

# MINUTES

## City of Las Vegas

BOARD OF COMMISSIONERS

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

DATE: July 5, 1978

TIME: 9:45 A.M.

INVOCATION: Rev. David Bowers  
Echoes of Faith Church

**PLEDGE OF ALLEGIANCE:**

**BOARD OF CITY COMMISSIONERS**

	PRESENT	ABSENT	EXCUSED	
MAYOR BILL BRIARE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	excused from approx. 11:20 to 11:50 A.M.
COMM. PAUL J. CHRISTENSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMM. RON LURIE MAYOR PRO-TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMM. MYRON E. LEAVITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMM. ROY WOOFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**CITY ATTORNEY**

MIKE SLOAN

APPROVED BY REFERENCE August 16, 1978

ATTEST:

*Edmund J. O'Connell* *William N. Briar*

MINUTES

July 5, 1978

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 5th day of July, 1978 was called to order by his Honor, Mayor William H. Briare, at the hour of 9:45 A.M.

AGENDA POSTED June 29, 1978 (See Page 3 of these Minutes Affidavit)

AGENDA MAILED June 28, 1978 (See Page 4 of these Minutes Affidavit)

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

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 29th day of June, 1978, at the hour of 8:05 A.M. M. there were posted copies of an AGENDA (NOTICE), the attached of which is a true and correct copy of a REGULAR Meeting of the Board of City Commissioners to be held at the hour of 9:45 A. M. on July 5, 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)

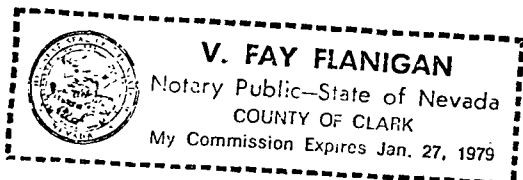
Subscribed and sworn to before me this

29th day of June, 1978

V. Fay Flanigan

Notary Public in and for said County and State

My Commission expires:



RECEIVED  
JUN 29 10 49 AM '78  
CITY CLERK

AFFIDAVIT OF MAILING

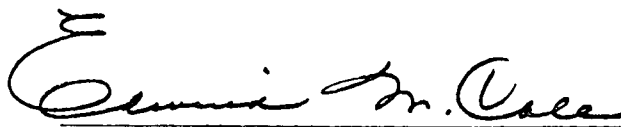
(Mailing required under the provisions of NRS CHAPTER 241)

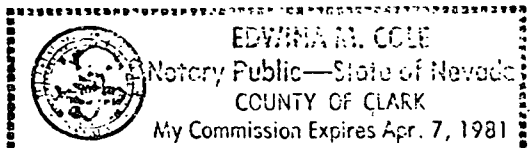
STATE OF NEVADA )  
                          ) ss.  
COUNTY OF CLARK )

DORIS M. KARSNOK, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 28th day of June, 1978, a copy of an Agenda (NOTICE), the attached of which is a true and correct copy, of a Regular Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 5th day of July, 1978, was deposited in the United States Mail, postage prepaid, first class mail, to each person and/or organization whose name appears in the Agenda Register maintained in the Office of the City Clerk as having requested, in writing, a copy of said Agenda (NOTICE).

  
(name - an employee in the Office of the City Clerk)

Subscribed and sworn to before me  
this 28th day of June, 1978

  
Notary Public in and for said County and State



RECEIVED

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

July 29 11:31 '78

CITY CLERK

STATE OF NEVADA )  
                          ) ss.  
COUNTY OF CLARK )

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

29th day of June, 1978, at the hour of 11:15 a.m.

there was posted a copy of Addendum No. 1, the attached of which is a true and correct copy, 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 5th day of July, 1978, at the following locations:

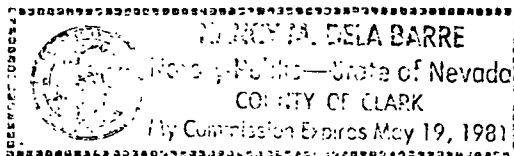
1. On the Public Bulletin Board in the United States Post Office  
301 E. Stewart Avenue
2. On the Public Bulletin Board in the Federal Building  
300 Las Vegas Blvd., South
3. On the Public Bulletin Board in the Clark County Court House  
200 E. Carson Avenue
4. On the Public Bulletin Board at the Plaza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

Carl D. Peterson  
(name)

Subscribed and sworn to before me this 29th day of June, 1978

Francis M. DeLaBarre  
Notary Public in and for said County and State

PUBLIC SERVICES - Quality Control Division  
(department or division)



AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA     )  
                          )     ss.  
COUNTY OF CLARK    )

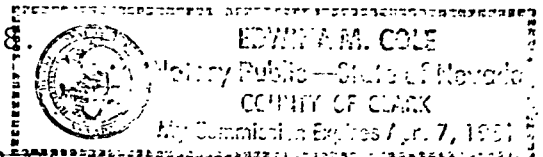
DORIS M. KARSNOK, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says: That on the 29th day of June, 1978, a copy of ADDENDUM No. 1 to the AGENDA (NOTICE) of a REGULAR Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 5th day of July, 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 29th day of June, 1978.

*Edwin M. Cole*  
\_\_\_\_\_  
Notary Public in and for said County and State



AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA )

COUNTY OF CLARK )

ss.

RECEIVED  
JUL 7 11 25 AM '78  
CITY CLERK

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

30th day of June, 1978, at the hour of 2:40 P.M.

there was posted a copy of ADDENDUM No. 2, of which the attached is a true and correct copy, to the AGENDA (NOTICE) of the REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 5th day of July, 1978, at the following locations:

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

Carl D. Peterson  
(name)

Subscribed and sworn to before

me this 3rd day of July, 1978

Nancy M. DeLaBarre  
Rotary Public in and for said County and State

PUBLIC SERVICES-QUALITY CONTROL DIVISION  
(department or division)

NANCY M. DELA BARRE  
Rotary Public - State of Nevada  
COUNTY OF CLARK  
City of Las Vegas, Nevada

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA     )  
                          )  
COUNTY OF CLARK    )    ss.

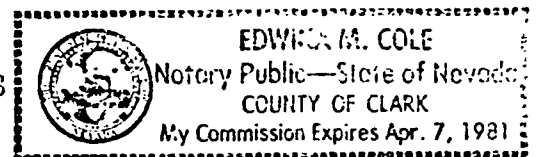
DORIS M. KARSNOK, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says; That on the 30th day of June, 1978, a copy of ADDENDUM No. 2 to the AGENDA (NOTICE) of a Regular Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 5th day of July, 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 30th day of June, 1978

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



# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 1

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

I. 9:45 A. M.

A. COMMUNITY RELATIONS

PRESENTATION BY JACK FAGG AND  
BETTY PULLMAN OF APPRECIATION AWARD

Award accepted by Mayor Briare on behalf of Board of City Commissioners, City Staff and citizens of the City of Las Vegas

B. SPECIAL EVENTS

II. 10:00 A.M. - INVOCATION

Rev. David M. Bowers, Echoes of Faith

PLEDGE OF ALLEGIANCE

APPROVED AGENDA ITEM  
RCS 6/27/78

INVOCATION AND  
PLEDGE OF  
ALLEGIANCE.

Mayor Briare: Ladies and gentlemen, this is the regular meeting of the Las Vegas City Commission. If you'd please all stand, this morning's invocation is going to be offered by the Reverend David Bowers of the Echoes of Faith Church. Please remain standing for the Pledge of Allegiance.

Rev. Bowers: Praise the Lord. My God, we come to you this morning in the name of your Son, the Lord, Jesus. We want to thank you for this great nation of America in its entirety, Oh God. We lift up every man and every woman that's in authority, not only in Las Vegas, Nevada but throughout this great nation. Father, we just ask that your Divine Will be done and shown in every petition brought before these Commissioners this day in Jesus' name. Amen.

Pledge of Allegiance.  
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Mayor Briare: Reverend Bowers, we thank you very much.

Mrs. Cole: The agenda for the regular, July 5 meeting of the Board of City Commissioners has been posted and mailed as provided for in NRS Chapter 241. Affidavits are on file in the office of City Clerk. There have been two addenda to the agenda, two under the Administrative Agenda, and one under Public Hearing.

PRESENTATION OF  
AWARD TO CITY  
BY CATHOLIC  
WELFARE

Mayor Briare: Thank you, Mrs. Cole. I believe, Mr. Dorn, the first item on the agenda we're going to take today is a presentation by Mr. Jack Fagg and Betty Pullman. Mr. Fagg.

Mr. Fagg: I'm Jack Fagg, Administrator Senior Service Division, Catholic Welfare. Mayor Briare, Commissioner Lurie, Commissioner Woofter, Commissioner Leavitt, and Commissioner Christensen, this is not only to this Commission but to each of you individually because we are very, very proud and pleased with the demonstrated care and concern and support you give to the Senior Citizens. My chore here this morning is a very pleasant one because rather than to ask you for anything, I'm here to provide you with our love and our appreciation for the things this City has done for us older people. We have had excellent support, not only from you individually, but from the City Manager's Office. We're very proud to say his entire staff has always been very helpful to us when we go in with problems, and they seem to understand our problems. We are also pleased with the service we get from Mr. Tom Mulroy, the Coordinator of Aging Services.

PRESENTATION OF  
AWARD TO CITY  
BY CATHOLIC  
WELFARE

With your indulgence, Betty Pullman would ordinarily be here to present this plaque. She's asked me to read a little statement that she made so that you may know her feelings about this:

"Mayor Briare, Commissioners Woofter, Lurie, Leavitt, and Christensen. I wish I could be with you today to express my appreciation in person. Instead, I have asked my boss, Jack Fagg, to read this statement. As you hear this statement, picture me leisurely enjoying the beautiful Wisconsin lakes and trees with my husband and parents.

"Seriously, gentlemen, on behalf of the Senior Companion Volunteer Program and the Senior Service Division of the Nevada Catholic Welfare, I want to thank you so very much for your outstanding support of this program.

"Because of your understanding of the plight of our City's Senior Citizens and a commitment to do something about it, we have been able to extend our services to many ill, frail, handicapped, elderly through additional senior companions, a social worker to help with such problems as Social Security Food Stamp problems, Medicare, etc., and through the provision of a station wagon which takes these companions to our clients' homes each day.

"Without your continued support, this program would lose a great deal of its efficiency and effectiveness. Therefore, in order to remind you of how grateful we are, this plaque is being presented to you today."

I would like, at this time, for you to meet your Senior Companions. These are the people that you are supporting through our working in City Block Grant I and II, and I'm happy to say they're serving over thirty home-bound, frail elderly at this time. (Plaque given to Mayor. Applause.) Mayor, will you accept this plaque?

Mayor Briare: We are very pleased, Mr. Fagg, of the award that you are presenting to us. Usually, it's the other way around. Usually, the Mayor and City Commissioners are the ones to present awards. We want you to know that we appreciate, very much, having it turned around and you present one to us. It's "The Senior Companion Program, 1977-78, in appreciation to the City of Las Vegas for outstanding support".

On behalf of the Commissioners and City Manager's Office and all of the people of Las Vegas who appreciate the work that you're doing and your Senior Companions, who we're delighted to have here this morning, are doing, we want to tell you thank you for recognizing it, and hopefully, we'll be able to continue doing so in the future. Thanks very much.

- - - - -

DEPARTMENT OF BUSINESS ACTIVITIES  
ILA M. BRITT, DIRECTOR

Mayor Briare: Mr. Dorn, I think the first item on the agenda, then, will be the Department of Business Activity.

See Pages 12 Through 15 - Annotated Agenda.  
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LIQUOR &  
RETAIL TOBACCO  
SAV-ON DRUGS

Mayor Briare: Liquor and Retail Tobacco for a request for a waiver for Sav-On Drug Store #237. Yes, did you wish to make a comment?

Mr. Wedge: Mr. Mayor, members of the Commission. My name is Virgil H. Wedge. I'm an attorney-at-law. I practice in Reno, Nevada. I am a member of the firm of Woodburn, Wedge, Blakey, Fritzon and Jebson. I'm here representing Sav-On Drug Company, which is a large drug company situated in Southern California. It is a National Company and has applied and wants to come into the State of Nevada and do business here. I have with me today Mr. R.L. Call, who is the President of the company, Mr. Gerry Hight, who will be the Superintendent in Charge of the Nevada division. They are available to answer any questions which you may have. We are applying for a license with a waiver as to two directors.

Commissioner Lurie: I move for approval of the request to waive investigation pursuant to Title V, Chapter 18, Section D of the City Code. I also move for approval of the license subject to the provisions.

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

Motion approved by the following  
vote: Mayor Briare, Commissioners  
Christensen, Leavitt, Lurie, and  
Leavitt voting aye.  
Noes: None.

Mayor Briare: Mr. Call, it's nice to welcome your organization to the Las Vegas Area. I'm sure you've probably personally been here before, and we hope to see a lot more of you and all of your corporate officers. Good luck to you.  
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ARTHUR'S  
PRODUCE MARKET

Mayor Briare: Item F is a new liquor license for Arthur's Produce Market.

Mr. Dorn: Your honor, we had a request to withdraw that application. "This is to advise you that on July 3, 1978 Arturo Benitez withdrew his application for his Beverage Off-Sale liquor license". That's item F on your agenda.

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 2

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

\*CONSENT AGENDA

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

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

Family Child Care Home

1. GAYLE ASHTON  
 4400 W. Hayes Place  
  
 5 children, days only
2. SHIRLEY HERRIN  
 609 South 7th  
  
 3 children, days only
3. LINDA BUTTERFIELD  
 520 South Jones Blvd  
  
 5 children days/2 nights
4. DONNA JULIEN  
 6613 Hyde  
  
 5 children days only

Items 1 thru 7  
 Approved  
 as recommended  
 Lurie - unanimous

Director  
 authorized  
 to proceed

**AGENDA***City of Las Vegas*

July 5, 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. CHILD CARE FACILITY APPLICATIONS  
(cont'd)

5. DEBORAH HACKER  
3116 W. Washington  
  
5 children, days only

6. MAUREEN KUTZ  
5824 Iris Avenue  
  
6 children days/1 nights

7. LINDA MICHAEL  
1201 Phillips  
  
6 children days/5 nights/  
3 before & after school

See Page 2

See Page 2

\*B. GAMING -- Additional

1. G.S.Y., INC.  
  
Jolly Trolley Casino  
2440 Las Vegas Blvd South  
  
1 Craps; 3 "21" tables

2. EXBER, INC.  
  
Western Hotel & Casino  
899 E. Fremont Street  
  
3 "21" tables; 1 Roulette

Items 1 thru 5  
Approved  
as requested  
Lurie - unanimous

Director  
authorized  
to proceed

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 4

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

\*B. GAMING -- Additional

3. WHISKEY A GO GO, INC.

Odyssey 2001  
1930 E. Fremont  
2 slots

4. L.R.P. CORPORATION

Social Circle Bar  
235 North Eastern  
2 slots

5. J. J. PARKER CO.

Money Tree Casino  
2466 Las Vegas Blvd South  
6 slots

See Page 3

See Page 3

\*C. FIREWORKS PERMITS -- For Ratification of City Manager's Approval

1. DESERT SPORTSMAN RIFLE & PISTOL CLUB, INC.  
4400 E. Charleston  
5700 W. Charleston

2. DOWNTOWN LAS VEGAS SERTOMA CLUB  
811 South Decatur Blvd

3. UNIVERSITY CHURCH  
Decatur/Charleston

4. SO. NEVADA MINOR HOCKEY ASSN.  
NE corner Sahara & Maryland Pkwy

Items 1 thru 4  
Ratified  
Lurie - unanimous

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 5

PHONE 386-6011

ITEM Commission Action Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

D. LIQUOR & RETAIL TOBACCO -- New/  
Approval of Certain Corporation  
Officers & Directors and Request  
For Waiver Under 5-18-6 (D)

Approved  
subject to  
conditions  
Lurie - unanimous

Director  
authorized  
to proceed

1. \*SAV-ON DRUGS STORE # 237  
562 North Eastern Avenue  
Package Liquor Limited

(Applicant  
represented  
by Attorney  
Virgil H. Wedge,  
Reno, Nevada

Sav-On Drugs, Inc. --  
Ira D. Brown, Chairman of  
the Board of Directors  
R. L. Call, Pres, Chief  
Operating Officer, Director  
Charles Lyle Call, V.P. -  
Operations, Director  
Francis W. Withers, V.P. -  
Finance, Secy, Director  
Clifford H. Marker, V.P. -  
Industrial Relations, Dir  
George E. Grismer, Treas,  
Controller

R.L. Call and  
Gerald Alan Hight  
in attendance)

Corp Ofcrs/Directors requesting  
waiver of investigation under  
Title 5, Chapter 18, Section 6 (D):

Dr. E. C. Call, Director  
Don M. Adler, Director  
Monroe F. Marsh, Director  
Franklin Stockbridge, Director  
Herschel B. Green, Director/  
Assistant Secretary  
L. Dee Gardner, V.P.  
Robert G. Sasine, V.P.  
M. Dale Short, V.P.  
Carl L. Vitalie, V.P.

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

ARTHUR'S  
PRODUCE MARKET

Mayor Briare: Is there anyone objecting to this being withdrawn?

Commissioner Lurie: Give us a note, next time, before the meeting.

Mr. Dorn: I just received it, Commissioner.

Mayor Briare: Do you have any objections in your office, Mr. Crow? All right, if there's no objections. I'm sorry, I can't hear you.

Mr. Crow: He doesn't meet the ordinance requirements.

Commissioner Lurie: Why is it on the agenda?

Mayor Briare: Excuse me. Mr. Crow, please come forward and use the microphone.

Mr. Crow: The ordinance controlling this, Commissioner, came into effect after the investigation was started. This is a new grocery store footage requirement.

Commissioner Lurie: When did you find out about this?

Mr. Crow: We found out for certain last week, Friday.

Commissioner Lurie: Well, we got our agendas Friday. At that time we should have had a memo telling us about the investigation as withdrawn.

Mr. Crow: Yes, sir. We did not get the measurements, nor did we get the withdrawal until Monday afternoon.

Mayor Briare: Any other comments or questions? If there are no objections by the Commissioners, then, the item will be withdrawn.

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See Pages 17 Through 20 - Annotated Agenda.  
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GUNDY'S BOOK  
WORLD

Mayor Briare: Second-hand license for Gundy's Book and a New-To-U Furniture.

Commissioner Lurie: I understand in this Gundy's Book World there was something mentioned in the investigation about he wouldn't sell any pornographic material. Is the applicant here?

# AGENDA

## City of Las Vegas

July 5, 1978  
Page 6

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

E. LIQUOR & RETAIL TOBACCO --  
Approval of District Manager &  
Store Manager

Approved  
Lurie - unanimous

Director  
authorized  
to proceed

1. SAV-ON DRUGS STORE # 237  
562 North Eastern  
Package Liquor Limited

Sav-On Drugs, Inc. --

Gerald Alan Hight, Dist Mgr  
Larry Moulton, Store Manager

F. LIQUOR -- New

Application  
withdrawn at  
request of  
applicant

1. \*ARTHUR'S PRODUCE MARKET  
1109 E. Stewart Avenue  
Beverage Off-Sale

Arturo Benitez, 100%

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

G. LIQUOR -- Reclassification

Approved  
Lurie - unanimous

Director  
authorized  
to proceed

1. BUDS LOUNGE  
2207 Las Vegas Blvd South  
From: Tavern License  
To: General Liquor License

Charles Elliott, 100%

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 7

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

H. LIQUOR -- Change of Corporate Officers/Change of Business Name

1. From: Fourth Street Liquors

TO: "JAX" MARYANNE &  
INTERLUDE LOUNGE  
115 North 4th Street  
Tavern License

Fourth Street Liquors, Inc. --

From: Willard A. Williams, Pres,  
51%  
William H. Babb, Secy/  
Treas, 49%

To: John L. White, Pres,  
33-1/3%  
Mary Ann White, Secy/  
Treas, 33-1/3%  
Gary Roy Tarbox, V.P.,  
33-1/3%

Approved  
as requested  
Lurie - unanimous

Director  
authorized  
to proceed

I. LIQUOR & RETAIL TOBACCO --- Approval of Store Manager

1. THRIFTIMART  
1800 E. Charleston  
Package Liquor Limited

Thriftimart, Inc. --  
Peter Tsouras, Store Mgr

Approved  
as requested  
Lurie - unanimous

Same  
as above

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

1. 7-ELEVEN FOOD STORE # 13683  
1517 Laurelhurst  
Beverage Off-Sale

Southland Corp --  
Terry Lewis Holtz, Franchise Mgr

Approved  
as requested  
Lurie - unanimous

Same  
as above

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 8

PHONE 386-6011

ITEM Commission Action Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
 (cont'd)

K. LIQUOR & GAMING -- Change of Ownership

1. \*TROPHY ROOM  
 1440 Las Vegas Blvd North  
 General Liquor License  
 Gaming: 5 operator slots

From: Trophy Room, Inc. --  
 Melvin Richards, Pres 50%  
 Louis Todd, V.P., 25%  
 Arthur Novick, Secy-  
 Treas, 25%

To: J & D Partnership --  
 Joseph H. Rossana, 50%  
 David R. Smith, 50%

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

Approved  
 as presented  
 subject to  
 conditions  
 Lurie - unanimous

Director  
 authorized  
 to proceed

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

1. \*DESERT INN LIQUOR  
 1503 L. V. Blvd South  
 General Liquor License  
 Gaming: 6 Business Owned  
 5 Operator Slots

From: Fred R. Jacoby, 100%

To: Jacoby, Inc. --  
 Russell F. Jacoby,  
 sole officer & director

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

Approved  
 as presented  
 subject to  
 conditions  
 Lurie - unanimous

Same  
 as above

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 9

PHONE 386-6011

ITEM Commission Action Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
 (cont'd)

M. LIQUOR, GAMING, RETAIL TOBACCO, & MEMBERSHIP CLUB -- Change from sole proprietorship to partnership

Approved  
 as presented  
 Lurie - unanimous

Director  
 authorized  
 to proceed

1. CHARLESTON HEIGHTS BOWL  
 740 South Decatur Blvd  
 Tavern License  
 Gaming: 15 - Business-owned  
           5 - Operator Slots

From: Ernest Becker, 100%

To: Charleston Heights  
 Bowl, a general partnership --  
       Ernest A. Becker, 85%  
       Ernest A. Becker, Jr., 5%  
       Barry W. Becker, 5%  
       Bruce F. Becker, 5%

N. GAMING -- New

1. BONANZA LOUNGE  
 4300 E. Bonanza Road  
 4 Business-Owned Slots  
 3 Operator Slots

Approved  
 Lurie - unanimous

Same  
 as above

Fred Atol, 50%  
 Eugene Stanfill, 50%

O. RETAIL TOBACCO -- New

1. GO-LO AREA # 413  
 4851 W. Charleston Blvd

Approved  
 Lurie - unanimous

Same  
 as above

Gulf Oil Corporation --  
 Allen McGee, Manager

GUNDY'S BOOK  
WORLD

Mayor Briare: Good morning, sir. Would you give your name and your address?

Mr. Gundy: Cletus Gundy, 2914 Ashby Avenue.

Commissioner Lurie: What type of books are you going to be selling?

Mr. Gundy: Used books, out-of-print, rare books. I have no intention, no desire to sell pornography.

Commissioner Lurie: Well, we had, about 1½ years ago, somebody told us the same thing. They were going to have scripture readings and ended up opening an Adult Book Store. It concerns me about this, anything that has to do with book world and mention pornographic material, then I'm concerned if this could be opening it up to this type of business.

Mr. Gundy: In fact, it's part of my lease that I cannot sell pornography on the premises.

Mayor Briare: Who's the landlord, Mr. Gundy?

Mr. Gundy: Mr. Lewis Prosen, Lafayette Square Shopping Center.

Commissioner Lurie: It's in your lease that you can't sell pornographic materials?

Mr. Gundy: Yes.

Mayor Briare: What's the pleasure of the Commission?

Commissioner Lurie: I move for approval on Items 1 and 2.

Mayor Briare: Any comments or questions on the motion? Cast your votes. Motion is approved.

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

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See Pages 22 and 23 - Annotated Agenda.  
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ADMINISTRATIVE AGENDA  
RUSSELL W. DORN, CITY MANAGER

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

Mr. Dorn: The next section is the Administrative Agenda. Item A, your honor, is the discussion and action concerning funding for the architectural services for the new detention facility. This item appears on the agenda at the request of Commissioner

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 10

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
 (cont'd)

P. SECONDHAND LICENSE -- New

1. \*GUNDY'S BOOK WORLD  
 1440 E. Charleston Blvd  
  
 Cletus Leon Gundy, 100%

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

2. NEW TO U FURNITURE  
 1237 South Main Street  
  
 Anna J. Cherubini, 100%

Q. PRIVATE DETECTIVE LICENSE --  
Change of Location

1. LEGAL INVESTIGATION BUREAU  
 From: 309 South Third Street  
 To: 723 South Third Street,  
 Suite 210  
  
 Thomas Alessandro, 100%

R. FIREARMS PERMIT -- New

1. HIGHLAND ARMORY  
 2405 S. Highland  
  
 Thomas F. Gleeson, 100%

Approved  
 subject to  
 conditions  
 Lurie - unanimous

Director  
 authorized  
 to proceed

Approved  
 Lurie - unanimous

Same  
 as above

Approved  
 Lurie - unanimous

Same  
 as above

Approved  
 Lurie - unanimous

Same  
 as above

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 11

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

S. LIQUOR -- Request for Extension of Inactive Status

1. SMITH'S FOOD KING  
574 North Eastern Avenue  
Package Liquor Limited

Smith's Food King No. 1, Inc. --  
Fred Smith, Pres  
et al

Larry Childress, Division  
Manager

(Approved 5/17/78. Request for extension of inactive status for 60-day period of: 7/16/78 thru 9/13/78.)

Approved  
as requested  
Lurie - unanimous

(Larry Childress  
in attendance)

Director  
authorized  
to proceed

# AGENDA

## City of Las Vegas

July 5, 1978

Page 12

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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

A. DISCUSSION AND ACTION CONCERNING FUNDING  
 FOR ARCHITECTURAL SERVICES - NEW  
DETENTION FACILITY

Tabled

C/M to search  
 sources for  
 funding

B. WESTSIDE COMMUNITY GARDEN PROJECT

Approved  
 Woofter - unanimous

Staff to  
 proceed

C. CODE ENFORCEMENT AND NEIGHBORHOOD  
PRESERVATION PROGRAM  
 (Abeyance from 6/21/78)

Report only

OFFICE OF BUDGET AND MANAGEMENT

D. RESOLUTION AUTHORIZING THE CITY TO  
SUBMIT AN APPLICATION FOR IPA FUNDS

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

Staff to proceed  
 Christensen did not vote -  
 temporarily absent

E. AUTHORIZATION FOR CITY TO ACQUIRE  
 A PARK SITE WITH BOR AND CONVENTION  
AUTHORITY FUNDS

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

Staff to proceed  
 Christensen did not vote -  
 temporarily absent

F. MINUTES OF SPECIAL JOINT MEETING -  
MAY 24, 1978 Re: Proposed "208" Plan

Approved by  
 reference  
 Lurie - unanimous

Mayor and Clerk  
 authorized to sign

ADDENDUM ITEMS

G. EXTENSION OF CONTRACT - VERTEX CORP.

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

C/M to proceed

H. DISCUSSION OF AWT

Motion by Commissioner Christensen -  
 unanimous - Commissioner Woofter did not  
 vote - excused prior to voting

Authorized Staff to  
 file a lawsuit in  
 Federal Court to  
 stop construction  
 of AWT Plant

Staff to proceed

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

Leavitt, the Police Commission. Maybe I could ask Mr. Sloan if he has any information he would like to give to us from the County. As you are aware of the proposal that we accepted, it's my understanding the County didn't accept our proposal, and that was, basically, that we could pay the bill as late as July 1, 1979.

Commissioner Leavitt: You mean there's been a new interlocal agreement?

Mr. Sloan: No, Commissioner. I think Mr. Dorn was referring to the one which you approved at a previous meeting where we modified Mr. Bartley's initial draft which provided we had up until July of '79 to reimburse the County. We added the additional requirement that should the law be declared unconstitutional, obviously we would not have to repay that money. I have had no other communication with Mr. Bartley on this particular subject. My office is working very closely with his staff on the proposed consent decree. While I think we may be reaching a situation where agreement is possible between attorneys for the Federal Government and the attorneys for the City and the County, the difficulty is going to come if we can't reach the agreement on funding the architect's fees, how are we going to finance any of the obligations of that consent decree. Sooner or later, unfortunately sooner, we're going to have to come to grips with that. I have nothing new on this particular item. I'll try to answer any questions you have, Commissioner.

Commissioner Leavitt: Do you have a legal opinion as to whether or not the City is obligated to pay for this?

Mr. Sloan: Well, at the present time, I would say, no you're not obligated to pay for it because the Police Commission has not entered into an agreement, it's my understanding. Have they approved the contract?

Commissioner Lurie: Well, the Police Commission cannot enter into any type of agreement with the architects until such time as the City and the County appropriate the funds to pay the architect.

Mr. Sloan: You can't be under an obligation to construct a new jail. That's a discretionary act with the Commission. So, there's no legal obligation that you construct a new jail, at the present time. Even the proposed consent decree does not require that you build a new jail. Legally you don't have a requirement to do it.

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

Sooner or later, both the City and the County are going to have to spend a substantial amount of money to improve jail facilities in Clark County, and that would apply whether or not we prevail on having the Metropolitan Police Act declared unconstitutional. Our own facilities would still need substantial revision.

Commissioner Christensen: Am I to assume by your remarks, Mr. Sloan, that we have a bad case in court? Because you say that sooner or later the City and County are going to have to come up with this money, and yet we're contending in court that we should never have to come up with this money. Now, which are we?

Mr. Sloan: Commissioner, I thought I added at the end of that statement that even if we were to prevail, there are going to have to be modifications made in the police detention facility, which would then revert to the City of Las Vegas and the City Jail. Even if we were to win on the constitutionality question, we would then have the responsibility for maintaining the City Jail, and there would have to be some substantial changes made there.

Commissioner Christensen: That would be much less of a responsibility.

Mr. Sloan: That's correct.

Commissioner Christensen: Because the County Jail has to hold all felony prisoners, and the Municipal Jail doesn't hold felony prisoners, normally.

Mr. Sloan: As I indicated to you in response to your request and Commissioner Lurie's request, that while we feel that there is an unconstitutionality of the Metropolitan Police Act, the fact that the law suit is being brought five years later than could have been the optimum time somewhat undercuts my enthusiasm for our chances of succeeding. But we're going to press ahead with that either in the Federal action if we can't reach some agreement as it relates to the consent decree on the jail or in State Court.

