioner Christensen: What is the difference in density between R-E and R-D?

Mr. Downey: R-E is two residences per acre and R-D is three - a little

Z-47-78  
(cont'd)

Less than three - under a subdivision

Commissioner Christensen: So, under a subdivision you would be . . .

Mr. Downey: We would probably end up with two per acre . . .

Commissioner Lurie: One other thing, too - I think the Planning Commission recommended denial because it was felt that a larger area should be reserved in close proximity to the R-E to the east. Show me on the map what they are talking about.

Mr. Downey: You do have existing R-E here (easel map) - you have commercial along . . .

Commissioner Lurie: And you are maintaining the integrity of the R-E along Torrey Pines -

Mr. Downey: In other words, we're putting R-D against the R-E here which, again, that will probably change because this is commercial, and you wouldn't go for commercial next to an R-E zone. The R-E here (easel map) is already adjacent to the Trailer Park, so I don't know the logic -

Commissioner Lurie: OK - you're adding three lots along with the existing R-E . . .

Mr. Downey: These lots will all be walled . . . we will have an entrance off of Alexander so that it will be a completely enclosed community, so we're not . . .

Commissioner Lurie: Where will there be access, then?

Mr. Downey: Access will be on Alexander - an exit will be off of Gowan and access off of Torrey Pines. We're trying to keep all the traffic we can - we had the Planning Commission hold this map because these do front on Torrey Pines (easel map) - so that we could keep the majority of the traffic on Torrey Pines . . .

Commissioner Lurie: Then you changed it -

Commissioner Woofter: You stated that the approximate sales range would be from \$50,000 to \$90,000 - What would the R-D homes be?

Mr. Downey: The R-D homes would range up to 3000 sq. ft. and the sales range will be from \$125,000 to \$150,000 homes -

Commissioner Christensen: Which isn't just exactly "junk".

Mayor Briare: Does that complete your presentation on the application?

Mr. Downey: Yes, Sir.

Mr. Sherman Miller, Nevada Savings & Loan Assn.: I would just like to state that as far as this project is concerned, we intend it to be one of the finest subdivisions in the City. As you can see, we have not gone to the easy grid pattern of square blocks, etc., We are going to - as Jay pointed out, have a wall on Torrey Pines and we are going to maintain architectural control over the project. We have as great an interest, I

Z-47-78  
(cont'd)

think, as anyone, as investors. We have, I suspect, about 90% of the loans made in the general locale of that area - made by the Nevada Savings & Loan - so we aren't in any way let anything we do at this project depreciate those properties on which we have made the loans. It will be an asset to the community and I think that those who have tested us will be very pleased.

Mayor Briare: Thank you, Mr. Miller. Is there anyone else to speak in favor of the application at this time?

(No response)

Mayor Briare: OK, now we will hear those protesting.

Roy Jorgensen, 3700 N. Torrey Pines:

Commissioner Christensen: Show us where that is on the map (easel map).

Mr. Jorgensen: This is the parcel of land in question (easel map) and this is my residence. I was here for the Planning Commission meeting, at which there were plenty of protestors who did show up also. I am sure the reason they are not here now is because it was a unanimous decision to deny this zone change.

They've painted a pretty good picture here because they show Alexander Road and Gowan Road, and all these big roads in here, but if you've been out there, there are no roads. Gowan Road from Torrey Pines to the new Expressway, is dirt.

Commissioner Christensen: You understand that when they build a subdivision, they put all those roads in?

Mr. Jorgensen: I understand that. Torrey Pines is a 30 ft. road. Gowan Road from Torrey Pines to the Tonopah Highway is a 30 ft. road. Alexander does not even go through to Tonopah Highway. The next street would be Craig Road, and Craig Road is a 30 ft. road. Now you are talking about putting a thousand people, or more, into this area, and there is no way to get them in and out of the area.

Mayor Briare: Mr. Jorgensen, let me have our Planning Director explain to you about those 30 ft. roads.

Mr. Foster: Well, those are existing paved roads that I believe were constructed in the County, but now, through this subdivision development there would be a 30 ft. half-street paved on Torrey Pines - Alexander is a 100 ft. street and it will be completely paved - Gowan is a 40 ft. half-street. These would all be new streets, paved, as shown on the Plan.

Mr. Jorgensen: You will notice on this map (easel map) over here where the pencil is - that's the area in question - and north of that is Alexander Road. Everything to Tonopah Highway is R-E - everything south of Gowan Road is R-E. Everything west of Torrey Pines is R-E. I moved out there a long time ago because I felt that I wanted to be in the R-E area. We can't go much farther because we would become involved with BLM property. There is nothing surrounding this area here (easel map) outside of R-E. We're talking about a trailer park that went in up on Craig Road . . . Now we have seven residences on Torrey Pines - I happen

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(cont'd)

to be here (easel map) . The original intent was to put R-D development in here - not R-E but R-D - that would put four backyards on my property line, so I felt I was being hurt by them coming in with anything but R-E. This property was purchased a while back from Mr. Garheimes for the purpose of developing R-E - that's what we were told. Now I feel it is still good enough for R-E, and I feel that if there are other developments in here - apparently they are going to have to curb and gutter this (easel map) - we don't have curbs or gutter - we don't have sewer - we'll have to hook to the sewer - we'll have to put curbs and gutters in. I don't know if the Master Plan shows they could handle this much sewage going on to Tonopah Highway or not.

Commissioner Christensen: Well, if they don't, they won't be allowed to go ahead. Those are things we check out and determine - that is done by the Engineering Department.

Mr. Jorgensen: Have you been out in this area lately?

Commissioner Christensen: Oh, yes -

Mr. Jorgensen: This area is just kind of a sleepy area and has been for the last ten years - there are isolated little houses - and that's all that is going in out here - R-E homes that are being developed. The main reason I am up here before you is that I am a property owner - I am affected by anything other than R-E next to my home.

Commissioner Christensen: I have a couple of questions: I worry about some of the same things you worry about - we are talking about 2.7 an acre. That's a total of how many more homes than if it was R-E?

Mr. Foster: Almost twice as many in R-D as in R-E.

Commissioner Christensen: They have a 2.7 plan instead of 2, so it's less than a third more -

Mr. Miller: I would say there is a 30 or 35 home difference there - that's all.

Commissioner Christensen: Well, what you're telling me is that they can carry the traffic for 200 homes but can't carry the traffic for 230 homes. Where is the breaking point?

Mr. Jorgensen: I don't think those figures are correct. I think you are talking about the difference between a 20,000 sq. ft. lot and a 10,000 or 11,000 sq. ft. lot. We're not talking about a 2-3 ratio, we're talking about almost a 4-2 ratio.

Commissioner Christensen: We have two different opinions - you say one thing and the developer says another. Let's find out what it is.

Mr. Jorgensen: What is the square footage for an R-D?

Commissioner Christensen: Wait a minute - on an R-E lot - you can have an R-E lot of more than half an acre -

Mr. Jorgensen: 20,000 sq. ft. is the minimum -

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(cont'd)

Commissioner Christensen: If this is subdivided and built in a subdivision, the lot sizes are set and it doesn't necessarily indicate that because they have R-D zoning they must go to the small size area for R-D zoning. It's not very difficult to count the number of lots and that is what you need to know -

Mr. Jorgensen: Well, I understand that, but a developer would have to utilize every piece of square footage he has there -

Commissioner Christensen: He utilizes it just exactly the way he has it on the plan that is approved, and if the R-D lots are large enough so that your ratio is 2.7 as opposed to 2 - if that's the way it figures out and if that's the way it is approved, that is the way it goes. It doesn't go on a 2.4 ratio.

Mr. Miller: Some of those are 15,000 sq. ft., so you're not saying every lot is 11,000 sq. ft.

Commissioner Christensen: That's what I mean - once we approve the subdivision plat -

Mr. Foster: The lots are shown as 11,000 sq. ft. and they have 379 lots proposed, which is an average density of 2.5 units per acre.

Commissioner Christensen: OK - for the R-D it would be 2.5 and the R-E would be 2 -

Mr. Foster: With the exception for streets . . .