Commissioner Lurie: My interesting observation of this whole thing, and I made a statement at the last Police Commission Meeting, is the fact all the attorneys are getting together and making these consent decrees on things that we have to do and telling us that they don't care, really, where we get the money. It's just that we have to make these improvements to the jail, otherwise we're personally liable, or they're going to start releasing prisoners from the jail unless the

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

conditions change. I don't really believe that now after looking at the situation that all these things really need to be changed and the amount of money that has to be spent really needs to be spent since we can't come to any type of agreement on what, actually, we're looking for towards improving the conditions. A lot of things that they're asking us to do, I personally don't believe necessary, and I'm going to try and find material to back up my thinking on why we have to do certain types of things to make it nice for the people who are serving the time in the County Jail. I once heard a saying that kind of stuck with me, "If you can't spend the time, don't commit the crime", and I kind of like that.

Again, I don't believe a lot of the things we have to do are necessary, and I think if we're mandated to do something, I think it should go out to the voters. Let the voters approve a bond issue if they feel these improvements need to be made because we just don't have the money to spend. I believe if we go to a bond issue to the public, the sentiments are going to be shown that they don't feel that those conditions need to be changed at that jail and spend that kind of money.

You know, we're kind of caught between the rock and the house about now, and until this consent decree is finalized, I guess we're forced into doing whatever the attorneys and the judges say we have to do. I'm not for spending any dollars.

Mr. Sloan: Well, Commissioner, we're not going to force you to do anything. The attorneys reviewing this have reached what we think is a fair agreement. We're going to present it to the Commissions. You're going to have an opportunity to vote on it.

I would point out that there are a lot of people who are detained in jail who have not been adjudicated guilty of any crime. The courts have continuously pointed out that you need to give the people in the jail equal, if not better, treatment to the people in prison because the people in jail have not been, in most cases, found guilty. They are pre-trial detainees. If you were to compare the Jean facility with our existing facility, we have a certain deal of difficulty.

The fact that we might not like what the Federal Courts are doing by and large is going to be irrelevant to the disposition of the case. We're not going to force you to sign. If this Commission does not want to enter into a consent decree, that's certainly your option to go ahead and go to trial.

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

Commissioner Lurie: I agree with that statement that there needs to be some changes in the jail. Don't get me wrong. There are some areas there, when I toured the facility, that I think need attention and should get the attention. I also feel that there are some people there waiting for trial who aren't going to be serving time. They're going to be acquitted or found Not Guilty and released. I think the ones who are there asking us to improve the jail who have been second, third and fourth offenders and are up there, I don't really care about those people. I just hate spending that kind of money to improve conditions. If they weren't there, I wouldn't have to improve them.

Mayor Briare: Mr. Sloan. On the statute that the State Legislature passed in the last session which all of a sudden, and in the minds of some, unexpectedly, made the City taxpayers liable for the expenses of building jails, which of course, some of us feel is rather unique because the City of Las Vegas is the only City in the State of Nevada who has to participate as a separate entity in the construction of jails as opposed to any other City in the State of Nevada, but nevertheless, that particular statute, does that deal with only new jail facilities or does that deal also with the maintenance and upkeep of old jail facilities?

Mr. Sloan: Your honor, it's my recollection that the statute talks about the duty to maintain and construct. So it's both the present facility and new facilities. All they did was take the language previously applied to County Commissioners and make it applicable to Metropolitan Police Commission in those counties where there are such commissions. This is the only one that's here. But it's the full responsibility to maintain the jail.

Mayor Briare: So then, theoretically, if the County Jail which, heretofore, had always been the responsibility of the general County Government, and as I say, suddenly became the obligation of the City also, if that jail were in need of, say \$10 Million worth of remodeling, then by an act of the Legislature in retrospect the City becomes liable for half of that \$10 Million in remodeling.

Mr. Sloan: That's correct. So any of the deterioration that took place prior to us coming to the Board, now we're saddled with having to pay the cost of correcting that.

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

Mayor Briare: Sometimes you learn lessons the hard way, don't you? As far as economic impact on a community that could take place as a result of an act of the Legislature which is picking up obligations which, perhaps, took place years and years ago where deterioration depreciation of a facility..

Mr. Sloan: Your honor recalls that Commissioner Lurie pointed out at the time we discussed these bills for the first time there was no fiscal note attached even though the law requires the Legislature to take that kind of step.

Commissioner Leavitt: I have an inquiry. How much money are we talking about in this particular proposal?

Mr. Dorn: Commissioner Leavitt, we're talking approximately \$175,000. If you recall in my last recommendation that this \$175,000 is not dedicated on any line item appropriated in the upcoming budget.

Commissioner Leavitt: One of the things I was going to ask was to request that you examine the budget to determine if this \$175,000 can be made available for this purpose. Would you do that and report back to us the next Commission Meeting whether or not this money is available?

Mr. Dorn: Yes, Commissioner.

Commissioner Leavitt: I don't think we can really take action until we determine whether or not the money is available in the budget. I'd like to have you, as City Manager, examine the budget to determine if the money is available or can be made available to fund the architectural services for the new detention facility. Make a report back to us the next meeting. Give us a memo on it. It may come from additional revenue. It may be maybe some additional revenue that we hadn't anticipated may become available rather than just have to cut some service or cut some item out of the budget.

Mr. Dorn: Commissioner Leavitt, I'll give the Commission a full report by the next meeting on the possible sources of funding.

Commissioner Leavitt: I request the matter be put on the agenda, then, for the next meeting.

Commissioner Christensen: I'm under the thinking of most of the current people who are designing jails, etc. We probably should find this money somewhere in the Recreation Department under Recreation Grants.

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

Mayor Briare: Mr. Sloan, do we have any inkling at all when the matter that this Commission instigated a suit might be heard in the Federal Court?

Mr. Sloan: Your honor. We raised the question of the constitutionality of the Police Commission Act by way of affirmative defense. Then the County has filed a cross-claim. Procedurally, we are at a point that should we reach a consent decree agreement between the various participants, that implicit in that agreement would be some understanding as to the financing of the various phases that are set forth in that agreement and reserving to the City the right to bring a separate law suit on the Metropolitan Police Commission Act.

What I'm saying is if we have a consent decree, we're never going to have an adjudication by Federal Court. Both the City and County Commission will be in a position soon of saying, either we're going to make an out of court agreement and settle this case, or we're going to go to trial. If we go to trial, in addition to litigating all the questions of the constitutionality of the jail, we would ask the Court to make a determination on our constitutional claim. If we make an out of court settlement, then obviously we won't go to court.

Commissioner Leavitt: It's possible that you could have a consent decree, and the constitutionality question would never be settled, right?

Mr. Sloan: What I am saying is I would envision, of course we will discuss this when that consent decree is in a posture that we can bring it before the Commission, but I would assume that if we got to the position that we wanted to reach an out of court settlement that agreement would make some reference to the financing of the improvements of the jail. It would also reserve for the City the right to bring a separate action to State Court.

Commissioner Christensen: What would that do to that Federal Court situation if we brought that action in State Court now?

Mr. Sloan: Well, I'm not certain. I suppose that since we raised it by way of affirmative offense we were not really precluded from raising it in State Court now.

Commissioner Christensen: Are we prepared to raise that action?

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

Mr. Sloan: If the Commission directs me to, I can file a law suit as soon as we could get the papers ready.

Commissioner Christensen: I move we direct the attorney to get the papers ready to file an action in State Court if that becomes necessary. Our problem has been, as I understand it, that we've always tried to be the good guys and not push this thing into court. I'm tired of that game. I find that we end up in these financial predicaments because we tried to be the good guys and not sue everybody. Every suit that we've had that's declared unconstitutional in terms of consolidation and fire mergers, etc., all these actions have been brought by the County. I'm just a little weary of that because we're the good guys so much and won't bring any of these actions. I'm worried about a delay here.

A consent decree comes down, everybody tries to get an agreement on it, and then we find that we're six months late trying to get into State Court. I would, therefore, move that we prepare the papers to go to State Court so that we can go on a moment's notice. I think we've got to pursue this.

Mayor Briare: Commissioner, on your motion, a question occurs.

Commissioner Christensen: Am I out of order because of the Open Meeting Law?

Mayor Briare: No. The discussion and action concerning funding for architectural services all relates, Commissioner. I'm not trying to give you a legal opinion as to whether you're out of order, but as far as the procedure that we're in right now, I'd say that you're in order. I want to ask a question. It seems as though the strategy of the City in filing this suit in the Federal Court was to avoid having to face the possible unconstitutionality of the entire Metro system. In order to zero in just on the jail question, the strategy was to go to the Federal Court, which I voted in favor of.

I'm not sure, Commissioner, if I understand your motion. I'd like to understand it thoroughly before I, for one, vote on it because I'm not in favor of challenging the entire Metro system.

Commissioner Christensen: Even if it's going to cost you \$10 Million for a jail if you don't?

Mayor Briare: I'm sorry. In trying to clarify your position, I'm making mine hazy.

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

Commissioner Leavitt: I think, first of all, he's making a request to have the City Attorney draw up some papers. I don't think that needs a motion. Any Commissioner can do that.

Mayor Briare: But he made the motion, so if he wants to make it in the form of a request.

Commissioner Christensen: The reason I made it in the form of a motion is because we can sit here and kid ourselves all day long, but if one Commissioner wants him to draw up the papers and four don't, they'll never get drawn, and I don't blame him. I'd like to have a vote of confidence from the rest of the Board that we get those papers drawn so that in the event that we fail in Federal Court, we can pursue State Court. If it requires splitting the Police Department, I'm not in favor of that either. That's a horrendous expense that shouldn't be tacked onto the people of this valley, all of them, not just the citizens of Las Vegas.

The problem I have with it is if that's the only way we can save the citizens of Las Vegas \$10 Million, I think we've got to do it. Right now we're signing a blank check. All we've got to do is someone's got to determine we need a \$50 Million jail, and we're stuck for \$25 Million, and I think that's a terrible situation to be in when we've got our signature on a blank check waiting for somebody to put the amount in and take us to court to collect it.

Mr. Sloan: Anyway, to accommodate the concern for the Open Meeting Laws raised by Commissioner Christensen, if we would leave it at him asking to prepare the papers, which I certainly will do, and if we didn't take a vote on it, I think I would be more comfortable.

Commissioner Christensen: Whatever. The trouble is that I've been asking for this suit for, roughly, five years, and I keep getting talked out of it. We're going to be the good guys, we're going to do this, and we're going to do that. Now our attorney tells us that our suit isn't even much good because we've waited five years to file it. That tells me I should have acted on my first impulse.

Mr. Sloan: I didn't talk you out of it five years ago. I wasn't here.

Commissioner Christensen: I know. I'm not blaming you, Mr. Sloan. I'm just pointing out the dilemma that I'm in because this is what you get for trying to be the good guy for five years. You get stabbed one more time.

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

Mayor Briare: Mr. Sloan, you understand what it is Commissioner Christensen would like to have drawn. Would you go ahead and proceed to draw it and then let each Commissioner have an opportunity to look at it, and Mr. Dorn, you check with Commissioner Christensen prior to the time of setting this on the agenda next meeting to determine if he would like to have it brought up at the next Commission Meeting. Is that all right, Commissioner?

Commissioner Christensen: My point, Mayor is that we want to have it ready to go. I'm a little disappointed in the answer that yes, we can go to State Court just as soon as we get the paperwork ready. Sometimes, when you're talking to attorneys, this could be six more months. I'm saying let's get the paperwork ready now so that if tomorrow we find ourselves in trouble in Federal Court, Friday we can file a suit. That's what I'm getting at.

I hope you don't take what I'm saying in the wrong light. I'm just pointing out a situation that exists. It's not all the attorneys' fault. There's research that has to be done. You have to get certain things together, etc. I recognize that. I'm not kicking attorneys. I'm just saying that sometimes it takes a while to get those things together. The sooner we start getting those things together, the sooner we're going to be ready to go if we have to have them. That's what I'm saying.

Mayor Briare: I think they'll be ready for you, Commissioner. Then it'll be between you and Mr. Dorn to bring it before the Commissioners for the next meeting if it is your desire to do that. Any other comments at this time?

Commissioner Leavitt: Well, for the record, I did request Mr. Dorn to examine the budget to see where the money would be available, also.

Commissioner Christensen: Let's discuss this one little bit further. You know I mentioned we've been the good guys for a long time. We get painted into a corner all the time on this police situation, and I still find nothing wrong with the agreement that we sent to the County. The County came to us and said, we'll pay the funds if you'll pay us back. That's fine. That's beautiful. But in the fact, they wanted us to guarantee that we were going to be locked into the total funding again, and because we wouldn't do that, they won't play the game. I think the obligation is on them to be the good guys. They've got the money sitting there. They get many millions of dollars more than we do in revenue sharing money. They get increased taxes. They get the burden of police protection cut in half without cutting any of their revenue down for it. So now

FUNDING FOR  
ARCHITECTURAL  
SERVICES - NEW  
DETENTION FACILITY

they come along with this jail. What's wrong?  
I guess maybe this is the kind of question you have to address to the Public. What's wrong with putting that proviso on the agreement that if we find through our Constitutional right to the courts that we're not responsible for this money, what's wrong with having in the agreement that we don't have to pay it back if the courts determine we're not responsible for it? Why should that change the agreement any? Yet it did. So who's small in this case? Who's the good guys in this case? That's the question I have to leave with you.

Commissioner Leavitt: Well, I think that any payment that we make regarding architectural services regarding the new jail should be conditional, and the language would have to be provided by the City Attorney. It would be conditional upon any possible determination at a later date regarding the unconstitutionality.

Mr. Sloan: Just to add onto what Commissioner Christensen said, I think if you look at the posture of the City thusfar, we have demonstrated repeated good faith because despite the position we find ourselves in of challenging the constitutionality of the act, we continue to provide money on an ongoing basis to fund the Metropolitan Police Commission. We continue to give money to the operation of the jail. If you look back to the time of the fire merger, the County was racing in there, would not go to the meetings when we were trying to figure out a way to integrate the two police departments, and got an injunction.

So I agree with you 100% that we have to proceed in good faith, and I don't see any way we could have gotten into an agreement on these architectural fees without that kind of requirement that if we are, in fact, legally not required to pay that money then we should not have to do so. Otherwise, you would be put in the awkward, if not illegal position of a year from now having to pay over \$175,000 for a non-City purpose because you'd have an adjudication by a court that that was not a proper purpose for spending City funds.

Commissioner Christensen: That's what I'm trying to say, only you put it legally.

Mayor Briare: Any other comments? The next item on the agenda is item B, Westside Community Garden Project.

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WESTSIDE COMMUNITY GARDEN PROJECT

Mr. Dorn: Your honor, before I make a recommendation to the Commission, I would like Richard Blue to give an explanation. He's been working on this with the community food bank and Bill Kramer at the request of Commissioner Woofter, and Commissioner Woofter is interested in this project. So before I make this recommendation, maybe Mr. Blue can give you a briefing on that.

Mr. Blue: Mayor, Board of Commissioners. By request of Mr. Dorn, I have been working on the possibility of the use of the Urban Renewal land as a community garden site. I took this request and received an opinion from the Department of Housing and Urban Development as to the disposition of their feelings on this. They thought that the use of the urban renewal site for this purpose is in keeping with the National objective of the Community Development Block Grant Program. Therefore, based upon that and certain conditions that they outlined should be met for HUD's purposes and for purposes of the City, I asked Mr. Dorn to recommend to you the property use by the community food bank the use of the Urban Renewal land.

Mayor Briare: Questions or comments? Commissioner Woofter?

Commissioner Woofter: Yes, Mayor, just a comment. Like Mr. Dorn has brought out, I heartily recommend such a program. I believe it's two-fold. It's certainly making use of land that hasn't been or is not in use at the present time, as well as putting it to a constructive use as far as a community vegetable project is concerned. I'm happy that they have found certain lands in my particular district to make use of such. Therefore, I would make a motion to approve the project at this time.

Mayor Briare: Any comments or questions on this motion? Cast your votes? Motion is approved.

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

CODE ENFORCEMENT AND NEIGHBORHOOD PRESERVATION PROGRAM

Mr. Dorn: Your honor, if I may request that Mr. Blue stay at the podium. Item C is the code enforcement and neighborhood preservation program, which I would like Mr. Blue to read to the Commission. My recommendation is to finalize the changes after the six-month trial period that started on January 3. Mr. Blue supervises the program. It's been very successful, and HUD is very happy with the program.

CODE ENFORCEMENT  
AND NEIGHBORHOOD  
PRESERVATION  
PROGRAM

Mayor Briare: Mr. Blue.

Mr. Blue: On January 3, we requested reorganization take place to divide the program of Code Enforcement into two segments, one a housing counseling program, and a code enforcement. Code enforcement, traditionally, has been a City-wide effort dealing with the notification of home owners of certain code violations in their residence. Housing counseling program is a Block Grant funded activity which is concentrated in three neighborhood strategy areas outlined in the Community Block Grant application, the purpose of which is to identify the home owners' deficiencies in their residence, and at the same time, assist home owners to take the proper corrective remedies. To date, our program has been taking into shape by the putting together of a Housing Counsellor procedure manual, and also the training of three housing counsellors in the area of: (1) rehabilitation financing, (2) in the area of how to estimate cost of correcting housing deficiencies, and (3) in the nature of public relations in dealing with the home owner.

This program will take effect during the Fourth Year Community Development Block Grant program, and I feel that it's an essential part. We can start changing some of the Westside Area into becoming an attractive neighborhood by the working together between a counsellor and a home owner. We can correct these remedies either by home owners doing it themselves or providing them with the right information on how to get the proper financing.

Mayor Briare: Are there any questions or comments of Mr. Blue? Thanks very much, Mr. Blue.

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EXTENSION OF  
CONTRACT -  
VERTEX CORP.

Mr. Dorn: Your honor, the next item is an addendum item, G: I think everyone in the audience has received a copy. Item G is the extension of the contract with Vertex Corporation, which is Mr. Horowitz and Mr. Basil. As you recall, the City Commission gave me the authority to enter into an agreement with the consulting firm of Vertex for the review of the 208 area-wide waste management plant. The Vertex Corporation has been working with the City for approximately four months. With this agreement we put a ceiling of \$39,000 on this contract. We're at that ceiling right now.

We originally changed the scope of work for Mr. Horowitz and Mr. Basil, and they've been doing an outstanding job in their preparation of a written report and evaluation of the area-wide waste water management plant. In conjunction with this, as we

EXTENSION OF  
CONTRACT -  
VERTEX CORP.

have been working in the last couple of months, the State has agreed to a review of water quality standards at a hearing on August 10. It is my recommendation that the services of the Vertex Corporation is needed to prepare a case along with other various groups in the community. The Home Builders Association is interested and the Chamber of Commerce.

In review, the water quality standards with the possibility of lowering these standards, in effect, would cancel the need for wastewater treatment plant. So it is my recommendation to extend the present contract of the Vertex Corporation with the right to terminate this agreement at the end of any weekly period without prior notice to Vertex. It would be on a week-to-week basis, and only for the services needed for the water quality hearing and other related problems on 208.

Commissioner Lurie: Move for the approval of the extension of time with Vertex Corporation.

Mayor Briare: Cast your votes. Motion is approved.

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

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Mayor Briare: Do you have anything else on your agenda?

DISCUSSION OF  
AWT  
(ABEYANCE)

Mr. Dorn: Your honor, Item H is discussion of AWT. With that is the payment of the AWT bill. I would like to hold this item, with your permission, in abeyance until this afternoon until we meet with legal counsel.

Mayor Briare: If there's no objection, we'll take it up this afternoon. Is there anyone here present for the purpose of this item on the agenda? (None indicated.) We'll take it up this afternoon.

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OFFICE OF BUDGET MANAGEMENT  
JOHN BRAMBLE, DIRECTOR

APPLICATION FOR  
IPA FUNDS

Mr. Dorn: Your honor, there's two items on page 12 under the Office of Budget Management. Under D and E. One is the resolution authorizing the City to submit an application for IPA Funds. I would like have Mr. Bramble to give the Commission a briefing on this. He's been doing a good job and receiving the \$30,000 received for the IPA Grant. Also, item E,

APPLICATION FOR  
IPA FUNDS

the authorization for the City to require a park site with BOR and Convention Authority. Mr. Bramble has been handling that application. We could take item D first, your honor.

Mr. Bramble: Mayor and Commissioners. The IPA, or Intergovernmental Personnel Act, funding request is just that, an authorization to request funding from IPA which will be reviewed by them sometime this summer. It's a request for \$25,000 in Federal funds which is filtered through the State Office, and then \$25,000 in-kind match from the City of Las Vegas. It would not have an impact on increasing the budget. It would only be personnel services from existing staff. What we're requesting is your authorization to submit this application through this resolution.

Mayor Briare: Who actually does the evaluation?

Mr. Bramble: It would be part of the Office of Budget and Management services staff. What this proposal is is to hire one person and a consultant firm to review the financial management operation at the present time.

Mayor Briare: Would this ultimately be in the sense of when you evaluate something you determine whether it's operating in proper manner or whether it should be corrected or whether it should be changed, or something of that nature?

Mr. Bramble: This is basically to evaluate or to study the procedures that are presently being utilized. With the advent of the computer operation, I think that a number of the financial management operations will need to be fine tuned, not necessarily totally reorganized. Just primarily fine tuned so that it will function with the data processing services on a more efficient manner. It's not really saying that something's inefficient but the possibility of procedural changes will make it more efficient.

Commissioner Lurie: I think, also, Mayor this study will show the efficiency, maybe productivity of personnel, and it could be tied in with your recommendation as far as the task force to study where the City might be able to cut without having an affect on the budget.

Mr. Bramble: That's an excellent point. It's one of the purposes for the studies.

APPLICATION FOR  
IPA FUNDS

Commissioner Lurie: This is one of the few studies that I happen to support. I move for the adoption of the resolution.

Mayor Briare: Any comments or further questions? Cast your votes. Motion is approved.

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

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AUTHORIZATION  
PARK SITE

Mr. Bramble: The next item on your agenda is an authorization to proceed with the School District to purchase a park site at Pennwood and Decatur.

Mayor Briare: Do we have any plans or design or anything of that nature for this property?

Mr. Saylor: Not laid out on paper, Mayor, but I think, generally speaking, the Recreation Department proposes essentially a sport activity complex, ball diamond, soccer fields, this type of thing. We have none in that area.

Mayor Briare: I assume, then, if we were to go ahead and acquire this property it would be the City's property in fee simple ownership to do anything we want to do with no strings attached.

Mr. Saylor: This falls within the general category of Park and Recreation activity.

Mr. Bramble: One point. This is only acquisition at this point. There are no funds available for development of the park site. We're talking about Convention Authority and BOR funds. This is on our schedule for submission of an application for next year's fiscal BOR's, it's a new name now, I haven't gotten it, but it's the State Division of Heritage, Conservation and Recreation Services. BOR was too simple for us. These funds are for acquisition only. We have, as you are aware, Bob Baskin Park, Pennwood and Decatur also on this year's application cycle for funding as well as the Senior Citizen's recreation area, Lorenzi.

Commissioner Lurie: Move for authorization for the City to acquire park site with BOR and Convention Authority funds at Pennwood and Decatur.

AUTHORIZATION  
PARK SITE

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

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

Mr. Bramble: Thank you, very much. I would like to put in one plug. I appreciate the compliment by Mr. Dorn, but without a good staff behind me, I don't think some of these applications would be done, and Rhea Korsch deserves a special thanks for all of the work she has done. Thank you.

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DEPARTMENT OF FINANCIAL MANAGEMENT  
MARVIN A. LEAVITT, DIRECTOR

See Page 41 - Annotated Agenda.  
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DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS  
BOB McPHERSON, DIRECTOR

See Pages 42 Through 44 - Annotated Agenda.

Mayor Briare: Are there comments or questions on items 1 through 10?

QUALITY CONTROL  
SUPERVISOR  
POSITION

Commissioner Leavitt: I have a question regarding this Quality Control supervisor. Is that what I've been reading about in the papers? Is this going to be sufficient to handle complaints we've been receiving regarding Quality Control?

Mr. Dorn: No, Commissioner Leavitt. As you are well aware, it's a very difficult job. Presently we promoted, on an acting basis, Gary Holler. He was our supervisor of Quality Control, and now he's acting in the capacity of Chief Engineer. We have to work to continually strive to provide quality services and insure that the building codes...

Commissioner Leavitt: Well, items 3 and 4 are permanent; they're not temporary.

Mr. Dorn: Well, these are budgeted vacancies. As we promoted somebody, we have these vacancies in that budget slot.

Commissioner Leavitt: You're talking about a Quality Control supervisor and Building and Safety building inspector, and these are permanent situations, they're not temporary. Is that right?

# AGENDA

*City of Las Vegas*

July 5, 1978  
Page 13

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS, 400 EAST STEWART AVENUE

PHONE 386-6011

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. F1284 to F1289, F114529, E511688, F512141 to F512143, F512147 to F512164, F512166 to F512172, F512176 to F512203, F512205 to F512206, F512210 to F512510, inclusive.

In the amount of \$ 3,131,491.30

**\*B. PAYROLL WARRANTS**

Nos. 112770 to 112773, inclusive.

For Pay Period Ending 6/30/78

In the amount of \$ 499,217.75

APPROVED AGENDA ITEM  
7/5/78

# AGENDA

## City of Las Vegas

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

Page 14

7/5/78

ITEM

Commission Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

BOB MCPHERSON, AEP, DIRECTOR

AUTHORIZATION TO FILL POSITIONS

A. CITY FUNDED - FULL TIME

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
(1) PS/Traffic Engineer Electrical Trades Helper Two positions (fill budgeted vacancy)	\$ 901	To assist Elec- tricians in the installation and maintenance of traffic signals.
(2) Financial Management Computer Operator (fill budgeted vacancy)	\$ 857	Responsible for one shift of computer opera- tions in the Data Services Division.
(3) PS/Quality Control Supervisor of Quality Control (fill budgeted vacancy)	\$1580	To supervise and coordinate acti- vities in the Quality Control Division, includ- ing the construc- tion field, engineering and survey section, subdivision reviews, permits and testing laboratory.
(4) PS/Building and Safety Building Inspector (provide needed services- budgeted '78-79)	\$1182	To handle expanded work load resulting from increased permit sales and additional inspection requests.

Items 1 thru 10  
Approved  
as recommended  
Lurie - unanimous

Director  
authorized  
to proceed

APPROVED AGENDA ITEM

RCF 6/26/78

# AGENDA

## City of Las Vegas

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

Page 15  
 7/5/78

ITEM Commission Action Department Action

<p>IV. (c) DEPARTMENT OF PERSONNEL &amp; EMPLOYEE RELATIONS</p> <p>A. CITY FUNDED - FULL TIME cont.</p> <p>(5)                  Community Planning and Development Planner (provide needed services - budgeted '78-79) \$1097 To perform the necessary research in processing zoning, use permit, variances and home occupation permit applications.</p> <p>(6)                  PS/Electrical Services Assistant Engineering Technician (provide needed services - budgeted '78-79) \$ 901 To draw and maintain street-lighting prints and diagrams.</p> <p>(7)                  PS/Electrical Services Electrical Trades Helper (provide needed services - budgeted '78-79) \$ 901 To assist Electrician as a member of a two man line crew in streetlight maintenance and repair work.</p> <p>(8)                  Financial Management Programmer two positions (provide needed services - budgeted '78-79) \$1097 Responsible for system development functions in the areas of Municipal Court, Finance, Personnel and Business Activity.</p> <p>(9)                  Recreation and Leisure Activities Office Assistant (fill budgeted vacancy) \$ 777 Functions as receptionist meeting the public, answering phones and performing clerical functions.</p>	<p>See Page 14</p>	<p>See Page 14</p>
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APPROVED AGENDA ITEM

*RCJ 6/26/78*

# AGENDA

## City of Las Vegas

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

Page 16

7/5/78

ITEM

Commission Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL &  
 EMPLOYEE RELATIONS

A. CITY FUNDED - FULL TIME cont.

(10)

Recreation and  
 Leisure Activities  
 Senior Recreation  
 Leader  
 (provide needed  
 services - budgeted  
 '78-79)

\$ 946

To assist in  
 planning, organ-  
 izing and  
 directing recrea-  
 tion activities  
 at Doolittle  
 Center.

See Page 14

See Page 14

APPROVED AGENDA ITEM

DCJ 6/26/78

QUALITY CONTROL  
SUPERVISOR  
POSITION

Mr. Dorn: That's correct.

Commissioner Leavitt: Okay.

Mr. Purvis: Mr. Holler has been stepped up to Acting City Engineer, and we are replacing him as Supervisor of Quality Control. The Building and Safety inspector is one that was provided in the next year's budget, I believe. It's in this year's budget, the '78-79 budget. They were provided in the budgets, and we would like to get them on board as soon as possible.

Mayor Briare: Commissioner Lurie?

Commissioner Lurie: I would like to make just one comment. We used to get a list of all the vacancies of positions that were budgeted for that haven't been filled. Then we could have a better idea of which department had some openings and not just get what's City-funded and what positions are vacant, and what positions are budgeted. I'd like to request that we get that in our books again from each department. It was running, at one time it was 60. Then it stayed at 42, then 34, and it seems to me now we're starting to fill a lot of these positions, and I'm not satisfied in my own mind that it's needed to fill all these positions. I think it is as far as Quality Control and the Building Department because I know there is a tremendous overload there. There's construction that wants to get started, and the people are waiting for the plans to be approved. I think those areas need serious attention. But some of the other departments, I question. Would you give us a report on that, the Mayor and Commissioners?

Mr. Dorn: Yes I will, Commissioner Lurie. To address Commissioner Leavitt's question to clarify this building inspector, at the next scheduled meeting in a detailed report which I've just concluded, would be my recommendations on the addition of building inspectors that are needed for what you've been reading in the newspaper, and how much it will cost the City on a temporary basis because of the great demand of some \$20 Million in commercial and residential development, and the need to improve building inspectors and make their work and keep up with the work load. That is scheduled for the July 19 meeting.

QUALITY CONTROL  
SUPERVISOR  
POSITION

Mayor Briare: In theory, these things should all work out to a break-even situation where the cost of building permits, the cost of inspections and all the related expenses that go together with the construction industry would be an automatic valve as to how many building inspectors you need and how many quality control officers you need, etc. It's true that sometimes we can get caught like we did this time. The permit fees come in after the budgets are locked up. On the other hand, I think it would be interesting to note, too, Mr. Dorn, if the building permit, safety permit revenue source is sufficient to take care of the expenditure of monies for inspectors. If it is, then that's very good. If it's not, then it should be because I am convinced of this, that the building industry in the City of Las Vegas is more concerned about prompt inspections than they are as to whether the building permits are going to go up a reasonable amount.

Conversely, of course, after you hit a peak in construction, you're going to start heading toward a valley. Then you must also be very careful to make sure that the build-up of inspectors that you had to take care of the peak, there'll be some relief from Personnel when we start heading for a valley. All of that will be included in your next meeting's report.