Mr. Miller: As I have said, Commissioner, some of those lots are 15,000 sq. ft. - that's how we come up with the 2.5 density . . .

Mr. Jorgensen: I'm not objecting to . . . they say - well, that's fine - they can go out here develop on that, but what about the property owners here (easel map) being protected?

Commissioner Christensen: Protected against what?

Mr. Jorgensen: They're talking about putting three R-E lots in here (easel map) but they're not talking about anything protecting them down at the back - they're not talking about protecting them on this side either. Everything across the street - you've got nothing but 40-acre pieces out here - solid desert - from behind my property to Mt. Charleston. It is all vacant, unimproved land. You've got a new Expressway coming through behind there with no access to the Expressway from either Alexander or from Gowan Road. Your access will be on Craig Road to Tonopah Highway and back to Cheyenne.

Mr. Jorgensen: I have no objection to them building houses out there but I think they ought to keep it the way it is zoned and the same as most of the homes in the area, and I'm talking about 100% of the homes in that area are R-E. Thank you.

Mayor Briare: Thank you, Mr. Jorgensen. Is there anyone else who wishes to speak in protest?

Jean Laity, 3724 N. Torrey Pines: I live on one of the 8 lots that would

Z-47-78  
(cont'd)

be directly surrounded by it. The point I want to make is that I see no need to change the zoning in that area to enhance growth. At the present time we have about four major housing developments in the immediate area, and they all meet the zoning requirements, so the area is growing very rapidly under the present zoning conditions.

My second point is what this development would do - it would effectively cut off any further R-E area . . . and these people are horse people. There are a lot of horses in that area and they would be blocked off from the open desert - you would locking those horse people into a little pocket there.

I would have two backyards backing up to my property. I have put quite a bit of money into my property and this would affect my property value. I am thoroughly opposed to this. If for some reason it is approved, I would like to have it passed with some deed restrictions taking these eight property owners into consideration. I would like an R-E buffer all around here (easel map) to protect these 8 property owners. I would like deed restrictions saying there could be no 2-story structures directly behind me. I have spent a considerable amount of money on a swimming pool - under the present R-E zoning a person behind me on an R-E lot could build a 2-story in my backyard - on an R-D zoning I would have someone looking into my backyard. These are several examples and I'm sure there are other people living there who would have others, but that in no way means I favor them.

Mayor Briare: Thank you, Mrs. Laity. Is there anyone else who wants to speak in opposition to this?

Commissioner Christensen: Is that correct on the R-E zoning - what is the difference in the R-E and R-D zoning if you have a 2-story? Is there a greater setback and, if so, how much?

Mr. Foster: There is a 50 ft. setback in the R-E and I believe it is 30 ft. in the R-D - I would have to check that.

Mayor Briare: While that is being checked, I will ask again if there is anyone else that wishes to speak in opposition to this application?

Mr. Foster: It is a 30 ft. setback in the R-D zone.

Commissioner Christensen: That makes a 20 ft. difference. What about a swimming pool? A swimming pool can be built right up against the fence, can't it?

Mr. Foster: I think there is a 5 ft. setback required.

Mayor Briare: Since there is no one else who wishes to be heard on this, I will declare the Public Hearing closed and ask for comments or questions by the Commission.

Commissioner Lurie: I would like to ask the developer if they would be willing to extend that R-E to the north the same distance they did on the south - to protect the other property owner at the north in the R-E.

Commissioner Christensen: In other words, Commissioner Lurie, what you're

Z-47-78  
(cont'd)

asking for is that whole line across there being R-E (easel map)?

Commissioner Lurie: That's right - I would like to see the R-E go all the way up to Alexander - maintain the R-E all along Torrey Pines -

Commissioner Christensen: We're talking about changing that pattern in there - would that change the street pattern or would we still be having that street coming out at Torrey Pines at that point? This particular plan is not the plan they apparently are trying to get on, because this plan doesn't show the R-E, etc. Now, are the street patterns correct on this plan?

Mr. Downey: Yes Sir - the pattern would be - this street has to come out to Torrey Pines - we could run three more lots up to that street, which would be 3 on the north and 3 on the south - make them all adjacent.

Mayor Briare: Could you circumscribe the wall that you were talking about? Was there a wall mentioned?

Mr. Downey: Yes Sir - on Torrey Pines - a wall that would go all the way around (easel map) . . .

Mayor Briare: Starting at a point north of the last home that is developed right now - and go all the way over to Gowan Road?

Mr. Downey: All the way around.

Commissioner Lurie: Do you have any argument with that - if a motion was to be made that we continue that R-E? Would that hinder the project any?

Mr. Miller: We would agree to do that, Commissioner . . . I would also say that - in answer to the question the lady posed, that we would agree to having no 2-story houses to the rear of their properties -

Commissioner Christensen: Could you put on the R-E properties that you develop both north and south of the ones existing - make certain they will be R-E and as they are larger lots, could you put circular drive-ways in them so they wouldn't be backing out onto that street?

Mr. Downey: Yes, we could do that, Commissioner.

Commissioner Christensen: It would be safer.

Mayor Briare: Do you have anything else, Commissioner?

Commissioner Lurie: No - I was going to make a motion for approval subject to two conditions: One condition is that the R-E lots be extended, 3 to the north and 3 to the south. The second condition would be that no 2-story homes shall be built that back up to the existing R-E lots to the west.

Mayor Briare: Do the Commissioners understand the Motion? Are there any further comments or questions on the motion?

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

Commissioner Leavitt excused.

Z-47-78  
(cont'd)

ZONE CHANGE Z-47-78 - NEVADA SAVINGS & LOAN ASSN.

Mayor Briare: The motion is approved, subject to the added conditions and all of the other conditions.

See Pages 88 thru 95 of these Minutes - Annotated Agenda

Z-48-78  
Denied

ZONE CHANGE Z-48-78 - BERNARD AND NANCY MURPHY

Mr. Foster: This request for a change in zoning is from R-E to P-R. It was before you last December and you denied it. They came and asked for a rehearing after it was found that the City had inadvertently notified the property owners that the applicant had been approved, because the realtor, who is wanting to develop the property, had started development and a temporary business license had been approved.

At the rehearing, you denied the request and indicated that any reconsideration would have to be through a new application. This, therefore, is a new application by a new owner, who now has a real estate office on the property. It is located on the northeast corner of Del Monte and Arville, as you can see on the screen. The green color indicates R-E development - a substantial area of development to the east and south of the property, and to the west is an R-1 single family development. The large piece there to the northwest is the Westland Mall Shopping Center. There is one piece of property zoned Commercial along the east side, for a Printing Shop..

This is the Plot Plan (easel map) in front of you - Arville - Del Monte - this is an existing office in this area - they propose to rent the smaller building for additional office use - this is a garage - they have developed the parking. Most of the landscaping, as shown was existing on the property.

The Planning Commission felt that it was still basically an R-E area and for that reason, recommended denial. There were protest petitions and a number of people turned up at the Planning Commission meeting - totaling 110.

Mayor Briare: Mr. Foster; you indicated that center building was an existing office building?

Mr. Foster: Yes - as a result of the previous action and the clerical error.

Commissioner Lurie: That is the home that was converted?

Mr. Foster: It was a residence - yes.

Mayor Briare: Is the applicant present?

(No response)

Mayor Briare: Is a representative of the applicant present?

Response: My name is Robert Owczarzak. I was here previously for Big Chapparal Realty. The last time I was here when we requested just a rehearing rather than a re-application, it was because of the error,

**AGENDA***City of Las Vegas*

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PHONE 386-6011

ITEM

Commission Action

Department Actio

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.

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ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
(CONTINUED)

A. ABEYANCE ITEM - 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

Approved as  
 recommended by  
 Planning  
 Commission  
 Lurie - unanimous

Clerk  
 to notify  
 Planning  
 to proceed

(Finished grade to  
 be 18-inches higher  
 than existing grade)

B. ABEYANCE ITEM - ZONE CHANGE - Z-43-78 -  
CHARLESTON TOWERS AND MR. DODD SMITH

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 & Parking)

To: P-R (Professional Offices & Parking)  
 C-1 (Limited Commercial)

Proposed Use: V.A. Outpatient Clinic

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. An eight ft. block wall shall be constructed along the property line

Approved as  
 recommended by  
 Planning  
 Commission EXCEPT  
 that building shall  
 be moved to the  
 North a distance  
 of 65 ft.  
 Leavitt - unanimous

Clerk to  
 Notify  
 Planning to  
 proceed

# AGENDA

## City of Las Vegas

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ITEM	Commission Action	Department Action
<p>XI <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT (CONTINUED)</u></p> <p>adjacent to the dwelling unit located southwest of the 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.</p> <p>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.</p> <p style="text-align: center;">PROTESTS: 1</p>	<p>See Page 37</p>	<p>See Page 37</p>
<p>C. <u>ZONE CHANGE - Z-47-78 - NEVADA SAVINGS AND LOAN ASSOCIATION</u></p> <p>Property generally bounded on the south by Gowan Road, on the west by Lorenzi Street, on the north by the Jade Park Mobile Home Estates, and the east by Torrey Pines Drive.                  From: R-E (Residence Estates)                  To: R-1 (Single Family Residence) and R-D (Single Family Residence, Restricted)</p> <p>Planning Commission unanimously recommends DENIAL.</p> <p>If approved, the following conditions are recommended:</p> <ol style="list-style-type: none"> <li>Resolution of Intent to be restricted to a twelve (12) month time limit.</li> <li>Street dedication to be provided within sixty days after approval of the zoning.</li> </ol> <p style="text-align: center;">PROTESTS: Approx. 120</p>	<p>Approved subject to standard conditions, plus 1 and 2 shown and adding:</p> <ol style="list-style-type: none"> <li>3 R-E lots north of existing R-E lots on Torrey Pines and 3 R-E lots south of existing 8 R-E lots on west side of Torrey Pines;</li> <li>All 6 lots shall have circular driveways</li> <li>No 2-story residences to be allowed backing up to R-E lots</li> </ol> <p>Lurie - unanimous</p>	<p>Clerk to notify</p> <p>Planning to proceed</p>



## City of Las Vegas

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ITEM Commission Action Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
(CONTINUED)

If approved, the following conditions is recommended:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.

PROTESTS: 2

See Page 39

See Page 39

G. ZONE CHANGE - Z-46-78 - GEORGE E. HARRIS,  
TRUSTEE

Property generally located approximately 600 feet south of the intersection of Jones Blvd. and Rancho Drive, on the west side of Jones Boulevard.

From: C-2 (General Commercial)  
 To: R-E (Residence Estates)

Planning Commission unanimously recommends APPROVAL.

PROTESTS: 0

Approved as recommended by Planning Commission Christensen - unanimous

Clerk to notify

Planning to proceed

H. TENTATIVE MAP - BRETON WOODS NORTH

Property generally located on the northwest corner of Jones Boulevard and Edward, R-E and C-2 zone, proposed R-E.

Owner/Subdivider: Bernard & Spengler  
 No. of Acres: 19.0+ No. of Lots: 33

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

1. Approval of zoning request Z-46-78.
2. That Vacation VAC-5-78 be recorded prior to the recording of a final map containing this area.
3. That proper provision be made for sanitary sewer service which is acceptable to the Department of Public Services.
4. If a wall is constructed on an exterior boundary street, the CC&R's shall contain

Approved as recommended by Planning Commission Christensen - unanimous

Clerk to notify

Planning to proceed

**AGENDA***City of Las Vegas*

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PHONE 386-6011

ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
(CONTINUED)

wording to the effect that each property owner of a lot backing up to said wall shall be responsible for the continued maintenance of the exterior side of the wall and the ground area at the exterior base of the wall.

See Page 40

See Page 40

I. ANNEXATION - A-6-78 - CITY OF LAS VEGAS

Petition to annex property located on the south side of Lone Mountain Road west of Rainbow Boulevard.

Planning Commission unanimously recommends APPROVAL.

Approved  
Christensen -  
unanimous

Staff  
to proceed

J. ANNEXATION - A-7-78 - CITY OF LAS VEGAS

Petition to annex property known as the east 50 feet of Sections 29 and 32, Township 20 South, Range 62 East, M.D.M. (Nellis Blvd.).

Planning Commission unanimously recommends APPROVAL.

Approved  
Lurie - unanimous  
(Commissioner  
Christensen did  
not vote - temporarily  
absent)

Same as above

K. TENTATIVE MAP - NOVA PARK NO. 3

Property generally located on the southeast corner of Owens Avenue and Pecos, R-1 zone.

Owner: Harry Gordon

Subdivider: Consolidated Realty & Management

No. of Acres: 15.8175 No. of Lots: 74

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

1. There be no vehicular access to Owens Avenue and Pecos Street from the rear or side of the abutting lots.
2. This tentative map be amended to include the property which is to be deleted from Washington Square Unit 6.
3. If a wall is constructed on an exterior boundary street, the CC&R's shall contain

Approved as  
recommended by  
Planning  
Commission  
Lurie - unanimous  
(Commissioner  
Christensen did  
not vote -  
temporarily absent)

Clerk  
to notify

Planning  
to proceed

**AGENDA***City of Las Vegas*

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ITEM	Commission Action	Department Action
<p>XI <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT (CONTINUED)</u></p> <p>wording to the effect that each property owner of a lot backing up to said wall shall be responsible for the continued maintenance of the exterior side of the wall and the ground area at the exterior base of the wall.</p>	See Page 41	See Page 41
<p>L. <u>TENTATIVE MAP - WASHINGTON SQUARE UNIT 6</u></p> <p>Property generally located between Washington Avenue and Owens Avenue, west of Virgil Street, R-1 zone.</p> <p>Owner/Subdivider: Robert Shaw Construction No. of Acres: 9.54      No. of Lots: 39</p> <p>Planning Commission unanimously recommends APPROVAL, subject to the following condition:</p> <p>1. That the parcel of land shown on this tentative map, being contiguous on the east, be made a part of Nova Park #3.</p>	<p>Approved as recommended by Planning Commission (Commissioner Christensen did not vote - temporarily absent)</p>	<p>Clerk to notify  Planning to proceed</p>
<p>M. <u>VACATION - VAC-5-78 - GEORGE E. HARRIS, TRUSTEE</u></p> <p>Petition to vacate the westerly portion of Jones Boulevard, commencing approximately 600 feet south of the intersection of Rancho Drive, and extending southerly approximately 340 feet.</p> <p>Planning Commission unanimously recommends APPROVAL, subject to the following condition:</p> <p>1. That there be approval by the Regional Street and Highway Commission of the new alignment of Jones Boulevard at Rancho.</p> <p>(SET DATE FOR PUBLIC HEARING)</p>	Withdrawn as requested by Director	

## City of Las Vegas

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ITEM	Commission Action	Department Action
XI <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT (CONTINUED)</u>		
N. <u>VACATION - VAC-6-78 - SHELDON PLOTKIN</u>  Petition to vacate a portion of Appian Way, generally located 230 ft. west of Decatur Boulevard and 320 ft. north of Cory Place.  Planning Commission unanimously recommends APPROVAL.  (SET DATE FOR PUBLIC HEARING)	Set Public Hearing for 2:00 P.M. July 19, 1978	Clerk to proceed  C/A to prepare Notice  7/19/78 Agenda
O. <u>PLOT PLAN REVIEW - Z-102-73 - ROBERT G. SARNOFF ARCHITECT</u>  Plot Plan Review to allow a savings and loan association building on property located at the southeast corner of Valley View Blvd. and the Las Vegas Expressway, C-1 zone.  Planning Commission unanimously recommends APPROVAL.	Approved as recommended by Planning Commission Lurie - unanimous	Planning to proceed

Z-48-78  
(cont'd)

we indicated that we really didn't want the property rezoned specifically because there was an error in the Clerk's office. All we wanted was to be reheard and have the opportunity, this time, to speak for ourselves, because previously the application was made by the former owner. We had made an offer to purchase the property contingent on it being zoned P-R. Do all of the Commissioners recall what came about at that time? Or should I review?