Mr. Dorn: It sure will, Mayor. That's one of the areas that we looked in as the prime objective of the study that we've just concluded. The point that Commissioner Lurie made about the vacancies in the budget, I would just like to announce publicly that I've just concluded the final budget and the printing today. I'd planned after the meeting or a lunch break to distribute those to each Commissioner and the Mayor. In each budget is the first time in the City's history that we have a table of organization of authorized position and comparative from last year to this year. No position will be filled that doesn't exist in the table organization without special permission from the Mayor and City Commissioners and the reasons why.

Mayor Briare: There is a motion before us for the approval of items 1 through 10. Are there any further comments or questions? Cast your votes. Motion is approved.

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

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# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 17

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

A. STATUS REPORT ON THE 4TH YEAR  
COMMUNITY DEVELOPMENT BLOCK GRANT  
APPLICATION

Report only

B. PERMISSION TO RECEIVE BIDS FOR THE  
1978/79 RESIDENTIAL REHABILITATION  
LOAN PROGRAM

Approved  
Woofter - unanimous

Director  
authorized  
to proceed

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

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e

THIS DOCUMENT IS UNCLASSIFIED DATE 12/15/88 BY SP8 BTJ/STP

**APPROVED AGENDA ITEM**

RES 6/27/78

DEPARTMENT OF FUNDS COORDINATION  
RICHARD B. BLUE, ACTING DIRECTOR

STATUS REPORT  
ON 4TH YEAR  
BLOCK GRANT  
APPLICATION

And

RESIDENTIAL  
REHAB. LOAN  
PROGRAM

Mayor Briare: Next is Department of Funds  
Coordination. Mr. Blue.

Mr. Blue: Mayor and Board of Commissioners, I have  
two agenda items today. One is the status report  
on the 4th Year Community Development Block Grant  
Application. With your permission, I would like  
to read into the record a letter from the Department  
of Housing and Urban Development.

Mayor Briare: Do you want to read it or just submit  
it, because we have copies of it. Why don't you  
just submit it? Give us an outline of it. That  
would be fine.

Mr. Blue: The outline of the letter is the approval  
of the 4th Year Community Development Block Grant  
application in the amount of \$1,904,000. So we are  
in the business of community development once again  
upon the Mayor's signature upon the appropriate  
agreement.

I would like to make two cautionary notes from  
HUD. One is that they are beginning to take on the  
positions such as other Federal agencies throughout  
the Country, and that is the targeting of Federal  
monies in specific areas. We have complied with  
this so far by designating three neighborhood strategy  
areas. Secondly, HUD has cautioned us again on the  
level of funding for community service projects.  
Beginning our fifth year funding cycle, we are going  
to look very closely at the type of community service  
projects that we're funding and be about the business  
of seeking alternative sources and recommending  
Block Grant for those projects which the act intended.  
That's for the physical development of our neighborhoods.

The next item on my agenda is the request  
to receive bids for our rehabilitation financing  
program. We have prepared a bid document to go out  
to all financial and lending institutions in the  
area to ask them to bid upon the rehab project for  
us in terms of handling the money and making the  
loans.

Mayor Briare: The first item, Mr. Blue, was a  
report. In the second one, you're asking for a  
specific authorization. Let's take the report  
first. I'd like to ask you to be sure to keep the  
Commission advised on the status of not only Community  
Block Grants, but also, and perhaps more particularly,  
Revenue Sharing funds with respect to this targeting.  
I think it's been the philosophy of this Commission  
that Community Block Grants certainly be targeted in  
the areas of greatest need. However, on revenue  
sharing where we've had a little bit more leeway



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
AREA OFFICE  
ONE EMBARCADERO CENTER, SUITE 1600  
SAN FRANCISCO, CALIFORNIA 94111

AREA OFFICES:  
Los Angeles, California  
San Francisco, California

REGION IX  
REGIONAL OFFICE  
SAN FRANCISCO

9.1CA  
IN REPLY REFER TO

Honorable William H. Briare  
Mayor - City of Las Vegas  
400 E. Stewart Avenue  
Las Vegas, Nevada 89101

28 JUN 1978

OFFICE OF THE  
CITY MANAGER

RECEIVED  
JUN 30 9 58 AM '78

Dear Mayor Briare:

Subject: Program No. B-78-MC-32-0001  
City of Las Vegas  
Approval of Community Development Block  
Grant Application

We are pleased to inform you that a Community Development Entitlement Grant has been approved in the amount of \$1,904,000 and that a Grant Agreement in this amount has been authorized for carrying out the City's 1978 Community Development Program.

You are hereby advised that any proposal for assisted housing in the general location identified in your Housing Assistance Plan must meet HUD Site and Neighborhood Standards for approval.

Your program year begins on July 1, 1978 and ends June 30, 1979.

Three signed counterparts of the Grant Agreement are enclosed. Please acknowledge your receipt and acceptance of the Grant Agreement by signing all copies, and return two copies to this office marked: "Attention: Joseph Lavender, Program Manager, Team A, Program Management Branch."

We shall amend your Letter of Credit to include the amount of \$1,904,000 when we receive the two signed copies of the Grant Agreement. You are cautioned not to expend funds for the projects listed in Item 17 of the Grant Agreement until the environmental review requirements under Section 104(h)(2) have been completed.

We congratulate your community upon receiving this approval.

Sincerely,

Grant signed by:  
James H. Price  
James H. Price  
Area Director

Enclosures

cc: Richard B. Blue  
Director, Department of Funds, Coordination and Projects  
/ Russell Dorn, City Manager

IV(d)-A

4TH YEAR BLOCK  
GRANT STATUS  
REPORT

And

RESIDENTIAL  
REHAB. LOAN  
PROGRAM

which I also wholeheartedly subscribe to, and I think this Commission does likewise. We'd like you to keep a special eye on developments as they occur on the revenue sharing and the possibility of targeting them, also, in which event the wide latitude this Commission has had to provide improvements for the community as a whole might be weakened substantially if we don't keep a very close eye on it. So you keep us all advised. Are there any comments or questions on the status report? I asked you not to read the letter, but if you want, you can read the last sentence.

Mr. Blue: "We congratulate your community upon receiving this approval."

Mayor Briare: Now you're asking for permission to receive bids for the Residential Rehabilitation Loan Program.

Commissioner Woofter: So made.

Mayor Briare: Commissioner Woofter's motion is to approve. Comments on the motion.

Commissioner Christensen: Mayor, I'd just like to make one comment on that loan project. I personally like the project because it's not a "freebie". To me it's one of the better projects because it gives people an opportunity to improve their situation, but they do have to have an interest in improving their situation. They borrow the money, and all you're doing is making it available when normally they can't get money available for that, which gives them the opportunity to improve themselves rather than an out and out gift. I really think this is the best kind of operation projects to get into because it improves a person's self esteem if he's doing something for himself rather than have something done for him.

Mayor Briare: Thank you, Commissioner. Commissioner Lurie?

Commissioner Lurie: Mayor, I'd like to make just one comment and personally thank Richard Blue, the City Manager and his staff preparing an agenda for me for last Friday.

I had the opportunity to go with Mr. Blue, and Senator Laxalt took us up on the invitation, to view a lot of the Federally funded programs and revenue sharing for the development of block grant. We went to the Charleston Library Cultural Center, Fire Station 6. We looked at the construction of the library, we looked at the new pumper, the paramedic

RESIDENTIAL  
REHAB. LOAN  
PROGRAM

unit. We went by the mini-park and police substation, and we went to the Westside to EOB and the Westside school facility. The Senator was quite impressed with the improvement projects that were under construction, and he was very happy that the City did make that invitation available to him to view some of the projects. I would like to thank the staff for seeing that the Senator was taken through the City.

Mayor Briare: Thank you, Commissioner. Motion is to approve. Cast your votes. Motion is approved. Thank you, Mr. Blue.

Motion approved by the following vote: Mayor Briare, Commissioners Christensen, Leavitt, Lurie and Wofter voting aye.  
Noes: None.

-----  
(Meeting Recessed at 11:13 A.M.)  
(Meeting Reconvened at 11:20 A.M.)  
Mayor Briare excused for remainder of meeting.)  
-----

DEPARTMENT OF MUNICIPAL SERVICES  
J.C. CATHCART, DIRECTOR

Commissioner Lurie: We're going to call the meeting back to order. Would you excuse the Mayor for the remainder of the meeting? He had some other business he wishes to take care of at this time. We'll go to Item A.

See Page 52 - Annotated Agenda.  
-----

Commissioner Lurie: Award of Bids, 1 through 5.

ANNUAL CAR WASH  
CONTRACT

Commissioner Wofter: I have one question, Mayor Pro-Tem. On item 2. Mr. Cathcart, I know this has probably been the procedure in the past. Don't we have any facilities in regards to washing City cars ourselves?

Mr. Cathcart: Yes we do, Commissioner. We handle all the equipment that has emergency lights on top that can't be handled through a car wash. We handle all the heavy-duty equipment. This might be approximately 100 vehicles against 300+ we do have.

Commissioner Wofter: Move to approve 1 through 5.

# AGENDA

## City of Las Vegas

BOARD OF CITY COMMISSIONERS July 5, 1978 Page 18  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

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. Screening (Partitions) for City Hall Complex and Engineering Design Section (Public Services - Design)
2. Apparatus Room Addition - Fire Station No. 9 (Public Services - Design)
3. Steel Poles and Arms (Public Services - Traffic Engineering)
4. Storm Drain, Elton and Jones (Public Services)

Items A, B and C  
 Approved  
 as recommended  
 Woofter - unanimous

Director  
 authorized  
 to proceed

\*B. AWARD OF BIDS

1. Bid #78.42 - Annual Street Sweeper Broom Contract, Fiscal Year July 1, 1978 Through June 30, 1979 (Vehicle Services)
2. Bid #78.49 - Annual Contract for Washing of City Cars, Fiscal Year July 1, 1978 Through June 30, 1979 (Municipal Services - Vehicle Services)
3. Bid #78.52 - Annual Mailing Envelope Requirements, Fiscal Year July 1, 1978 Through June 30, 1979 (Municipal Services)
4. Bid #78.93 - Reflective Sheeting and Roll Sign Material (Public Services - Traffic Division)

APPROVED AGENDA ITEM

RCT 6/28/78

# AGENDA

## City of Las Vegas

July 5, 1978

Page 19

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
IV (f) <u>DEPARTMENT OF MUNICIPAL SERVICES, CONTD.</u>		
*B. <u>AWARD OF BIDS, CONTD.</u>	See Page 18	See Page 18
5. Bid #78.97 - 140 Sets Turnout Gear-Replace- ment (Fire Services)		
C. <u>REJECTION OF BID</u>		
1. Bid #78.81 - Vertical Lift Boom Truck (Public Services - Traffic Division)		
APPROVED AGENDA ITEM RCS 6/26/78		

ANNUAL CAR WASH  
CONTRACT - CONT.

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

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

-----  
See Pages 52 and 53 - Annotated Agenda.  
-----

DEPARTMENT OF PUBLIC SERVICES  
WILLIAM J. PURVIS, DIRECTOR

-----  
See Page 55 - Annotated Agenda.  
-----

Commissioner Lurie: Item C, Reports. Mr. Purvis,  
do you want to handle these?

ABE FOX  
PROPERTY CLEANUP

Mr. Purvis: Mr. Sloan and myself had a very short  
conversation this morning, and he would like to have  
an opportunity to talk to Mr. Fox before we take any  
action. We would like to hold it for next meeting.

Commissioner Lurie: All right, we'll hold Item 1 in  
abeyance until next meeting. Item 2.  
-----

AGREEMENT WITH  
STATE HIGHWAY DEPT.

Mr. Purvis: The agreement with the State Highway  
Department. Our funds are not committed yet. We  
would like to hold it in abeyance.

Commissioner Lurie: Hold this in abeyance until  
next meeting. Item 3.  
-----

CHANGE ORDER -  
CULTURAL SERVICES

Mr. Purvis: Change order on Cultural Services. You  
have a memorandum, and I have a display. When we  
started construction of the Cultural Service Center,  
it drains out here and used to drain into a pump  
station. It had been working. Although it had been  
disconnected, it had been working by a siphon. Right  
now it isn't working, so we're pumping once a month  
to keep that building in operation.

Commissioner Christensen: Are you talking about the  
Cultural Services building?

Mr. Purvis: The old Naval Reserve Building. We  
came and got a change order to do this, which was  
under the roadway and under a retaining wall.  
That's about \$3,000 worth of work. Now we would

# AGENDA

## City of Las Vegas

July 5, 1978  
Page 20

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

IV (g). DEPARTMENT OF PUBLIC SERVICES

WILLIAM J. PURVIS, P.E., 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. APPROVAL OF SUBDIVISION PLATS

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

1. Stewart Place No. 6-B. (First Western Savings Association & Dasco, Inc. Dudley A. Smith, President)

2. Diamond Head. (Van Buskirk Properties, Zane G. Tucker, President)

Items 1 and 2  
Approved  
as presented  
Lurie - unanimous

NOTE: From this point on to the 2:00 P.M. session, Mayor Briare was excused)

Director authorized to proceed

\*B. RIGHT OF WAY ITEMS

1. Grant Deed

From: A-J-M, Inc., a Nevada Corporation  
To: City of Las Vegas  
For: Radius Highland and Presidio Bldg. Permit Donation (6/20/78) (R-9)

2. Grant Deed

From: Efthimius Thomopoulos, an unmarried man and Enid Graham, an unmarried woman, as joint tenants with right of survivorship, and not as tenants in common  
To: City of Las Vegas  
For: Portion SW-1/4, Sec. 28, T20S, R61E Bonanza Rd. Zoning (6/7/78) (M-28)

Items 1 and 2  
Approved  
as requested  
Woofter - unanimous

Same as above

# AGENDA

## City of Las Vegas

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

July 5, 1978  
 Page 21

ITEM

Commission Action

Department Action

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

C. REPORTS

1. Discussion by City Commission on policy, Abe Fox property clean up. (Abeyance)

Abeyance

7/19/78 Agenda

2. Agreement with State Highway Department on Fremont St. - Main to 7th St.

Abeyance

7/19/78 Agenda

3. Change order on Cultural Services contract, request for sewer connection.

Approved as recommended

Director to process

Christensen - unanimous

4. Request of Edward Wilson to hook into city sewer system from outside city limits at 5289 Smoke Ranch Road.

Approved

Christensen - unanimous

Same as above

CHANGE ORDER -  
CULTURAL SERVICES

like to have this portion here, which we call Phase III, which will, under the new construction, be paved over. Our estimated cost is about \$20,000 if we do it now. If we do it after, it's going to cost another \$7,000 in pavement repairs.

The third phase in this, then, would be to divert down to here and do this. We do have a crossing of that open ditch now which has opened up in the last two major storms. We have had quite a time replacing it. This is also a siphon that goes across the stable condition. If we ever cover it, we're going to have to replace those anyway, re-route them. I would like permission at this time let a Change Order for this that's going under the new construction to negotiate a change order, and then we hope that it would be for less than \$20,000. It would probably be less than that. The other areas will come out of 731 Fund and running the normal contract.

Commissioner Christensen: Have we got the money for the other one?

Mr. Purvis: Yes, we have the money. It's in the 731 budget.

Commissioner Christensen: It's in there for the whole ball of wax, the change order, etc.?

Mr. Purvis: This would come out of the funds for the Government.

Commissioner Christensen: That's what I mean. Is there enough there for that?

Mr. Purvis: No. Not for this. It gets outside the limits.

Commissioner Christensen: No. What I'm saying is for the two sections in red you've got 731 funds, and for the section in blue is there enough money in that Government..

Mr. Purvis: Yes, there is \$100,000 in contingency.

Commissioner Christensen: I'd move for approval of the change order.

Commissioner Lurie: There is a motion for a change order approval. Comments? Cast your votes. Motion is approved for permission to negotiate.

Motion carried by the following  
vote: Commissioners Christensen,  
Leavitt, Lurie and Woofter

voting aye.   
Noes: None.

-----

**AGENDA***City of Las Vegas*

BOARD OF CITY COMMISSIONERS

Page 22

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

July 5, 1978

PHONE 386-6011

ITEM

Commission Action

Department Action

ITEM	Commission Action	Department Action
V. MIKE SLOAN - CITY ATTORNEY		
A. Ratification of Collective Bargaining Agreements, International Association of Firefighters, Local 1285	Ratified Agreements Christensen - unanimous	Staff to proceed
B. Cooperative Agreement No. 74 between Clark County, City of Las Vegas, City of Henderson and City of North Las Vegas to construct an access road to the Silver Bowl (Las Vegas Stadium)  (Regional Streets & Highways)	Approved Woofter - unanimous	Mayor and Clerk authorized to sign
C. Cooperative Agreement No. 75 between Clark County, City of Las Vegas, City of Henderson and City of North Las Vegas to construct a railroad grade separation at Tropicana Avenue.  (Regional Streets & Highways)	Approved Lurie - unanimous	Same as above
D. Annexation Resolution A-5-78. Property located on the south side of O'Bannon Drive between Jones Blvd. and Torrey Pines Drive.	Approved Christensen - unanimous	Staff to proceed
E. SID 423 Resolution making a provisional order and Notice of Public Hearing  (Charleston Square Tracts Nos. 1 and 2)	Adopted Resolution Christensen - unanimous	Staff to proceed
F. Revised Salinity Control Cost Sharing Agreement between the Clark County Sanitation District No. 1, the City of Las Vegas and the City of North Las Vegas	Approved Revised Agreement Woofter - unanimous	Mayor & Clerk authorized to sign
G. Agreement concerning settlement of Case No. A-171445	Approved Agreement as presented Woofter - unanimous	Same as above

See Page 56 - Annotated Agenda.  
-----

CITY ATTORNEY  
MIKE SLOAN

RATIFICATION OF  
COLLECTIVE  
BARGAINING  
AGREEMENT -  
FIREFIGHTERS

Mr. Sloan: Item A is Ratification of Collective Bargaining Agreement with the Firefighters. Mr. McPherson's here and, obviously, can answer any questions far better than I could.

Commissioner Lurie: Are there comments from the Commission on the contract?

Commissioner Christensen: I have a comment. I would like to make just one comment.

Commissioner Lurie: Commissioner Christensen.

Commissioner Christensen: I'd like to congratulate the people on both sides of the bargaining who negotiated this contract. I think that not only did our staff do a good job, but I appreciate the cooperation of the firefighters in this particular contract.

Commissioner Lurie: I'd like to just say the same thing. We have a very good negotiating team, and I'm happy to see it was ratified or is going to be ratified so we didn't have to go to the other area that we were concerned with. Okay. Is there a motion for approval of the ratification?

Commissioner Christensen: So moved.

Commissioner Lurie: There is a motion for ratification of the contract. Cast your votes. Motion is approved.

Motion approved by the following  
vote: Commissioners Christensen,  
Leavitt, Lurie and Woofter voting  
aye.

Noes: None.  
-----

COOPERATIVE  
AGREEMENT -  
LAS VEGAS STADIUM

Commissioner Lurie: Next?

Mr. Sloan: Item B is a cooperative agreement, basically a Regional Streets and Highways as it relates to access roads to the Silver Bowl. We recommend that you adopt it.

Commissioner Woofter: Move to approve.

Mr. Purvis: Your honor, could I have a comment on this?

COOPERATIVE  
AGREEMENT -  
LAS VEGAS STADIUM

Commissioner Lurie: Yes.

Mr. Purvis: These two next cooperative agreements, 74 and 75, I just happen to catch it this morning in reading it, and I contacted the County to make sure. In these the Regional Streets and Highways Commission, or managing engineer, is going to have total responsibility for engineering. As you know in the past, it's always been the entity that's had control and done the engineering. He is going to do the engineering himself, and I am a little concerned.

Commissioner Christensen: You sure hope he does it right, huh?

Mr. Purvis: Well, I don't know who reviews him. He reviews us, but I don't know who reviews his work.

Commissioner Lurie: You will.

Mr. Purvis: No, it will be the County, I hope. I talked to George Monihan this morning. I would like to point that out.

Commissioner Christensen: Well, I appreciate that.

Commissioner Woofter: Generally, too, Mayor Pro-Tem, I'd have to have the same reservations that Mr. Purvis does, but we need this, and we need it fast. That's why I'm making a motion to approve.

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

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

-----  
See Page 58 - Annotated Agenda.  
-----

CITY OF LAS VEGAS

Date

## INTER-OFFICE MEMORANDUM

June 29, 1978

TO: Mayor William H. Briare  
Las Vegas City Commissioners

FROM: John H. Howard  
Deputy City Attorney

SUBJECT: Ratification of Fire Collective  
Bargaining Agreements

COPIES TO:

PURPOSE:

To review and ratify the Collective Bargaining Agreements between the City of Las Vegas and the International Association of Firefighters, Local 1285, supervisory and non-supervisory units, for the years beginning July 1, 1978 to June 30, 1980.

BACKGROUND:

There have been extensive negotiation sessions between City and Fire representatives concerning wages and terms and conditions of employment to be incorporated in a new Collective Bargaining Agreement to take effect on July 1, 1978.

DISCUSSION:

The negotiating parties have reached agreement and accord on a Collective Bargaining Agreement calling for wage increases and other benefits to Fire personnel over the next two years.

RECOMMENDATION:

It is recommended that the City Commission ratify these contracts.

JHH/pt

TO: Mayor Briare  
Commissioner Christensen  
Commissioner Lurie  
Commissioner Leavitt  
Commissioner Woofter

FROM:

Ron Jack, Deputy City Manager



SUBJECT:

Ratification of Fire Collective  
Bargaining Agreements

COPIES TO:

Russell Dorn, City Manager  
Mike Sloan, City Attorney  
Don Saylor, Deputy City Manager  
Bob McPherson, Director of  
Personnel & Employee Relations

Attached for your review, are copies of the Collective Bargaining Agreements between the City and the International Association of Firefighters, Local 1285, Supervisory and Non-supervisory Units, for the year beginning July 1, 1978 to June 30, 1980.

As discussed with you, these Agreements are a basic renewal of our previous contracts for the last fiscal year with Local 1285 and provide for a basic 5.9% increase in July, 1978, and a cost of living increase in July, 1979. A change in the medical allowance, uniforms and classification system are also provided.

All of these increases are either provided for in the current approved budget or will be in the augmented budget.

In accordance with our previous discussion, it is recommended that you ratify these contracts at your regular meeting on July 5, 1978, so that the employees can receive the appropriate amounts in their paychecks to be issued July 14, 1978.

If you have any questions, please let us know.

COOPERATIVE AGREEMENT

JUN 12 1978

THIS AGREEMENT made and entered into by and between the County of Clark, a political subdivision hereinafter called "THE COUNTY," and the City of Las Vegas, a municipal corporation, the City of North Las Vegas, a municipal corporation, and the City of Henderson, a municipal corporation.

WHEREAS, pursuant to Chapter 373 Nevada Revised Statutes, a project thereunder to construct an access road to the Silver Bowl (Las Vegas Stadium) more particularly described as follows:

Located within or adjacent to Sections 21, 22, 26, and 27 - T21S, R52E and is generally described as follows: Section A. Beginning at the north end of Broadbent Boulevard, which is approximately 1,200 feet north of Russell Road, then north approximately 300 feet; then northwesterly on a 1,000 foot radius curve to a line parallel to and  $3/4$  of a mile northeast of Boulder Highway; then along this parallel line approximately 4,400'; then northwesterly along a 1,000 foot radius curve to the south line of Section 22; then easterly along the south line of Section 22 (Tropicana Avenue alignment) to the east end of Tropicana Avenue near Stephanie Street. Section B. Beginning at a point on the south line of Section 22 approx. 1950' east of Stephanie St., then northerly near the east boundary of the Vegas Del Mar subdivision approximately 200 feet, then northwesterly along a 1,000 foot radius curve to a line bearing approximately N 70° W; then northeasterly along this line approximately 2,400 feet; then northwesterly along a 1,000' radius curve to a line along the west side of the Monson Road Flood Control Channel; then northerly along the west side of the Channel to Flamingo Road. Total length of the proposed project is approximately 3.1 miles.

has been approved by the Regional Street and Highway Commission, which said improvement consists of excavation, base courses, asphaltic concrete paving, traffic control devices, drainage structures to protect the construction and to provide the travel lanes as shown on the attached drawing. This project also to include the acquisition of necessary right-of-way and the replacement of all off-site improvements disturbed by necessary reconstruction, with the exception of utilities.

WITNESSETH

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, it is mutually understood and agreed as follows:

1. The COUNTY and the Regional Street and Highway Commission shall provide all necessary surveys, soil testing and engineering to design the project in accordance with the attached cross sections and the standards adopted by the Regional Street and Highway Commission at a cost to the Regional Street and Highway Commission not to exceed 6% of the actual construction cost. This approval shall show on the title sheet. During the preliminary design stage, discussions must be held with the Central Telephone Company, Southwest Gas Corporation, Nevada Power Company, Clark County Sanitation District, and the Las Vegas Valley Water District.

V-13

The title sheet of both the plans and specifications shall show the funding agency as the Regional Street and Highway Commission of Clark County.

2. The Regional Street and Highway Commission will provide the necessary right-of-way drawings, descriptions, and appraisals for the stadium access road at a cost not to exceed \$30,000.

The COUNTY shall acquire the necessary right-of-way. The Regional Street and Highway Commission will reimburse the COUNTY the actual cost not to exceed the appraised value for each parcel acquired, plus total expenses incurred not to exceed \$3,000.

In the event any right-of-way is obtained by eminent domain, the Regional Street and Highway Commission will reimburse the COUNTY for the full amount of the award regardless of the amount of the appraised value.

The title to this right-of-way shall be in the name of the COUNTY.

3. Actual construction of these improvements shall be by private contractor. Said contract shall be let by the COUNTY after duly advertising for bids in accordance with law. The award of such contract shall be made only after approval of the Regional Street and Highway Commission. The cost of such construction shall be paid from the Regional Street and Highway Commission funds, and shall be paid to the contractor directly from such funds upon the furnishing of estimates prepared by the Regional Street and Highway Commission for all costs reimbursable under such contract.

The Managing Engineer of the Regional Street and Highway Commission may authorize change orders to the contract, but such change orders must be in writing, and no single change order shall exceed 5% of the initial contract price or \$5,000 whichever is less, and the total of all change orders shall not exceed 5% of the contract price. In no event shall the total cost of the construction exceed the sum of \$850,000.

4. In addition to the area shown on the attached cross section as Regional Street and Highway Commission area of participation, the Regional Street and Highway Commission will pay for the following:

a. The cost of up to 18" drainage facilities installed to carry storm water parallel with the project, unless a review by the Regional Street and Highway Commission shows the need for a larger size.

b. The relocation of any existing improvements if such relocation is necessitated because of construction under this agreement, excluding the cost of adjusting or relocating any utility or sewerage collection system.

5. Field staking of the construction will be performed by the COUNTY and the Regional Street and Highway Commission together with construction inspection, including all necessary testing to insure compliance with the specifications. The costs in performing such services not to exceed 6% of the actual cost of construction.


6. Following the completion of the construction of this project, the COUNTY shall maintain this project in such a manner to protect the improvements and to provide a safe street for the public's use. The cost of maintenance shall be borne by the COUNTY.

7. The COUNTY shall have every effort made to insure that the project to be constructed on arterial street and to provide as high a speed limit as safety will allow.

The speed limit shall not be set below 35 MPH with the exception of Robinson Avenue from Stephanie Street 1,200 feet easterly which will not be less than 35 MPH, unless warrants, as established by a competent traffic engineer and a study based upon I.T.E. and A.A.S.H.T.O. standards, for such changes have been established to the satisfaction of the Managing Engineer of the Regional Street and Highway Commission, and approved by the Technical Committee of the Regional Street and Highway Commission of Clark County. Proper school speed zones shall be provided adjacent to the East Las Vegas Elementary School when school children are present in the cross walks.

8. This Cooperative Agreement is authorized and approved upon the representation of the COUNTY that the project herein funded has been duly and regularly approved and authorized by said local governmental entity and will not be terminated or cancelled without returning all monies which said entity received from the funding of the Regional Street and Highway Commission of Clark County for the subject project. In the event the items covered in paragraphs one and two of this Cooperative Agreement have not been completed to the satisfaction of the Regional Street and Highway Commission prior to September 1, 1978, the Regional Street and Highway Commission shall at anytime thereafter have the power to terminate and cancel this Cooperative Agreement and thereupon all sums which have been advanced to said local governmental entity pursuant to this agreement shall be repaid by said entity to the Regional Street and Highway Commission of Clark County.

APPROVED AS TO FORM:  
GEORGE E. HOLT, District Attorney

By:   
MELVIN R. WHIPPLE  
Deputy District Attorney

WITNESSED AND TESTED MANUALLY AND ELECTRONICALLY IN THE PRESENCE OF

REVISED SALINITY  
CONTROL COST  
SHARING  
AGREEMENT

Commissioner Lurie: Item F.

Mr. Sloan: Item F is a revised agreement relating to Salinity Control. The memo sets out the need for it. Henderson, basically, is not going to be a party to it as the original agreement contemplated. We recommend your approval.

Commissioner Christensen: Why should we approve this?

Mr. Sloan: Well, I would defer to Public Services. Jan Stewart has been handling this for our office. Mr. Purvis, do you want to respond? I can have Mr. Stewart come down here.

Mr. Purvis: Yes, I'll respond. This gets into part of the MPDS permit, Commissioner, and I don't know just exactly what the ramifications would be if we go back. It's the educational program which will get into water conservation, this kind of thing. I think it's really needed, anyway.

Commissioner Christensen: Well, I think it's needed, but what bothers me is that this is another one of those things that was discussed in the 208 planning and the area-wide policy advisory committee of which I was a member, and they had many proposals of what to do with the salinity and the controls mandated by the Federal Government, etc. etc. But this is one more example of an agency that's being created that sets the rules and we got to pay the bill. I have some question in my mind if we should be party to this unless we have something to say about it because I see us signing another blank check.

Commissioner Lurie: We're signing that check for \$75,000.

Commissioner Christensen: Yes, that's a start. You don't know what it's going to be beyond that. Perhaps Mr. Schofield can give us some clarification on this.

Mr. Schofield: If I may, Mayor ProTem and Commissioners. In relation to the Salinity Control Agreement, you did approve the initial agreement prior to this, and the City of Henderson didn't. They decided not to go along with it. Number one, they were not violating any violation of any MPDS, and I think that this would be very necessary to continue on exactly what we're doing at the present time.

It really has nothing to do at this point in the public awareness program that the Salinity Control is trying to bring down concerning the 208.