Mayor Briare: Why don't you give us a brief recap on it.

Mr. Owczarsak: OK. As a sort of a capsule of what happened - last year, approximately in October, we made an offer to purchase this property - it had been on the market for about six months and not sold, and it is probably was because Arville is so busy. It is zoned R-E. As I have said, the property had not sold and it seemed like it should be an attractive piece of property because there are actually two dwellings on the property on a half acre, and at a price of \$70,000, that's a pretty good buy for somebody that wanted a duplex, considering what duplexes are going for now in town. One unit is a 3-bedroom with 1 and a 3/4 bath, which they are currently using as an office. The other is a 1-bedroom with 1 bath, with the entire corner surrounded by oleanders - it is kind of like a park area inside this corner. That corner is completely isolated from the street by oleanders.

At any rate - what we did - we made an offer to purchase it contingent upon it being zoned P-R. The former owner accepted our offer and made application for the P-R Zoning. We appeared at the Planning Commission meeting when it came up and I spoke in behalf of the former owner, indicating that we were the potential purchasers of the property, and that what we wanted to do was to convert it into our real estate office. It did fail at that Planning Commission meeting, and we were not aware that it subsequently went to the City Commission meeting, although it is advertised, I know, out in front there on the board. I felt like if it was rejected there, it was rejected.

At any rate it came back - it came up before the City Commission in December - I believe, December 21st of last year - and it was apparently denied again. No one appeared for or against in that case, and a letter came out dated January 3rd - which I have a copy of here - indicating that the zoning application had been approved, subject to ten conditions regarding curbs, gutters, sidewalks, development of a parking area, and so forth - so we went down to the City with a copy of the letter - back to the Planning Commission - or the Planning office - asking - who do we see to comply with all of these requirements, so that we can get some estimates on what it is going to cost us. They sent us up to all of the . . . to Fire Services, and all the others. At any rate, we went through and submitted our plans to all of the different departments in the City and our plans had been stamped "approved" by every department. Following that, we did purchase the property. We put a considerable amount of money down on it and paid another \$1,000 for surveying and staking and we were within three days of having the curbs, gutters and sidewalks started, and we got another letter, through the former owner - a letter was sent to the former owner - this was about five weeks after we had closed our other office and moved into this building, knowing we had 60 days to complete all of the improvements. This letter indicated that the letter that had been sent out on January 3rd - and this letter, incidentally, was sent out on

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(cont'd)

April 7th - indicated that the letter sent out on January 3rd was a clerical error and, in fact, the zoning had not been approved and included a copy of the minutes of the meeting indicating what the vote had been. So we requested . . . we came back down to the City and asked what we could do. They suggested that we request a rehearing. That came up - requesting a rehearing - and we were denied a rehearing. I think at the suggestion of Commissioner Christensen, it was indicated that probably what we should do was to re-apply and go through the whole process again. So we have done that. We have been before the Planning Commission, and at the Planning Commission meeting we were denied.

Mayor Briare: And now we are right back where we were.

Mr. Owczarzak: Right - one of the big problems we had, I think, at the Planning Commission was a large turn out of people - some 6 or 8 people who did turn out - but they had a petition from the surrounding neighborhood indicating they were against this type of zoning for this area. We asked for advice from our office attorney to find out what he thought we should do, and he suggested that - since most of the objection was from the neighborhood across the street, which is surrounded by an 8 to 10 ft. block wall fence, that really we didn't need to be concerned with that - what we needed to be concerned were the people along Arville and the people behind us. So we did that and, as I say, we were denied because of this rather large petition. Within the last couple of days we have interviewed the people who are in the tract across the street to find out what their feelings were, and the map that I have up here indicates the people that did give us responses - both for us and against us. We indicated to the people in the housing tract that really what we are concerned with is a fair analysis of how the people felt that were going to be around us - that if most of the people didn't want us there, we didn't want to be there. We're a real estate office and we have to do business with people in the neighborhood. So if I can explain what the results of this were . . .

Mayor Briare: Particularly those right in the immediate area -

Mr. Owczarzak: Let me explain how I did this: I have a 3-pitch letter that we had attached to this explaining who we were, how we got there and what conditions had been set down on the property and what our intention was. I felt that some of the people who had signed the protest petition felt that we were going to do what Brower Printing did down the street, and put in a big warehouse, so we wanted to alleviate those problems in their minds - explain, like I said, how we got there - we had three boxes there they could check on one of the sheets. The top one says: We, the residents described below are absolutely opposed to the reclassification application of the Big Chaparel Realty to P-R (Professional) at 1553 Arville and further recommend denial of the application. I do have some denials here, and I would like to submit the denials along with the others. The second box says: We, the residents of the property described below, have no objection to the reclassification application described above. We, however, leave this reclassification up to the City Commission of the City of Las Vegas. Then, the third box, at the bottom, states: We, the residents described below, are in favor of the reclassification application described above and recommend approval of the application. Then there was a place for them to sign their name and address.

Mayor Briare: Can you identify the results from your tabulations there?

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(cont'd)

Mr. Owczarzak: Yes, I can . . .

Mayor Briare: Excuse me just a moment - is there anyone here to protest this application?

(Positive response)

Mayor Briare: Can you turn that display just a little bit so these folks can see where you are pointing. Now you will be able to identify what is being presented - if not, you are welcome to come up closer.

Mr. Owczarzak: Unfortunately, the housing development I have drawn on is a smaller scale than the scale I used for this (easel map). At any rate, all of the property directly across from the entrance to this housing tract - there is an 8 to 10 ft. block wall around this housing tract that goes all the way around the corner. All of the parcels where there are red check-marks, are people who were just unopposed. They did not recommend approval, or denial - they were merely unopposed to our application.

The ones that have the blue check-marks are the ones who actually wrote letters. There were 4 letters at the Planning Commission meeting, in favor of our application . . . these are the first few houses that are actually facing Arville but are not inside the block wall fence. The block wall stops here (easel map) - this is the housing tract right in here. At any rate, we got letters of approval that were turned in by this home here - this one - this one and this one . . . all those that have green check marks are the ones who recommended denial. There are a couple of other ones that should be marked green, because I'm sure they are opposed - we went to everybody, even the ones we knew were totally opposed to us. At any rate, the petition that was sent around - we were trying to counteract the effect of that petition, because when we got a copy of the petition and went through it, we find that a number of people that signed that petition is not accurate. Just as an example, there were 5 homeowners that signed the petition for this house right here. 3 with one last name and two with another last name. I seriously doubt that 5 people own that property.

At any rate, just a tabulation of the sheets that we put out last night and this morning shows that we have 38 replies from the people who are in here - 18 of them recommended approval; 11 of them had no objection, which makes 29 of the 38, so 9 of them recommended denial. This does not include the people who are on Arville, all of whom approved with the exception of one - I have changed her vote on here to indicate that she was opposed..

Mayor Briare: Are there any questions in the minds of the Commissioners now as to specifically what we are working on here?

Commissioner Christensen: I've got one: How can you be not opposed and not in favor, and also be in favor? In other words, how can you get a red check mark and a blue check mark?

Mr. Owczarzak: What we're saying is that they have no objection - they really don't care. If you get a blue check mark, you're saying we want you to be there . . .

Commissioner Christensen: But how can you get both of them?

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(cont'd)

Mr. Owczarzak: Well, some of them indicated they were not opposed to begin with, actually signed one of these statements that they wanted us to be there.

Commissioner Christensen: They changed their mind then - I see.

Mayor Briare: So that he won't mislead us, he wants to show that some of the people who sent in written petitions, had changed their mind.

Mr. Owczarzak: Correct. There are none on here that are not written statements, and I've got all of the statements, with addresses and so forth, I am submitting, including the ones in favor and opposed to us.

Mayor Briare: Why don't you leave them there just for a few moments - or pass them over to the City Clerk, because we're going to ask the "green checks" to come forward.