A G R E E M E N T

THIS AGREEMENT, made and entered into this 21st day of June, 1978, by and among the CLARK COUNTY SANITATION DISTRICT NO. 1, the CITY OF LAS VEGAS, and the CITY OF NORTH LAS VEGAS, each of which is a political subdivision of the State of Nevada (hereinafter referred to as "DISTRICT," "LAS VEGAS," and "NORTH LAS VEGAS," respectively):

W I T N E S S E T H:

WHEREAS, a joint venture consisting of the DISTRICT, LAS VEGAS, and NORTH LAS VEGAS, have heretofore submitted to the State of Nevada and the Environmental Protection Agency a proposal to provide a salinity control public education program; therefore, which will include, among other things, specific recommendations for DISTRICT, LAS VEGAS, and NORTH LAS VEGAS, with respect to the control of discharges of dissolved salts into their respective sewage system; and

WHEREAS, an areawide salinity control investigation has been completed and the alternatives of this study have been assessed; and

WHEREAS, a salinity public education program has been developed based on suggestions from the Salinity Control investigation; and

WHEREAS, said proposal has been approved by the Sewage and Wastewater Advisory Committee of Clark County; and

WHEREAS, the parties hereto, by this agreement, desire to provide for the method of payment for such a program and to allocate the local entities; share therefor among such participating entities;

NOW, THEREFORE, for and in consideration of the premises and of the mutual promises and agreements hereinafter contained the parties hereto do hereby agree as follows:

1. DISTRICT shall administer and execute the salinity control public education program as outlined in the proposal attached hereto as Exhibit "A" and agrees to initially pay the full amount of all expenses related to the program.

2. The duration of this agreement is one year from the date of execution, to be renewed annually or terminated by vote of each entities' respective board; and

3. A budget of \$75,513 has been accepted for the first year by the participating entities; and

4. The participating entities' share of the established budget shall be paid in accordance with the following formula:

DISTRICT	54%
LAS VEGAS	37%
NO. LAS VEGAS	9%

and each such participating entity hereby agrees to pay to DISTRICT monthly its respective portion, determined in accordance with such formula, of the local entities' share of each monthly invoice promptly upon its receipt from DISTRICT of appropriate invoices therefor.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives the day and year

first above written:

ATTEST:

*Loetta Brown*  
County Clerk

By *R. N. Broadbent*  
Chairman, Board of Trustees

ATTEST:

CITY OF LAS VEGAS

*Samuel M. Ocas*  
City Clerk Mayor

*William H. Braice*

ATTEST

CITY OF NORTH LAS VEGAS

\_\_\_\_\_  
City Clerk

By \_\_\_\_\_

REVISED SALINITY  
CONTROL COST  
SHARING AGREEMENT

to the 208, and this represents only a \$755 difference of the major portion. The portions of it were split three ways among North Las Vegas, the City of Las Vegas, and the County. It raised our fee that you had originally approved from \$27,184.68 to \$27,939. We do recommend that the Commission does approve this particular thing so that we might satisfy our MPDS permit violation. I think that would create considerable problems. It is not an integral part of the 208 other than as anything will be when 208 is finally decided. I think it is very necessary for this one to come through on public awareness as far as the MPDS is concerned.

Commissioner Lurie: Comments from the Commissioners. Commissioner Christensen?

Commissioner Woofter: Move to approve.

Commissioner Lurie: There is a motion to approve. Any comments on the motion?

Commissioner Christensen: I guess my problem is I get awfully goosey about anything that the County does to us anymore. I've been there so many times.

Commissioner Lurie: Cast your votes on the motion. Opposed. The motion carries.

Motion approved by the following  
vote: Commissioners Leavitt,  
Lurie and Woofter voting aye.  
Noes: Commissioner Christensen

SETTLEMENT OF  
LAWSUIT -  
ED FERRIS

Mr. Sloan: Item G concerns the proposed agreement relating to a lawsuit which we presently have between the City and Mr. Ed Ferris. It sets out in both the cover memorandum and the agreement, basically the joint venture to solve the problem which would be agreed to by Mr. Ferris and the City of Las Vegas. Commissioner Woofter was the driving force behind us bringing the original lawsuit, so I would defer to any comments or suggestions he may have.

Commissioner Lurie: Commissioner Woofter?

Commissioner Woofter: As my fellow Commissioners know, this has been a thorn in my side and my constituents on North First Street ever since I became a Commissioner. Happily, I see the end is near and,

SETTLEMENT OF  
LAW SUIT -  
ED FERRIS

therefore, would make the motion to approve such an agreement. This means it'll be a cost to the City of \$10,000 approximately, and to the Ferrises of approximately \$10,000 sharing the expense of creating the needed alley way.

Commissioner Lurie: Comments on the motion? Cast your votes on the motion.

Commissioner Woofter: Commissioner Lurie. Hopefully, I've been advised by Mr. Weber. Mr. Purvis, do we have the money?

Mr. Purvis: In-kind service.

Commissioner Lurie: Cast your votes. Motion is approved.

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

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See Pages 71 Through 79 - Annotated Agenda.

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NEW BILLS

See Page 80 - Annotated Agenda.

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BILL NO. 78-44  
AND 78-45

Commissioner Christensen: Bill #78-44 and 78-45.

Mr. Sloan: Yes, Mayor Pro-Tem. We put this on to try and comply with the agenda practices. Because of our inability to touch base with the Commissioners and to have an opportunity to explain it, I pulled them off. We will try and introduce that two weeks from now. I apologize to the Commissioners for having it on here without having the backup material. I apologize to Commissioner Christensen.

Commissioner Lurie: Okay. Bills Number 78-44 and 78-45 will be held until our next Commission Meeting.

Commissioner Leavitt: Are the ordinances being drafted? Because I don't have an ordinance.

Mr. Sloan: We had them drafted, but we wanted to have an opportunity to get together with the sponsor on it. I anticipated being able to do that in time for today's meeting but because of the trip to San Francisco and my own Monday vacation I was unable to get together.

Commissioner Christensen: I'm the sponsor.

INTER-OFFICE MEMORANDUM

June 26, 1978

TO: Mayor William H. Briare  
Las Vegas City Commissioners

FROM: Audrey A. Daines  
Deputy City Attorney  
*A. Daines*

SUBJECT: Attached Cooperative Agreement No. 75

COPIES TO:

PURPOSE: To memorialize a proposed Agreement between Clark County, City of Las Vegas, City of Henderson and City of North Las Vegas whereby the Regional Streets and Highway Commission and Clark County will undertake to construct a railroad grade separation at Tropicana Avenue and the Union Pacific Railroad.

BACKGROUND: This Agreement has been recommended for approval by the Regional Streets and Highway Commission and has been approved by Clark County.

DISCUSSION: The Agreement sets out the respective responsibilities of Clark County and the Regional Streets and Highway Commission in regard to constructing the grade separation and limits the amount of money the Regional Streets and Highway Commission is required to expend for this construction. The City of Las Vegas is a party to the Agreement because of its membership and participation in the Regional Streets and Highway Commission. The Department of Public Services recommends approval.

RECOMMENDATION: It is recommended that the Board of Commissioners take appropriate steps to approve Cooperative Agreement No. 75.

AAD/pt

ACTION TAKEN  
*Approved*  
*by City*  
*Commission*  
Date *7/5/78*

*IV-C*

COOPERATIVE AGREEMENT

THIS AGREEMENT made and entered into by and between the County of Clark, a political subdivision hereinafter called "THE COUNTY," and the City of Las Vegas, a municipal corporation, the City of North Las Vegas, a municipal corporation, and the City of Henderson, a municipal corporation.

WHEREAS, pursuant to Chapter 373 Nevada Revised Statutes, a project thereunder to construct a railroad grade separation at Tropicana Avenue and the Union Pacific Railroad and necessary approaches, being located wholly within the COUNTY, has been approved by the Regional Street and Highway Commission, which said improvement consists of excavation, base courses, asphaltic concrete paving, grade separation structure, traffic control devices, drainage structures to protect the construction and to provide 4 travel lanes for Tropicana Avenue. This project also to include the acquisition of necessary right-of-way and the replacement of all off-site improvements disturbed by necessary reconstruction, with the exception of utilities.

WITNESSETH:

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, it is mutually understood and agreed as follows:

1. The Regional Street and Highway Commission shall provide all necessary surveys, soil testing and engineering to design the project in accordance with the standards adopted by the Regional Street and Highway Commission at a cost to the Regional Street and Highway Commission not to exceed 10% of the actual construction cost. This design shall meet with the approval of the Regional Street and Highway Commission of ~~Clark County~~ and the COUNTY. This approval shall show on the title sheet. During the preliminary design stage, the engineer on the project must consult with the Central Telephone Company, Southwest Gas Corporation, Nevada Power Company, and the Las Vegas Valley Water District.

The title sheet of both the plans and specifications shall show the funding agency as the Regional Street and Highway Commission of Clark County.

2. The Regional Street and Highway Commission will provide the necessary right-of-way drawings, descriptions, and appraisals for the Tropicana Avenue grade separation at a cost not to exceed \$10,000.

The COUNTY shall acquire the necessary right-of-way. The Regional Street and Highway Commission will reimburse the COUNTY the actual cost not to exceed the appraised value for each parcel acquired, plus total expenses incurred not to exceed \$2,500.00.

In the event any right-of-way is obtained by eminent domain, the Regional Street and Highway Commission will reimburse the COUNTY for the full amount of the award regardless of the amount of the appraised value.

The title to this right-of-way shall be in the name of the COUNTY.

3. Actual construction of these improvements shall be by private contractor. Said contract shall be let by the COUNTY after duly advertising for bids in accordance with law. The award of such contract shall be made only after approval of the Regional Street and Highway Commission. The cost of such construction shall be paid from the Regional Street and Highway Commission funds, and shall be paid to the contractor directly from such funds upon the furnishing of estimates prepared by the engineer for all costs reimbursable under such contract.

The Managing Engineer of the Regional Street and Highway Commission may authorize change orders to the contract when recommended by the engineer, but such change orders must be in writing, and no single change order shall exceed 5% of the initial contract price or \$5,000 whichever is less, and the total of all change orders shall not exceed 5% of the contract price. In no event shall the total cost of the construction exceed the sum of \$1,800,000.

4. Field staking of the construction will be performed by the engineer together with construction inspection, including all necessary testing to insure compliance with the specifications. The costs in performing such services not to exceed 5% of the actual cost of construction.

5. Following the completion of the construction of this project, the COUNTY shall maintain this project in such a manner to protect the improvements and to provide a safe street for the public's use. The cost of maintenance shall be borne by the COUNTY.

6. The COUNTY shall make every attempt to cause this project to be a through arterial street and to provide as high a speed limit as safety will allow.

The speed limit shall not be set below 45 MPH on Tropicana Avenue unless warrants, as established by a competent traffic engineer upon a study based upon I.T.E. and A.A.S.H.T.O. standards, for such changes have been established to the satisfaction of the Managing Engineer of the Regional Street and Highway Commission, and approved by the Technical Committee of the Regional Street and Highway Commission of Clark County.

7. The items covered in paragraphs one and two of this agreement must be completed to the satisfaction of the Regional Street and Highway Commission and funds must be available, as determined by the Managing Engineer of the Regional Street and Highway Commission, before the items covered in paragraph three of this agreement can be commenced.

8. This Cooperative Agreement is authorized and approved upon the representation of the COUNTY that the project herein funded has been duly and regularly approved and authorized by said local governmental entity and will not be terminated or cancelled without returning all monies which said entity received from the funding of the Regional Street and Highway Commission of Clark County for the subject project. In the event the items covered in paragraphs one and two of this Cooperative Agreement have not been completed to the satisfaction of the Regional Street and Highway Commission prior to July 1, 1979, the Regional Street and Highway Commission shall at anytime thereafter have the power to terminate and cancel this Cooperative Agreement and thereupon all sums which have been advanced to said local governmental entity pursuant to this agreement shall be repaid by said entity to the Regional Street and Highway Commission of Clark County.

APPROVED AS TO FORM:  
GEORGE E. HOLT, District Attorney

By: Melvin R. Whipple  
MELVIN R. WHIPPLE  
Deputy District Attorney

Date of Commission Action:  
June 6, 1978

CLARK COUNTY, NEVADA

By: Thalia M. Dondero  
THALIA DONDERO  
Chairman

ATTEST:

Loretta Bowman  
Loretta Bowman, County Clerk

CITY OF LAS VEGAS INTER-OFFICE MEMORANDUM

Date ~~June 14, 1978~~

TO: Mike Sloan, City Attorney

FROM: Christopher G. Gellner *CGG*

SUBJECT: City of Las Vegas v. Ed Ferris

COPIES TO: Russ Dorn, City Manager  
 Don Saylor, Asst. City Manager  
 Roy Paratore, Building & Safety  
 Bob Clemmer, CP & D  
 Bob Weber, Public Services

Attached is the proposed Agreement which would settle the continuing litigation the City has had with Ed Ferris for several years. It was signed by Ed and Jane Ferris on June 13, 1978. It is now ready to be presented to the Mayor and Board of Commissioners for their approval. I think it should be included as an item of the City Attorney's agenda page, although I understand that Public Services is considering our request for the funding to carry out the Agreement, as part of their agenda. In any event, the Agreement itself as well as the request for funding to carry it out, should be considered at the next City Commission meeting - July 5, 1978.

You will note that the Mayor has signed the last page of the Agreement; however, he signed it by mistake and it is going to have to be re-presented to him for signature and dating in the event of its approval by the Commission.

Please advise what steps you want me to take to obtain the Agreement's approval by the Board of Commissioners.

CGG/ef  
 Attachment:

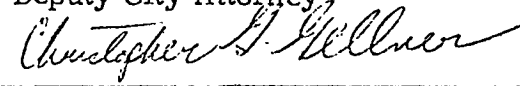
ACTION TAKEN

*Approved by City Commission*

Date *7/5/78*

INTER-OFFICE MEMORANDUM

April 5, 1978

<b>TO:</b> Mayor and Board of Commissioners	<b>FROM:</b> Christopher G. Gellner Deputy City Attorney 
<b>SUBJECT:</b> Proposed Settlement of Litigation With Edward and Jane Ferris/dba/ Ed Ferris Automotive Center	<b>COPIES TO:</b> Russ Dorn, City Manager Mike Sloan, City Attorney Bob Webber, Public Services Bob Clemmer, CP&D Roy Paratore, Building & Safety

Attached is a copy of the proposed agreement which would settle once and for all the continuing litigation the City has had over Ed Ferris' maintenance of a commercial driveway between the side yards of 711 and 719 North First Street. The agreement provides that Mr. Ferris and the City will split the cost of constructing an alley and driveway from Sycamore Lane across the back property lines of the lots fronting on North Main Street to the back of the Ferris Automotive Center. (See attached map ). Once this was constructed, Mr. Ferris, at his own expense would erect a fence across the existing driveway preventing access across the side yards of 711 and 719 North First Street.

The agreement's primary accomplishment would be to remove the commercial traffic from North First Street which, I believe, presents a hazard to the residents of the affected block. The new alley and driveway would be sufficient for all vehicles that need to make commercial deliveries to the rear of the Ferris' Automotive Center and would prevent the serious disruption of his business, which would be caused by closing down the existing driveway without providing an alternate means of access.

It should be noted that the agreement would allow Mr. Ferris to use the back yards of the 711 and 719 North First Street lots for the turn-around of vehicles. If we did not allow him to use the back yards of the lots in conjunction with his garage, then there would be insufficient room for trucks to turn around so that they could exit through the proposed alley and driveway, after making their deliveries.

I think it is a good agreement and one which will be acceptable to residents of the affected area. After the agreement is signed by Mr. and Mrs. Ferris, it will be presented to the Board of Commissioners for approval.

If you have any suggestions or comments as to how to improve the proposed agreement, please let me know.

CGG/ef  
 Attachments:

AGREEMENT CONCERNING SETTLEMENT  
OF CASE NUMBER A 171445

Whereas there is litigation (Case No. A 171445) which is pending in the Eighth Judicial District Court of the State of Nevada between the City of Las Vegas and Edward and Jane Ferris concerning the use of the side yards of 711 and 719 North First Street, residentially zoned properties, as a driveway and means of access to the rear of Ed Ferris' Automotive Center situated at 718 North Main Street; and

Whereas, the City of Las Vegas and Edward and Jane Ferris desire to reach a settlement that will protect the residents of the North First Street area by removing the commercial traffic traversing said street to obtain access to said driveway, that will not require the closing of the Automotive Center because there is no entrance suitable for the use of trucks making deliveries of tires and other supplies to said business;

NOW, THEREFORE, the parties hereto agree to the following:

1. The City of Las Vegas, or a Contractor designated by the City of Las Vegas shall overlay existing alley to construct an invert (for drainage) and to make other necessary improvements so that said alley can be traversed by vehicular traffic and will meet all standards of the City's Department of Public Services for alleys. Said alley is approximately 200 feet in length and runs south of Sycamore Lane between the lots fronting on North Main Street and those lots fronting on North First Street in the City of Las Vegas,
2. At their own expense, Edward and Jane Ferris shall acquire title to, an easement for, or other right to use a strip of land approximately 300 feet in length and approximately 20 feet in width beginning immediately to the south of the alley mentioned in paragraph 1 and running south along the back property lines of the lots fronting on North Main Street and ending in the rear of Ed Ferris' Automotive Center, which strip of land is presently designated and used as an easement by the Nevada Power Company and other utilities;

3. The City of Las Vegas, or a contractor designated by the City, shall grade, pave, and improve the 300 foot strip of land mentioned in paragraph 2 to make it suitable for vehicular passage. Said contractor shall also construct a turn around ramp behind the Automotive Center. All construction work shall be performed in accordance with the standards and specifications of the City's Department of Public Services for work of this kind. Sewer cleanouts and manholes, water meters, natural gas lines and meters, and utility poles shall be protected in accordance with applicable codes or requirements of utility ;

4. The City of Las Vegas and Edward and Jane Ferris shall each bear half of the cost of performing the work set forth in paragraphs 1 and 3. The cost of such work has been estimated by the City's Department of Public Services to be in the neighborhood of Twenty Thousand Dollars (\$20,000.00). The City may bill Edward and Jane Ferris for portions of the work as completed or for all the work after completed in its entirety;

5. The City of Las Vegas shall bear all costs of maintaining the 200 foot alley set forth in paragraph 1, after said alley is improved. Edward and Jane Ferris shall bear all costs of maintaining the 300 foot driveway set forth in paragraph 3, after said driveway is constructed ;

6. The City of Las Vegas will provide at its expense, appropriate deadend alley signs. Other signs proposed on private property shall be provided by Edward and Jane Ferris and approved by the City's Traffic Engineer ;

7. Immediately after the work specified in paragraphs 1 and 3 is completed, Edward and Jane Ferris at their own expense, shall erect a fence at least six (6) feet in height, which shall extend across the back yards of the lots situated at 711 and 713 North First Street (at a location west of the rear walls of the houses on such lots) and shall block and obstruct ingress to and egress from the Automotive Center across said

lots. Such fence shall be constructed of wood <sup>(spruce)</sup> or other strong and durable material <sup>which does not deteriorate</sup> <sup>C.H.</sup>

Edward and Jane Ferris shall maintain such fence in good condition and shall not remove, change, or alter such fence without the consent of the Board of Commissioners of the City of Las Vegas. Edward and Jane Ferris shall not cause, allow, or permit vehicles of any kind to use 711 and 719 North First Street as a means of access to their Automotive Center;

8. After construction is completed from Sycamore Lane to the rear of the Ferris' Automotive Center, and after full payment for half of this work is received by the City of Las Vegas, and after the fence is erected across the back yards of 711 and 719 North First Street as provided hereinabove, the City of Las Vegas shall stipulate with Edward and Jane Ferris for the dismissal of Case No. A 171445.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1978.

CITY OF LAS VEGAS, NEVADA

by: William H. Brian  
WILLIAM H. BRIAN, Mayor

by: Edward Ferris  
EDWARD FERRIS

by: Jane Ferris  
JANE FERRIS

# AGENDA

## City of Las Vegas

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

Page 23  
 July 5, 1978

ITEM

Commission Action

Department Action

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

A. Bill No. 78-43 Ordinance creating Special Improvement District No. 425; ordering improvement of certain streets and parts thereof; providing for the levy and collection of special assessments therefor; ratifying action heretofore taken.  
 (Small Tract Area)

1st Reading and Referred - Commissioners Christensen and Lurie

Clerk to proceed with 1st publication

B. Bill No. 78-44 Ordinance to repeal Chapter 36 of Title V entitled "Retail Demonstration Merchandise Sales Stores," and to adopt a new chapter in Title V, Chapter 5(A) providing for the licensing and regulation of Retail Demonstration Merchandise Sales Stores.

Abeyance

7/19/78 Agenda

C. Bill No. 78-45 An Ordinance to repeal Chapter 5 of Title V entitled "Auctions and Auctioneers," and to adopt a new chapter 5 of Title V providing for the licensing and regulation of auctions and auctioneers.

Abeyance

7/19/78 Agenda

BILLS #78-44  
& 78-45

Mr. Sloan: I had Commissioner Lurie penciled in. I haven't had a chance to talk to him, and I did not put the items on.

Commissioner Lurie: They will be referred to our next Commission Meeting on July 19.

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#### VACANCIES, BOARDS & COMMISSIONS

See Page 82 - Annotated Agenda.

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#### REPORTS FROM RECOMMENDING COMMITTEES

See Pages 83 Through 101 - Annotated Agenda.

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(Meeting Recessed at 11:50 A.M.)

(Meeting Reconvened at 2:00 P.M.)

#### PUBLIC HEARINGS

V-42-78  
APPEAL  
MARVIN HERRIN

Mayor Briare: The first item for this afternoon's agenda at 2:00 is scheduled Public Hearings. The first is an appeal filed by Marvin Herrin. It is to allow an existing carport to the side property line where five feet is required on property located at 609 South 7th Street. Is Mr. Herrin present? Sir, are you going to represent Mr. Herrin? Would you like to come forward and present to the Commission your reasons for feeling that this should be allowed?

Mr. Pursel: Mr. Mayor and Commissioners, my name is Tom Pursel from Pursel & Pursel. To brief in this matter, Mr. Herrin is applying for a variance, and by way of background, he received a building permit in 1968 to construct this awning-type carport. That was concluded in 1978, and it has existed in the same state over a period of ten years.

The first indication that he had that there was some violation was from a neighbor who lives next door, Mrs. Anderson I believe her name is, who complained that the carport emitted water on a block wall that she had recently constructed. There had been no complaint from her any period during the five years that she resided next to Mr. Herrin.

Mr. Herrin took the necessary steps to correct this minor dispute between himself and the neighbor by moving part of the carport back and putting a drain for the water. I have seen this in operation,

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 24

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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 from 6/21/78 Meeting)

Appointed  
Al Arata (as  
recommended by L.V.  
Jaycees)

Clerk  
to notify

B. PLANNING COMMISSION - 4-year term

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

(Abeyance from 6/21/78 Meeting)

Appointed  
Frank Canul  
2957 Highland Dr.

Same as above

(Frank Canul  
presently serves as a member of the  
Board of Zoning Adjustment. This  
appointment will leave a vacancy  
on that Board to be filled on  
8/19/78)

7/19/78 Agenda

Appropriate  
Certificate of  
Appreciation to be  
prepared for  
Mr. Tiberti, to be  
presented by the  
City Commission  
following expiration  
of his term on the  
Planning Commission

Director of  
Intergovern-  
mental Relations  
to proceed

APPROVED AGENDA ITEM

RCS 6/27/78

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 25

PHONE 386-6011

ITEM

Commission Action

Department Action

ITEM	Commission Action	Department Action
<p>VIII. <u>REPORTS FROM RECOMMENDING COMMITTEES</u></p>		
<p>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 <u>Committee: Commissioners Christensen and Leavitt</u></p>	<p>2nd Reading and Adopted Christensen - unanimous</p>	<p>Clerk to proceed with 2nd publication</p>
<p>1st Publication - Review Journal 6/24/78</p>		
<p>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 <u>Committee: Commissioners Leavitt and Woofter</u></p>	<p>2nd Reading and Adopted Leavitt - unanimous</p>	<p>Same as above</p>
<p>1st Publication - Review Journal 6/24/78</p>		
<p>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. <u>Committee: Commissioners Leavitt and Woofter</u></p>	<p>2nd Reading and Adopted Leavitt - unanimous</p>	<p>Same as above</p>
<p>1st Publication - Review Journal 6/24/78</p>		
<p>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 <u>Committee: Commissioners Leavitt and Woofter</u></p>	<p>2nd Reading and Adopted Leavitt - unanimous</p>	<p>Same as above</p>
<p>1st Publication - Review Journal 6/24/78</p>		
<p>E. Bill No. 78-42 - To amend the Compensation Plan of the City of Las Vegas, effective June 1977 <u>Committee: Commissioners Christensen and Lurie</u></p>	<p>2nd Reading and Adopted Christensen - unanimous</p>	<p>Same as above</p>
<p>1st Publication - Review Journal 6/24/78</p>		
<p>APPROVED AGENDA ITEM RCS 6/27/78</p>		

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 26

PHONE 386-6011

ITEM

Commission Action

Department Action

VIII. REPORTS FROM RECOMMENDING COMMITTEES  
 (continued)

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

Committee: Commissioners Lurie and Leavitt

1st Publication - Review Journal 6/24/78

2nd Reading and Adopted  
 Lurie - unanimous

(This Ordinance does not become effective until such time as a like Ordinance is adopted by the County of Clark)

Clerk to proceed with 2nd publication

IX. REPORTS FROM STUDY COMMITTEES

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At the hour of 11:50 a.m. this Meeting was RECESSED to the hour of 2:00 p.m.

APPROVED AGENDA ITEM

1205 6/27/78

BILL NO. 78-22

ORDINANCE NO. 1938

AN ORDINANCE TO AMEND TITLE V, CHAPTER 1, SECTION 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA 1960 EDITION, BY REPEALING THE "DOUBLE FEE" PENALTY FOR BUSINESSES THAT HAVE UNDER-REPORTED THEIR GROSS SALES IN CONNECTION WITH CALCULATING THEIR LICENSE FEES, BY ASSESSING A REASONABLE PENALTY, INTEREST AND AUDIT FEE FOR BUSINESSES THAT HAVE UNDER-REPORTED THEIR GROSS SALES, BY MAKING SUCH PENALTY EQUAL TO THIRTY-FIVE PERCENT (35%) OF THE DEFICIENCY IF DISCOVERED BY THE FIRST AUDIT AND EQUAL TO SEVENTY PERCENT (70%) OF THE DEFICIENCY IF DISCOVERED BY THE SECOND OR ANY SUBSEQUENT AUDIT OF THE BUSINESS; AND BY MAKING IT UNLAWFUL AND GROUNDS FOR SUSPENSION AND/OR REVOCATION OF LICENSE FOR A LICENSEE TO MAKE A MATERIAL AND INTENTIONAL UNDER-DECLARATION OF GROSS SALES; TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

Sponsored by:  
Commissioner Christensen

Intent of Bill: The purpose of this ordinance is to amend Title V, Chapter 1, Section 10, by repealing the "double fee" penalty which is charged all businesses when an audit of their gross sales indicates they have been under-reporting such sales. It would replace the "double fee" penalty with a more fair and realistic penalty which would be equal to 35% of the deficiency plus a \$25 audit fee if uncovered by the first audit and 70% of the deficiency plus a \$50 audit fee if uncovered by subsequent audits. It would also make it a misdemeanor and grounds for revocation of license for a person to materially and intentionally under-report gross sales.

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

SECTION 1: Title V, Chapter 1, Section 10 of the  
Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,  
is hereby amended to read as follows:

5-1-10: BUSINESSES PAYING LICENSE TAX ON THE BASIS OF SEMI-ANNUAL GROSS SALES[:]; PENALTY FOR UNDER-REPORTING; UNLAWFUL TO UNDER-REPORT; AUDITS:

(A) When first securing a license to commence operations of a business required to pay the license tax on the basis of semi-annual gross sales, the applicant is to pay the minimum fee of twenty-five dollars for the first semi-annual period. In the event the business gross sales for the first period exceeds

the amount of sales for the payment of the minimum fee, the balance due shall be added to the fee for the second semi-annual period. With respect to calculating the fee for the second semi-annual period and all periods thereafter, the licensee shall declare under oath the amount of gross sales made during the last preceding period which shall be used as the basis of payment for the next licensing period. If an audit during the first period of operation indicates that the gross sales of the business will substantially exceed the amount required for the payment of the minimum fee, the Director of Business Activity may require the immediate payment of the balance of the fee for such period.

[In the event of an underpayment for any licensing period, the balance of the fee shall be paid before the issuance of a license for any subsequent period. Where the discrepancy between actual and declared gross sales is material and intentional, the licensee making such under-declaration shall be required to pay for a license for the next period at double the regular fee in addition to any deficiency for past periods. In determining materiality, the fact that the under-declaration places the licensee in a lower fee bracket may be considered. In determining intent, the systematic exclusion of an amount or kind of income may be considered. In the event the licensee shall protest such double fee, such Licensee shall be entitled to appeal to the Board of City Commissioners.]

(B) In the event there is an underpayment for any licensing period because of a discrepancy between actual and declared gross sales, the balance of the fee shall be paid before the issuance of a license for any subsequent period. In addition, the licensee making such underdeclaration shall be assessed a penalty and interest on the deficiency which shall be paid before the issuance of a license for any subsequent period. In the event the underpayment is discovered by the first audit of the business, the penalty shall be an amount equal to thirty-five percent (35%) of the delinquency plus a twenty-five dollar (\$25.00) audit fee. In the event the underpayment is discovered by the second or any subsequent audit of the business, the penalty shall be an amount equal to seventy percent (70%) of the delinquency plus a fifty dollar (\$50.00) audit fee. Interest on the amount of such delinquency shall be one percent (1%) per month from the date when such tax became due and payable until the date when paid.

(C) It shall be unlawful for any licensee required to pay a license tax on the basis of gross sales to make a material and intentional underdeclaration of his gross sales for any licensing period to the Director of Business Activity. In determining materiality, the fact that the underdeclaration places the licensee in a lower fee bracket shall be considered. In

shall also be grounds for revocation and/or suspension of his license for any licensee to make a material and intentional underdeclaration of his gross sales for any licensing period.

(D) The Director of Business Activity and any other person designated by him shall have access to the books of such businesses for the purpose of auditing the amount of gross sales. It shall be unlawful for a licensee to fail to keep adequate records of gross sales and to fail to produce adequate records to the Director of the Department of Business Activity within the City of Las Vegas within seventy-two (72) hours on demand by the Director, or any other person designated by him. Adequate records shall mean original copies of all sales invoices and credit slips for a period of one (1) year preceding the date of the audit and all cash receipts journals for a period of three (3) years preceding the date of the audit. The information received from the licensee under this Section shall be confidential and available to only those City officials concerned in such matters.

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

sentences, clauses or phrases be declared unconditional, invalid or ineffective.

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

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

PASSED, ADOPTED and APPROVED this 5th day of

July, 1978.

APPROVED:

/s/ William H. Briare  
WILLIAM H. BRIARE, MAYOR

ATTEST:

/s/ Edwina M. Cole  
EDWINA M. COLE, CITY CLERK

(SEAL)

BILL NO. 78-39

ORDINANCE NO. 1939

AN ORDINANCE AMENDING THE LEGAL DESCRIPTION CONTAINED IN ORDINANCE 1894, ANNEXATION A-1-77, BY DELETING THEREFROM THE LEGAL DESCRIPTION PRESENTLY CONTAINED THEREIN AND SUBSTITUTING THEREFOR THE CORRECT LEGAL DESCRIPTION: TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsor:  
Myron Leavitt

Intent of Bill: To correct the legal description contained in Bill No. 77-44, Ordinance No. 1894. (Annexation A-1-77)

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

SECTION 1: Section 1 of Ordinance 1894 shall be amended by deleting the Legal Description of Annexation A-1-77 therefrom, and substituting the correct description thereto:

[A portion of the East Half (E 1/2) of Section 10, Township 20 South, Range 60 East, M.D.M., Clark County, Nevada, being more particularly described as follows:

COMMENCING at the Southeast Corner of said Section 10; thence North 00°06'14" West along the East line thereof, 1184.58 feet; thence departing said East line South 89°53'46" West, 40.00 feet to the TRUE POINT OF BEGINNING; thence continuing South 89°53'46" West, 1302.72 feet to a point on the West line of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of said Section 10, said West line also being the centerline of the proposed U.S. 95 Expressway-Vegas; thence North 00°16'54" West, along said West line, 1523.06 feet to the Northwest Corner of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of said Section 10; thence North 00°16'54" West, along the West line of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 10, said West line also being the centerline of the aforementioned U.S. 95 Expressway-Vegas, 675.77 feet to a point on the North line of the South Half (S 1/2) of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of said Section 10; thence South 89°47'40" East, along said North line, 1309.66 feet to a point; thence South 00°05'43" East, parallel with and 40.00 feet West from the East line of the Northeast Quarter (NE 1/4) of said Section 10, a distance of 675.29 feet; thence South 00°06'14" East, parallel with and 40.00 feet West from the East line of the Southeast Quarter (SE 1/4) of said Section 10, a distance of 1516.45 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 65.8251 acres.]

[A portion of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 10, Township 20 South, Range 60 East, M.D.M., Clark County, Nevada, being more particularly described as follows:

COMMENCING at the Southeast Corner of said Section 10; thence North 00°06'14" West, along the East line thereof, 30.00 feet; thence departing said East line North 89°52'00" West, along a line parallel with and 30.00 feet Northerly from the South line of said Section 10, a distance of 40.00 feet to the TRUE POINT OF BEGINNING; thence continuing North 89°52'00" West, 1299.16 feet, to a point on the West line of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 10; said West line also being the centerline of the proposed U.S. 95 Expressway-Vegas; thence North 00°16'54" West, along said West line, 1149.04 feet; thence departing said West line North 89°53'46" East, 1302.72 feet to a point; thence South 00°06'14" East, parallel with and 40.00 feet West from the East line of the Southeast Quarter (SE 1/4) of said Section 10, a distance of 1154.41 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 34.3966 acres.]

A portion of the East Half (E 1/2) of Section 10, Township 20 South, Range 60 East, M.D.M., Clark County, Nevada, being more particularly described as follows:

BEGINNING at the Southeast corner of said Section 10; thence North 00°06'14" West along the East line of the Southeast Quarter (SE 1/4) of said Section 10, 2700.84 feet to the East Quarter (E 1/4) corner of said Section 10; then North 00°05'43" West along the East line of the Northeast Quarter (NE 1/4) of said Section 10, 675.27 feet to a point on the North line of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 10; thence North 89°47'40" West along said North line, 1349.66 feet to a point on the West line of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 10; thence South 00°16'53" East along the West line of the East Half (E 1/2) of the East Half (E 1/2) of said Section 10, 3377.87 feet to a point on the South line of the Southeast Quarter (SE 1/4) of said Section 10; thence South 89°52'00" East along the said South line of the Southeast Quarter (SE 1/4) of said Section 10, 1339.09 feet to the POINT OF BEGINNING.

SECTION 2: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

SECTION 3: If any section, paragraph, sentence, phrase, term, word or connotation of this ordinance, or portion thereof, is for any reason held invalid, inapplicable, or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining portions of this ordinance.

PASSED, ADOPTED and APPROVED this 5th day of July, 1978.

APPROVED:

/s/ William H. Briare  
WILLIAM H. BRIARE, MAYOR

ATTEST:

/s/ Edwina M. Cole  
EDWINA M. COLE, CITY CLERK

(SEAL)

BILL NO. 78-40

ORDINANCE NO. 1940

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES, AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith. (ANNEXATION A-2-78).

Sponsored by:

Paul J. Christensen, Commissioner

Intent of Bill: Satisfies the requirements

of the Nevada Revised Statutes for annexation.

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

SECTION 1: The corporate limits of the City of Las Vegas, Nevada are hereby extended to include, annex to, and make a part of the City of Las Vegas, the following described real property, to-wit:

That portion of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 2, Township 21 South, Range 60 East, M.D.M., being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 2; thence South 88°53'16" West along the North line of said Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) a distance of 319.99 feet to the Northeast corner of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of said Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4), being the TRUE POINT OF BEGINNING; thence continuing South 88°53'16" West along said North line a distance of 640.00 feet to the Northwest corner of the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of said Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4); thence South 2°17'13" East along the West line of said East Half (E 1/2) a distance of 692.41 feet to the Southwest corner of said East Half (E 1/2); thence North 88°40'34" East along the South line of the North Half (N 1/2) of said Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) a distance of 637.05 feet to the Southeast corner of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of said Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4); thence North 2°02'45" West along the East line of said West Half (W 1/2) a distance of 690.00 feet to the TRUE POINT OF BEGINNING.

SECTION 2: Said Board of Commissioners has determined and does hereby determine that said described territory meets the requirements provided by law for annexation to the City of Las Vegas for the following reasons:

BILL NO. 78-40

- A. The area to be annexed was contiguous to the City's boundaries at the time the annexation proceedings were instituted;
- B. More than one-eighth (1/8) of the aggregate external boundaries of the area are contiguous to the City of Las Vegas;
- C. The territory proposed to be annexed is not included within the boundaries of another incorporated city;
- D. The City of Las Vegas is eligible to annex the area described in this report since the landowners have signed a petition requesting annexation to the City, said petition constituting 100% of the owners of record of individual lots or parcels of land within the annexation area.

SECTION 3: The City of Las Vegas will provide police protection, through the Las Vegas Metropolitan Police Department, fire protection, street maintenance, and library services immediately upon annexation. Garbage collection by the company franchised by the City will also be provided immediately. The City sanitary sewer system will serve the proposed annexation area. Any connection to or extension of this sewer line to serve the annexation area shall be at the expense of the landowners. Other services, such as participation in the City's recreation programs, special educational classes programs, public works planning, building inspections, and other City Hall services will also be available immediately. Utilities such as gas, electricity, telephone and water are provided by private utility companies and other services to the area will not be affected by annexation. Street paving, curbs and gutters, sidewalks and street lights which are not in place at the time of annexation will be installed in the presently developed areas upon the request of the property owners and at their expense by means of special assessment districts. Such improvements will be extended into the undeveloped areas as development takes place and the need therefor arises, and will be located according to the needs of the area at that time. Such installations will also be made at the expense of the property owners, either by means of special assessment districts or as prerequisites to the approval of subdivision plats or the issuance of building permits, re-zonings, zone variances, or special use permits.

SECTION 4: The annexation of said described territory shall become effective on July 17, 1978, and on such date the said City will have funds appropriated in sufficient amount to finance the extension into said described territory of police protection, fire

BILL NO. 78-40

protection, street maintenance, street sweeping and street lighting maintenance.

SECTION 5: Said described territory together with the inhabitants and property thereof shall, from and after the 17th day of July, 1978, be subject to all debts, laws, ordinances and regulations in force in the City of Las Vegas and shall be entitled to the same privileges and benefits as other parts of said City, and shall be subject to municipal taxes levied by the City of Las Vegas.

SECTION 6: The City Engineer of the City of Las Vegas is hereby instructed to cause to be prepared an accurate map or plat of said described territory and to record the same, together with a certified copy of this Ordinance, in the office of the County Recorder of Clark County, Nevada, which said recording shall be done prior to the 17th day of July, 1978.

SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Commissioners of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 8: All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 5th day of July, 1978.

APPROVED:

/s/ William H. Briare  
WILLIAM H. BRIARE, MAYOR

ATTEST:

/s/ Edwina M. Cole  
Edwina M. Cole, City Clerk

(SEAL)

3.

A-2-78

BILL NO. 78-41

ORDINANCE NO. 1941

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH. (ANNEXATION A-3-78).

Sponsored by:  
Paul J. Christensen, Commissioner

Intent of Bill: Satisfies the requirements  
of the Nevada Revised Statutes for  
annexation.

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

SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby extended to include, annex to, and make a part of the City of Las Vegas, the following described real property, to-wit:

That portion of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 33, Township 20 South, Range 60 East, M.D.M., County of Clark, State of Nevada, described as follows:

BEGINNING at the Northeast corner of said Section 33; thence South 00°11'06" West along the East line of the Northeast Quarter (NE 1/4) of said Section 33, a distance of 1362.01 feet to the South line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 33; thence South 88°56'22" West along said South line a distance of 1320.00 feet; thence North 00°11'06" East a distance of 1357.89 feet to the North line of the Northeast Quarter (NE 1/4) of said Section 33; thence North 88°45'38" East along said North line a distance of 1320.10 feet to the POINT OF BEGINNING.

SECTION 2: Said Board of Commissioners has determined and does hereby determine that said described territory meets the requirements provided by law for annexation to the City of Las Vegas for the following reasons:

BILL NO. 78-41

- A. The area to be annexed was contiguous to the City's boundaries at the time the annexation proceedings were instituted;
- B. More than one-eighth (1/8) of the aggregate external boundaries of the area are contiguous to the City of Las Vegas;
- C. The territory proposed to be annexed is not included within the boundaries of another incorporated city;
- D. The City of Las Vegas is eligible to annex the area described in this report since the landowners have signed a petition requesting annexation to the City, said petition constituting 100% of the owners of record of individual lots or parcels of land within the annexation area.

SECTION 3: The City of Las Vegas will provide police protection, through the Las Vegas Metropolitan Police Department, fire protection, street maintenance, and library services immediately upon annexation. Garbage collection by the company franchised by the City will also be provided immediately. The City sanitary sewer system will serve the proposed annexation area. Any connection to or extension of this sewer line to serve the annexation area shall be at the expense of the landowners. Other services, such as participation in the City's recreation programs, special educational classes programs, public works planning, building inspections, and other City Hall services will also be available immediately. Utilities such as gas, electricity, telephone and water are provided by private utility companies and other services to the area will not be affected by annexation. Street paving, curbs and gutters, sidewalks and street lights which are not in place at the time of annexation will be installed in the presently developed areas upon the request of the property owners and at their expense by means of special assessment districts. Such improvements will be extended into the undeveloped areas as development takes place and the need therefor arises, and will be located according to the needs of the area at that time. Such installations will also be made at the expense of the property owners, either by means of special assessment districts or as prerequisites to the approval of subdivision plats or the issuance of building permits, re-zonings, zone variances, or special use permits.

SECTION 4: The annexation of said described territory shall become effective on July 17, 1978, and on such date the said City will have funds appropriated in sufficient amount to finance the extension into said described territory of police protection, fire

BILL NO. 78-41

protection, street maintenance, street sweeping and street lighting maintenance.

SECTION 5: Said described territory together with the inhabitants and property thereof shall, from and after the 17th day of July, 1978, be subject to all debts, laws, ordinances and regulations in force in the City of Las Vegas and shall be entitled to the same privileges and benefits as other parts of said City, and shall be subject to municipal taxes levied by the City of Las Vegas.

SECTION 6: The City Engineer of the City of Las Vegas is hereby instructed to cause to be prepared an accurate map or plat of said described territory and to record the same, together with a certified copy of this Ordinance, in the office of the County Recorder of Clark County, Nevada, which said recording shall be done prior to the 17th day of July, 1978.

SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Commissioners of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 8: All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 5th day of July, 1978.

APPROVED:

/s/ William H. Briare  
WILLIAM H. BRIARE, MAYOR

ATTEST:

/s/ Edwina M. Cole  
Edwina M. Cole, City Clerk  
(SEAL)

Bill No. 78-42

## ORDINANCE NO. 1942

AN ORDINANCE TO AMEND TITLE 1, CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING A NEW PARAGRAPH TO SECTION 3, SUBSECTION (d) OF THE COMPENSATION PLAN OF JUNE, 1977, AS ADOPTED BY REFERENCE ON JUNE 15, 1977; SAID NEW PARAGRAPH REGARDING THE SALARY STRUCTURE OF CLASSIFIED EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING CONTRACTS AND FURTHER AMENDING TITLE 1, CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, BY REPEALING ATTACHMENT (A), ENTITLED "CLASSIFIED POSITION, GRADE & STEP SCHEDULE" AND REPEALING ATTACHMENT (B), ENTITLED "APPOINTIVE SALARY SCHEDULE", BOTH BEING ATTACHED TO THE COMPENSATION PLAN OF JUNE, 1977, AS ADOPTED BY REFERENCE AND FURTHER AMENDING TITLE 1, CHAPTER 7 OF THE MUNICIPAL CODE BY ADDING A NEW ATTACHMENT (A), ENTITLED "CLASSIFIED POSITION, GRADE AND STEP SCHEDULE, JULY, 1978" AND A NEW ATTACHMENT (B), ENTITLED "APPOINTIVE SALARY SCHEDULE, JULY, 1978", SAID ATTACHMENTS TO BE INCORPORATED WITH THE COMPENSATION PLAN OF JUNE, 1977, AND BY REFERENCE MADE A PART THEREOF; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Sponsor: Russ Dorn, City Manager

Intent of Bill: To amend Title 1, Chapter 7 of the Municipal Code by adding a new paragraph to Section 3, Subsection (d) of the Compensation Plan of June, 1977, as adopted by reference on June 15, 1977; said new paragraph regarding the salary structure of classified employees not covered by collective bargaining contracts and further amending Title 1, Chapter 7 by repealing Attachment (A), entitled "Classified Position, Grade & Step Schedule" and also repealing Attachment (B), entitled "Appointive Salary Schedule", both being attached to the Compensation Plan of June, 1977, as adopted by reference and further amending Title 1, Chapter 7 by adding a new Attachment (A), entitled "Classified Position, Grade and Step Schedule, July, 1978" and a new Attachment (B), entitled "Appointive Salary Schedule, July, 1978", said attachments to be incorporated with the Compensation Plan of June, 1977, and by reference made a part thereof.

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

## SECTION 1: COMPENSATION PLAN OF JUNE 26, 1977, ADOPTED:

That certain document, three (3) copies of same being on file in the Office of the City Clerk, Las Vegas, Nevada, and designated as the Compensation Plan of June 26, 1977, was adopted June 15, 1977, and made a part of the City Code the same as if set out herein in full.

SECTION 2: Section 3, Subsection (d) of the Compensation Plan of June, 1977, adopted by reference, is hereby amended to read as follows:

SECTION 3. SALARY STRUCTURE AND SALARY INCREASES:

(d) Salary Rate Schedule - The attached classified salary rate schedule (Attachment A), consisting of minimum and maximum rates of pay for each salary grade and such intermediate rate of pay as are necessary and equitable, shall be used by the City Manager to determine the approved salary range for all classified City employees.

Whenever any employee's base salary rate is changed, such as a result of a salary range assignment, salary increase or promotion, the City Commission shall be furnished an informational listing of the change. All classified employees receiving less than a six percent (6%) base salary increase for fiscal year 1977-1978 shall be paid an amount on their base salary in addition to any schedule increase, if any, so that they will receive in the aggregate an increase of six percent (6%) for the fiscal year, July 1, 1977 to June 30, 1978.

All classified employees who are "Y-Rated" pursuant to the Compensation Ordinance of June, 1977, whose base salary is equal to or less than the maximum base salary applied to their classification shall be removed from a "Y-Rating" and shall be paid in accordance to the base salary for their classification. All classified "Y-Rated" employees whose base salary exceeds the maximum base salary range applied to their classification shall receive a base salary increase of four percent (4%).

SECTION 3: Attachment (A), entitled "Classified Position, Grade & Step Schedule" and Attachment (B), entitled "Appointive Salary Schedule", both being attached to the Compensation Plan of June, 1977, as adopted by reference, are hereby repealed.

SECTION 4: Attachment (A), entitled "Classified Position, Grade and Step Schedule, July, 1978" and Attachment (B), entitled "Appointive Salary Schedule, July, 1978" are hereby adopted and incorporated herein by reference and made a part hereof as if fully set forth in the Municipal Code of the City of Las Vegas.

SECTION 5: APPLICABILITY: The Board of Commissioners hereby declares that it would have adopted each separate provision of this Chapter, regardless of the adoption of any other provision, and if any section, paragraph, sentence, phrase, term, word or connotation of this Ordinance, or portion thereof, is

for any reason held invalid, inapplicable, or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining portions of this Ordinance.

SECTION 6. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Commissioners of the City of Las Vegas declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 7. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 5th day of July, 1978,

APPROVED:

By /s/ William H. Briare  
WILLIAM H. BRIARE, MAYOR

ATTEST:

(SEAL) /s/ Edwina M. Cole  
Edwina M. Cole, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of City Commissioners on the 21st day of June, 1978, and referred to the following committee composed of Commissioners Christensen and Lurie for recommendation; thereafter the said committee reported favorably on said ordinance on the 5th day of July, 1978, which was a regular meeting of said Board; that at said regular meeting, the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE" Commissioners: Christensen, Leavitt, Woofter and Mayor Pro Tem Lurie

VOTING "NAY" Commissioners: NONE

ABSENT: Mayor Briare (excused)

APPROVED:

By /s/ William H. Briare  
WILLIAM H. BRIARE, MAYOR

ATTEST:

(SEAL) /s/ Edwina M. Cole  
Edwina M. Cole, City Clerk

V-42-78  
CONTINUED

and it carries the water off of the awning-type carport. I have some photographs here that Mr. Herrin took this month. I'm sure most of you Commissioners are aware of the area. It's in the south part of town. They have nice homes there, kept up nice. There's many violations, not only on carports but on garage-type structures that have been converted into family rooms that abut and encroach right on property lines in that area on Seventh Street, Eighth, and Sixth Street. I do have some photographs that I'd like to have you look at, and let me explain to you the condition in that area. I also have some 18 signatures from people who live in the immediate area. If you want, I can read these into the record, or I can supply them to you.

Mayor Briare: Do those include the immediate next door neighbors, counsellor?

Mr. Pursel: Well, naturally, she wouldn't approve of it because she's the protestant. Her name is Viola Anderson. There's actually 19 names here. One is the tenant residing at 609, which is the subject property. Now, Mr. Herrin does not physically reside there. He lives at another location and rents this to Mr. Carver.

Commissioner Leavitt: Do you have a picture of the residence in question? 609 S. Seventh. Is it on here? Okay. It says "my carport". Okay.

Mr. Pursel: As I previously said, I drove in the area this morning and noted some minor violations. What's interesting is old Bob Baskin's house has a converted garage that sits right on the property line. There are many in that area. It's existed over a period of 15 or 20 years. It's unfortunate that the two neighbors in this situation can't rectify their little, petty dispute.

Commissioner Lurie: Mayor, I'd like to ask a question here. I must not be tuned in with what you're telling me here. This permit was obtained in 1968 and the carport constructed in 1968, and it met all the building code requirements at that time, and now we're just getting an appeal on that?

Mr Pursel: It probably was a technical violation of of the code in 1968. I don't know. There was no notice to make any corrections or to set it back

V-42-78  
CONTINUED

until 1978, some ten years later, when the next door neighbor complained. I don't know if ten years ago anyone in the Building Department went out and approved the final completion or what the rules were in those days. In any event, it's a situation which has existed for a period of ten years, and there's a similar type atmosphere in that area from many, many homes as the photographs will depict.

Mr. Saylor: Commissioner Lurie. I might explain this for clarification. The permit that was issued in '68 showed the proper setback of five feet on the permit that was approved.

Commissioner Lurie: And how many feet is it set back?

Mr. Foster: It's right on the property line.

Commissioner Lurie: It's supposed to be five feet.

Mr. Saylor: That's the way the permit was issued.

Commissioner Lurie: But we caught it in 1978.

Commissioner Christensen: What about the building inspector?

Mr. Foster: They never did call in for an inspection, and there wasn't an inspection on the property.

Commissioner Christensen: I see.

Commissioner Lurie: What about the Statute of Limitations running out on something like this that's been there for ten years?

Mr. Saylor: There is nothing in the Building Code to cover that.

Commissioner Lurie: Nothing in the Building Code.

Mr. Pursel: Well, I think if you balance the equity, certainly Mr. Herrin has attempted to rectify the wrong. I don't know if Mrs. Anderson's here. If she's here, I'm sure you'll want to hear from her. She is the immediate next door neighbor. Like I say he did add, just recently, the spout for the run-off for the water. That seems to have been the initial dispute for the neighbors the way I understand it. Perhaps there's more to it than that. If you'd like to hear from Mr. Herrin, he is here. ↗

Mayor Briare: Well, I think, Mr. Pursel, we might ask if there's anyone in the audience present to protest? Yes, ma'am, would you like to come forward and make a statement?

V-42-78  
CONTINUED

Mrs. Anderson: Your honor, I'm Mrs. Viola Anderson, and I am the one that is contesting. We were up before the Board here once before, and I showed you pictures of this. First, I had a cyclone fence. Then Mr. Herrin's tenant kept harassing my dog. Every time they get company my dog barks, which is natural. I have a German Shepherd. He is a watch-dog and will bark when people drive up because they park partly in my driveway and partly in his driveway. So I took down the cyclone fence, put up the brick wall fence that is there now. Now this closes it in. My dog no longer barks when the neighbors have company.

Now his awning is up. They've cut it back off, which he explained to you, and put up a small drain. It is not enough. His whole house reaches like this, and the carport is like this. When the water all comes, it comes all into my yard because there is no place for it to go because it comes too fast. So a week ago, Monday, Mr. Herrin was up washing his carport underneath, washing off the cobwebs like anybody would do. The water is shooting directly from his house right into my car, onto my sliding glass doors, and I had the car windows open. I go to get into my car in a wet seat.

Now, is this carport right or wrong when whatever they do over there comes into my yard? This is why I'm against it and want it taken down because I am getting their water from whenever they wash off the carport or whenever it rains coming into my yard.

Commissioner Christensen: Do you have a carport? Is your carport next to his carport?

Mrs. Anderson: I have a carport. My carport is about 18 feet from his carport.

Commissioner Christensen: You're 18 feet in from the side property line.

Mrs. Anderson: Well, my house is here, my carport is here, my car drives in here.

Commissioner Christensen: So you don't use your carport, particularly then.

Mrs. Anderson: I have room to put another car under my carport, but I don't use that because that goes into my living room. But I park my car in the other driveway. I have a double gate in front, and I drive into this one, and I don't use the one where my carport is.

V-42-78  
CONTINUED

Commissioner Leavitt: Prior to the time you put your wall up, did you have this problem with water?

Mrs. Anderson: Yes, we did. He would park underneath his carport where his uprights go to hold up his carport. He would park his car in between, open his car and bang my car door.

Commissioner Leavitt: Well how long, now, have you lived in that area?

Mrs. Anderson: Four years. We've had a problem ever since.

Commissioner Leavitt: When you moved in, it was already in that condition, wasn't it? In other words, I understand this carport's been there for ten years.

Mrs. Anderson: It probably has, but I haven't lived there for ten years.

Commissioner Leavitt: In other words, when you moved in that situation existed then. Is that correct?

Mrs. Anderson: Yes, because he would park in between his uprights to hold up his carport. When I drove into my driveway, he drove in and would bang into my car. When I told him about it, he said, "Well, why don't you park your car over further and I wouldn't hit it". His driveway is right alongside of my driveway only I have a double driveway, and he has a small driveway.

Commissioner Christensen: You know what really bothers me here is that it appears to me that what you're objecting to is not the carport or even the water. This is a method of getting back at somebody because your car gets banged, which it would have gotten banged if there was a roof over it or not if he parks next to the property line. The whole problem started again with a neighborhood dispute over a barking dog and banging the car doors, and so we're using this carport as a tool to get even with somebody. That bothers me because I hate to see the City Commission put in the position of adjudicating neighborhood disputes over things like that through zoning matters.

Mrs. Anderson: This is not true. Would you like to have your windows splashed with water, your car seat full of water when you get out to get into your car?

V-42-78  
CONTINUED

Commissioner Christensen: Well, the point I'm making is if the carport wasn't there, the car would still be there, and you would still run into the banging of the car doors. If a person wanted to wash his car very vigorously to get even with the neighbor next door, he could still conceivably squirt water over the wall, wet the car, do all those things. I'm having a hard time figuring how the carport itself, the roof, which has created all those problems. He can build a driveway right up to his property line. He can park alongside of his house to the property line as long as he doesn't put it in the shade, but you object to him having the shade there because the water runs onto your yard, and yet that didn't bother you for four years. Now all of a sudden it's got to that point. It makes it almost look like what I've said originally that it's kind of a retaliatory move rather than a move to stop a violation in the neighborhood of a building code.

Mrs. Anderson: I have tried everything to keep my yard and stuff clean. It's impossible when somebody deliberately puts their water into your yard.

Commissioner Lurie: Mrs. Anderson, how many years have you lived there in the house?

Mrs. Anderson: Four years, and we've had this dispute over the water.

Commissioner Lurie: It's been going on for four years.

Mrs. Anderson: The same thing. The water.

Commissioner Christensen: Well, then, why haven't we had it here before now?

Commissioner Lurie: What took so to get it before us?

Mrs. Anderson: I really didn't know that I had the right to do this until I was told by the commissioner that it was wrong, the fellow that came out to inspect. His awning had never had a permit to put up in the first place because the guy that put up the awning in my front window said he put up that awning for Mr. Herrin and there was no permit issued for that. He just put it up.

Commissioner Lurie: There was a building permit taken out. The problem was it wasn't finalized.

V-42-78  
CONTINUED

Commissioner Christensen: We do have a permit on file. So there was a permit issued. He told you wrong there.

Commissioner Lurie: You had an awning put up, too, and that's how this came about.

Mrs. Anderson: I've been working on my yard ever since I bought my home.

Mayor Briare: Thank you, Mrs. Anderson. Mr. Pursel, you can see from time to time that this Commission finds itself in more or less of a domestic relations situation here, which none of us like. I can understand how Mrs. Anderson feels, and I might take a different viewpoint as each Commissioner might take a different viewpoint. So many times when the question is asked, how did this come about in the first place, it was to be put up with a five-foot side yard setback, is that so? That wasn't done. I might be alone in thinking this, Mrs. Anderson. I think she has every right in the world to complain at any time when she feels that some damage is being done to her property.

Have you and your client a possible solution for this whole situation or do you feel that no problem exists? Let me continue by saying, what would you do to correct Mrs. Anderson's complaint here, which I personally think is a valid one. What would you do to correct it?

Mr. Pursel: I recognize her now. She's been serving me coffee at the Desert Inn for 12 years.

Mayor Briare: What can you do to resolve this so that we don't have to find it here while we're trying to save millions and millions of dollars of taxpayers' monies on other matters?

Mr. Pursel: I think the problem here probably exists between the tenant and Mrs. Anderson rather than the owner, Mr. Herrin.

Mayor Briare: Would the tenant have a solution? Someone should have a solution for this, something that everybody could live with.

Commissioner Leavitt: I think if the tenant would just be a good neighbor, I think that's about what you're talking about.

Mayor Briare: If the tenant would do something to prevent the recurrence of Mrs. Anderson's complaint, it would seem that everything would be resolved.

Z-42-78  
CONTINUED

Mr. Pursel: Well, of course I haven't talked to the tenant, but I get the impression he doesn't like animals. I don't know what kind of an animal she has. It might be a big German Shepherd.

Commissioner Lurie: That's what she said. She has a German Shepherd.

Mayor Briare: I don't know what that's got to do with water pouring off a person's roof which wouldn't occur if it was five feet away from the side yard.

Commissioner Leavitt: I'm not so sure the water would be occurring if it wasn't for the dog. That's the impression I'm getting. In other words, you've got a neighborhood dispute.

Mr. Pursel: Well, I'm amenable. If you want to take a short recess, I can take the two outside and talk to them.

Commissioner Christensen: Let me ask a couple of other questions, Mayor. How wide is his carport?

Mr. Pursel: About ten feet.

Commissioner Christensen: It's a ten-foot wide carport. Well how in Heaven's name can they show on a building permit a ten-foot wide carport that's between the building and property line with a five foot setback when there's only ten feet in there? There would have to be fifteen feet in there to get a five-foot setback, wouldn't there?

Mr. Pursel: Well this is a situation that exists all through that area, Commissioner.

Commissioner Christensen: No, I'm talking about their building permit. In other words, they showed an erroneous block plan. Then the only salvation to this isn't to shorten the carport, it's to remove it. That's what we're talking about.

Mayor Briare: Or do something that would be of a corrective nature.

Commissioner Christensen: I have with my neighbors, and one of them happens to be my brother, had to call him up in the middle of the night and tell him if he didn't take his dog in the house, I would personally go out and wring his neck. I can understand the problem of the dogs barking. It's objectionable to me when I can't walk down my own driveway without my brother's dog trying to attack me. I also built a block wall to prevent that very thing.

V-42-78  
CONTINUED

Now the question I have, maybe it's a legal question I guess, is there any kind of an ordinance that requires control of nuisance noise by dogs?

Commissioner Lurie: Yes. The Animal Control officer can go out and cite.

Commissioner Christensen: Well maybe that's what your tenant should do.

Commissioner Leavitt: If I recall correctly, there's also one about throwing water on your neighbor's yard, too. I think this should be a Municipal Court case rather than a City Commission case.

Commissioner Christensen: That's what I'm getting at. It looks to me like we have two cross complaints from two neighbors that should be decided, perhaps, in Municipal Court rather than here. I don't like to approve variances when they're not needed. By the same token, if I was the guy who had the carport and was getting this kind of complaint because I'd complained about the dog, I'd make sure that they obeyed the law on the dog, too. That would be the next thing. I'd take a long look at the complainer in this instance.

Mr. Pursel: We tried to do everything to rectify the problem. We even followed the suggestion by the person from the City of Las Vegas to apply for a variance. Then it's denied. So here we are today.

Commissioner Lurie: Mayor, the thing that I'd like to do is have this item be held until our next meeting and give the two people an opportunity to try to get together and work things out. I think Mr. Herrin had better talk to his tenant and try to get it straightened out. Otherwise, he's going to be having to move that carport.