City Attorney, Mike Sloan: Mayor, just for the purpose of the record, it is my understanding that the minutes of the meeting at which this was turned down would reflect that a person purporting to be the owner at that time, was present, and so the gentleman has represented that there was no one here when the City Commission voted "no". I think the minutes reflect that there was a person here who purported to be the owner of the property and would have had knowledge that they had, in fact, turned it down, even though there was a clerical error.

Mr. Owczarzak: OK. At the time it came up for rehearing, we did try to contact the previous property owner to find out if she was, in fact, there and it was kind of a matter of like whether we tried to get to individual Commissioners after the mistake was found out. No one wanted to actually talk to us and say anything to us, so the only information we could get was secondhand through the realtor who was handling her office . . .

Commissioner Christensen: Wait a minute - you talked to me and I didn't refuse to talk to you and say anything to you. What I said was - and I will reiterate it at this point - there is no way I was going to OK a zoning that had been voted down, based on a clerical error. And I believe I did talk to you, at length, about it and told you that what you should do was to go down and talk to the Attorney's office - find out what your options were, and go from there. But don't stand here and say that nobody wanted to talk about it, because I did. I just couldn't do what you wanted me to do - because you wanted me to OK it without coming to a public meeting, and that I can't do. I pointed that out very clearly.

Mayor Briare: I think we're all on the same grounds here. I'd like to hear from the people that have actually protested this. Is there one of you who would like to represent the others, or how would you like to handle this?

Tommie Quisenberry, , 4115 Del Monte Ave.: I live at 4115 Del Monte which would be behind the property that you are discussing - right in here (easel map). We also own the lot next to it I have taken a few notes and want to say, first of all, we have not been contacted - both of us behind - to my knowledge I don't know of anyone in our neighborhood who has been contacted behind him. Another point I would like to bring out is that this is Ranch Estates and the number of people, as opposed to the other side, which would naturally be fewer in number according to the number of property owners. I would like for you to check the petitions

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(cont'd)

to check against the names on both petitions. I can't understand why there would be that many signed on the first petition and then he says he has these. I'd like to turn in some more names.

On the actual zoning - when the Planning Commission discussed it, I think it was brought out that Arville is a 2-lane street. Please tell me where the traffic is going to come in? It's got to come from Del Monte which comes from Valley View Drive.

He speaks of oleander bushes - that can be taken out in short order and driveways put in.

Those are my points.

Mayor Briare: Thank you, Mrs. Quisenberry. Do any of you other folks want to make a comment?

Response: My name is Marilyn Corbett and I live at 4361 Mountain View Blvd on a property that does bound on this property. First of all, this is a very deceiving map. This here (easel map) is actually down here and these check marks are down here closer to Oakey - also I might add that they just sold their property . . .

Commissioner Christensen: All of them?

Mrs. Corbett: No, just here (easel map) - this house is sold for the reason that Arville is getting too busy and they didn't want to get caught in an area with P-R or Commercial.

The first time I was not contacted and I am in the Real Estate business - I am a Realtor - I did contact the listing office - I did ask them what was going on with this property, and they told me that it had been denied. Then one Sunday afternoon they came and started putting in posts for a sign. It was denied - we did show up and I might add, this is all R-E Zone (easel map). I also might add - this check mark right here is the attorney they hired and I feel there is a definite conflict of interest here.

Mr. Owczarzak: He lives there. How would that be a conflict of interest?

Mrs. Corbett: He's your attorney and if you took a look at his house, you might see why . . . He's in favor of it . . .

Mayor Briare: He wons the property - he's entitled to it -

Mrs. Corbett: But he doesn't live there - well, this is an R-E Zone . . . how far down do you plan on taking Commercial zone property? I really feel that in this town we've already had enough problems with zoning hodge-podge and things that haven't been planned. Where does it end? Is it really necessary in a town of this size to have so much Commercial and P-R Zoning - to come into an area that is already R-E and R-1 zoned and put in something like this P-R that is going to attract a lot more traffic. The parking lot they speak of is on the corner of Del Monte and Arville, and right now there is enough of a problem pulling out onto Arville with the traffic. The school bus stops at the corner in the morning - all those children get on and off, and I just feel that it is a traffic hazard, and I don't feel there

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(cont'd)

is a need to have this kind of an office there, especially with all the opposition. They have already stated they don't want to be in an area where they aren't welcome and I think from all of the people who have put in their time and effort to show they aren't welcome in the area - people are trying to preserve the residential area. I hope that because of a clerical error, that this thing is not approved. Also, the people involved here said they never showed up for the City Planning Commission meeting, and had they been there, they would have known that it was denied. Now it's a tale of woe, it seems - they've put this money into it and they don't want to be denied. I think if I would invest \$20,000 into a piece of property and had been at a meeting where the zoning had been denied, I sure would look into the matter before I went ahead and did something.

Mayor Briare: Mrs. Corbett, you are as close, except for that one property, as anybody is . . .

Mrs. Corbett: And, naturally, he is not going to be against it because if these people get P-R, he's going to come in for P-R. It's going to make the value of his property go up. Also, he has just built - under construction he has a home on Lacy Lane that he is building and he uses this property - it is just a small country house - what it was, it was originally a portion of mine -

Commissioner Christensen: Who is that - I thought I knew all of my neighbors -

Mrs. Corbett: Sam Cooper - the Fire Chief -

Commissioner Christensen: I didn't know that - he is building a home on Lacy Lane -

Commissioner Woofter: I thought you had the one he owned -

Mrs. Corbett: I do - I have the one after he moved into the small house.

Commissioner Woofter: You haven't lived there too long then, have you?

Mrs. Corbett: No - a little over a year.

Mayor Briare: Then you've experienced him being in business for a year - 6 months?

Mrs. Corbett: For the last few months.

Mayor Briare: Have some of these bad things come about that you are bringing up?

Mrs. Corbett: There has been more traffic there -

Mayor Briare: As the result of his business being there?

Mrs. Corbett: Yes - in fact, just the other night I was sitting there realizing how the area in the last year - because of other people building - what has happened with this area is that it has remained vacant for quite a while. It was kind of an area that got built around, and in the last year certain people that own property in there have put in custom homes. They started developing it and I had a client who wanted to buy property in there

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(cont'd)

and there was only one person in the whole area that was even willing to sell their half acre parcel. All the other people have plans for starting to build and use it. It is expensive property - it is good land - it is very buildable land and I just don't feel there is a need to have P-R or Commercial of any kind in that area. The place up the street that did get the rezoning is across from the Mall -

Commissioner Woofter: Did you say you were in Real Estate?

Mrs. Corbett: Yes, I am.

Mayor Briare: Thank you, Mrs. Corbett. Is there anyone else? Try not to be repetitive, Sir -

Response: My name is Bill Pope. I reside at 4400 Del Monte Avenue, which is on the northwest corner of Arville and Del Monte, directly west of the property in question.

I think the applicant has made several statements that I can't entirely agree with. As you realize, the application was made in December - it was turned down unanimously. He reapplied about six months ago - the Planning Commission unanimously denied it as per Staff recommendations. He had been operating in there for three or four months - since about February, I think - as a Real Estate Office. I don't know how, but he has. In some checking, I found out there had been a clerical error - I had been in contact with Mrs. Cole. Just recently he has put a lot of stress on the petitions he put out. The last zoning hearing was six weeks ago - these petitions were circulated this morning and I have several neighbors in the audience who didn't hear of them, or know of them, until I got mine at none today from the applicant. There is a 3-page letter attached to it, which is quite deceiving in many respects. I don't know whether you have a copy of it, but on Page 1 he says he has been placed in a rather precarious position by a mistake which was not of his making. Perhaps it wasn't of his "making", but he knew it was a mistake. He is a Realtor. If this was a retired rancher, or farmer, that came out here and bought a piece of property, I could understand it, but this man was at all the hearings, except the Commission meeting before, but the applicant was there. He knew. He is an opportunist - that's all he is. He's got some money invested - he says he has put a lot of money in it and has expended virtually all his savings. He still has the property. As a Realtor I know he didn't pay more than it was worth. If he has recourse, it's against the person he purchased the property from or the City of Las Vegas. Why should the people who live in the area suffer from someone else's mistake? If he loses a few bucks, so what? We're going to lose a lot more because the values of our properties will depreciate if that Real Estate Office goes in there. It was an honest mistake. It can happen to anybody. He says in his letter that if it is possible they would like to stay there - if the local neighbors are not firmly opposed to us. I think he knows by now that we're opposed. I haven't had a chance to examine the map as to who signed his petition and who didn't, but it appears, at this glance, that the people that approved it live a couple of blocks away. They don't live immediately adjacent, or across the street from it, and the ones who live on Arville, I can understand their desire for the property to be rezoned. They could get more out of their places when they want to sell. The buildings they are presently using are old buildings - they are in good repair at the present time but eventually, if they are going to make a Real Estate Office, they're going to have to rebuild those buildings. The parking, at the present time, is