Mayor Briare: Do you think there's something that can be worked out, Mrs. Anderson?

Mrs. Anderson: Your honor, I've had police, dog pound and everything called over to my house because of my dog. My dog is within ordinance of the law. I've had harassment from the police and everything else. I have my fence. I have my dog on a rope. I take my dog in the house. The only time he barks is when there's someone in my driveway, which the police say he has the right to do.

Commissioner Christensen: He doesn't bark when someone's in the neighbor's driveway.

Mrs. Anderson: No.

Z-42-78  
CONTINUED

Commissioner Christensen: The block wall has made him so he's not nervous about anybody on the other side of him?

Mrs. Anderson: Right.

Commissioner Leavitt: Let me ask you this. If something could be worked out regarding the water coming into your yard, and banging your car, you'd withdraw your protest, wouldn't you?

Mrs. Anderson: Mr. Herrin himself, a week ago Monday, took the water hose, washed out his carport, and tossed the water over into my yard.

Commissioner Leavitt: Suppose that could be recitified. Would you then withdraw your protest of this variance?

Mrs. Anderson: No. I don't want the water in my yard.

Commissioner Leavitt: No, I said if the water could be taken care of so that you don't have the water coming in your yard, would you then withdraw your protest? In other words, what I'm getting at, the water in your yard is your big complaint, right?

Mrs. Anderson: That's right.

Commissioner Leavitt: If that could be taken care of, you wouldn't care if the carport was there.

Mrs. Anderson: No. I just don't want water and stuff into my yard.

Mayor Briare: Mr. Pursel, I think you're an engineer as well as a lawyer, aren't you?

Mr. Pursel: Well I am now.

Mayor Briare: Would you engineer something to Mrs. Anderson's satisfaction that would be reasonable, and then inform us. Notify Mr. Foster when that's been accomplished. Mr. Foster will contact Mrs. Anderson, and we'll go on to the next case.

It's going to come back in two weeks, Mr. Pursel, so if you could have something worked out by then and either advise Mr. Dorn, the City Manager, or Mr. Foster, the head of the Planning Department. We're going to try to see if we can't get it all resolved, and you'll all be very happy. It's not very often we get to do that, but maybe in this instance we could be successful.

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APPEAL HC-2-78  
DONN & JANET  
BALIOTIS

Mayor Briare: The next is an appeal filed by Richard McKnight, Esq., on behalf of Donn and Janet Baliotis to action of the Board of Appeals Housing Code at their regular meeting for the reasons that the code section cited by the inspector were not enacted or enforced at the time the units were built. Mr. Foster, you'd better give us a run down on this one.

Mr. Foster: Okay. This is property that exists southeast of McWilliams and C Street. It's a 20-unit apartment building. They have a number of violations. They're short of bathrooms, the rooms are undersized, there's a number of other deficiencies. A Housing Code inspection was made on the property, pointing out the deficiencies, requesting correction. They appealed the request and are taking the position that the Housing Code provisions, which are retroactive, do not apply to their property because these conditions, in terms of the room size, sharing the bath, existed prior to the adoption of the present housing code. They applied to the Board of Zoning Adjustment. They denied the request. Now, they are seeking relief from this Commission.

Mayor Briare: Yes, but what are the facts? These are the allegations. What are the facts?

Mr. Foster: The facts are from the City Attorney's opinion that the Housing Code does apply to this property.

Mayor Briare: Do you have any comments, counsellor?

Ms. Daines: As I pointed out in a memo to the BZA when this item was first put on appeal there, as I understand it from the appeal that was filed, the appellates are arguing that the Housing Code as applied to them is an ex post facto law, which as you probably understand is an argument that a law makes illegal now something which at the time the event occurred was, in fact, legal. That argument, our office feels, is not at all with merit.

We have a United States Supreme Court opinion in a very comparable situation in which a railroad was cited and was penalized for refusing to correct existing problems which at the time they were constructed were not out of compliance with the existing but after a new code was passed were not corrected. Now this may seem like a nice legal point, but in fact, that has been accepted by the United States Supreme Court.

So we feel their argument should not carry the day as far as the Commission is concerned. If the Commission wants to look at their appeal in terms of whether or not the existing conditions violate the health, safety and welfare of the occupants of the general public, the Commission is perfectly free to look and examine the appeal on those grounds.

APPEAL HC-2-78  
CONTINUED

However, it is the City Attorney's position that you should not be swayed by the legal arguments they are making since we feel that it is not meritorious.

Commissioner Christensen: If this is denied, then do they have to go and expand the bathrooms etc., which is impossible. Does that mean that the unit has to be razed or what's the bottom line? Where do you go?

Ms. Daines: Well, I think that probably Mr. Foster can tell you a little better than I. I would assume that it has been cited as substandard since it does not meet the housing code. Now, I don't know how it's been cited, maybe a situation where they put in correction notices or it may be that they're asking them to vacate it. It may be, in fact, so bad in the opinion of the housing inspector that it should be demolished.

That is the point which the BZA and this Commission has the right to analyze this appeal. In another opinion this office presented to the Community Planning Department which pointed out that the BZA, and by extension, this Commission, is not really free to waive actual provisions of the Housing Code, but rather once it's been determined the provisions of the Housing Code have been violated, you have a second test, and that test is whether those conditions are dangerous to the health, safety and welfare either of the occupants of the building or of the general public.

It's possible for this Commission to grant the appeal, but there should first be a determination made that based upon the evidence the existing conditions are not dangerous to the health, safety and welfare. So absent that, I don't know if Mr. Foster has in the file the...

Commissioner Christensen: I think that was my question. Now where do we go?

Ms. Daines: Well, I suppose that Mr. Foster has more exact information about the violations. The Commissioner should examine those and determine in it's wisdom whether or not. All we can say at this point is there are violations of the strict requirements of the Housing Code, and a representative of the Building Department has made a discretionary decision that those conditions are dangerous to life, safety and welfare. It would seem that there's a certain amount of reliance that should be placed

APPEAL HC-2-78  
CONTINUED

upon a building official who has a great deal of experience in this field. Those, as I pointed out, are not necessarily determinative. There is the right for them to appeal that discretionary decision to this Board.

Mayor Briare: Well I think from the conversation from the City Attorney's office and other discussion here that we're not going to be looking at this, Mr. Foster, as to whether or not because of the date of the Housing Code, this premises should be allowed to stand. The matter before us is are the violations of such serious consequence it would endanger the life or limb or property of the general public, including the people who live there.

Commissioner Leavitt: There's some health problems here, too. I notice that you've got a pipeline going into an open sewer.

Mayor Briare: Does the Commission agree that this is what's before us at the present time? It's not just whether the code is in effect or not in effect or whether the property..

Commissioner Lurie: Mayor, I just have a comment to make that I believe these violations were found through our code enforcement under Community Development Block Grant. Is that the inspections that were taking place over on the West Side with a lot of the older homes and apartments and efficiency units that were built there? The citations were given out, and they were given a certain amount of time to correct the violations, and they chose not to correct them, and they tried to have this Board waive them because they didn't apply at the time the building was built, is that correct?

Mr. Foster: That is correct, Commissioner.

Commissioner Lurie: This is one of the areas that we just approved this morning. Mr. Blue gave us his comments on the code violation and the work that the people are doing over there in helping to correct a lot of the violations that we have existing and to get them corrected. If this is one of the cases, I'd like to hear from the owner if he's present.

Mayor Briare: Is the owner present? Is Mr. or Mrs. Baliotis or anyone here representing Mr. or Mrs. Baliotis? Is Mr. McKnight present? There's no one present.

Commissioner Lurie: Mayor, you might check, did they show up at the BZA Meeting?

Mr. Foster: I believe they did.

APPEAL HC-2-78  
CONTINUED

Commissioner Lurie: Well Mayor, under those circumstances, if you want to close Public Hearing I'm ready to make a motion.

Mayor Briare: Unless there's anyone present who wishes to speak on this matter, the Public Hearing will be closed. Mr. Saylor, did you have a comment?

Mr. Saylor: As a staff comment, we recently amended the Housing Code to allow the determination as to whether or not violations should be corrected or should be waived, all predicated upon the safety, health and welfare factor. Staff has looked at this, and we've worked with Mr. Baliotis quite some time. It is staff's conclusions that conditions collectively are such that continued occupancy of the units would be a detriment to human beings.

In other words, we feel it's not fit for human occupancy in its present condition. When staff takes that position, then they do have the appeal before this Board. If this Commission wishes to find that they are fit for human occupation in its present condition, they may do so. If not, you may deny the appeal.

Commissioner Lurie: With the information presented to us today, Mayor, I move the appeal be denied.

Mayor Briare: Comments on the motion?

Commissioner Christensen: I'd still like to know, now what does that mean if this is denied. Do they have to tear it down or could they bring it up to code? Is there a way they can rebuild this into compliance if this is denied or does the denial mean that they have to be bulldozed over because we better look down the road and find out how we're going to enforce that.

Commissioner Lurie: They refuse to correct the violations.

Mr. Saylor: I think they could be brought into code, Commissioner. They may not be able to maintain the same number of units, and it may, from an economic viewpoint, not be feasible, but physically it can be done.

Mayor Briare: Any other comments? You've heard the motion, will you cast your votes? Motion is approved.

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

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VAC-4-78  
LEWIS HOMES

Mayor Briare: The next is a public hearing on a vacation, VAC-4-78, Lewis Homes of Nevada. Is the petitioner present? Would you come forward, sir?

Mr. Dane: My name is Nick Dane, Lewis Homes of Nevada, 5240 S. Polaris Avenue. I have nothing to say, if you want to ask me any questions.

Commissioner Leavitt: You had 115 protests. There must be something wrong with it.

Mr. Dane: The reason we had 115 protests is because previously in this property we attempted to get a rezoning and we were turned down. When the vacation notice was sent out to the people in the area, down at the bottom, mistakenly, was something down there making it look like we had more units on the property than we actually had planned. The people all turned out en masse.

Commissioner Leavitt: Okay, I can understand. Show me on the map what's going to be vacated. Can you show me that?

Mr. Foster: It's the small north-south segment, shown in red, between Tanya and Alaska is proposed for vacation. The west portion of the street's in the future right-of-way of Michael but will be constructed at some time in the future. That's being retained as public right-of-way. Now because of the overpass that's proposed across the Expressway, it would be somewhat elevated so that Tanya motorists will still go out to Michael and go south to Decatur, or north, on Michael. However, there will not be access east across Michael to Alaska. What the residents in this subdivision will have to do is go north on Chasen to Bromley and then east on Bromley and then south of this proposed subdivision of Lewis Homes to Alaska and then east.

Commissioner Leavitt: Now the representation that was just made to us regarding what the protestors were present for. Is that your understanding of why they were there, or were you at the meeting?

Mr. Foster: I wasn't at the meeting at the time there was comments about drainage, and I think there was kind of a misunderstanding because I don't know if they were aware at that point that the overpass would, in fact, sever the access between Tanya and Alaska.

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

VAC-4-78  
LEWIS HOMES  
CONTINUED

Mr. Purvis: The agreement is that temporarily there is a connection from Tanya down to Alaska.

Commissioner Leavitt: It says here that there be provided a separate and temporary roadway on the Michael Way alignment connecting Tanya and Alaska Avenue to be completed before the recording of the vacation.

Mr. Foster: That was the Planning Commission's recommendation.

Commissioner Christensen: That's only until such time as they make that Michael Way overpass there, and then that grade separation will prevent that. The key there is that when they make that Michael Way overpass, you couldn't use that street anyway if it wasn't vacated. So either way, when that Michael Way segment is completed, that street's not going to be of any value.

Mr. Purvis: But they could still come out at Tanya and make the connection to Michael Way.

Mr. Foster: But not east to Alaska.

Commissioner Christensen: Well, it looks to me, then, what we're saying here is that you can vacate it now or you can wait until after they continue Michael Way. Then it's going to be vacated kind of de facto, anyway.

Mayor Briare: There being no one else present to speak either for or against the petition, we'll declare the Public Hearing closed. This has what recommendation from staff?

Mr. Foster: Approval. The Planning Commission also recommended approval.

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

Commissioner Woofter: Move to approve.

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

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

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SID 420

Mayor Briare: I believe the last Public Hearing, then, is Special Improvement District #420 for improvement of certain streets and parts thereof, Jones Boulevard from Charleston to Smoke Ranch Road.

Mr. Purvis: This special improvement district, this is Jones Boulevard in six segments from Charleston Boulevard to Smoke Ranch. We have improvements from Jones to Evergreen that are not in, which will be included in the improvement district. The improvements through here are in. Any that have to be changed will be changed at the cost of Regional Streets and Highways, through Washington. From Washington to Vegas we have improvements on the west side, and from Vegas Drive to Smoke Ranch we have improvements on both sides. They include curb, gutter, sidewalk and street lighting, and 8-foot paving lane. We haven't made that determination, I don't think, whether it's eight or ten, but there will be a parking lane included in the improvements.

Commissioner Lurie: There's going to be proper drainage?

Mr. Purvis: Yes.

Commissioner Lurie: It'll take care of the nuisance water along Jones?

Mr. Purvis: First, we drain Washington back to the expressway. From Vegas Drive east there will be drainage. There is a nuisance drain water that comes out on Smoke Ranch Road. So that will be taken care of in that direction. Charleston goes back to Alta, so there will be nuisance drainage provided there.

Mayor Briare: This is a Public Hearing. Is there anyone present in the audience who wishes to be heard on this matter? There being no one present to speak for or against this improvement district, this Public Hearing will be closed.

Commissioner Lurie: Mayor, I move for the approval of the Special Improvement District 420.

Mayor Briare: Any comments or questions on the motion? Cast your votes. Motion is approved.

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

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# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 27

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

X. 2:00 P.M. - PUBLIC HEARINGS

A. APPEAL FILED BY MARVIN B. HERRIN -  
V-42-78

to action of the Board of Zoning Adjustment in DENYING his application for a VARIANCE to allow an existing carport to the side property line where 5 ft. is required, on property located at 609 South 7th Street in Zoning Dist. R-1

Abeyance

7/19/78 Agenda

(Appellant represented by Tom Purcell, Esq.)

(1 protestant appeared - Viola Anderson)

B. APPEAL FILED BY RICHARD McKNIGHT, ESQ.  
ON BEHALF OF DONN & JANET BALIOTIS -  
HC-2-78

to action of the Board of Appeals, Housing Code at their regular meeting held May 25, 1978 - for the reasons that the Code sections cited by the Inspector were not enacted, or in force, at the time the units were built and/or converted

Denied appeal

Staff to proceed

(Mr. McKnight nor Mr. or Mrs. Baliotis were present)  
Lurie - unanimous

C. VACATION - VAC-4-78 - LEWIS HOMES OF NEVADA

Petition of Vacation to vacate a portion of the connecting right-of-way between Alaska Ave. and Tanya Ave., extended, and adjacent to Michael Way, proposed, subject to the following condition:

1. That there be provided a separate and temporary roadway on the Michael Way alignment connecting Tanya Ave. and Alaska Ave., to be completed before the recording of VAC-4-78.

Approx. 115 Protests

Approved  
Woofter - unanimous

C/A to prepare Order

ADDENDUM ITEM

SPECIAL IMPROVEMENT DISTRICT No. 420 -  
JONES BLVD. FROM CHARLESTON TO SMOKE  
RANCH ROAD

Approved  
Lurie - unanimous

Staff to proceed

(No protests)

APPROVED AGENDA ITEM

RCS 6/27/78

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 28

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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

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

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

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

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

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

COMMUNITY PLANNING & DEVELOPMENT  
HAROLD P. FOSTER, ACTING DIRECTOR

Z-54-78  
FRED B. ALLEN

Mayor Briare: The next order of business, under Community Planning and Development. Mr. Foster.

Mr. Foster: First item is a request from Fred Allen for a zone change from R-1 to an R-PD7. On the screen to your right you can see the subject property. It's ten acres in size. That's Honolulu along the west side of the property, East Stewart along the north. You have two large mobilehome parks in that orange shaded area to the west and northwest. You have single family R-1 development to the east and to the northeast. This is the plot land in front of you showing the various units on the site. They show a community recreation building, then Honolulu St. coming to a point and then curving east. It may have to be cul-de-sac. The number of units range from two to six units. It is a rental project.

I believe on that basis as well as the fact that there is R-1 immediately to the east, the Planning Commission recommended denial on the motion that's indicated on your agenda. There is a motion for approval, two yes, three no. Staff has stipulated the conditions if the particular request is approved.

Mayor Briare: Is there anyone in the audience to speak in opposition to this application? Yes. Did you wish to make any comments? Okay, I saw two ladies raise their hands here. Ladies, would you like to come forward first. There's a gentleman and another lady in the back. Would you please be so kind as to let us have your name and address?

Ms. Love: My name is Ada Love. I live at 3987 Saguaro Lane. I don't think they should have rental housing in there for several reasons. I don't believe people who rent maintain property. They tear things up, and therefore would be over destroying our property. It will lower our property values as well. It will put in an excess of travel down Stewart Street. We already have crowded schools in that area, and we just don't need it.

Mrs. Ailen: Mrs. Karen Ailen. I live on 230 Pancho Villa. My arguments are basically the same as hers that it would cause too many crowded conditions where we are. It would lower all our property values. I understand, is part of this something to do with property on Sandhill and Stewart, too, where they want to put in condominiums?

Z-54-78  
FRED B. ALLEN  
CONTINUED

Mr. Foster: No.

Mrs. Ailen: Good. That was part of the same thing.

Mr. Foster: That was the second application and has been withdrawn by the applicant.

Mrs. Ailen: Good because that's basically the same problem, the same thing on the other side of us. This is a very short street. Saguaro is very short.

Mayor Briare: Commissioner.

Commissioner Woofter: I have a question of staff, Mr. Foster. Two protestors so far have referred to the problem of more crowded schools and more density. What is the comparison with this project, I mean the R-1 as compared to this as far as what the proposed plan is?

Mr. Foster: It's just slightly over the R-1 density. Generally in an R-1 subdivision you'd have about five units per acre. This one is seven units per acre.

Commissioner Woofter: So it's not that much difference between the two. I see a lot of vegetation in there.

Ms. Weslan: My name is Laura Weslan. I live at 3998 Trabuco. We were told at the Planning Commission some units would have up to, I think, five bedrooms for an area that now has a majority of three bedrooms. That is, it seems to me, quite a bit more.

Commissioner Christensen: I think what Commissioner Woofter's getting at, and I understand the objection also has been raised as to rentals. It's similar to the objection we frequently get where you don't want a two-story house next door so they can look over the fence into the swimming pool. In the first place, on an R-1 lot or any lot that's properly zoned for a residence, the only determination we have with the number of bedrooms to the size of the residence is the bedroom has to be of a size to be within the code, bathrooms have to be so big, etc. Nobody has to come to the Commission to get approval to build a house with 17 bedrooms if they're all in their family. Just like you don't have to get permission to go two stories. Likewise, if they built that area all in R-1 homes and the owners of those homes chose to rent them, they wouldn't have to come before us to make them rentals, either.

Z-54-78  
FRED B. ALLEN  
CONTINUED

So all of the three items that were raised, the only real one that we've got here is density. Number of units per acre. All of the rest of the questions and objections that are invalid objections, legally, because you could do that anyway. We can't tell those people they can't rent their houses anymore than we can tell you you cannot rent yours. Or we're not going to tell you how many bedrooms you can put in your house.

Commissioner Woofter: It's sort of a buffer. It's sort of a house situation next to the R-1, correct me if I'm wrong, Mr. Foster. Then you have the other complexes.

Mr. Foster: The color indicates the number of bedrooms. The orange are three bedroom along the east, mostly three bedroom units. Most of them are detached units. The ones along the northwest are attached. There are some four unit dwellings, etc.

Commissioner Christensen: In other words, you're working from the R-1 and the single unit and then you get over next to the Freeway before you get into the connected units.

Mr. Foster: That's correct.

Commissioner Christensen: But they're not really apartments. They're looking more like a condominium sort of thing. Am I wrong or is there another term to that?

Mr. Foster: This is on a planned unit development basis. However, it is a rental project which is permissible in a planned development category.

Commissioner Christensen: Like I say, if it's all R-1 homes, you could still have a rental project, could you not?

Mr. Foster: Correct.

Ms. Weslan: Yes, but you assume when you buy a home that 90% of the people that you're buying in the area with are going to live in their homes.

Mrs. Ailen: Rentals would bring out property down, just by the fact that rentals are that close. For the benefit of the builder, who is one person, then all our houses won't be worth as much.

Z-54-78  
FRED B. ALLEN  
CONTINUED

Ms. Weslan: I also want to raise the question, we all know the Freeway is going through there. Anyone who bought a home in there knew the Freeway was going through there. The person who owned the land knew a Freeway was going through there. Now it looks like it's getting closer to the time when they're going to put the Freeway through there, I want to put something in there and make a little money, which I can't blame him. But I still can protest it because I don't want that kind of development that close to my home.

Commissioner Christensen: How do you mean, he's going to get more money when the Freeway comes through?

Ms. Weslan: I don't mean he's going to get more money, but his land is sitting there doing nothing now, and he wants to put something in there he can get up and get people in and out and collect his money.

Commissioner Lurie: The Freeway is only going to take a corner piece of that property, so how is it going to ruin the rest of the project? You see where that line is at the bottom there?

Ms. Weslan: But they say the access will be on Honolulu, right?

Commissioner Lurie: You can see the map there. That's not going to damage your property.

Ms. Weslan: Then they said there would be no access on Stewart. You figure when they run the Freeway through there, I know how big that land is. It's just impossible to me that they're all just going to go out on Honolulu and not on to Stewart.

Mr. Foster: There is one access at this point onto Stewart.

Ms. Weslan: At the meeting we went to someone said that entrance would be blocked off.

Commissioner Lurie: What's the access, now. There's Stewart. Is there another access there besides Stewart?

Mr. Foster: No. Basically, the two drives from the development will go north to Stewart.

Commissioner Lurie: Stewart's constructed to handle that amount of traffic.

Z-54-78  
CONTINUED

Ms. Weslan: Yes within the two-block area that six people have been killed there within two years.

Ms. Ailen: They told us at the last meeting the access would not be on Stewart. It would be blocked off except for emergency traffic only.

Mayor Briare: Where did they say the access was going to be?

Ms. Weslan: On Honolulu. Now the cars are on Honolulu, now where are they going to go?

Mayor Briare: Mr. Foster, have these plans been changed since the Planning Commission Meeting?

Mr. Foster: No they have not. I don't recall any discussion along that line. Unless it was the other application for Sandhill and Stewart.

Ms. Weslan: No. No. That one.

Mayor Briare: Well, in any event folks, this is the application that was presented at the Planning Commission Meeting. It's also the application that's presented here, and as has been indicated, the plans call for traffic on Stewart.

Ms. Ailen: It wasn't that way at the last meeting because they made a specific point in saying that would only be for emergency vehicles.

Mayor Briare: As you can see, the plan calls for Stewart. Would any of you like to make any comments about the traffic on Stewart?

Ms. Weslan: Yes because the only the children can get to school, which is Edward School is across Lamb. They have to walk down Stewart, across Lamb, continue farther on Stewart and go to Marion. The only way the children have to go to school is to walk Stewart.

Mayor Briare: Would you have that pointed out on that map there?

Mr. Foster: Where the elementary school is?

Mayor Briare: Yes. They've got a way to go, don't they?

Ms. Weslan: Basically, the two drives from under the two miles where they have to walk. I'm not against kids walking to school. That's fine, but they have to go down Stewart, and they have to cross Lamb. They have to cross Stewart to get to this school.

Z-54-78  
CONTINUED

Mayor Briare: If I'm looking at the right area on the map, would you go back to the application please?

Commissioner Christensen: Well, there's a question that I have to raise at this point, also. Is it more dangerous for the kids from a rental unit to walk that distance to school or a unit that their parents own?

Ms. Ailen: There will be that many more kids. If you've got a five bedroom house, you've got that many kids.

Commissioner Christensen: Well, you're back to the same point. What you want us to do is not allow a six bedroom house because there's too many kids.

Ms. Weslan: What we don't want, and I know does not go along with everybody, I don't want rentals. I have lived in Las Vegas for 30 years. I have lived in houses; I have lived in apartments. I don't want my child living in an apartment-like atmosphere. I want a home. That's why we bought a home. If I wanted to live in an apartment area, I would have moved there.

Mr. Foster: There is an elementary school being proposed by the School District now, which is on Sandhill, southwest of Bonanza and Sandhill.

Commissioner Lurie: Do they have a crossing guard at the intersection to take the kids across the street?

Ms. Weslan: They have one at Lamb.

Ms. Ailen: My main objection is rentals because it would lower our property value.

Commissioner Lurie: Did you know that this is going to be operated by the City of Las Vegas Housing Authority? That our projects have won National awards in the City of Las Vegas for the way that we care for our projects?

Ms. Ailen: If it'll be kept up.

Commissioner Lurie: That's right. It'll be kept up. I really can't see how it's going to affect your property value if the City of Las Vegas Housing Authority is going to be operating this project. We run some of the finest projects in the Country. I'd much rather have that there.

Ms. Ailen: Who's going to come over to take care of our property when they destroy ours?

Z-54-78  
CONTINUED

Commissioner Lurie: Well, I think you're getting...

Ms. Ailen: No. I've lived in rentals.

Commissioner Lurie: Well, I have, too. I've been in apartments. We've all lived in apartments at one time or another. They're the same people as we are.

Mayor Briare: Any other comments that you folks would like to make? Okay. Thank you, very much. Is there anyone else? Did you wish to make a comment, sir? Would you state your name and address?

Mr. Sharp: My name is Harris Sharp, 2616 State Street, Las Vegas, Nevada. I am speaking for the owners of this property because I own 25% interest in it. We tried to plan this development so there would be very low density against the R-1 zone. We're also putting down along Stewart Street in that 25-foot strip there that's a park, a very high landscape. We've tried to hold a high-density, residential unit next to the Freeway as a buffer against all of these houses. As you can see, they have a tremendous amount of landscaping in that area within this project.

Single family houses which back up to the existing R-1 subdivision are all two- and three-bedroom units. There are single family houses of two and three bedrooms. The higher density is a block away from these people. This is a very fine developed unit.

Mayor Briare: Who will be in charge of keeping up the landscaping, and when the grass starts to turn brown or the trees start? How do you maintain control?

Mr. Sharp: The Las Vegas Housing Authority will be in charge of this. We don't know whether this is going to be a conventionally built project or whether it's going to be built under the turnkey method at this particular time. The conventional method is where the Housing Authority designs the plans for the building and the project and it is sent out for general contractors' bids. The turnkey project is where the contractors bid on the entire package to the Housing Authority and turn it over to them when it's finished.

The Housing Authority will, naturally, be responsible for the upkeep and maintenance for the life of the project.

Mayor Briare: Is there any reason to believe that if this application should be approved, would there be any reason to believe that this particular project will have less care than any other project that the Housing Authority has jurisdiction over?

Z-54-78  
CONTINUED

Mr. Sharp: Well, as far as I'm personally concerned all I can do is go on the track record of the Las Vegas Housing Authority. I look at places like Archie Grant Park and all of them. They're beautifully kept, absolutely better than some privately owned units.

Mayor Briare: Are there any questions or comments? What's the pleasure of the Commission? This is on the recommendation of the Planning Commission was for denial. What's the pleasure of this Board? Does anybody want to make a motion? Commissioner?

Commissioner Christensen: Well, I see no reason to let something like this sit on dead center because it goes nowhere. I'll move to approve it based on these things: all the protest I heard was for factors that we don't have jurisdiction over, rental, size of house, upkeep of property, etc. I would have to assume that the property will be kept up. I hate these decisions because it always puts us in the same box that really, you're talking about vacant area. You're talking about impacting schools with people, etc. You're going to impact those schools with people regardless, or you can leave the land vacant. The only you can leave the land vacant is for someone who wants the land to remain vacant to buy the land to guarantee that it's vacant, and then there's a certain amount of care and upkeep required because we have codes that require that this land that's being kept vacant be kept vacant in a safe, eye-pleasing way.

We had a case this morning where we've got vacant land with stuff on it that we've got to take action to get that cleaned up. These are real problems that you have with zoning issues. I don't see that we have anything to say about the number of bedrooms people build in houses, about whether or not they rent them, about whether or not they water the grass once a week or once a month. Based on that, the fact that I really didn't hear any protest, then I would move for approval.

Mayor Briare: Comments on the motion? Cast your votes. Motion is approved, and the application is allowed.

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

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Z-55-78  
WILLIAM ELSWICK

Mayor Briare: The next is Z-55-78, William R. Elswick for property located on the south side of Philadelphia Street, 175 feet west of Commerce Street.

Mr. Foster: This request is from R-4 to C-2. It's in the Meadows addition on the south side of Philadelphia. You see on the screen Commerce is the street at the end of the block. Fairfield is on the opposite end of the block. To the north is R-4 zoning, and the area is pretty well developed with R-4 density. There is some R-6 zoning immediately to the south.

This is a request for a 32-unit, three-story building. The bottom floor will have 34 parking spaces. Essentially that's a one-to-one parking ratio on it. The Planning Commission recommended denial because there is R-4 zoning on both sides of the street. They felt it would constitute a pattern in the area that was contrary to the existing zoning pattern and recommended denial. We had some 21 protestants. Several of them attended the meeting, pointing out the severe parking problems in the area. They felt that if this development was constructed on an R-4 basis, parking would be 1½ to one which would provide more off-street facilities.

Mayor Briare: Is the applicant present? Is there a representative of the applicant present? Is there anyone present who wishes to speak in opposition to this request for a zone change? Yes, sir, would you come forward please?

Commissioner Leavitt: Well, the applicant is not present, is he? You're not speaking on behalf of the applicant? You're speaking in opposition to it. I move we follow the recommendation of the Planning Commission.

Mayor Briare: The recommendation of the Planning Commission was for denial. Are there any comments on the motion by the Commissioners?

Commissioner Christensen: Your honor, I'd like to make one comment. I would go along with this motion but not simply because the applicant's not here. If you're familiar with that area, it's pretty well crowded now, and I hate to see it crowded up any more. Here's an area in town that's got just about as much density as I believe it can stand.

Mayor Briare: Would you like to indicate your presence here in protest to this application?

Z-55-78  
CONTINUED

Mr. Weisbart: Mr. Mayor and members of the Commission. I'm Dick Weisbart. I'm an attorney representing some of the owners, as well as an owner in the area myself. There's no need to be redundant. It's a highly dense area right now. That was the basis of the protest. It would just bring in a lot more congestion than is needed. There would be added security problems, and probably in the end, diminish property values as well.

Mayor Briare: Thank you, counsellor. Cast your votes on the motion. Motion is approved. The application is denied.