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(cont'd)

on Arville. They park on the shoulder of the highway - it's a 1-way street each way - cars have been parked on the shoulder - not in the driveway - school children board the bus and get off right out in front. Del Monte is not a through street - it jogs at that particular intersection - the Real Estate Office is right at the mouth of Del Monte where it is hard to get in and out, normally, anyway. That's about all I have to say.

Mayor Briare: Thank you, Mr. Pope. Is there anyone else?

(No response)

Mayor Briare: We will close the Public Hearing and ask if there are any questions by the Commissioners, or comments.

(No response)

Mayor Briare: What action does the Commission wish to take on this application?

Commissioner Lurie: Mayor, under the circumstances, after what we've heard today and after it has been before us before, I think that Mrs. Cole is entitled to a mistake once in a while. We established the zoning along that street and we did turn it down and I don't see any justification to change our previous decision in not allowing P-R Zoning and I would move for denial as recommended by the Planning Commission.

Motion carried by the following vote: Commissioners  
Cjristensen, Lurie, Woofter and Mauor Briare voting  
aye; noes, none.

Commissioner Leavitt excused.

Z-49-78

ZONE CHANGE Z-49-78 - DARLENE M. GABBY

Mr. Foster: This is an application for a change in zoning from R-2 to R-4. The property is located on the southwest corner of Kenyon Place and Desert Lane. It is shown on the screen to your right. To the south is R-3 zoning and south of that, additional R-3 zoning. To the east we have R-4 and R-3 zoning. The Plot Plan in front of you (easel map) indicates a 10-unit apartment building - parking - landscaping around it.

The policy of the Commission, I believe, has been that Desert Lane be the dividing line between the R-4 and the R-3. This particular request is for R-4 west of Desert Lane. This is contrary to the policy and for that reason, the Planning Commission recommended denial. We had two letters of protest and both persons appeared and protested at the Planning Commission meeting.

Glenda Packard: What we were trying to do is to ask for 10 units instead of 14, which is low density R-4. Because of the building costs and one thing and another, it is not feasible.

Mayor Briare: In what capacity are you representing Mrs. Gabby?

Resonse: I am with Ed Post Realty.

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(cont'd)

Commissioner Lurie: What you want to do is to increase the density there from 10 to 14?

Ms. Packard: No.

Commissioner Christensen: From 2 to 10 instead of two to 14 -

Commissioner Lurie: OK - I see what you're doing now.

Mayor Briare: Mr. Causey: Are you also representing the applicant?

Response: Yes, Your Honor. I'm David Causey of Causey Engineering, 1000 E. Charleston. I am representing the prospective purchaser, R. F. Robbins. The area is an old R-2 area, but it is deteriorating pretty badly with the age, and the area is going high density. We didn't try to put the maximum usage under an R-4 on this, but we do need to go to 10 units in order to make it economically justifiable. Otherwise, it is just going to completely deteriorate because it will not be economically feasible to proceed.

Mayor Briare: That's a conflict, isn't it? When you say it's deteriorating but you say you can't afford to do anything except build 10 units . . .

Mr. Causey: In other words, it is not economically feasible to build a 7-unit . . .

Mayor Briare: Are you trying to sell the property for a 10-unit apartment or are they trying to sell it for a duplex?

Mr. Causey: The people I represent are trying to buy it for a 10-unit

Mayor Briare: They are trying to buy it for a duplex -

Mr. Causey: No, for a 10-unit. It has a deteriorated duplex on it.

Commissioner Lurie: But the sale is conditioned on this going to an R-4?

Mr. Causey: That's right.

Commissioner Christensen: What is the reason the Planning Commission denied it, again? Why did the Staff recommend denial?

Mr. Foster: R-3 has been the zoning classification that has been allowed west of Desert Lane. There is a spot of R-4 on that side, which is contrary to the policy. There is R-3 -

Commissioner Christensen: If the application had been for R-3, then the recommendation would have been for approval?

Mr. Foster: Yes, from the Staff's standpoint, at least.

Mr. Causey: Our basis is that we are really going to about 3-1/2. We are less than half way between what R-3 and R-4 would be. There was one lady adjacent to the property that was concerned about the view from the apartments into her backyard. We have discussed with her the fact that we can provide for adequate screening of the windows so as to prevent anyone from looking into her backyard - the second story units that would be

Z-49-78  
(cont'd)

over the fence and, of course, if the units were to go R-3 there would be no such agreement to protect her and we want to cooperate.

Commissioner Lurie: How many units are we talking about under R-3?

Mr. Causey: Seven (7) units - we're going three (3) more to get ten (10) for actual usage.

Mayor Briare: How about the parking?

Mr. Causey: We have sixteen (16) parking spaces provided, where fifteen (15) would be required, so we are over the parking requirement.

Mayor Briare: This lady has been here all day, and I'd like to hear from her at this time.

Response: I am Margaret Claussen and I am being affected by this building. I am right next door and I bought that building just seven months ago with the understanding that there would be only four (4) units next to me. Now they come up with ten and I feel I couldn't live there - I would be in constant fear.

Mayor Briare: Mrs. Claussen, what kind of jeopardy do you think you would be placed in?

Mrs. Claussen: Well, you don't know what kind of people will come in - and living there alone I would be in constant fear.

Mayor Briare: Is that presently zoned for a duplex?

Mr. Foster: It is R-2 right now.

Mayor Briare: If a person came in and wanted to build six units in there, that would still take a zone change -

Mr. Foster: Yes -

Mayor Briare: At the moment, the way that property is zoned, the most that could be built there would be two units -

Mr. Foster: About four (4), I believe, with that size. They have 12,800 sq. ft. and it is 3,250 sq. ft. per unit in the R-2.

Mayor Briare: What would Mrs. Claussen's property be zoned?

Mr. Foster: Her property is R-1 - there are several homes in here (easel map). The R-3 is the transition from the R-4, the R-3 and the R-1.

Mayor Briare: Mrs. Claussen, are you on Kenyon or Desert Lane?

Mrs. Claussen: I am on Desert Lane - and you are living alone in your residence?

Mrs. Claussen: I have two tenants -

Mayor Briare: Mrs. Claussen, do you realize that your property is zoned for multiple family use?

Z-49-78  
(cont'd)

Mrs. Claussen: I didn't know -

Mayor Briare: Did a Real Estate Broker sell you your home?

Mrs. Claussen: Yes.

Mayor Briare: Do you know which one it was?

Mrs. Claussen: Sahara Realty -

Mayor Briare: Did they tell you what the property was zoned?

Mrs. Claussen: He didn't tell me - they told me it was zoned for no more than four units -

Mayor Briare: Your property?

Mrs. Claussen: No, the property next to it.

Mayor Briare: Mrs. Claussen, what I am trying to determine is - was it your understanding when you bought the property - you have two tenants living with you now - so you knew, of course, that you were allowed to have tenants. Did anybody tell you how many tenants you were allowed to have?

Mrs. Claussen: I didn't even ask them - I didn't even know there was a difference.

Mayor Briare: We're trying to determine something equitable here - that these people are entitled to develop their property in a certain manner and you, whether you knew it or not - and I think maybe you did because you went ahead and rented some of your property to other people, so you knew that you could rent your property?

Mrs. Claussen: Oh, yes.

Mayor Briare: And your neighbors - now you know they can do something with their property and what we are trying to determine here is just how much they can do.

Mrs. Claussen: My understanding was - because I inquired about the lot next door and they explained to me that it was zoned for no more than four units.

Mayor Briare: OK, Mrs. Claussen - you are not afraid of four units but you would be afraid of six -

Mrs. Claussen: I am afraid of the second story. You see, I wouldn't have any privacy. When I would step out into my yard there would be five apartments looking down on it from the second floor.

Mayor Briare: This gentleman right here (Mr. Causey) is an Engineer and he told us just before you came up - did you hear what he said about building it in such a manner that your privacy would not be bothered whatsoever. Did you understand him when he said that?

Mr. Causey: We will stipulate that we will add the screening to prevent

Z-49-78  
(cont'd)

any visual access from those windows on to your lot.

Mayor Briare: Mr. Causey is a very reputable Engineer in the City, Mrs. Claussen, and when he says something like that, it has credibility before this Commission. Whether he gets this approval or not, remains to be seen, but we wanted to hear what you thought first. Did you indicate that you would feel safer if that property was screened in some manner?

Mrs. Claussen: With all those different people in there with ten units . . .

Mayor Briare: Is there anyone else present who wishes to be heard on this matter?

(No response)

Commissioner Christensen: There were two protests noted, Mr. Foster - what was the other one?

Commissioner Lurie: Mayor, I would make a motion at this time, while we're waiting -

Mr. Foster: The other protest came from Mr. Swenson. He has P-R zoning on the south end of that lot.

Mayor Briare: Commissioner Lurie, you were going to make a motion.

Motion

Commissioner Lurie: I was going to make a motion - I don't know if the applicant is going to care for the motion - but I think that the property on the corner there should be zoned the same as Mrs. Claussen's, and I would make a motion that the Commission would consider zoning that corner as R-3. Not R-4, which would then limit it to seven (7) units that can be built there.

Mayor Briare: Are there any questions on the motion?

What is the property east and north of Desert Inn and Kenyon?

Mr. Foster: To the east it is zoned R-4 -

Mayor Briare: That's on the east side of the street - how about the west side of the street?

Mr. Foster: The immediate corner is R-1 and that little parcel on the corner of Alta and Desert is under a Resolution of Intent to R-3. Then there are two more Resolutions to R-3 to the west.

Mayor Briare: Mr. Causey, since the application before us is for something else, it seems to me that it ought to go back to the Planning Commission. Commissioner Lurie seems to be favorable to allowing you R-3, which will allow you seven (7) units instead of ten (10) units.

Motion with-  
drawn - new  
Motion

Mr. Causey: I didn't get a positive answer from my client as to what he is thinking on this subject, but it would probably be better than nothing.

Commissioner Lurie: Then I will withdraw my first motion and make another motion that the matter be sent back to the Planning Commission with our

## City of Las Vegas

June 21, 1978

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITYILA M. BRITT, DIRECTOR\*CONSENT AGENDA

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

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

1. VOLUNTEERS IN MENTAL HEALTH -- tickets to an Ice Cream Social
2. WILLING WORKERS -- candy sale; religious programs
3. BOY SCOUTS OF AMERICA, TROOP # 126 -- a school carnival
4. CHRIST CHURCH EPISCOPAL -- a rummage sale
5. CHURCH OF GOD IN CHRIST -- sale of advertising space
6. CLUB SOCIAL MEXICANO -- a Jazz Festival
7. EASTER SEAL SOCIETY FOR CRIPPLED CHILDREN & ADULTS -- a mailing
8. GOVERNOR'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED -- a Roll-a-thon
9. ARCHIE C. GRANT PARK CLUB -- a bazaar; raffle tickets

Items 1 thru 11  
Approved  
as recommended  
Lurie - unanimous

Director  
authorized  
to proceed

**AGENDA***City of Las Vegas*

June 21, 1978

BOARD OF CITY COMMISSIONERS

Page 3

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)\*A. CHARITABLE SOLICITATIONS PERMITS  
(cont'd)

See Page 2

See Page 2

10. PLANNED PARENTHOOD OF SOUTHERN  
NEVADA -- general solicitations11. STAR AUXILIARY OF SOUTHERN  
NEVADA -- raffle tickets\*B. GAMING -- AdditionalItems 1 thru 6  
Approved  
Lurie - unanimousDirector  
authorized  
to proceed

1. CLUB BINGO, INC.

Club Bingo  
23 E. Fremont Street  
17 slots

2. EXBER, INC.

El Cortez Hotel  
600 Fremont Street  
1 Poker Table

3. AUTOMATIC AMUSEMENTS

Plaza Lounge  
1764 E. Charleston Blvd  
1 slotPink Panther  
601 Maryland Parkway  
2 slots

4. BALLY DISTRIBUTING CO.

Lady Luck Casino  
206 North Third Street  
1 slot

Z-50-78  
(cont'd)

with. The fortunate part of the zoning is that the people that own it have indicated they can't develop it because it is not large enough. So we are dealing with a situation where the property immediately to the north apparently cannot be developed R-4, even though it is has been inherited as R-4 property.

Insofar as the comments by Mr. Anderson that the neighbors not voicing any objection the rezoning that has been requested, the neighbors are simply being worn out. They've given of their time the last time they were here until midnight on one of the applications in terms of the Planning Commission, and a substantial number came down to oppose it at the City Commission level. The opposition is quite voluminous in the records of the City.

In terms of the effect of Searles Avenue being there or not being there as a dedication, I think is somewhat irrelevant at this point. We are dealing with a situation insofar as traffic is concerned that if we do have R-3 zoning that is approved, we are going to be dumping more volumes of traffic into what I think is one of the nicest residential areas in that part of the City.

I would submit, Gentlemen, that a proper decision was made before when there was a request was made a few months ago for this area to be zoned to an R-3. The Commission determined at that time that an R-3 zoning was improper. They have now come back before you asking to approve an R-4. If an R-3 was improper and not appropriate a few months ago, an R-4 would surely not be proper or appropriate today. I would submit it on that basis at this time.

Mayor Briare: Mr. Foster, what is that property on the east?

Mr. Foster: That is the Walter Bracken Elementary School.

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

(No response)

Robert Pelton, 2038 Palm Avenue: I am the property owner of the commercial property right on the corner of Eastern and Searles. I am also the property owner of the commercial property across the street at Searles and Eastern - where the big red section is (easel map). We are currently developing practically that entire red area, commercial, with construction starting next week. Over a year ago I dedicated 280 ft. along Searles at an approximate 30 ft. width, for Searles Avenue. My reason for that is being commercial and if the street was going to go through there, it would enhance my property. To me, all that area all around there has lain quite dormant, but it should be developed - for my business or anybody else's. I can't feasibly see - the block they're talking about is between the school and the church - there is vacant land across the street - they are over a block from any housing - the only objection I can see that the people on the east are having is that they don't want Searles cut through. It has already been dedicated. I dedicated land for it. If they are going to block this and it is never going to go through, then I think I should get my land back so I can develop it, but with the commercial that is developing around there, it

Z-50-78  
(cont'd)

isn't good business for us to have vacant lots sitting around where commercial development is going on. Thank you.

Mayor Briare: Mr. Anderson, do you want to make any closing remarks?

Mr. Anderson: Just one major comment - I did not state the neighbors in the area, in total, were for or against the project. We talked to a number of the neighbors and what I said was that the neighbors were misinformed and that some had no objection. We did, in our conversations, received some objections. I want to make that clear.

Pertaining to the 80 units that were approved a couple of years ago, the units have been considerably upgraded. This upgrading has economically decided that 104 units is a better development package. We've been working on the financing, Mr. Mayor, but until the zoning is obtained - I'm sure you understand -

Mayor Briare: This will conclude our public hearing. What is the pleasure of the Board on this application?