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

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See Page 131 - Annotated Agenda.  
No protestants present.  
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Z-51-78  
ALL RISK INS.

Mayor Briare: Next is an application for the All Risk Insurance Agency, Inc. for property located on the northeast corner of Mariposa Avenue and Sahara Avenue from R-2 to C-1. The Planning Commission's recommendation was for approval.

Mr. Foster: This is in the metropolitan subdivision in the southeast area of the City at Sahara which is on the south side of the property. Mariposa is along the west. It's frontage property on Sahara. The pattern has been for commercial zoning on those properties. On the display map here, this is the proposed building. It will have landscaping, off-street parking on the side. The Planning Commission recommended approval. There were four protestants from the R-1 area basically to the north. I think they were more concerned about what's going to happen between this property and their property because there still are a number of vacant lots in there. However, that particular area is not under consideration on this application.

Mayor Briare: Is the applicant present? Would you come forward, please. Are you the owner of All Risk Insurance Agency?

Mr. Felder: Yes, sir. I'm Bob Felder, owner of All Risk Insurance. I don't know if anybody showed up to protest this today.

Mayor Briare: We'll find out in just a second, but you get first crack.

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 29

PHONE 386-6011

ITEM Commission Action Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
(CONTINUED)

A. ZONE CHANGE - Z-54-78 - FRED B. ALLEN, ET AL

Property generally located on the southeast corner of Honolulu Street and Stewart Avenue.  
From: R-1 (Single Family Residence)  
To: R-PD7 (Residential Planned Develop.)  
Proposed Use: Medium Low Density Residential Complex

Planning Commission recommends DENIAL (Motion for Approval; 2-yes, 3-no).

If approved, the following conditions are recommended:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Redesign of community recreational area as required by the Department of Community Planning and Development.
3. A six ft. block wall shall be constructed on the east property line.
4. Provide fire hydrants as required by the Department of Fire Services.
5. Dedication of cul-de-sac at the south end of Honolulu if it is to be terminated as required by the Department of Public Services.
6. Construction of half-street improvements on Stewart Avenue and Honolulu frontages as required by the Department of Public Services.

PROTESTS: Approx. 49

Approved subject to conditions  
Christensen  
Commissioner  
Woofter voted "no"

Clerk to notify  
Planning to proceed

B. ZONE CHANGE - Z-55-78 - WILLIAM R. ELSWICK

Property generally located on the south side of Philadelphia Street, 175 feet west of Commerce Street.

From: R-4 (Apartment Residence)  
To: C-2 (General Commercial)  
Proposed Use: Efficiency Apartments

Denied as recommended by  
Planning Commission  
Leavitt - unanimous

Clerk to notify

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 30

PHONE 386-6011

ITEM	Commission Action	Department Actio
<p>XI <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT (CONTINUED)</u></p> <p>Planning Commission unanimously recommends DENIAL.</p> <p>If approved, the following conditions are recommended:</p> <ol style="list-style-type: none"> <li>1. Resolution of Intent to be restricted to a twelve (12) month time limit.</li> <li>2. Provide fire hydrant as required by the Department of Fire Services.</li> <li>3. Construct sidewalk as required by the Department of Public Services.</li> <li>4. Conformance to building elevation plans as submitted.</li> </ol> <p style="text-align: center;">PROTESTS: Approx. 21</p>	<p>See Page 29</p>	<p>See Page 29</p>
<p>C. <u>ZONE CHANGE - Z-56-78 - GEORGE AND RUBY MADSEN</u></p> <p>Property generally located on the northwest corner of Smoke Ranch Road and Michael Way. From: R-E (Residence Estates) To: R-1 (Single Family Residence) Proposed Use: Single Family Homes</p> <p>Planning Commission recommends APPROVAL (4-yes, 1-no).</p> <p style="text-align: center;">PROTESTS: 5</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Clerk to notify Planning to proceed</p>
<p>D. <u>ZONE CHANGE - Z-51-78 - ALL RISK INSURANCE AGENCY, INC.</u></p> <p>Property generally located on the northeast corner of Mariposa Avenue and Sahara Avenue. From: R-2 (Two Family Residence) To: C-1 (Limited Commercial)</p> <p>Planning Commission unanimously recommends APPROVAL, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Construct a 6 ft. block wall on the north property line.</li> </ol>	<p>Approved as recommended by Planning Commission with the further condition that the building location may be adjusted as approved by the Planning Staff Woofter - unanimous Commissioner Lurie did not vote - temporarily absent</p>	<p>Clerk to notify Planning to proceed</p>

Z-51-78  
ALL RISK INS.

Mr. Felder: I've been operating All Risk Insurance Agency on leased land about three blocks down the street on Sahara for about six years. Of course, we never interfered with anybody. At the time that I built my building on Sahara, three blocks down the street, I had to have the property rezoned from R-2 to C-1, basically because nothing had ever been built on it. This is same situation. All of the property on Sahara, up and down Sahara has been rezoned to C-1. We're a small, independent insurance agency. We only have three employees and a 1200 square foot building. I don't really see where that's going to interfere with anybody.

Mayor Briare: You're going to build a new building.

Mr. Felder: Actually, we're going to relocate our present building from its present position three blocks up the street to new property, which we own.

Mayor Briare: For the purpose of an insurance company.

Mr. Felder: It's an independent insurance agency.

Mayor Briare: Are there any questions or comments?

Commissioner Christensen: Mayor, I can maybe help you a little on this because this has come up in this area many times, and when I was first on the Board it came up. I think that the problem that a lot of those people in that neighborhood have is that they feel there's not a problem along Sahara, but they don't want to get encroached upon further in. There's always an effort to go further in. Whenever anybody gets the zoning on Sahara, then somebody wants the zoning just north of them to go deeper, and then somebody wants one a couple lots north of that and it tends to get that way. We've always maintained since I've been on the Board the thinking that we weren't going to do that, and it hasn't happened in many cases as you can see by the map. I think that's where a lot of the protest comes from is because they've been there before. They've been there so many times that they have a very efficient telephone network to notify everybody that something's coming up. And it works.

Mayor Briare: Well, before we receive your motion, Commissioner, I'll ask if there's anybody in the audience here this afternoon to protest this application. There apparently is no one here to protest, so have the record reflect accordingly. Did you wish to make a motion, Commissioner?

Z-51-78  
ALL RISK INS.  
CONTINUED

Mr. Feldman: Excuse me. I'd like to ask for one thing. I've had a little minor problem. I don't know if you gentlemen are familiar with this property fronting on Sahara, but I've had to move this building the location on the plot plan about four times. The problem is that this front footage is jointly owned by the City, the State, and even the Federal Government gets involved in it. The Planning Commission, this afternoon when I was up there a little while ago, asked me to request that if we have to move this building on the plot plan to make a minor adjustment, which would be seven feet to the west, that I should mention it at this meeting and get it approved so it doesn't have to go all the way through again.

The reason we might have to move it is because the Building Department wants us to try and keep it ten feet from the eastmost property line. There's a new fire code that says if we go within ten feet of the property line, we have to build a wall that will be about fifteen feet high and approximately fifty feet long, and that would face Sahara, the oncoming traffic, and it would look like the Berlin Wall. So they asked me if we'd move the building seven feet. They said that's agreeable to everybody so we wouldn't have to go through the whole thing again.

Mayor Briare: I think if there's a motion for approval here, Mr. Feldman, it'll include a provision subject to the Building Department's approval and the Planning Department's approval. What's the pleasure of the Commission?

Commissioner Woofter: Move to approve subject to the conditions as well as what the applicant has requested.

Mayor Briare: Comments on the motion. Cast your votes. Commissioner Lurie has stepped out for a moment. Motion is approved.

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

Noes: None.

Absent: Commissioner Lurie

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Z-53-78  
DWIGHT JORY

Mayor Briare: Thank you, Mr. Feldman. The next is request for a zone change Z-53-78 for Dwight Jory.

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 31

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
(CONTINUED)

2. Resolution of Intent to be restricted to a twelve (12) month time limit.
3. Construct a concrete sidewalk on Sahara Avenue and Mariposa frontages as required by the Department of Public Services.
4. Driveway on Sahara must be 12 ft. minimum width and it must have State Highway Department approval as required by the Department of Public Services.

PROTESTS: 4

See Page 30

See Page 30

E. ZONE CHANGE - Z-53-78 - DWIGHT JORY

Property generally located on the northeast corner of Arville Street and Tara Avenue.  
From: R-1 (Single Family Residence)  
To: R-PD14 (Residential Planned Develop.)  
Proposed Use: Four-Plexes

Planning Commission unanimously recommends DENIAL.

If approved, the following conditions are recommended:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Amend the plot plan to provide six parking spaces for each four-plex site.
3. Conformance to the building elevations submitted.
4. Provide fire hydrant on Arville as required by the Department of Fire Services.
5. Construct half-street improvements on Tara Avenue and Arville Street including street lights and provision of bond and construction plans as required by the Department of Public Services.

Approved subject to conditions  
Lurie - unanimous

Clerk to notify  
Planning to proceed

Z-53-78  
DWIGHT JORY  
CONTINUED

Mr. Foster: This is from R-1 to R-PD14 planned development basically consisting of a series of four-plexes on the north side of Tara, just east of Arville. There is R-4 zoning to the south in that general area that he is pointing to now. There are single-family homes being constructed in the R-1 area to the north. You probably remember a series of applications on this property. Most of them had been denied. They were for apartment developments. The developer now is constructing single family on essentially all of this parcel except for the strip which he feels is a buffer between the R-1 and the R-4 to the south.

This is the plan. Each of these buildings will be a four-plex. They will have a common access way to the rear and landscaping around them. The Planning Commission recommended denial of the request, I think in part because a planned development requires a minimum-size parcel of five acres. This one is only 2.3 acres in size. They have stipulated the conditions on the agenda if the application is approved.

Mayor Briare: Is Mr. Jory present?

Mr. Jory: Dwight Jory, 1700 Desert Inn Road. Gentlemen, the comment was made that the Planning Commission denied this application or made a request for denial that they were afraid of setting a precedent on this particular ordinance that requires five acres or more for an R-PD plan. I respectfully submit to you that the reason we did it this way was to create a buffer between our single family, approximately four units per acre, and that property to the south of us, which is approximately 25 units per acre.

It makes practical sense that we would have something facing the projects that would be of more density than single-family residence. I don't think anyone in this room would, by design, go out and buy a home that faced high density apartments, and that's the reason why we designed it this way. Therefore, I submit to you that it's somewhat of a hardship based on those facts. Also we have presold the single family property that would be to the north of this, and all those people are absolutely aware of the fact that we had proposed a four-plex project on the property for a buffer.

Mayor Briare: Excuse me, Mr. Jory. Are you the owner of the property to the north?

Mr. Jory: Yes, sir.

Mayor Briare: And you're also the developer?

Mr. Jory: Yes, sir.

Z-53-78  
DWIGHT JORY  
CONTINUED

Mayor Briare: That subdivision's already been approved?

Mr. Jory: The R-1 to the north, right.

Commissioner Lurie: It backs up all the way to those homes on San Joaquin.

Mr. Jory: Yes sir, it does.

Commissioner Lurie: Are they two-story units, the four-plexes?

Mr. Jory: The four-plexes are actually 1½ stories. They are ½ story in the ground, and they're designed to be two-story.

Commissioner Lurie: Do you have 32 units planned there?

Mr. Jory: Eight four-plex buildings, yes sir. Actually that's a density of approximately 14 units per acre as opposed to right across the street there's a density of 25 units per acre.

Mayor Briare: Mr. Foster, what is the zoning of the land to the east of Mr. Jory's property?

Mr. Foster: It's R-E, basically a holding zone in this particular area until some type of development's proposed.

Mayor Briare: Did you have anything else, Mr. Jory?

Mr. Jory: No, your honor. I'm happy to answer any questions.

Mayor Briare: Is there anyone in the audience present today who wishes to speak either for or against this application? Any comments or questions by the Commissioners?

Commissioner Lurie: Well, Mayor. I'm usually the one who always votes against these things, and I've voted against a few times on zone change, but I think the buffer zone there that they came in with the R-1 to satisfy the property owners on San Joaquin was the right procedure as far as compatibility with the existing homes there, and this R-PD, I think, will fit in with the fronting onto Tara. I do know that the property owners who are buying those homes there are aware that the four-plexes were going to be presented to us for approval. I would at this time, Mayor, move for approval of the project subject to the conditions.

Z-53-78  
DWIGHT JORY  
CONTINUED

Mayor Briare: Any comments on the motion?

Commissioner Woofter: Mr. Mayor, just for the record I want to represent that I have represented Mr. Jory in matters in the past but not at any present situation. I have checked with counsel, and the feeling is there is no conflict on my voting on this motion.

Mayor Briare: Thank you, Commissioner. Any further comments? Cast your votes. Motion is carried.

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

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AR-1-78  
DON JOHNSON

Mayor Briare: The next is a plot plan review for Don Johnson, AR-1-78.

Mr. Foster: This is a couple hundred feet south of Pennwood on the west side of Valley View. It's a request to use the trailer for a temporary business office, which also serves as the construction office for a new building that's going to be constructed on the property. This is the proposed building. It will have open storage. It's a wholesale plumbing, electrical supply. They would like to have a trailer on the property and use it for an office while they're constructing this building. The Planning Commission recommended approval.

Mayor Briare: Is Mr. Johnson present? Mr. Johnson, have you already begun construction?

Mr. Johnson: Yes, Mayor. The building will have all the walls up by this Friday evening.

Mayor Briare: Okay; you're under construction. Any comments or questions? What's the pleasure of the Commission?

Commissioner Lurie: Move we follow the recommendation of the Planning Commission.

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

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

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See Pages 138 through 140- Annotated Agenda.

(Meeting recessed from 3:25 to 3:45 P.M.)

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 32

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT  
(CONTINUED)

6. Provide drainage and sewer easements from Conso I West Subdivision as required by the Department of Public Services.
7. Dedication of 40 ft. of right-of-way on Arville Street; 30 ft. of right-of-way on Tara Avenue, and the radius corner as required by the Department of Public Services.
8. Provide an easement of access to the parking on the rear of the building sites.

PROTESTS: 2

See Page 31

See Page 31

F. PLOT PLAN REVIEW - AR-1-78 - DON L. JOHNSON

Request for a Plot Plan Review to allow the westerly 100' of the plot plan to be used in part for material storage on property located at 3041 S. Valley View, "M" zone.

Planning Commission unanimously recommends approval, subject to the following condition:

1. The trailer use shall be permitted for three months only, and will expire on September 12, 1978.

Approved as recommended by Planning Commission  
Lurie - unanimous

Clerk to notify Planning to proceed

G. REVIEW OF CONDITIONS - Z-15-74 - TUPPER, INC.

Request for a Review of Conditions which granted rezoning and limited the use to one office only and restricted that to a real estate office, on property located at 710 South 8th Street, P-R zone.

Planning Commission unanimously recommends APPROVAL to allow a real estate office and a mortgage banking office.

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

Clerk to notify Planning to proceed

H. PLOT PLAN REVIEW - Z-100-64(106) - SAM IACOVETTO

Request for a Plot Plan Review to allow the construction of 51 apartment units on property

Same as above

Same as above

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 33

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
<p>XI <u>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT (CONTINUED)</u></p>	See Page 32	See Page 32
<p>located at 818 South 3rd Street in Zoning District R-4 (under ROI to C-2).</p>		
<p>Planning Commission unanimously recommends APPROVAL.</p>		
<p>I. <u>AMENDMENT - GENERAL PLAN OF PARKS, RECREATION AND SCHOOL SITES</u></p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Staff to proceed</p>
<p>Amend the General Plan of Parks, Recreation, and School Sites by the addition of a proposed park site generally located on the south side of Pennwood Avenue, east of Decatur Boulevard.</p>		
<p>Planning Commission unanimously recommends APPROVAL.</p>		
<p>J. <u>REPORT - A-4-78 - CLARK M. RALSTON, ET AL</u></p>	<p>Report accepted - to be retained in the Clerk's Office for 15 days</p>	
<p>Report for Annexation of property generally located at the southwest corner of Lorenzi Boulevard and Craig Road containing approximately 31 acres of land.</p>		
<p>K. SET DATE FOR PUBLIC HEARING ON ANY APPEALS FILED FROM THE BOARD OF ZONING ADJUSTMENT MEETING HELD JUNE 22, 1978.</p>	None	

# AGENDA

## City of Las Vegas

July 5, 1978

BOARD OF CITY COMMISSIONERS

Page 34

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

### XII. CITIZEN PARTICIPATION

#### NOTE:

Items raised under this portion of the agenda cannot be acted upon by the Commission until the Notice Provisions of the Open Meeting Law have been complied with. Therefore, action on such items will have to be considered at a later meeting.

ADJOURNMENT 4:55 P.M.

APPROVED AGENDA ITEM

RCT 6/27/78

AWT DISCUSSION

Mayor Briare: The last item for today's agenda is a discussion of the AWT. Mr. Dorn?

Mr. Dorn: Yes, your honor. Before I make a statement on AWT, I would like, with the Commission's approval, permission to have Commissioner Christensen representing the City Commission at a meeting held on Friday with EPA Headquarters, Region 9, in San Francisco and give a synopsis of that meeting and a trip that we had taken to see an AWT Plant in Contra Costa, California.

Mayor Briare: Commissioner Christensen?

Commissioner Christensen: Well, basically we went up there as a result of the telegram which you're familiar with, Mayor, to talk to Region 9 administrator. We thought that since we had requested the meeting and he indicated that he only wanted certain people to show up, he didn't want a large crowd there, and he told us there would only be himself, his counsel, and a representative from the State there, that's what we assumed. However, when we got there, we found the County Commissioner, the County Manager, two newspaper reporters and the guy from the State, etc.

We talked to Mr. DeFalco and told him what our concerns were. The concerns were the concerns that we've expressed many times, and we pointed out that it was the intention of the City to seek whatever judicial declaration we need to as far as going beyond the authority given by the Legislature. We pointed out that we intended to resist the forced implementation of those sections that are not specifically required by the Federal Regulations in 208 plans, and one of the main things is we urge Region 9, should it choose to approve the plan, the condition of the approval on such judicial declarations that may be forthcoming. We recognize the essential nature of the plan so that the cities would be spared the additional expense of Federal Court action, if possible. We talked about the direction we were going to go on water quality standards, etc.

I felt it was a good meeting. It was a short meeting. We didn't leave a lot of room for argument because that wasn't what we were there for. We didn't go to argue with the County. That wasn't the purpose of this meeting at all. We were there to seek the best possible solution for the residents of this whole County.

We had the rest of the afternoon before we had to catch the evening plane back. We went to the Central Contra Costa County sewage treatment plant. We looked at their treatment plant. They've got a treatment plant that they've got an unusual situation. They spent many millions of dollars for an advanced wastewater treatment plant that's not functioning

AWT DISCUSSION  
CONTINUED

as an advanced waste treatment plant for several reasons.

Number one, the water quality standards were relaxed after the plant was started, and unfortunately they had already sold the effluent for reuse based on the quality of water that was coming out of the advanced treatment plant. So they're sitting there with advanced treatment plant that they're still going to have to proceed and put on the line because they've got long-term contracts for advanced treated water that's treated beyond the degree required by the State and Federal Government anymore. So they're going to treat their sewage water to an advanced state for the benefit of coolants and refineries, not for stopping pollution because the water quality standards were relaxed after they started the plant when, apparently, for all we could understand, because the City of San Francisco objected to the standards being more stringent than necessary, and so they've got this advanced treatment plant.

And the interesting thing is that they were sued, I think the week before we got there, for another 24 Million Dollars by the people who built the plant, and it's two years late getting on the line. They still haven't got it working. It's quite an interesting maze of plumbing and so forth. A good portion of it is being used sort of as holding tanks because they don't have the search capacity. They process the water right as it comes, the surge as it comes. And, of course, the surge during the day is much heavier than it is during the middle of the night. They've got a problem there. They've got a lot of money wasted. And they almost went into hysterics when they found out that we were building an advanced wastewater treatment plant in the desert after their experiences up there.

I think it was a trip that was well worthwhile. I think we had to make that trip to exhaust all of our administrative procedures. One of the questions that we asked Mr. DeFalco was that...I was trying to find it here in my notes. I'll have to paraphrase it because I can't find it there. He reinforced his position that number one, the AWT plant had to be taken as is in our 208 Plan, that that was not under review. I think his exact comment was "That's like reinventing the wheel", and that we didn't have a problem with water quality standards. Now, we didn't argue that point simply because we weren't there to argue, I didn't feel. We stated our position and let it go at that as far as reinventing the wheel and so forth. My own personal comment to you would be that if the wheel doesn't roll, maybe we better reinvent it. But we didn't mention that.

AWT DISCUSSION  
CONTINUED

He asked if there were any other questions. The only comment that was raised was Commissioner Dondero wanted to know if the City was going to hold Public Hearings on our objections. We have ten days from that date to see our written objections, our points, our very questions, in writing, presented to them within ten days because they have 120 days from the date the Governor approved it, which is approximately a month ago. So, that's where it stands right now. Perhaps, if I've missed anything, Mr. Dorn or Mr. Stewart can elaborate on it. But I think that's where we are today.

Mayor Briare: Thank you very much, Commissioner. Do you want to add anything to it before I ask the Commissioners if they want to ask Commissioner Christensen any questions.

Mr. Dorn: Yes, Your Honor. Upon receiving your approval a couple of months ago, I have engaged an outside legal counsel specializing in water law. I am asking today, your permission to authorize the City Manager and City Attorney's Office to take whatever legal action is necessary to implement the policy of the Las Vegas Board of City Commissioners which opposes the building of the AWT plant in Clark County.

Our outside legal counsel has advised us that Clark County's construction of a 53 Million Dollar waste treatment facility, commonly referred to as the AWT plant, is illegal and unauthorized by law. Today I recommend your permission for outside counsel, City Manager, and the City Attorney's office to proceed ahead to file a lawsuit against the building of the AWT plant.

Before you vote on that, I would like to, if there are any questions you might have on that of a technical aspect to our attorney, Mr. Stewart, to Mr. Kariganis, our attorney that's one of the experts in the Nation on natural resources, specializing in water law, and Mr. Horowitz, if he can assist you in any technical information.

Mayor Briare: Just before you do, Mr. Dorn, I wanted to ask the Commissioners if they had, first of all, any questions or comments they'd like to make on Commissioner Christensen's report. And then we will get to that particular part of it. Do you have any questions of Commissioner Christensen?

I wanted to ask Commissioner Christensen a question if in his interpretation of the meeting, which I think you've quite adequately described, Commissioner, and for those of us who read about it, it might have not been what we kind of anticipated, but nevertheless, I wonder were there any remarks made or hints given by Mr. DeFalco or his office relative to the points that we brought up?

AWT DISCUSSION  
CONTINUED

Number one, that the Federal requirements of EPA stated that the 208 planning agency should be made up of elected officials from governing bodies and plural, and so forth. And secondly, that even under the Federal and the State requirements the end product of the now-under-construction AWT plant would not meet State nor Federal requirements. Did Mr. DeFalco or anybody address themselves to those two specifics?

Commissioner Christensen: Well, number one, Mayor, he did specifically address the point as far as the requirements. He said, and here again I'm paraphrasing, he assumes that those portions of it that have to satisfy State law. If there's any deficiencies there, he assumes the Governor will catch that. His only concern is whether the plan that is submitted to him meets the Federal requirements. And that's what they will be looking at. He hasn't done that yet. So he didn't offer anymore than to say he was just going to make sure it met the Federal guidelines.

As far as the AWT is concerned, he was very clear and concise in the fact that that wasn't to be discussed because the AWT is fact and under construction and hasn't got anything to do with 208. And he indicated that that's their policy, not only for Las Vegas, but for everybody in the region that if they have an AWT plant under construction, the 208 plan is not supposed to take that into consideration other than in its capacity of already being a given fact. So there was no other discussion of AWT.

Mayor Briare: So in a sense what he's saying is, insofar as he was concerned, that meeting that you attended was..

Commissioner Christensen: Strictly 208. To discuss this AWT is "like reinventing the wheel".

Mayor Briare: Like the AWT plant has nothing to do with the Clean Water Act.

Commissioner Christensen: Well, he didn't say that, but he just said he's not going to talk about it.

Mayor Briare: It's kind of amusing, isn't it, Commissioner. I imagine it might have been a little frustrating, too.

Commissioner Christensen: Well, it is very frustrating to me, Mayor, because you know how I am on those things. However, it's the first time I've gotten that kind of press coverage for not saying anything. That in itself made the news.

AWT DISCUSSION  
CONTINUED

Mr. Dorn: Your Honor. To clarify some of that wording, maybe Mr. Horowitz can give you some of the exact phrases that Mr. DeFalco used at that meeting.

Commissioner Christensen: I know Mr. Horowitz took some of it down verbatim, which he has available for us.

Mayor Briare: Well, it would serve a purpose right now. I'm not quite sure. Mr. Horowitz, would you like to make any comments about the meeting? This will be about the meeting, and after that we'll get right into the heart of what Mr. Dorn is suggesting here.

Mr. Horowitz: Yes, sir. The principle point, I think, for your attention is that Mr. DeFalco made it clear that 208 was not to review any ongoing construction. And he said that was general agency policy and applied throughout the Country. What was remarkable for me is that he's saying that the Federal law and the Federal regulations were being suspended. Federal law and the Federal code require the 208 to examine all ongoing facilities for waste-water treatment. He was saying that it is agency policy not to review those. It's an interesting conflict in law which now the regional administrator says that Federal law and Federal regulations do not apply. I'd like to leave you with that.

The point about the treatment plant we saw in Contra Costa County was that they had built a very elaborate AWT plant, and it's not being used as such. Only a small proportion of the AWT facilities are actually being used, so that most of what they have is simply lying there idle.

Mayor Briare: How much did that plant cost?

Mr. Horowitz: The contractor was suing for an additional 24 Million Dollars. Assuming that the contractor wins his suit, we're talking about 80 Million Dollars. And their count is 30 million gallons a day, which is exactly the size of the Las Vegas plant now.

Mayor Briare: Any other comments for Commissioner Christensen? Okay, let's address ourselves to the comments of Mr. Dorn. I would like to ask one question, and then the other Commissioners might have one. In this statement here, Mr. Dorn, I think that we perhaps should have a definition. In the second sentence it says, "since neither the State of Nevada nor its designated agent, Clark County, Nevada, has performed the specific, nondiscretionary duties that are prerequisite" and so forth. Could you give us a definition of the specific, nondiscretionary duties?

AWT DISCUSSION  
CONTINUED

Mr. Dorn: I could, Mayor, but I think I should turn it over to the expert, and that's Mr. Karaganis. If he would like to come up.

Mayor Briare: Good. Mr. Karaganis, would you come up and let us officially say Hello to you.

Mr. Karaganis: Let me preface my remarks about specifics of the Las Vegas situation and Clark County's particular problems with Las Vegas Wash and Las Vegas Bay with just an overview, if I can, of the structure of the Federal Water Pollution Control Act, particularly the amendments of 1972.

Prior to 1972, there was no such thing as an effluent standard. All we had at that time were water quality standards that were established in order, theoretically and ideally, to preserve high quality water uses throughout the Nation. And that depended upon the particular classification that the State gave any particular body of water. The problem with that was the difficulty in working back from a water quality standard to any particular discharge, be it from a municipality or an industry. And in the 1972 amendments, Congress sought to correct that by going over, primarily to an emphasis on effluent standards.

That emphasis was on what they call Section 301 standards, known to the laymen, or popularly, as secondary treatment. You currently have secondary treatment in the City of Las Vegas here and in the Clark County Sanitation District. That is primarily biological systems which achieve 30 suspended solids, 30 B.O.D., or bio-chemical oxygen demand, waste discharge. And I'm told by Mr. Horowitz and your City staff that Las Vegas' waste treatment plant far exceeds those requirements.

Congress said that this will be the basic requirement for the Nation. However, if States wish to, pursuant to the Federal Grant program and Federal Planning program established by the act, if the States wish to adopt tougher standards, they may do so. But they may do so only pursuant to a rigorous set of statutory requirements, and those are set forth in Section 303 of the Federal Water Pollution Control Act.

Number one, the State must, every two years, review and submit for a Public Hearing its water quality standards for the waters affected. And in this case, it would be the Las Vegas Wash and Lake Mead. Now, I've checked with Jan Stewart and with Mr. Horowitz and find that there is no evidence that the Federal Government and the State have acknowledged their violation of this requirement and that, indeed, there had been no public hearings within the last three years with respect to these water quality standards. While at the same time specific evidence

AWT DISCUSSION  
CONTINUED

had been made available both to the State and Federal Governments and to Clark County, that the water quality standards are highly questionable, both due to the fact that certain water quality standards for certain pollutants may, indeed, be unnecessary, and that additional water quality standards for other pollutants may, indeed, be necessary, and that, indeed, the Las Vegas Wash and the biological protection that the Wash itself gives may be absolutely essential to the cleansing and, indeed, the natural pollution treatment of at least some of these parameters, namely the ammonia nitrates.

Now, once a water quality standard has been established, again there is a rigorous statutory procedure, and I must emphasize that these statutory procedures aren't discretionary. The administrative officials involved in this, be it the State or at the County level as the designated agents of the State, can't say, well, we exercise our discretion not to meet these duties. These are mandated by the statutes. They must be done.

Once the water quality standard is established, and let's take the standard for phosphorous, which is one of the basic reasons, supposedly, that the treatment facility now being built by Clark County, is under construction. Once a phosphorous standard is established, and assuming there is an accurate record to support that standard, which I can't find any evidence of in this case, then the study must then go back and impose what's known as a maximum low of pollutants. In other words, how many pounds of pollutants can a receiving body receive without violating that water quality standard? Again, I've not been able to find any evidence of any technological assessment of what that pound load should be with respect to Las Vegas Wash or to Lake Mead. And then, finally, once that maximum load of pollutants is determined, then it must be allocated through a process known as Point-Source Load Allocation between the existing point-sources that discharge into that body of water as well as the so-called non-point sources such as irrigation and agricultural activities. Again, these are specific, nondiscretionary procedural duties which are a prerequisite to going beyond secondary treatment.

Now, I emphasize that when I was first contacted by the City Attorney's staff and by Mr. Horowitz, one of my first areas of emphasis to them was I happen to be an advocate, in most circumstances, of advanced waste treatment systems, systems beyond secondary treatment. And I said that I could not state to them categorically that I could come out here and look at, without having seen the evidence, and say that Las Vegas should or should not have an advanced waste treatment system. I come before you

AWT DISCUSSION  
CONTINUED

today and still can't make a definitive statement one way or another. Why? Because the procedures haven't been met. I did review one report by a Dr. Goldman, in which Dr. Goldman makes the point from a technological standpoint saying that unless the water quality standards are based on sound scientific data and unless there are load allocations made back up the line, what Las Vegas or what Clark County is building now may be either too little or much too great in terms of solving the problem. We may be engaged in wasteful underkill or extremely wasteful overkill with respect to the technology that's being implemented in Clark County today. In any event, you're making a decision on the basis of no data whatsoever, and what you may be doing is saying, we're spending 53 Million Dollars out here when, indeed, that plant and more should be built, or that plant shouldn't be built at all, or some other plant ought to be built. But you don't have the data to support the decision that's going forward now.