Commissioner Woofter: Mayor, I would have to concur with Attorney O'Reilly that if we turned it down a few short months ago on the basis of a requested rezoning to R-3 and now a few short months later are asked to consider a rezoning to R-4, I would have to go along with Mr. O'Reilly. I do recall there were several protests from the audience, as well as letters received. There is a possibility due to the shortness of time, they might be worn out. I just can't see that they would have changed their thinking - the residents of this particular area - in that short a time to even consider R-3, let alone R-4. On that basis I would make a motion to follow the recommendation of the Planning Commission to deny this application.

Motion

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

Commissioner Leavitt excused

Z-46-78  
Approved

ZONE CHANGE Z-46-78 - GEORGE E. HARRIS, TRUSTEE

See Page 92 of these Minutes - Annotated Agenda

BRETON WOODS  
NORTH -  
TENTATIVE MAP  
Approved

TENTATIVE MAP - BRETON WOODS NORTH

See Page 92 of these Minutes - Annotated Agenda

A-6-78  
Approved

ANNEXATION - A-6-78 - CITY OF LAS VEGAS

See Page 93 of these Minutes - Annotated Agenda

A-7-78

ANNEXATION A-7-78 - CITY OF LAS VEGAS

See Page 93 of these Minutes - Annotated Agenda

NOVA PARK  
No. 3

TENTATIVE MAP - NOVA PARK No. 3

Tentative Map  
Approved

See Page 93 of these Minutes - Annotated Agenda

WASHINGTON  
SQUARE  
UNIT 6

TENTATIVE MAP - WASHINGTON SQUARE UNIT 6

Tentative Map  
Approved

See Page 94 of these Minutes - Annotated Agenda

VAC-5-78  
Withdrawn

VACATION - VAC-5-78 - GEORGE E. HARRIS, TRUSTEE

See Page 94 of these Minutes - Annotated Agenda

VAC-6-78  
Set date  
for Public  
Hearing

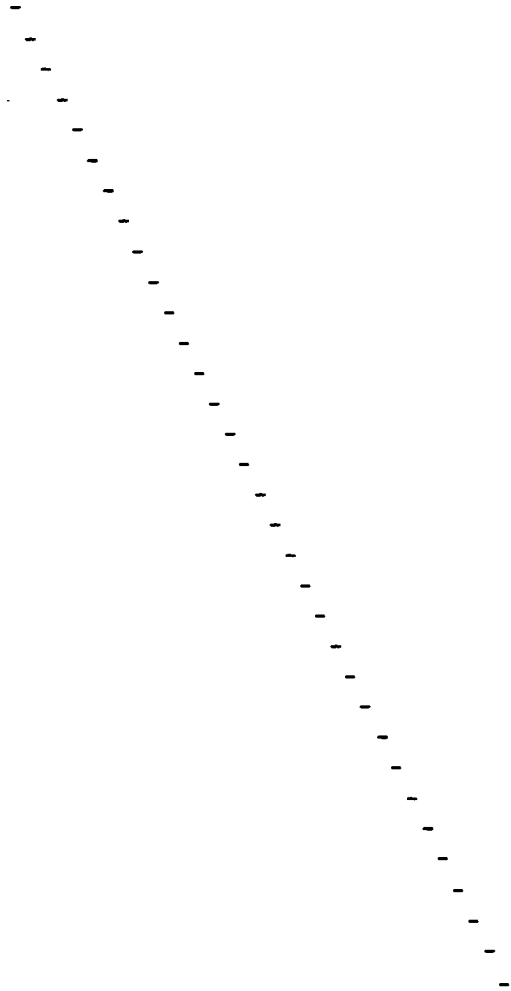
VACATION - VAC-6-78 - SHELDON PLOTKIN

See Page 95 of these Minutes - Annotated Agenda

Z-102-73

PLOT PLAN REVIEW - Z-102-73 - ROBERT G. SARNOFF, ARCHITECT

See Page 95 of these Minutes - Annotated Agenda



S. B. 503  
COURT  
DECISION

COURT DECISION - S.B. 503

Mayor Briare: Did you want to bring up a matter, Mr. Dorn?

Mr. Dorn: Yes, Mayor. If you could refer back to the Administrative Agenda - Addendum No. 2 - Discussion of Senate Bill No. 503, and if Mr. Sloan will kindly come in - I just refer to this as an informational item - Mr. Sloan will take that.

City Attorney, Mike Sloan: It is my understand that, primarily, this was put on for the purpose of the Commission considering some potential action as it relates to Sections I, II and III of the Bill, which are those provisions of the Act which regulated the amount of tax that would go to the larger cities and the County to which this would apply, and which the Supreme Court found to be special legislation. Basically, that language was included in the Act - it was my understanding - to protect the people of North Las Vegas, Henderson and Boulder City to assure them they would not lose revenue.

It was my understanding, from talking with Mr. Saylor, that that was one of the reasons this matter was put on the agenda today - so that the Commission might have an opportunity to address any remarks they might have to that Section.

I think it is not impossible that the next session of the Legislature would figure out a way to constitutionally make that kind of revision. I think it can't be that difficult and I assume if the City wanted to and the Commission indicated at some future date . . . we could work with them in preparing legislation that would insure that the cities of North Las Vegas, Henderson and Boulder City would not have a reduction of the amount of money made available to them under those Sections.

Besides that, Mr. City Manager, I would be happy to respond to any questions Your Honor or any Commissioner might have, but I have nothing else to say.

Commissioner Christensen: Your Honor, I would move that the City Commission go on record as supporting that attitude - that we have every desire to maintain and protect the revenues of the other cities in Clark County, and will support any Legislation in that direction that we could take, that would be constitutional, because we sure don't want anybody to misconstrue our intentions to increase the revenue to the City of Las Vegas at the expense of other cities. So I would, therefore, like to support that attitude - that we definitely do not want to make other cities fall victims to a decrease in their funds due to this portion of the Bill being declared unconstitutional. Do you know what I'm trying to say?

Mayor Briare: You bet - I think I know exactly what you are trying to say, and I agree with you. I think it was indicated - either in

S.B. 503  
(cont'd)

morning's paper - or yesterday afternoon's paper - in one of the two major newspapers - maybe both of them - where it indicated for the first time in history, the cities have gotten together to work together on a Project, and I don't see any reason in the world why that shouldn't continue. This is a pretty good indication, Commissioner - and that's why I support your suggestion here -

Commissioner Christensen: It goes back further than that - I think that when this Bill was under hearing in the Legislature, this City maintained that attitude also. That's one of the reasons it is in the Bill. We had no problem with it at that time - and we still have no problem.

Mayor Briare: We're not going to try to work in, around or behind the Supreme Court - we're just making this as a matter of a policy statement.

Commissioner Christensen: That's correct, and if the Legislature can find a way to make that stipulation, and make it legal - so that it is not unconstitutional - I think we should support that. My motion was to go on record as supporting it - that concept.

Mayor Briare: That principle - and I think we're doing it as a matter of practice as well as a matter of principle.

Commissioner Lurie: I agree with that. As the incoming President of the Nevada League of Cities, we discussed this at our Executive Board meeting last Friday, and I made the statement then that the City would take that position - to protect the other cities under this Senate Bill 503.

Commissioner Christensen: It has been my experience . . . they insist on a vote from the City Commission to back any representation made by a Commissioner, even though they don't require it of any other cities, so I think we should go ahead and go on record.

Commissioner Lurie: Why don't we just go ahead and pass a Resolution?

Commissioner Christensen: I think I have a motion on the floor.

Commissioner Lurie: Have it in writing so you can send it out to whoever needs it.

Mayor Briare: Please cast your votes.

Motion carried by the following vote:  
Commissioners Christensen, Lurie, Woofter  
and Mayor Briare voting aye; noes, none.  
Commissioner Leavitt did not vote (excused)

Mayor Briare: The motion is approved. Is there anything else, gentlemen?

(No response)

There being no further business to come before the Board, at the hour of 4:55 P.M., Mayor Briare declared this Regular Meeting of the Board of City Commissioners adjourned.

APPROVED:

WILLIAM H. BRIARE, MAYOR

ATTEST:

EDWINA M. COLE, CMC, CITY CLERK