I have advised that absent the compliance with these non-discretionary, procedural duties, the City of Las Vegas is not under any obligation to comply with effluent standards stronger than the secondary effluent standards in Section 301 B-1. Under those circumstances, since there is no legal obligation on the City of Las Vegas to do more than secondary effluent standards after these procedural requirements, I don't see any basis for Clark County, Nevada seeking to charge the City of Las Vegas at this time the amounts that are being demanded of the City of Las Vegas to finance the so-called advance waste treatment facility.

I might add, and this is one of my major areas of concern in terms of the planning and consistency that is evident in the legal record that's available now, a lot of times planning is looked upon by laymen as a kind of a mish-mash, something that we'd like to avoid and let the planners live with. The fact is when you try and decipher the hard fact upon which the decisions that are now being executed are made, you can't find them. Or when you do find a few hard facts, they are contradictory.

Let me give you a specific example of this that is of great concern to me, and I say this with some degree of pride as an environmental lawyer. I was first brought out here on the assumption that the so-called AWT facility would discharge low concentration suspended solids BOD effluent to a point downstream of the saline barrier of the Bureau of Reclamation. I am also told that that will have a destructive impact on the marsh ecology in the Las Vegas Wash, a severe destructive impact. So some planner has decided that the way to solve that problem is to allow secondary effluent to be discharged to Las Vegas Wash apart from the advanced waste treatment

AWT DISCUSSION  
CONTINUED

effluent. Whose secondary effluent nobody is to say at this point, whether it is Las Vegas' or North Las Vegas' or some other community's, they don't say. And then the question will be only allow the discharge of secondary effluent up to the point of consumptive use. Consumptive use means up to the point of that water which will evaporate.

Now, it doesn't take a lot more than average common sense to recognize that when you evaporate water that has a high degree of dissolved solids in it, or salt content, that you get a salt concentration in the earth. One of the planning reports I've seen acknowledges that that salt concentration from those evaporative waters will result in a destruction, a literal destruction of the Las Vegas marshland. Why? Hannibal had the idea; the Romans had the idea with Carthage. They just salted down the earth. It will destroy the ability of vegetation to grow. What is the answer to that? Well, the answer to that is to have more secondary effluent backed down to be flushed through the Las Vegas Wash to flush out the salt deposits, which the very report that says that may be the answer also states that that will likely be prohibited by the Bureau of Reclamation and their ceiling reduction project.

So what you've got here is a series of: a total lack of scientific data to support the action now being undertaken; a distinct possibility that those actions are either too much or too little, but in any event, not the right answer; and finally, the recommended action is a series of scientific and environmental contradiction which will wind up, from the limited review I've had a chance to take, will wind up with a series of admitted environmental damages taking place without corresponding environmental benefits. I think that what is needed in this case is an opportunity to develop and present objective evidence which, like I say, may result in different standards, tougher standards, lesser standards, who knows what standards, but at least it'll be based on objective data in which thorough and complete scientific probing had taken place.

At this point, all I can suggest is that this is one of the most arbitrary situations I've ever seen, and it is a classic example of planning gone askew, planning being taken without any control by either the populace or by the municipalities being affected. I have recommended that the demand be made on the responsible planning officials, in this case Clark County, as the designated 208 agent, or the State of Nevada, and, indeed, the EPA, to comply with these non-discretionary requirements before going forward and prior to charging the local communities with facilities which, as I say, may not be necessary at all, or indeed, may be the wrong and environmentally destructive solution.

AWT DISCUSSION  
CONTINUED

Mayor Briare: Are there any questions of Mr. Karaganis? I think you were very concise in your comments. Commissioner Lurie?

Commissioner Lurie: I was just going to say that I had an opportunity to talk to Mr. Karaganis before the meeting and am very much impressed with him. I believe that the comments he's made as far as us exhausting all our possible remedies of going to the County or going to the State, going to the EPA, have already been exhausted because we've done these things, and they've sort of turned their backs on us. So my feeling is that we have to proceed in the area of the Federal Courts for litigation on this particular issue.

I think that you're going to find out, as you probably already know, that we haven't received the cooperation from these agencies that I've just mentioned, and that when we're talking about tax revolts and dollars spent, I believe it's important that we take whatever steps necessary to proceed with getting this into the Federal Courts and try to get whatever type of restraint order is necessary to stop construction of that plant and not proceed any farther with the plant because the taxpayers of Las Vegas and Clark County cannot afford that plant. And it's just pure and simple that this plant is going to obligate the taxpayers to 25 Thousand Dollars a day in operating costs and 53 Million Dollars for construction not knowing, what Commissioner Christensen mentioned, it could cost more depending on the cost of materials that are going to go up within the next two or three years. They might have to come back for additional change orders. So my feeling is that we have to proceed, as soon as possible, with our legal ramifications and that's get into court the fastest, most convenient way.

Mayor Briare: Commissioner Leavitt?

Commissioner Leavitt: I just want to clarify what the basis of the lawsuit will be. Do I understand what you're saying is the basis of the lawsuit will be the fact that improper data, or incomplete data, or no data has been used to make these decisions?

Mr. Karaganis: That's correct. One of the basic protections that we have against arbitrary administrative action is the requirement under Federal Law that administrative agencies, in compiling a standard or a requirement, must develop a reviewable, evidentiary record to support that requirement. And as of this time for all the various requirements that I laid out in terms of the non-discretionary duty, we are unable to locate any administrative record whatsoever to support these determinations.

AWT DISCUSSION  
CONTINUED

Commissioner Leavitt: So what you're saying, then, is that the County, in their 208 planning and building of the AWT plant, did not follow Federal regulations and do the necessary things required under Federal Law, and therefore, as a result of that, we feel we can file suit and be successful in court in challenging it.

Mr. Karaganis: Yes. Let me emphasize that it isn't just the County, here, and the 208. The 208 is an animal that is of recent vintage, or at least administratively of recent vintage since the environmental organization sued EPA about three or four years ago. The predecessor to 208 is what's known as a Basin Plan, or Water Shed Plan. Both the Basin Plan and the 208 Plan have now become known as Water Quality Management Plans. The section that preceded 208, that the State operated on prior to the 208 plan was known as 303E.

Again, I asked Mr. Horowitz and Mr. Stewart to send me the State's 303E Continuing Planning Process Plan, which is another bureaucratic name that exists for these things. I looked high and low for, again, compliance with these same procedural requirements, and I can't find them. The reference that is made by the State of Nevada to this is, well, these problems will be resolved in the 208 Plan. So they tacked it onto the 208 agency, and the 208 agency didn't do anything about it. So this problem and this lack of compliance with these requirements far precede the 208 program, and it's something that's fundamental to the decision-making process, something that's fundamentally lacking.

Mayor Briare: Well, let's get right down to the nitty-gritty. Are we going to pay or aren't we?

Commissioner Leavitt: Well, I understand the City Manager's recommendation was to file a suit.

Mayor Briare: That's right.

Commissioner Leavitt: What's your recommendation on payment? I'd like to take them separately, because I think they are separate.

Mayor Briare: Well, let's take them in reverse. Let's take the payment, and then we'll talk about the suit.

Mr. Dorn: Commissioner Leavitt, I think that's a good point, and Mayor, I think that's a question that has to be addressed with the Attorney and my office as to two courses of action on payment of the bill. Are we legally obligated because the County has violated Federal Law, and second, do we pay the bill and consideration of some protest?

AWT DISCUSSION  
CONTINUED

Commissioner Leavitt: I have a deep concern about that part of it, whether we should withhold payment or make payment under protest. And my concern is what would the affect have on the bonding capacity on all the entities in the County in the event that we withhold paying that money as opposed to paying it under protest. In other words, if the people who own the bonds, if they in turn don't get interest payments, principle payments when they're due because of the fact that we did not pay the money to the County. What affect would that have on the bonding, the capacity of other entities of the County, and what effect it would have on our ratings?

Mr. Dorn: I think Mr. Stewart can address that question, and Mr. Karaganis, as attorneys.

Mr. Stewart: Commissioner Leavitt, as you recall a couple of weeks ago we advised, in review of the State law, that apparently those things had been followed and that we should probably pay under protest. At that time we were not aware of Mr. Karaganis' opinion that, in fact, all of the procedures, and in particular those procedures required by Federal law, in which he is an expert, have not been followed. You now raise the question, what affect might this have on the bonding capacity of the State. I don't know at this point whether we've had time enough to further evaluate that particular question.

Commissioner Leavitt: Let me ask you this. Is it possible this could have an affect?

Mr. Stewart: Well, I think that anything is possible. I think the interest payment was actually due the first of this month. They don't have a late charge until after thirty days from now so that you're still looking, as far as the delinquency on the interest payment, to those who hold the bonds. There will be no penalty until the end of this month.

Commissioner Leavitt: Suppose because of the fact that the City did not make its payment that the County was unable to make the interest payments?

Mr. Stewart: Well, I think that also, I don't know what the identity of the County is, but I think you also have to take into consideration the fact that it was the County and the State that actually went out and sold the bonds. Therefore, they are primarily obligated under those bonds.

Commissioner Leavitt: I understand, but didn't you tell us, as you indicated earlier, that it's our obligation under State law to make the payment until it's declared otherwise?

AWT DISCUSSION  
CONTINUED

Mr. Stewart: Until the thing has gone to court or is found unconstitutional and set aside, and the plant is stopped. That was without the benefit, however, of Mr. Karaganis.

Mr. Karaganis: Commissioner Leavitt, may I? We checked today, and Mr. Dorn informed us that there has been a sale of 13 Million Dollars worth of bonds. I can't speak, but this is surmise on my part. But I know that they haven't gone out and paid contractors 13 Million Dollars in the space of a few weeks. I would assume, assuming that those bonds had been sold and there are proceeds from those bonds, that they're sitting in a fund somewhere and likely drawing interest. I would again guess that the interest is being drawn upon those proceeds in excess of the interest obligations. Now this would depend, of course, on the net that they got on the bond sale, but if it is in excess of the interest obligation that they have to their bond holders because they're probably drawing at a commercial paper or treasury note rate, when, indeed they're paying out at a much lower rate on the bonds.

So I would again suggest, with respect to the obligations to the bond holders for the interest payments that that may be a problem which takes care of itself. In any event, it's a problem that's within the control of Clark County because what you've got is a basic fundamental problem here is whether Clark County can expend monies in violation of Federal and State Laws, and, indeed, whether the City of Las Vegas, and this is a question really, while I'm not qualified to answer, I'm assuming that the answer is a definitive yes.

Commissioner Leavitt: Well, you're going to file a law suit to determine that question.

Mr. Karaganis: Well, the basic thing is whether a municipal body, or a political subdivision of the State such as Clark County, has the right to spend monies for an illegal function, absent a determination of its legality.

Commissioner Leavitt: Wait a minute, now. How is it going to be determined illegal unless you go to court?

Mr. Karaganis: Well, except, Commissioner, if the law states that you have a specific, clear, and non-discretionary duty, and you are aware of that duty, and indeed the documents are replete with admissions by State of Nevada officials, EPA officials and Clark County officials that these obligations do exist and have not been met.

AWT DISCUSSION  
CONTINUED

Commissioner Leavitt: Well, we're assuming that they haven't been met, and we're assuming that we can go to court and prove these things, but what if the County comes back and shows us where they have been doing these things?

Commissioner Christensen: In other words, what if we lose and they win, that's what you're saying.

Commissioner Leavitt: Yes, that's what I'm saying.

Mr. Karaganis: With all due respect, when we say assuming, we have papers in the file available in the City Attorney's office which indicate that, with respect to these water quality hearings that must be met, where we have statements by the administrator of the EPA, by the State Environmental Department, that not only the regulation, but the statutory requirement, has not been met. They're in violation of that law. This is an admission by them that these regulations and statutory obligations have not been met.

With respect to that, I submit that this is a practical and a legal matter. First, as a legal matter that funds should not be expended in pursuit of an illegal purpose, an unauthorized purpose. I think that the City of Las Vegas has a legitimate argument for saying that, based on the determination of the evidence before it and its determination to seek litigation, payment of these funds for an illegal purpose would not only be on Clark County's authority, and Clark County is susceptible to possible taxpayer action. I think in continuing to spend these funds, any municipality or Clark County, if they forward these funds for such expenditures, risk taxpayer action, because as we pointed out in our earlier discussion, one of the problems is that once Clark County gets this money and spends it, it's going to be awfully difficult to return it to the taxpayer. It's going to be sunk into concrete; it's going to be sunk into earth moving; it's going to be sunk into a lot of expenditures that would be treated as sunk costs.

I suggest that the time for decision of legality; the time for decision as to whether to proceed is now, and Clark County has every opportunity to declare a moratorium to go in with us to court, seek an early resolution of the dispute..

Commissioner Christensen: You're speaking of moratorium on the sewer plant.

AWT DISCUSSION  
CONTINUED

Mr. Karaganis: That's correct. To declare a moratorium on the sewer plant until this thing has been resolved. Keep that 13 Million Dollars or the proceeds in whatever account they have it with, pay the interest if they feel they need to on the bonds, and then after an early resolution of this dispute, proceed with whatever course the court declares. I think that simply because the court has yet to take action, doesn't justify Clark County officials in proceeding in an illegal course. It does justify this body to say to Clark County we disagree; we're not going to follow with you in the pursuit of this illegal action.

Mayor Briare: You know, I'm glad you said that. Could you repeat that last sentence about the City's reluctance. You started out by saying we disagree, and we are reluctant to pursue this illegal course of action.

Mr. Karaganis: That's correct.

Mayor Briare: The reason I want you to, and I appreciate the way you said that, is because that's something that's been bothering me for quite some time now since the City took a more aggressive position on this than what had been apparent for the last two years. I'm not saying that we didn't take a position two years ago. In fact, I think it dates back more than two years ago, but it's only because we've been patiently exhausting administrative procedures and going to meetings, and without a lot of fanfare, we've been indicating our opposition to this. But now, it becomes apparent that some people feel, but it's beginning to change now, and I have specific instances where people have called me, and I know each Commissioner has had the same thing, Mr. Karaganis, that they are beginning to understand a little more about what this whole thing is all about because of the opposition that the City has now come forward with in a more public manner.

But the thing that's a little disappointing is that in some circles, particularly over in the County side, the City is being criticized for disagreeing. Good Heavens! When has it come about that a public body should be criticized for disagreeing? And the thing that is disturbing is that the word, "bickering", has been used--the City and the County are "bickering". Well, thank Heavens they are bickering because if we didn't bicker, some of these tremendous consequences that we're speaking of right now would have come right on by and proceeded, you know, to everybody's feeling that because nothing's being said it must be all right. But it's not all right.

AWT DISCUSSION  
CONTINUED

Commissioner Christensen: In other words, Mayor, you think it's healthy to bicker if that's what it requires to keep from becoming accessories to a crime.

Mayor Briare: Right. And if we have to keep sniping, if it appears that we're sniping, then so be it.

Mr. Karaganis: Well, Commissioner Christensen used the term that most lawyers would use, and this is in no sense to be attributed as a criminal activity. It's civil violations of the law in the minimum, and what I think the question is is whether the City of Las Vegas should be an accessory to continued civil violations of the law. And I think that the City has these prerogatives for deciding that they are not going to continue to be an accessory to that kind of activity.

Mayor Briare: Well, it's a technicality that you've pointed out, and our own capable City Attorneys have pointed out, that exists. We have full knowledge of it now, so I think that we're obliged to take cognizance of the existence of this technicality. Even if it weren't a technicality to hang our hat on, we have a 53 Million Dollar dollar sign that we can look at, too. And I think that the efforts that this Commission is mulling over in their minds right now, and perhaps in the next few moments we'll have some solid ground to go on.

We're very concerned about the credibility of the State of Nevada, and none of us want to do anything to impune that credibility, or even moreso do we want to harm the image of the Las Vegas Community. And it's amazing to me that no individual who has been involved in this from the standpoint of the County has come forward to say, "well, you, the City--plus the City of North Las Vegas, Henderson, and to some degree, Boulder City--you've got a point. Maybe we should stop and take another look". But they haven't. All they seem to continue to say is that "you haven't presented anything new". We don't have to present anything new. The old stuff is enough to kill us. What new stuff can you possibly want? And so when I read the reports of that meeting that Commissioner Christensen, and I don't know whether you were there, Mr. Sullivan, or Mr. Dorn, or who all was there, when I read the reports of that meeting and the only rebuttal is that "you haven't come up with anything new", well I'd just like to have somebody address something that pertains to the old.

And I would like to see this, and I wonder if we could direct our attention to this possibility. Commissioner Leavitt has inquired with great concern about the State and the County position as far as

AWT DISCUSSION  
CONTINUED

bond holders are concerned. Somebody should pay the interest. Somebody should pay the bond holders' interest. And I'd like, of course, that somebody to be the State of Nevada, and if not the State of Nevada, then County of Clark. But obviously, for reasons that you've pointed out, counsellor, obviously and hopefully, it won't be the City of Las Vegas. Go ahead and pay it and then expedite the Water Quality Standard Review Meeting.

I guess that we probably have statutory provisions, do we not gentlemen, that that Water Quality Review Committee which was reluctantly called, you're aware of that, it was reluctantly called. It's going to be August. But we had to plead for it, didn't we? The City of Las Vegas had to plead for them to call this meeting, which you're indicating is the very basis for the whole challenge in the first place. So maybe they'll call that meeting, and they'll do it as expeditiously as possible. And if they lower the standard to even if they equal the Federal requirements, even if they reset the standard based on their delinquent three-year review to only equal the Federal requirement, then immediately that would trigger the lack of necessity to build an AWT plant. Does that have some rhyme or reason?

And then, if the County would then explore the possibility with the cities to convert what has already been started, which we know is going to cost a lot of money, but convert it to a secondary plant, which we need, and as Commissioner Lurie pointed out on at least two occasions that I can recall right now, that it's secondary treatment is what this Clark County Valley needs, that the cities and counties could get together and do it with arms around each other's shoulders. We wouldn't bicker. And then the City and County would have secondary sewage treatment which is needed, explore these others in due course and learn a rather harsh lesson that when you're dealing with the Environmental Protection Agency and everybody else, you better sure have your homework done and go along these lines in a manner that's not going to cause trouble in the future.

Now, if all those things could be met, perhaps we could take some action today to proceed with the lawsuit and urge the County and the State to go ahead and pay the amount of money that has been incurred as a result of their turning deaf ears to the City for several years and then, hopefully, be able to resolve the matter on a basis that would be outside of the courts instead of within. Now how do you turn all that into a motion?

AWT DISCUSSION  
CONTINUED

Commissioner Christensen: Well, Mayor, this all rings true of something else that's come up and I'd like to pursue something else that just barely came up that rings a bell with me. I didn't understand the financial situation on the bonds maybe quite like I should, but I wonder if there's a way we can determine, and it's got to be public record because it's County business, if there is interest being made on that, is it going into the County General Fund, or is it going into the sewer fund. Because we had a situation like this with the Police Department where some of that money that was generated by the Police Department actually was going into the County General Fund, and I wonder if they're not profiting a little on the cities one more time around. You know, we've caught them at that a couple of times. Maybe we'd better take another look at the books.

Mayor Briare: Commissioner, I believe I read in the newspaper that at a meeting of the Clark County Sanitation District, which is the Board of County Commissioners, that they authorized the withdrawal from the Sanitation District account for their payment that was coming up. Does that ring true with anybody else? I believe it was taken out of the Clark County Sanitation District.

Commissioner Christensen: Well I know, but if they're earning interest, they have an old trick over there that when they earn interest on one of those funds that the interest goes into the County General Fund so that they have better jurisdiction over how they want to spend it, better freedom on that, and it would be interesting to know where that comes from.

Mr. Schofield: If I may, I'd like to address myself a little bit to that. The \$13,720 that was on the bonds that were sold was invested immediately. I was handling that particular account when I was with the County in relation to the fiscal aspect of the monetary portion of this, and the County Treasurer invested 13 Million of that in long-term investment and used the 720 Thousand as a roll-over on a 30-day basis in the event we felt it was necessary we needed it on the respect of going back to the EPA on reimbursement. Prior to coming to the City, we would make reimbursement requests to the Environmental Protection Agency with a short, ten-day turn around on monies that were expended to receive 75% of that to the tune of approximately ½ Million Dollars a month as we were expending it from the construction management service and their fiscal report to us on what our reimbursement value would be.

AWT DISCUSSION  
CONTINUED

So you have a 75% turn-around and a 25% local share on this particular money. And I believe at this particular point, and I could say this with the matter of public record without any question, I believe the County Treasurer still has the 13 Million of the bond proceeds invested. Now, whether or not Bill Smith, who is the bond counsel, and the bonding agency, I mean, in this particular thing, has figured this in the debt service, the interest is going for the payment of both a 5 Million Dollar, you must remember that they borrowed a 5 Million Dollar interim debenture, and the 13 Million 7 is the long term. And I believe I gave you, Mr. Stewart, a copy of the breakdown that Bill Smith actually made in what the interest payments were, what dates they were made. This is one of the reasons and one of the ways the debt service retirement was figured out and computed.

Commissioner Christensen: What you're saying is it's going in for sanitation facilities, for AWT facilities. It's not going into the General Fund or for Clark County Sanitation District facilities.

Mr. Schofield: I believe it is invested for the Sanitation District facilities. I believe.

Commissioner Christensen: All the Sanitation District facilities or just the AWT Plant, which you're responsible for?

Mr. Schofield: In the AWT Plant in proportionate share. But I think that this information is all a matter of, as you mentioned before, Commissioner, public record, and it would be certainly available without any question, upon request. I think that it would validate our position and the City's position, anyway, to gain that information.

Mayor Briare: How much money, Mr. Dorn, what dollar amount is being talked about? Is it 173 Thousand?

Mr. Dorn: With two payments due, Mayor, it's 398 Thousand Dollars. There's \$131,248 payment.

Mayor Briare: I'm just talking about that amount which is said to be owed by the City.

Mr. Dorn: The total amount due July 1, 1978 is \$398,801 as sent to me by the Comptroller of the County, Mr. Daines.

Mayor Briare: So, on the books of the County, they're showing a debit of \$398,801 as of July 1. Yes, Mr. Schofield?

AWT DISCUSSION  
CONTINUED

Mr. Schofield: The total debt service retirement that you're discussing in this particular figure represents the City's share of it, but the total debt service retirement for this year, in fact for the whole way out of the contract, is \$1,225,000.

Mayor Briare: I'm only talking about that amount which is purportedly due now. The reason I say this is I want to divide it into two parts, one would be on the payment of \$398,801 and the other is on the question, should the City authorize or request the City Attorney's office to instigate suit?

Commissioner Leavitt: Let me make the first motion.

Mayor Briare: Okay, Commissioner.

Commissioner Leavitt: Mayor, I move that we make the payment of \$398,801 to the County under protest, and the wording to be by the City Attorney.

Mayor Briare: Now, can we have comments?

Commissioner Christensen: Will you amend that motion to not pay any penalties?

Commissioner Leavitt: Oh, yes. Less whatever penalty they put on there. I don't want to pay any penalties, no. Less any penalties that's included in the bill.

Mayor Briare: Commissioner Christensen, do you have any comments on the motion?

Commissioner Christensen: Well, I think it's a mistake in regard to paying this bill. I think that we're worrying about undermining the debt, whatever you call it, the good credit rating of the City, County and State. I think the best way to get the attention of those people who are violating the law and want us to assist them in violating the law and join them in violating the law, is to point this out to them, and I don't think for a minute that that's going to hurt the debt, the bond rating or anything of the State and of the County because I don't think the County's going to let that occur. If they cannot cover that until they can prove to the judge that the City is liable, I think in the event that they can't cover that until they can prove that, then I think they will maybe come around to our way of thinking and get together and do something about it.

AWT DISCUSSION  
CONTINUED

I guess what I'm saying in kind of blunt terms is I think we need that leverage to force them into action because it's been a case of pulling the leg on the dog for a long time. You can go back three, four years when they first started talking about this, and it's always been no, no, but the County says yes, so we do it. I just want to put a stop to that, and I think the more leverage we can put on them to force that, the better. I can't support that motion to pay.

Mayor Briare: Commissioner Lurie?

Commissioner Lurie: Well, Mayor, as you know, I've already made a comment that I cannot support any motion, at the present time, that would pay the County for the plant. Since the facts have been presented to us, I think all of our legal ramifications have to be exhausted before we make any type of payment for a plant that has been proven, at the present time, not to be needed to correct the problem that exists in the Las Vegas Wash. I think it's wrong to pass on that cost to the taxpayer when at such time that it's been shown that the plant is not needed. What we need, if we're going to do anything in this community to entice future development, we need secondary plant, not AWT.

Mayor Briare: Thank you, Commissioner. Mr. Sloan, does your office concur with the legal comments made by Mr. Karaganis?

Mr. Sloan: Your Honor, I was not made aware of Mr. Karaganis' position until this morning and did not have a good deal of time to analyze it since I've been here. While I certainly would defer to his expertise in this area, I haven't had a chance to research it in order to give you a definitive opinion from the City Attorney's Office, particularly in view of the fact that Mr. Stewart, who had previously advised the Commission in this issue had come to the conclusion that we were legally obligated to pay. So if the Commission were to desire my office to give you our revised, latest opinion on Mr. Karaganis' expert advice, I would have to respectfully ask that you give us a couple of days, and we will advise you by written letter or memorandum.

Mayor Briare: I think, specifically, Mr. Sloan, my concern, and unless something else is done with Commissioner Leavitt's motion based on this, I'm going to have to vote in opposition to Commissioner Leavitt, and that is that for the City of Las Vegas to pay Clark County for the illegal and unauthorized construction of the additional wastewater treatment

AWT DISCUSSION  
CONTINUED

plant could subject the City to taxpayer suits for making illegal expenditures, etc. In this paper, which you have a copy of, I think it's very important we have a clear statement from your office.

Mr. Sloan: I agree, Mayor. I agree. You recall, the question was raised in my absence when Mr. Stewart was sitting at the last meeting, by Commissioner Woofter not to expose yourselves to individual liability for not paying it. So you have the spector on the one hand of being individually liable for any interest penalties, or whatever, that may accrue due to late payment. On the other hand, you have the possibility raised by other counsel that you might be subject to taxpayers' lawsuits. So I think it might be appropriate for us to give you one final opinion.

Commissioner Leavitt: I would just point out that everybody is assuming that up to this point the action of the County has been illegal and unauthorized. I think the presumption is just the opposite. They have been acting legally until proven otherwise.

Mr. Sloan: Well, what Mr. Karaganis recognizes is this really is not a question of environmental law or anything that requires that kind of expertise. It's a question of Nevada law and basically of municipal law as to what your functions are. He mentioned that when he spoke earlier today, and he certainly indicated just his own views. I would like to double check and make sure because of the potential liability to the City and to the Commissioners.

Mayor Briare: Each member of the Commission has had an opportunity to comment. The first portion of this, actually this is a solitary motion, is that correct, Commissioner, or did you want to join it with another?

Commissioner Leavitt: No, that's the only one I wanted.

Mayor Briare: Okay. The only thing we're voting on now then, is the payment of \$398,801 under protest without penalties pursuant to the language of the City Attorney. Cast your votes. The motion fails.

Motion fails by the following  
vote: Commissioner Leavitt voting  
yes.  
Noes - Mayor Briare, Commissioners  
Christensen and Lurie  
Absent: Commissioner Woofter

AWT DISCUSSION  
CONTINUED

Mayor Briare: Are there any other motions to be made on the AWT question?

Commissioner Christensen: Yes, I would like to move that we direct our attorneys to, with the help of our hired counsel, Mr. Karaganis, to vigorously pursue this case in court along the lines that have already been outlined today. To file suit immediately.

Mayor Briare: Commissioner, would you find any room in your motion for a request to be made of the Board of County Commissioners to join the City in this suit?

Commissioner Christensen: What for? That's an open request. We've made that request to them five hundred times, and I don't think we've ever denied it. So, if they want to join with us, let them join. As far as I'm concerned, they can take my remarks and your remarks as being an open invitation for them to join the suit. But I don't think that needs to be in the motion. I don't think anybody would fight it, but I think we've exhausted that.

Mayor Briare: Let's not disturb the motion. Let's just direct the City Manager to invite, and do it by letter or whatever other manner that seems to be a permanent record, to invite the County once again to join with us in this effort to clean this, literally and figuratively.

Commissioner Christensen: Let's just make this point clear. It doesn't need to be part of the motion, but in support of the motion, I'd like to clarify one point. We are in the process of trying to prevent an unnecessary waste of tax dollars, both local dollars in match, local dollars in operation expense, and Federal dollars which all come from local pockets, eventually. We're trying to stop this tremendous, unnecessary drain of taxpayer dollars for all citizens in this whole Valley.

This isn't a suit, particularly against County Commission because the City's sore at the County Commission. That's not the case. We're looking to save money for all of the citizens of Southern Nevada. And I want that clearly understood.

Mayor Briare: Any other comments?

AWT DISCUSSION  
CONTINUED

Mr. Dorn: Your Honor, before you vote on that motion, I would like to make a short statement, and I would like Mr. Karaganis, if he has anything and Mr. Schofield. But I think one important factor in this lawsuit is the ability of our attorneys for discovery process. This first came to light right now about the County investing the 13.7 of the bond money, so they do have the ability to pay with the interest gained on their investment of money, and so Mr. Schofield can address that. A civil action this week came about when we found out that the County was asking the City to put its payment up April 1, and actually don't pay the interest coupon until July 1. So three or four months of interest charge which will go from the City of Las Vegas taxpayers' money into their General Fund.

The principle for the bonds is not due until July 1 of next year. This is only interest coupon, which is a very small amount compared to the principle. These are some of the things which the lawsuit can address, and a judge can decide the merits of the case, and I think it's important to bring this up before you vote on that. Mr. Karaganis, if you have anything to add, I would be very pleased if you would.

Mr. Karaganis: Just the fact that the City Manager indicates. One advantage of the judicial process is simply that through the discovery process various people make various claims at various times without supporting information. What you're able to find through deposition and otherwise in the judicial process, is documents that support one contention or another, and I'm fairly certain that through the discovery process, as I say either through deposition or otherwise, we are going to find additional information to support the position of the City of Las Vegas. There is more than ample information right now in support of your position, but I think the discovery process will implement what the City Manager is talking about.

Mayor Briare: Okay. Further comments? Cast your votes. Opposed. Motion is approved.

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

Mayor Briare: Is there anything else, Mr. Dorn?  
Meeting is

A D J O U R N E D.